



10 January 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Monday, 10 January 2022 at 19:00 to transact the business noted below.

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

Yours faithfully

Adrian McCreesh  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

### Development Management Decisions

4. Receive Planning Applications

7 - 242

	Planning Reference	Proposal	Recommendation
4.1.	M/2010/0830/F	Residential development (25 dwellings) at lands SE of Church Hill Road, Caledon, for Caledon Estates Company.	APPROVE
4.2.	LA09/2018/1702/F	Housing development (3 pairs of semi detached and one detached dwelling), at Junction of Shore Road/Ballynagrave Road,	REFUSE

		Ballyronan, for Bridge Developments.	
4.3.	LA09/2019/1482/F	Retention of workshop at approx 70m W of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt, for Four Dee (NI) Ltd.	REFUSE
4.4.	LA09/2020/0010/F	Creche building, car parking and all associated site works at lands 75m NE of 100 Coleraine Road, Maghera, for Specialist Joinery Group.	APPROVE
4.5.	LA09/2020/0122/F	Housing development (34 dwellings), foul water treatment works and associated site works at lands located between Killymeal Grange and Dunlea Vale (former Oaks Park Stadium) Dungannon, for Landmark Homes (NI) Ltd.	REFUSE
4.6.	LA09/2020/1286/F	Change of house type from I/2007/0350/F at approx 36m N of 127 Drum Road, Cookstown for KE Holdings.	APPROVE
4.7.	LA09/2020/1499/F	Single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site at 56 Pomeroy Road, Tandragee Road, Pomeroy, for Mid Ulster District Council	APPROVE
4.8.	LA09/2020/1519/F	Storage & distribution centre at 23 Ballymacombs Road Portglenone for Mechanical & Electrical Fixings Ltd.	APPROVE

4.9.	LA09/2021/0688/F	Importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel pit site at ponds at the site at 58A Knockaleery Road, Magheraglass, Cookstown, for Maurice Hamilton.	APPROVE
4.10.	LA09/2021/0748/O	Site for dwelling and garage at 70m SW of 55 Drumenny Road, Coagh, for Cliona Hagan	APPROVE
4.11.	LA09/2021/0856/O	Two storey dwelling and garage (approved M/2008/0520/ )with an onsite septic tank at Tunnel Lodge, 100m NW of 4 Park Lane Dungannon for Nigel Fleming.	APPROVE
4.12.	LA09/2021/0952/F	Extension to existing curtilage & domestic storage shed at 45m S of 211a Washingbay Road, Coalisland, for Mr Tony McCuskey.	REFUSE
4.13.	LA09/2021/1038/F	Change of use from domestic garage & store to living accommodation to the rear of 155 Moore Street Aughnacloy, for Bernie Corley.	REFUSE
4.14.	LA09/2021/1106/O	Single storey dwelling & garage at approx 60m NW of 45 Lisnastrane Road, Coalisland, for Niall O'Neill.	REFUSE
4.15.	LA09/2021/1144/F	Change of use from part of agricultural shed to farm shop. (farm diversification scheme) at approx 70m N of No 37 Tobermesson Road, Benburb, for Mr Alfie Shaw.	APPROVE
4.16.	LA09/2021/1178/F	Change of use of 5 bedroom dwelling to 2 two bed apartments (continued unintensified use of Scotch Street (S) car park for the proposed parking) at 11 Victoria Road, Drumcoo, Dungannon for 2 Northland LTD.	APPROVE
4.17.	LA09/2021/1229/O	Dwelling on a farm at site adjacent to 9 Draperstown Road, Desertmartin for Thomas Johnston.	APPROVE
4.18.	LA09/2021/1272/F	Dwelling with single detached garage and surrounding	REFUSE

		landscaping S of 101a Cavankeeran Road, Pomeroy, for Mrs Arlene Phelan.	
4.19.	LA09/2021/1324/F	Class B2 light industrial building adjacent & W of 21 Tobermesson Road Dungannon, for Syerla Enterprise Ltd.	REFUSE
4.20.	LA09/2021/1345/RM	Farm dwelling and domestic garage adjacent to 33 Loughbracken Road, Pomeroy, for Eamon and Katrina Canavan.	APPROVE
4.21.	LA09/2021/1361/O	Dwelling and garage to rear of 8 Ballyheifer Road, Magherafelt for Sean and Emma Hatton.	APPROVE
4.22.	LA09/2021/1384/O	Site for 2 dwellings and garages at vacant Lands adjacent to and W of 191 Battery Road, Moortown, for Mr Maurice Devlin.	REFUSE
4.23.	LA09/2021/1442/RM	Dwelling and domestic garage 40m NW of 19 Tullyheran Road, Maghera, for Diarmaid and Ciara Donnelly.	APPROVE
4.24.	LA09/2021/1473/F	Single storey rear extension at 6 Carsonville Drive, Upperlands, Maghera, for Mr & Mrs H Porter.	APPROVE
4.25.	LA09/2021/1570/F	Relocation of previously approved car park under LA09/2021/0749 to a new location at approx 90m from Iniscarn Road leading into the Iniscarn forest. Forest access road widened to 3.5m with construction to 2 number passing bays leading up to the car park. Other works approved under LA09/2021/0749 including upgrade of forest trails, ancillary signage, and construction of play park remainpart of the development proposal) at Iniscarn Forest, Iniscarn Road, Iniscarn, Desertmartin, for Mid Ulster District Council.	APPROVE

## 5. Receive Deferred Applications

243 - 326

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/1105/O	Site for a farm dwelling and double domestic garage at 70	REFUSE



		metres (approx) W of 25a Corrycroar Road, Pomeroy, for Connor Carberry.	
5.2.	LA09/2020/0804/O	Two storey dwelling & domestic garage at lands 350m S of 293 Pomeroy Road, Lurganeden, Pomeroy for Ben Sinnamon.	REFUSE
5.3.	LA09/2020/1051/O	Site for dwelling and double domestic garage on a farm at 90m (approx.) SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson.	APPROVE
5.4.	LA09/2020/1498/F	Retention of the Gym and Wellbeing Facility (currently under construction) of a portal framed and cladding building of 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn.	APPROVE
5.5.	LA09/2021/0264/O	Dwelling and garage at site adjacent to 60 Sixtowns Road, Draperstown for Peter Conway.	APPROVE
5.6.	LA09/2021/0635/O	Dwelling & domestic garage in a gap site at land immediately N of 43 Tullyglush Road & between 43 & 51a Tullyglush Road, Ballygawley, for Gerard Quinn.	APPROVE

#### Matters for Information

- 6 Planning Committee minutes of meeting held on Tuesday 7 December 2022 327 - 374
- 7 Receive Report on Planning Performance 375 - 378

**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. Planning Committee Confidential Minutes of Meeting held on Tuesday 7 December 2021
10. Enforcement Cases Opened
11. Enforcement Cases Closed



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> M/2010/0830/F	<b>Target Date:</b>
<b>Proposal:</b> Residential development for 25 dwellings	<b>Location:</b> Lands at South-East of Church Hill Road, Caledon
<b>Referral Route:</b> Major application – site for housing development over 2ha in area Objections received	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Caledon Estates Company Estates Office 2 Main Street Caledon BT68 4TU	<b>Agent Name and Address:</b> Consarc Conservation The Gas Office 4 Cromac quay Belfast BT7 2JD
<b>Executive Summary:</b> This application is for a housing development within the settlement limits for Caledon, it is beside the River Blackwater, Caledon Conservation Area and listed buildings. The site is steeply sloping and there are flooding implications on the lower parts of the site beside the river. It is proposed to provide open space in the form of a wooded area within the site and a walk along the river. The waste water treatment works for Caledon is located at the entrance to the site, it has an exclusion area due to noise and odour. An objection has been received in relation to the access for the development off Mil Street.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

Statutory	Historic Environment Division (HED)	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
Increase in numbers of vehicles using the access through Mill Street		
Impacts on ecology in and adjoining the site		
No need for these houses in Caledon, other development approved and not built.		
Flooding along the river		
Close to WWTW		
Impacts on setting of listed building		

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

The application site is 12.6ha in area and is comprised of agricultural fields and a disused covered reservoir. It is within the settlement limits of Caledon, on the north east side of the village. The site generally falls from the NW to the SE, with the area around the reservoir being the highest part of the site and the banks of the River Blackwater on the east side being the lowest part of the site. There are some mature trees within the site, low hedging between some of the fields and mature trees and native species hedging to the west. Other boundaries to the site and within it are defined by post and wire fences.

Access to the site is from Mill Street, at the end of the listed terrace of dwellings, these dwellings are 1/1/2 storey with ashlar stone work, slate roofs and dormer windows rising from the walls.

St Johns Church, Church of Ireland, sits to the west of the site and is accessed off the higher Church Hill Road, it is a dominant feature in the area with its spire and tower being of visible from the surrounding rural area.

Caledon has a well maintained conservation area, with a number of listed buildings within it. The predominant finishes within the conservation area are ashlar stonework, random rubble stonework and slate roofs with wooden windows. Kinnard Park, a social housing development also off Mill Street, has single storey semi-detached dwellings and 2 storey terraced housing with marble dash walls. It also has some frontage onto Main Street and this has stonework finish. Church Hill Road has a number of single storey cottages on the opposite side of it from the application site, these are Taylor cottages with rough render walls and hipped roofs. Other recent developments have been carried out to the west of the village, where there are social housing developments and some more recent private developments.

### **Description of Proposal**

The proposal is for a Housing Development of 25 dwellings, a mixture of terraced, semi detached and detached properties located in the lower, east part of the site. The proposal, due to the levels of the site, will require cutting and filling to develop the site As the dwellings step down the hill. It is proposed to provide a central green space at the

junction within the site as well as a planted woodland to the upper level and a riverside walk.

Access to the development is from Mill Street and will require the provision of a new estate road beside the existing waste water treatment works for Caledon.

The proposed dwellings are in a variation of 6 house types with narrow gable depths:

- 6 Type A's which are 3 bedroom, 2 storey dwellings in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof.
- 8 Type B's which are 3 bedroom, 2 storey semi detached dwellings in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof.
- 3 Type C's which are essentially 4 bedroom, 2 storey dwellings with a roofspace conversion in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof with velux roof lights in the front and rear roof slopes
- 3 Type E's which are 2 storey split level with an off-set lower ground to the rear, the ridges of these are parallel with a valley between them, they have 4 bedrooms and are finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof. Each has a detached garage to the side with steps between them
- 3 Type F's dwellings which are 4 bedroom, 2 storey detached with flat roofed front porch and single storey annex on lower ground floor to rear. These dwellings have smooth render painted, timber windows and doors and brick chimneys. They have a detached garage in the front yard finished to match the dwellings,
- 1 no Type G1 is a split level 2 storey dwelling with a 2 storey rear annex at lower ground floor level, the ridges of the house and annex run parallel and have a valley between them. It is finished with natural stone walls, brick dressing to the windows and doors which are timber painted and has slate roofs. It has a single storey detached garage in the front yard between the dwelling and the road and
- 1 no Type G2 which is a 2 storey detached dwelling with roofspace accommodation, it has a 2 storey rear return at lower ground floor level. The dwelling will be finished with stone with brick dressing around the windows and doors and red brick at the lower ground floor. There is a detached garage in the front yard.

Parking for the terraced and semi detached dwellings will be on-street in communal parking bays, with steps and ramps up to these dwellings with ranch type black railings. Each dwelling has a private garden area to the rear.

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

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS2 – Planning & Natural Heritage

PPS3 – Access, Movement & Parking

PPS6 – Planning, Archaeology and the Built Heritage

PPS7 – Quality Residential Environments

PPS15 – Planning & Flood Risk (DA)

Mid Ulster District Council – Local Development Plan 2030 - Draft Plan Strategy  
Caledon Conservation Area Booklet

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. 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 Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose within the settlement of Caledon, though the Plan does not generally provide any land use zonings in the villages, except for designating existing open space. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria. The criteria specified in SETT1 are generally the same as those in other regional retained policy and as such I consider SETT1 is met if the proposals meets other retained policy.

I do not consider the Strategic Planning Policy Statement provides any change in direction or clarification in relation to policies relevant to this application and as such I consider the existing policies contained in PPS3 – Access, Movement and Parking, PPS 7 – Quality Residential Environments, PPS8- Open Space, Sport and Outdoor Recreation, PPS12 – Housing in Settlements, PPS13 – Transportation and Land Use and PPS15 – Planning and Flood Risk should be considered in the determination of this proposal.

Regional Policy contained in PPS7 strives for Quality Residential Developments and Policy QD1 sets out 9 criteria that should be meet.

The site is steeply sloping in the middle section and it falls towards the River Blackwater to the east, this is a Local Landscape Policy Area on its banks and defines the eastern settlement limit for Caledon. The north boundary is also the settlement limit however development does not extend as far as the limit and there remains a break between limits and the development. This proposed development is primarily terraced and this is respective of existing mill house accommodation in Caledon. The development is in a linear form which follows the existing contours of the site to minimise the extent of the cutting and filling to enable the site to be developed. Open space in the site is located along the river banks in the form of a riverwalk which is linked to an area adjacent to the waste water treatment works and the entrance to the development which will be retained in grass with some planting. A larger area is to be planted in the middle of the site and

will become a woodland area. Overall the public open space provision for the development is well in excess of the 10% advocated for residential development. Private amenity space is enclosed by native species hedging and planters are proposed along the fronts of the houses. The minimum garden depth is 15m from the rear wall of the houses and lowest garden space is approx. 150sqm. I consider this is reasonable and adequate for the development and well in excess of the minimum of 40sqm or average of 70sqm as set out in Creating Places.

The site is in close proximity to a number of listed buildings and Historic Environment Division requested additional information to show the context of the proposed development with these especially St Johns Church. Following receipt of contextual drawings showing the development at lower levels than the church as well as the woodland area in the middle of the site to screen it, no further objections have been offered. This development was also considered by the Monuments Division who did not raise any objections or concerns from this development on any monuments. The site has a number of mature trees and an established field hedgerow within it. One tree is proposed to be removed and the hedgerow will be retained in the most part. Natural Heritage Division have considered a report about the site which indicates that some trees have the potential for bat roosting and they would like some further studies to be carried out. The studies will not necessarily mean that the trees cannot be removed, but that compensatory measures such as bat boxes should be provided if these are deemed necessary. I consider it appropriate to deal with this by way of a condition requiring the developer to carry out these studies and agree any mitigation prior to the commencement of any development in the site.

The proposed finishes for the dwellings can be found in the neighbouring developments and as such are already accepted in the area. The size of the development does not justify seeking local facilities especially as there is a good footway connection to the village centre close by, where these are already provided for.

Front to front separation distances within the development is in excess of 30m, which, given the sloping nature of the site, I consider will adequately deal with any potential overlooking or overshadowing issues. The gardens for 3 blocks 5, 6 and 7 are below the level of the upper road, however a combination of landscaping and the separation distance will help to protect the private amenity space here and reduce the impacts of overlooking of the rear windows of these properties.

Parking for the development is primarily in undesignated parking areas linked by steps and ramps to the terraced and semi detached properties. The parking areas provide 43 spaces to serve 17 dwellings which equates to over 2.5 spaces per property. This provision is in excess of the 1.75 spaces for 3 bedroom terraced properties as set out in the parking standards and 2.5 spaces for the 3 bedroom semi detached properties. The detached properties have a minimum of 3 curtilage spaces, including a space within a detached garage on each site. There is also provision of 6 visitor spaces so overall I am content that car parking for the site is well provided for.

Roads engineers have been consulted in relation to the roads infrastructure associated with the development and have not raised any concerns with the proposal, they have advised the development will be adopted, if constructed to their standards.



Rivers Agency have been consulted in relation to the flooding potential from the adjacent watercourse. A flood risk assessment has been submitted for consideration and identified part of the site was at risk from flooding. This part of the site has been excluded from development and is proposed as a river walk and landscaped area, this accords with CON2 of the Plan which designates a Local Landscape Policy Area here and advocates for a riverside walk along the west bank of the River Blackwater. Rivers Agency have asked for and considered a drainage assessment for the proposed development, they have not raised any concerns about the development in terms of the drainage assessment and have agreed that stormwater from the site can discharge unattenuated into the adjacent watercourse.

NI Water have advised there is capacity in the Caledon WWTW which is adjacent to the site, the scheme has been designed around the need to exclude development from close proximity of the WWTW to ensure residents do not experience nuisance due to noise or odour.

**Objections received:**

**Roads matters -**

Concern has been raised about the capacity of Mill Street to accommodate the traffic associated with these 25 dwellings. Mill Street is a public road and DFI Roads have been consulted with the scheme and have not raised any concerns about this. DFI Roads have indicated they will adopt the estate roads provided they are constructed in accordance with their design specifications and the scheme will be subject to a Private Streets Determination.

**Natural Heritage Concerns-**

On the opposite side of the River Blackwater whooper swans feed and there has been indications of barn owls in the area with a picture submitted that is purported to be a dead barn owl. Concerns have been raised that the development of the site will have negative impacts on ecology and a number of species have been identified as being within 2 kms of the site. It is suggested that conditions relating to planting out field margins and the woodland as well as preventing any further development of the entire site would remove the concerns. A whooper swan survey was carried out in 2013 which did not indicate there was any risk to the swans from the development. A Preliminary Ecological Appraisal (PEA) was carried out and submitted to NIEA for consideration. NIEA identified a need to consider bats roosting in trees on the site that had potential for roost sites, they have not raised any other issues with the PEA. NIEA guidance on bats indicates that mitigation may be appropriate in the form of bat boxes or roosts. I consider this could be dealt with by way of an appropriately worded condition that would require the provision of a survey and agreement of suitable mitigation prior to the removal of the trees. I also consider it appropriate to condition the lighting for the site to ensure there is low level lighting along the river corridor and within the development that will not impact on bats. It is noted the site is improved grasslands which may not have any significant biodiversity interests, as such I consider the overall mix of additional landscaping that is proposed to be provided and maintained by Caledon Estates in the new woodland and along the river corridor, will enhance the overall biodiversity of the site and local area. The PEA has indicated there may be potential for sediment run off from the site during construction phase that might impact on the river, however the development is set well back from the banks and a suitable buffer can be provided. I consider it is appropriate to condition the provision of a detailed Construction Method Statement prior

to the commencement of development to ensure these are appropriately taken into account.

Limit further development of Caledon and on this site-

The site lies within the settlement limits for Caledon as set out in the Dungannon and South Tyrone Area Plan. The Plan went through a public enquiry process and is the extant plan for the area. Mid Ulster District Council are in the process of producing its own draft plan strategy and will review the overall provision on housing lands in the towns and villages for the entire district. This proposal is for the development of 25 houses as set out in plans submitted for consideration, in the event of any future application being submitted they will have to be considered against the relevant plan and policies then in force.

Provision of Renewable Technologies within the development-

I am unaware of any current planning policies that require the provision of renewable technologies within new housing developments. Building Control Policies and a general public drive for these technologies are likely to be more appropriate ways to deliver these for the future.

SES have also been consulted due to the hydrological link to Lough Neagh and Lough Beg as the proposal has the potential to impact on Special Protection Areas, Special Areas of Conservation and Ramsar sites which must be assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The hydrological link from the proposed development to the features is approx. 35 kms and passes by and close to the settlements of Benburb, Blackwatertown, Moy, Tamnamore and Maghery before reaching Lough Neagh. Due to the distance between the site and the designated sites, the available capacity within the WWTW for Caledon and buffer between the development site and the Blackwater River, this proposal for 25 houses and the ancillary development would not be likely to have a significant effect on the features of any European site.

In light of the above considerations, I am content that this proposal meets with the planning policies and I recommend it is approved.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve with conditions

Conditions:

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

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

2. The vehicular access, shall be provided in accordance with drawing No 35 Rev 3 bearing the Mid Ulster District Council stamp dated 25 JUN 2019 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 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 (gradient of the access/gradients of the accesses) shall not exceed 8% (1 in 12.5) over the first 5m 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.

4. The gradient of the access 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.

5. Prior to the occupation of any of the dwellings hereby approved a lighting scheme, as agreed in writing with Mid Ulster District Council, shall be provided in full. The lighting scheme shall provide details of the specifications of the lighting to be used across the entire site and shall be designed to have low lighting levels to mitigate the impacts on bats and keep the river corridor free from artificial lighting.

Reason: To ensure light from the development does not adversely impact on protected species.

6. No development hereby permitted shall commence until bat emergence – re-entry surveys have been undertaken, submitted to the Council for consideration and appropriate mitigation for bat activity has been agreed in writing. The mitigation as agreed shall be carried out in full prior to the removal of any trees on the site.

Reason: To ensure bats are accommodated.

7. A detailed Construction Method Statement, for works in, near or liable to affect any watercourse as defined by the Water (NI) Order 1999, shall be submitted to Mid Ulster Council and agreed with NIEA Water Management Section, at least 8 weeks prior to the commencement of any works on the site.

Reason: To protect the adjoining watercourse from pollution.

8. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the River Blackwater.

Reason: To prevent polluting discharges entering the adjacent watercourse and impacting on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar.

9. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be carried out in accordance with details indicated on drawing nos. 54 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020, and shall be in place prior to the occupation of that dwelling on that site.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

10. The developer shall provide all hard and soft landscape works in accordance with drawing Nos 27 and 28 bearing the stamp dated 5 OCT 2016 and drawing nos 54, 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020 and to the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any of the dwellings hereby approved. 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.

11. No development hereby permitted shall be commenced until the developer has provided a detailed and long term plan for the management of the open space and landscaped areas as identified on drawing nos 54, 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020 and details of signed contracts with a suitable landscape management company for the long term management and maintenance of all areas of public open space shall be provided to Council for agreement. The agreed contractors shall maintain the area of public open space in accordance with the details as agreed with the Council.

Reason: To ensure the long term upkeep of all areas of public open space in the interest of visual amenity and to ensure a quality residential environment.

12. No construction work should occur within a buffer zone of 300m from the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010 between November and February.

Reason: To minimise disruption to whooper swans

13. Prior to the commencement of any development hereby approved the size, type and location of temporary fencing shall be submitted and agreed with the Council. The fencing shall be erected along the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010, prior to and during construction of the development hereby approved and shall be removed following the completion of development on the site

Reason: To minimise disruption to whooper swans.

14. Prior to the removal of the fence referred to in condition 13, the developer shall submit a scheme of landscaping along the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010 for the agreement of the Council. The scheme as agreed shall be provided prior to the removal of the fence referred to in condition 13.

Reason: To minimise disruption to whooper swans.

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

PSD01. The Department for Infrastructure has 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 Nos 35 Rev 3, 36 Rev 3, 37 Rev 3, 38 Rev 3 39 Rev 3 and 40 Rev 3 bearing the date stamp 25 JUN 2019.

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.

PSD02. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; (the final wearing course shall be applied on the completion of each phase of the development.)

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

**Informatives**

1. The applicant must apply to DFI Roads for a licence indemnifying the Department for Infrastructure against any claims arising from the implementation of the proposal.
2. The developer's attention is drawn to the comments of DFI Roads, DFI Rivers, Environmental Health and NI Water. These comments are available to view on the Planning Portal at [www.planningni.gov.uk](http://www.planningni.gov.uk) using the public access tool.
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.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	2nd November 2010
<b>Date First Advertised</b>	19th November 2010
<b>Date Last Advertised</b>	2nd November 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier 1 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 10 Church Hill Cottages,Caledon,Caledon,BT68 4UX Denver Irvine 10 Mill Street Caledon Tyrone The Owner/Occupier, 10 Mill Street,Caledon,BT68 4TT The Owner/Occupier, 11 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 12 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 13 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 14 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 15 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 16 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 17 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 18 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 19 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 2 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier, 20 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 21 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 22 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 23 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 24 Church Hill Cottages,Caledon,Caledon,BT68 4UX The Owner/Occupier 25 Church Hill Cottages,Caledon,Caledon,BT68 4UX	

The Owner/Occupier  
 26 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 3 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier  
 4 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 4 Mill Street, Caledon, BT68 4TT  
 The Owner/Occupier,  
 5 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 5 Mill Street, Caledon, BT68 4TT  
 The Owner/Occupier,  
 6 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 6 Mill Street, Caledon, BT68 4TT  
 The Owner/Occupier,  
 7 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 7 Mill Street, Caledon, BT68 4TT  
 The Owner/Occupier,  
 8 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 8 Mill Street, Caledon, BT68 4TT  
 The Owner/Occupier,  
 9 Church Hill Cottages, Caledon, Caledon, BT68 4UX  
 The Owner/Occupier,  
 9 Mill Street, Caledon, BT68 4TT  
 Richard William  
 Email Address  
 Richard William  
 Email Address

<b>Date of Last Neighbour Notification</b>	02.11.2021
<b>Date of EIA Determination</b>	04.11.2010
<b>ES Requested</b>	No

**Planning History**

Ref ID: M/1999/0866/F

Proposal: replacement dwelling with detached garage

Address: No 30 Churchill Road, Caledon

Decision:

Decision Date: 19.01.2000

Ref ID: M/2004/2142/F

Proposal: Renewal of planning permission M/1999/0866/F with current planning permission existing thereon.  
Address: No 30 Churchill Road, Caledon.  
Decision:  
Decision Date: 05.07.2005

Ref ID: M/2004/1128/F  
Proposal: Replacement Waste Water Treatment Works  
Address: Caledon WWTW, Mill Street, Caledon  
Decision:  
Decision Date: 20.01.2005

Ref ID: M/1999/1165/Q  
Proposal: Surplus Land  
Address: Church Hill Road Caledon  
Decision:  
Decision Date: 26.07.2000

Ref ID: M/2009/0093/Q  
Proposal: Development of Land  
Address: Lands at Caledon  
Decision:  
Decision Date: 01.02.2010

Ref ID: M/2010/0022/LB  
Proposal: Conversion of public bar & lounge to residential dwelling  
Address: 18 Main Street, Caledon  
Decision:  
Decision Date: 09.03.2010

Ref ID: M/1995/0682  
Proposal: Renovations and extension to 7 No Dwellings  
Address: NO 3,4,5,6,7,8 & 9 MILL TERRACE CALEDON  
Decision:  
Decision Date: 31.07.1996

Ref ID: M/1998/0333  
Proposal: Re-alignment of Mill Street  
Address: MILL STREET CALEDON  
Decision:  
Decision Date: 08.06.1998

Ref ID: O/1975/0160  
Proposal: PROPOSED 11KV O/H LINE (DRAWING NO. C6842)



Address: CLONTYCARTY AND GORTMALEGG

Decision:

Decision Date: 15.05.1975

Ref ID: M/1988/0343

Proposal: EXTENSION TO PUBLIC HOUSE

Address: DEERPARK LOUNGE, 18 MAIN STREET, CALEDON

Decision:

Decision Date: 22.06.1988

Ref ID: M/1995/0681

Proposal: Renovations to 7 No Dwellings

Address: NO 3,4,5,6,7,8 & 9 MILL TERRACE CALEDON

Decision:

Decision Date: 31.07.1996

Ref ID: M/1974/0454

Proposal: ALTERATIONS AND IMPROVEMENTS TO SHOP

Address: MAIN STREET, CALEDON

Decision:

Decision Date: 16.12.1974

### **Summary of Consultee Responses**

NI Water - Multi Units West - Planning Consultations – capacity in WWTW, WWTW close by and may experience noise and/or odours

Rivers Agency – Flood Risk Assessment and Drainage Assessment received and considered, no development in the flood risk area and discharge can be accepted at full rate into the watercourse

NIEA – Whooper Swan Survey and Preliminary Ecological Assessment considered, requesting bat emergence and re-emergence surveys

Shared Environmental Services – notes NIEA have requested additional information about site features

DFI Roads - Enniskillen Office – Streets to be adopted

Historic Environment Division – no Historic Monuments concerns noted, Historic Buildings have considered impacts in listed buildings and are content

### **Drawing Numbers and Title**

Drawing No. 01  
Type:  
Status: Submitted

Drawing No. 02  
Type:  
Status: Submitted

Drawing No. 03 REV 7  
Type:  
Status: Submitted

Drawing No. 05  
Type:  
Status: Submitted

Drawing No. 07 Rev 2  
Type:  
Status: Submitted

Drawing No. 08 Rev 3  
Type:  
Status: Submitted

Drawing No. 10 Rev 3  
Type:  
Status: Submitted

Drawing No. 11 Rev 3  
Type:  
Status: Submitted

Drawing No. 15 Rev 3  
Type:  
Status: Submitted

Drawing No. 16 Rev 3  
Type:  
Status: Submitted

Drawing No. 23 Rev 1  
Type:  
Status: Submitted

Drawing No. 25 Rev 1  
Type:  
Status: Submitted

Drawing No. 27  
Type:

Status: Submitted

Drawing No. 28

Type:

Status: Submitted

Drawing No. 29 Rev 3

Type:

Status: Submitted

Drawing No. 30 Rev 3

Type:

Status: Submitted

Drawing No. 31 Rev 3

Type:

Status: Submitted

Drawing No. 32 Rev 3

Type:

Status: Submitted

Drawing No. 33 Rev 3

Type:

Status: Submitted

Drawing No. 34 Rev 3

Type:

Status: Submitted

Drawing No. 35 Rev 3

Type:

Status: Submitted

Drawing No. 36 Rev 3

Type:

Status: Submitted

Drawing No. 37 Rev 3

Type:

Status: Submitted

Drawing No. 38 Rev 3

Type:

Status: Submitted

Drawing No. 39 Rev 3

Type:

Status: Submitted

Drawing No. 40 Rev 3

Type:  
Status: Submitted

Drawing No. 41  
Type:  
Status: Submitted

Drawing No. 42  
Type:  
Status: Submitted

Drawing No. 43  
Type:  
Status: Submitted

Drawing No. 44  
Type:  
Status: Submitted

Drawing No. 45  
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Status: Submitted

Drawing No. 46  
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Drawing No. 58  
Type:  
Status: Submitted

Drawing No. 59  
Type:  
Status: Submitted

Drawing No. 60  
Type:  
Status: Submitted

Finished Schedule

Noise Assessment

Odour Impact Assessment

Design and Access Statement

Flood Risk Assessment

Drainage Assessment

Preliminary Ecological Appraisal

Whooper Swan Survey

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1702/F	<b>Target Date:</b>
<b>Proposal:</b> Housing Development comprising of 3 pairs of semi detached dwellings and one detached dwelling	<b>Location:</b> At the junction of Shore Road/ Ballynagarve Road Ballyronan
<b>Referral Route:</b>  Committee refusal- this proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Bridge Developments 3 Market Square Toomebridge	<b>Agent Name and Address:</b> D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

All material considerations have been addressed within the determination below.

### Characteristics of the Site and Area

The site is located within the development limits of Ballyronan as identified in the Mggherafelt Area Plan 2015 and forms part of a housing development on which development has commenced. Access to the development area is gained from Ballynagarve Road. There are a number of foundation slabs laid. The immediate area has a mixture of land uses including



residential, retail and commercial. To the south is the settlement centre of Ballyronan and to the east is Ballyronan Marina.

### **Description of Proposal**

Full application for 'Housing development comprising of 3 pairs of semi detached dwellings and one detached dwelling'.

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

The following policy will be used in this assessment::

SPSS

Cookstown Area Plan 2010

Planning Policy Statement 7 - Quality Residential Environments

Addendum to Planning Policy Statement 7 - Safeguarding the character of Established Residential Areas.

Planning Policy Statement 3 - Access, Movement and Parking  
Creating Places

Site History - I/2004/0968/F - Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road - Permission Granted - 04.12.2006

Consultees: - Environmental Health were asked to comment and responded on 18.02.2019 with no objections

NI Water were asked to comment and responded on 28.06.2019 with no objections subject to advice.

DFI were asked to comment and responded on 14.02.2019 seeking additional information and amendments. This information was requested on 2nd April 2019, 9th July and 9th October 2019. No contact or information has been received from the agent since March 2020.

The proposal site is located within the development limits of Ballyronan as per the Cookstown Area Plan 2010. There was previous approval on a larger area of land adjacent which also included this current proposal site, this approval was for a 'Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road'

This current proposal is for 3 pairs of semi detached dwellings and one detached dwelling (7 units in total) The proposed dwellings have a ridge height of approx. 9metres in height and are of a simple design. The proposed development respects the surrounding context and is appropriate to the local 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 existing development located in Lough Way is a mixture of house types with their being semi detached, detached and terraced 2/3 storey properties. The proposed house types in this application are in keeping with this neighbouring existing development but yet still providing an interesting mixed development suitable to the locality.

No archaeological or built heritage and landscape features have been identified. Due to the numbers of units proposed no open space is required to be provided. This proposal is adjacent to the existing housing development however indicates no connectivity.

Following consultation with DfI they have requested additional information and amendments, these were requested from the agent on 02.04.2019, 09.07.2019 and 09.10.2019, nothing has

been submitted and no further correspondence has been received from the agent thus the application fails to meet the requirements of PPS 3 \_ PPS 7 as it cannot be determined whether adequate and appropriate provision has been made for parking.  
An adequate level of detail for the proposed fencing and landscaping has been provided.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal is recommended

**Conditions/Reasons for Refusal:**

**Refusal Reasons**

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal and as such this proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated by way of adequate technical plans, Private Street Determination plans and a Transport Assessment Form that the proposal will not prejudice road safety or inconvenience the flow of traffic.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	21st December 2018
<b>Date First Advertised</b>	17th January 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Ballynagarve Road Magherafelt Londonderry The Owner/Occupier, 1 Lough Way Magherafelt Londonderry The Owner/Occupier, 1,3,5,7,9,11,13,15,19,21and 23 Lough Way, Ballyronan The Owner/Occupier, 11 Lough Way Magherafelt Londonderry The Owner/Occupier, 15 Lough Way Magherafelt Londonderry The Owner/Occupier, 19 Lough Way Magherafelt Londonderry The Owner/Occupier, 21 Lough Way Magherafelt Londonderry The Owner/Occupier, 23 Lough Way Magherafelt Londonderry The Owner/Occupier, 3 Lough Way Magherafelt Londonderry The Owner/Occupier, 5 Lough Way Magherafelt Londonderry The Owner/Occupier, 7 Lough Way Magherafelt Londonderry The Owner/Occupier, 9 Lough Way Magherafelt Londonderry	
<b>Date of Last Neighbour Notification</b>	28th January 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/1702/F Proposal: Housing Development comprising of 3 pairs of semi detached dwellings and one detached dwelling Address: At the junction of Shore Road/ Ballynagarve Road, Ballyronan, Decision: Decision Date:	

Ref ID: LA09/2017/1642/NMC

Proposal: Proposed use of House type C as approved on sites 3,5,7 and 9 instead of house type F and G

Address: 3,5,7 and 9 Lough Grove, The Moorings, Ballyronan Road, Ballyronan, Magherafelt,

Decision: CR

Decision Date:

Ref ID: I/2014/0391/F

Proposal: Change of house types and minor amendments to previously approved development.

Address: Lough Mews, Lough Drive, Lough Grove and Lough Way, The Moorings, Ballyronan, and Shore Road, Ballyronan,

Decision: PG

Decision Date: 22.06.2015

Ref ID: I/2004/0968/F

Proposal: Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road

Address: Lands at Junction of Magherafelt Road / Shore Road, Ballyronan

Decision:

Decision Date: 04.12.2006

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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:



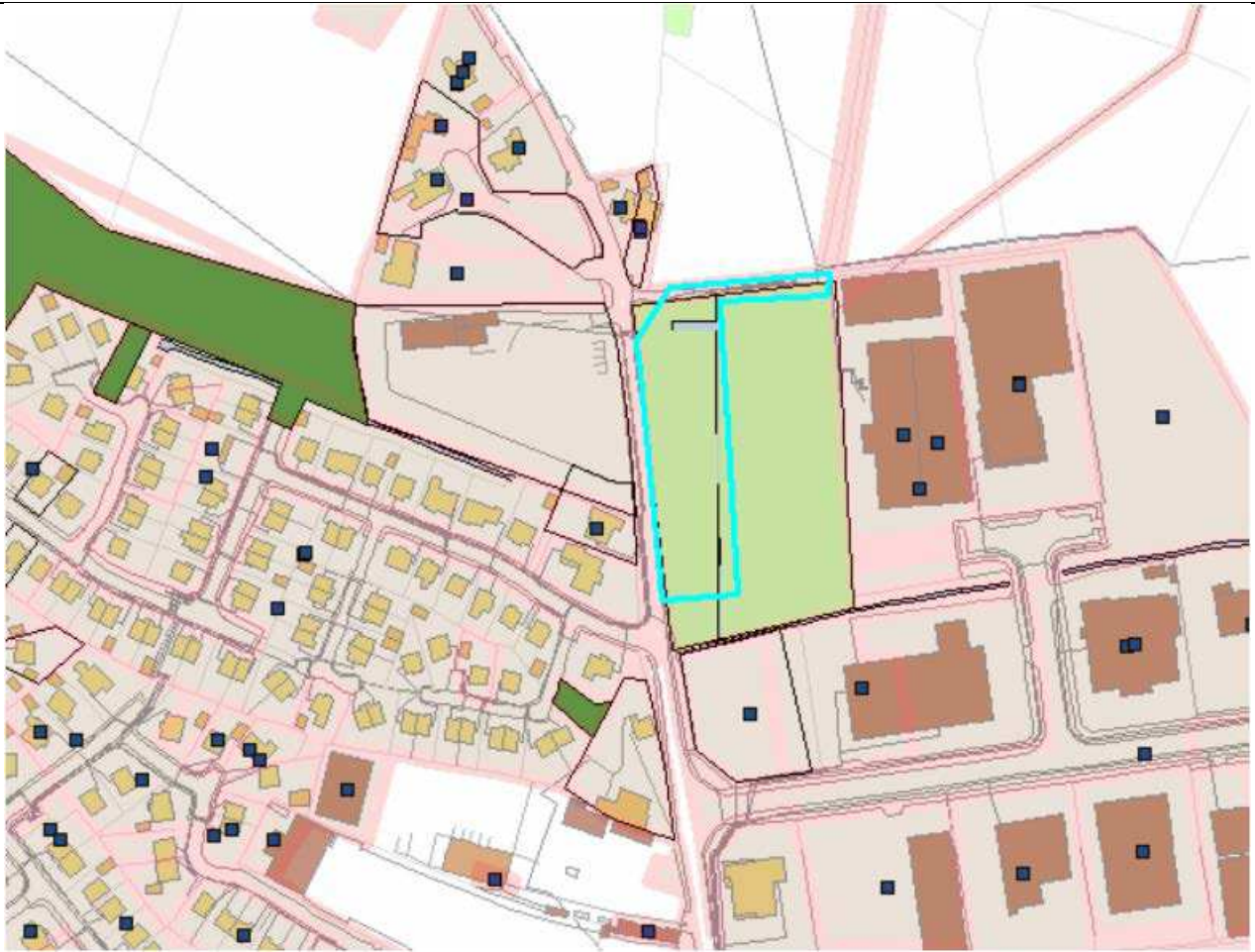
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1482/F	Target Date:
Proposal: Retention of workshop	Location: Approx 70m West of Unit 10 Station Road Industrial Estate Station Road Magherafelt
Referral Route:  This application is being presented to Committee as it is being recommended for Refusal and it has attracted one letter of objection.	
Recommendation:	REFUSE
Applicant Name and Address: Four Dee (NI) Ltd Unit 10 Station Road Industrial Estate Magherafelt	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	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	



Representations:	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>One objection has been received in respect of this application and has raised the following concerns:-</p> <ol style="list-style-type: none"> <li>1. Environmental Health concerns in respect of existing breaches of noise limits;</li> <li>2. The operators of the site have not offered any solution to the above problem;</li> <li>3. The noise report suggests that the external doors can be kept closed, yet this is not done to date;</li> <li>4. Excessive noise emanating from the site, noise and disturbance impacting on the well being and sleep patterns of the objectors family;</li> <li>5. Council has met with the applicant but the nature of these discussions are not made public and the objector welcomes the opportunity to be involved in same.</li> </ol>	
<p>Characteristics of the Site and Area</p> <p>The site is located on Station Road just within the settlement limits of Magherafelt and falls between the existing industrial premises at Station Road, the redundant former Magherafelt Council yard, the Brambles housing development and the open countryside to the north. The site is part of a major area of existing industry within the Magherafelt Area Plan 2015. The site is 0.477ha in area and the proposed access is to be taken through the existing site. There is an entrance gate located at the north western corner of the site and which accesses directly onto the Station Road.</p> <p>An access to a private third party dwelling (the objectors dwelling) is located immediately adjacent to the entrance gates at the north western corner of the site with the dwelling being located approximately 25m from the site boundary and approximately 35m from the proposed shed.</p> <p>Views into the site can be achieved from the Station Road to the West. Planning history on the site relates to an application for an extension to Station Road Industrial Estate which includes Ref: H/1995/0082/F which was granted permission on the 4 July 1995, H/2013/0279/O - Proposed erection of industrial unit, car parking facilities, security fencing, drainage and associated site works, approved 18.03.2014 and H/2014/0218/RM - Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works which was approved on 6th May 2015.</p> <p>To the south west of the site, across Station Road is The Brambles, a residential development. Numbers 1 and 3 would be most affected by the proposed development. To the north of the Brambles and directly across the Station Road from the site, is the former Magherafelt Council yard. Immediately north of the site is open countryside which forms part of the Local landscape Policy Area MT 34. A pair of semi-detached dwellings area located on the edge of the and with the settlement development limit of Magherafelt. The dwellings front towards the north-western corner of the proposed site and lie within the LLPA MT 34.</p>	
<p>Description of Proposal</p> <p>The proposal is for the erection of a single Workshop measuring 17.6m x 7.0m with an eaves height of 3.9m and a ridge height of 4.6m. The floor plans as submitted are inaccurate insofar as the only depict</p>	

two roller shutter doors. These two doors are indicated as being on the western elevation (facing the Station road) and the northern elevation (facing the objectors dwelling).

The workshop has a roller shutter door on both the northern and western elevations with a solid rear elevation, which is adjacent to the existing, much larger shed to the east. The southern elevation has a single pedestrian door with a small hatch type opening to allow steel beams to be pushed through on a series of rollers. The building is used for the cutting of steel.

The external finishes on all buildings are as follows:-

Roof and walls: vertical trapezoidal cladding, black colour with black flashings with translucent panels;

Pedestrian Doors: Composite doors black in colour;

Roller doors: galvanised metal roller shutter doors.

The site as outlined on the location map also includes a large area to the south of the proposed shed, on which an existing earth bank is indicated. This part of the site has extant approval for the 'Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works' approved under H/2014/0218/RM on 6th May 2015.

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

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is located within an area designated as a 'Major area of existing industry'.

The overarching criteria for considering industrial development within settlements is PPS 4 Policy PED 1 ? Economic Development in Settlements which states that in terms of extensions for economic development in settlements, an extension will be determined on its merits having regard to Policy PED 9.

Policy PED 9 - General criteria for economic development; states that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below:

(a) The use generally could be considered as being compatible with surrounding land uses as it is for an industrial use within an area identified as existing industrial land. However, as Environmental Health have advised that:-

*the previously approved sheds approved under H/2014/0218/RM have now been erected.*

*In response to the submitted objection letter, noise monitoring was undertaken at one of the properties listed in Table 1 of condition 5 of planning approval H/2014/0218/RM on 15th July 2021 and 24th August 2021 and found to exceed the LAeq,1 hour values listed within Table 1.*

*It was noted that this proposed workshop was not in use during either monitoring periods, meaning the existing site activities are producing noise levels in excess of those listed within condition 5 of H/2014/0218/RM.*

*The approval of this application would further increase noise levels and result in additional impact on nearby residential amenity.*

Therefore the proposed development, if approved, would only serve to exacerbate an already unacceptable situation by means of increasing the noise nuisance at the neighbouring dwellings.

(b) As detailed above, the existing site activities are already in breach of the approved noise limits. Therefore to approve this proposed development would only lead to an increase in those noise levels and thereby cause further disturbance and loss of residential amenity.

(c) The site is immediately south of Local Landscape Policy Area MT34 - North and East Magherafelt as identified in the Magherafelt Area Plan. There is an existing hedgerow along the northern boundary which is to be retained. There are no built heritage features in the immediate vicinity.

(d) Rivers Agency advise that part of the site lies within the 1 in 100 year fluvial flood plain and 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 proposed development is not considered to be an exception as defined in Policy FLD 1 of PPS 15 Planning and Flood Risk. The applicant contends that the proposal is for the retention of the shed only and 'the topographical survey indicates the footprint of the existing workshop is not located within the footprint of the 1 in 100 year flood plain and therefore we consider a FRA is no required for the application.'

However, as no such topographical survey or other means of demonstrating conclusively that the proposed development will not be affected by or is not located within the 1 in 100 year flood plain, has been provided, it has not therefore been satisfactorily demonstrated that the proposed development will not be liable to flooding or will not cause flooding elsewhere.

(e) As detailed in the report above, Environmental Health have advised that the proposed development will increase the noise nuisance thereby causing a loss of residential amenity;

(f) No concerns regarding emissions or effluent have been raised;

(g) Transport NI advised that they have no objection to the proposal;

(h) Transport NI have not raised any issues regarding access or manoeuvring in the site;

(i) As the site is located within and on the edge of the settlement, provisions are already in place to enable walking or cycling to the site, albeit along the public road/footpath.

(j) The site layout, building design are acceptable. The landscaping can be improved by the provision of a good quality hedge along the Station Road boundary;

(k) The site is adequately enclosed by means of a security fence. The provision of a good quality hedge along the Station Road boundary would, through time, screen the site from this public view.

(l) It is in the applicants interest to guard against crime and with the existing security fence around the site perimeter the site should be secure.

(m) The site is not located in the countryside, however, the aforementioned hedge along the Station Road boundary would aid integration.

PPS 15 - Planning and Flood Risk Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains advises that 'Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.' The proposed development is not considered to be one of the exceptions to the policy and therefore, as the applicant has failed to satisfactorily demonstrate that the proposed development does not lie within above areas, it is contrary to this policy.

<p>Recommendation</p> <p>It is recommended that permission is refused for the following reasons:-</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Refuse for the reasons listed below:-</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> <li>1. The proposed development is contrary to Planning Policy Statement 4 Policy PED 9 in that the proposed development would, if permitted, further increase noise levels and result in an unacceptable additional impact on nearby residential amenity.</li> <li>2. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to satisfactorily demonstrated that the proposed development will is not located within a fluvial flood plain and, if permitted, would not lead to flooding elsewhere.</li> </ol>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	8th November 2019
Date First Advertised	26th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 The Brambles, Magherafelt, Londonderry, BT45 5RY The Owner/Occupier, 3 The Brambles, Magherafelt, Londonderry, BT45 5RY The Owner/Occupier, 36 Station Road Magherafelt Londonderry Kieran Fields 39 Station Road Magherafelt Londonderry	
Date of Last Neighbour Notification	20th November 2019
Date of EIA Determination	N/A
ES Requested	No
Planning History  Ref ID: LA09/2019/1482/F Proposal: Retention of workshop Address: Approx 70m West of Unit 10, Station Road Industrial Estate, Station Road, Magherafelt, Decision: Decision Date:  Ref ID: LA09/2017/1694/O Proposal: Replacement dwelling and garage Address: Lands approx. 120m East of Breezemount, 49 Station Road, Magherafelt, Decision: PG Decision Date: 28.03.2018  Ref ID: H/1986/0500 Proposal: HV O/H LINE BM 8126 Address: AGHASKIN, BALLYHEIFER AND TOWNPARKS MAGHERAFELT Decision: Decision Date:  Ref ID: H/2011/0471/O Proposal: Replacement dwelling on site of existing vacant and derelict cottage Address: Site approx 120 m east of no 49 Station Road Magherafelt BT45 5EB,	

Decision:  
Decision Date: 03.02.2012

Ref ID: H/1993/6055  
Proposal: LANDS FOR INDUSTRY STATION ROAD MAGHERAFELT  
Address: STATION ROAD  
Decision:  
Decision Date:

Ref ID: H/1995/0082  
Proposal: EXTENSION TO INDUSTRIAL ESTATE  
Address: STATION ROAD INDUSTRIAL ESTATE MAGHERAFELT  
Decision:  
Decision Date: 04.07.1995

Ref ID: H/2013/0279/O  
Proposal: Proposed Erection of Industrial Unit, Car Parking Facilities, Security Fencing, Drainage and Associated Site Works  
Address: Lands approx 10m West of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt, BT45 5EY,  
Decision: PG  
Decision Date: 19.03.2014

Ref ID: H/2014/0218/RM  
Proposal: Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works  
Address: Lands approximately 10 m west of unit 10 Station Road Industrial Estate Station Road Magherafelt,  
Decision: PG  
Decision Date: 06.05.2015

Ref ID: H/2013/0229/F  
Proposal: Change of access position from previously approved site H/2011/0471/O  
Address: Site approx 120m East of 49 Station Road, Magherafelt,  
Decision: PG  
Decision Date: 16.09.2013

#### Summary of Consultee Responses

Environmental Health advised that the existing development is already operating at noise levels which exceed those approved. Therefore any further noise generating developments within this site will only increase the noise nuisance and a further loss of residential amenity.

DfI Rivers advised that part of the site lies within the 1 in 100 year fluvial flood plain and such development should not be approved unless the applicant has demonstrated that the proposed development constitutes an exception.

DfI Roads had no objections.

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02 Type: Proposed Elevations Status: Approved</p> <p>Drawing No. 03 Type: Site Layout or Block Plan Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



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

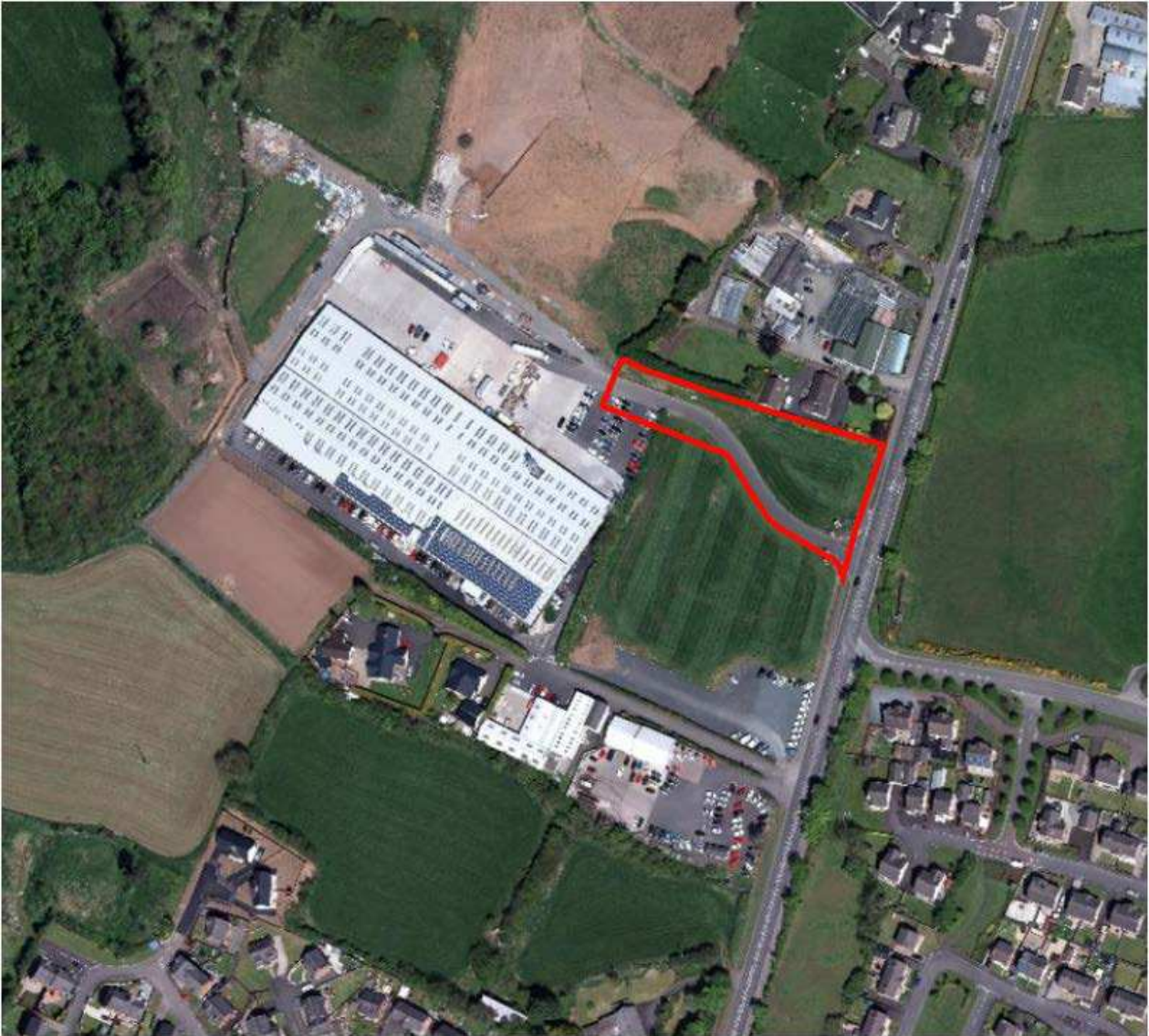
## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0010/F	Target Date:
<b>Proposal:</b> Proposed new creche building, car parking and all associated site works	<b>Location:</b> Lands 75m NE of 100 Coleraine Road Maghera.
<b>Referral Route:</b>  This application is being presented to Committee as it has attracted two letters of objection.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Specialist Joinery Group 100 Coleraine Road Maghera BT46 5BP	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



#### Consultations:

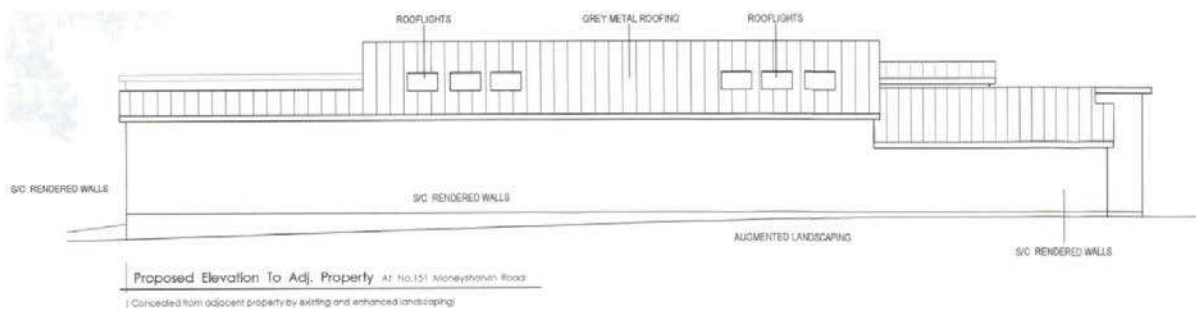
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response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

Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>One letter of objection was received in respect of this proposal and relates to the following:- Raising of ground levels causing flooding of objectors property; Loss of sunlight; Health and well-being of the privacy of private amenity space; Loss of the quiet and intimate use of a conservatory; The provision of a boundary screen fence or hedge will also cause the loss of light;</p> <p>The land levels do appear to have been raised from the original field levels when viewed on Google street View. However, although the levels now sit above the level of the adjacent dwelling, these levels have existed for some time and do not appear to have been the subject of any previous complaint nor subsequent enforcement action. Department for Infrastructure – Rivers, were consulted and advised that the Drainage Assessment was acceptable and they have no reason to disagree with its conclusions. However, the responsibility for justifying the Drainage Assessment and the implementation of the proposed flood risk measures rest with the developer.</p> <p>The objectors dwelling is set at a lower level than the proposed creche, however the site plan has been amended and the creche has been re-sited so that it sits 3m from the boundary hedge and 7m from the dwelling. The boundary hedge is a tall conifer hedge which completely screens the dwelling apart from the top portion of the gable and roof, when viewed from the proposed site. The proposed building is low set with a roof sloping away from the objectors dwelling. It has an eaves height of 3.4m above ground level at the point closest to the objectors dwelling and rises to a ridge height of 5.75m at a point which is 17.5m from the objectors dwelling. I do not therefore accept that the proposed building will have such a detrimental effect on the objectors property that it will cause a loss of natural light.</p>		



*The objectors dwelling from the proposed site with no view of windows into habitable rooms*

The proposed building has a solid wall with no openings along the boundary facing the objectors property and therefore it will not cause a loss of privacy. The existing boundary hedge, as discussed above, completely screens the rear of the objectors dwelling from the site at present. Therefore in my opinion, the proposed building will have no detrimental impact on the health and well-being or the privacy of the objectors private amenity space.



*The boundary wall next to the objectors property with no window or door openings*

The objectors conservatory is not currently visible from the application site. Environmental Health Department originally advised that there is the potential for loss of amenity due to noise from the proposed layout. However, the layout was subsequently redesigned and following the submission amended plans and a sound impact assessment of to take account of this, EHD advised that the proposal was acceptable subject to a specific condition requiring the provision of a 2.4m high acoustic barrier.

At present there is a tall conifer hedgerow along the boundary with the objectors dwelling and there is no proposal to provide a second hedge or a fence at this point. The sound impact assessment recommended that approximately 9m length of a 2.4m high acoustic barrier be provided along the north eastern boundary of the external secure play area at the western end of the building proposed building. The acoustic barrier extends 2m along the side of the objectors garage with the remainder to the rear of the garage. Buffer planting is proposed between this barrier and the existing boundary hedgerow. Therefore, there will be no loss of light due to the provision of a boundary hedge or fence.

#### Characteristics of Site and Area

The site has a 40m frontage along the Coleraine Road and is accessed via the main entrance to the joinery works, directly off the Coleraine Road (A29 protected route). The site is located on an area of grass at the entrance to an existing large joinery works and sits to the southern side of a



single detached bungalow which is occupied by the owner of the adjoining former garden centre, which appears to have ceased trading. The site levels have been raised over time and now the site sits around 1m above the level of the adjacent dwelling. The boundary between the site and the dwelling is defined by a tall mature hedgerow which extends the entire length of this boundary with what appears to be a dry ditch at the bottom of the hedge. There is a large hardcored area to the south of the site, which shares the same access and which has secured planning approval for a petrol filling station ref: LA09/2019/1027/F. That area is currently used as an extension of the display area for the adjacent car sales business.

The site is located in an area which has been zoned in the Magherafelt Area Plan 2015 for Industry (MA11). The site is part of a larger zoning which surrounds the applicants existing joinery and glass factories in addition to an adjacent property containing a car sales and a tile showroom. A former garden centre which appears to have ceased trading and is largely vacant is located to the north of a single bungalow to the north of the site. Immediately north of the former garden centre are a number of residential dwellings and Anniscliff House Residential Care Home. The site is directly opposite a large agricultural field with a large residential development to the south of that field.



The site is located within the settlement development limits of Maghera on an area of land zoned within the Magherafelt Area Plan 2015 as industrial land MA 11.

The Key Site Requirements of MA 11 are

- The site is to be used for light industrial use (Use Class B2);
- A transport assessment should be submitted;
- Existing trees and vegetation to be retained along the boundaries;
- Open boundaries along the north and west adjoining the open countryside to be planted with an 8-10m tree belt to assist integration and to define the settlement development limit;

- Provide a 2 metre planted buffer along the boundary with existing residential property and zoning MA 03/04.

#### Description of Proposal

The proposal is for the erection of a new creche building, car parking and all associated site works. The building consists of a number of playrooms/play areas, staff room, office, kitchen, laundry room, medical room, and associated stores etc. All of these areas are roofed over with an adjoining covered play area located to the north western end of the building adjacent to an external secure play area. An area of car parking and set down area are located to the front of the site .

The proposed building has differing ridge heights ranging from 4.2m to 6.2m with an overall length of 33.5m and an overall width of 22.3m at the south eastern end fronting onto the Coleraine Road. The front elevation of the building is stepped back at several points which lessens the visual impact of the length of the building.

External finishes are sand/cement coloured render walls which are to be painted, grey metal roofing and fascias.

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

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

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

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

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

The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. 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.

## Magherafelt Area Plan 2015

Policy COY 1 Community Uses states that planning permission will be granted for community uses within settlement development limits provided all the following criteria are met:-

- There is no significant detrimental effect on amenity;  
This has been discussed in the report above in respect to the objection received.
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly zoned sites;  
Although the proposed development is located with land zoned for industrial use it is located at the eastern extremity of the zoned lands and on a small wedge of land which will not prejudice the development of the remainder of the zoning.
- The proposals are in keeping with the size and character of the settlement and its surroundings;  
The proposed building is of modest scale and will be reflective of the existing factory building further into the zoned land. The character of the area includes an existing cr?che which is less than 100m from the site.
- Where necessary, additional infrastructure is provided by the developer;  
The access road has already been provided by the developer and is shared by the existing factory, the approved factory extension and the approved filling station (neither yet constructed). There is no other additional infrastructure required for the proposed development which does not already exist.
- There are satisfactory access, parking and sewage disposal arrangements;  
As discussed above, the access arrangements already exist. The parking and sewage disposal arrangements are acceptable as advised by consultees.

With regards to the Key Site requirements as stated above, the proposed development does not fall within Use Class B2 – Light Industrial Use. However, the proposal is for an economic development opportunity within an urban area and as it is located immediately adjacent to a residential dwelling, it is more preferable than a Class B2 industrial use. It should be noted that the Key Site Requirements relate to the entire zoning and not only the proposed site. A large part of the zoned lands has already been developed by the existing joinery business which is a Use Class B

- The site is to be used for light industrial use (Use Class B2);
- A transport assessment should be submitted;
- Existing trees and vegetation to be retained along the boundaries;
- Open boundaries along the north and west adjoining the open countryside to be planted with an 8-10m tree belt to assist integration and to define the settlement development limit;
- Provide a 2 metre planted buffer along the boundary with existing residential property and zoning MA 03/04.

Although the key site requirement states that the site should be used for light industrial use (Use Class B2) it is my opinion that the proposed use does not compromise the remainder of the zoning and is a more preferred use adjacent to a residential dwelling than a Class B2 use. Whilst a transport assessment was not provided details of the number of vehicles attending the site on a daily basis was provided on the P1 form and DfI Roads did not deem this necessary and advised that the applicant is responsible for the access arrangements from the site onto what is a private access road, which has already been granted approval.

The existing hedgerow is being retained along the north eastern boundary and is being supplemented by the provision of a band of buffer planting at the northern end of the proposed building. The objector raised the point that if additional planting or a privacy fence was provided along the boundary, this would have the negative affect by way of loss of light. Although no additional planting has been proposed along the boundary, the building has a blank wall without

any openings and the building is to be positioned further away from the boundary than originally proposed. As the building is now to be positioned 7m from and the roof sloping away from the applicants dwelling it is my opinion that the proposal will not cause an unacceptable loss of light to the objectors property, which is already well screened by the boundary hedge.

In my opinion, although when considered against the Key Site Requirements, the proposal does not meet all points, it is still an acceptable proposal on this site.

In considering the above issues, it is my opinion that the proposed development should be approved subject to the conditions listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below:-

#### Conditions

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

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

2. The premises hereby approved shall be used only as a creche and for no other purpose in Use Class D1 of the Schedule to The Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

3. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02/3 received 1st November 2021 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

4. The building hereby approved shall not remain open for business prior to 06:00 hours and after 19:00 hours Monday to Friday.

Reason: In the interest of residential amenity.

5. All proposed planting as indicated on the stamped approved drawing no. 02/3 date stamped 1st November 2021 shall be undertaken prior to the building hereby approved becoming operational.

Reason: In the interest of residential amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

Signature(s)

Date:

ANNEX	
Date Valid	2nd January 2020
Date First Advertised	14th January 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 108 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 110 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 151 Moneysharvan Road Maghera Londonderry</p> <p>Robert Graham 151 Moneysharvan Road, Maghera, BT46 5HZ</p> <p>Robert Graham 151 Moneysharvan Road, Maghera, BT46 5HZ</p> <p>The Owner/Occupier, 151a ,Moneysharvan Road, Maghera, Londonderry, BT46 5HZ</p> <p>The Owner/Occupier, 2 Rowan Glynn, Maghera, Londonderry, BT46 5FG</p> <p>The Owner/Occupier, 5 Ash Glynn Maghera Londonderry</p> <p>The Owner/Occupier, 96 Coleraine Road, Maghera, Londonderry, BT46 5BP</p> <p>The Owner/Occupier, 98 Coleraine Road Maghera Londonderry</p>	
Date of Last Neighbour Notification	30th November 2021
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2020/0010/F</p> <p>Proposal: Proposed new creche building, car parking and all associated site works.</p> <p>Address: Lands 75m NE of 100 Coleraine Road , Maghera.,</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: LA09/2019/1568/LDE</p> <p>Proposal: Storage Building for adjacent joinery workshops</p> <p>Address: 100 Coleraine Road, Maghera,</p> <p>Decision: PR</p>	



Decision Date:

Ref ID: LA09/2019/1650/PAD

Proposal: Mixed use development comprising garden centre (4,500 sq ft), gift shop (3,600 sq ft), cafe/drive thru (2,850 sq ft), restaurant (2,050 sq ft), convenience shop (3,150 sq ft), petrol filling station & circa 91 car parking spaces

Address: 151-151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1652/PAN

Proposal: Mixed use development comprising garden centre (4,500 sq ft), gift shop (3,600 sq ft), cafe/drive thru (2,850 sq ft), restaurant (2,050 sq ft), convenience shop (3,150 sq ft), petrol filling station & circa 91 car parking spaces

Address: 151 - 151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1288/LDE

Proposal: Confirmation that Nelson's Flowers Garden Centre and Mid Ulster Model Shop is lawful both in its development and its use as a retail location.

Address: 151a Moneysharvan Road Maghera,

Decision: PG

Decision Date:

Ref ID: LA09/2018/0932/LDP

Proposal: Re shaping of existing agricultural land to smooth of levels and upgrade of land drainage

Address: Lands 50m North of 100 Coleraine Road, Maghera,

Decision: PG

Decision Date:

Ref ID: LA09/2016/0883/F

Proposal: Proposed dwelling and garage

Address: Site adjacent to 110 Coleraine Road, Maghera,

Decision: PG

Decision Date: 13.10.2016

Ref ID: LA09/2015/1292/F

Proposal: Proposed Joinery Workshop extension incl. Fabrication workshops, stores, offices and service areas

Address: 100 Coleraine Road, Maghera, BT46 5BP,

Decision: PG

Decision Date: 08.07.2016

Ref ID: H/2014/0397/PREAPP

Proposal: Mixed Development to include call centre, petrol filling station, creche, store and distribution, research and development buildings

Address: Lands at 100 Coleraine Road/Moneysharvin Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2002/0713/F

Proposal: Extension to Existing Joinery Works

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 14.11.2002

Ref ID: H/2011/0107/F

Proposal: Proposed dwelling and garage

Address: Site adjacent to 110 Coleraine Road, Maghera,

Decision:

Decision Date: 30.06.2011

Ref ID: H/2006/0409/F

Proposal: Proposed right hand turning lane access to existing junction

Address: Junction of Coleraine Road and Crew Road, Maghera

Decision:

Decision Date: 24.07.2007

Ref ID: H/2005/1260/O

Proposal: Site for the construction of a convenience retail unit, associated car parking, service yard and general site works.

Address: Site adjacent to 100 Coleraine Road, Maghera

Decision:

Decision Date:

Ref ID: H/1992/0633

Proposal: SITE OF EXTENSION TO JOINERY WORKS

Address: 100 COLERAINE RD MAGHERA

Decision:

Decision Date:

Ref ID: H/1993/0152

Proposal: MANUFACTURING BUILDING FOR EXPANSION OF EXISTING JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0732/F

Proposal: Extension To Joinery Works.

Address: 100 Coleraine Road, Maghera.

Decision:

Decision Date: 11.10.2001

Ref ID: H/1994/0165

Proposal: EXPANSION OF JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2010/0292/O

Proposal: Proposed Joinery Workshop expansion including Stores and Offices

Address: 100 Coleraine Road, Tamnymullan, Maghera

Decision:

Decision Date: 17.08.2011

Ref ID: H/1998/0389

Proposal: SITE OF INDUSTRIAL DEVELOPMENT OF 8 - 10 UNITS FOR LIGHT INDUSTRIAL USE FOR LOCAL COMMUNITY

Address: ADJACENT TO 100 COLERAINE ROAD, MAGHERA

Decision:

Decision Date: 05.03.2001

Ref ID: H/1998/0172

Proposal: INDUSTRIAL UNITS

Address: ADJACENT TO 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2003/0642/RM

Proposal: 8 No. Light Industrial Units for local community.

Address: Adjacent to 100 Coleraine Road, Maghera.

Decision:

Decision Date: 21.07.2005

Ref ID: H/1977/0140

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: TAMNYMULLAN, MAGHERA

Decision:

Decision Date:

Ref ID: H/1975/0281

Proposal: SITE OF DWELLING

Address: TAMNEYMULLAN, MAGHERA - A29

Decision:

Decision Date:

Ref ID: H/2011/0559/F

Proposal: Proposed joinery workshop expansion including stores - The proposed expansion of the existing joinery workshop is in part substitution for the temporary (unauthorised) storage sheds (Amended Plans Received).

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 25.06.2012

Ref ID: H/1994/0526

Proposal: UNDERGROUND PUMPING STATION AND KIOSK

Address: COLERAINE ROAD MAGHERA

Decision:

Decision Date: 20.02.1995

Ref ID: H/1983/0018  
Proposal: SITE OF HOUSE AND GARAGE  
Address: BALLYSCULLION ROAD, BELLAGHY  
Decision:  
Decision Date:

Ref ID: H/1973/0039  
Proposal: SITE OF DWELLING  
Address: TAMNYMULLAN, MAGHERA, COUNTY DERRY  
Decision:  
Decision Date:

Ref ID: H/1984/0387  
Proposal: HORTICULTURE STORE  
Address: MONEYSCHARVIN ROAD, MAGHERA  
Decision:  
Decision Date:

Ref ID: H/1983/0459  
Proposal: HORTICULTURE SHOP  
Address: BESIDE 151 MONEYSHARMIN ROAD, MAGHERA  
Decision:  
Decision Date:

Ref ID: H/1980/0289  
Proposal: BUNGALOW WITH GARAGE  
Address: MONEYSCHARVIN ROAD, MAGHERA  
Decision:  
Decision Date:

Ref ID: H/1989/0041  
Proposal: GARAGE/STORE  
Address: 151 MONEYSCHARVIN ROAD MONEYMORE  
Decision:  
Decision Date:

Ref ID: H/2011/0336/F  
Proposal: Erection of dwelling and garage  
Address: 151 Moneysharvan Road, Maghera, BT46 5HZ,  
Decision: PG  
Decision Date: 08.10.2012

Ref ID: H/1991/6129  
Proposal: ORNAMENTAL GARDENS MAGHERA  
Address: MAGHERA  
Decision:  
Decision Date:

Ref ID: LA09/2015/1076/F  
Proposal: Proposed 2No. Greenhouses in association with an established business  
Address: 32m N.W. of 151 Moneysharvan Road, Maghera,

<p>Decision: PG</p> <p>Decision Date: 18.01.2016</p>
<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type:</p> <p>Status: Submitted</p> <p>Drawing No. 02/3</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p> <p>Drawing No. 03/2</p> <p>Type: Cross Sections</p> <p>Status: Submitted</p> <p>Drawing No. 04</p> <p>Type: Proposed Plans</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



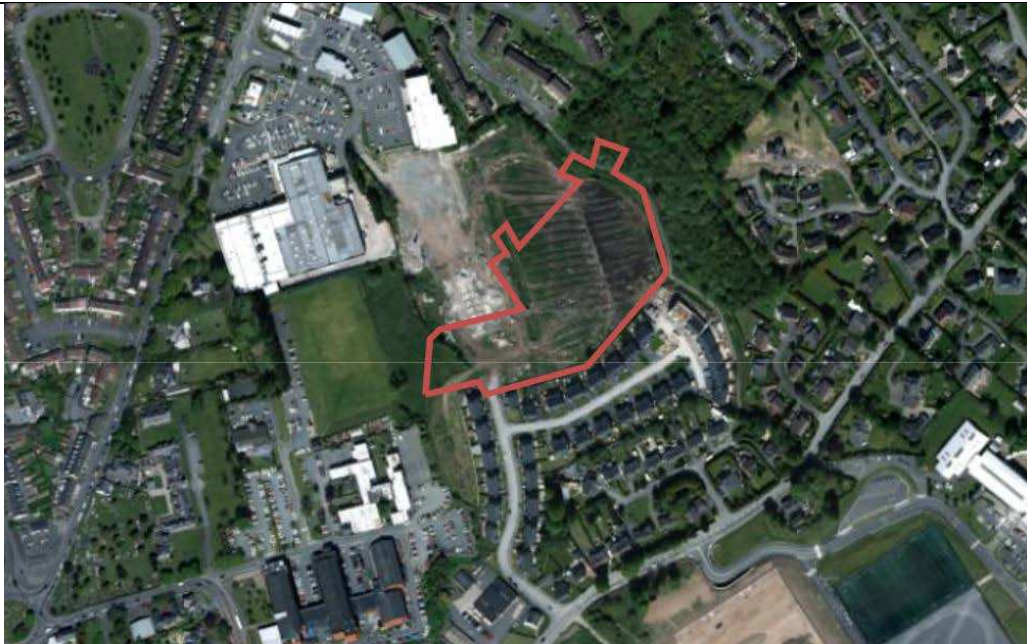
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0122/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed housing development consisting of 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works (revised scheme)	<b>Location:</b> Lands located between Killymeal Grange and Dunlea Vale (Former Oaks Park Stadium) Dungannon Co Tyrone
<b>Referral Route: Refusal</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Landmark Homes (NI) Ltd 1 Lisgobbin Road Dungannon BT71 7PT	<b>Agent Name and Address:</b> J . Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> The proposal is contrary to PPS3 in that the agent has failed to provide a right hand turning lane and this will result in road safety issues.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### 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

#### Description of proposal

This is a full planning application for 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works at the former Dungannon Greyhound Stadium, Oaks Park. The stadium and all buildings relating to the same have no been removed from the site and there is no reference on the ground to the former use of the site.

#### Characteristics of Site and Area

This site is located to the rear of Killymeal Grange, a residential cul-de-sac, with proposed access through this residential development and onto Killymeal Road. At the time of my site visit the site seemed to have been fairly recently cleared for development, and it seemed that some drainage works and culverting had taken place. Fill had been brought onto the site to raise current ground levels, however it was not clear what previous levels within the site were, or where the fill has originated from. The fill had the appearance of inert building waste, stone, soil and earth.

Some vegetation remained along the northern boundary of the wider site, however, most trees and shrubs within this site had been removed.

There is a local woodland and community recreation space located to the east of the site, with the Oaks Centre, a large scale shopping, entertainment, food and commercial centre located to

the north west. To the SW is the South West College, Dungannon Primary School, Dungannon Council Offices, and Dungannon Leisure Centre.

### **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.

#### **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.

The Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose and is marked as white land in the area plan. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria.

#### **Relevant Planning Policy**

SPPS Strategic Planning Policy Statement  
 PPS7 Quality Residential Environments  
 PPS8 Open Space, Sport and Outdoor Recreation  
 PPS15 Planning and Flood Risk (revised) 2015  
 PPS6 Planning, Archaeology and the Built Heritage  
 PPS3 Access, Movement and Parking  
 PPS2 Natural Heritage

#### **Design Guide Creating Places**

#### **Planning History**

M/2005/1356/O- Provision of mixed residential development of 120 dwellings and realignment of existing road, at Dungannon (Oaks Park) Stadium, Oaks Road, Dungannon. Permission was granted 14/10/2011.

#### **Representations**

No 3rd party objections or letters of support have been received on this application.

#### **Recommendation**

The Strategic Planning Policy Statement provides no change in direction or clarification in relation to policies relevant to this application, which I have listed above.

In 2011 the principle of 120 dwellings was found to be acceptable on the site of the former greyhound track in Dungannon, which this subject site forms the southern portion. At the time of this decision the Dungannon and South and South Tyrone Area Plan 2010, PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation were in place and these policy provisions have not changed, nor does the SPPS provide a change in policy direction. PPS15 Planning and Flood Risk (revised) was introduced in September 2015 and is therefore a new policy consideration that has to be considered as part of this assessment.



This subject application is for 34 dwelling units. Drawing No. 02 submitted along with this application shows a wider proposed conceptual layout for the site, indicating a total of 81 dwellings. This is a substantial decrease of the 120 units that were granted in principle under the 2005 application.

In terms of the proposed layout, I find the proposal to be in keeping with the policy criteria of QD1 of PPS7. The density is reflective of what has been granted recently in the surrounding area, and is reflective of what currently exists in the area, and is much less to what was granted under the 2005 application in a similar policy context. The proposed dwellings are of a design acceptable for the site and surrounding area. The height, scale, massing, plot sizes, garden sizes and finishes of the buildings and ancillary works are reflective of the area and are acceptable. There is sufficient parking, private amenity space, means of access, landscaping and infrastructure to deal with waste water and storm water and no consultees have raised objections on these issues. Proposed levels within the site are acceptable and there will be no issues of overlooking, overshadowing or over dominance of neighbouring property. NIEA have raised some concern over the loss of trees on this site. However, at the time of my site visit there was no evidence of any trees on this site as the site had been cleared. Some boundary trees to the north have been retained, with everything else removed. The site does not benefit from a Tree Protection Order and there was none in place at this time of this application. Given that there is a large local woodland and openspace area designated to the east of the site I find this to be an acceptable compensation for any trees lost. From previous orthos of the site it is unclear as to the exact quality of these trees and benefit of this area to wider biodiversity in the area. The proposal also provides communal open space and compensatory tree planting which is shown on drawing No. 12 rev1 date received 05/10/2021. I find this to be acceptable in the wider context of this particular site and environment and do not require any further information from the agent in this regard as suggested by NIEA. There were no natural or historic conservation interests identified on my site visit, and none are known at this site at present, and no consultees have identified any at this time.

In terms of developing housing on an area of open space, this was visited under the previous permission M/2005/1356/O. PPS8 was in existence at this time and the principle of 120 dwellings were found to be acceptable. I do not intend to revisit under this assessment under this consideration.

PPS15 Planning and Flood Risk has been introduced from the original permission. The agent has provided a Drainage Assessment and Rivers Agency now agree with the principle of this assessment in that it is not within a flood plain and will not cause flooding or drainage problems elsewhere. Rivers Agency did however highlight to the Planning Department of Mid Ulster that an open watercourse through the site had been culverted. Policy FLD4 allows for the culverting of a watercourse where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof, or, where it can be 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 support of the culverting of this site, the engineer employed by the applicant suggested that to leave the watercourse running through the site would mean that over 50% of the land would not be able to be developed. This solution was sent to Rivers Agency for comment who raised no objections with the solution. On discussion with senior colleagues it was considered acceptable in this case given the wider social and economic benefits from additional housing on this centrally located urban land within Dungannon.

DfI Roads have objected to this proposal in terms of PPS3 Access, Movement and Parking. As the proposal will result in over 50 or more dwellings turning onto the public road network then it is advised that a right hand turning lane is required. DfI Roads acknowledge the information provided by the agent's road engineers however, without a right hand turning lane recommend that the proposal is refused for the following reasons;

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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

2.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

DfI Roads are Council's statutory consultee when it comes to road safety issues. At this time I advise Members that the proposal should be refused for the road safety reasons stated.

#### Other Consideration

Some land contamination issues were raised by NIEA and SES on this site. These have been addressed by the agent and NIEA have no concerns subject to planning conditions should permission be granted.

SES have yet to complete a HRA on this site as it has not been demonstrated that the proposal will not have a detrimental impact on European Protected Sites at this time. SES require comment from NIEA on a recently submitted CEMP and depending on NIEA's response will determine if SES can complete their HRA or not. The HRA will have to be completed prior to any decision being reached.

Environmental Health do not raise any objections to this proposal in terms of detrimental impacts to residential amenity or human health subject to conditions in relation to land contamination and the temporary sewage treatment plant that is proposal.

No consultees have specifically raised any significant environmental impacts at this time, so a negative EIA screening has been completed.

In light of the above considerations, I recommend that planning permission is refused for the reasons stated.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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#### Summary of Recommendation:

That planning permission is refused for the following reasons;

#### Refusal Reasons

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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

2.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th January 2020
<b>Date First Advertised</b>	11th February 2020
<b>Date Last Advertised</b>	20th July 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 22 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 24 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 26 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 28 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 30 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 32 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 34 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 36 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 38 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 40 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 42 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 46 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 48 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 50 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 52 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 58 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, Dungannon Primary School Circular Road Dungannon	
<b>Date of Last Neighbour Notification</b>	6th July 2021
<b>ES Requested</b>	No



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1286/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of house type from previously approved application no I/2007/0350/F	<b>Location:</b> Approx 36m North of 127 Drum Road Cookstown
<b>Referral Route:</b>  Approval to Committee - Objections received	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> KE Holdings 79 Tulnacross Road Cookstown BT80 9NP	<b>Agent Name and Address:</b> CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary: Approve</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Approval – To Committee – Objections received

### Characteristics of the Site and Area

The majority of the site is located within the development limits of Cookstown within undesignated white land, with a small portion of the site extending in the countryside as defined in the Cookstown Area Plan 2010. I note that the red line covers an existing access that serves one other property leading to an undeveloped piece of land. I note that the immediately north and west of the site is agricultural land with to the south and east is all residential development.

#### Relevant planning history

I/2007/0350/F - Retention of access and 1 no. dwelling & construction of 1No. dwelling - Adjacent to 127 Drum Road, Cookstown - Permission Granted - 13.08.2008

#### Representations

There were eight neighbour notification letters sent out however there three objections received.

## Description of Proposal

This is a proposed full application for a proposed change of house type from previously approved application no I/2007/0350/F, the site is located Approx 36m North of 127 Drum Road, Cookstown. I note that principle of development has already been established under I/2007/0350/F however the application will still be considered under PPS 7 respectively.

## 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:-

Upon review of the proposed development and its wider setting I am content that the development would be able to successfully respect the surrounding context and that site is acceptable in of layout, scale, proportions, massing and appearance of buildings structures and landscaped and hard surface areas.

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:-

I note that there are no archaeological and built heritage, and landscape features in the immediate vicinity so there is no conflict with this part of the policy.

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:-

First I note that a development this size does not require public open space. As noted that part of the site extends into the countryside to facilitate additional garden space, from such I am content that sufficient private amenity space has been provided. I note that during the site visit that site has already extended into the small portion of the countryside given the awkward way the development limits have been drawn. This appears to have squared off the site and has been done for some time. As such I am content that it does not affect the character of the area.

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 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 there is sufficient provision made for parking as per the site plan submitted, in addition there is an attached garage to the dwelling to add to the parking provision.

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

I note that the design is quite simple in form, materials and detailing, given this I am content that the design is acceptable.

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:-

I note that the application was initially for two semi-detached dwellings which I was of the opinion was unacceptable as it did not reflect the surrounding area and was seen as over-development. The reduction down to just one dwelling again is more in line with the character of the area. Taking this into consideration I am content that the dwelling is designed in such a way that it is unlikely to result in adverse impacts on neighbouring amenity by way of overlooking, loss of light, overshadowing, noise or other disturbance.

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 limited public interest due to its sympathetic siting, wherein it will be read as part of the area.

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

DFI Roads were consulted in relation to the amended scheme, in their final response confirmed that they had no objections to the application.

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.

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

I note that throughout the planning process there were two objections received, in response to the comments made by the objector are as follows. Initially the objector raised concerns over the continued use of his number (127) and over the years has lost post after 127b was built. Made note that there is no 127a but yet they were sent a neighbour notification was sent them and not him. I note that this was rectified and I am confirm that the relevant properties were notified.

In a second comment the objector raised concerns that the boundary that they are looking planning for is cutting across my property and also cuts into the greenbelt. The sight lines are not adequate for accessing the extremely busy Drum Road, I have spoken to the road service and they are not satisfied the sight lines for this development, The development is 9 metres from my boundary. It is a very small area and I feel building a semi-detached property here will hinder my access I have to the rear of my property.

A third objection was received to state that the objector wanted to ensure that 127 Drum Rd have a Right of way at all times and for all purposes from the A505 to the rear of 127 Drum Rd to the side of the existing shed that is to be demolished. The red boundary line on the map appears to be tapering in to the right corner of my front garden.

To answer each of these points, I note that it does not appear that application cuts over any lands owned by the objector but any dispute over ownership is a civil matter. The issue that site cuts into the 'greenbelt' now more commonly known as the countryside, this issue has been addressed in my report and it is considered de-minimis and reads as part of the development limits as a whole. In terms of the comments over the access and splays I note that DFI Roads were consulted and confirmed that that they had no objections to the proposal, as such I am content that the access is considered compliant under PPS 3. I agree with the comments that the semi-detached dwellings initially applied were inappropriate, this has been amended and it is back to just one dwelling which in my opinion is unlikely to cause any adverse impact on neighbouring amenity. Finally, it has been confirmed by the agent that the proposed application will not affect the objectors Right of Way, and if he does it would be a civil matter between the two parties. In terms of the red line tapering to the right corner of the objectors land, the agent responded to note that the red line boundary follows the boundary line on the OS map. The line shown east of this is a 3d wall line showing up on the plan that we have drawn to represent a fence on presentation images. I have now removed this line. From such I am content that the objectors land should not be impacted and as already noted any dispute over ownership is a civil matter.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation:</b>
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Approval
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<b>Conditions</b>
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1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
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Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 03rd November 2021 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the surrounding context.

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

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

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 03rd November 2021 prior to the commencement of any other development hereby permitted.

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

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th October 2020
<b>Date First Advertised</b>	27th October 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Drumlea Park, Cookstown, Tyrone, BT80 9JU The Owner/Occupier, 10 Drumlea Park Cookstown Tyrone The Owner/Occupier, 125 Drum Road Cookstown Tyrone Francis Quinn 127 Drum Road Cookstown Tyrone The Owner/Occupier, 127A Drum Road, Cookstown, BT80 9DN The Owner/Occupier, 127b ,Drum Road, Cookstown, Tyrone, BT80 9DN The Owner/Occupier, 2 Drumlea Park, Cookstown, Tyrone, BT80 9JU The Owner/Occupier, 8 Drumlea Park Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	1st December 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/1286/F Proposal: Proposed change of house type from detached dwelling to 2no. semi detached dwellings from previously approved application no I/2007/0350/F Address: Approx 36m North of 127 Drum Road, Cookstown, Decision: Decision Date:  Ref ID: I/1975/0309 Proposal: SITE FOR NEW V1 AND DT CENTRE Address: COOKSTOWN Decision: Decision Date:  Ref ID: I/2003/0678/F	

Proposal: Extension to dwelling  
 Address: 125 Drum Road Derryloran Kirktown Cookstown  
 Decision:  
 Decision Date: 28.10.2003

Ref ID: I/1994/6141  
 Proposal: Proposed site for dwelling Blackhill Cookstown  
 Address: Blackhill Cookstown  
 Decision:  
 Decision Date:

Ref ID: I/1988/0296  
 Proposal: PRIVATE HOUSING DEVELOPMENT  
 Address: DRUM ROAD, COOKSTOWN  
 Decision:  
 Decision Date:

Ref ID: I/2002/0642/F  
 Proposal: Two Dwellings and Domestic Garages (RE-ADVERTISEMENT)  
 Address: Adjacent to 127 Drum Road, Cookstown  
 Decision:  
 Decision Date: 03.02.2004

Ref ID: I/2010/0142/F  
 Proposal: Proposed change of house type from detached dwelling to 2 no semi-detached dwellings from previously approved application no I/2007/350/F  
 Address: Approx 36m north of 127 Drum Road Cookstown  
 Decision:  
 Decision Date: 09.11.2010

Ref ID: I/2007/0350/F  
 Proposal: Retention of access and 1 no. dwelling & construction of 1No. dwelling  
 Address: Adjacent to 127 Drum Road, Cookstown  
 Decision:  
 Decision Date: 13.08.2008

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

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

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1499/F	<b>Target Date:</b>
<b>Proposal:</b> Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site	<b>Location:</b> 56 Pomeroy Road Tanderagee Road Pomeroy
<b>Referral Route:</b>  Applicant is Mid Ulster District Council	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mid Ulster District Council Burn Road Cookstown	<b>Agent Name and Address:</b> Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## 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
Statutory	Historic Environment Division (HED)	No Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Forestry Division	No Objection
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	DAERA - Forestry Division	
Non Statutory	NIEA	Substantive Response Received

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>  No issues	
<b>Characteristics of the Site and Area</b>  The site is located within the open countryside, located north east of the settlement limits of Pomeroy as per the Cookstown Area Plan. The red line of the application extends from the existing entrance at the Tanderagee Road with a private road leading to the proposed siting of the building. The site is currently a construction site where the previous Forestry School was situated and has since been previously demolished. The site is rural in nature being located within an existing forest park. There are two dwellings located within close proximity with No. 50 to the south and No.52 to the west, which share the same access. There is another vacant building located to the north, with an existing car park to the rear of this.	
<b>Description of Proposal</b>  This is a full planning application for the following: "Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site."	
<b>Site History</b> LA09/2017/0409/O- Demolition and clearance of existing abandoned forestry school and replace with new forestry Building. 56 Pomeroy Road, Tanderagee Road, Pomeroy. Permission Granted 05.07.2017.	
<b>Planning Assessment of Policy and Other Material Considerations</b>  Cookstown Area Plan 2010 Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2- Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6- Planning, Archaeology and the built heritage PPS 21 Sustainable Development in the Countryside  The application is for the replacement of existing Forestry college building, The site is located in the open countryside as defined by the Cookstown Area Plan 2010. There are a range of types of development which in principle are considered to be acceptable in the countryside. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.  The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been	



adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Policy 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 forestry enterprise.*

The outline planning approval granted in 2017 related to the demolition and clearance of the existing building and replacing it with one for the similar use. It was agreed within the granting of that approval that the principle of development was acceptable and I am content this is still the case. As part of this planning application, Forest Service were consulted and they confirmed that Pomeroy Forest is managed by Forest Service and they offer no objection to the proposed development.

*(b) In terms of character and scale it is appropriate for its location.*

I am content the proposal is appropriate for its location, with a modest scale with a maximum ridge height for 7.8m. The new building is sympathetic in scale and will allow it to become a focal point within the existing forest development.

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

I am content the building will visually integrate into the local landscape given it is located within an existing forest.

*(d) It will not have an adverse impact on the natural or built heritage.*

Consultations were issued to HED who were content that the proposal was far enough removed from the listed building- The Alexander Vault, as to cause no reason for concern. NIEA were also consulted regarding potential impacts on natural heritage given the fact the proposal is located within a forest it has the potential to impact on wildlife. NIEA requested additional information in terms of surveys to satisfy that any impacts could be reduced and mitigated. The agent has provided further information and NED were consulted and confirmed they are content that the development is unlikely to have a significant impact on any natural heritage features worthy of protection.

*(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.*

Environmental Health were consulted regarding a number of impact assessments provided including noise impact. There are two residential dwellings located within close proximity to the proposed building. Environmental health raised some concerns regarding land contamination and following further assessment, they offered no objections subject to conditions. I am content the proposal will not result in a detrimental impact on the amenity of residential dwellings.

As this is a new building being proposed it will need to also meet the following criteria:

- *There are no suitable existing buildings on the enterprise that can be used*

At outline stage, it was agreed the building that was on site was derelict and was to be replaced. There are no other buildings available which could be used.

- *The design and materials to be used are sympathetic to the locality and adjacent buildings*

I am content that the design and materials proposed which are to be vertical timber cladding battens and dark grey metal cladding will be sympathetic to the locality and buildings nearby.

- *The proposal is sited beside existing forestry buildings*

There is an existing building located beside the proposal, to the north. I am content the proposal complies with the policy criteria contained within Policy CTY 12.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The principle of development was deemed acceptable at the outline stage with the design of the proposal to be assessed now that full design details have been submitted. I am content the building will not be a prominent feature in the landscape and the location for the proposal is acceptable being located within an existing forest park. The design of the building is appropriate with a ridge height of 7.9m; it is of an acceptable scale. The proposed finishes of high quality with timber cladding and dark grey metal cladding which is acceptable given its rural location. I am content that the proposal complies with policy CTY 13 of PPS 21.

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 proposal will not cause a detrimental change to or erode the character of the area given the building is for the replacement of a previously established forestry building.

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

DfI Roads were consulted as part of this planning application who requested a Traffic Assessment Form (TAF) to be submitted. This was received and DfI Roads were re-consulted and were content that parking and access has been considered and facilitated for therefore, offered no objection subject to conditions.

#### **Other Material Considerations**

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

Neighbour Notification Checked	Yes/No
<b>Summary of Recommendation:</b>  Approval subject to conditions	
<b>Conditions</b>  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 visibility splays of 4.5 metres by 90 metres at the junction of the forest access road with the public road (at Tandragee Road / Slate Quarry Junction) shall be provided 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.

3. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No(s) 06 and 07 bearing date stamp 17 November 2020 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that provision has been made for parking, servicing and traffic circulation within the site.

4. In the event that previously unknown contamination is discovered falling outside the scheme of the approved revised remediation scheme, development on the site shall cease pending submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by Planners in consultation with Mid Ulster District Council's planning department and the Northern Ireland Environment Agency. Development works shall not resume until the approved written report has been fully implemented to the satisfaction of Planners in consultation with Mid Ulster District Council Planning Department and the Northern Ireland Environment Agency.

Reason: To protect the human health of future site users.

5. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.

6. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and Mid Ulster District Council's Planning Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. After completing any remediation works required, and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Councils Planning Department. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

**Informative**

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 Planning Authority or other statutory authority.
4. The applicant is advised to refer to the detailed consultations responses from DfI Roads, DAERA - Forestry Division and NIEA that have provided informatives.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th November 2020
<b>Date First Advertised</b>	8th December 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 52 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, 54 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, 56 Tanderagee Road,Pomeroy,Tyrone,BT70 3HS The Owner/Occupier, 58 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, Archada 50 Tanderagee Road Pomeroy	
<b>Date of Last Neighbour Notification</b>	11th December 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0409/O Proposal: Demolition and clearance of existing abandoned forestry school and replace with new forestry Building Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: PG Decision Date: 06.07.2017  Ref ID: LA09/2020/1499/F Proposal: Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: Decision Date:	

Ref ID: LA09/2016/1266/F

Proposal: Redevelopment of existing maintenance yard to a public car park, extension to an existing footpath and the introduction of passing bays along the existing access/laneway

Address: Pomeroy Forest, Tanderagee Road, Pomeroy,

Decision: PG

Decision Date: 09.02.2017

Ref ID: I/2006/1153/Q

Proposal: Future Development of Site

Address: Pomeroy Forestry School

Decision:

Decision Date:

Ref ID: I/1979/0182

Proposal: EXTENSIONS AND ALTERATIONS TO FORESTRY SCHOOL

Address: POMEROY

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Drawing No. 02  
Type: Site Location Plan  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Plans  
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. 10  
Type: Proposed Plans  
Status: Submitted

Drawing No. 11  
Type: Proposed Plans  
Status: Submitted

Drawing No. 12  
Type: Proposed Plans  
Status: Submitted

Drawing No. 13  
Type: Proposed Plans

Status: Submitted

Drawing No. 14  
Type: Proposed Plans  
Status: Submitted

Drawing No. 15  
Type: Proposed Plans  
Status: Submitted

Drawing No. 16  
Type: Proposed Plans  
Status: Submitted

Drawing No. 17  
Type: Proposed Plans  
Status: Submitted

Drawing No. 18  
Type: Proposed Plans  
Status: Submitted

Drawing No. 19  
Type: Proposed Plans  
Status: Submitted

Drawing No. 20  
Type: Proposed Plans  
Status: Submitted

Drawing No. 21  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





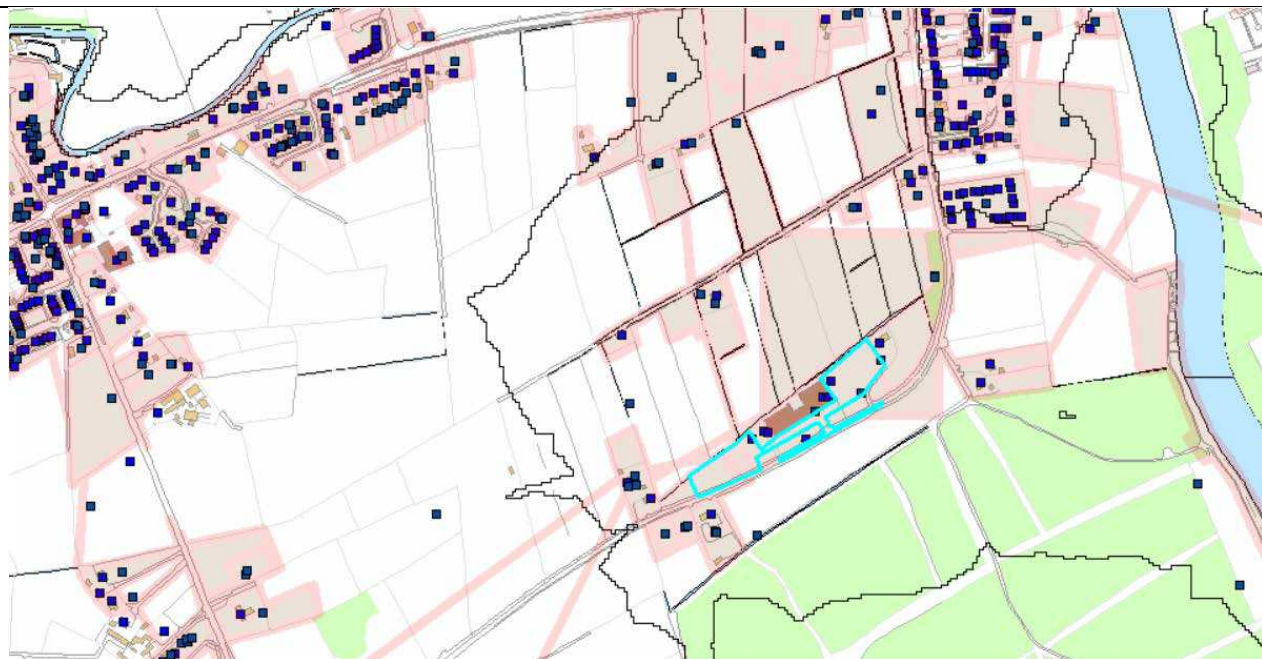
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1519/F	Target Date:
<b>Proposal:</b> Proposed storage & distribution centre for finished electrical products (Amended plans received)	<b>Location:</b> 23 Ballymacombs Road Portglenone.
<b>Referral Route:</b>  This application is being presented to Committee as it has attracted a letter of objection.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mechanical & Electrical Fixings Ltd 10 Dryden Road Edinburgh Loanhead EH20 9LZ	<b>Agent Name and Address:</b> CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

## 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 representation has been received in relation to this proposal and relates to the following issues:-  The business enterprise has extended over a number of years and sought approval retrospectively;  It is not an offence to seek retrospective approval and any such application is assessed as if the development does not yet exist on site.  The nature of the site has changed from one business to storage and distribution, resulting in negative impact on the rural environment in terms of visual amenity, scale of the development site, security lighting HGV entering and existing and using rural roads;  Whilst I would agree that the nature of the site has changed over time, especially since the approvals were granted following the planning appeal ref H/2010/0426/F, the proposed development will do little to further erode the rural character of this area.  The site has reached its limits in this rural location;  The overall site extends to the boundary with No. 25 Ballymacombs Road, however, the proposed site stops 60m short of that common boundary and therefore there is still that 60m wedge left undeveloped.  Adverse impact on residential amenity by way of visual, noise and general disturbance whilst no mitigation measures could reverse this;  Environmental Health Department requested a noise impact assessment which was duly submitted in addition to an amended site plan showing the location of buffer planting along with an acoustic fence to safeguard the amenity of the neighbouring dwelling. EHD accepted these amendments and advised that the proposal is acceptable subject to the suggested condition.  It was the objectors understanding that no further development could proceed in the foreseeable future, that the site was filled in for drainage purposes only with permission sought retrospectively;  The objectors understanding on the future potential of the site is not a planning matter.  Adverse impact on neighbours health from pollution;  As advised above, EHD did not raise any issues of concern regarding the potential health implications from the proposed development.</p>
<p>Characteristics of the Site and Area</p> <p>The site is set to the western side of an existing storage and distribution centre which has a number of large units all fronting onto the Ballymacombs Road and enclosed by security fencing. At present there are a number of units which are all adjacent to each other and all are accessed via a large gated entrance leading to a concrete yard which provides for parking, turning, loading and off-loading. The proposed site has been substantially infilled, bringing it up to the same ground level as the existing units and slightly below road level.  At present the existing buildings are occupied by non agricultural uses. Some of the units are occupied by the following:-  Doherty Woodshavings  Kindercraft  McAtamneys Butchers  McAleese Fruit &amp; Veg store  McAtamneys Food Factory  Donnelly's Potato store with office at front</p>
<p>Description of Proposal</p> <p>Proposed storage &amp; distribution centre for finished electrical products.</p>

## Planning Assessment of Policy and Other Material Considerations

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

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

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances 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 criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition: A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore the overarching criteria for considering industrial development in the countryside is PPS 4 Policy PED 2 - Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED 3 and PED 9 General Criteria for Economic Development.

Policy PED 3 - Expansion of an Established Economic Development Use in the Countryside advises that such a proposal will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area. While new buildings may be approved provided they are in proportion to the existing buildings and will integrate as part of the overall development, in all cases measures to aid integration into the landscape will be required for both the extension and the existing site.

In considering the proposal it is critical to consider the planning history of this site. H/2010/0426/F proposed to extend the existing site to the south west with two additional units running side by side and adjacent to the existing sheds. That proposal was found to be unacceptable and was refused as the proposal was contrary to Policies PED 3 of PPS 4, CTY 1, 13 & 14 of PPS 21. The subsequent appeal was also dismissed with the PAC upholding all three refusal reasons.

A subsequent planning application (LA09/2015/0549/F) was presented to Committee with a recommendation to refuse as it was considered to be contrary to planning policy as per the aforementioned planning appeal. However, Committee took the decision to approve that application and subsequent applications (LA09/2017/0572/F and LA09/2018/1209/F) which extend the build form further in a south westerly direction. This proposed development will extend that built form further again towards the south west, to a point where the site is around 60m from the nearest third party dwelling at No.25 Ballymacombs Road.

<p>PED 9 General Criteria for Economic Development states that a proposal, in addition to other policy provisions of this PPS, will be required to meet all of the stated criteria (a-m)</p> <p>The development is considered to be compatible with the surrounding land uses;</p> <p>It is my opinion that the proposed development will not harm residential amenity and EHD have not raised any issues regarding this.</p> <p>There are no features of natural or built heritage on the site which could be detrimentally affected.</p> <p>DfI Rivers considered the Drainage Assessment and did not raise any issues of concern relating to flooding or flood risk.</p> <p>As detailed above, EHD did not raise any issues regarding noise nuisance.</p> <p>As the proposed site is to be used for storage and distribution, there will be no emissions or effluent discharged.</p> <p>DfI Roads did not raise any issues relating to extra vehicular movements.</p> <p>The proposed development will utilise the existing access into the overall site which is deemed to be satisfactory.</p> <p>As the site is located within a rural area, it is not practicable to achieve a movement pattern which fully supports walking, however the site is located approximately 0.5miles from Portglenone on the A54.</p> <p>The site layout, building design associated infrastructure and landscaping arrangements are all acceptable.</p> <p>The proposed development includes additional buffer planting along the south western boundary in addition to a hedgerow and acoustic fence along the site frontage which will help screen the site.</p> <p>The site is secured by a 2.4m high security fence.</p> <p>The building will be viewed in association with the existing buildings and will achieve an acceptable degree of integration which will be aided by the proposed planting.</p> <p>PPS 21 - Policy CTY 13 Integration and Design of buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Given that the site has been extended to the present extent, the proposed building will not have any more detrimental impact on visual amenity than what presently exists. Therefore I do not feel that the proposal is contrary to this policy.</p> <p>PPS 21 - Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. The proposed development is considered to be unacceptable, as like the aforementioned appeal the proposal is considered to extend the complex in a linear fashion into an area which provides a visual break in development along the Ballymacombs Road. The scale of the extension of development into the visual break is such that it would harm and erode the rural character of the local area. However, although the proposal offends this policy, given that approval has been granted for three separate buildings to this end of the existing commercial yard since the aforementioned planning appeal, all of which extend the built form in a further south westerly direction, Committee may be of the opinion that there is little to be gained by resisting this proposal.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>On consideration of the above, it is my opinion that whilst the proposal is contrary to Policy CTY 14, in that it would extend the ribbon of development along this stretch of the Ballymacombs Road, Committee may consider this to be an exception to policy and consider granting approval for the reasons stated below:-</p>	

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 premises hereby approved shall be used only for Use Class B4: Storage and Distribution, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

3. All proposed planting as indicated on the stamped approved drawing no. 02/1 date stamped 20th August 2021 shall be undertaken during the first available planting season following the building hereby approved becoming operational.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

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

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

5. No operations in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/1 bearing date stamp 20th August 2021. to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6. Prior to the commencement of the development hereby approved, an acoustic barrier shall be constructed of closed board timber as annotated on Drawing No. 02/1, date stamped 20th August 2021. The barrier shall be permanently retained and maintained.

Reason: To protect residential amenity.

7. The building hereby permitted shall only be used for storage purposes. No manufacturing activities shall take place within the buildings permitted by this permission.

Reason: To protect residential amenity.

8. No storage or processing operations shall take place outside the building permitted by this permission.

Reason: To protect residential amenity.

9. All attenuation, construction methods and recommendations in the noise impact report stamped received 7th June 2021 and entitled 'Grainger Acoustic Report' shall be instigated, prior to the development hereby approved becoming operational, to prevent the transmission of noise to nearby dwellings.

Reason: To protect residential amenity.

10. Acoustic strip curtains provided in accordance with the recommendation of the noise impact assessment shall be maintained in good condition so as to provide a level of attenuation commensurate with the noise impact assessment.

Reason: To protect residential amenity.

11. All doors to the buildings permitted by this permission shall be kept closed except when opening is necessary to facilitate deliveries or movement of materials / vehicles/ personnel into or out of the building.

Reason: To protect residential amenity.

12. Hours of opening shall be restricted to Mon- Fri 07:00 - 19:00 hours, Saturday 08:00 - 13:00 and at no times on Sunday. Outside of these times, the premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site.

Reason: To protect residential amenity.

13. All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: To protect residential amenity.

14. Within 4 weeks of a written request by Mid Ulster District Council, following a reasonable noise complaint, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainant's property following the procedures described in BS4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing .

Reason: To protect residential amenity.

15. If any report submitted as per Condition 14, indicates that noise levels exceed the levels as predicted within the acoustic report stamped received 7th June 2021 activity shall cease on site until measures have been put in place to reduce the noise level to no greater than those as predicted .

Reason: To protect residential amenity.

Signature(s)

Date:

Date Valid	30th November 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23a Ballymacombs Road Portglenone The Owner/Occupier, 25 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, 28 Ballymacombs Road Portglenone Londonderry Roy Turtle Email Address	
Date of Last Neighbour Notification	22nd November 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: LA09/2020/1519/F Proposal: Proposed storage & distribution centre for finished electrical products. Address: 23 Ballymacombs Road, Portglenone., Decision: Decision Date:  Ref ID: LA09/2018/1375/F Proposal: Retention of inert material deposited on agricultural land for the purposes of improved drainage Address: Approx 120m West of 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 13.08.2019  Ref ID: LA09/2018/1209/F Proposal: Extension to existing Kindercraft business to provide storage for raw materials, packaging and finished products Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 13.08.2019  Ref ID: LA09/2016/1755/F Proposal:	



Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 08.11.2017

Ref ID: LA09/2017/0572/F

Proposal: Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 14.11.2017

Ref ID: H/2015/0033/LDP

Proposal: Erection of farm shed utilising existing access.

Address: 23 Ballymacombs Road Portglenone,

Decision: PR

Decision Date:

Ref ID: H/1987/0024

Proposal: ALTS AND ADDS TO HOUSE

Address: 10 BOYNE ROW CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1975/0001

Proposal: SITE OF REBUILDING OF FIRE DAMAGED LICENSED PREMISES

Address: CLADY, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2013/0149/F

Proposal: Amendment to planting scheme approved under previous application

H/2012/0168/F

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 15.04.2014

Ref ID: H/2012/0318/F

Proposal: 11KV Overhead Powerline

Address: 180m NNE of 23A Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 16.10.2012

Ref ID: H/2013/0272/F

Proposal: Construction of a carpark in connection with an established business

Address: 60m South West of 23 Ballymacombs Road,Portglenone,

Decision: PR

Decision Date: 15.05.2014

Ref ID: H/2012/0168/F

Proposal: One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments  
Address: 23 Ballymacombs Road, Portglenone,  
Decision: PG  
Decision Date: 22.10.2012

Ref ID: LA09/2015/0549/F  
Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F  
Address: 23 Ballymacombs Road, Portglenone,  
Decision: PG  
Decision Date: 20.04.2017

Ref ID: H/2008/0494/F  
Proposal: Retention of hardcore area used for turning area, parking and storage area to existing industrial units  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 28.05.2009

Ref ID: H/2010/0426/F  
Proposal: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date: 15.03.2011

Ref ID: H/2006/0458/F  
Proposal: Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning  
Address: 23 Ballymacombs Road, Portglenone  
Decision:  
Decision Date:

Ref ID: H/2003/0038/F  
Proposal: 3 No. Industrial Units (retrospective).  
Address: 23 Ballymacombs Road, Portglenone.  
Decision:  
Decision Date: 30.09.2003

Ref ID: H/2007/0120/F  
Proposal: To change the use from food storage to food processing and storage.  
Address: Unit 7, 23 Ballymacombs Road, Portglenone, Co. Antrim  
Decision:  
Decision Date: 17.05.2007

Ref ID: H/1987/0218  
Proposal: AGRICULTURAL SHED  
Address: 23 BALLYMACOMBS ROAD PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1989/0155  
 Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES  
 Address: 23 BALLYMACOMBS ROAD PORTGLENONE  
 Decision:  
 Decision Date:

Ref ID: H/1988/0296  
 Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES  
 Address: 23 BALLYMACOMBS ROAD PORTGLENONE  
 Decision:  
 Decision Date:

Ref ID: H/2004/0484/O  
 Proposal: Site of dwelling.  
 Address: Adj to 23A Ballymacombs Road, Portglenone.  
 Decision:  
 Decision Date:

Ref ID: H/1983/0181  
 Proposal: BUNGALOW AND GARAGE  
 Address: BALLYMACOMBS ROAD, PORTGLENONE  
 Decision:  
 Decision Date:

Ref ID: H/1982/0234  
 Proposal: SITE OF BUNGALOW  
 Address: BALLYMACOMBS ROAD, PORTGLENONE  
 Decision:  
 Decision Date:

#### Summary of Consultee Responses

All consultees responded positively.

#### Drawing Numbers and Title

Drawing No. 01  
 Type: Further Particulars  
 Status: Submitted

Drawing No. 02/1  
 Type: Block/Site Survey Plans  
 Status: Submitted

Drawing No. 03  
 Type:  
 Status: Submitted

Drawing No. 04  
Type: Block/Site Survey Plans  
Status: Submitted

Drawing No. 05  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0688/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel pit site, this will enable the operator to create bunds at haul roads and at ponds at the site	<b>Location:</b> 58A Knockaleery Road Magheraglass Cookstown
<b>Referral Route:</b>  Committee- Approval  The agent works for the Council	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Maurice Hamilton 47 Shivey Road Sandholes Cookstown	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Statutory	Health & Safety Executive for NI	Content
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Environmental Health Mid Ulster Council	Content
Statutory	Environmental Health Mid Ulster Council	

### 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 third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

## Characteristics of the Site and Area

The site is located at 58A Knockaleery Road, Magheraglass, Cookstown and is located outside any designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is located within an existing Gravel pit, adjacent to Magheraglass landfill site.

The surrounding area is characterised by agricultural land with dispersed dwellings and farm buildings

## Description of Proposal

Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with in gravel pit site. This will enable the operator to create bunds at haul roads and at ponds at the site.

## Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

### Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2020/1204/PAD	Sand and Gravel Pit, Knockaleery Road	Potential commercial/industry or housing.	CONSULTATION(S) ISSUED	
I/1995/0452	ADJACENT TO 60 KNOCKALEERY ROAD	Proposed sand and gravel pit	PERMISSION GRANTED	
LA09/2021/0688/F	58A Knockaleery Road, Magheraglass	Proposed importing of clay and inert material for storage	VALID APPLICATION RECEIVED	
I/2010/0371/F	Magheraglass Landfill site, 60 Knockaleery Road	Proposed 25x20m steel portal frame shed for temporary storage	APPLICATION WITHDRAWN	02.11.2010
I/2012/0020/CA	Adjacent To 60 Knockaleery Road, Magheraglass	OPERATIONAL DEVELOPMENT - Unauthorised winning of gravel	ENFORCEMENT CASE CLOSED	28.09.2016
I/2011/0041/CA	Emersons Quarry, Knockaleery Road, Magheraglass	Mineral Extraction (beyond I/1995/0452 approval)	ENFORCEMENT CASE CLOSED	27.02.2012

Regional Development Strategy 2013

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)

PPS 2 Natural Heritage

Planning Policy Statement 11- Planning & Waste Management

Planning Policy Statement 3: Access, Movement and Parking.

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.

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the

Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Cookstown Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application and the minerals policies do not contain any specific guidance for this type of application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

There is no specific planning policy that covers importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking within SPPS

PPS 2 Natural Heritage sets out policies for conservation, protection and enhancement of our natural heritage. Within the context of policy, natural heritage is defined as the diversity of our habitats, species, landscapes and earth science features.

Having regard to the above Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests within the wider environment.

Policy NH 1 relates to European and Ramsar sites. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites, has been assessed in accordance with the requirements.

The above policies do not in this case apply, as the site is not classified.

#### PPS 11 Planning and Waste Management

The above policy sets out criteria for the development of waste management facilities and includes guidance on the issues likely to be considered in the determination of this application.

Policy WM 4 relates to land improvement. The policy states that the disposal of inert waste by its disposition on land will only be permitted where it is demonstrated that it will result in an improvement and that the following criteria are met:-

It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and  
1) There is a local need for the development and it can be demonstrated that it is the BPEO;

2) Only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited;

3) Detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.

Paragraph 9.2 states that the deposition of inert waste can result in an improvement in land quality. In this case, the importing of inert material would result in land improvement as it will be used within the site to create bunds for health and safety



purposes. The proposals purpose is shown to improve access and for health and safety rather than dispose of waste materials.

The site is not within area designated for its landscape quality and the existing mature planting along the boundaries will be retained.

Environmental health were consulted on the application and responded to say that they had no objections to the proposal in principle. However, the importation of clay and inert material will involve HGV movements and the use of excavators/bulldozer equipment in the bund creation which may give rise to excessive noise at nearby residential amenity. In order to afford some protection to these residential properties Environmental Health Department request that a condition limiting the hours of use be attached.

NIEA, Water Management Unit were consulted on this application and were content with the proposal subject to conditions. 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.

NIEA Waste Regulation Unit has considered the impacts of the proposal and commented that should the proposal go ahead then a waste authorisation for the site will be required. Planning approval should not be construed that the waste authorisation will automatically also be approved. The design of the waste authorisation will be that there should be no negative environmental impacts from this proposal. Should there be any negative impacts then the authorisation will have conditions to mitigate the impacts which may include cessation of the activity causing the impacts.

SES were consulted informally and were content that no formal consultation was required. Using a grid reference from an outgoing consultation on the planning portal, the proposed site does not appear to be connected to any European site but and we note that the Statutory Nature Conservation Body (NIEA) has been consulted.

The Health and Safety Executive for Northern Ireland were consulted on the application and responded to say that they have no objection to the proposal.

DFI Roads were consulted on the proposal and had no objection. They 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.

Rivers Agency were consulted on this application and had no objection.

I am content the proposal has been assessed against relevant planning policies and all relevant material considerations and consultation replies have been considered. I am satisfied that the proposal will not have an adverse impact on the environment and it will respect the character and residential amenity of the surrounding area.

#### Conclusion

I therefore recommend that planning consent is granted subject to conditions.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> Approve subject to conditions	
<b>Conditions</b>  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. Equipment and vehicles (including HGV's entering and exiting the site) shall only be used within the approved site between the following hours: 07:00 and 19:00 Monday to Friday 07:00 and 13:00 Saturday At no time on Sundays or Bank Holidays Reason: To protect residential amenity from noise.  3. All infill material must be strictly inert Reason: To protect the environment of the site during infilling  4. A waste authorisation for the site will be required Reason : To ensure that ther is no negative environmental impacts from the proposal  <b>Informatives</b>  1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.  2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.  3. This determination relates to Planning Control only and is not to be construed as binding the Department in respect of any application required, or consent, agreement or approval obtained for or in connection with a Conservation Area Grant, an International Fund for Ireland Grant or an Urban Development Grant, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such	

applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.

4. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Commercial or Industrial Developments and Abstractions and Impoundments

5. Care will need to be taken to ensure that polluting discharges do not occur during the infilling/construction and operational phases of this development. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance paying particular attention to where further information can be found regarding oil storage (including mobile bowzers over 200 litres), the safe operation of refuelling facilities, incident response - dealing with spills, safe storage - drums and intermediate bulk containers, the use of oil separators in surface water systems.

6. The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment.

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 the water environment.

8. The applicant should also refer to DAERA Standing Advice on Discharges to the Water Environment.

9. 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.

10. 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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	5th May 2021
<b>Date First Advertised</b>	18th May 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 60 Knockaleery Road, Cookstown BT80 9EH	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/1204/PAD Proposal: Potential commercial/industry or housing. Address: Sand and Gravel Pit, Knockaleery Road, Cookstown, BT80 9EH., Decision: Decision Date:  Ref ID: I/1995/0452 Proposal: Proposed sand and gravel pit Address: ADJACENT TO 60 KNOCKALEERY ROAD MAGHERAGLASS COOKSTOWN Decision: Decision Date:  Ref ID: LA09/2021/0688/F Proposal: Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel pit site, this will enable the operator to create bunds at haul roads and at ponds at the site Address: 58A Knockaleery Road, Magheraglass, Cookstown, Decision: Decision Date:  Ref ID: I/2010/0371/F	

Proposal: Proposed 25x20m steel portal frame shed for temporary storage of organic (garden and kitchen) waste, 80m west of existing offices, works to include 2m lower deck for loading and 2no. roller doors. Colour of shed to be goose wing with black flashings.  
Address: Magheraglass Landfill site, 60 Knockaleery Road, Cookstown  
Decision:  
Decision Date: 02.11.2010

**Summary of Consultee Responses****Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Drawing No.  
Type:  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0748/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and garage in a cluster	<b>Location:</b> 70m S.W. of 55 Drumenny Road Coagh
<b>Referral Route:</b>  To Committee - Approval - Exception to Policy	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Cliona Hagan 55 Drumenny Road Coagh	<b>Agent Name and Address:</b> APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

To Committee - Approval - Exception to Policy.

### Characteristics of the Site and Area

The site is located approximately 0.7km south of the development limits of Ballinderry and it is designated to be within the open countryside as per the Cookstown Area Plan 2010. The red line covers an existing access of No 55 running to the rear of No. 55 towards the site that contains an old workshop and mix of grass and stoned area. The northern and western boundaries are defined by mature hedging and trees with the southern boundary being defined by a line of fencing. The immediate area is defined by a mix of residential and agricultural land uses, with the wider being predominately agricultural.

#### Representations

Eight Neighbour notifications were sent out however no representations received in connection with this application.

## Description of Proposal

This is an outline application for a site for dwelling and garage in a cluster, the site is identified as 70m S.W. of 55 Drumenny Road, Coagh.

## 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 201

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

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'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

With regards to the first criteria, I am content that the cluster lies outside a farm and consists of four or more buildings in that at least three of these are dwellings (Nos. 55 & 55a Drumenny Road & 64, 64a & 70 Derrycrin Road). Furthermore I am content that the cluster appears as a visual entity. Upon review of the submitted plans and what was witnessed it was unclear what focal point they were identifying to be associated with the cluster.

This was put to the agent who response who initially stated that the focal point was a horse riding business to the north of the site and stated would provide additional information of the business and how this is a focal point. However after considerable time no supporting information was submitted and after group discussions it was concluded in the absence of this it

could not confirmed as a focal point. From such even if deemed as a focal point I have doubts over the association of the proposed focal point and the cluster given the separation distance between the two. As such the application would fail under this part of the policy.

In terms of suitable degree of enclosure I am content that the site is bounded on two sides with other development within the cluster. In terms of rounding off, the site is located in the middle of the cluster so I am content that it can be absorbed easily within the cluster. Finally, I am content that an appropriately designed dwelling would not have an adverse impact on neighbouring amenity.

I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, it has been argued that it fails the infill policy as extends the ribbon of development. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

From such and after discussions with the Planning Manager it was agreed that this could be taken as an exception to policy given the level of build-up of development in the immediate vicinity and it would be in the planning benefit to redevelop this piece of land than leave it as is.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no exact design or siting details have been provided, however, I am content that an appropriately designed dwelling will not appear as visually prominent. I note that there is existing landscaping which should be retained where possible with additional landscaping added where necessary to aid integration. Therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I note that a dwelling in this location would read with the rest of the dwelling and would not adversely impact on the character of the area. I am content that a dwelling in this location is unlikely to lead to additional dwelling through infilling I am content this application is able to comply under CTY 14.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
Approval	
<p>Conditions:</p> <p>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:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>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.</p> <p>Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.</p> <p>3. The proposed dwelling shall have a ridge height of less than 6.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.</p> <p>Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.</p> <p>4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.</p> <p>Reason: In the interest of visual amenity.</p> <p>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.</p> <p>Reason: To ensure the dwelling integrates into the landform.</p> <p>6. 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.</p> <p>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.</p> <p>7. 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.</p>	

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

8. 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, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

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 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.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th May 2021
<b>Date First Advertised</b>	1st June 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 54 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 55a Drumenny Road Cookstown The Owner/Occupier, 56 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 56a ,Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 58 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 64 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ The Owner/Occupier, 64a Derrycrin Road Cookstown The Owner/Occupier, 70 Derrycrin Road Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	28th May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0748/O Proposal: Proposed site for dwelling and garage in a cluster Address: 70m S.W. of 55 Drumenny Road, Coagh, Decision: Decision Date:  Ref ID: I/1994/0072 Proposal: Dwelling Address: TO REAR OF NO 64 DERRYCRIN ROAD, COAGH, CO TYRONE. Decision: Decision Date:  Ref ID: I/2010/0444/O Proposal: Proposed dwelling and garage (under CTY2a of PPS21)	

Address: Land 30m North East of 64a Derrychrin Road, Ballinderry

Decision:

Decision Date: 11.03.2011

Ref ID: I/2009/0653/F

Proposal: Proposed temporary permission for mobile home pending the development of dwelling approved under planning application I/2009/0322

Address: Land 100m south west of 55 Drumenny Road, Ballinderry

Decision:

Decision Date: 01.07.2010

Ref ID: I/1993/0348

Proposal: Dwelling

Address: 70M SOUTH WEST OF JUNCTION OF DRUMENNY ROAD/DERRYCRIN ROAD COAGH

Decision:

Decision Date:

Ref ID: I/2003/0947/O

Proposal: Site for dwelling (renewal of I/2000/0695/O)

Address: Adjacent to 55a Drumenny Road, Coagh, Cookstown

Decision:

Decision Date: 10.12.2003

Ref ID: I/2009/0322/F

Proposal: Change of house type to that previously approved under application number I/2006/1205

Address: Adjacent to & SW of 55a Drumenny Rd, Ballinderry BT80 OHL

Decision:

Decision Date: 21.10.2009

Ref ID: I/2000/0695/O

Proposal: Site for dwelling (Renewal of I/1997/0486)

Address: Adjacent to 55a Drumenny Road Coagh Cookstown

Decision:

Decision Date: 11.01.2001

Ref ID: I/1997/0486

Proposal: Site for dwelling

Address: DERRYCRIN ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1990/0400

Proposal: Improvements to Dwelling

Address: 55 DRUMENNY ROAD, COAGH, CO TYRONE.

Decision:

Decision Date:

Ref ID: I/1996/0026

Proposal: Extension and alterations to dwelling



Address: 55 DRUMENNY ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1988/0372

Proposal: DOMESTIC GENERAL PURPOSE SHED

Address: DERRYCHRIN, BALLINDERRY BRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/013301

Proposal: ERECTION OF DWELLING

Address: DRUMENNY ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/0133

Proposal: ERECTION OF DWELLING

Address: DRUMENNY ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2019/0131/O

Proposal: Proposed new dwelling in infill site

Address: Proposed new dwelling on infill site between 64 and 70 Derrycrin Road,  
Coagh, Cookstown,

Decision: PG

Decision Date: 14.03.2019

### **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	
<b>Committee Meeting Date:</b> 10/01/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0856/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed outline permission for a two Storey Dwelling and garage previously approved under M/2008/0520/ with an onsite septic tank (Additional Information on Septic Tank)	<b>Location:</b> Site at Tunnel Lodge 100m N.W. of 4 Park Lane Dungannon
<b>Referral Route:</b> 1. Agent is a Mid Ulster Council employee.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Nigel Fleming 55 Bushvale Dungannon	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
<b>Executive Summary:</b> M/2008/0520/F is a previous approval for a dwelling at the application site but that permission has since lapsed and no works were done to commence this permission. This application is for a dwelling on the same site so I am content the principle of a dwelling in this location has been established. As the site is within the settlement limit of Dungannon there is no waste water treatment capacity available, therefore a new septic tank is proposed and NI Water are content.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Characteristics of the Site and Area

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and is predominantly residential with cul-de-sacs of detached dwellings. Immediately south of the site is mainly fields and abutting the south east are 5no. dwellings on single plots. The site has a roadside frontage onto the Moy Road which is a heavily trafficked road in and

out of Dungannon town centre. Across the road is a site which is being cleared for further housing development and behind this is Windmill Wood.

The application site is a portion of land with an existing tarmacked entrance off the Moy Road. The site itself is overgrown with vegetation and has quite a steep topography. Along the roadside boundary is a stone wall and a row of established trees. In addition, there are established trees on either side of the access lane which slopes downwards to the site itself.

### **Description of Proposal**

This is an outline application for Proposed two Storey Dwelling, garage and septic tank previously approved under M/2008/0520/F at Site at Tunnel Lodge, 100m N.W. of 4 Park Lane, 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**

M/2003/1064/O - Site for 4 Dwelling Houses - Tunnel Lodge, Moy Road, Dungannon – Permission Granted 17.12.2004

M/2007/1484/RM - Site 3- Tunnel Lodge. Moy Road. Dungannon - Proposed 2 storey dwelling including basement ancillary site works and landscaping – Permission Granted 23.04.2008

M/2008/0520/F - Proposed dwelling and garage - Site 3 Tunnel Lodge, Moy Road, Dungannon - Permission Granted 22.10.2008

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

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

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

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. As the site is within the limit SETT 1 is the relevant policy

which applies. I am content as the proposal complies with all the criteria in QD1 in PPS 7 – Quality Residential Environments it will also comply with SETT 1.

The site is within Local Landscape Policy Area LLPA05 – Milltown House/Moy Road Dungannon. This LLPA is designated at Milltown House and the remnants of Ranfurly House and Ballynorthland Demesnes. I am content as the proposed dwelling is sited within an area which is not visible from the public road in critical views and the proposal will not involve the removal of a significant number of trees that the proposal will not have an unacceptable impact on the visual amenity of the area.

There is no confirmed Tree Preservation Order for trees at the site and in the immediate area. I consulted the Mid Ulster Council Conservation Officer who confirmed this is an email dated 5<sup>th</sup> July 2021.

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

## **Planning Policy Statement 7 – Quality Residential Environments**

### **Policy QD 1 – Quality in New Residential Development**

The proposal is for a dwelling on the site below as shown in figure 1. I have no concerns about a two storey dwelling on this site as the principle of development has already been established through planning approval M/2007/1484/RM. This permission previously granted approval for a two storey dwelling at the same site. As shown in figure 1 below the land slopes downwards from the roadside so the proposed dwelling will not be a prominent feature when viewed from the road so I have no concerns.



Figure 1 – Photograph from the application site at the site visit.

The site is not within any other archaeological or landscape features. There was a Tree Preservation Order LA09/2018/0013/LA09 at the site but this is not a valid TPO.

As this application is for one dwelling there is no need for the provision of public open space.

There is no requirement for local neighbourhood facilities.

There is a public footpath which runs along the side of the Moy Road on the same side as the road as the application site. Therefore I am content there are opportunities to walk and cycle to facilities within Dungannon town centre.

I am content there is sufficient space at the site for the parking of two cars and the applicant has shown this on the block plan submitted.

As this is an outline the design of the dwelling will be considered at the Reserved Matters Stage but the proposal is within the settlement limit of Dungannon so a contemporary design will be more acceptable than the countryside.

There are no other dwellings abutting the site so I am content the dwelling will not create unacceptable loss of light, overshadowing or noise disturbance to other dwellings in the immediate area.

The applicant has proposed gates to the entrance to the dwelling which I am content will promote personal safety at the site.

Overall, I am of the opinion the proposal complies with QD1 in PPS 7.

### **Planning Policy Statement 3 – Access, Movement and Parking**

A consultation was sent to DFI Roads for comments, in their response confirmed that they had no objections to the proposal subject to informatives and conditions. DFI Roads confirmed there is a footway in place and an existing/established entrance which needs detailed on a Reserved Matters application.

### **Other Considerations**

As this is an application within the settlement limit NI Water were consulted. There is an ongoing issue with no waste water treatment capacity in Dungannon so the applicant has proposed the dwelling will be served by a septic tank. NI Water were re-consulted and were content. There are no other dwellings abutting the site so I am satisfied the septic tank is located a sufficient distance from other dwellings for there to be no unacceptable amenity issues.

I have no ecological, built heritage, flooding or residential amenity concerns.

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

I am content the proposal complies with all the criteria in QD1 in Planning Policy Statement 7 – Quality Residential Environments.

### **Conditions**

1. Application for the approval of 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 the approval of the last of the reserved matters to be approved.

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

2. Approval of the details of the design and external appearance of the buildings, and the landscaping of the site (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

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

Reason: To ensure the dwelling integrates into the landform.

4. The existing mature trees and vegetation within the entire site boundaries shall be retained. No other 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: In the interests of visual amenity.

5. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

### **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 any other statutory authority.

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

Notwithstanding the terms and conditions of the 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 Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

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

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

It is the responsibility of the developer to ensure that

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

**Signature(s)**

**Date:**





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

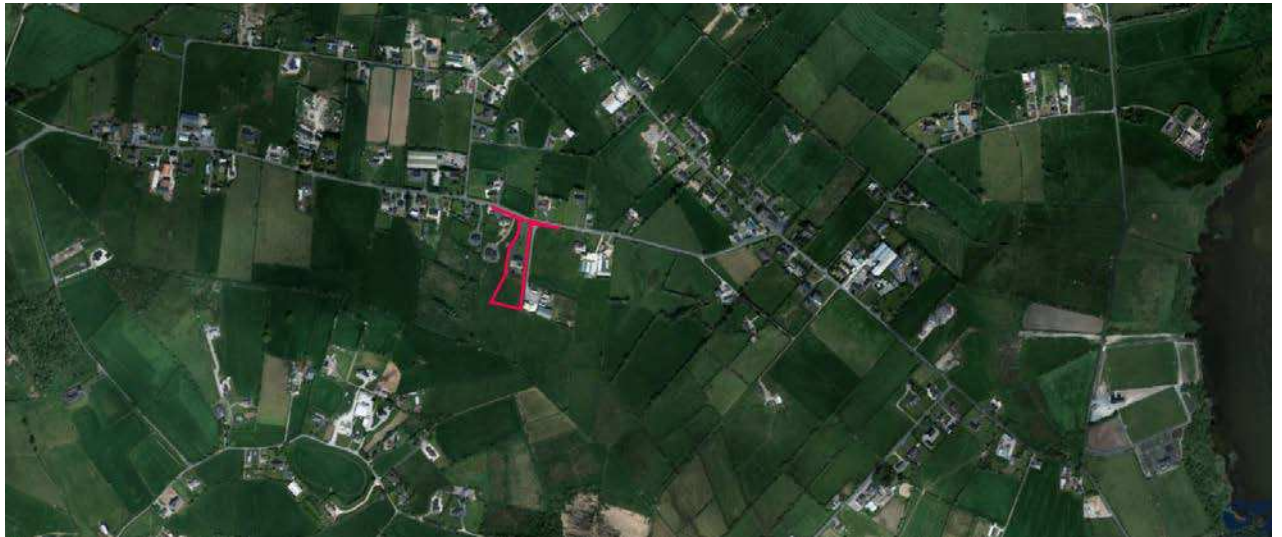
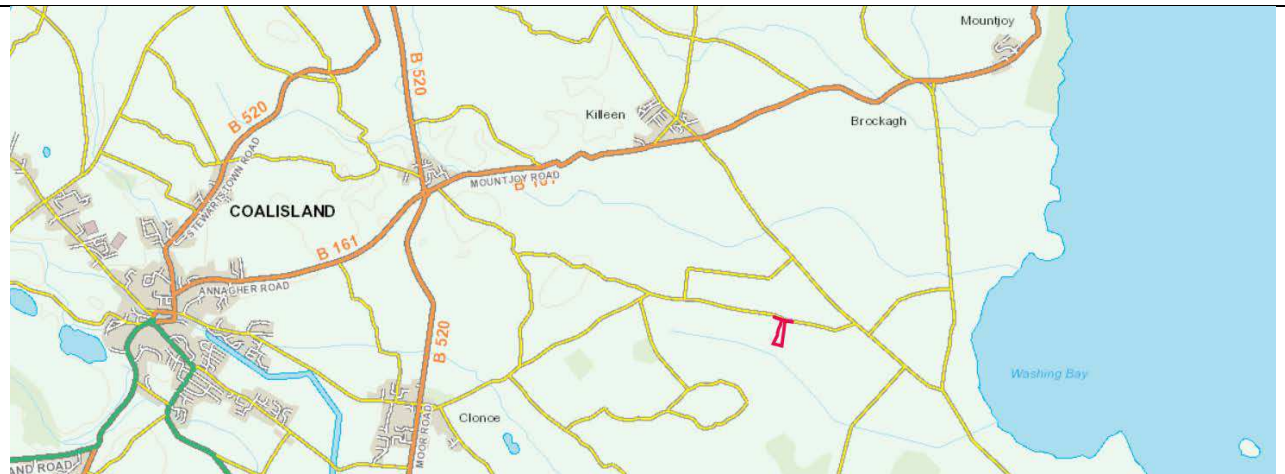
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN


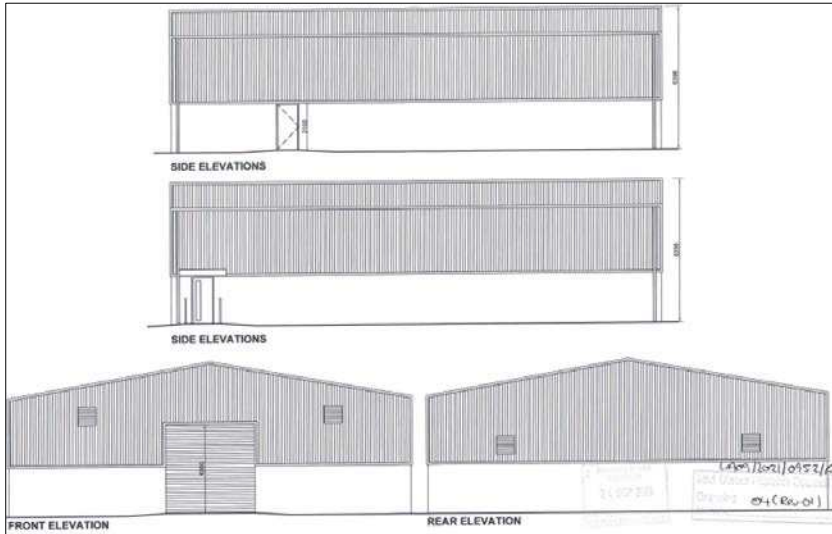
### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0952/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to existing curtilage & domestic storage shed.	<b>Location:</b> 45m South of 211a Washingbay Road Coalisland BT71 5EG.
<b>Referral Route: Contrary to Policies CTY1 of PPS 21 &amp; EXT1 of the addendum to PPS7</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Mr Tony McCuskey 211a Washingbay Road Coalisland BT71 5EG	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	DETI - Geological Survey (NI)	No Objection
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Description of Proposal</b>		
This is a full planning application to extend the curtilage of an existing single storey detached dwelling located at 211a Washingbay Rd Coalisland; and to erection a domestic storage shed within the extended curtilage.		
The curtilage is proposed to be extended to the rear / south of the property and would almost double the existing curtilage. The proposed shed has a rectangular floor plan and pitched roof construction and measures approx. 18m in gable depth x 22m in length x 6.3m in height. Finishes include green cladding to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.		
		
Fig 1: Site Plan	Fig 2: Elevations	
<b>Characteristics of the Site and Area</b>		
The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 4km east of Coalisland and 1.5km west of Lough Neagh.		
The site is a long narrow plot containing no. 211a Washingbay Rd a chalet dormer dwelling and its curtilage including a detached sunroom to the rear / west of the dwelling; and agricultural lands to the south of the aforementioned property's curtilage. The dwelling has a simple rectangular shaped floor plan and pitch roof construction with a 1½		

storey front porch and dormers on its front elevation and a dropped pitch rear return offset to its east gable. It has brick walls and dark roof tiles/slates. A garden runs right round but primarily to the front of the dwelling. A tarmac drive runs along the west side of the property's front garden providing access to tarmac area of parking immediately to the front of the property and a concrete amenity area immediately to the rear. A mature hedge and stone access pillars and walls define the roadside boundary of the site. A mature hedge also defines the eastern boundary of the site and the remaining boundaries are undefined.

Whilst views of the site are limited until just before and passing along its roadside frontage due to the existing vegetation on site, which alongside vegetation and development within the wider vicinity, enclose and screen it.

The immediate area surrounding the site, comprising relatively flat open topography typical of the Loughshore Area, has come under considerable development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. The site contains a large shed and concrete yard, the shed is agricultural / commercial in appearance and occupies much of the site as identified.

### **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 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

### **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

- M/1997/0496 - Proposed dwelling - Granted 7<sup>th</sup> January 1998



- M/2005/2006/F - General purpose shed for 4 No vehicles (commercial), caravan, lawn mower two cars and other domestic items including bicycles, quads, ladders - Withdrawn 14<sup>th</sup> September 2006
- M/2011/0453/F - New double garage - Granted 16th August 2011

#### Adjacent Site

- M/2014/0471/F - Site for 2 no dwellings (Infilling gap site) - Granted 11<sup>th</sup> September 2015

The above application relates to lands located at the roadside between the property on site 211a Washingbay Rd and no. 215 Washingbay Rd.

- M/2012/0590/F - Proposed farm building - Coalisland - Granted 19<sup>th</sup> June 2013
- LA09/2016/1428/F - Relocation of laneway to service a farm shed approved under M/2012/0590/F with the shed relocated within the approved curtilage 35 m west of the approved location due to ground levels and amended site design - Granted 9<sup>th</sup> February 2017
- LA09/2017/0897/F - Part use of existing farm shed to provide internal dry storage of plastic bags and plastic wrapping covers in association with the applicants established horticultural business (Evergreen Peat) - Refused 6<sup>th</sup> February 2020 (Appeal in progress)
- LA09/2019/0489/F - Retention of the existing curtilage for the purposes of parking trailers associated with Evergreen Peat - Refused 7<sup>th</sup> February 2020

The above applications relate to lands immediately southeast of the current site comprising a large shed of agricultural / commercial appearance and yard.

Dungannon and South Tyrone Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 21 Sustainable Development in the Countryside – Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Planning Policy Statement 7 Residential Extensions and Alterations – Is the relevant policy for extensions and alterations to residential properties. Policy EXT 1 outlines permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

Para A11 of the Addendum to PPS7, Justification and Amplification relating to 'Garages and other associated outbuildings', outlines buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. Para. A13 of the Addendum adds that in the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.'

I am not content the proposed shed is domestic in scale, massing, design and external finish as such it is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area. The proposed shed is not subordinate to the dwelling on site nor is it a similar in style including materials. It has a larger footprint than the property on site and an agricultural / commercial rather than domestic appearance. Furthermore, it is not designed as part of the overall layout of the property and as a result from the critical views to result in an integrated rural group of buildings owing it's location set back to the rear of the property

- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

Owing to the location of this proposal to the rear of an existing dwelling and separation distances that that would be retained between the proposed domestic shed and neighbouring properties I am content the privacy or amenity of neighbouring residents should not be unduly affected.

- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

As the proposal is to be located on improved grassland and existing vegetation bounding the site is to be retained it should not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

As the proposal seeks to extend the curtilage of the property on site to accommodate the proposed shed existing space within the curtilage of the dwelling for recreational and domestic purposes, will be retained.

### **Additional Considerations**

In addition to checks on the planning portal Environment Map (NED) map viewers available online have been checked and identified no built heritage assets of interest on site or immediate vicinity.

Flood Maps NI indicate no flooding on site.

The proposal is under the 10.7m and 15.2m height thresholds 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 the extension to the curtilage of a dwelling a domestic shed.

**Case Officer recommendation:** Approve

<b>Neighbour Notification Checked</b>	Yes
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<b>Summary of Recommendation:</b>	Refuse
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**Reasons for Refusal:**

1. The proposal is contrary to Policies CTY1 of Planning Policy Statement 21 & EXT 1 of the addendum to Planning Policy Statement 7, in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.

**Signature(s)**

**Date:**



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

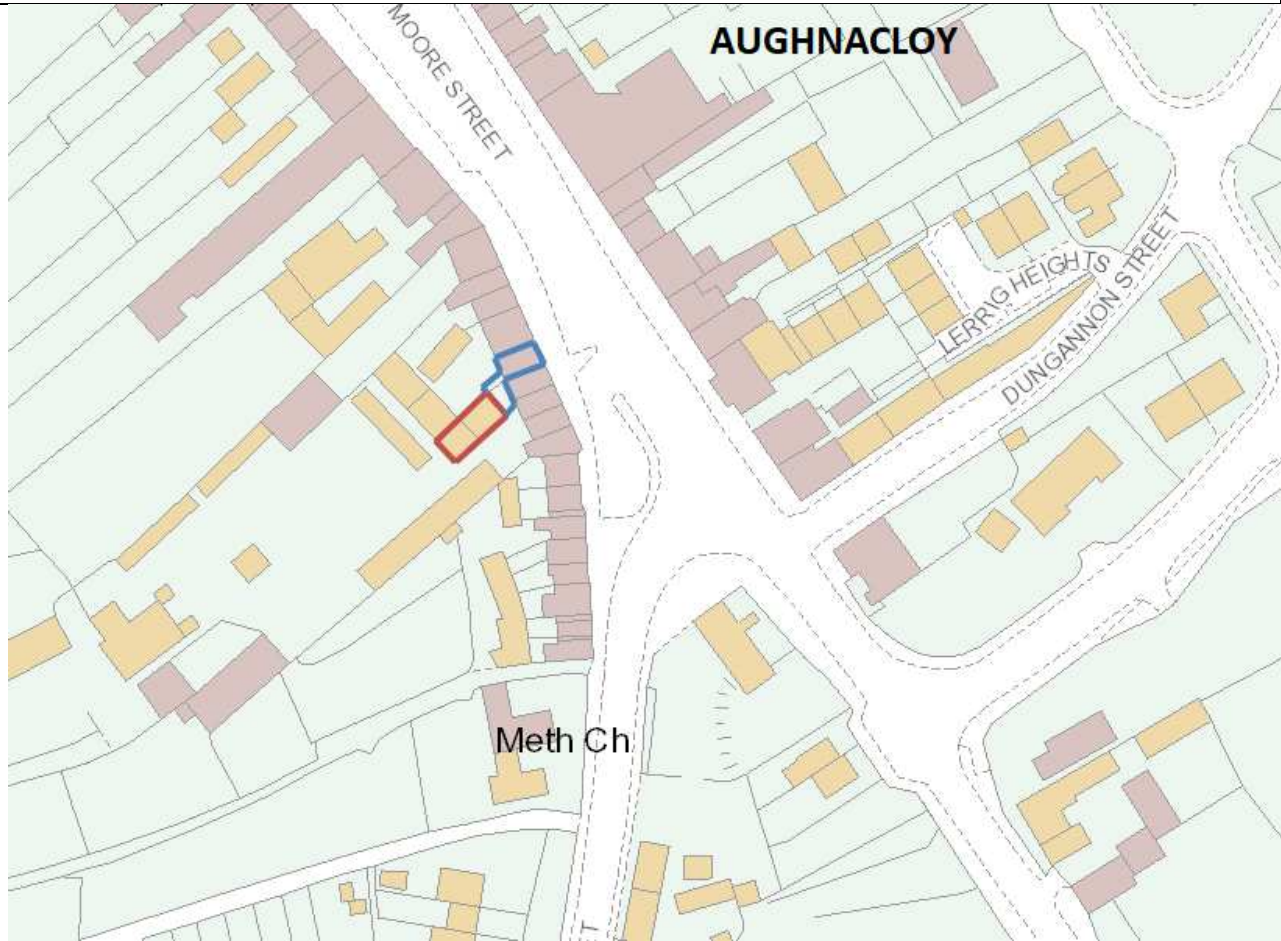
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1038/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use from domestic garage & store to living accommodation	<b>Location:</b> To the rear of 155 Moore Street Aughnacloy
<b>Referral Route:</b> Contrary to Policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Bernie Corley 153 Moore Street Aughnacloy BT69 6AX	<b>Agent Name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	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

None

## Characteristics of the Site and Area

The application site is located at lands to the rear of number 155 Moore Street, Aughnacloy. The site lies within the settlement limits of Aughnacloy and within the area of townscape character, ATC as depicted by the DSTAP 2010. The surrounding area is largely characterised by residential development of all density as well as some commercial development.

The red line of the site includes a two storey block structure with a hipped roof, and white upvc windows and doors to the front elevation. The site lies to the rear of an existing mid terraced property which extends two storeys in height. The blue line indicates that the building is not directly behind the applicants own dwelling which further north at number 153 Moore street. The building is accessible directly from the public footpath and via an archway to the East.



It was not clear from site visit if the building was in use, however, it was in a poor state of condition. At the time of site visit, the building was structurally intact, however, the buildings construction did not look finished, the walls had no plaster and there were missing sills and door heads. It must also be noted there was a door on the front elevation first floor which had no access. There was also two windows on the first floor side elevation and a garage door on the rear elevation.



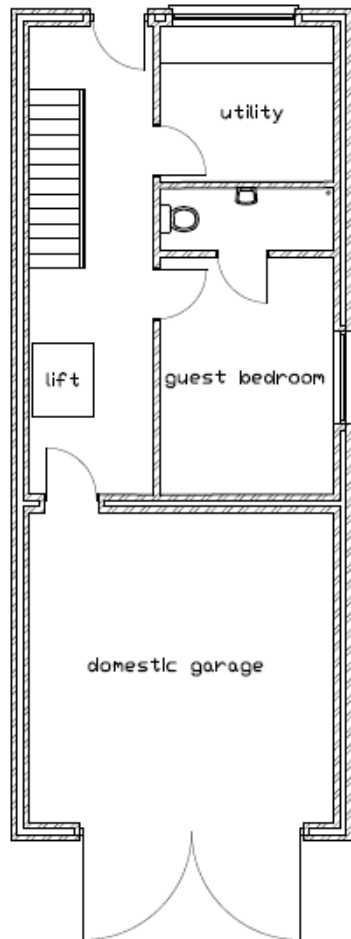


To the rear of the site and outside of the red line there was a large gravel yard which slopes away to the South, there were also a number of other outbuildings surrounding this yard.

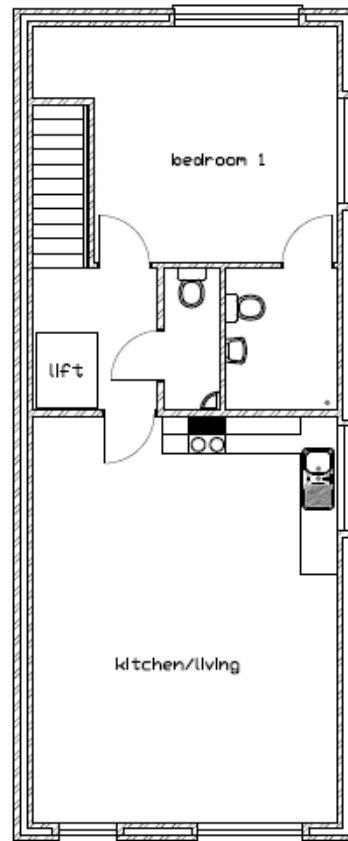


## Description of Proposal

The proposal seeks full planning permission for a change of use from domestic garage & store to living accommodation



PROPOSED GROUND  
FLOOR LAYOUT  
Scale-1/100



PROPOSED FIRST  
FLOOR LAYOUT  
Scale-1/100

## Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan
- Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
- PPS3: Access, Movement and Parking
- PPS 6 (Addendum): Areas of Townscape Character
- Addendum to PPS7: Residential Extensions and Alterations

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

**The Dungannon and South Tyrone Area Plan** identifies the site within the settlement limits of Aughnacloy which gives favourable consideration to development subject to plan policies. The site is also designated within an Area of Townscape Character, thus PPS 6 (Addendum) which is retained by the SPPS, is the main policy consideration for the proposal.

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter.

#### **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.

#### **History**

M/2009/0935/F - To the rear of 155 Moore Street, Aughnacloy - Retention of domestic garage and domestic store ? GRANTED 23.04.2010

#### **Background**

The applicant has submitted supporting information suggesting that they feel this is ancillary accommodation rather than a standalone dwelling. They suggest that the granting of planning approval for the building as a garage and store in 2010 confirms that it belongs to number 155 albeit positioned to the rear of number 153. The applicant has also submitted further information including a new floor plan showing a lift within the proposed living accommodation and a statement suggesting health problems is justification for the ancillary living accommodation, however, there has been no evidence supporting this claim.

Subsequent to the previous development management discussion regarding this application the agent was asked to provide numerous details including; an overall concept plan, identify circulation space including bin collection area, identify private rear amenity space, clearly layout parking and access details, detail how applicant will deal with waste from the site, and finally detail the proposed finishes. At the time of writing none of the above information has been received as the agent has argued that the building is ancillary living accommodation and none of the above is required.

#### **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. In this instance DFI Roads were consulted for comment and they responded requesting a controlled turning area and 2 parking spaces which have not been received, the site has no space designated for turning and parking and no area to show any parking, however, it must be noted that there is a large amount of on street parking in Aughnacloy.

**PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2** New Development in an Area of Townscape Character states ?The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require 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 proposal seeks to change the use of the garage and store to the rear of number 155 Moore Street to living accommodation. The agent claims that although the building is detached from the applicants home approx. 5 metres to the south, and to the rear of a neighbouring dwelling it is ancillary accommodation. With regards to policy ACT 2 it is my opinion that the proposal will not enhance the overall character of the area, as the building is essentially a self-contained unit that could clearly stand alone without any private amenity or parking. In addition the building has been left with an unsightly Block finish and no proposed finishes have been shown on the drawings after being requested.

**Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations** states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials. I note that the proposed finishes have not been detailed on the drawings, these details have been requested but as yet they have not been received. The overall scale and massing, do not change and are therefore deemed as acceptable. I am content on balance that the proposed alterations will not have a significantly greater adverse impact on the character of the surrounding area.

(b) In terms of any impact on neighbouring amenity, as the proposal requires changing the use from an existing garage to living accommodation, coupled with the minimal separation distances of approx. 3 metres between the building and the nearest non connected dwelling I have serious concerns that the proposed works are likely to cause an adverse impact on neighbouring amenity.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. This proposal will not cause loss of trees or landscape features as again it is altering the existing garage.

(d) I note that the red line of the site does not include any private amenity space, nor area for parking or manoeuvring of vehicles, in addition DFI Roads have asked for this information and it has not been forthcoming. As such I consider this contrary to policy.

It is my opinion that this proposal fails to comply with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations. (parts B and D)

Paragraphs 2.8 to 2.11 of the explanatory text of the Addendum to PPS 7 relate to ancillary accommodation. Paragraph 2.9 states that "to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable".

-In this case the building is clearly detached from the host dwelling, and its function is not supplementary to its use, as the building has its own kitchen, living room, utility, garage and two bedrooms.

Paragraph 2.10 deals with situations where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding. It explains that planning permission will normally depend on the development providing a modest scale of accommodation in order to ensure the use of the building as part of the main dwelling. It goes on to say that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

-Again in this case it is clear that the proposal is a self-contained unit of accommodation and could easily stand alone.

Paragraph 2.11 indicates that in all cases, the planning authority will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property; where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

-Finally, the proposal with its own kitchen, living, bedrooms and garage rather than any shared facilities would clearly be self-sufficient and a separate unit of accommodation. Ancillary accommodation should be designed in a way to demonstrate its dependency with the existing property. In this case it is clear the unit could practically and viably operate on its own and is therefore not acceptable.

### **Consultation**

Transport NI - have requested a controlled turning area and 2 parking spaces which have not been received.

NIW - have stated that the WWTW in Aughnacloy are at capacity and no alternative solution has been suggested to deal with this increased load.

### **Conclusion**

In conclusion, it is my opinion that refusal should be recommended as the proposal is not ancillary accommodation and therefore approval would result in the creation of a new dwelling unit on the site. In addition, the site does not satisfy PPS 3 in that there are no parking or areas for manoeuvring of vehicles shown, the site has no means of WWTW, the proposal if approved would result in an unacceptable loss of amenity for the residents in number 155 Moore Street.

### **Neighbour Notification Checked**

**Yes**

### **Refusal Reasons**

1. The proposal is Contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the building is a self-contained unit of accommodation and could easily stand alone and therefore not ancillary to the existing dwelling.

2. The proposal is contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the development would, if permitted, harm the living conditions of the residents in No.153 Moore Street by reason of loss of amenity and reduced privacy caused by overlooking.

3. The proposal is contrary to PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 in that the development would, if permitted, be detrimental to the Area of Townscape Character and detract from the character of the surrounding area by reason of its adverse effect on the amenity of neighboring development and relationship to adjoining buildings.

### **Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	9th July 2021
<b>Date First Advertised</b>	20th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 151 Moore Street Aughnacloy Tyrone The Owner/Occupier, 153 Moore Street,Aughnacloy,Tyrone,BT69 6AR The Owner/Occupier, 155 Moore Street Aughnacloy Tyrone The Owner/Occupier, 157 Moore Street Aughnacloy Tyrone The Owner/Occupier, 159 Moore Street Aughnacloy Tyrone The Owner/Occupier, 161 Moore Street Aughnacloy Tyrone The Owner/Occupier, 163 Moore Street Aughnacloy Tyrone The Owner/Occupier, 3 Moore Street,Derrycush Corn Market,Aughnacloy,Tyrone,BT69 6AX	
<b>Date of Last Neighbour Notification</b>	30th July 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/1991/6092 Proposal: Extension to sewer Corn Market Aughnacloy Address: Corn Market Aughnacloy Decision: Decision Date:  Ref ID: M/2009/0935/F Proposal: Retention of domestic garage and domestic store above Address: To the rear of 155 Moore Street, Aughnacloy Decision: Decision Date: 23.04.2010  Ref ID: LA04/2020/1672/F	



Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Decision:

Decision Date:

Ref ID: LA09/2021/1038/F

Proposal: Change of use from domestic garage & store to living accommodation

Address: To the rear of 155 Moore Street, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2016/1354/F

Proposal: 2 storey extension to rear of site with full remodelling of internal spaces to reinstate the property as 2 separate adjacent dwelling houses

Address: 149/151 Moore Street, Aughnacloy,

Decision: PG

Decision Date: 14.03.2017

#### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

#### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1106/O	<b>Target Date:</b> 11/11/21
<b>Proposal:</b> Erection of single storey dwelling & garage	<b>Location:</b> Approx 60m NW of 45 Lisnastrane Road Coalisland
<b>Referral Route:</b> Refusal – contrary to CTY 6, CTY 13 and CTY 14.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	<b>Agent Name and Address:</b> Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Proposal is considered to be contrary to CTY 6, CTY 13 and CTY 14 of PPS 21. There were no representations received in relation to the proposal.

## Characteristics of the Site and Area

The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined except for the boundary which adjoins with the laneway which has post and wire fencing with scattered landscaping. The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

## Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

## Planning Assessment of Policy and Other Material Considerations

### Planning History

There is not considered to be any relevant planning history associated with this site.

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 43, 45, 47 and 49 Lisnastrane Road. At the time of writing, no third party representations have been received.

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking<sup>76</sup>
- Local Development Plan 2030 - Draft Plan Strategy

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the

whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of supporting statement from the agent (Oonagh Given), a hospital letter and a care report from a Nursing Care Consultants. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. However, we are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

In terms of criteria (b) of CTY 6, where are no alternative solutions to meet the particular circumstances of the case. An extension or annex attached to the existing dwelling which is located within an urban setting would not negate the reasons set out for the need for a rural location, as set out in the medical evidence provided. There are no other buildings within the curtilage of the applicants dwelling, nor would this be suitable given the need for a rural location and the applicants' needs are not short term and therefore a temporary mobile home would not be a suitable option either. The concern we have with the proposal is that we do not feel the site chosen is in line with the **site specific** (my emphasis) element needed in order to comply with CTY 6. The agent has been asked to detail why they feel the proposed site is site specific and they responded that the applicant:

*"needs to live in a quite rural setting as a result of his brain injury – as confirmed by his doctor and as indicated in the evidence supplied. It makes no consequence to the rationale behind CTY 6 whether Mr O'Neill seeks to build a house on the subject site as opposed to some other site in the countryside as the outcome would still be the same – a house in the countryside. It makes sense that he would build on the only piece of land that he owns in the rural area. The site is only about a kilometre from Coalisland and so this very close proximity to an urban centre is much more sustainable than if he were to choose a more remote site. A cousin lives on the opposite side of the lane from the site, while this is not a determining factor, it is a positive factor for Mr O'Neill and his family".*

Although, we remain empathetic to the applicant's personal circumstances, we feel that the agent has confirmed within her argument that there isn't determining site specific reasons for the proposed site, noting that the outcome would be the same for any potential site located in the countryside. The lands in question would be moving further away from immediate family (i.e. parents) and the only benefits of this would be living in solitude and quietness of the rural area, which the medical team has supported. The care report noted that the current accommodation would not be suitable long term for the applicant. However, this still doesn't overcome the issue that there isn't a site specific reason which is set out within the policy. Had the applicant been moving closer to his parents for support, this may have been seen as special circumstances. I recommend that the Committee discuss in close session the applicants needs and perhaps discuss alternative options.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow and public views would be limited, given its set back location along an existing laneway. The site has limited landscaping along its boundaries and we feel the red line of the site is essentially just a cut out of an open field. There is existing trees to the north of the site, which we feel should the principle of the site have been agreed, that moving the red line towards this would have allowed the dwelling to blend with them and therefore been more in line with criterion (f) of CTY 13. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition. They have noted that the applicant would require 3<sup>rd</sup> party lands to achieve the sight splays required if approval were to be forthcoming.

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

Refusal is recommended.

#### **Conditions/Reasons for Refusal:**

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
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/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on

the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop 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 the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	29th July 2021
<b>Date First Advertised</b>	10th August 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 43 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 45 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 47 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 49 Lisnastrane Road, Coalisland, Tyrone, BT71 5DE	
<b>Date of Last Neighbour Notification</b>	12th August 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/0186/RM Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane , Coalisland, Decision: PG Decision Date: 17.07.2018  Ref ID: LA09/2017/0564/O Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnastrane Road, Lisnastrane, Coalisland, Decision: PG Decision Date: 05.10.2017  Ref ID: LA09/2021/1106/O Proposal: Erection of single storey dwelling & garage Address: Approx 60m NW of 45 Lisnastrane Road, Coalisland, Decision: Decision Date:  Ref ID: M/1980/0547	



Proposal: REFUSE TIP  
 Address: LISNASTRANE, COALISLAND  
 Decision:  
 Decision Date:

Ref ID: M/1978/0788  
 Proposal: FARM DWELLING  
 Address: LISNASTRANE, COALISLAND  
 Decision:  
 Decision Date:

Ref ID: M/2003/1042/O  
 Proposal: Proposed retirement dwelling - living accommodation  
 Address: Adjacent to Crossan House 43 Lisnastaine Road Coalisland  
 Decision:  
 Decision Date: 21.09.2004

Ref ID: M/2004/1501/RM  
 Proposal: Proposed retirement dwelling - living accommodation  
 Address: 43 Lisnastaine Road, Crossan House, Lisnastaine, Coalisland  
 Decision:  
 Decision Date: 14.12.2004

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



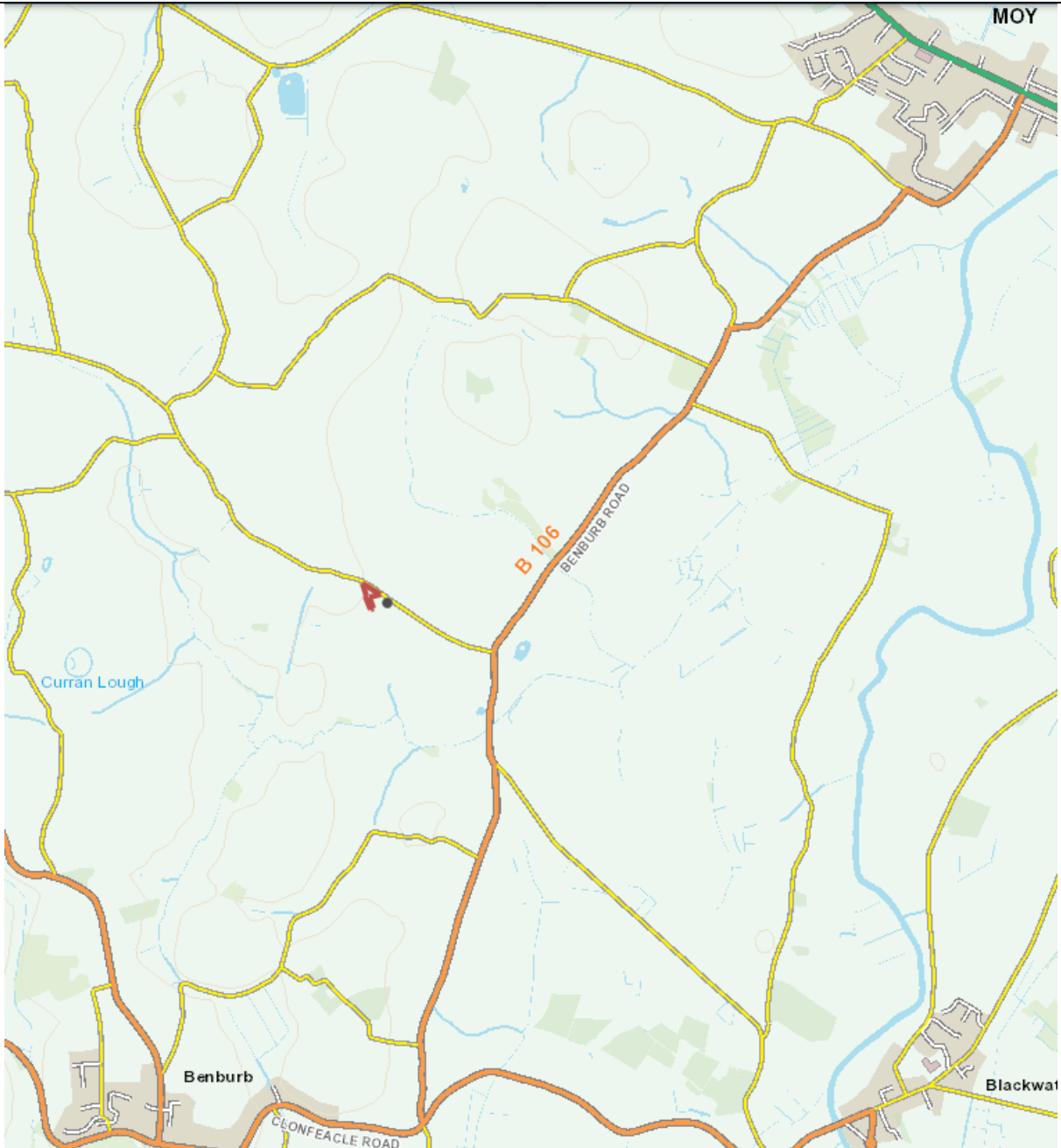
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1144/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use from part of agricultural shed to farm shop. (part of farm diversification scheme)	<b>Location:</b> Approx 70m North of No 37 Tobermesson Road Benburb Dungannon
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Alfie Shaw 33-37 Tobermesson Road Dungannon BT71 7QE	<b>Agent Name and Address:</b> Eunan Deeney 66b Derryoghill Road Moy Dungannon BT71 7JJ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

<b>Representations:</b>	
Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

2 Objections were received.  
concerns raised were on road traffic issues and road safety.

### Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the South of the settlement limits of the Moy, to the North of Benburb outside all other areas of constraint as depicted by the DSTAP 2010.



The site is situated along the Tobermesson road and includes one number farm shed within the farm holding and a triangular shaped concrete yard to the North of the holding. The shed lies on

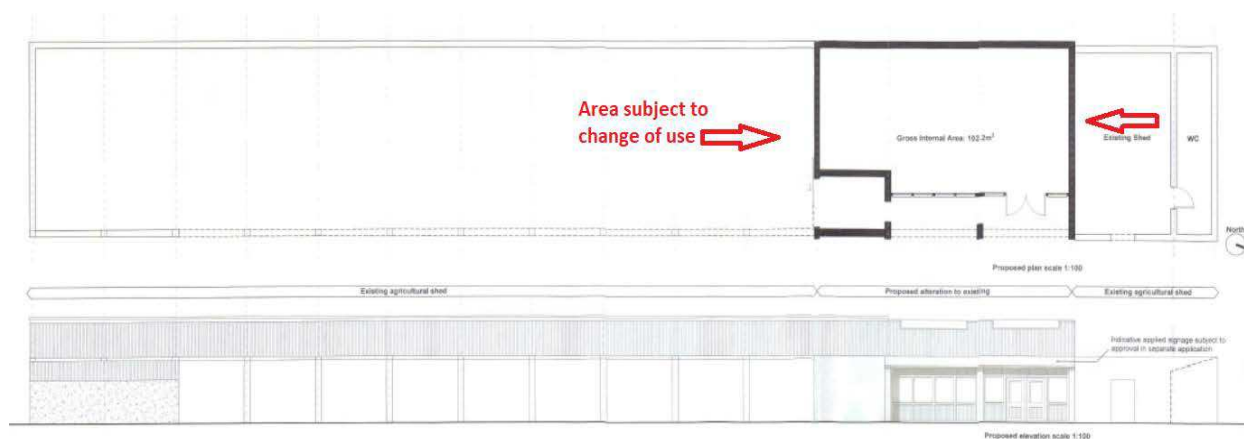
the west boundary of the farm and is a long narrow silo type building with concrete walls and an aluminium clad roof,

The site is open all along the road frontage and a large area of verge to the North has been cleared for visibility splays with the backdrop of the existing farm yard to the south. The site is surrounding by agricultural grazing land on all sides.



## Description of Proposal

The proposal seeks full planning permission for change of use from part of agricultural shed to farm shop. (part of farm diversification scheme)



## Planning Assessment of Policy and Other Material Considerations

### History

M/2015/0164/F - Proposed farm diversification to convert existing agricultural building to packaging building for farm produce ? GRANTED ? 1.10.2015



### Representations

There were 2 objections received in relation to this proposal. The concerns of both objectors centred around traffic congestion and road safety.

DFI Roads were consulted and requested a detailed layout including visibility splays and car parking details as per the parking standards. After re-consultation with these amendments Roads were satisfied subject to conditions.

In addition the proposal is expected to generate an increase of approximately 10 cars per day which would road service have suggest would not bring about an unacceptable level of traffic or cause any road safety concerns.

### Assessment

Dungannon and South Tyrone Area Plan 2010

Planning Strategy for Rural Northern Ireland

SPPS - Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement (PPS) 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside CTY 1 and CTY 3

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

Section 45(1) of the planning Act (NI) 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 where regard is to be had to the development plan the determination must be made in accordance with the plan unless material consideration indicate otherwise.

DSTAP 2010: Identifies that the site is located in the open countryside and outside all other areas of constraint.

SPPS - Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 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 SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. Transport NI were consulted and following an amended plan including a detailed parking strategy have no concerns subject to conditions.

This application proposes to utilise a small part of an existing building on the farm in order to sell the farm produce the applicant currently produces. This is the most suitable building on the holding to this type of diversification. Some changes are proposed to this building such as the installation of a pedestrian doors on the eastern elevation and a number of windows on this elevation also.

Internal alterations to the building will be to provide a lobby, a covered walkway and the internal retail floor space.

Planning Policy Statement 21, Policy CTY1 - Development in the Countryside in PPS 21 outlines the range of development which is acceptable in the countryside.

Policy CTY 11 in PPS 21 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Development proposals must meet certain criteria;

a) the farm or forestry business is currently active and established;

DARD were consulted and confirmed this farm is active and has been established over 6 years and claims SFP, it must also be noted the applicant has a previous approval to allow for the sale of eggs on site via a farm diversification project in 2015.

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

This proposal entails the utilisation of an existing building which has the appearance of an agricultural building and is therefore suitable in this location.

c) it will not have an adverse impact on the natural or built heritage;

There are no natural or built heritage concerns regarding this application.

d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

As this development complies with CTY 11 in PPS 21, approval is recommended.

**Neighbour Notification Checked**

**Yes**

#### 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 commencement of the development hereby permitted, visibility splays of 2.4m x 90m shall be provided in accordance with the approved Drawing No.5 bearing the date stamp 29 OCT 2021, 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 of the access 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. All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.05 dated 29 OCT 2021 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.



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

5. The net retail floorspace of the farm shop hereby approved shall be used only for sale and storage of the goods hereunder and for no other purpose including any other purpose in class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015:

- (a) food produced by the farm
- (b) food processed by the farm
- (c) other farm goods/produce

Reason: To control the nature, range and scale of retailing on the premises and to prohibit any change within Class A1 of the Planning (Use Classes) Order (NI) 2015.

### **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:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th August 2021
<b>Date First Advertised</b>	17th August 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) P G McKenna 20, Tobermesson Road, Benburb, Tyrone, Northern Ireland, BT71 7QE The Owner/Occupier, 37 Tobermesson Road, Benburb, Tyrone, BT71 7QE David & Margaret Weir 39 _ 40 Tobermesson Road, Benburb, Tyrone, Northern Ireland, BT71 7QE	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	YNo
<b>Planning History</b>  Ref ID: LA09/2021/1144/F Proposal: Change of use from part of agricultural shed to farm shop. (part of farm diversification scheme) Address: Approx 70m North of No 37 Tobermason Road, Benburb, Dungannon, Decision: Decision Date:  Ref ID: M/1994/6048 Proposal: New dwelling Tobermasson Road, Dungannon. Address: Tobermasson Road, Decision: Decision Date:  Ref ID: M/2015/0164/F Proposal: Proposed farm diversification to convert existing agricultural building to packaging building for farm produce Address: 60m Northwest of 37 Tobermason Road, Benburb, Dungannon, Decision: PG Decision Date: 01.10.2015	
<b>Drawing Numbers and Title</b>	

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

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 04  
Type: Existing Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

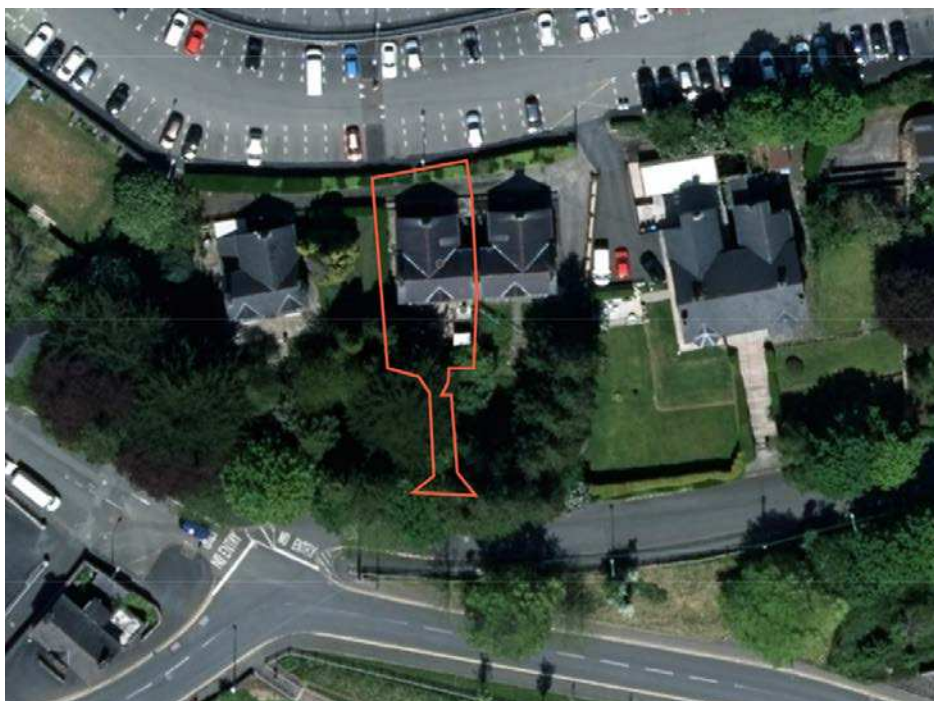
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Committee Application

Summary	
<b>Committee Meeting Date:</b> 10/01/2022	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1178/F	<b>Target Date:</b>
<b>Proposal:</b> Material change of use of existing 5 bedroom dwelling to 2 two bed apartments, with the continued unintensified use of Scotch Street (south) car park for the proposed parking of the proposal	<b>Location:</b> 11 Victoria Road Drumcoo Dungannon
<b>Referral Route:</b> 1. Objection from a third party – neighbouring dwelling	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> 2 Northland LTD 10 Kilcronagh Business Park Cookstown	<b>Agent Name and Address:</b> T/A T4 Architects 169 Coagh Road Drumbonaway Stewartstown BT71 5LW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area. The surrounding area is urban in character with a mix of residential and services/retail. To the north and behind the site is a public car park which backs onto the main retail core of Dungannon. To the south is a main road which

serves as a slip road from the town centre to Milltown Street. This is a heavily trafficked road which takes you onwards towards the Stangmore Roundabout.

The application site comprises a large two storey dwelling with a double height projection on the front elevation. The land rises up steeply from the Victoria Road to the dwelling where it levels off. The site is accessed via steps from the road to the dwelling and to the front is a lawned area. The dwelling has external finishes of grey pebbledash walls, slate roof tiles and white upvc windows and guttering. To the rear is a tarmacked area for parking.

### **Description of Proposal**

This is a full application for a material change of use of existing 5 bedroom dwelling to 2 two bed apartments, with the continued unintensified use of Scotch Street (south) car park for the proposed parking of the proposal at 11 Victoria Road, Drumcoo, 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, one third party objection has been received.

An objection has been received from Mr McQuaid at 13 Victoria Road, Dungannon on the 27<sup>th</sup> October 2021. No. 13 is a detached dwelling on the neighbouring property immediately west of the application site. The objector has raised the following issues.

1. The dwelling at the site is a 4-bedroom house not a 5-bedroom house as stated in the description. On the existing plans it shows 4 bedroom on the first floor and a lounge on the ground floor. On the proposed plans the ground floor lounge has been converted to a bedroom but there is still another living room downstairs. It is feasible this room could be used as a bedroom so the dwelling could be a 5-bedroom house.

2. Water and Sewage. The objector states that as the owner of No. 13 he has had to on several occasions contact NI Water and request call outs to unblock the sewers. Information to back up these call outs has also been submitted with the objection. I am of the opinion this is an issue about the sewage pipe network and this is a concern for NI Water. The objector also states that 2 apartments would require upgrading of the sewage system to cope with this. I have attached a condition that the apartments cannot connect to the public sewage system without consultation with NI Water. I am aware there are ongoing waste water treatment issues within Dungannon so a condition has been attached which will allow connection when NI Water state there is capacity. In rebuttal, the agent has attached an NI Water capture map which shows the dual storm/foul main servicing No. 9, No. 11 and No. 13.

3. Right of Way access. The objector states an entrance has been made to the rear of No. 11 which has been made through the hedge on the property of No. 13. Disputes about landownership are not a planning matter and are a third party issue. In rebuttal, the agent has submitted deed maps which show No. 13 has a right of way through the lane to the rear of No.11 and the pedestrian access to the rear has been in place since August 2010.

4. Victoria Road is a protected housing area. I consider the residential use of the building is still housing even-though it is proposed to change from a single dwelling to apartments.

### **Planning History**

No planning history at the application site.

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

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

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

The site is within the settlement limit of Dungannon so SETT 1 is the relevant policy which applies. The site is also with Dungannon town centre designation RSO1 and Protected Housing designation DUNPH05 in the Plan.

I am content if the proposal complies with PPS7 it will also comply with SETT 1.

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

### **Policy QD 1 in PPS 7 – Quality Residential Environments**

It is proposed to change the use of a vacant 5-bedroom dwelling to 2 no. 2 bedroom apartments. The layout, scale, proportions, massing and appearance will remain as is from the front. The only changes on the outside are a staircase to provide access and a means of fire escape for the first floor apartment. Overall, I am content the proposal respects the character of the existing area.

There are no archaeological or built heritage features at the site.

There is private amenity space for the apartments and this is a lawned area to the front of the existing dwelling. This area would have to be shared between the occupants of the separate apartments. However, I recognise that this was an existing situation within the town centre and some compromises on private space are to be expected. There is a yard to the rear of the existing dwelling which could be used for private space.

The proposal is for 2no. 2 bedroom apartments and according to Mid Ulster Council's 'Parking Guidance' should have 1.5 car spaces for each apartment. Therefore, the development should have 3 car parking spaces. There is a parking area to the rear but



This development is located within the town centre and is well served by other modes of transport, which allows a reduction in parking to be applied. In light of these factors, I do not consider it is necessary to seek any additional car- parking or servicing arrangements for the development. In addition, due to the proximity of existing free parking along nearby



streets and other free car parks within walking distance of the site it is my view that additional parking provision is not required in this case. Due to the proximity of this development to existing shops and services and modes of public transport it is likely that not all residents will not rely on a private car and therefore a parking space may not be required.

The proposal will not conflict with adjacent land uses as the existing use is residential and the use will not change. I am content the proposal to change to apartments is acceptable.

There is no need for the applicant to provide local neighbourhood facilities due to the small-scale nature of the proposal. The site is within Dungannon Town Centre and is within walking distance to existing retail and service provision, and modes of public transport. I do not consider it necessary or appropriate to seek any further provision.

### **PPS 7 Addendum – Safeguarding the character of Established Residential Areas**

Policy LC1 does not apply to this proposed change of use to apartments as the application site is within Dungannon Town Centre as designated in the Dungannon and South Tyrone Area Plan 2010.

### **Policy LC2 – The Conversion or change of use of existing buildings to flats or apartments.**

As the proposal meets all the relevant criteria in QD1 in PPS 7 I am content it meets the relevant criteria in LC2.

I do not believe that by allowing this development that it will result in unacceptable damage to the local character, environmental quality or residential amenity of this area. This proposal is sensitive in design terms to people living in this area and is in harmony with local character. The proposal also offers a variety to the different types of accommodation found within the town centre in Dungannon.

This proposal will maintain the form, character and architectural features, design and setting of the existing building. The majority of the proposed works are internal and the only external works are a staircase which will provide fire escape for the first floor apartment.

I have measured the internal floor space of the existing dwelling and as shown below it is 140sqm which is under the 150sqm stated in LC2.

70sqm – Ground Floor apartment

70sqm – First Floor Floor apartment

However I am content the proposed apartments are an adequate size and as stated in Annex A in PPS 7 a two bedroom apartment should be 60/65sqm which this proposal is over.

Each proposed apartment is self-contained, with own bedroom, bathroom and kitchen area.

Both the ground floor and first floor flats are accessed via separate doors.

I find the proposal to be in accordance with this policy.

### **Other Considerations and Consultees**

The site is within the 200m buffer zone of archaeological site and monument TYR054:046. However as the majority of the changes are internal as this is existing development I did not consult HED.

There are no other ecological, built heritage or flooding considerations.

NIW indicate that there is no mains sewage capacity currently within Dungannon for this development to connect. The agent has provided evidence from Occupation Guidance 'The NIHE Houses in Multiple Occupation Standards' which states that within a 5 bedroom dwelling you could have up to 11 occupants based on the room sizes of the existing dwelling. Using the same standard for the proposed 2 flats the proposal could only house up to 10 occupants. Therefore, there will be a reduction in the sewage capacity and there will be no intensification. When I consulted NI Water it was stated no consideration was given to the additional full bathroom and kitchen on the first floor, and have requested a Wastewater Impact Assessment. In discussions with the Planning Manager it was agreed to condition the sewage issue that no works can commence till NI Water have agreed a connection to the public sewer network. The objector had raised concerns about the sewage capacity and he felt there was not the capacity in the network for the change of use to apartments. He stated that sewage is already leaking from his property, thus Environmental Health were consulted. Environmental health have stated that issues about capacity or the connection then that is probably more a matter for NI Water. NI Water have already stated in their consultation response that the issue is capacity at the treatment works and if there are issues with the pipework this is a concern for NI Water.

DFI Roads confirmed access will be unaltered and no intensification will take place with only pedestrian access to road way, parking being at rear on a public car park. They had no objections.

**Neighbour Notification Checked**      Yes

### **Summary of Recommendation:**

The proposal is recommended for approval as it complies with all the relevant policies.

### **Conditions**

1. The change of use 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 change of use hereby permitted shall not commence until such time as the applicant has provided adequate evidence to the Council that NI Water will allow connection to the public sewer and this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition.

Reason: In the interests of public health.

**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.

**Signature(s)**

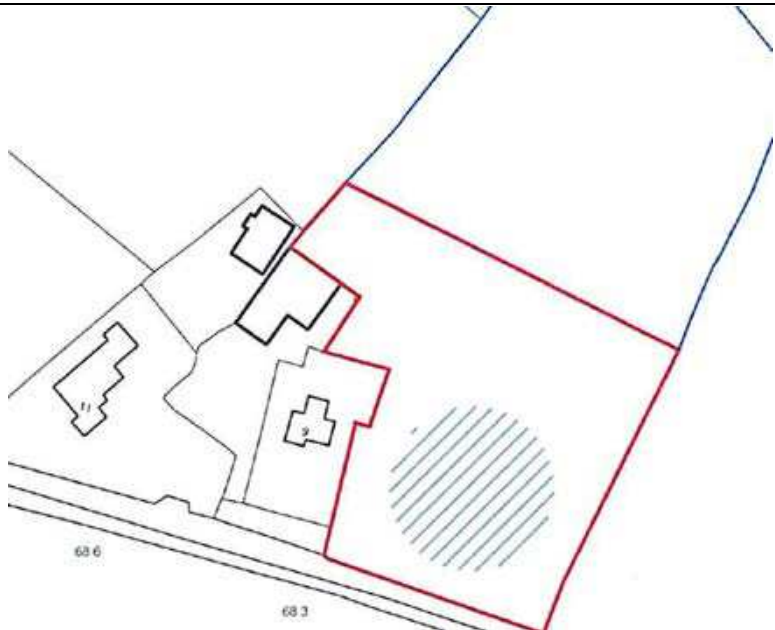
**Date:**



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1229/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> Site adjacent to 9 Draperstown Road Desertmartin
<b>Referral Route:</b>  Objection letter	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Thomas Johnston 63 Wallace Mill Gardens Livingston	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report		
<b>Site Location Plan</b>		
		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<p>Farm dwelling complies with CTY 10 criteria. One letter of objection was received and all other material considerations have been taken into consideration.</p>		
<b>Characteristics of the Site and Area</b>		
<p>The application site is located along the Draperstown Road to the north-east of the dwelling at No. 9 Draperstown Road and setback approximately 150m from the Draperstown and Tobermore Road junction. No 9 is a detached two storey dwelling with several farm sheds located to the rear and has direct access onto the Draperstown Road bordered by a small wall and pillars. Boundaries comprise a ranch style fence with small trees and low level vegetation defining the east boundary; post and wire fencing and sporadic vegetation on the south running parallel with Draperstown Road; the other to the west boundary low maintained hedgerow; the north boundary is undefined and opens onto the field. The surrounding landform is one of undulating countryside and the land is relevantly flat. Immediately adjacent to the application site</p>		

is a large two storey dwelling (principle farm dwelling) with agricultural buildings located to the rear of No. 9. The site is located in the rural remainder as defined in the Magherafelt Area Plan 2015.

### Description of Proposal

Outline planning is sought for a proposed dwelling on a farm adjacent to No.9 Draperstown, Desertmartin.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access arrangements.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### Site history.

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/1229/O	Site adjacent to 9 Draperstown Road, I	Proposed dwelling on a farm	VALID APPLICATION RECEIVED	
H/1984/0082	11 DRAPERSTOWN ROAD, ANNAGH	SITE OF REPLACEMENT HOUSE AND GARAGE	PERMISSION GRANTED	

### 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 06/09/2021 (publication date 07/09/2021). Two (2) neighbouring properties were notified on 14/09/2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

**EIA Determination.** The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

**HRA Determination** - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

### Consultees.

1.DFI Roads were consulted on this application on 13/10/2021 and responded on 04/10/2021 no objection subject to standard condition.

2. DAERA were consulted on this application on 13/10/2021 and responded on 14/09/2021 providing advice on farming activity.



**Fig 1. Proposed site and existing farm grouping.**



**Fig 2. View from Tobermore Road and Draperstown Road junction**

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2010 (CAP) operates as the statutory local development plan for the area the site lies in. The MAP 2010 offers no other specific policy or guidance in respect of the proposed development. The principal planning policies are therefore provided by PPS 21 and the SPPS.

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

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

#### **MUDC Draft Area Plan 2030**

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.



Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Magherafelt Area Plan 2015 does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS. The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. In it, the site lies within the countryside, but adjacent to the settlement limit of Maghera. The MAP offers no other specific policy or guidance in respect of the proposed development.

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 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 applicant has provided a Farm Business number. Consultation with DAERA has confirmed that the farm business was established in 2005 and the proposed site is located on land associated with another farm business currently active and is established for over 6 years.

The applicant through his agent submitted documentary evidence demonstrating that the farm is active and kept in good environmental maintenance, which has been carried out on a regular basis: The documentation include DAERA farm maps and data sheet, invoice from NI Water rates relating to the farm, invoices showing for cutting hedgerow, fertilizers; copies of cattle births; and herd records. From my own observations made during site inspection I am content the lands are kept in a good environmental condition.

From this I am content that the farm is an active farm businesses.

Following searches, it appears that no dwellings or development opportunities have been sold off from the farm within the past 10 years.

The proposed site is visually linked and sited to cluster with an established group of buildings on the farm. Access to the proposed dwelling will not be obtained from an existing lane, as the site can only be accessed via the main farm yard at present. The proposal involves a new access from the Draperstown Road along the eastern boundary of the existing dwelling at No. 9. The proposal therefore complies with the policy tests of CTY 10 in relation to farm dwellings. Following group with senior planner (MB) it was the consensus for siting of the new dwelling be further set back to visual link with the existing farm group and access be taken along the east boundary to lessen adverse impact on rural character.

I am content that the consultation response from DAERA, coupled with observations made on-site, and evidence provided by the applicant that the farming business is active and that it has been established for at least 6 years.



**Policy CTY 13** stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposal remains integrated into the existing landscape and is not deemed to present a dominant feature. The level of enclosure afforded to the site in terms of mature trees and vegetation restricts the level of prominence and the level of associated impact on the landscape. This also restricts the level of inter-visibility between the development and nearby existing dwelling. The proposal will not result in suburban development when viewed in the context of the approved and existing setting.

The proposal does not add to or elongate the existing development pattern which has been established with previous approvals and as such the development cannot be deemed to present a negative impact on the traditional pattern of settlement. The proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

**Policy CTY 14** in terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling. Again any proposal put forward should be representative, in terms of size and scale, of the existing farm dwelling to the east and the other dwellings which surround the site in this rural area. It is recommended additional soft landscaping will be condition to ensure the proposal is in keeping with the character of the rural area.

**Policy CTY 16** In terms of Policy CTY 16 it is not deemed necessary to assess the means of sewerage or discharge during the processing of an application  
A letter of objection was received on 24/09/2021 raising concerns relating no detail plans were shown on the public planning portal i.e. outlining the scale/scope of the proposed development;

No site layout and lack of design details; that there is a lack of neighbourhood notifications sent out; and the farm business is not farmed by the applicant.

In response to the concerns raised I am content that 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.

In response to the lack of detail plans concerns it is noted that no details surrounding design or landscaping associated with the proposal have been submitted with this application which relates only to outline planning consent , which ill be considered as Reserve Matters Stage.

#### **Other material considerations.**

I have no flooding, ecological or residential amenity concerns.

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

On the basis on the information submitted I must recommend approval for this application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval subject to conditions

**Conditions.**

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

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

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

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

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

3.Full particulars, detailed plans and 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.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

5.A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application, showing the access point including visibility splays of 2.4 metres x 100 metres in accordance with the attached form RS1 to be constructed prior to the commencement of any development hereby approved and as approved at Reserved Matters stage.

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

6.No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings

7.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 area identified in Blue on the approved plan Drag No 01 (Rev-1) date stamped 15/12/2021. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity

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.

### **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 Department or other statutory authority.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	25th August 2021
<b>Date First Advertised</b>	7th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Draperstown Road, Desertmartin, Londonderry, BT45 5NB The Owner/Occupier, 9 Draperstown Road Desertmartin Londonderry Conor Gribbin - Email	
<b>Date of Last Neighbour Notification</b>	1st October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1229/O Proposal: Proposed dwelling on a farm Address: Site adjacent to 9 Draperstown Road, Desertmartin, Decision: Decision Date: Ref ID: H/1984/0082 Proposal: SITE OF REPLACEMENT HOUSE AND GARAGE Address: 11 DRAPERSTOWN ROAD, ANNAGH, DRAPERSTOWN Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  Content	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 (Rev-1) Type: Site Location Plan Status: Submitted	

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department:



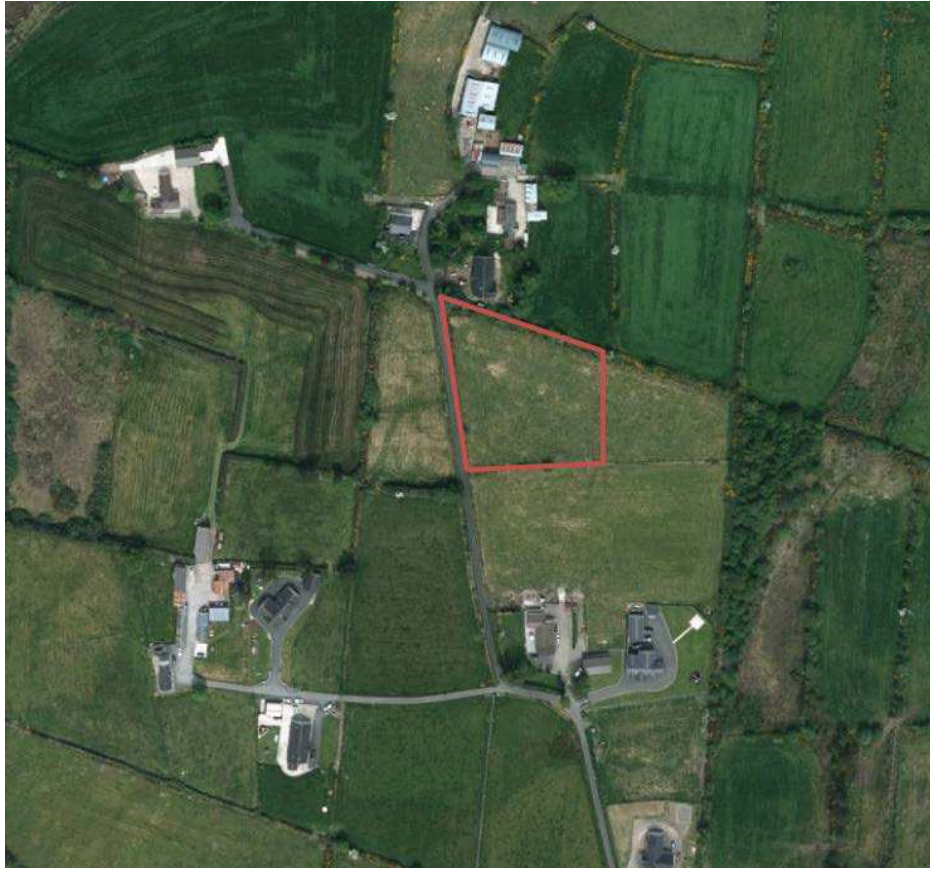
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1272/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed single storey 3 bedroom private dwelling with single detached garage adjacent to main house and surrounding landscaping	<b>Location:</b> South of 101a Cavankeeran Road Pomeroy
<b>Referral Route:</b> Recommended refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mrs Arlene Phelan 18 Garden Mews Cookstown	<b>Agent Name and Address:</b> Nest Architects Unit 5 Bebox 172 Tates Avenue Belfast
<b>Executive Summary:</b> Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. No letters of representation received.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA - Omagh	Advice

#### Representations:

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

#### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The settlement development limits of Pomeroy are located 0.8km SE of the site as the crow flies. The site comprises a large agricultural field with roadside frontage onto Cavanakeeran Road which is a minor road which comes to a dead end beyond the application site. The topography of the site is relatively flat with the site at a slightly lower level than the ground level of the existing adjacent public road. The roadside, northern and southern boundary are defined by post and wire fencing and a degree of hedging and trees. The eastern boundary is currently undefined given this is a cut out portion of a large field. There are three detached dwellings and a farm holding

immediately north of the application site. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings.

### **Description of Proposal**

This application seeks full planning permission for a single storey dwelling and garage on lands south of 101a Cavankeeran Road, Pomeroy.

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

### **Representations**

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

### **History on Site**

I/2005/0982/O - Proposed dwelling, domestic garage and new access to a public road - Lands 135m NE of 89 Cavanakeeran Road, Pomeroy – Application Withdrawn 13/12/05

I/2005/0604/O - Site for Dwelling – Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy – Permission Granted 16/06/05

I/2008/0382/RM - Site for Dwelling - Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy - Permission Granted – 26/05/09

### **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 – 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. SPPS 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.

#### CTY 10 – Dwelling on a Farm

The application was accompanied by a P1C form and farm maps therefore initially the proposal was considered against 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)

DAERA have confirmed that the farm business ID has been in existence for more than 6 years, however the farm business has not claimed payments through the Basic Payment Scheme in each of the last 6 years. With respect to criterion (b) following a review of the farm maps provided and a planning history check it was identified that planning approval had been granted on the farm business land for a dwelling. Planning approval I/2013/0273/O was granted on 07/11/13 for Brain Kane under Policy CTY 8. The approval is located on land within Field 5 on the DAERA farm map which accompanied this planning application. A Land Registry check was carried out which demonstrated this site was sold and the ownership was transferred on 07/07/15. This information was relayed to the agent on 21/10/21 giving them the opportunity to provide clarification on this matter, however the agent has since accepted that there has been a sell off and therefore the proposal does not meet Policy CTY10 criteria.

#### CTY 8 – Ribbon Development

The agent has since contended that the application site qualifies as a small gap site as permitted under CTY 8 of PPS 21. Policy CTY 8 states 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 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 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.

No.101b and No.101 with associated outbuildings are located immediately north of the application site, however the dwelling house No.101 and associated farm buildings do not have a frontage on to the public road therefore cannot be considered as one of the three or more buildings. No.101a is located NW of the application site and the detached dwelling of No.89 is located along the road frontage to the south. It should be noted that an agricultural field with road frontage of 74m separates the application site and the dwelling of No.89. In terms of the existing development pattern plot site, No.101a has a frontage of approx. 27m, No.101b has a frontage of approx. 23m and No.89 has a frontage of approx. 35m which is an average frontage of 28m in the immediate landscape. The application site has a road frontage of approx. 93m. It is therefore considered that the application site does not respect the existing development pattern in terms of plot size. Policy CTY 8 states the site should be a small gap site sufficient only to accommodate up to a maximum of two houses. In my opinion, the application site could accommodate at least 3 dwellings and the field immediately south could also accommodate at least 2 dwellings therefore this does not represent a small gap site and fails to meet Policy CTY8. Paragraph 5.34 of PPS 21 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”. It is my opinion that the application site represented a visual break. The agent has accepted that the gap on paper appears large however argued the site wouldn't accommodate more than two dwellings. I do not except this and the below photos demonstrate the gap appears large not only on the drawings but on the ground also. The agent has relied on previous approval for an infill dwelling (I/2013/0273/O) along this stretch of road, however all applications are to be considered on their individual merits and in the case of the previous approval the average frontage was 35m and the infilling of 2 dwellings resulted in a frontage of approx. 47m each which is significantly smaller than the 93m frontage this application proposes. Whilst the agent has argued this is a minor road with a minimal degree of public interest, this does warrant approval or substantiate the setting aside of policy and this is not accepted.



Travelling south – view of application site



Travelling north – approaching site

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed single storey dwelling was discussed at internal group and concerns were raised with the design particularly the roof with several different roof heights and pitches. Whilst concerns with the design were relayed to the agent, no formal request for an amended design were requested at this stage given the principle of a dwelling on the site is considered unacceptable. The proposed design is modern with complex and varying roof pitches and a large number of windows. It is considered the proposed dwelling would appear incongruous when read with the surrounding existing built form which are traditional in design. It is considered the proposal will fail to integrate into the surrounding landscape and is contrary to CTY13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The application site is a large green field. The addition of a dwelling on this site, 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. Paragraph 5.8 of PPS 21 states ribbon development is detrimental to rural character and contributes to a sense of build-up. It is therefore considered contrary to CTY 14.

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

The application site seeks to create a new access on to Cavankeeran Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

#### **Additional considerations**

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site.

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

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

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 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 Policy CTY 8 – Ribbon Development of PPS 21 – Sustainable Development in the Countryside as the proposal does not constitute 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 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 Policy CTY 13 of PPS 21 – Sustainable Development in it is considered that the design of the proposed dwelling is inappropriate for the site and its locality and the proposal will fail to visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy CTY 14 of PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

**Signature(s)**

**Date:**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1324/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Class B2 light industrial building.	<b>Location:</b> Adjacent & West of 21 Tobermesson Road Lisbanlemneigh Dungannon.
<b>Referral Route:</b> Objections received and contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Syerla Enterprise Ltd 34 Culrevog Road Dungannon BT71 7PY	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Historic Environment Division (HED)	Content

### Representations:

Letters of Support	None Received
Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

- Impact on neighbouring amenity
- Not in keeping with character of the area
- Increased congestion on roads
- Overdevelopment of site
- Road safety
- Impact on heritage



## Characteristics of the Site and Area

The site is a 0.35ha parcel of ground located on the Tobermesson Road approximately 1.5 miles north of Benburb and also a short distance to the SW of the settlement limits of The Moy. It is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010.

The site outlined in red encompasses a large cleared area of ground which has now been levelled and laid in stone with a soil embankment at the rear. There is a timber post and wire fence along the NW boundary however the site remains very open and exposed.



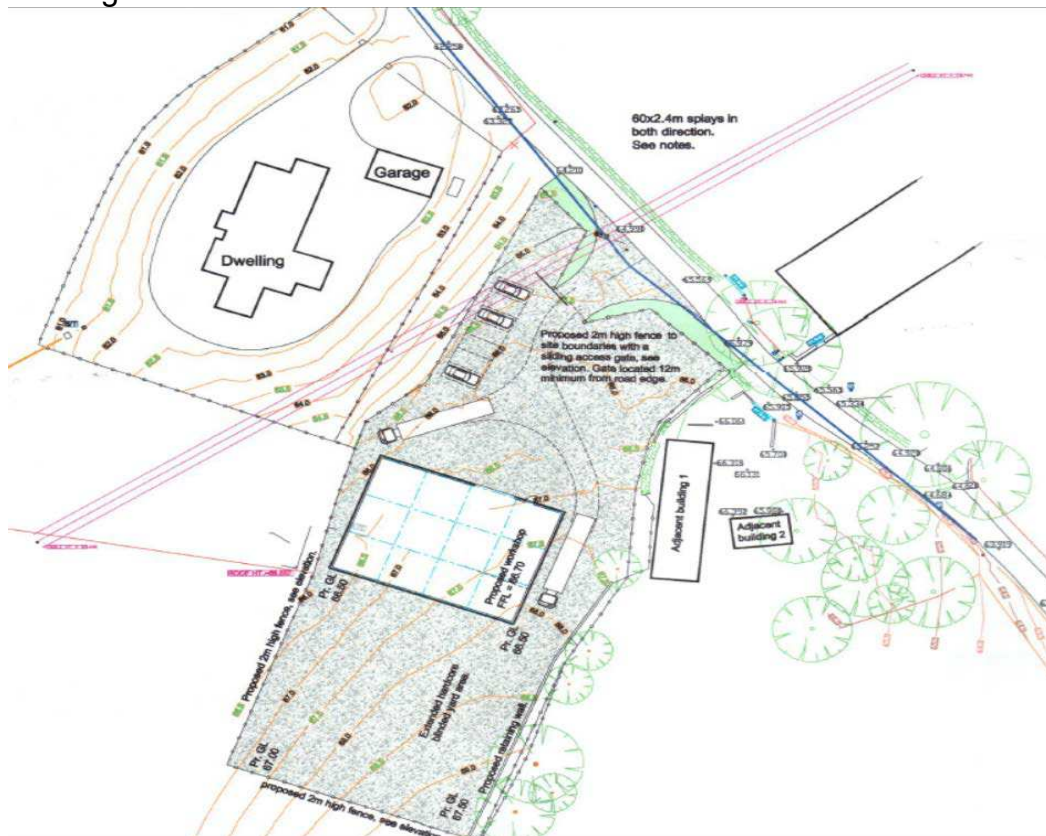
The site previously held a single storey dwelling which had recently been demolished and replaced in the neighbouring field. This dwelling now sits on a lower plain the immediate NW of the site. It also included 2 small sheds and a portion of a larger agricultural field to the north west of the old dwelling, these two sheds have also been demolished. An agricultural laneway runs along the NW boundary. The site rises from northwest to southeast, towards the existing dwelling.

There is some development pressure in the area with development taking the form of well established single dwellings and associated outhouses.



## Description of Proposal

The proposal seeks full planning permission for the erection of a class B2 light industrial building.





## 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
- DSTAP 2010
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development

### 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.

### Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there has been 5 objections from 4 different neighbours.

### Summary of issues.

- Impact on neighbouring amenity
- Not in keeping with character of the area
- Increased congestion on roads
- Overdevelopment of site
- Road safety
- Impact on heritage

### Consideration of issues

The proposed industrial shed is approx. 25 metres from the nearest non connected dwelling houses and also sits on higher ground (approx. 4 metres), there is also proposed car parking and large vehicle turning and areas located next to the existing dwelling which will undoubtedly impact on the enjoyment of private amenity to the residents of the dwelling immediately NW of the site.

The site lies in the open countryside and is surrounded by undulating agricultural land with a scattering of single dwellings and small farm holdings in the immediate vicinity, the proposed industrial shed would be in my opinion out of keeping with the character of the area.

The site will in create an increase in vehicular traffic to the area including large vehicles, I have consulted DFI roads for comment and also considered this in my detailed assessment of PPS 3 below.

The concerns also raised the issue of overdevelopment of the site, however, whilst it may be out of character with the areas there does deem to be sufficient space within the newly cleared site for the shed, as well as car parking and turning.

The representations also raise concerns of the impact on the surrounding heritage, however, the proposed shed is sited approx. 140 metres to the North of a Rath, which is 20 metres further away than the existing agricultural shed on the site which was demolished.

#### History on Site

LA09/2019/0646/F - Replacement dwelling house, garage, site access - 21 Tobermesson Road, Dungannon, - GRANTED 07.01.2020

LA09/2021/0136/CA - Unauthorised Development. Site has been cleared and hard cored and the owner has advised that construction of a building is planned. - Adjacent to 21 Tobermesson Road, Benburb - LIVE

#### Key Policy Considerations/Assessment

DSTAP - This site is located outside any settlement defined in the DSTAP 2010. It is not subject to any area plan designations or zonings and the plan does not have any policies for this type of development in a rural location. As such, existing planning policy will be applied (ie) PPS 4.

The SPSS retains the policy provisions of PPS21, PPS4 and PPS3.

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 Departments published guidance.

There is no history of this type of industrial development on the site, the site is in the rural area and not on land allocated for industrial development in the plan, and the applicant has provided no justification as to why this type of development is essential and could not be located within the settlement.

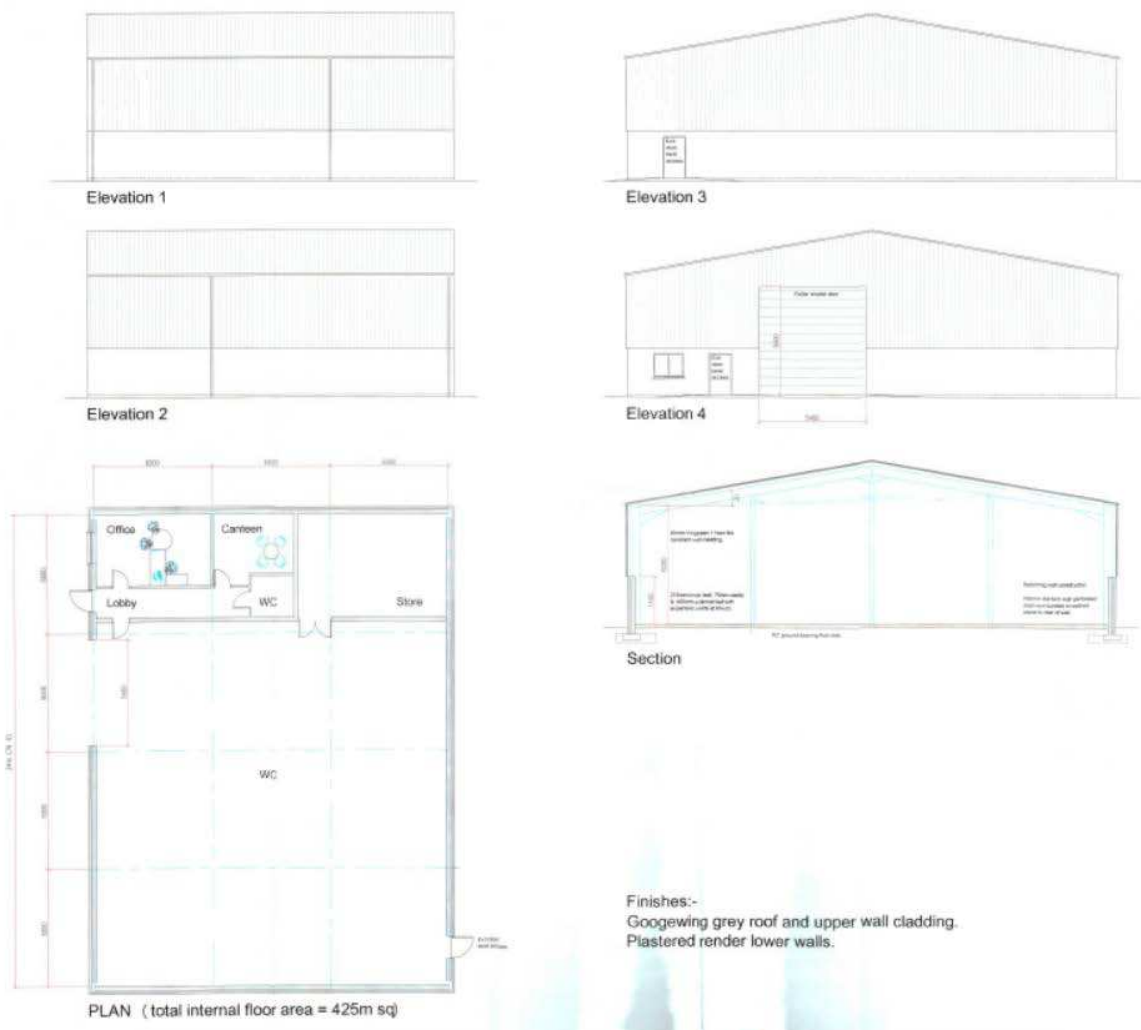
One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with PPS 4 (currently under review)

As this proposal is for a new industrial shed within the countryside and is not an extension to an already established economic development use Policies PED 2 and PED 9.

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

This application is not for an expansion or redevelopment of an established site, and it is not considered a major industrial development or a small rural project. 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.



### Policy PED 9 - General Criteria for Economic Development

In addition to Policy PED 2, this proposal is required to meet the requirements of Policy PED 9;

I consider the proposal is contrary to PPS 4 Policy PED 9 for the following reasons;

-this proposal is not considered compatible with the surrounding land uses given that there is no economic use on site or in the vicinity, the site is surrounded by agricultural lands, residential dwellings and a farm holding.

-This development site is in a remote rural area with a single dwelling located immediately to the NW and another a short distance to the East, a proposed industrial shed of this size would result in a loss of amenity to the nearest neighbouring receptor via noise nuisance and midday overshadowing to the rear garden area.

-Transport NI have been consulted they have stated that the proposed layout is inadequate in terms of car parking, 13 car parking spaces are required to comply with the parking standards, however, the current layout proposes 7 spaces. DFI Roads, however, do not provide any road safety concerns.

-The proposed boundaries are to be defined by a 2 metre high black metal mesh fence with steel posts, a reinforced concrete retaining wall which will provide a screen to the site, however, with no natural landscaping proposed, it will not promote sustainability or biodiversity at the site.



In conclusion, the proposal if approved would introduce a new industrial development to the rural area with no supporting information to justify as to why it is essential and cannot be located within the settlement. In addition it would be contrary to PPS 4 PED 2 and PED 9 in that it would if permitted fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) it has the potential to create noise nuisance, (m) that the proposal, regardless of measures to assist its integration, will not achieve an adequate degree of integration.

Recommendation Refusal

**Neighbour Notification Checked**

**Yes**

**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 contrary to PPS 4 - PED 2 and PED 9 in that it would if permitted fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) it has the potential to create noise nuisance, (m) that the proposal, regardless of measures to assist its integration, will not achieve an adequate degree of integration.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	9th September 2021
<b>Date First Advertised</b>	21st September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Patrick Jordan 14a Lisgobban Road, Benburb, BT71 7PT The Owner/Occupier, 18 Tobermesson Road Benburb Tyrone Jim McKenna 18 Tobermesson Road, Dungannon, BT71 7QE The Owner/Occupier, 19 Tobermesson Road, Benburb, Tyrone, BT71 7QE The Owner/Occupier, 20 Tobermesson Road Benburb Tyrone The Owner/Occupier, 21 Tobermesson Road Benburb Tyrone Neil Hubbard & Jordana Busby 21 Tobermesson Road, Benburb, Tyrone, BT71 7QE Gerry Boyle Email PG McKenna Lemneigh, 20 Tobermesson Road, Dungannon, Co Tyrone, BT71 7QE	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1324/F Proposal: Proposed Class B2 light industrial building. Address: Adjacent & West of 21 Tobermesson Road, Lisbanlemneigh, Dungannon., Decision: Decision Date:  Ref ID: LA09/2019/0646/F Proposal: Replacement dwelling house, garage, site access and associated site works Address: 21 Tobermesson Road, Dungannon, Decision: PG Decision Date: 07.01.2020	

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



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1345/RM	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and domestic garage	<b>Location:</b> Adjacent to 33 Loughbracken Road Pomeroy
<b>Referral Route:</b>  The agent is a current employee of Mid Ulster District Council	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Eamon and Katrina Canavan 22 Loughbracken Road PomeroyCookstown	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown
<b>Executive Summary:</b>  Proposal complies with relevant prevailing planning policy. No letters of representation received.	
<b>Signature(s):</b>  <div style="height: 40px; border: 1px solid black;"></div>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content

### Representations:

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

### Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Pomeroy is located approximately 1.4km to the southwest as the crow flies. The application site comprises a portion of a large, roadside field which appears to be well maintained and currently used for agricultural purposes. Immediately west of the application site, there is the detached farm dwelling of No.33 and the associated farm holding comprising a number of agricultural buildings further west. The roadside and western boundary are currently defined by mature trees and hedging. However given that the application is a cut out portion of a larger field, the remaining boundaries are currently undefined. The surrounding area is rural in nature with the predominant land use being agricultural fields. The land surrounding the proposed site varies in levels with an undulating topography. The application site gradually inclines in a southeasterly direction beyond the red line. Land rises gradually when travelling in westerly direction along the adjacent public road beyond the application site. There is low development pressure in the immediate surrounding context with some dispersed dwellings and a number of larger farm holdings in proximity to the site.

### Description of Proposal

This is a reserved matters application for a farm dwelling and domestic garage located adjacent to 33 Loughbracken Road, Pomeroy.

**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 21: Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking

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

**Representations**

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

**History on Site**

LA09/2021/0153/O- Proposed farm dwelling and garage/domestic shed - Adjacent to 33 Loughbracken Road, Pomeroy – Permission Granted 07/07/21

**Key Policy Considerations/Assessment**

Article 45 of the Planning Act (NI) 2011 requires the planning authority, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The application site is located in the open countryside outside any defined settlement limits. The extant Cookstown Area Plan 20150 does not contain any material provisions relevant to this proposal.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside. Policy CTY1 of PPS21 provides clarification on circumstances in which development will be considered acceptable in the countryside. The principle of development has already been established through the previous outline planning approval, which was granted under reference LA09/2021/0153/O. As this is a Reserved Matters application, it must now be considered under Policies CTY 13 and CTY 14. The principle of a dwelling on the site has been established, therefore the siting,

design and external appearance of the development, means of access and landscaping of the proposal will now be considered.

The proposal seeks reserved matters planning permission for a traditional single store dwelling with large domestic shed. The proposed dwelling has a long rectangular design finished with render and a front porch and 2 side projections both finished with stone. The proposed dwelling has a pitched roof with ridge height of approximately 5.5 metres. The garage also has a 5.5 metre ridge height and is finished with grey cladding typical of an outbuilding for agricultural or industrial purposes. Given the setting, adjacent to an existing farm holding with a number of agricultural buildings, this design of garage is acceptable in this instance and will be conditioned for domestic purposes only. The proposed design is considered acceptable to its rural setting and in accordance with Building on Tradition Principles. The proposed dwelling is setback approximately 22m from the public road and there is planting proposed to all boundaries to assist with integration.

The main issues to consider in the determination of this application are:

- Outline conditions
- Integration and Design of Buildings in the Countryside
- Rural Character
- Neighbour Amenity
- Access and movement

#### Outline conditions

Outline planning permission was granted on 7<sup>th</sup> July 2021. Having reviewed the imposed conditions of the outline planning approval, I am satisfied this reserved matters application has been submitted within the time limits and all conditions have been complied with.

#### Integration and Design of Buildings in the Countryside

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. In my opinion, the design is traditional and respects rural design principles as set out in the 'Building on Tradition Design Guide' and the existing built form in the locality. The proposed dwelling is an acceptable scale and massing. The fenestration has a vertical emphasis and the solid to void ratio between window openings and wall coverage is appropriate. The proposed dwelling is set back approximately 25 metres from the public road therefore there will be some public views from the Gortsraheen and Loughbracken Road. The surrounding context is predominantly rural in character with a low development pressure. There are existing agricultural outbuildings in close proximity to the west of the proposed dwelling and garage and it is considered the proposal will integrate alongside the existing group of buildings. The proposed landscaping is considered appropriate and will assist with integration. Overall it is considered the proposal site could accommodate and successfully integrate the proposed dwelling and associated works. It is therefore considered, the proposal does not offend Policy CTY13 of PPS 21.

#### Rural Character

CTY14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural

character of an area. As stated above, the immediate surrounding context is characterised by agricultural land and dispersed dwellings. The dwelling proposed is single storey and in keeping with the existing, surrounding built form. I do not consider the proposed dwelling would appear unduly prominent or out of keeping with the surrounding area. It is noted that there will be some short term/localised when travelling on the surrounding road network. However, it is considered given the topography of the site, the existing and proposed landscaping and the scale and form of the proposed dwelling there will be no detrimental impact to rural character. I consider that the proposed development will visually integrate with existing farm buildings and will not significantly alter the existing character of the area and in my opinion the proposal is compliant with Policy CTY 14.

#### Neighbour Amenity

I do not consider the proposed dwelling will appear overbearing or dominant. No.33 is within the applicants control and located approx. 31 metres from the proposed dwelling. The separation distance between the closest third party dwelling and the proposal is approx. 115m. I do not consider the proposal will result in a significant loss of privacy or overlooking given separation distance, existing vegetation and orientation. I am content there will be no significant detrimental impact on neighbouring amenity to warrant refusal.

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

**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 to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

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

2. The existing hedgerow and vegetation along the western boundary of the site shall be permanently retained at a minimum height of 1.2 metres and no looping,

felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to Council in writing within one week of work being carried out.

Reason: To ensure the development integrates into the countryside.

3. All proposed landscape works shall be carried out in accordance with the approved details on Drawing No.02 Rev 1 bearing the date stamp 16/11/21 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

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

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

5. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev 1 bearing the date stamp 16/11/21 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.

6. The proposed domestic garage indicated on Drawing 02 Rev 1 bearing the date stamp 16/11/21 shall be used only for purposes ancillary to the residential use of the dwelling hereby approved.

Reason: To preserve the character of this residential area.

### **Informatives**

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

other prevailing legislation as may be administered by the Council or other statutory authority.

4. 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.

5. 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 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.

6. 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.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1361/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Rear of 8 Ballyheifer Road Magherafelt
<b>Referral Route:</b>  Approval - To Committee - Exception to Policy	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Sean and Emma Hatton 4 Castle Meadows Castledawson Magherafelt BT45 8JX	<b>Agent Name and Address:</b> Vision Design 31 Rainey Street Magherafelt BT45 5DA
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

Approval - To Committee - Exception to Policy

### Characteristics of the Site and Area

The proposed site lies just outside the development limits of Magherafelt and just outside the LLPA as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the red line covers a tarmac area that appears to be currently used as storage, I note that there were materials and a small shed within this land. The red line extends through the side garden of No. 08 Ballyheifer Road to gain access onto the Ballyheifer Road. The immediate area is defined by a mix of residential, commercial and agricultural with the wider being predominately agricultural.



**Representations**

Twelve Neighbour notifications were sent out however no representations received in connection with this application.

**Description of Proposal**

This is an outline application for a proposed dwelling and garage, the site is located to the rear of 8 Ballyheifer Road, Magherafelt.

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

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

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?.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. CTY 1 provides list as to how a dwelling in the countryside can be granted planning permission; I note that the agent has provided a statement to justify the dwelling. In the statement it confirmed that agent had already contacted the council regarding a possible dwelling under CTY 2a (Cluster) however in which the agent was told that this was not a possibility as it would rely on buildings that were in the settlement limits which is contrary to policy. From such I hold the opinion that the dwelling would fail under CTY 2a as there is no cluster of development at the site that is located within the countryside.

In addition, the agent provided a number of appeal cases that they believe held comparisons to this case. Upon review of the submitted appeals I note that there is nothing in them that would demonstrate a dwelling being permitted in this location, refer to the impact a dwelling in this location would but have not provided a relevant policy under CTY 1 to allow for a dwelling. As such I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, this is not an infill opportunity. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business. From such I must recommend refusal as it has failed under CTY 1. I must note that upon the site inspection the site does feel as part of the existing settlement, given the level of development around the site. In which there is a builders yard to the west of the site that no planning permission but has been in existence for more than 5 years.

Upon further discussions with the Planning Manager that given the level of build-up of development wherein the builders yard encloses the site into the settlement, that as a result the site would read as part of the existing settlement and can be agreed to be an exception to policy.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling with a ridge height of no more than 6.5m and supplementary landscaping as in the concept plan would not conflict with this policy in relation to integration.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I hold the opinion that a dwelling in this location would read as part of the existing settlement as such it is unlikely to erode the rural character of the area as there isn't one in this location.

Policy CTY 15 - The Setting of Settlements states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As noted in this occasion I hold the opinion that the dwelling would actually read as part of the existing settlement without causing urban sprawl.

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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

**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 6.5 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and ensure the development satisfactorily integrates into the landscape.

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.

10. The proposed dwelling and curtilage shall be in general conformity with that identified in Drawing No. 03 date stamped 16th September 2021.

Reason: To ensure development integrates into the landscape and prevent urban sprawl.

11. The northern section of the site shall be returned to an agricultural land use in accordance with Drawing No. 03 date stamped 16th September 2021.

Reason: To prevent urban sprawl.

#### 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 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:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th September 2021
<b>Date First Advertised</b>	28th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Grange Avenue, Magherafelt, Londonderry, BT45 5RP The Owner/Occupier, 1 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 10 Ballyheifer Road, Magherafelt, Londonderry, BT45 5EQ The Owner/Occupier, 2 Grange Avenue, Magherafelt, Londonderry, BT45 5RP The Owner/Occupier, 2 Limetree Manor, Magherafelt, Londonderry, BT45 5TP The Owner/Occupier, 3 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 4a Limetree Manor, Magherafelt, Londonderry, BT45 5TP The Owner/Occupier, 5 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 6 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 7 Ballyheifer Road, Magherafelt, Londonderry, BT45 5DX The Owner/Occupier, 8 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 8a Ballyheifer Road Magherafelt	
<b>Date of Last Neighbour Notification</b>	6th October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1361/O Proposal: Proposed dwelling and garage Address: Rear of 8 Ballyheifer Road, Magherafelt, Decision: Decision Date:	

Ref ID: H/1990/0292

Proposal: 2 HOUSES AND GARAGES

Address: SITES NO 26 & 27 GRANGE HOUSING DEVELOPMENT OFF  
BALLYHEIFER ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0318

Proposal: BUNGALOW

Address: MULLAGHBOY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/6038

Proposal: BUILDING STORE REAR OFF 8 BALLYHEIFER ROAD MAGHERAFELT

Address: REAR OFF 8 BALLYHEIFER ROAD

Decision:

Decision Date:

Ref ID: H/1995/0076

Proposal: BUNGALOW

Address: ADJ TO 6 BALLYHEIFER ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2017/1512/PAD

Proposal: Proposed redevelopment of brown field site to provide housing development  
comprising of two storey detached and semi detached dwellings

Address: Lands at 8 Ballyheifer Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/1974/0099

Proposal: 11KV O/H LINE (C.2922)

Address: BALLYHEIFER, MAGHERAFELT

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

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

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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1384/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed Site for 2No Dwellings and Garages. Based on Policy CTY 8	<b>Location:</b> Vacant Lands adjacent to and west of 191 Battery Road Moortown BT80 0HY
<b>Referral Route: Contrary to Policies CTY1 and CTY15 of PPS 21</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Mr Maurice Devlin 191 Battery Road Ardean Cookstown BT80 0HY	<b>Agent Name and Address:</b> Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
<b>Executive Summary:</b> The proposal is contrary to Policy CTY1 of PPS 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.  The proposal is contrary to Policy CTY15 of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	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

### Description of Proposal

This is an outline application for 2 no. of dwellings and garages based on Policy CTY 8 of PPS21 to be located on vacant lands adjacent to and west of 191 Battery Rd Moortown.

### Characteristics of the Site and Area

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010 between two separate and distinct nodes of development forming Moortown settlement limits (see Fig: 1 below).

Most of the housing within Moortown is located immediately west of the site along the Ardboe Rd in the larger node of development with the smaller node immediately to the east of the site comprising principally a harbour area on the shores of Lough Neagh known as 'The Battery'. A range of local services and community facilities are dispersed in both nodes.

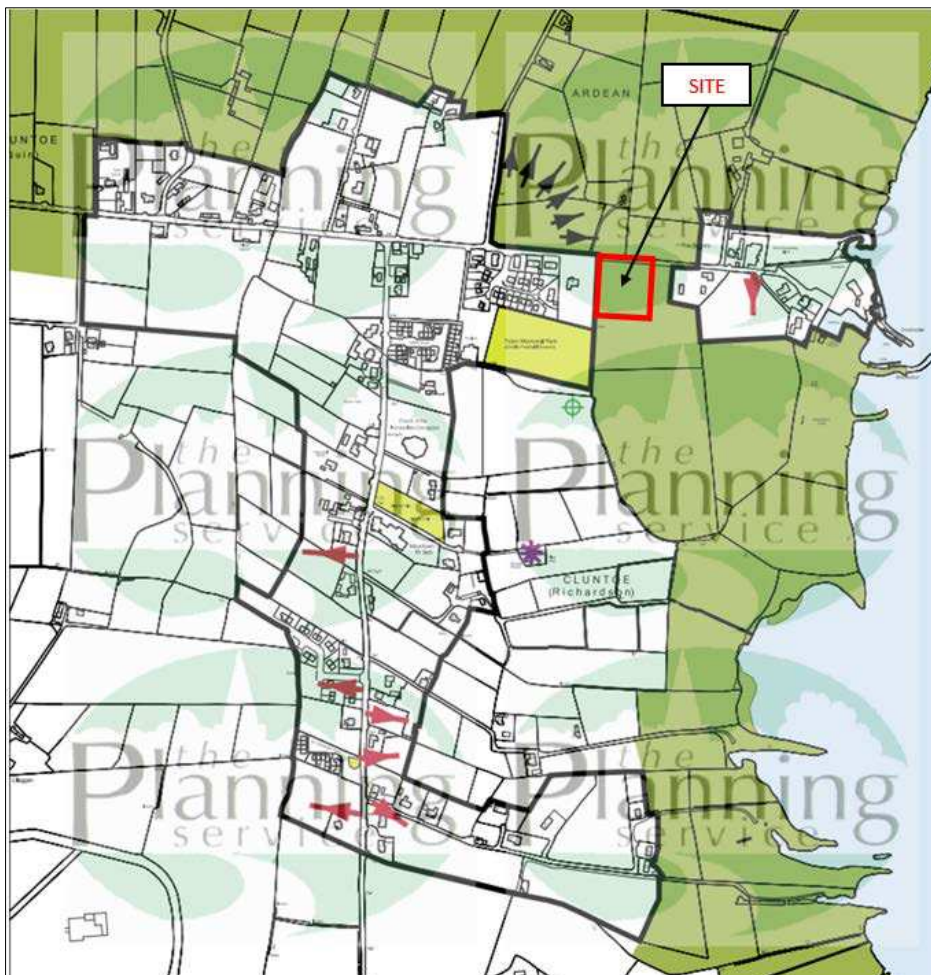


Fig 1: Moortown Settlement Limits

The site is a relatively flat square shaped plot of land cut from the roadside frontage of a larger agricultural field situated adjacent Battery Rd. Mature hedgerows interspersed with trees bounds the site to the north along the Battery Rd, west and east. The southern boundary of the site is undefined and open onto the host field.

An agricultural access into the site off Battery Rd exists close to its western boundary with a wide gravelled driveway running to the rear of the northern roadside boundary and continuing along the eastern boundary. The driveway accesses lands / buildings at and to the rear of 191 Battery Rd, a large detached 2 storey dwelling on substantial grounds bounding the site to the east. A bungalow, 189 Battery Rd, also on substantial grounds bounds the site to the west. A housing development is under construction on lands immediately south of no. 189.

Views of the site are limited from the Battery Rd until just before and passing the roadside frontage of the site due to the topography of the area; existing development within Moortown; and mature vegetation on site and within the wider vicinity, which all come together to screen it. Critical views of the site are from Anneeter Rd, located to the northwest of the site, when travelling south on the approach to its junction with the Battery Rd.

Whilst the site is bound to both sides by development within the two nodes of development forming Moortown settlement limits, the area retains a rural feel and nodes distinctively separate. This is due to the well-vegetated nature of the site alongside agricultural lands outside the settlement limits to its north and south creating a visual break between the larger in my opinion more visually apparent node to the west and smaller more enclosed node 'The Battery' to the east. The Battery is more enclosed owing largely to its location at the end of the Battery Rd, the only road in/out, and the topography of 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 3: Access, Movement and Parking  
Planning Policy Statement 6: Planning, Archaeology and the Built Heritage  
Development Control Advice Note 15: Vehicular Standards  
Planning Policy Statement 21: Sustainable Development in the Countryside  
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

## **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/2003/0904/O - Proposed site for new dwelling - Site adjacent to 193 Battery Rd Coagh - Refused 26<sup>th</sup> March 2004  
Reasons for refusal were 1: Adverse impact on the setting of Newport Trench - East Tyrone Area Plan; 2: Lack of integration; 3: Ribbon development; 4: Build-up leading to change in rural character
- LA09/2020/1610/PAD - Proposed dwelling - Lands adjacent to 191 Battery Rd Moortown - PAD declined as proposal not of scale and complexity to warrant formal PAD. The applicant was however advised the critical view is from Anneeter Rd and while the curtilage of the property within 'The Battery' node of development extends into the countryside it was very apparent from the view that the buildings themselves did not close the gap. As such, the opinion offered was that the two nodes should maintain their separation at this point. That should any application come forward a recommendation to refuse should be presented to the Committee, as it would result in the coalescence of the distinct nodes. The Committee may take a different view but it is a matter for them ultimately to decide upon in line with the scheme of delegation.

## **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. Historic Environmental Division (HED) were consulted as the site is located within the buffer area of an archaeological site and monument (reference TYR040:011 - mound: fairy bush). Historic Monuments assessed the application and were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

## **Key Policy Considerations/Assessment**

Cookstown Area Plan 2010 – the site lies in the rural countryside between two separate nodes of development forming Moortown settlement limits.

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 – PPS 21 the overarching policy for development in the countryside states 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 PPS 21.



The current proposal does not fall under any instance listed in Policy CTY1 of PPS21 accordingly there is no policy provision for the development of this site for 2 no. dwellings and garages.

Furthermore, the development of this site would be contrary to Policy CTY15 'The Setting of Settlements' of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

It is my opinion that this site has a role to play in preventing urban sprawl that would mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

As detailed above in the 'Characteristics of the Site and Area', whilst the site is bound to both sides by development within the two nodes of development forming Moortown settlement limits, the area retains a rural feel and nodes distinctively separate. This is due to the well-vegetated nature of the site alongside agricultural lands outside the settlement limits to its north and south creating a visual break between the larger in my opinion more visually apparent node to the west and smaller more enclosed node 'The Battery' to the east. The Battery is more enclosed owing largely to its location at the end of the Battery Rd, the only road in/out, and the topography of area.

The visual break provided by the site between the two distinct nodes providing a rural setting can be seen from the Anneeter Rd and the Battery Rd (see Figs 2 & 3, below). Whilst the curtilage of 191 Battery Rd the property within 'The Battery' node of development, since the adoption of the Cookstown Area Plan in June 2004, has extended into the countryside from both views the buildings in my opinion did not close the gap. I believe a dwelling, or as the case here 2 dwellings and ancillary garages, on this site will mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.



Fig 2: View from Anneeter Rd on south approach to junction with the Battery Rd.



Fig 3: View from Battery Rd on western approach to the site.

Bearing in mind the above, a supporting statement was submitted alongside this application making the case, for the development of the site for 2 dwellings and ancillary garages. The statement generally sets out that the two nodes of development forming Moortown are the same settlement, that there is no planning purpose served by retaining the site in the countryside, it merely serves to split two parts of the same community. It goes into detail to outline that the development of this site will not cause any harm to the appearance of the area, particularly given the wider benefits it can provide for the local community. Four significant benefits set out were that it would:

- Provide two well designed dwellings suitable for future residents of Moortown;
- Provide a road stretch that is wide enough to allow cars to pass;
- Provide a footpath providing pedestrian safety whilst walking; and
- Strengthen the connection and links between the two parts of Moortown.

In relation to bullet point 2, 3 and 4 above, the statement set out there is a need for improved road widths and pedestrian access along the Battery Rd on safety grounds. That the applicant has control over lands to the east of the site as such has scope to upgrade vehicular and pedestrian infrastructure along the Battery Rd to the front of the site and nos.191 and 193 Battery Rd. This infrastructure could link to roads improvements and a footpath approved under previous applications I/2007/0228/F & I/2014/0052/F on lands at 195 Battery Rd. I/2007/0228/F granted permission for 12 detached dwellings with re-alignment of main road across the site in 2009. I/2014/0052/F granted permission to vary condition 11 of I/2007/0228/F so development could commence prior to the works necessary for the improvement of the public road being completed (see Fig 4, further below). The statement states the upgraded linkages needed on safety grounds would reinforce and regularise what is already occurring people walking and driving between facilities in the two nodes.

In addition to the above, the statement outlines in detail how in normal countryside circumstances there would be no dispute that the application site is an infill development of a continuously built up frontage and would be typically found to be an exception to Policy CTY8 of PPS 21 and approved. That not only is it an infill opportunity but a key link site if developed properly could provide wider community developments. Caselaw is

clear Development Plans should not be 'slavishly applied' and that Planning Policy Statements are guidance and not mandatory, there will be cases when a proposal has factors that outweigh any policy objections. That this proposal will not mar the distinction between the two nodes Moortown as the host field between the nodes is already to all intents and purposes part of the settlement. The circumstances of this proposal are unique. It does not set any precedent as there are site specific characteristics, planning gain merits and area plan designations that distinguish this proposal from other applications for dwellings in the countryside.

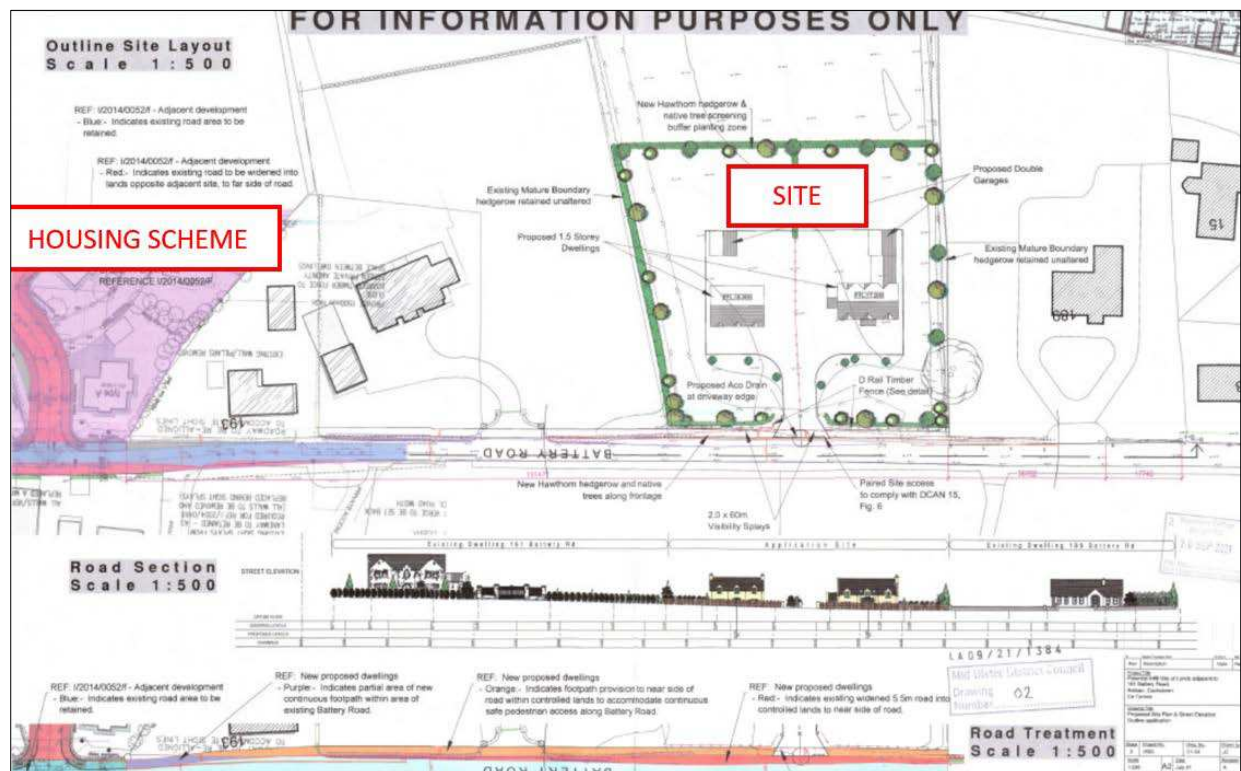


Fig 4: Block plan submitted to show scope for upgrade to vehicular and pedestrian infrastructure along the Battery Rd along site frontage and to the east with potential to link to a previously approved housing scheme.

Having taken into account the supporting statement my opinion has not changed. There is no policy provision within PPS21 permitting the development of this site for 2 no. dwellings and garages. Policy CTY 8 of PPS21 requires the infill to be within a line of development within the countryside, this proposal relies on development to both sides within the settlement. The site in my opinion provides a visual break and rural setting between the two distinct nodes. As previously stated whilst the curtilage of 191 Battery Rd the property within 'The Battery' node of development, since the adoption of the Cookstown Area Plan in June 2004, has extended into the countryside from the aforementioned views (see Fig 2 & 3 further above) the buildings in my opinion did not close the gap. I believe a dwelling, or as the case here 2 dwellings and ancillary garages, on this site will mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development. Accordingly, the proposal is contrary to Policy CTY15 of PPS 21.

## Additional Considerations

In addition to checks on the planning portal Natural Environment Map Viewer (NED) map viewer available online has been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Whilst Flood Maps NI indicate a very small amount of surface water flooding over the southwest corner of the site, I do not consider it would impact the development of this site. The indicative layout as shown on the submitted site location plans show all development outside the area at risk of flooding.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal if would be under the 15.2 height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however this proposal is for 2 no. of dwellings and garage.

**Recommendation:** Refuse

<b>Neighbour Notification Checked</b>	Yes
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<b>Summary of Recommendation:</b>	Refuse
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**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of PPS 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 CTY15 of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

**Signature(s)**

**Date:**





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1442/RM	<b>Target Date:</b>
<b>Proposal:</b> Dwelling house and domestic garage	<b>Location:</b> 40m North West of 19 Tullyheran Road Maghera
<b>Referral Route:</b>  Approval - To Committee - Objection received.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Diarmaid and Ciara Donnelly 9 Rowan Glynn Maghera	<b>Agent Name and Address:</b> Architectural Services 5 Drumderg Road Draperstown BT45 7EU
<b>Executive Summary: Approve</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	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 - Objection received

### Characteristics of the Site and Area

The site is located approximately 0.2km north of the development limits of Glen, as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. I note that the red line covers a portion of a much larger agricultural field, which is bounded by mature trees on all boundaries. I note that site is currently accessed via an existing access onto the public road. I note that the immediate and surrounding area is characterised by agricultural land uses with a scattering of dwellings.

#### Representations

Only one neighbour notifications were sent out, in which one objection was received.

#### Relevant planning history

LA09/2020/1171/O - Site of 2 Storey dwelling house with ridge height of 8.8m and a domestic garage - 40m NW of 19 Tullyheran Road, Maghera - Permission Granted - 05.05.2021

## Description of Proposal

This is a Reserved Matters application for proposed Dwelling house and domestic garage, the site is located 40m NW of 19 Tullyheran Road, Maghera.

## Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

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'.

I note that the principle of development has already been established on the site through the recent approval LA09/2020/1171/O, in which I am content that the application complies under CTY 1 and 10. Upon review of the submitted plans I am content that all conditions have been met of the outline approval. From such the application must still comply under CTY 13 and 14 of PPS 21.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As noted I am content that all the relevant conditions have been met, however I note that the applicant has opted to only go for a single storey dwelling. With this in mind I am content that the dwelling will not appear as a prominent feature in the landscape and will be able to successfully integrate into the landscape. In terms of design, as noted it is a simple single storey dwelling with a regular form as such I am content that this is acceptable within this rural location. From this I am content that the application is able to comply with CTY 13.

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

PPS 3 - Access, Movement and Parking;

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

A consultation was also sent to Rivers Agency who in their response confirmed that DFI River's previous comments in relation to Revised PPS 15 FLD 1, 3, 4 & 5 remain the same as per our consultation response dated 13th September 2021. FLD2 - Protection of Flood Defence and Drainage Infrastructure - Maintenance strip has been retained and protected from impediments as detailed on stamped drawing number 02/DCD/15/21. As a result Revised PPS15 has now been satisfied.

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

I have no ecological, flooding or residential amenity concerns.

In response to the comments made by the objector, they are as follows. It is stated that the objector is not opposed to the applicants seeking, and potentially winning planning approval for the house proposed, in the location proposed. However, the access shown to Ballyknock Road is via my client's land. She has not been notified of the application, or the proposal to take access through her lands. She does not consent to this access, and has no intention to grant permission for the access route to be used.

I note that this question was posed to the agent who responded to say they confirm that Mr McPeake is the registered land owner as he bought this farm almost 30 years ago and this laneway was always used for access. Mr. McPeake maintained this laneway undisputed in terms of hedge cutting, drainage clearance, maintaining the fences and gate. As these lands have been let out on lease over the past years, all the farmers which leased these lands also used only this laneway to access the agricultural lands. Agent went on to say sometime following the approval of the Outline planning application reference number LA09/2020/1171/O, Mr. McPeake had noticed that a barrier was erected on this laneway and from this Mrs. Warnock notified him that he was not the legal owner of this laneway. As Mr. McPeake is somewhat shocked by this allegation, he has contacted his solicitor to clarify this ownership matter and remedy this situation. Mr. McPeake has informed us that until he receives confirmation from his solicitor, he firmly believes that he is the actual legal owner of all the lands.

As such a land reg check was done and it was not conclusive as the lands in questions are unregistered and planning is unsure who owns the lane. This matter goes beyond planning control and planning do not act as a negotiator in these matters. This matter is a civil matter between the two parties, it should have been raised during the outline application in which there is a valid Reserved Matters application.

The objector noted that they were not notified by the applicant about the outline planning application which preceded the subject application for approval of reserved matters. They should have been notified, and there is reason to believe that in completing the ownership certificate in the way that the applicant, or their agent did, that an offence has been caused. In terms of neighbour notification of the outline I note that whilst the objector may own lands around the site that their residence is not deemed to be notifiable. As such it is unreasonable for planning to neighbour notify every surrounding landowner as such we notify the relevant dwellings. Again in terms of the original signed certificate, the agent confirmed their belief was that Mr McPeake is the legal owner and signed the certificate accordingly as such there was no challenge to the certificate during the outline application.

Objector notes that the applicant has submitted a further application, LA09/2021/1446/F, seeking permission to relocate the access. My client is not opposed to the granting of permission in respect of that proposal. It might, we respectfully suggest, be prudent for the applicant to withdraw their RM application. We contend that the council should not grant a permission, with a time limit for development to commence, where it does not believe that the development proposed can be delivered within that time limit. The applicant might wish to re-frame their current full planning application, to encompass the entire development proposed, without reliance upon the outline approval. If they were to do that, my client would not object to the proposal. Upon review of this comment I hold the belief that each application will be held on its own merits and as such despite the ownership dispute the applicant has complied with the outline conditions and the Reserved Matters should be able to readily assessed. I note it may have been practical to do all such under the one full application but at present there are two valid applications.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve

**Conditions:**

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

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

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

2.All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 04 Oct 2021 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

4.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.

5.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.

6.The vehicular access including visibility splays 2.4 x 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 04 Oct 2021 prior to the commencement of any other development hereby permitted.

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

7.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

#### 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 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.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 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.

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:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th October 2021
<b>Date First Advertised</b>	19th October 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 19 Tullyheran Road Maghera Londonderry Liam Ward Email Address	
<b>Date of Last Neighbour Notification</b>	23rd November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/1171/O Proposal: Site of 2 Storey dwelling house with ridge height of 8.8m and a domestic garage. Address: 40m NW of 19 Tullyheran Road, Maghera, BT46 5JQ., Decision: PG Decision Date: 05.05.2021  Ref ID: LA09/2021/1446/F Proposal: Relocation of access to approved site under reference LA09/2020/1171/O Address: 40m North West of 19 Tullyheran Road, Maghera, Decision: Decision Date:  Ref ID: LA09/2021/1442/RM Proposal: Dwelling house and domestic garage Address: 40m North West of 19 Tullyheran Road, Maghera, Decision: Decision Date:  Ref ID: H/1999/0749/F Proposal: Alterations and improvements to dwelling Address: 19 Tullyheron Road, Maghera Decision: Decision Date: 29.01.2000  Ref ID: H/1988/0349	



Proposal: RETIREMENT FARM DWELLING  
Address: BALLYKNOCK ROAD MAGHERA  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 05  
Type: Garage Plans  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

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

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1473/F	<b>Target Date:</b>
<b>Proposal:</b> Single Storey Extension to rear of dwelling to provide disabled person adaptations	<b>Location:</b> 6 Carsonville Drive Upperlands Maghera BT46 5SQ
<b>Referral Route:</b>  The agent's spouse is a member of MUDC Planning Department	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr & Mrs H. Porter 6 Carsonville Drive Upperlands Maghera BT46 5SQ	<b>Agent Name and Address:</b> Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TH
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

### Summary of Issues

No issues identified

### Characteristics of the Site and Area

The site is located within the settlement limits of Upperlands as per the Magherafelt Area Plan. The red line of the application site includes the dwelling at 6 Carsonville Drive, which is a two storey end terrace dwelling which has amenity space to the rear with an existing garage at the rear of the dwelling. The rear yard extends east where there is a mature line of trees. The surrounding area is residential in nature with the site located within an existing residential development.

### Description of Proposal

This is a full planning application for a single storey extension to rear of dwelling to provide disabled person adaptations at 6 Carsonville Drive, Upperlands.

**Representations**

No third party representations have been received in relation to this application.

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore, transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

I am content that the scale and massing of the proposed extension are acceptable in that it will not dominate the existing building and will not detract from the appearance or character of the surrounding area given the position to the rear of the dwelling.

I am satisfied that the proposal will not unduly affect the privacy or amenity of the neighbouring residents. The property adjoining the site to the north already has a rear return similar to what is being proposed. The proposal will match this ridge height and cause no concerns in terms of loss of light or overlooking on this property. No other neighbouring properties will be affected.

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features, which contribute significantly to local environmental quality.

I am content that sufficient space will remain within the curtilage for recreational and domestic purposes including parking and manoeuvring of vehicles.

**Other Material Consideration**

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

**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.

**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 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.

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.

**Signature(s)****Date:**

ANNEX	
<b>Date Valid</b>	7th October 2021
<b>Date First Advertised</b>	19th October 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 3 Carsonville Drive Upperlands Maghera The Owner/Occupier, 4 Carsonville Drive Upperlands Maghera The Owner/Occupier, 5 Carsonville Drive Upperlands Maghera The Owner/Occupier, 7 Carsonville Drive Upperlands Maghera The Owner/Occupier, 8 Carsonville Drive Upperlands Maghera The Owner/Occupier, 9 Carsonville Drive Upperlands Maghera	
<b>Date of Last Neighbour Notification</b>	21st October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/2006/0571/F Proposal: Ground floor extension to north east of terraced dwelling to provide bedroom and shower room Address: 8 Carsonville, Upperlands, Maghera Decision: Decision Date: 20.09.2006  Ref ID: LA09/2021/1473/F Proposal: Single Storey Extension to rear of dwelling to provide disabled person adaptations Address: 6 Carsonville Drive, Upperlands, Maghera, BT46 5SQ, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1570/F	<b>Target Date:</b>
<b>Proposal:</b> Relocation of previously approved car park (un-constructed) under planning application ref LA09/2021/0749 to a newly proposed location. Location is approximately 90m from Iniscarn Road leading into the Iniscarn forest. Forest access road widened to 3.5m with construction to 2 number passing bays leading up to the car park. Works as previously approved under LA09/2021/0749 which includes upgrade of forest trails, ancillary signage, and construction of play park to remain as part of the development proposal.	<b>Location:</b> Iniscarn Forest Iniscarn Road Iniscarn Desertmartin
<b>Referral Route:</b> <ul style="list-style-type: none"> <li>Mid Ulster District Council Planning Application.</li> </ul>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Mid Ulster District Council 80 Burn Road Cookstown BT80 8DT	<b>Agent Name and Address:</b>
<b>Executive Summary:</b> Proposal considered against prevailing planning policy and all material considerations below. No letters of representation received	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response

### Representations:

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

### Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined within the Magherafelt Area Plan 2015. The application site is within an existing area of woodland and comprises two portions of Iniscarn Forest with mature trees as well as the entrance point with layby currently used as a small area for parking with a bus shelter and existing access. The surrounding area is rural in character with low development pressure. The adjacent road network is minor and the predominant land use is agricultural with dispersed dwellings and farm holdings in the locality. There is a gradual incline from east to west within the site.

### Description of Proposal

This is a full application to relocate the car park previously approved under planning application LA09/2021/0749/F approximately 90m NW and widen the existing forest access road to 3.5m with construction to 2 number passing bays leading up to the car park. The upgrade of forest trails, ancillary signage, and construction of play park are to remain as previously approved under LA09/2021/0749/F.

### Planning Assessment of Policy and Other Material Considerations

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

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

**The 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
- Planning Policy Statement 3: Access, Movement and Parking

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

**Representations**

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**

LA09/2021/0749/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 – Permission Granted 08/10/21

**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 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 principle of development of a car park within Iniscarn Forest has already been established on the site under the previous full planning application LA09/2021/0749/F which granted approval on the 8th October 2021 and remains live. As the principle of the proposal has already been considered acceptable and in keeping with the Area Plan and prevailing planning policy, this is not a matter for reconsideration under this planning application. The proposal relates specifically to the relocation of the previously approved car park from the roadside 90m NW within Iniscarn Forest. This application also includes the provision of 2no. Passing bays and widening of the existing access road to facilitate vehicle movements.

As previously considered under planning approval LA09/2021/0749/F, it is my opinion that the provision of a formalised car park will be safer and more secure for visitors. The revised siting of the proposed car park will be set back from the public road approx. 115m with a stone gravel finish. Given the setback, as well as screening and backdrop from the surrounding mature trees, there will be limited public views of the proposed works. The widening of the existing access road, is considered minor works and overall it is considered that the proposal will have no significantly greater impact than that previously approved. The closest residential property to the application site is approx. 95 metres NE of the site, therefore it is considered there will be no detrimental impact on residential amenity. The proposed location of the car park is not located within a floodplain. No features of importance to natural conservation or built heritage have been identified which would be adversely impacted by the proposal. No hydrological links were identified in close proximity to the proposed new car park location and SES were previously informally consulted and advised development would not have any conceivable effect on a European site. I am content that this type of development is typical to a Forest open to visitors setting and the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area. The proposal provides a designated parking area which will enhance public safety and it is considered that this development is compatible with the uses within the site and the wider countryside.

Magherafelt Area Plan 2015: The application site is located in the rural countryside and comprises a portion of the existing Iniscarn Forest Park. The site is located within the Sperrin's AONB. The plan does not include any specific AONB criteria, this will be dealt with under PPS 2.

Planning Policy Statement 2: Natural Heritage - Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the proposal will respect the character of the rural area and given the proposed works will enhance the existing forest attraction, I consider the development will respect the special character of the AONB. NIEA Natural Environment Map Viewer has been checked and identified no other environmental designations on the site.

Planning Policy Statement 3: Access, Movement and Parking - The proposal will utilise an existing access onto the Iniscarn Road. The proposal will accommodate visitors to an existing facility providing additional parking in a designated, safe and accessible space. The car park aspect of the proposal provides 32 parking spaces. Following discussions with the Principal Planner it was considered unnecessary to consult DFI Roads on this occasion given there are no proposed changes to the access arrangements previously approved. It is noted that no concerns with respect road safety or parking were raised with the approved access arrangements subject to conditions.

### **Additional Considerations**

It was identified a small portion of the northern portion of the site is within a pluvial floodplain as defined within the Department for Infrastructure Strategic Flood Maps. Given the minimal portion of the site within floodplain and that this portion of the site will be finished in gravel it was not considered necessary to consult DfI Rivers in this instance.

It is noted on the P1 Form that the applicant has signed Certificate C and a P2a Form was served on the land owner NI Forest Service who have not provided any representation to this application

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

The proposed development relates to the relocation of a previously approved car park which will remain within Iniscairn Forest with associated minor works to upgrade the internal access road. This proposal will provide enhanced facilities to be used by the local district and residents and visitors to the district. It is considered the proposal will benefit the existing forest park without any adverse impact on nearby residents, natural or built heritage or the local character of the area. It is considered the proposal complies with the above policy criteria and approval is recommended.

**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 04 bearing the date stamp 03 August 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. No other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 04 bearing date stamp 03 August 2021 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

**Informatives**

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

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant attention is drawn to the conditions and informatives attached to the previous planning approval LA09/2021/0749/F.
5. 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 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.
6. 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

**Signature(s)**

**Date:**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2019/1105/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a farm dwelling and double domestic garage	<b>Location:</b> 70 metres (Approx.) West of 25a Corrycroar Road, Pomeroy
<b>Applicant Name and Address:</b> Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	<b>Agent name and Address:</b> R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Summary of Issues:</b>  No objections have been received.	
<b>Summary of Consultee Responses:</b>  No issues of concern have been raised.	
<b>Characteristics of the Site and Area:</b>  The application site is located approximately 70m west of No 25a Corrycroar Road, Pomeroy in the rural area. There is a gradual rise from the site towards the north and west and this is similar to the east, which contributes to the enclosed nature of the site. The surrounding land raises quite substantially. Views of this site are limited until passing its frontage onto Corrycroar Road. This is due to its location between two bends on the Corrycroar road, the topography of the area, and existing vegetation along its boundaries and within the wider vicinity.  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.	

**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 objections have been received to the proposal.

**Deferred Consideration:**

This application was presented to the Planning Committee as a refusal in February 2021 and deferred for an office meeting. The application was deferred for a second time in November 2021 for a site visit to take place with Members of the Planning Committee and this was carried out on 19 November 2021.

In terms of PPS21, CTY 10 criteria (a) and (b) have been met by the applicant but we have not considered criteria (c) as being met. The main farm grouping is located to the south-east of the application site and is on the opposite side of the road. Having visited the site with Members it is apparent a new dwelling on this site will not visually link nor will it be sited to cluster with an established group of buildings on the farm. The applicant is relying on the buildings in the field of the application site. The presence of these buildings have been acknowledged, however there is no evidence to confirm these buildings are lawful either through a CLUD or a previous planning approval for the buildings.



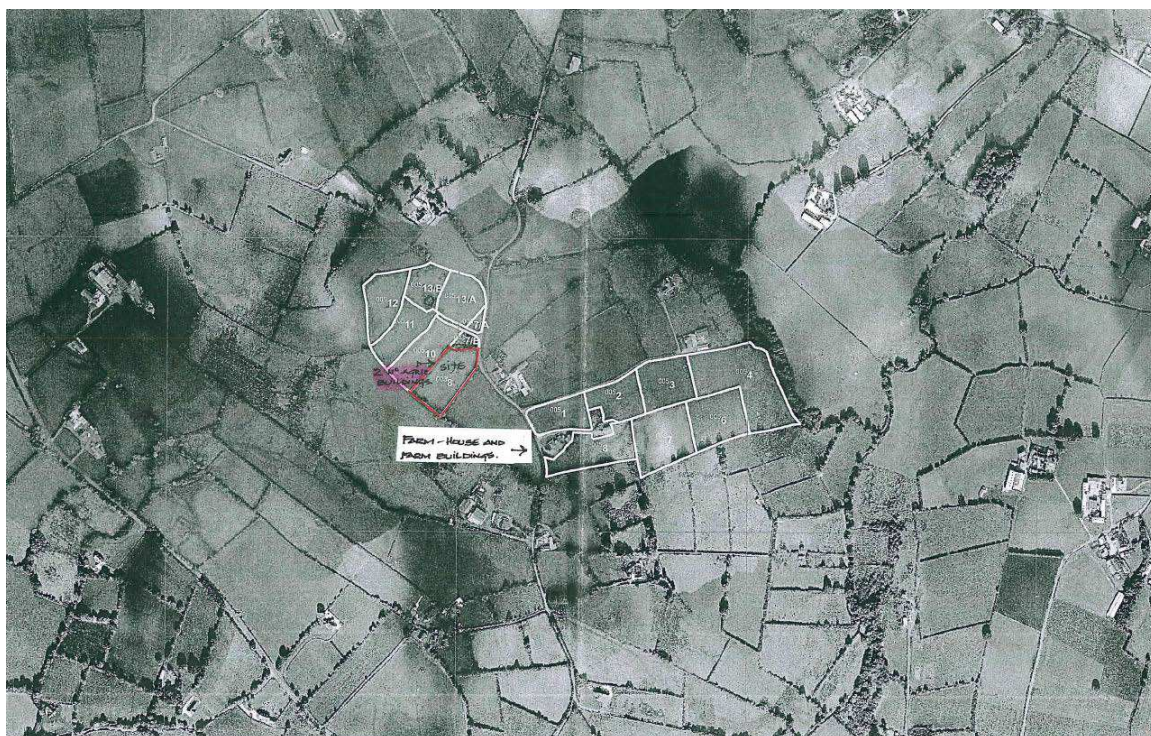


Policy does provide for an exceptional consideration for an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group.

A discussion took place at the site visit with Members at the principal farm holding and the suitability of other fields on the farm at the principal farm holding. The applicant has a young family and feels there are health and safety concerns with machinery and vehicles moving around the principal farm holding. It is my opinion there are suitable sites at the principal farm holding. The applicant and agent have both ruled out the suitable sites for various reasons, including accessing the lands and future expansion of the farm.

However, the applicant has not demonstrated there are verifiable plans to expand the farm business at the existing building group and therefore I cannot consider this. There are suitable sites that will avoid the working yard at the existing building group and I do not consider this an insurmountable issue.



The application site must also meet the requirements of Policies CTY 13 and 14 and I have no concerns with either policy.

Although a new dwelling could be sited satisfactorily without a detrimental impact on rural character, the proposal fails to meet criteria (c) of CTY 10 as there are no verifiable plans to expand the farm business at the existing building group, there are no demonstrable health and safety reasons and the buildings at the application site have not been proven to be lawful buildings. I do not consider there are any overriding reasons or material considerations which outweigh Policy CTY 10 and I recommend a continued refusal of this application.

**Reason for Refusal:**

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

**Signature(s):**


**Date**



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1105/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a farm dwelling and double domestic garage	<b>Location:</b> 70 metres (Approx.) West of 25a Corrycroar Road Pomeroy
<b>Referral Route:</b>  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.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Connor Carberry 22 Shanroy Park Pomeroy BT70 2RP	<b>Agent Name and Address:</b> R. Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report		
<b>Site Location Plan</b>		
		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<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.</p> <p>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.</p>		



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](http://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 Rd	Proposed site for a farm dwelling and double domestic garage	VALID APPLICATION RECEIVED	
I/2004/0909/O	Approx 30m N.W. of 25a Corrycroar Rd	Erection of dwelling & domestic garage	PERMISSION REFUSED	16.12.2004
I/1990/0367	80M 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 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	
<b>Date Valid</b>	20th August 2019
<b>Date First Advertised</b>	3rd September 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 25 Corrycroar Road Pomeroy Tyrone The Owner/Occupier, 25a Corrycroar Road Pomeroy	
<b>Date of Last Neighbour Notification</b>	30th August 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  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:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/0804/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed two storey dwelling & domestic garage	<b>Location:</b> Lands 350m South of 293 Pomeroy Road, Lurganeden, Pomeroy
<b>Applicant Name and Address:</b> Mr Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield Dungannon	<b>Agent name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b>  No objections have been received to the application	
<b>Summary of Consultee Responses:</b>  No objections raised.	
<b>Characteristics of the Site and Area:</b>  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

Proposed two storey dwelling & domestic garage

## Deferred Consideration:

This application was recommended as a refusal and was deferred at Planning Committee in December 2020 for an office meeting. The application was presented, again with a recommendation to refuse in November 2021 and was deferred for a site meeting with Members.

In terms of PPS21, CTY 10 criteria (a) and (b) have been met by the applicant but we have not considered criteria (c) as being met. The main farm grouping is located away from the application site and is not sited to cluster or visually link with the group of buildings on the farm and to date the application has not been considered to meet criteria (c). At the site visit with Members, we walked to the application site and to inspect a structure on the ground to the rear of the application site. We were informed this was once a building with a roof which has blown off over time. The structure is now used as a cattle crush and it is a single building. There isn't a group of buildings at the location of the application site.

With Members, we also inspected the lands available at the main farm grouping. We considered a number of alternative sites on the day of the site visit and were informed of a history of flooding on a number of fields. Following the site visit the agent submitted photographic and video evidence of floods occurring on the farm. The agent stated these affected fields 4/A, 4/B, 7, 8, 9/B, 15 and 16. From the site visit I consider field 3 to be a suitable alternative as it is clear that a dwelling on this field, if sited appropriately, would visually link with the group of buildings on the farm.



Following the office meeting the applicant submitted additional information to demonstrate he has plans to expand the farm business. However, we have not been provided with verifiable evidence of signed contracts, or planning approval for new sheds on the farm. We have been told the farm holding will be split into two for both the applicant, Ben Sinnamon and his brother who currently lives in a dwelling on the farm beside the original farm house. Ben wishes to establish himself as a farmer and to farm those lands separate from the main farm grouping and from his brother.

The issue with this site is 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. Although I accept that the existing farm holding is set back from the public road, I do not consider there are 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 an agricultural field and does not have a group of buildings in proximity with which to either cluster with or visually link. 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.

The proposal is recommended for refusal, as it does not comply with CTY10 and CTY 13 of Planning Policy Statement 21.

**Refusal 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.

**Signature(s):**

**Date**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0804/O	<b>Target Date:</b> 21/10/20
<b>Proposal:</b> Proposed two storey dwelling & domestic garage	<b>Location:</b> Lands 350m South of 293 Pomeroy Road Lurganeden Pomeroy
<b>Referral Route:</b>  Recommended refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Ben Sinnamon 18 Torrent Glen Main Street Castlecaulfield	<b>Agent Name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
<b>Signature(s):</b>	



## 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:**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2020/1051/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and double domestic garage on a farm	<b>Location:</b> 90m (approx.) South West of 99 Feegarron Road, Cookstown
<b>Applicant Name and Address:</b> John and Amy Wilson C/o.99 Feegarron Road Cookstown	<b>Agent name and Address:</b> R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Summary of Issues:</b>  This is an outline planning application for a dwelling and garage on a farm. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no objections and all other material considerations have been addressed within the determination below	
<b>Summary of Consultee Responses:</b>  No issues of concern have been raised.	
<b>Characteristics of the Site and Area:</b>  Proposed site for dwelling and garage on a farm is approximately 90m south West of 99 Feegarron Road and approximately 7 km North West of Cookstown, which is within the open countryside as defined by the Cookstown Area Plan 2010. The site fronts onto Feegarron Road where the topography therein gently elevates in a northerly direction. The south, east and north site boundaries comprise mature intermittent semi-mature trees with hedgerows with post and wire fence. The west boundary is defined by a low hedge. There are 2 fields to the west of the site where there is a stream that runs between them. The principle farm house is 99 Feegarron Road which is accessed by a concrete lane that	

serves farm sheds and fields. The surrounding landform is one of undulating countryside and the land raises north from Feegarron Road. There are two other dwellings nos 95 and 97 Feegarron Road these appear to be connected to a farm and associated sheds.

### Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage on a farm located approximately 90m southwest of Feegarron Road. The proposal involves the construction of a new access onto Feegarron Road.

#### Planning history

LA09/2017/1186/O

Single dwelling and garage at 99 Feegarron Road at 99 Feegarron Road, Cookstown for Amy Glasgow. Application withdrawn 23/03/2018

### Deferred Consideration:

This application was deferred for an office meeting with the Planning Manager. Following the office meeting an amended plan was received in order to address access issues to the site and take a new access from the Feegarron Road and pairing it with the existing laneway serving the group of buildings on the farm.

An amended drawing has been received and Robert Leonard (Agent) confirmed in a telephone call on 15 December 2021 the Certificate is still correct and Samuel Glasgow is in ownership of all the lands outlined in red.



Having visited the site, it is apparent the rural character of the area is predominantly roadside bungalows. The agent stated that field 8 is peat land and unsuitable for constructing a new house on. I consider that with the hedging along the laneway of field 8, a new dwelling will not be out of character with this rural area. Given the landform and natural backdrop, I consider a dwelling with a maximum ridge height of 5.7m to be

suitable. A siting condition is required to ensure that a dwelling will read with the group of buildings on the farm and to ensure it is satisfactorily integrated.

I recommend an approval subject to the conditions listed below.

**Conditions:**

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

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

4. The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 25 November 2021

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

5. During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the eastern and western boundaries of the site in accordance with a scheme submitted to and approved by the Department

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

6. The dwelling hereby permitted shall not be occupied until the existing natural roadside native species hedgerow has been reinstated behind the required sight visibility splays.

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

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



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**



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1051/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and double domestic garage on a farm	<b>Location:</b> 90m (approx.) South West of 99 Feegarron Road Cookstown
<b>Referral Route:</b>  Proposal fails to comply with criteria c contained within policy CTY 10, and CTY13 of PPS 21. No third party representation received and all other considerations have been taken into consideration.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> John and Amy Wilson C/o.99 Feegarron Road Cookstown	<b>Agent Name and Address:</b> R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	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

This is an outline planning application for a dwelling and garage on a farm. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no



objections and all other material considerations have been addressed within the determination below

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

Proposed site for dwelling and garage on a farm is approximately 90m south West of 99 Feegarron Road and approximately 7 km North West of Cookstown, which is within the open countryside as defined by the Cookstown Area Plan 2010. The site represents a small field and is rectangular in shape measuring approximately 0.2 of a hectare. The site fronts onto Feegarron Road where the topography therein gently elevates in a northerly direction. The south, east and north site boundaries comprise mature intermittent semi-mature trees with hedgerows with post and wire fence. The west boundary is undefined. The site is located in field 7 as per DAERA farm map. There are 2 fields to the west of the site where there is a stream that runs between them. The principle farm house is 99 Feegarron Road which is accessed by a concrete lane that serves farm sheds and fields. There is another lane leading from the farm that accesses onto Ballynagilly Road.

The surrounding landform is one of undulating countryside and the land raises north from Feegarron Road. There are two other dwellings nos 95 and 97 Feegarron Road these appear to be connected to a farm and associated sheds.

### **Description of Proposal**

The applicant is seeking outline planning approval for a dwelling and garage on a farm located approximately 90m southwest of Feegarron 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 the construction of a new access onto Feegarron Road.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

### **Planning history**

LA09/2017/1186/O

Single dwelling and garage at 99 Feegarron Road at 99 Feegarron Road, Cookstown for Amy Glasgow. Application withdrawn 23/03/2018.

### **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 13/09/2020 (publication date 14/09/2020. Four (4) neighbouring properties were notified on 18/09/2020; 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, under the Habitats Regulations is not required for this proposal. There are no designated waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

## Planning Assessment of Policy and Other Material Considerations

### Consultees

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

2.DFI Rivers Planning Advisory and Modelling Unit were consulted in relation to the site? S wet condition however Rivers confirmed the site did not lie within the 1% AEP fluvial flood plain and further confirmed the site is unaffected by a designated watercourse. Rivers offered no objection however although a Drainage Assessment is not required by the Policy. However, it is the applicant's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

**The 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.

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 Cookstown Area Plan 2010 (CAP) operates as a LDP. The site is outside any settlement development limit within CAP and is in the countryside where it has no material policies for dealing with dwellings in the countryside

The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is PPS 21 which provides the relevant policy context for the proposed development.



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

Regional Development Strategy 2035

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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

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

Planning Policy Statement 21: Sustainable Development in the Countryside. PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria being met. These are listed in Policy CTY1 of PPS21.

The applicant seeks outline approval for the development of a small gab site in accordance with Policy CTY10 of PPS21.



**Figure 1. Aerial photograph showing proposed site and farm complex**

### **Assessment.**

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. The farm business must be currently active and have been established for a minimum of 6 years. Policy CTY1 of PPS 21 lists 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. The circumstances wherein planning permission will be granted for an individual dwelling house are outlined. This includes a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted where all criteria are met and complied with.



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

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. This again is reiterated in Paragraph 5.38 of the Justification and Amplification text, which goes on to state that the applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period. 6. The Applicant submitted a DAERA business ID number along with accompanying farm map that relate to 13.83 ha farm business. The site is to be located in field No.7 located at 99 Feegarron Road. The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number ( ) was issued to the applicant in 1991.

I am satisfied criteria A have been complied in that the farm business is currently active and is established for over 6 years.

Following searches, it appears that no dwellings or development opportunities have been sold off from the farm within the past 10 years. I am content the application complies with criterion B.

In terms of criteria C I am not persuaded the proposed site is visually linked to the established group of buildings on the farm and also where practicable, access to the dwelling should be obtained from an existing lane on the farm. Therefore, it is my opinion that this application considered not to be an exception under Policy CTY 10, which does not comply in accordance with criterion (c) of Policy CTY 10 of PPS 21.

The proposed site was reviewed by a Senior Planner who visited the site and identified other potential site options identified in field Nos 4, 5 which to the north and fields Nos 10 and 11 located southwest of the farm. However, all of these were rejected by the applicant.

#### Representation submitted from the agent Mr. Robert Leonard

The agent submitted a planning statement stamp date 12/03/2021 in support of the application. I have summarised the main points as follows:

- In terms of alternative sites field Nos 4 & 5 not suitable as they exist on to existing laneway;
- Field No 12 has peat depth 18 to 20 meters discovered during a drainage scheme;
- Field No 8 is waterlogged owing to adjacent stream.

A revised site location map accompanied the planning statement that showed an alternative site Whilst I acknowledge the rationale the site identified outside the red line of the application site and would require a fresh planning application in order to be accessed on its merits.

Following discussions with Mr. Bowman, Principle Planner who visited the site considered the alternative site it and is was agreed that it did not visually linked or sited to cluster with the established group of buildings on the farm and also the access to the proposed dwelling failed the criteria by not come off the existing lane.

Furthermore, I am of the view the site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the proposed development and fails to integrate into the surrounding landscape and is therefore contrary to Policy CTY13 of PPS21

A further letter was received from the agent stamp date 22/03/2021, which referred to telephone discussions with senior planner Mrs E. McCullagh, Team Leader, the letter reiterated the comments outlined in the previous letter dated 09/03/2021, again reasons were given why the alternative sites were not acceptable to the application. These related to ground levels and flooding issues.

Following group discussions it was agreed that the proposed site, which was the subject of a previous application that was withdrawn ([LA09/2017/1186/O](#)) given the separation distance and topography of the site it was considered the site still failed the visual link test and with the main farm business and would also would not integrate with the surrounding landscape.

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

Refused

#### **Reasons for Refusal:**

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	2nd September 2020
<b>Date First Advertised</b>	14th September 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 101 Feegarran Road Cookstown Tyrone The Owner/Occupier, 99 Feegarran Road Cookstown Tyrone The Owner/Occupier, 95 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA The Owner/Occupier, 97 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1186/O Proposal: Single dwelling and garage Address: 99 Feegarran Road, Cookstown, Decision: WITHDR Decision Date: 23.03.2018  Ref ID: LA09/2020/1051/O Proposal: Proposed site for dwelling and double domestic garage on a farm Address: 90m (approx.) South West of 99 Feegarran Road, Cookstown, Decision: Decision Date:  Ref ID: I/2002/0693/O Proposal: Proposed dwelling Address: Approx. 210 Metres South West of 97 Fegarran Road, Cookstown Decision: Decision Date: 26.03.2003	

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





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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2020/1498/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Retention of the Gym and Wellbeing Facility currently under construction on this site. This will comprise of a portal framed and cladding building 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank.	<b>Location:</b> Site adjacent to 99 Ardboe Road Ardboe Co Tyrone.
<b>Applicant Name and Address:</b> Mr Ryan Quinn 99 Ardboe Road Ardboe BT80 0HU	<b>Agent Name and Address:</b> Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
<b>Summary of Issues:</b>  This application is for retention of a gym and associated works adjacent to the applicants dwelling which is on the east side of Ardboe Airfield and close to Ardboe Business Park. The facility is not close to any properties that would be impacted by noise from the comings and goings or the operation of the facility and is itself beside an area that has a considerable amount of Large scale industrial type development around it, outside of the defined settlement limits. There is a drive for health and well being facilities due to the on0going pandemic for peoples mental and physical health, this coupled with the location may justify a temporary permission.	
<b>Summary of Consultee Responses:</b> DFI Rivers - may require Drainage Assessment DFI Roads – no objections Environmental Health – no objections in principle Health and Safety Executive – likely not to advise against this development	

**Characteristics of the Site and Area:**

This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 2km northeast of Ardboe, it comprises a flat rectangular plot cut from a much larger agricultural field. It sits adjacent and accessed off Ardboe abandoned airstrip at Kinrush. It also sits immediately adjacent and south of no. 99 Ardboe Road, a modest bungalow, recently renovated and identified on the P1 Form accompanying this application, as the applicant's home address.

The site, which is orientated narrow end onto the airstrip, comprises a relatively new gym and wellbeing facility / building, 'LS Results', associated parking, drainage and septic tank. The building is located relatively central on site and orientated gable end facing onto the airstrip. It has a portal frame, a simple rectangular shaped floor plan and pitched roof construction, grey cladding to its roof and walls, and black pvc windows and doors. The building has a couple of small flat roofed annexes located on / to its' northern elevation of the main gym / exercise area, the smaller of the 2 is detached from the main building and houses a reception room; and the larger is attached and houses changing rooms. The associated parking, which is tarmac, is located to the south side and front of gym / western half of the site adjacent the airstrip. The site is bound to its south and east by an approx. 1.2m high post and wire fence. The northern boundary of the site is open to its' eastern half and bound only in part to its' western half by low wooden fencing defining the curtilage of no. 99 Ardboe Rd and some higher perimeter fencing. The frontage of the site is undefined and open onto the adjacent airstrip, used as a road. The section of airstrip the site is accessed off is relatively pot holed and it appears a tarmac strip along its' east side providing access to the site, but outside the red outline of the site, has been recently formed and delineated by bollards and cones.

Critical views of this site and building on it are on the southern approach to it along the old airstrip from a point just before passing an anaerobic digester plant until passing the site's frontage. The building is also visible to the rear of no. 99 Ardboe Rd over a short distance on the northern approach to it along the old airstrip.

Whilst the site is located in the countryside and the lands to its' west, north and east comprise flat agricultural lands, the area is largely characterised by its' location adjacent the airfield and industrial development located along the airstrip located south of the site to other side of an anaerobic digestion plant also visible from site.

**Description of Proposal**

This is a full planning application for the retention of a Gym and Wellbeing Facility currently under construction on lands adjacent to 99 Ardboe Road Ardboe Co Tyrone.

This proposal comprises a portal framed and cladded building with an external floor space of approx. 304.75m<sup>2</sup>, tarmac car parking surface and associated drainage and septic tank.

The main body of the building has a rectangular floor plan measuring approx. 33.5m x 8m (268m<sup>2</sup>) and pitched roof construction (approx. 4m above EGL); and comprises a gym and exercise area. The main body has 2 attached annexes. The smaller annex has a squared floor plan measuring approx. 3.5m x 3.5m (12.25m<sup>2</sup>) and a flat roof construction (approx. 2.7m above EGL); and comprises a private therapy room. The larger annex has a rectangular floor plan measuring approx. 7m x 3.5m (24.5m<sup>2</sup>) and a flat roof construction

(approx.2.7m above EGL); and comprise changing rooms.

**Deferred Consideration:**

This application was before the Planning Committee in June 2021 and it was deferred to allow further discussion about the development, the area it is within and the need for the proposal. A meeting was held with the Planning Manager, the applicant and Patsy McGlone MLA where the issues were debated.

Discussions revolved around the overall appearance of the area, policies that may come forward in the Development Plan process and the need for the proposed development.

Mr McGlone highlighted the ongoing effects of the pandemic and the need for this type of facility for people to be able to exercise in as safe a manner as possible. It was indicated the development is well used by local people and they do feel safe in this environment as they can come and go as they wish in a socially distanced manner.

The applicant has advised that he provides an on demand facility and there are classes and other complementary therapies that are offered to help people to keep active and physically and mentally fit. The facility is beside his own dwelling and he is able to be on site to monitor and assist where needed. The site is in the countryside, but it is in an area that has been degraded due to the historical airfield and the uses that have grown up on and around it. The nearest neighbours are an aerobic digester, intensive chicken houses, a large wind turbine and a pre-stressed concrete product manufacturing facility with extensive yards and storage areas. The facility will not have any adverse impacts on the amenity of any residential properties and the low design of the buildings means they will not have any great visual impact on the area.

Members are advised there is no policy for this type of facility in the rural area, the development has been carried out and is currently being used and operated. Planning permission could therefore be refused and it is likely there would be successful enforcement proceedings to have this development closed and as the buildings are modular, they would be capable of being removed quickly and the site restored to its previous condition, should members wish to request this. However it is clear the pandemic has had an impact on people's health and well being, especially during the lockdown periods. While there is no specific policy to permit the development, the issues highlighted have been raised and are material to the consideration of this application. The pandemic is on-going and the information presented, which I have no reason to doubt to be correct, does suggest this facility is needed at this time to help some people to deal with the effects of the various restrictions. With the new variant Omicron coming to the fore, there is no way of knowing when the restrictions will be fully lifted or indeed if there may be new restrictions imposed. I consider, on the information presented that is providing a necessary facility at this time and that members may rely on this in their consideration of the retention of the development.

Members may also take account of the character of the area this development is located within, it is clear this is a degraded rural environment, with a considerable amount of industrial development located outside the settlement limits for Ardboe. These buildings

are relatively low impact and are only viewed in association with the large scale industrial development to the south.



The existing industrial enterprise park here has expanded and there is limited capacity within it. Members have the opportunity, through the Development Plan process, to assess whether or not there is scope to extend the settlement limits in this area or to consider a rural business park, the extent of that and the type of development that would be acceptable within it. In other towns and settlements gyms and fitness centre are accepted as being compatible in business parks due to noise and other associated potential impacts which may not be appropriate in residential areas.

Due to the ongoing pandemic and drive for facilities to assist people to manage their health and well being, the overall appearance of the area local to the development, the potential for this areas planning status to change in the near future and the temporary nature of the buildings, I consider members could make an exception to policy here. Members may exercise some control over the development by restricting this to a temporary permission for a 3 year period. This would allow the outfall from the pandemic to pass, the applicant to search for alternative premises and to make representations through the plan process to allow consideration of the appropriateness of this facility, on a long term basis.

Rivers Agency have indicated they require a Drainage Assessment (DA) for the development. Policy FLD 3 states that a Drainage Assessment is required where development proposes new hardsurfacing over 1000sqm. The purpose of the DA is to consider the impact the development will have in respect of flooding and seek to provide attenuation of any storm water collected and displaced by development. This development includes approx. 1200sqm of carparking, approx. 300sqm of paths and 298sqm of new buildings. The carparking and paths are made of open bitmac which allows rainwater to percolate through the surface and as such does not have any significantly greater impact on the run off from the site. Rivers Agency have indicated in similar applications that where the hardsurfaces are open and allow water to percolate through them, they do not require the submission of a Drainage Assessment. There is no other development in close proximity to the site that would be at risk from any run off and as such I do not consider there is a need to require the submission of the Drainage Assessment in this instance.

In light of the above site specific and reasons specific to the timing of the pandemic, it is my recommendation that a temporary permission is granted for 3 years for the retention of the use the buildings and the ancillary development.

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The development hereby approved shall be removed and the lands restored to grassland within 3 years from the date of this permission.

Reason: This is a temporary permission and does not grant permanency for the buildings, operations and use on this rural site.

Informatives:

1. This permission is for a temporary period only and does not grant any permanent buildings or uses on this site.
2. The permission hereby granted does not extend to signage which may require separate consent under the Planning (Control of Advertisements) Regulations (NI) 2015.
3. This permission does not grant title to any lands.

**Signature(s)**

**Date:**





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

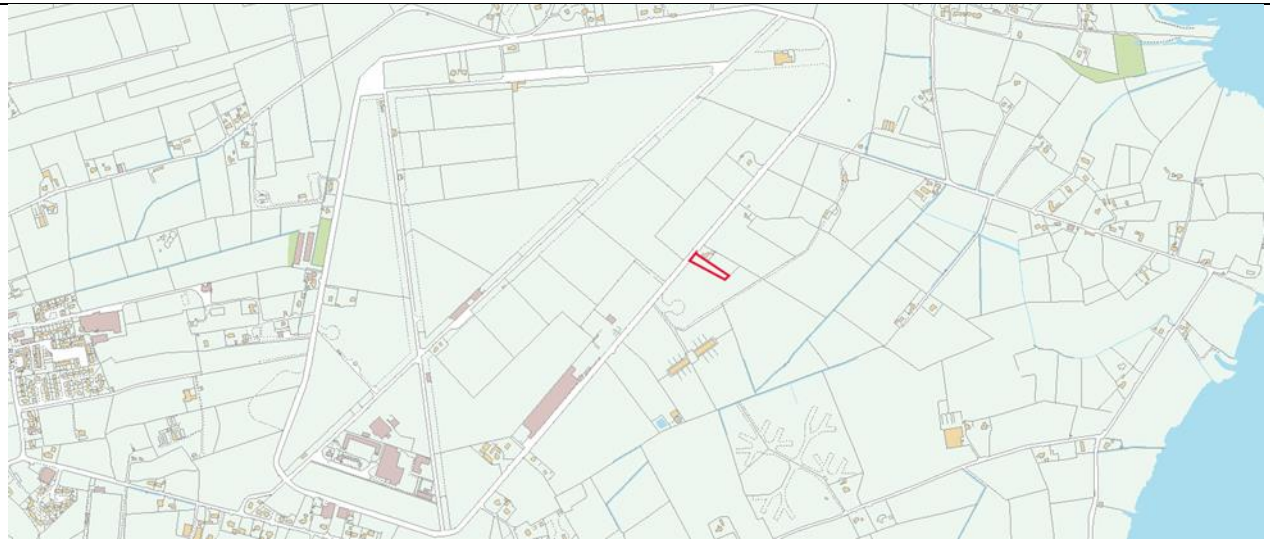
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1498/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of the Gym and Wellbeing Facility currently under construction on this site. This will comprise of a portal framed and cladding building 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank.	<b>Location:</b> Site adjacent to 99 Ardboe Road Ardboe Co Tyrone.
<b>Referral Route:</b> Refusal	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Mr Ryan Quinn 99 Ardboe Road Ardboe BT80 0HU	<b>Agent Name and Address:</b> Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Description of Proposal</b>		
<p>This is a full planning application for the retention of a Gym and Wellbeing Facility currently under construction on lands adjacent to 99 Ardboe Road Ardboe Co Tyrone.</p> <p>This proposal compromises a portal framed and clad building with an external floor space of approx. 304.75m2, tarmac car parking surface and associated drainage and septic tank.</p> <p>The main body of the building has a rectangular floor plan measuring approx. 33.5m x 8m (268m2) and pitched roof construction (approx. 4m above EGL); and comprises a gym and exercise area. The main body has 2 attached annexes. The smaller annex has a squared floor plan measuring approx. 3.5m x 3.5m (12.25m2) and a flat roof construction (approx. 2.7m above EGL); and comprises a private therapy room. The larger annex has a rectangular floor plan measuring approx. 7m x 3.5m (24.5m2) and a flat roof construction (approx.2.7m above EGL); and comprise changing rooms.</p> <p>I note whilst the Gym and Wellbeing Facility may have been under construction when this application was made, as detailed below in ‘Characteristics of Site and Area’, the works described above were largely complete on the date of site inspection. Furthermore they were not entirely as detailed in the initial drawings submitted. E.g. the smaller annex detailed above appeared detached rather than attached to the main body of the gym building; an additional area of tarmac, existed on lands immediately south of the building; and fenestration in the building varies. The agent submitted revised drawings during the processing of the application largely addressed the aforementioned discrepancies with the exception of the additional area of tarmac.</p>		
<b>Characteristics of the Site and Area</b>		
<p>This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 2km northeast of Ardboe.</p>		



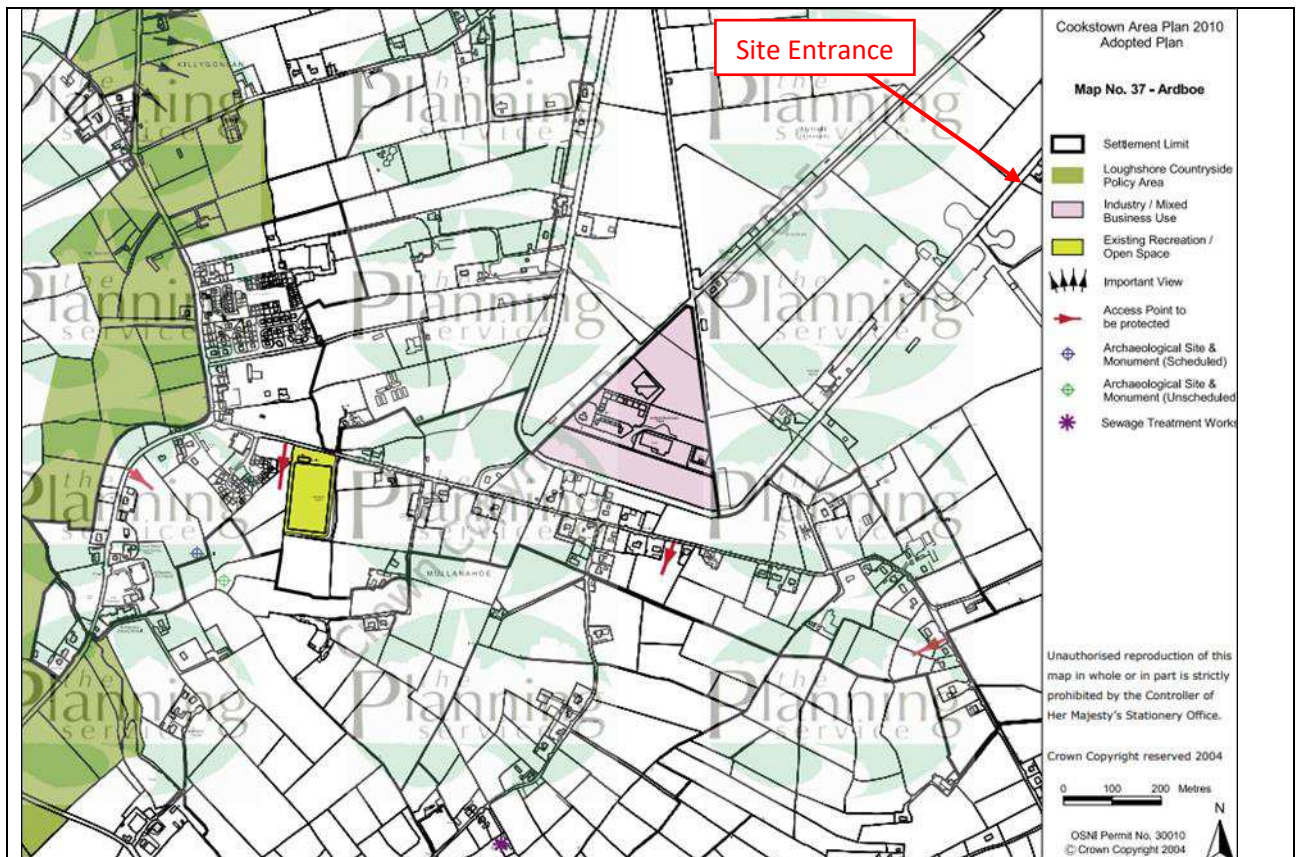


Fig 1: Ardboe Settlement Limits (Cookstown Area Plan 20210). Access to site has been identified.

The site comprises a flat rectangular plot cut from a much larger agricultural field. It sits adjacent and accessed off Ardboe abandoned airstrip at Kinrush. It also sits immediately adjacent and south of no. 99 Ardboe Road, a modest bungalow identified on the P1 Form accompanying this application, as the applicant's home address.

The site, which is orientated narrow end onto the airstrip, comprises a relatively new gym and wellbeing facility / building, 'LS Results', associated parking, drainage and septic tank (see Fig 2, 3 & 4 below). The building is located relatively central on site and orientated gable end facing onto the airstrip. It has a portal frame, a simple rectangular shaped floor plan and pitched roof construction, grey cladding to its roof and walls, and black pvc windows and doors.

The building has a couple of small flat roofed annexes located on / to its' northern elevation of the main gym / exercise area, the smaller of the 2 is detached from the main building and houses a reception room; and the larger is attached and houses changing rooms.

The associated parking, which is tarmac, is located to the south side and front of gym / western half of the site adjacent the airstrip.



Fig 2 & 3: Photos of site / building on site taken from old airstrip / frontage of site.



Fig 4: Photos of front and south side of building on site

The site is bound to its south and east by an approx. 1.2m high post and wire fence. The northern boundary of the site is open to its' eastern half and bound only in part to its' western half by low wooden fencing defining the curtilage of no. 99 Ardboe Rd and some higher perimeter fencing seen in Fig 2, above. The frontage of the site is undefined and open onto the adjacent airstrip, used as a road. The section of airstrip the site is accessed off is relatively pot holed and it appears a tarmac strip along its' east side providing access to the site, but outside the red outline of the site, has been recently formed (see Fig 4, below).

Critical views of this site and building on it are on the southern approach to it along the old airstrip from a point just before passing an anaerobic digester plant visible from site (see Fig 4, below) and passing along the site's frontage. The building on site will also be visible to the rear of no. 99 Ardboe Rd over a short distance on the northern approach to it along the old airstrip.



Fig 4: Photo from site of land to south



Fig 5: Photo on north approach to site

Whilst the site is located in the countryside and the lands to its' west, north and east comprise flat agricultural lands, the area is largely characterised by its' location adjacent the airfield and industrial development located along the airstrip located south of the site to other side of an anaerobic digestion plant also visible from site (see Fig 4).

### **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 8: Open Space, Sport and Outdoor Recreation  
 Development Control Advice Note 15: Vehicular Standards  
 Revised Planning Policy Statement 15: Planning and Flood Risk  
 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 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.

### **Relevant History**

#### **On Site**



- I/2008/0033/O – New workshop unit and associated hardstanding areas and parking areas – Lands 50m E of No. 99 Ardboe Rd Dungannon – Withdrawn September 2009
- LA09/2020/0192/CA – Alleged unauthorised gym and building – Lands adjacent to and SW of 101 Ardboe Rd Cookstown – Enforcement case ongoing

### **Consultees**

1. DfI Roads were consulted on the 5<sup>th</sup> December 2020, in relation to access, movement and parking arrangements. DfI Roads responded on the 18<sup>th</sup> January 2021 raising no objections to the proposal.
2. Environmental Health were consulted on the 5<sup>th</sup> December 2020 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities are located on lands approx. 220m and 180m to the south and southwest of site respectively; and the proposal includes a septic tank. Environmental Health responded on the 12<sup>th</sup> February 2021 with no objections subject to the following which I am content could be attached to any subsequent decision notice as an informative:
  - A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (NI) Order 1999.
  - Any new or existing septic tank unit being a minimum of 15M from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
  - A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red, which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
  - The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
  - Planning receiving confirmation from NI Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).
  - The Clean Neighbourhood and Environment Act 2011 – The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

3. Rivers Agency were consulted on the 5<sup>th</sup> December 2020 to comment on the proposal from a drainage and flood risk aspect. River's Agency responded on the 20<sup>th</sup> January 2021 as follows under Revised Planning Policy Statement 15: Planning and Floodrisk, policy:
- FLD1 Development in Fluvial Flood Plains – the development does not lie within the 1 in 100 year fluvial or 1 in 200 costal flood plain.
  - FLD2 Protection of Flood Defence and Drainage Infrastructure – the site may be affected by undesignated watercourses which we have no record. If an undesignated watercourse is discovered Policy FLD 2 will apply.
  - FLD3 Development and Surface Water – a Drainage Assessment (D.A) is required due to the size and nature of the development. The applicant should refer to para. D17 & 18 of Revised PPS 15 and in carrying out the D.A and acquire from the relevant authority evidence the proposed storm water run-off from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of outcome.
  - *FLD4* Artificial Modification of watercourses & *FLD5* Development in Proximity to Reservoirs – N/A

With regards the above, as the principle of this proposal has not been established on site, a D.A has not been requested.

4. The Health & Safety Executive for NI (HSENI) were consulted on the 1<sup>st</sup> February 2021 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities located are located on lands approx. 220m and 180m to the south and southwest of site respectively. HSENI responded on the 17<sup>th</sup> February 2021 raising no concerns. HSENI outlined the digester is not on the register for COMAH sites and as far as aware does not have hazardous substance consent, therefore any associated Land Use Planning (LUP) zones linked to it. Therefore using measurements from mapping software and basic calculations, HSENI estimated the site would have a capacity for around 10 tonnes of bio-methane. For perspective, the threshold for lower-tier COMAH sites is 50 tonnes. An LPG tank often used in commercial developments will range from 5 to 10 tonnes. Under the PADHI guidelines, a gym would be classified as DT2.4 – INDOOR USE BY PUBLIC with a sensitivity level of 2. The proposed gym is over 170 meters away, so even if there were the equivalent of a 60 tonne LPG tank at the digester, HSENI would respond with a do not advise against.

### **Consideration**

Strategic Planning Policy Statement (SPPS) for Northern Ireland – Three of the six regional strategic objectives for open space, sport and outdoor recreation outlined in the SPPS are to:

- to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;



- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

The SPPS also highlights the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. An 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource, which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

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 SPPS.

Cookatown Area Plan 2010 – The site lies within the rural countryside outside any settlement limit defined by the Cookstown Area Plan, approx. 2km northeast of Ardboe (see Fig 1, further above.)

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – Is the overarching policy for development in the countryside. It outlines certain instances when non-residential development is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst a couple of these instances have been considered below my opinion is that this proposal does not fall under any listed.

The proposal has been considered against but would not fall under 'industry and business uses in accordance with PPS 4'. For the purposes of PPS4, economic development uses comprise industrial, business and storage and distribution uses, as defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. A gym does not fall under this definition as it has a sui generis use class.

The proposal has been considered against, 'outdoor sport and recreational uses in accordance with PPS 8.' PPS8 - Open Space, Sport and Outdoor Recreation, contains 7 policies as detailed below:

- OS 1 Protection of Open Space;
- OS 2 Public Open Space in New Residential Development;
- OS 3 Outdoor Recreation in the Countryside;
- OS 4 Intensive Sports Facilities;
- OS 5 Noise Generating Sports and Outdoor Recreational Activities;
- OS 6 Development of Facilities ancillary to Water Sports; and

- OS 7 The Floodlighting of Sports and Outdoor Recreational Facilities

The only policy above the proposal in my opinion could be considered under is Policy OS 4 Intensive Sports Facilities. Whilst, owing to its size, scale and purpose, it may not sit neatly within the definition of such facilities the policy approach may be useful in assessing proposal. Policy OS4 outlines such facilities will only be permitted within settlements. An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

1. there is no alternative site within the settlement which can accommodate the development;
2. the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
3. there is no adverse impact on the setting of the settlement; and
4. the scale of the development is in keeping with the size of the settlement.

The current proposal fails to comply with Policy OS 4 in that the development in the first instance it is not located within a settlement. In the second instance, it is not an exception to policy as it is not a sports stadium.

During the processing of this application the agent was contacted via email on the 18<sup>th</sup> March 2021 and advised Planning's initial consideration is that the proposal does not fall under any of the exceptions listed in Policy CTY 1 of PPS21 to permit this development. Accordingly, Planning offered the agent the opportunity to submit:

- A Supporting Statement to justify this development in the countryside.
- Amended drawings to address some discrepancies between submitted drawings and works done on site, including:
  - Block plan and elevations to reflect main building, ancillary buildings and hard cored area, as on site.
  - Amended site location plan with red line extended to include tarmac access to site along airstrip and updated P2 Certificate to correspond.
  - Amended block plan to include tarmac access to site along airstrip and to reflect main building, ancillary buildings and hard cored area as on site.
- Confirmation site address is adjacent 99 Ardboe Rd as our system shows adjacent house as 101 Ardboe Rd.

Subsequently, on the 27<sup>th</sup> April 2021, the agent submitted a revised block plan, floor plans and elevations more accurately reflecting works done on site with the exception of the additional area of tarmac on site to south side of dwelling not shown. The amended site location plan and block plan to show the tarmac access to the site along the airstrip and updated P2 Certificate was not received as the agent advised the applicant was only making good a road continually being damaged and unmaintained by any local authority. He also confirmed the site address as 99 Ardboe Rd.

The agent also submitted a Supporting Statement outlining the following reasons why this development should be justified in the locality:

1. The aerodrome area of Ardboe is a significant area that historically has always been a place used for small business enterprises. That although his client has

recently moved out of the actual Business Park this new location is beside his house where he will be residing.

2. The immediate area is densely, built up with Creagh Concrete and their facilities. The retention of his client's premises will not add to or seem to create any overdevelopment in the area.
3. His client has a proven track record of running a successful practice and provides a very healthy sustainable and much needed facility to the local population.

Whilst the additional information above, has been taken into consideration, opinion has not changed. The proposal is still considered contrary to Policy CTY1 of PPS 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. And contrary to Policy OS4 of PPS 8, Intensive Sports Facilities in that, the development is not located with a settlement nor has it been demonstrated an exceptional case.

#### **Additional considerations**

I am content there should be no unacceptable impact on the amenities of people living nearby, including any noise or light pollution likely to be generated, as the only property in close proximity is the applicant's home adjacent the site and Environmental Health were consulted and raised no concerns.

The site is located within an area of constraint on wind turbine development, SG Defence Estates area and Met Office area, however no consultation in this regard is necessary given the nature of the proposal and that no part of the development will be above the 15.2m height threshold for consultation with the Met Office.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available, online have been checked . HED identified no built heritage assets on or in close proximity to the site and whilst NED identified the site to be within an area known to breeding waders having visited the site viewed historical orthos I am content the site was cut from a larger agricultural field comprising improved grassland.

If this proposal was deemed acceptable a D.A would be required to address Rivers Agency consultation response further above.

**Recommendation:** Refuse

**Neighbour Notification Checked**

Yes

#### **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 OS4 of Planning Policy Statement 8, Intensive Sports Facilities in that the development is not located with a settlement nor has it been demonstrated an exceptional case.

**Signature(s)**

**Date:**



## Deferred Consideration Report

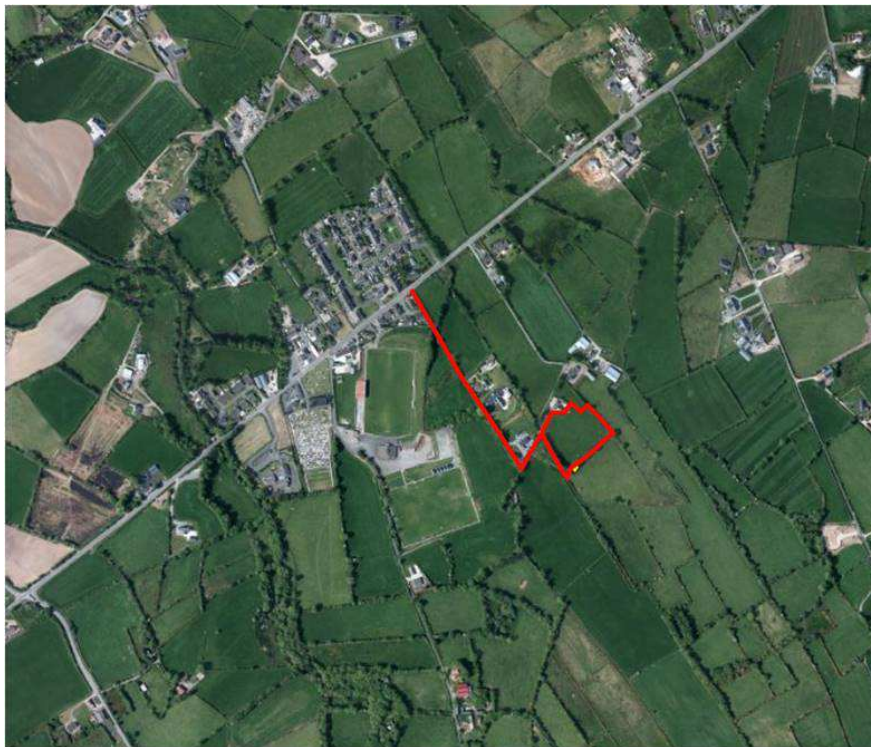
Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2021/0264/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Site adjacent to 60 Sixtowns Road Draperstown
<b>Applicant Name and Address:</b> Mr Peter Conway 60 Sixtowns Road Draperstown	<b>Agent name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Summary of Issues:</b>  No representations have been received in respect of this application.	
<b>Summary of Consultee Responses:</b>  The consultees did not raise any issues of concern.	
<b>Characteristics of the Site and Area:</b>  The site is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined as follows:- North - conifer hedgerow; South/East & West - sporadic mature hedgerows There is a single storey dwelling at No.60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicant's ownership. There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.	

### Description of Proposal

The proposal is an outline application for a site for a dwelling and garage. A supporting statement accompanied the application and provided justification for a dwelling and garage within an existing cluster as provide for under Policy CTY 2A of PPS 21.

### Deferred Consideration:

The application is seeking permission for a new dwelling based on CTY 2a. There are five criteria with which an application must comply. There are a number of dwellings and buildings at this location and it can be described as urban sprawl and lies outside the settlement limit of Straw. In looking at this site it will not be visible from the Sixtowns Road and it is a well vegetated site with strong boundary vegetation. The application site reads with a group of buildings in the immediate vicinity.



Although it is not possible to say the application site meets the policy tests, equally this application is more akin to an infill rather than adding to existing urban sprawl. It is clear that any permissions on this laneway would be considered as an infill, as indeed this could be considered, if the buildings on either side of the laneway were taken into account. This is when a view is taken from the Sixtowns Road or that part of the laneway nearest the Sixtowns Road. I do not see this permission, in itself, will encourage further development and therefore I see it as an exception and should not be viewed as setting a precedent for other development which needs to be considered on its merits within policy.

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

**Conditions:**

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

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the adjacent residential dwellings.

4. The proposed dwelling shall be sited in the area shaded yellow on the approved plan 01 date stamped 23 February 2021.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

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

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

**Signature(s):**

**Date**



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

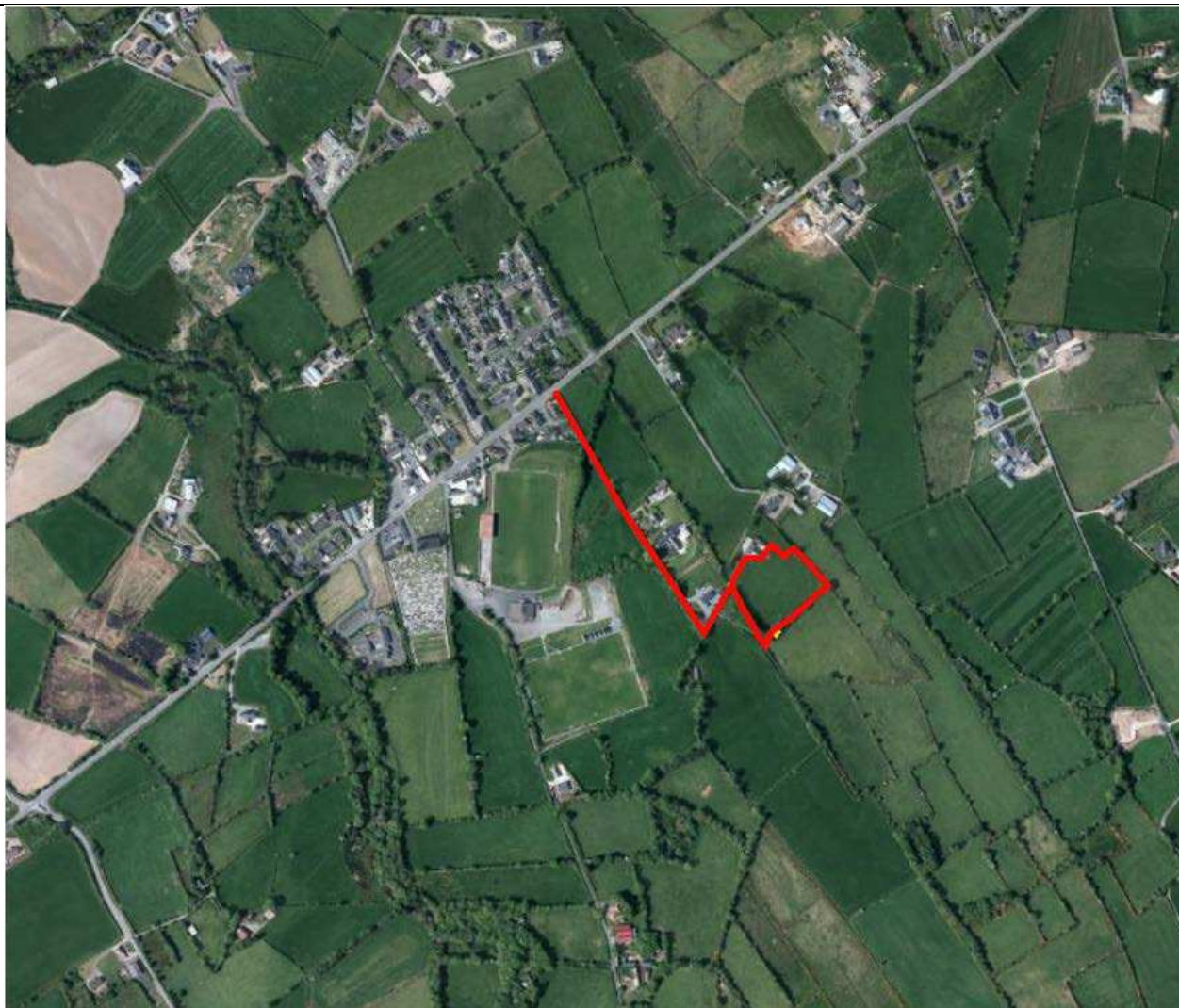
## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0264/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Site adjacent to 60 Sixtowns Road Draperstown
Referral Route:  This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Peter Conway 60 Sixtowns Road Draperstown	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	



## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	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 representations have been received in respect of this application.

### Characteristics of the Site and Area

The site is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined as follows:-

North – conifer hedgerow;

South/East & West – sporadic mature hedgerows

There is a single storey dwelling at No.60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicant's ownership.

There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.



### Description of Proposal

The proposal is an outline application for a site for a dwelling and garage. A supporting statement accompanied the application and provided justification for a dwelling and garage within an existing cluster as provide for under Policy CTY 2A of PPS 21.

### Planning Assessment of Policy and Other Material Considerations

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

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

The main planning policies in the assessment of this application are:-

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2A – New Dwellings in Existing Clusters

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

CTY 14 – Rural Character

PPS 3 – Access, Movement and Parking;

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present,



the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2010 insofar as it is for a single dwelling in a rural area.

PPS 21 Policy CTY 1 advises that 'there are a range of types of development which in principle are considered to be acceptable in the countryside', including new dwellings in existing clusters in accordance with Policy CTY 2A. Proposals for such development will continue to be considered in accordance with existing published planning policies.

The applicant has submitted a supporting statement to justify the proposed development and to demonstrate how it should be considered acceptable under policy CTY 2A – New Dwellings in Existing Clusters.



The proposed site in relation to the boundary of Straw settlement

PPS 21 – Policy CTY 2a states that planning approval will be granted for a dwelling at an existing cluster provided that the proposal satisfies all of the stated criteria :-

- The cluster lies outside of a farm holding which has more than four buildings of which at least three are dwellings;

The supporting statement states that the site has 7 no. dwellings, storage buildings and Dean McGlinchey Park in the immediate vicinity with a further number of dwellings and buildings within the wider cluster. Although there is a visible cluster of development at Straw, which is defined as a

settlement in the Magherafelt Area Plan 2015, that cluster is in excess of 200m from the site. Therefore the site is not associated with an existing cluster of development;

- the cluster appears as a visual entity in the local landscape;  
Although the settlement of Straw undoubtedly appears as a visual entity when viewed on approach from any direction, the proposed site is in excess of 200m from this and due to the topography of the surrounding landscape, the site is not visible from the public road system nor from any shared laneway from which there is a public interest. Therefore the site does not appear as part of nor have any association with the existing cluster;
- the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads;  
Although the cluster of development at Straw is clearly associated with several focal points such as Dean McGlinchey Park, St. Columbkille's RC Church, St. Columba's primary school and the local public house, the site has no linkage with the cluster either visual or otherwise and therefore it cannot be regarded as being at an existing cluster. Although it is acknowledged that there may be 5-6 dwellings with associated outbuildings/farm buildings in close proximity to the proposed site, there is no focal point at this location;
- The site provides a suitable degree of enclosure and has development on at least two sides;  
Although the field has boundaries on all sides, however, at 1.15ha it is considered too large to accommodate a single dwelling. Therefore a dwelling would realistically have to be positioned close to the existing dwelling at No.60. In such case, at least the south eastern boundary would be undefined. However this is not considered to be critical, as a dwelling on the site would not be visible from a point of public interest.

The site as proposed has a single dwelling at the northern corner with a small agricultural shed at the southern corner. As discussed above, the proposed site at 1.15ha is considered too large to accommodate a single dwelling and consequently any dwelling on this site would fail to be bounded by development on at least two sides. Notwithstanding the above, in my opinion, the site as outlined in red does not have development on at least two sides as the single shed to the southern corner only extends 16m along a boundary of 120m. Therefore it is not accepted that the site has development on at least two sides. The site therefore fails this policy test.



The site is not bounded on two sides by existing development. The small storage building can be seen highlighted in yellow at the southern corner of the site

- 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;  
Given that the proposed site is not considered to be associated with an existing cluster, it cannot be absorbed into such a cluster and therefore it fails this policy test;
- The development would not adversely impact on residential amenity;  
Whilst this is only an outline application and details of the proposed dwelling are not available at this stage, any such dwelling could be sensitively designed so as to have a minimal impact on the existing dwellings to the north and west.

Policy CTY 13 – Integration and Design of Buildings in the Countryside is also relevant as the proposal is for a new dwelling in the countryside. Due to the location of the site and the extent of the existing vegetation both within and surrounding the site, a dwelling with a ridge height of 5.5m maximum above finished floor level could achieve an acceptable degree of integration.

Policy CTY 14 – advises that the proposal will be granted approval provided it does not cause a detrimental change to, or further erode rural character. The proposed dwelling will not be prominent due to being sited well back of the public road and due to the both the topography of the site and the existing vegetation it will not be read with nor will it be intervisible with any of the existing buildings in the immediate area. There will be very limited views of the site from the shared laneway and therefore the proposal will not result in a suburban style build-up, it will not create ribbon development, nor will the ancillary works damage rural character.

<p>PPS 3 – Access, Movement and Parking – The proposed dwelling will be accessed via an existing laneway and consequently DfI Roads have advised that the proposal is acceptable in terms of access subject to a satisfactory block plan being provided as part of the reserved matters application.</p> <p>All consultees responded positively and no issues of concern were raised.</p> <p>Recommendation</p> <p>Given the above assessment I am firmly of the opinion that the proposed development is contrary to Policies CTY 1 and CTY 2a.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Refuse for the reasons stated below</p>	
<p>Refusal Reasons :</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: <ul style="list-style-type: none"> <li>the proposed site is not associated with an existing cluster of development which appears as a visual entity in the local landscape;</li> <li>the proposed site is not associated with a focal point, nor is it located at a cross-roads;</li> <li>the proposed site is not bounded on at least two sides with other development in the cluster; and</li> <li>the proposed dwelling cannot be absorbed into an existing cluster through rounding-off or consolidation.</li> </ul> </li> </ol>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	23rd February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 1 The Orchard, Draperstown, Londonderry, BT45 7GG</p> <p>The Owner/Occupier, 2 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 3 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 54 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 54B Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 54a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 55 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 56 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 57 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 60 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 62 Sixtowns Road Draperstown Londonderry</p>	
Date of Last Neighbour Notification	30th March 2021
Date of EIA Determination	N/A
ES Requested	No

## Planning History

Ref ID: LA09/2020/1153/O

Proposal: Infill site for dwelling and garage

Address: Approx 30m Nort of 60 Sixtowns Road, Draperstown.,

Decision:

Decision Date:

Ref ID: LA09/2021/0264/O

Proposal: Proposed dwelling and garage

Address: Site adjacent to 60 Sixtowns Road, Draperstown,

Decision:

Decision Date:

Ref ID: H/2004/0199/O

Proposal: Site of dwelling house and garage.

Address: Site at 62 Sixtowns Road, Draperstown.

Decision:

Decision Date: 24.02.2005

Ref ID: H/2007/0249/RM

Proposal: Dwelling and garage.

Address: 62 Sixtowns Road, Draperstown

Decision:

Decision Date: 25.06.2007

Ref ID: H/2007/0344/Q

Proposal: Removal of excess soil from one field to another

Address: Lands adjacent to Sixtowns Road Draperstown

Decision:

Decision Date:

Ref ID: H/1988/0483

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 60 SIXTOWNS ROAD SHANMULLAGH LANE STRAW DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2005/0146/F

Proposal: Erection of Residential Housing Development

Address: Site Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 18.02.2009

Ref ID: H/1996/6067

Proposal: HOUSING DEVELOPMENT STRAW DRAPERSTOWN

Address: STRAW

Decision:

Decision Date:

Ref ID: H/2009/0275/F



Proposal: Proposed change of house types to ones previously approved on sites 15-20 and sites 25-29 in H/2005/0146/F and alterations to existing private laneway at Sixtowns Road for residential purposes.

Address: Opposite no's 55 & 57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 20.10.2009

Ref ID: H/1993/0037

Proposal: 2 NO SEMI DETACHED DWELLINGS AND ESTATE ROAD

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2001/0096/O

Proposal: Revised access to approved residential development lands (H/2001/0096/

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 21.05.2001

Ref ID: H/2000/0104/O

Proposal: Site of residential development.

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 05.02.2001

Ref ID: H/2004/0156/O

Proposal: Site of residential development.

Address: Lands beside, behind and opposite 55/57 Sixtowns Road, Straw, Draperstown.

Decision:

Decision Date: 12.10.2004

Ref ID: H/2002/0478/Q

Proposal: Development of land

Address: Land adjoining 55/57 Sixtowns Road, Draperstown

Decision:

Decision Date:

Ref ID: H/1992/0251

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1974/0236

Proposal: 11KV AND M/V O/H LINES (C.4489)

Address: STRAW, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0844/O

Proposal: Site of dwelling and garage  
Address: 450 metres South East of 69 Sixtowns Road, Draperstown  
Decision:  
Decision Date: 16.10.2001

Ref ID: H/2005/0709/O  
Proposal: Site of domestic dwelling and garage.  
Address: Site adjacent to 60 Sixtowns Road, Draperstown.  
Decision:  
Decision Date:

Ref ID: H/1994/0092  
Proposal: ALTS AND ADDS TO DWELLING  
Address: 60 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2004/0467/O  
Proposal: Site of Dwelling and Garage.  
Address: 70 metres South West of 60 Sixtowns Road, Draperstown.  
Decision:  
Decision Date:

Ref ID: H/2003/0922/O  
Proposal: Site of dwelling and garage.  
Address: 70m North of 58 Sixtowns Road, Draperstown.  
Decision:  
Decision Date: 20.02.2004

Ref ID: H/2004/1053/RM  
Proposal: Proposed Dwelling and Garage (outline H/2003/0922/0)  
Address: 70m North of Sixtowns Road, Draperstown  
Decision:  
Decision Date: 04.01.2005

Ref ID: H/1996/0005  
Proposal: SITE OF DWELLING  
Address: 54 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1999/0239  
Proposal: SITE OF DWELLING AND GARAGE  
Address: ADJACENT TO 54 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2001/0358/F  
Proposal: Dwelling and Double Garage  
Address: Adjacent to 54 Sixtowns Road, Draperstown  
Decision:

<p>Decision Date: 05.07.2001</p> <p>Ref ID: H/2012/0156/F</p> <p>Proposal: 33kv Overhead Powerline</p> <p>Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,</p> <p>Decision: PG</p> <p>Decision Date: 19.11.2012</p>
<p>Summary of Consultee Responses</p> <p>The consultees did not raise any issues of concern.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



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**Mid Ulster**  
District Council

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2021/0635/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Dwelling & domestic garage in a gap site under CTY8 of PPS 21	<b>Location:</b> Land immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road Ballygawley
<b>Applicant Name and Address:</b> Gerard Quinn 43 Tullyglush Road Ballygawley	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Summary of Issues:</b>  The proposal is for a dwelling and garage in an infill site. CTY8 allows infill where the gap could accommodate up to 2 houses. Due to the topography of the site it has been demonstrated this gap can only accommodate up to 2 house.	
<b>Summary of Consultee Responses:</b> DFI Roads – access needs improved to provide sight lines of 2.4m x 35.0m	
<b>Characteristics of the Site and Area:</b>  The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, single rural dwellings and groups of farm buildings. There is moderate development pressure in the immediate area from the construction of single dwellings along this private lane and Tullyglush Road.  This private lane is accessed off Tullyglush Road and there are 9no.other dwellings, a joinery business and agricultural lands and buildings along this lane. The topography of	

the lane rises up steeply from the junction with the main Tullyglush Road to the top of the lane where the land levels off.

The application site is an agricultural field, to the south boundary behind a landscaped belt and at a junction in the lane is No 43, a single storey dwelling, it has a gable frontage on to this part of the lane and single storey domestic garage at the side (fig 1). To the north, on higher ground is a single storey dwelling with a larger storey and a half garage to the rear and side of it at No. 51A (fig2). The topography at the site itself is undulating and slopes downwards from the east boundary at the roadside to the west boundary. There is higher ground to the north of the site and slopes to the south beside No. 43 where the land is flatter. Along the roadside boundary there is a post and wire fence and established hedging along the remaining boundaries.



Fig 1 dwelling to south



Fig 2 dwelling and garage to north

### **Description of Proposal**

This is an outline application for a proposed dwelling & domestic garage in a gap site under CTY8 of PPS 21 at lands immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road, Ballygawley.

### **Deferred Consideration:**

This application was before the Planning Committee in September 2021, where it was deferred for discussion with the Planning Manager. At the meeting it was indicated there are at least 3 buildings either side of the site that would meet the substantial frontage requirements and that the lane continues further on to the north where there is a joinery business and another dwelling, so these buildings are well seen in public views. The application is only for one dwelling even though the policy allows for a maximum of 2. The application had been considered in light of the PAN that had been published by Minister Mallon and this was different than how Mid Ulster had been operating.

Members will be aware the PAN has been withdrawn and is no longer a material consideration. The considerations for this proposal are set out in CTY8 of PPS21. Members are advised CTY8 allows development of up to 2 dwellings within an otherwise substantially built up frontage along a road or up a lane, where it respects the character and plot sizes of the adjacent development. In this case it is clear this lane has considerably development along it, there are dwellings on 2 sides of the site and the dwelling to the north has a large domestic garage that sits wholly to the rear of it. From the frontage it is clear there is a separation between the garage and the house and as such I consider this constitutes 3 buildings and fulfils the requirements for a substantially built up frontage.

This application is for one dwelling, however the policy allows up to a maximum of 2 dwellings and it sets out that it is not enough to show how 2 houses can be accommodated but to set out how these will be integrated into the existing development. The agent has provided an indicative layout and sections to show how this site could be developed for 2 houses and how it fits with the adjoining development, see figs 3 and 4.

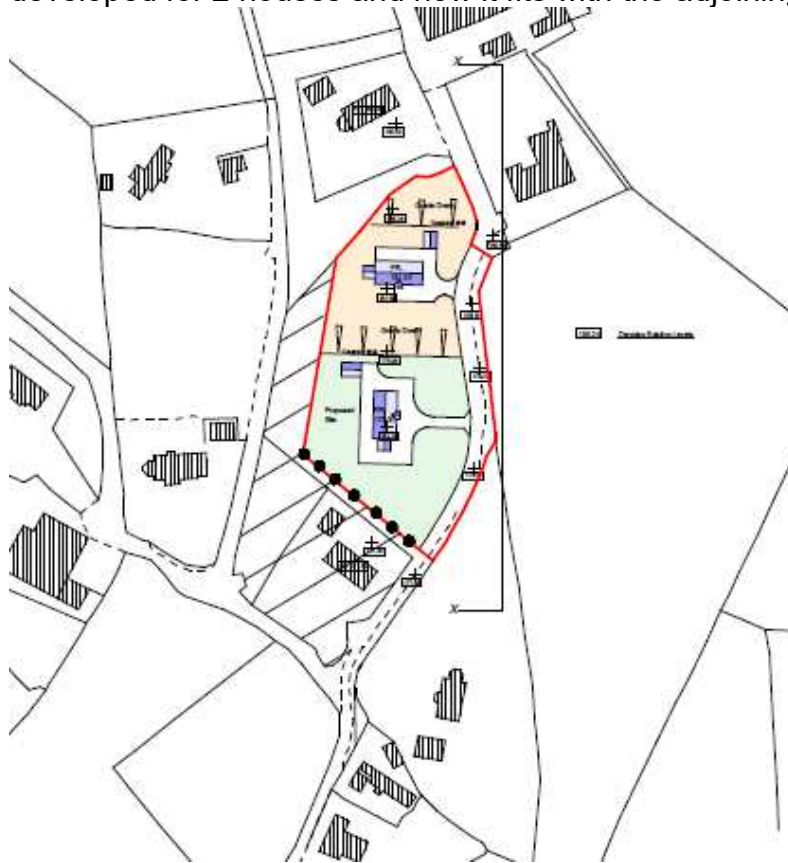
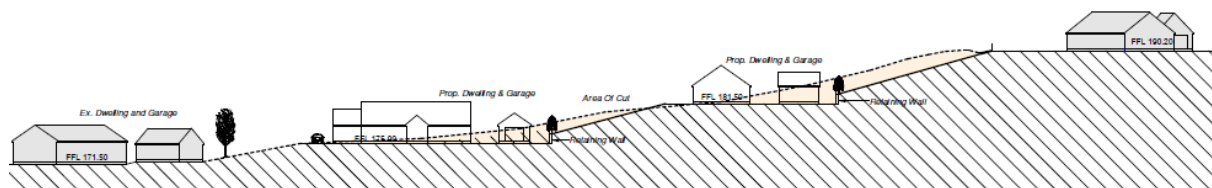


Fig 3 indicative layout



Indicative Section x - x...

SCALE: 1 / 500...

Fig 4 – indicative section

The frontage of this site is 145m, the dwelling to the south has provided a deep landscaping belt to protect their amenity which means their curtilage is approx. 59m. The dwelling to the north is on an elevated position and it has an area to the front and rear that means its curtilage along the frontage is approx. 56m. The site is deeper at the rear than at the frontage due to a triangular portion of ground which falls steeply to the south.

The applicant has indicated they wish to build a new dwelling and garage in the lower, flatter part of the site, fronting onto the laneway. Any dwelling on the north part of the site will require careful siting with its gable orientated towards the lane as the site levels would make it very difficult to develop without significant engineering works that would be out of character with this area. Due to the topography of this field, the levels and the existing vegetation, I consider the site could only accommodate a maximum of 2 dwellings as indicated and as such in my opinion this is an infill opportunity and I recommend that it is approved with conditions to ensure the new dwelling is in keeping with the type and style of houses immediately surrounding it.

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 shall be agreed at Reserved Matter Stage and the remainder of the field shall be retained for agricultural purposes.

Reason: In the interests of visual amenity and to ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

4. 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.

5. The dwelling hereby approved shall have a ridge height not exceeding 6m above the level of the existing ground.

Reason: To respect the character of the surrounding area and aid integration.

6. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries 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.

7. 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.

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 35.0m in both directions and a forward sight distance of 70.0m where the existing lane meets Tullyglush Road. 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.



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



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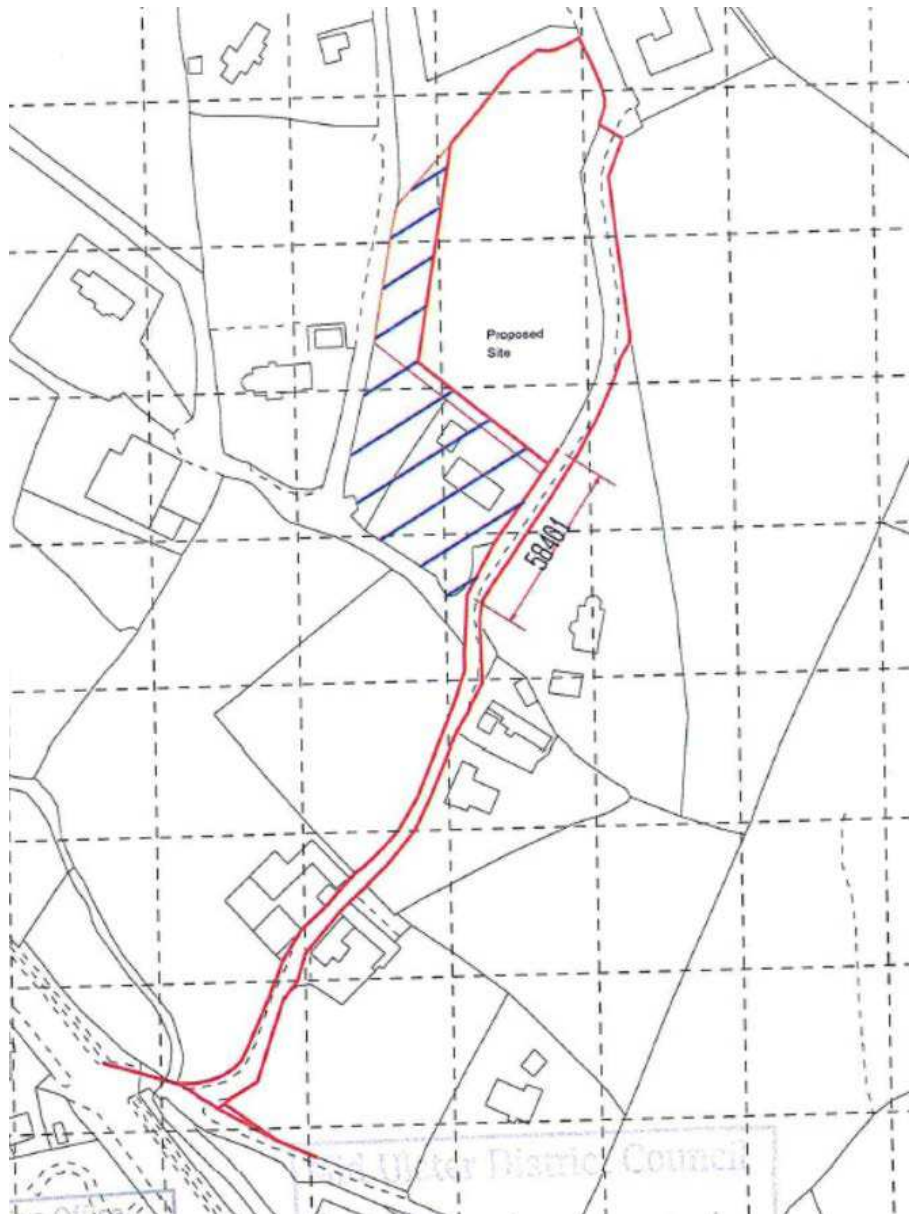
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 07/09/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0635/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & domestic garage in a gap site under CTY8 of PPS 21	<b>Location:</b> Land immediately North of No 43 Tullyglush Road & between No's 43 & 51a Tullyglush Road Ballygawley
<b>Referral Route:</b>  <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.</li><li>2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.</li><li>3. The proposal is contrary to CTY 13 – Integration and Design of Buildings of Planning Policy Statement 21 in that the development does not provide a suitable degree of enclosure to integrate into the landscape.</li><li>4. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Gerard Quinn 43 Tullyglush Road Ballygawley	<b>Agent Name and Address:</b> Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b> The proposal is for a dwelling and garage in an infill site. I consider the application site does not meet the criteria for an infill as the gap is too large and could accommodate more than two dwellings which is contrary to policy in CTY 8. Also, the proposal does not respect the existing development pattern in terms of plot size.	

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
<p><b>Characteristics of the Site and Area</b></p> <p>The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, single rural dwellings and groups of farm buildings. There is moderate development pressure in the immediate area from the construction of single dwellings along this private lane and Tullyglush Road.</p> <p>This private lane is accessed off Tullyglush Road and there are 7no.other dwellings along this lane on both sides of the road. The topography of the lane rises up steeply from the junction with the main Tullyglush Road to the top of the lane where the land levels off.</p> <p>The application site is an agricultural field with a single storey dwelling along the southern boundary at No. 43 and another single storey dwelling to the north of the site at No. 51A. The topography at the site itself is undulating and slopes downwards from the east boundary at the roadside to the west boundary. There is higher ground to the north of the site and slopes to the south beside No. 43 where the land is flatter. Along the roadside boundary there is a post and wire fence and established hedging along the remaining boundaries.</p>	
<p><b>Description of Proposal</b></p> <p>This is an outline application for a proposed dwelling &amp; domestic garage in a gap site under CTY8 of PPS 21 at lands immediately North of No 43 Tullyglush Road &amp; between No's 43 &amp; 51a Tullyglush Road, Ballygawley.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></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><b>Representations</b></p> <p>Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.</p> <p><b>Planning History</b></p> <p>No planning histories at the application site.</p> <p><b>Mid Ulster Development Plan 2030 – Draft Plan Strategy</b></p> <p>The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to</p>	

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

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

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

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

### **Planning Policy Statement 21**

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

The proposal would not meet the criteria in CTY 2a for a new dwelling in an existing cluster.

The proposal would not meet the criteria in CTY3 for a replacement dwelling as there is no dwelling at the site to be replaced.

The agent has indicated there is no farming case at the site and there are no farm buildings within the site. In light of recent planning guidance there is only the dwelling and garage to the south of the site at No. 43.

### **CTY 8 – Ribbon Development**

The application site is a portion of an agricultural field onto a lane at Tullyglush Road. To the south of the site is a dwelling and garage at No. 43. There is a garden area to the front of No. 43 and I am content the dwelling has a frontage onto Tullyglush Road. There is a garage at No. 43 but recent Planning Guidance states that for garages and outbuildings to be considered as buildings for infill they have to be substantial. Paragraph 22 states that a 'domestic garage' is not a substantial building for infill policy. The garage at No. 43 a small single storey building which is set back behind the dwelling so I do not consider the garage at No. 43 can be considered a building for infill policy in this case.

To the north of the site is a dwelling at No. 51A with a garden area to the roadside. I am content the dwelling at No. 51A has a frontage to the lane. Again there is a garage but I do not consider the garage is substantial in light of recent Planning Guidance on infill policy.

160m south of the application site is a farm shed with a concrete yard which has a frontage onto the lane as shown in figure 1a and 1b below. I am content this shed is a substantial building and can be considered as a building along a frontage. However I completed a check on the planning portal and there is no planning approval for the shed. A check on orthophotography shows the shed in place on 6<sup>th</sup> June 2013 which is over 5 years so would be immune from enforcement.



Figure 1a – Photograph of the shed at the entrance to the lane





Figure 1b – Ortho image of a building with a frontage along the lane on the same side of the road as the site.

Overall, I am content there are three buildings along this stretch of road with a frontage which are the dwelling at No. 43, the dwelling at No. 51A and the farm shed opposite No. 37 as shown in figure 1b above.

The application site has a frontage of 150m while No.43 has a frontage of 58m. No. 51A has a frontage of 42m and the shed opposite No. 37 has a frontage of 38m. There are varying frontages along this stretch of lane but I consider you could get more than 2 dwellings in this application site which is contrary to the policy in CTY8 which states the site should be a small gap site which can only accommodate a maximum of 2 dwellings. The applicant has stated the proposal is for a dwelling and domestic garage and I consider if 1no. dwelling was on the site it was definitely not respect the existing development pattern in terms of plot size. In addition, as this is an outline application there are no details about the scale and massing of the dwelling.



On balance, I do not consider the application site meets the criteria in CTY 8 for an infill site.

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

Even-though the proposal is for an infill dwelling in light of recent planning guidance integration and rural character should be considered in all development within PPS 21. Therefore this assessment will consider if the proposed dwelling will integrate and the impact on rural character.

The application site is set back from the main Tullyglush Road by 258m and the topography of the road rises up steeply from the meeting point with the road. I am content the proposal will not be a prominent feature when viewed from both the Omagh Road and main Tullyglush Road as there will be no critical views.

Along the boundary with lane there is a post and wire fence and a hedgerow along the boundary with No. 43. The site will use a portion of the existing field and is not abutting the west boundary of the field, so this boundary is undefined. Along the boundary with No. 51a there is a post and wire fence. I am of the opinion the site is open and lacks natural boundaries to provide a suitable degree of enclosure to allow the proposed dwelling to integrate into the landscape.

As this is an outline application the design of the dwelling and garage is considered at the Reserved Matters Stage.

### **CTY 14 – Rural Character**

I am of the opinion depending on where a proposed dwelling is sited on the application site there is the potential for it to be prominent. I consider the proposal will create a ribbon of



development and thus would have an unacceptable impact on rural character. Therefore, this proposal does not meet all the criteria in CTY 14 and fails this test.

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

I consulted DFI Roads as new accesses are proposed. In their consultation response, they stated they had no objections subject to conditions and informatives. However, Roads did state that there may be more than 5 houses along this lane and this may require a Private Streets Determination.

### **Other Considerations**

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

**Neighbour Notification Checked**      Yes

### **Summary of Recommendation:**

The proposal is recommended for refusal as it is contrary to CTY 8, CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

### **Reasons for Refusal:**

1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
3. The proposal is contrary to CTY 13 – Integration and Design of Buildings of Planning Policy Statement 21 in that the development does not provide a suitable degree of enclosure to integrate into the landscape.
4. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.

**Signature(s)**

**Date:**



**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 December 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means**

**Members Present**

Councillor Black, Chair

Councillors Bell, Brown, Clarke\*, Colvin, Corry\*, Cuthbertson\*, Glasgow, Mallaghan (7.22 pm), Martin\*, McFlynn, McKinney, D McPeake, S McPeake, Quinn\*

**Officers in Attendance**

Dr Boomer, Service Director of Planning  
Mr Bowman, Head of Development Management  
Ms Donnelly, Council Solicitor  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Mr McClean\*\*, Senior Planning Officer  
Mr Stewart, Senior Planning Officer  
Mrs Grogan, Democratic Services Officer

**Others in Attendance**

Councillor N McAleer\*\*\*  
Councillor Milne\*\*\*  
Councillor Gildernew\*\*\*.

LA09/2020/0839/F – Councillor D Molloy\*  
LA09/2020/0839/F – Conor McGirr\*  
LA09/2021/0015/F – Conor McGirr\*  
LA09/2021/0492/F – Joe Diamond\*  
LA09/2021/0625/F – Councillor D Molloy\*  
LA09/2021/1182/F – Marian Duffy  
LA09/2021/1182/F – Sheila Curtin and Richard Angus\*  
LA09/2020/1119/O – Councillor B McGuigan\*

\* Denotes members and members of the public present in remote attendance

\*\* Denotes Officers present by remote means

\*\*\* Denotes others present by remote means

The meeting commenced at 7.00 pm

**P161/21 Apologies**

Councillor Robinson.

## **P162/21      Declarations of Interest**

*Councillor Glasgow declared an interest in agenda items 5.9 - LA09/2021/0146/O and 5.11 – LA09/2021/0495/O. He advised that he would be speaking on agenda item 5.9 – LA09/2021/0146/O on behalf of the objector.*

*Councillor Martin declared an interest in agenda item 5.1 – LA09/2020/0446/F*

*Councillor S McPeake declared an interest in agenda item 5.4 – LA09/2020/111/O.*

## **P163/21      Chair's Business**

The Service Director of Planning advised that he wished to raise a few matters. Firstly, he said that members may recall at the last meeting he had indicated that he had written to Roads Service as he was concerned about the delay in them responding particularly to major planning applications and was concerned at the lack of commitment provided in the response. He said that Council were also trying to get things moving in regards to NIEA, particularly in regards to agricultural projectors. He advised that there was a problem in relation to getting NIEA to respond in relation to habitat assessments and their screening and drew members attention of the correspondence between the Shared Environment Service and DAERA, He advised that until such time as new guidance was resolved on ammonia nitrate he foresaw that delays would continue. In order to track progress on these projects a list of applications for intensive animal houses were pulled out for Dungannon and Magherafelt based team which will be monitored.

He referred to last committee meeting where members recalled the Minister withdrawing the Planning Advice Note and it was agreed that he would write back to the Minister thanking him for doing it and using the opportunity to promote Mid Ulster's Area Plan indicating the way that new policy should be brought forward and to ask what was happening to our plan as it has been submitted to the Department over 5 months old. He advised that the only response received back was that someone may be contacting him seeking clarification which hasn't been the case. He advised members that he had further written to the Department and these letters were included in the addendum. He stated that there was no other option but to sit and wait and was concerned as it was now 6 months without word on the Plan.

The Service Director of Planning referred to the public enquiry in relation to Upperlands and said that the Council's position was not to prevent development but was to ensure that any approval did not impact on the allocations for housing elsewhere in the district. He was disappointed with the response of the Department's Barrister who said Mid Ulster Council would be forced to change its allocations in order to provide for this. The Service Director of Planning said he felt was inappropriate and didn't necessarily follow what had happened in relation to other plans.

The Service Director of Planning said that before the committee goes through the normal deferrals he drew members' attention to agenda item 4.8 and 4.9 and said that late representations had been received which hadn't been considered in the report for the nature of those objections and felt that it would be appropriate to remove them from

tonight's schedule to allow Officers time to consider them and advise members appropriately at the next committee meeting.

The Service Director of Planning referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting –

Agenda Item 4.1 – LA09/2019/0561/F - Change of Use from Agricultural Storage to External Storage of Raw Materials and Parking at Lands 55m SE of 72 Ballybeg Road, Coalisland for Paul McAliskey

Agenda Item 4.4 – LA09/2020/0908/O - Dwelling and Garage at 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton

Agenda Item 4.5 – LA09/2020/1107/F - Change of Use of Proposed Car Sales Yard at approx. 25m NW of 60A Ballyronan Road, Magherafelt for Mr Joe Bateson

Agenda Item 4.6 – LA09/2020/1630/O - Farm Dwelling and Garage 200m NE of 51 Gulladuff Road, Magherafelt for Mr Eoin Patrick Bennett

Agenda Item 4.8 – LA09/2021/0090/F - Replacement Access Laneway to Dwelling at 37 Mullybrannon Road, Dungannon for Farasha Properties Ltd (withdrawn)

Agenda Item 4.9 – LA09/2021/0091/F - Dwelling and Garage (Amended Access and Additional Landscaping) at 150m SW of 35 Mullybrannon Road, Dungannon for Farasha Properties Ltd (withdrawn)

Agenda Item 4.11 – LA09/2021/0341/F - New Site Access at 36 Granville Road, Dungannon Farasha Properties Ltd

Agenda Item 4.15 – LA09/2021/0506/F - Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access 45m SE of 83 Derryloughan Road Coalisland for Christopher McCann

Agenda Item 4.16 – LA09/2021/0507/O - Site for dwelling and garage at approx 50m NE of 73 Reenaderry Road Derrytresk Coalisland for Mr Thomas Hagan

Agenda Item 4.18 – LA09/2021/0599/O - 2 Infill Detached Dwellings with Detached Garages, Shared Access onto Rogully Road and Landscaping adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling McNicholl

Agenda Item 4.20 – LA09/2021/0625/F - Off Site Replacement Dwelling and Domestic Double Garage at approx. 126m NW of 59 Lurgaboy Lane, Dungannon for Mr Joseph Mallon

Agenda Item 4.24 – LA09/2021/1276/O – Dwelling 35m NW of 270 Killyman Road, Dungannon for Mr Paul Cranston

The Service Director of Planning drew attention to Agenda Item 4.23 – LA09/2021/1182/F – Retention of farm and factory shop and associated works approx. 70m NE of 70 Drumgrannon Road, Dungannon for George Troughton and said that he

was leaving it up to members to decide the outcome of the application when they come to that item.

Proposed by Councillor McKinney  
Seconded by Councillor McFlynn and

**Resolved** That the planning applications listed above be deferred for an office meeting/held for further information/withdrawn from agenda as outlined.

## **Matters for Decision**

### **P164/21 Planning Applications for Determination**

The Chair drew Members attention to the undernoted planning applications for determination.

#### **LA09/2019/0561/F Change of Use from Agricultural Storage to External Storage of Raw Materials and Parking at Lands 55m SE of 72 Ballybeg Road, Coalisland for Paul McAliskey**

Agreed that application be deferred for an office meeting earlier in meeting.

#### **LA09/2019/0872/F Replacement Dwelling and Garage 71 Stewartstown Road, Coalisland for Patrick O'Farrell**

Members considered previously circulated report on planning application LA09/2019/0872/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2019/0872/F be approved subject to conditions as per the officer's report.

#### **LA09/2020/0839/F 49 Social Housing Units, Associated Site Works and Landscaping at lands 62m SW of 5 Old Eglis Road, Dungannon for Newpark Developments (NW) Ltd**

Members considered previously circulated report on planning application LA09/2020/0839/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/0839/F be approved subject to conditions as per the officer's report.

#### **LA09/2020/0908/O Dwelling and Garage at 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2020/1107/F Change of Use of Proposed Car Sales Yard at approx. 25m NW of 60A Ballyronan Road, Magherafelt for Mr Joe Bateson**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2020/1630/O Farm Dwelling and Garage 200m NE of 51 Gulladuff Road, Magherafelt for Mr Eoin Patrick Bennett**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0015/F 15 No. CAT1 (active elderly) Apartments with associated Car Parking and Landscaping at Lands to the Side and Rear of 52 Ballyronan Road, Magherafelt for T and M Scullion Ltd**

Members considered previously circulated report on planning application LA09/2021/0015/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0015/F be approved subject to conditions as per the officer's report.

**LA09/2021/0090/F Replacement Access Laneway to Dwelling at 37 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

Agreed that application be withdrawn earlier in the meeting to allow time for further consideration of objections.

**LA09/2021/0091/F Dwelling and Garage (Amended Access and Additional Landscaping) at 150m SW of 35 Mullybrannon Road, Dungannon for Farasha Properties Ltd**

Agreed that application be withdrawn earlier in the meeting to allow time for further consideration of objections.

**LA09/2021/0193/F Single Storey Extension to Shop Relocation of Entrance, Internal Alterations to Layout and Provision for Additional Parking within the Curtilage at 125 Mullinahoe Road, Ardboe for Cathal Forbes**

Members considered previously circulated report on planning application LA09/2021/0193/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0193/F be approved subject to conditions as per the officer's report.

**LA09/2021/0341/F New Site Access at 36 Granville Road, Dungannon Farasha Properties Ltd**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0348/F Retention of Use Access to Provide Alternative Access at 81a Back Lower Road, Killycolpy, Dungannon for Patrick Teague**

Members considered previously circulated report on planning application LA09/2021/0348/F which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0348/F be approved subject to conditions as per the officer's report.

**LA09/2021/0376/F 6 Retail Units with Associated Car Parking and Ground Works at Lands approximately 45-55m NE of 40 Ballyronan Road, Magherafelt for Magherafelt Commerce Park**

Ms Doyle (SPO) presented a report on planning application LA09/2021/0376/F advising that it was recommended for refusal.

*Councillor Mallaghan entered the meeting at 7.22 pm.*

Proposed by Councillor Brown  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0376/F be refused.

**LA09/2021/0492/F Alterations and Extension to Existing Mixed Use Building to Provide 2 Commercial Units and 4 Apartments at 1a Fair Hill Maghera for Declan McKenna**

Members considered previously circulated report on planning application LA09/2021/0492/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/0492/F be approved subject to conditions as per the officer's report.



**LA09/2021/0506/F Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access 45m SE of 83 Derryloughan Road Coalisland for Christopher McCann**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0507/O Site for dwelling and garage at approx 50m NE of 73 Reenaderry Road Derrytresk Coalisland for Mr Thomas Hagan**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0523/F Retrospective change of use from yard to Beer Garden at the Flax Inn, 27 King Street, Magherafelt, for James O’Kane**

Members considered previously circulated report on planning application LA09/2021/0523/F which had a recommendation for approval.

Proposed by Councillor Clarke  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2021/0523/F be approved subject to conditions as per the officer’s report.

**LA09/2021/0599/O 2 Infill Detached Dwellings with Detached Garages, Shared Access onto Rogully Road and Landscaping adjacent and NW of 6 Rogully Road, Loup, Moneymore for Ashling Mc Nicholl**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0601/F Change of Use and Extension of Domestic Garage for Dog Grooming at 22 Cloghog Road, Cookstown, for Thomas McDonald**

Members considered previously circulated report on planning application LA09/2021/0601/F which had a recommendation for approval.

Proposed by Councillor Glasgow  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2021/0601/F be approved subject to conditions as per the officer’s report.

**LA09/2021/0625/F Off Site Replacement Dwelling and Domestic Double Garage at approx. 126m NW of 59 Lurgaboy Lane, Dungannon for Mr Joseph Mallon**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0930/F Retention of two storey dwelling, (change of location from LA09/2016/0321/F) at 26 Toomog Road Dungannon, for Louise & Ronan Donnelly**

Members considered previously circulated report on planning application LA09/2021/0930/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2021/0930/F be approved subject to conditions as per the officer's report.

**LA09/2021/1145/F Industrial Storage Shed at Site Adjacent to 17 Deerpark Road, Bellaghy, Magherafelt, for Seamus O'Kane**

Members considered previously circulated report on planning application LA09/2021/1145/F which had a recommendation for approval.

Proposed by Councillor D McPeake  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/1145/F be approved subject to conditions as per the officer's report.

**LA09/2021/1182/F Retention of Farm and Factory Shop and Associated Works Approx 70m NE of 70 Drumgrannon Road, Dungannon, for George Troughton**

Mr Marrion (SPO) presented a report on planning application LA09/2021/1182/F advising that it was recommended for refusal.

The Chair advised that a request to speak against the application had been received and invited Mrs Marian Duffy to address the committee.

Mrs Duffy advised that she was objecting to the retention of Grange Farm and factory shop and associated works on the grounds of health and safety. This is a notoriously bad corner, where at least eight deaths have occurred, and the situation has been exacerbated by the intensification of traffic coming and going, to Grange Farm and factory shop. From a personal perspective the Grange Farm traffic causes her to wait on this very busy main road to enter her home, regardless of direction of travel. Due to the heavy traffic from Grange Farm blocking her entrance, she was forced to wait on the main road, leading to vehicle queues and congestion on the corner endangering the safety of all road users. She frequently was obstructed from exiting her own premises by 40ft lorries, vans, cars, and other vehicles as they must move onto the main road before she can exit.

She stated that on two occasions her car had been crashed into from traffic behind whilst waiting on this corner of the Dungannon main road to enter her home, whilst waiting for this traffic to clear. As a result of the second accident her car was a total

write-off, and she sustained a long lasting injury which she was still suffering from today. Frequently members of the public have been unlawfully using the entrance to her home as a turning point, and she had been verbally abused by members of the public when stating to them that this is private property. Grange Farm admitted on one occasion that a lorry crashed into one of the pillars at the entrance to her home, this still remains unrepaired. The other pillar at the entrance has been hit by vehicles on several occasions due to high traffic volume and no right turning point. She has been unable to install gates to the entrance to her house, for fear of accidents and damage to the gates. As she owned the property on both sides of the entrance of the lane to Grange Farm, the applicant Mr Troughton, has only a right of way up the lane at this entrance point. He has already widened the entrance to the lane using part of her property which was taken by stealth. Within the last month, she was advised to define her land boundaries. She chose to do this on a Sunday, as Grange Farm shop is not open. However, within approximately three hours of placing the cones on the boundary lines, she was requested by Police, to remove the cones as it was causing obstruction to the lorries otherwise and would face a fine.

Mrs Duffy said that her principle objection on the grounds of safety is on account of the several road traffic deaths which have unfortunately occurred on this corner resulting in at least eight deaths and a paraplegic. The latest deaths occurring in 2018 when three people lost their lives. This led to MLAs and MPs visiting this notorious accident blackspot to review the health and safety aspects of this road. Numerous other severe traffic accidents have occurred on this corner, the latest occurring in June of this year (2021), causing an injury to the person involved and damage to her property. In December 2019 another accident occurred on the corner, resulting in a serious injury as well as damage to a telegraph pole causing endangerment and a high safety risk to us, until it was repaired several days later. Health and safety are of paramount importance to her, my family, friends, and neighbours. There are six semi-detached houses known locally as "Adaville Cottages" on the same corner but on the opposite side of the road to her home. They have confirmed the same view regarding this Health & Safety issue, stating they find it very difficult to enter and leave their homes safely. With the intensification of traffic from Grange Farm this is causing a greater threat to their safety. The neighbours of "Adaville" corner have campaigned for years to make this a safer corner, which has been supported by the MLA's and MP's. Unfortunately, the intensification of traffic is not only limited to 9 to 5 but continues throughout a 24-hour period. This is a health and safety hazard not only for her but for her family, friends, neighbours, and the public. They require safe access to their home without their safety being further compromised and preventing future accidents. She provided the council with photographic evidence which supports my statement here today. Further serious

The Chair advised that a request to speak in favour of the application had been received and invited Ms Curtin to address the committee.

Ms Curtin advised that Grange Farm was a family based business which provided locally farm based produce and began trading in 1987 producing and selling eggs and is located on a working poultry and beef farm. The principles of sustainable development and supporting local charities are at the heart of the company incorporating an ethos of providing quality farm-to-fork produce. In 2004 the company expanded into food processing which include the process of producing and packing of meat and vegetables including a large potato peeling and chip making line amongst

other food processing supplied directly to the shop. PPS21 is usually permissive towards farm diversification projects and there has been retailing at this farm for a long time, going back to the early days of selling eggs, potatoes and trays of chicken and throughout the years the number of customers arriving to the farm gradually expanded and the old farm-shop in the middle of the farmyard was replaced with the current proposal. She advised that Richard Agus from MRA Partnership had been instructed to address the points very recently raised by DfI Roads and was available remotely to answer any questions regarding access matters. However, given the scale of the shop, they were unconvinced intensification was actually taking place and whilst the traffic road deaths which occurred on this road are a very emotive matter, we know that the current farm-shop was not in existence at the time at any of the deaths detailed by the Objector i.e. pre 2018. Road safety issues on this road remain to be addressed by DfI Roads with or without this application and therefore to what extent is the road safety issue pertinent to this application. The committee report alluded to several outstanding pieces of information which were never requested with report raising a number of assumptions without affording the applicant the opportunity to provide the facts and in conjunctions this application for farm diversification was not consulted to DAERA. The planning act provides that in determining an application for planning permission the Council must have regard for the Local Development Plan and to any other material considerations. She felt that it was wholly unfair to bring the application to committee in circumstances where DfI Roads as statutory consultee have indicated that further information is required and premature for DfI to make any recommendation in circumstances where information was outstanding and the Planning committee will lead themselves into error if it takes the same approach. On this basis she requested that this application is deferred for a later date preferably an office meeting when all the relevant information was available for consideration and to enable a proper discussion of facts. She said that the applicants were willing to accept a negative condition of restricting the items for sale in the shop, restricting operation hours and were willing to work with DfI in terms of road improvements including contributing towards new road signage.

In response to the Strategic Director of Planning's query, Ms Curtin advised that the farm shop came into existence in 2018 and that it sold farm and factory goods, some of which were not produced or processed on the existing farm. She stated that the goods sold at the farm which came from elsewhere were sourced locally.

The Strategic Director of Planning stated that it found it difficult to see where this proposal was going as there seemed to be other issues involved and no straight answers being given.

Ms Curtin suggested that it may be more beneficial to conduct an office meeting to generate all the relevant information.

The Strategic Director of Planning felt that this may be the best outcome as there were still a lot of issues to consider i.e. has the road dangers been accelerated due to the opening of the shop or was this more of a dispute.

Mrs Duffy advised that this was a notorious dangerous corner and she had provided photographs to Council to support her evidence.

The Strategic Director of Planning stated that the purpose of his questioning was not to prove one person right or wrong but more to establish a public interest that further investigations be carried out regarding the situation and would be content to defer the application tonight provided that both parties provide further evidence. He felt that there were serious issues that needed addressing in regards to road safety, access and visibility splays and what the shop was used for and whether this can be used on a protected route. He asked members if they would be content to defer the application until further information was received and considered.

Councillor Cuthbertson stated that as a Councillor which represented the Dungannon area he may have more knowledge than other members or officers. He said that this road was troublesome for a long number of years possibly 15 years or more and may be worthwhile contacting DfI Roads requesting statistics for crash history as it would be interesting to see when they took place and at what time as it was his understanding that the last fatality took place on a weekend, possibly on a Sunday. He said that he had some knowledge of the shop which was trading here and an existing access which shows on an aerial view of a very large farm. He said that he would suspect that a lot of the lorries going in and out of the lane would be to service that farm and didn't think for the size of the shop would be increasing that and felt if the shop wasn't there he didn't think that the lorries wouldn't cease going to the site and continuing on. He said that in his experience of the shop, it wouldn't be a shop that people would be queuing to get to during the week, particularly at peak times, with the possibility of a Saturday morning being the busiest time as people would wish to buy chicken, ham or gammon would probably buy it somewhere more convenient rather than going out onto the A29. He said that he would like to see more information from DfI and if they come back blank and say that this was a dangerous corner or dangerous stretch on the A29, stated that there were a couple of corners on the A29 where DfI were long lobbied on and to continuously come back to say that this road was dangerous was not good enough and was aware that this may not be a planning material consideration, but felt that DfI needs to be forced to come back with solutions to this. He referred to the programme of works which was presented to the Environment Committee on Monday night over the next 2 to 4 years and disappointing to see that this road wasn't even on it and not considered important enough by DfI to put on their preferred programme of works. He said that whilst listening to previous speakers that this application was an ideal one for the committee to go out and see on the ground possibly at a later date and said that he would be happy to propose to support what the Strategic Director of Planning suggested.

Proposed by Councillor Cuthbertson to defer the application for an office meeting until all the relevant information was received from all parties involved.

The Strategic Director of Planning said if members so wished to hold a site meeting then there would be no issue with this and any member wishing to do so could go out with the Head of Development Management. He said that he would be willing to hold an office meeting with the parties involved if need be.

In relation to DfI, the Strategic Director of Planning advised that there were problems trying to get information from them and didn't want this application getting lost in the bureaucracy of other matters. He felt that for all parties concerned that direction was needed, whatever the outcome of the situation.

Councillor McKinney said that he would be of the same mindset and would be nice to see the operation on site to actually see what takes place as members were hearing a lot about what and what doesn't happen on the access. He felt that a site visit would give members an insight to what was actually happening and would be beneficial for the Strategic Director of Planning to hold an office meeting to get to the nitty-gritty of things at a later date and would be happy to defer the recommendation. He stated that everyone had corners in their own areas which were deemed dangerous but said that this was the makeup of Mid Ulster roads.

Councillor McKinney seconded Councillor Cuthbertson's proposal to hold a site visit and then officers hold office meeting thereafter with the particular agents involved.

The Chair referred to Councillor Cuthbertson's original proposal for an office meeting and asked if he would be prepared to amend it to include a site meeting also.

Councillor Cuthbertson agreed that he would be happy to amend his proposal to include a site meeting along with an office meeting.

Councillor Cuthbertson said he wished to clarify that he was only asking for the accident history from DfI just to see what the extent was as there was comments raised tonight that there were accidents nearly on a weekly basis on this strength of road and was good sometimes to have the factual information.

He referred to this committee permitting development on the A4 road coming into Augher which had been deferred for a year or more and whilst it hasn't commenced, it still was permitted and negotiations completed with DfI albeit it being in the past.

Councillor Glasgow said that he would be supportive of the recommendation as it would allow time for members to get an insight at a site meeting and to possibly make a correct decision.

Councillor Mallaghan and Clarke both concurred with the Strategic Director of Planning recommendation.

Councillor Colvin advised that not all accidents were recorded by the PSNI or DfI and figures could be meaningless as only fatalities and serious injuries were recorded and wouldn't be confident about relying on their statistics.

Proposed by Councillor Cuthbertson  
Seconded by Councillor McKinney and

**Resolved** That planning application LA09/2021/1182/F be deferred for a site meeting and also an office meeting with the relevant parties to generate further information.

**LA09/2021/1276/O Dwelling 35m NW of 270 Killyman Road, Dungannon, for Mr Paul Cranston**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/1331/O Dwelling and Garage approx. 55m SW of 10 Castlefarm Road Stewartstown, for Mr Michael Quinn**

Members considered previously circulated report on planning application LA09/2021/1331/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2021/1331/O be approved subject to conditions as per the officer's report.

**LA09/2021/1514/F Two storey dwelling at 84 Orritor Road, Cookstown, for Bell Contracts Ltd**

Ms Doyle (SPO) presented a report on planning application LA09/2021/1514/F advising that it was recommended for refusal.

Councillor Clarke said that he was aware of the site and felt that it wasn't unreasonable to ask for answers to come out onto the Forthglen entrance rather onto the Orritor Road. He said that there was a bit of an incline on the Orritor Road and already access from the adjacent house onto the Orritor Road and past that there was another entrance for two dwellings in a laneway. He said that there were already 3 premises accessing onto the Orritor Road and this application would be another which between this and Forthglen and felt that it was reasonable that this entrance could be and should be the Forthglen entrance.

The Chair said that he knew that section of road himself and believed from the report that the option was put forward to the applicant and agent to consider to come out onto the Forthglen side but this hadn't been progressed.

Councillor Brown said that by reading the report and looking at the case history enquired if there was a previous application which was still live or had it now run out. He referred to case reference LA09/2016/1326/F for 2 apartments and enquired if there was a road access granted as part of that application which was granted in June 2017.

Ms Doyle (SPO) advised that this was still a live application.

Councillor Brown said that he assumed that Roads Service had granted the access out on that application so if the 2 apartments were being done away with and having one property what was the situation.

Councillor McFlynn enquired if there was any point in deferring the application for one month to allow the applicant and agent time to reconsider.

The Strategic Director of Planning advised that time was already allocated to the applicant and agent to reconsider which they didn't act upon.

Councillor Glasgow enquired if Roads Service had come back with issues regarding road safety and concurred with Councillor Clarke's comments about coming out of the

30 mph limit and found it hard to understand why someone wouldn't want to be that little bit safer and come out at Forthglen.

The Chair said that it was his understanding that Roads Service weren't content coming out onto the Orritor Road and suggested that it be considered for it to come out at Forthglen, but didn't believe that this option had been taken forward by the agent or the applicant even though the suggestion had been made to them.

Councillor Mallaghan sought clarification on whether Roads Service's advice on this one here was that they were objecting or was it an advisory.

Ms Doyle (SPO) advised that the consultation response on the 8<sup>th</sup> November stated that *"The proposal is contrary to PPS3 Access, Movement and Parking Policy AMP2, in that it would if permitted, prejudice the safety and convenience of road users since it adds to the proliferation of accesses onto this road. An alternative access could be achieved via the adjacent housing development road as per Paragraph 7.1 DECAN 15"*.

She said that it was her understanding that the 2 apartments worked because access was taken off Forthglen, but in this current proposal if it was taken off Forthglen then they wouldn't achieve any rear amenity space which was why the applicant wanted it off the Orritor Road.

Proposed by Councillor Mallaghan  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2021/1514/F be refused.

**LA09/2020/0446/F Change of House Type Approved M/2006/1301/RM at Land Opposite and SW of 165 Favour Royal Road, Augher for Mr Finbarr McQuaid**

Members considered previously circulated report on planning application LA09/2020/0446/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2020/0446/F be approved subject to conditions as per the officer's report.

**LA09/2020/0790/O Dwelling and Detached Double Garage with Storage Above at approx. 50m SW of 50 Cadian Road, Eglish for Ryan Muldoon**

Members considered previously circulated report on planning application LA09/2020/0790/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and



**Resolved** That planning application LA09/2020/0790/O be approved subject to conditions as per the officer's report.

**LA09/2020/1049/O Dwelling and Garage (amended access) at Lands to Rear of 195 Coalisland Road, Dungannon for Patrick Mallon**

Members considered previously circulated report on planning application LA09/2020/1049/O which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor McFlynn and

**Resolved** That planning application LA09/2020/1049/O be approved subject to conditions as per the officer's report.

**LA09/2020/1110/O Site for Replacement Dwelling at Lands approx. 40m E of 40 Ballymacilcurr Road, Maghera for Declan Mc Kenna**

Members considered previously circulated report on planning application LA09/2020/1110/O which had a recommendation for approval.

Proposed by Councillor McFlynn  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2020/1110/O be approved subject to conditions as per the officer's report.

**LA09/2020/1115/O Site for dwelling and garage at lands NNW of 162b Washingbay Road and E of 152a Cloghog Road, Coalisland for Mr Brendan Corr**

Members considered previously circulated report on planning application LA09/2020/1115/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Quinn and

**Resolved** That planning application LA09/2020/1115/O be approved subject to conditions as per the officer's report.

**LA09/2020/1119/O Dwelling and Garage in a Cluster, 10m W of 44 Ballyscullion Road, Bellaghy, for Brian Milne**

Ms Doyle (SPO) presented a report on planning application LA09/2020/1119/O advising that it was recommended for refusal.

*Councillor Glasgow left the meeting at 8.16 pm and returned at 8.19 pm.*

The Chair advised that a request to speak in favour of the application had been received and invited Councillor B McGuigan to address the committee.

Councillor B McGuigan advised that this application had been deferred in February for an office meeting and again in October for a site visit with members. He said that prior to the site visit the Council considered the application site to be located within an existing cluster consisting of four or more buildings and there were actually 12 dwellings in that cluster. Council also accepted that a dwelling here could be absorbed into the existing cluster through rounding off on a well-designed dwelling not visually intrusive into the open countryside. It was also stated that a dwelling here would not significantly alter the existing character of the area giving the existing development in the area which was evident from the overhead photos. At the site visit the issue of development and at least two sides were addressed and was now considered by Council that the site now meets the policy requirement and the site was bounded by two sides of development with the only contentious issue left was the focal point associated to the cluster. A focal point was considered as giving a place a sense of identity and somewhere that was well known to the community with a sense of presence and so keeping with the spirit of the policy, local knowledge tells us that there was a number of focal points at this location. Firstly, the cottages themselves where the workers from Ballyscullion House lived, with the cottages being on the edge of the Estate and were known locally as 'Ballyscullion Cottages' with the listed boundary wall and listed gardens of the Estate were adjacent to the cluster. Secondly, the cluster was a short distance from the main Bellaghy GAA grounds which was known as the 'third pitch'. Thirdly, to the north of the site at 54A and within the cluster is a joinery business, which was a long establish business having been there for over 40 years with business rates being paid on the property and confirmation of this had been given to the Council. Regardless, if there was a focal point or not, the site complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without impacting on the area's character. Council were in agreement that at least five of the six criteria are met and were numerous examples on all Councils and that the Planning Appeals Commission where the same scenario has been approved and no precedent would be set by approving this application. The site was for a young man getting married next year which lived, worked and contributes to the area and wishes to remain here. In concluding Councillor B McGuigan felt that the proposal met the requirements of Policy 2A and believed that this application should be approved.

Councillor S McPeake said that when the report came back he had expected it would be recommended for approval as it was clear at the site meeting that there were 11 to 12 houses there. He advised that he also knew the road well as his grandmother lived on the Ballyscullion Road where remnants of the older cottages were still visible and that 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 the proposed dwelling would give a rounding off effect bookending the whole development. In terms of focal points, he said that given there were three within the proximity – GAA pitch, cottages and a thriving business for years where auctions used to be held and when you look at the whole thing he was surprised that it wasn't recommended for approval based on how the site meeting had went that day. He said that the site meeting had taken place a day or two after the reconsideration of PAN by Minister Mallon and he had asked on the day if this would make a material change as previous to this the PAN was recommending that an application was deemed to reach all essential criteria for a cluster whereas Councillor B McGuigan alluded to where possibly the application doesn't meet one strong criteria as should be, does this mean that this was a negative consideration. He felt that there was strong criteria on each one of them and the cluster

element itself and did concede that if the pitch had to be next door it would've been stronger, but the fact that the cottages were historic in their own nature and the fact that there is a business there which were paying rates should be considered for approval.

The Strategic Director of Planning advised that we could not take into account the GAA club as providing a focal point because it related to the settlement of Bellaghy and was not part of the entity of this cluster. He also said he found it difficult to accept it met policy because of the issue of the focal point which in policy was defined as a cross roads or community facility. He did however feels that it was always reasonable to treat an application as an application to policy, He said that he listened carefully to Councillor B McGuigan's comments and by looking at the form at what exists was quite compact and the site benefits from development on two sides. In fact the proposal met all policy requirements apart from a focal point. It was also clear that a house here would read as part of the single entity of this established cluster of dwellings and would not lead to further development. As a result it could be seen as rounding off.

Councillor Cuthbertson said that he would struggle with this application as there was no focal point there and would have concerns and would go for the case officer's recommendation for refusal.

Proposed by Councillor Cuthbertson that application be refused.

Councillor Bell advised that he wasn't going to rehash what was already said by those who had already spoken tonight supporting that the recommendation for refusal be overturned. He said that he had sat here over the number of years and seen similar situations to this one and didn't think that another property there for where it was proposed was going to make much or any difference to a detrimental impact on the countryside. He said that he agreed with the Strategic Director of Planning on this one that it could be classed as rounding off in exceptional circumstances.

Councillor Bell proposed that the application be approved.

The Strategic Director of Planning advised that although it didn't have a focal point like a crossroads, it did have an identity.

Councillor Clarke said that he would be happy to second Councillor Bell's proposal to approve the recommendation as it was evident that there was an opportunity for rounding off and also that as the end of the settlement would be a compact end. He referred to the cottages and said most were for workers who worked at Ballyscullion Estate.

The Chair advised that there were two proposals for members to consider and said that in this instance it would need to go to a vote.

Councillor Cuthbertson said that after listening to the committee's thoughts and what they were minded to do and the guidance of what the Strategic Director of Planning said that he would be happy to withdraw his proposal and not put it to the vote.

Councillor Cuthbertson asked that it be recorded that he was not agreeing to the proposal to approve the application.

Proposed by Councillor Bell  
Seconded by Councillor Clarke

**Resolved** That planning application LA09/2020/1119/O be approved with appropriate conditions applied.

**LA09/2020/1225/O Infill Dwelling at Land Adjacent to 214 Hellhead, Castledawson, for Jim McPherson**

As per circulated addendum, this application has been withdrawn by agent.

**LA09/2020/1375/F Dwelling in Substitution for I/2009/0372/F and Retention of Existing Mobile Home for a Period of 3 Years at 27a Drumconvis Road, Coagh, for Mr Paine**

Members considered previously circulated report on planning application LA09/2020/1375/F which had a recommendation for approval.

Proposed by Councillor Colvin  
Seconded by Councillor Glasgow and

**Resolved** That planning application LA09/2020/1375/F be approved subject to conditions as per the officer's report

Ms Doyle (SPO) drew members' attention to circulated addendum which advised of the Agent informing Planning of his applicant's surname being misspelt. She advised that correct spelling of surname was correct on P1 form as Mrs Raymond Paine.

The Strategic Director of Planning that the spelling of the applicant's name wasn't the issue and more to do what the site was which everyone was aware off. He advised the objector presented to the previous planning committee stating their reasons for objecting to the application as they felt that this was on land they had owned. This may be the case as a strip of the site is shown on Land Registry Maps. The applicant felt it was their land as the site was inside what on the ground was the defined curtilage and it was the site as defined by the boundaries which was originally sold to the objectors. The service directed at the previous meeting had indicated that as the strip of land was under dispute could the house be kept outside of the disputed area and asked if this could be accepted and at one point it appeared that it could. Thereafter, the objectors rejected the offer and said that they would have to wait and see and since then there has been a very vociferous objection from the neighbours who fully believed that development hadn't started in time. He advised that a photograph was presented which showed trenches and foundations being dug and full of water and whilst looking at it himself he felt that it was dug before the photograph was taken and whilst he could not say with any certainty when it was dug the balance of probability was that it was in time. The objectors were also disputing the Building Control records. The Service Director indicated that he felt the key point has been missed in the argument over start dates because regardless of whether it was in time the question was whether or not it was infill development and the answer to that is yes. The other argument related to access and whether that was in place, this was a visible access as it serviced a caravan and previously benefited from approval. The objectors advised the Strategic Director of

Planning that the matter was going to be raised in Stormont by an MLA and an immediate answer needed to be given by the end of that day and in response he had asked for the hansard reference so the response could be taken into account, but no hansard reference was provided. He said that the objectors advised that a local QC in Northern Ireland Mr William Orbinson was going to represent them on their behalf as he specialised in planning. He said that an email was sent to planning inbox this morning by Diamond and Heron Solicitors seeking a deferral as William Orbinson QC wished to make his case to the Planning Committee. He said that firstly, he would bring it to the attention of the Planning Committee and it was up to members to decide to allow Mr Orbinson speak and was surprised if they wished to make representation to speak when this wasn't done long before now. Secondly, the objectors have had their say at a previous Planning Committee and asked why the rules should be put aside again because a lawyer had been quoted. The Strategic Director of Planning said that finally, the request should have went through Committees Section as it was public and dates indicated which wasn't done. He said that his own view is that this was an out of time request and just because a QC was quoted, this shouldn't generate any additional rights as a lot of time had already been given to the arguments and felt if members wished to make a determination tonight then they were entitled to do so.

*Councillor Martin declared an interest in the above application due to having previous contact with people involved in the application before becoming a member of the Planning Committee.*

Councillor Glasgow stated that after listening to the Strategic Director of Planning he was happy to stick to the current proposal as there been ample opportunities to come forward and was happy that a process was followed. He said that he was satisfied that the process was fulfilled to the highest degree.

Councillor Colvin agreed that he was also happy to stick to his original proposal.

Councillor Mallaghan enquired if this application was approved tonight would Mr Orbinson have an opportunity to review the decision.

The Strategic Director of Planning advised that like all these things, a pre-action protocol letter would need to be submitted to our solicitors. If it was felt that there was wrongdoing they would be invited to make their application for judicial review and if it was felt they had a case then Council would throw in the towel, but if it was felt they didn't have a case then we would defend the decision of the planning committee. He said at the moment the case as he understood was about land ownership. He could not determine who owned what. There is evidence from Land Registry that the objectors own a piece of that land but the house has been kept outside that piece of land and therefore did not prejudice the outcome of that dispute. In relation to the house, it was infill which meets the policy tests. He said that the purpose of the Serving Notice was that people could draw things to Planning's attention if it was a planning consideration and put their house in order legally.

**LA09/2021/0146/O 2 storey Dwelling and Garage at Builders Yard (existing entrance to the Drum Road) at Site Between Oakland Villas and 167 Drum Road, Cookstown for Philip and Judith Mitchell**

*Councillor Glasgow withdrew to the public gallery.*

Ms Doyle (SPO) drew members attention to planning application LA09/2021/0146/O which had a recommendation for approval. She referred to previously circulated addendum and advised that an additional objection had been received.

Councillor Clarke sought clarification on whether this was an adopted roadway.

Ms Doyle (SPO) said that she wasn't sure it was but couldn't confirm, but would make the assumption that the access to Oakland Villas was adopted but the new access wouldn't be.

Councillor Clarke said that in that instance he would be happy to propose the recommendation to approve the application.

The Chair advised that a request to speak against the proposal and in support of the objectors had been received and invited Councillor Glasgow to address the committee.

Councillor Glasgow advised that he had declared an interest in the application tonight as he had been asked to speak in support of the objectors at 1, 2, 3, & 5 Oakland Villas, Cookstown. He said that Oakland Villas comes out onto the Drum Road and there were six houses in total and wanted to emphasise that the objectors did not have any issues with the house and more to do with the proposed entrance which was coming out from 167 through Oakland Villas to the Drum Road. Everyone can identify within their own DEA's where these small estate cul-de-sacs which were previously owned by the Housing Executive and only one small bit of green areas for children and families to use and even today when he was speaking to them, he could see the childrens toys sitting outside on the roadway as the residents do not have the privilege of having a big size back garden and have to play outside their front door with traffic. He referred to his concern about the level of traffic going through and the lack of carparking spaces and where this entrance would be coming out there was currently two to three carparking spaces and when these houses were actually built they were designed for smaller cars but now there were bigger cars and larger families. He said that most families had two cars and if you took two cars over six houses, the loss of carparking spaces resulted in a massive disadvantage to the families which live there. Another consideration which needed to be addressed would be the amount of deliveries including the postman and amazon deliveries or any other deliveries which be made to dwellings, these delivery drivers area used to driving into people's yards for a quick drop off and would now have to navigate potentially six cars parked on left-hand side and children playing on a small bit of green area. He said as this was once a small quiet community was now upset, worried and concerned that there was a massive health and safety issue for their children coming down the line.

As pointed out by the Case Officer in terms of ownership, these houses were previously owned by the NIHE and most were now privately bought and enquired if a Requisite Notice been served as it was his understanding that the NIHE own the entrance into Oakland Villas. He said that whilst reading through the report he did not see a reply back from the NIHE and had they no objection as he would be quite concerned that they were sitting silent on the matter as members had previously lobbied and pleaded

with them for additional carparking spaces at this cul-de-sac. He said that he would be very disappointed if NIHE didn't respond back on this concerning matter and think that the question needed to be put to them whether they were in agreement with this proposal. He referred to the report where it was raised about the focal point of the village green and was surprised that Oakland Villas was classed as one. He emphasised that the residents of Oakland Villas were not against the house but was against the entrance into the house and asked why the applicant couldn't use the existing entrance on the right-hand side as this would keep both communities happy and keeps children and families happy with the little green space they have got.

Ms Doyle (SPO) advised that she didn't have an opportunity to look at the site but looking at Spatial NI and Google Maps, it looks like an area of green open space was dedicated to Oakland Villas.

The Strategic Director of Planning felt that this was a very important consideration and felt that more needed to be done than having a Requisite Notice. He felt that it would be more beneficial to send a consultation to the Housing Executive to provide a view about the loss of open space.

Councillor Mallaghan sought clarification on how there could be a loss of open space being affected by this application as it was his thinking that there was already access there.

Ms Doyle (SPO) stated that it was her understanding that this has not been affected by the application as the access to Oakland Villas coming off the Drum Road. She said when driving in the houses are in an L shape, access road around the corner to access the application site and on the right hand side of that access road is Oakland Villas and an area of green space. She stated that the space hasn't been affected but that the applicant had taken down some trees from the access point, but didn't believe that he removed trees from the green space area.

The Strategic Director of Planning felt that more information was needed to make sure that concerns were answered.

The Strategic Director of Planning said that by looking at the photographs he can see where there was an access into a field which wasn't very wide and looks like something has been planted and may be the cause of the upset.

The Chair alluded to previous comment regarding the loss of three carparking spaces and enquired if there was an existing access already there which this would be utilising, where was the loss of carparking spaces.

Ms Doyle (SPO) advised that Roads Service didn't object to this application on the terms of loss of carparking spaces.

She said that she was just been made aware that there was an enforcement case on this also but didn't know any information.

The Strategic Director of Planning said that there were some issues that needed addressed.

Councillor Clarke said at the beginning he sought clarification on whether this was an adopted roadway and in the interests of what has happened he said that he would be prepared to withdraw the proposal to approve subject to further investigations being carried out

Councillor Brown said that he would be happy to defer the application until all the relevant information was received from the relevant authorities.

Councillor McKinney said that it would be concerning for residents if there were unable to park their cars at their homes and was vitally important that this issue be cleared up.

Councillor McFlynn said that sometimes cul-de-sacs sit untouched for 20 years and residents may not like change and important that clarity is sought and suggested that it may be beneficial to have a site meeting.

Councillor S McPeake said that he was previously going to suggest a site meeting but going on what the Strategic Director of Planning said it may be better way on what was suggested by looking at the photographs. He said that it was clear to see that there were lots of different interests going on at the location and may cause friction. He said that moving forward it would be beneficial to have full details marking out ownership on photographs to make members more aware.

Councillor Mallaghan advised that when Housing Executive's houses were sold off to more privately owned residents, the Housing Executive took on less of a concern and interest.

Proposed by Councillor Clarke  
Seconded by Councillor Brown and

**Resolved** That planning application LA09/2021/0146/O be deferred for one month until further clarification was received.

*Councillor Glasgow returned to the committee.*

**LA09/2021/0224/F Dwelling 80m W of 67 Dungormon Road, Dungannon, for Mr Paul Brannigan**

The Strategic Director of Planning advised that due to personal information this application would be raised in Confidential Business.

**LA09/2021/0495/O Infill dwelling at lands NW of 7a Killycurragh Road, Orritor, Cookstown (with access via Craigs Road) for Maurice Freeburn**

Ms Doyle (SPO) presented a report on planning application LA09/2021/0495/O advising that it was recommended for refusal.



Councillor Brown said that unfortunately some members didn't get to the site visit as they were otherwise occupied but enquired about the site which still had to be developed and asked where it was in relation to the overhead map.

Mrs Doyle (SPO) advised that it was building 4 at the visibility splays. She clarified that buildings 3 and 4 would be fronted out onto the road, with development at building three already commenced but building four not started yet.

Proposed by Councillor Mallaghan  
Seconded by Councillor Corry and

**Resolved** That planning application LA09/2021/0495/O be refused.

**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 for Hannah Quinn**

Members considered previously circulated report on planning application LA09/2021/0691/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2021/0691/F be approved subject to conditions as per the officer's report.

**Recess**

The Chair advised that Members would be taking a recess for a comfort break.

Proposed by Councillor Glasgow  
Seconded by Councillor Brown and

That members be allocated time for a recess.

*Members took a recess at 9.20 pm.*

*Members returned to the meeting at 9.34 pm.*

**P165/21 Receive Response to Consultation from DfC Regarding Possible Listing at Glen Road, Maghera**

The Service Director of Planning presented previously circulated report to provide members with background and draft response to a consultation by Department for Communities, Historic Environment Division (DfC, HED) regarding their consideration to list a Cow Tail Pump at 120a Glen Road, Maghera BT46 5JG. The consultation from DfC, HED on the Cow Tail Pump as attached at Appendix 1.

Proposed by Councillor S McPeake  
Seconded by Councillor Black and

**Resolved** To note the contents of the report and agree that the previously attached response (Appendix 4) be issued to DfC, HED to support the listing of the aforementioned Cow Tail Pump.

#### **P166/21      Review of Scheme of Delegation December 2021**

The Service Director of Planning presented previously circulated report to allow members prior consideration of the issues to be resolved as part of the review and to agree a date for a workshop where all Councillors will be invited to participate.

Councillor S McPeake said that he would be happy to propose the recommendation but asked that the whole aspect of enforcement to be also focused elements of the workshop.

Councillor Mallaghan said that this would be a good opportunity to have a good open conversation and to explore other things. He concurred with Councillor S McPeake regarding including enforcement matters as it can be quite a delegate area at the best of times and welcome the opportunity for the workshop.

Proposed by Councillor S McPeake  
Seconded by Councillor Black and

**Resolved** That all members of the Council be invited to attend a workshop on Tuesday 25 January 2021 in relation to the Review of Scheme of Delegation. The whole area of Enforcement to be also included in the workshop. This paper to be sent out to all members in order to inform them of the discussion.

*Councillor Colvin declared an interest in Historic Monuments Council in the event of there being an a possible overlap.*

#### **Matters for Information**

#### **P167/21      Minutes of Planning Committee held on 2 November**

Members noted minutes of Planning Committee held on 2 November 2021.

#### **P168/21      Receive Response from DfC HED re Conservation Principle**

Members noted previously circulated report which informed members of the Department for Communities, Historic Environment Division's written response to Mid Ulster District Council regarding the Council's submission to their '*Public Consultation Conservation Principles Guidance for the Sustainable Management of the Historic Environment in Northern Ireland*'. DfC, HED written response received via email on 18.11.2021, Annex A.

*Live broadcast ended at 9.40 pm*

## **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Brown  
Seconded by Councillor Colvin 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 P169/21 to P175/21.

### **Matters for Decision**

P164/21 Planning Applications for Determination – LA09/2021/0224/F  
P169/21 Receive Response to DfI on DPPN 11  
P170/21 Receive Revocation Report  
P171/21 Receive Enforcement Report

### **Matters for Information**

P172/21 Confidential Minutes of Planning Committee held on 2 November 2021  
P173/21 Enforcement Live Case List  
P174/21 Enforcement Cases Opened  
P175/21 Enforcement Cases Closed

## **P176/21 Duration of Meeting**

The meeting was called for 7 pm and concluded at 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, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings

(whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



## **ADDENDUM TO PLANNING COMMITTEE AGENDA**

**FOR PLANNING COMMITTEE MEETING ON: 7 December 2021**

**Additional information has been received on the following items since the agenda was issued.**

### **Chairs Business**

Receive letters from DEARA in relation to Consultations on Planning Applications

Receive letter from DFI Planning in relation to Draft Plan Strategy

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
4.8	Objections received have not been considered.	Defer to allow consideration of objections and notification of amended scheme.
4.9	Objections received have not been considered.	Defer to allow consideration of objections and notification of amended scheme.
4.23	Additional letter in support and objection received	Members to note
5.1	Site plan with existing and proposed levels	Substitute drawing 02/1 bearing the stamp dated 30-NOV-2021 instead of drawing No 02 in conditions 2 and 3 and remove condition 4.
5.7	Agent has written to confirm the application is now withdrawn	Members to note
5.8	Agent has informed us of a misspelling of the applicant's surname which is correct on P1 form as Mr Raymond Paine	Members to note
5.9	Additional Objection received	Members to note and consider

**Closed Business-** Members are advised that LA09/2021/0014/CA Unauthorised mobile home and hardstanding to the rear of 17 Drumrot Road, Moneymore, Londonderry, BT45 7QH has been removed from the Enforcement Agenda. More information is required before proceeding to Notice.





Department of  
**Agriculture, Environment  
and Rural Affairs**  
[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Name  
Address/Email Address

**Natural Environment Division**

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Klondyke Building  
Cromac Avenue  
Gasworks Business Park  
Malone Lower  
Belfast  
BT7 2JA

Telephone: 028 90 650207

Email: [Planningresponse.team@daera-ni.gov.uk](mailto:Planningresponse.team@daera-ni.gov.uk)

Your reference:  
Our reference:

Date: 8 November 2021

Dear [HEAD PLANNER]

**DAERA ACTIONS TO IMPROVE PLANNING CONSULTATION DELAYS AND TEMPORARY IMPACT ON CASELOAD MANAGEMENT PRACTICES.**

The purpose of my writing to you at this time is twofold: to provide you with an update in relation to the actions which the Department, as a Statutory Consultee in the planning process, is taking to improve our planning consultation response times, and consequently advise you of the temporary impact of these actions on a number of caseload management practices currently in operation.

Over the last 6 to 8 months the Department has been experiencing an increasing trend in the number of planning consultations being submitted to DAERA in our role as a Statutory Consultee; data provided by DfI in their most recent Northern Ireland Planning Statistics Bulletin for the first quarter of 2021/22 supported this position of increased levels of planning activity. While interventions undertaken in the earlier part of 2021 demonstrated that NIEA had significantly improved our performance, the Department recognises that this improvement is now in reverse and backlogs are accumulating.

The Department is taking a number of actions to address this situation with the aim of reducing the backlog over the coming months including the redeployment of staff and additional casual workers being secured. Nonetheless a significant contributory factor in the escalation of the backlog has been the large volume of queries from planners, agents and citizens alike seeking updates and prioritisations in relation to specific applications,

**Update Requests**



Since 1 January 2021 NIEA has dealt with approximately 1,750 update requests for information in addition to the number of direct phone calls and e-mails that case officers continue to receive. As I'm sure you can appreciate, only the specific case officer dealing with the consultation can evaluate the estimations of response times associated with these types of request, consequently this diverts their time away from processing actual responses.

**Action One:** To maximise the time case officers spend on assessing and responding to consultations, from **8 November 2021** DAERA will no longer provide indicative response times for any consultation until further notice.

While the Department recognizes the negative impact this action may have on our communications messaging it is hoped that the redirection of effort on the actual processing of consultations will yield an immediate impact on improving our statutory consultation return rates and response times; the ability to reduce the backlog will in turn reduce the number of such queries arising.

### **Prioritisation Requests**

As Head Planners you will be familiar with the competing priorities in relation to the processing of a range of applications within your Planning Authority at any given time. To assist with these competing demands NIEA has provided a mechanism whereby requests can be made via yourselves to prioritise particular planning applications; over the past year the Department has received an ongoing and wide range of such types of requests. Although it was intended that this mechanism should only be used in exceptional circumstances, as there could be equality implications, we are receiving numerous requests for prioritisation per week which given our current resourcing level cannot be accommodated.

**Action Two:** To maximise the time case officers spend on assessing and responding to consultations and to consider whether a more robust prioritisation process could be developed, from **8 November 2021** DAERA will not be accommodating any prioritisation requests until further notice.

Similar to Action One above, it is hoped that concentrated focus on the actual processing of consultations within these competing demands will yield an immediate impact on improvements in our performance. The cumulative effect of both of these actions will in itself provide a more consistent framework for delivery thereby reducing the backlog which will in turn reduce the number of such queries arising.

### **DAERA Webpage Alert**

To assist with the Departments communication around these temporary arrangements, an advisory message has been uploaded onto the DAERA webpage. This advises all users of our service that the Department has implemented a number of actions to improve our performance and we anticipate these steps will enable us to respond to our current backlog within the next **16 weeks**. The Department has consequentially taken the decision that we will no longer be providing responses to any requests for updates or prioritisations until further notice.

This is the standard departmental response that will be issued for the next 16 weeks should any update or prioritisation request be sought.

**Action Three:** A message has been uploaded onto the DAERA webpage advising customers of our actions; a copy of this message has been attached at Annex A for information.

As one of the major consultees in the planning process providing advice on a wide range of technical and environmental areas to support planning authorities, DAERA recognises the need to deliver in relation to our performance rate. With competing priorities for staff time it is essential that the actions above are taken to provide a more consistent daily framework to maximise the time case officers are spending on assessing and responding to planning consultations.

Thank you for your cooperation and patience as we adopt these measures to improve our performance rate.

Yours sincerely,

**MARK HAMMOND**  
**Head of Natural Environment Division Operations**

DAERA-10-10-10



**Natural Environment Division - Planning Consultation Update**

DAERA wish to alert all customers that we are currently experiencing a very heavy workload resulting in delays to planning consultation responses. The Department has implemented a number of actions to improve our customer service and to enable us to address our current backlog.

Providing indicative response times for inquirers diverts resource from making responses to consultations, the large volume of these are therefore slowing down our ability to respond. We appreciate the concerns of those waiting for responses so we will be focussing all resources **on making responses asap** rather than using resource to indicate when responses are anticipated.

**The Department has consequentially taken the decision that it will no longer be providing responses to any requests for updates until further notice.**

We acknowledge the delays in the current process and appreciate your cooperation and patience as we seek to address this situation and improve performance rates.



From the Office of the  
Minister of Agriculture,  
Environment and Rural Affairs



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

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Your reference: AD/KM  
Our reference: CORR-0253-2021  
Date: 2 March 2021

Dear Ms Donaghy

### **NIEA Operational Policy on Ammonia Emitting Projects**

Thank you for your letter dated 18 February 2021 requesting an update on the Department's operational protocol for assessment of air pollution impacts. Unfortunately the Department was not able to publish a consultation before the end of last year. However, as advised by Minister Poots, work on the draft NI Ammonia Strategy is in its final stages of preparation and it is still the intention of my Department to consult on this important issue as soon as possible.

With regards to the reconsultations which have outstanding DAERA responses, I am aware of the frustration and distress that delays in the planning system can have on applicants. The Department is currently considering these cases and we will endeavor to respond as quickly as possible. I note, however, that it is within the planning authorities' power to determine these applications without further input from my Department.

Yours sincerely

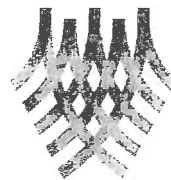
**GORDON LYONS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**

***Sustainability*** at the heart of a living, working, active landscape valued by everyone.

If you are deaf or have a hearing difficulty you can  
contact the Department via the Next Generation Text  
Relay Service by dialling 18001 + telephone number







**Mid & East  
Antrim**  
Borough Council

Ref: TC/ab/NR

5 July 2021

Sent via email: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

Minister Edwin Poots MLA  
Department of Agriculture, Environment and Rural Affairs  
Dundonald House  
Upper Newtownards Road  
Ballymiscaw  
Belfast  
BT4 3SB

Dear Minister Poots

**Re: NIEA Operational Policy on Ammonia Emitting Projects**

At the June Full Council meeting, Elected Members agreed to write to you as Minister for Agriculture, Environment and Rural Affairs to get an update on your undertaking to progress a review of the operational policy for ammonia emitting projects. Council understands that the draft NI Ammonia Strategy is in the final stages of preparation and looks forward to the public consultation.

Council recognises there are a number of outstanding consultations with NIEA in relation to a number of intensive farming planning applications. In order for planning authorities to satisfy themselves that all risks to the environment have been properly considered, it is necessary to consult with NIEA who, as a statutory consultee, have a duty to provide a substantive response within 21 days.

NIEA consultation responses routinely advise that if the Natural Environment Division is to be re-consulted following the submission of additional information, the appropriate assessment undertaken by the competent authority should be included. However, when re-consulted NIEA is failing to respond.

In the absence of a substantive reply, Councils are unable to ascertain NIEA's position in its role as a Statutory Nature Conservation Body and any decisions taken by local authorities without further input from NIEA would therefore be at risk of legal challenge. NIEA has a statutory responsibility to provide timely responses and I would encourage you to instruct your officials to respond to the outstanding consultations without further delay.

Please reply to:

**Head Office**  
The Braid  
1-29 Bridge Street  
Ballymena BT43 5EJ

Tel: 0300 1245 000

**Ballymena Office**  
Ardeevin  
80 Galgorm Road  
Ballymena BT42 1AB

[www.midandeantrim.gov.uk](http://www.midandeantrim.gov.uk)

**Carrickfergus Office**  
Museum & Civic Centre  
11 Antrim Street  
Carrickfergus BT38 7DG

**Larne Office**  
Smiley Buildings  
Victoria Road  
Larne BT40 1RU

**Planning Office**  
Silverwood Business  
Park  
190 Raceview Road  
Ballymena  
BT42 4HZ

Chief Executive OBE  
Anne Donaghy



I would also welcome a meeting at a suitable time to discuss the draft NI Ammonia Strategy.

Yours sincerely



**Ms Anne Donaghy OBE**  
**Clerk & Chief Executive**

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Chief Executive OBE  
Anne Donaghy

**From the Office of the  
Minister of Agriculture,  
Environment and Rural Affairs**



Department of  
**Agriculture, Environment  
and Rural Affairs**

[www.daera-ni.gov.uk](http://www.daera-ni.gov.uk)

Ms Anne Donaghy OBE  
Clerk & Chief Executive  
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Belfast  
BT4 3SB  
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Email: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

Our Ref: INV-0401-2021  
Your Ref: TC/ab/NR  
Date: 29 July 2021

Dear Ms Donaghy

**MEETING TO DISCUSS DRAFT AMMONIA STRATEGY AND NIEA OPERATONAL  
POLICY**

Thank you for your letter of 5 July 2021 requesting a meeting to discuss the draft Northern Ireland ammonia strategy and NIEA operational policy.

I would be pleased to meet with you and the members of Mid and East Antrim Borough Council to discuss these issues

My Diary Secretary, Lauri Hutton, will contact you in due course to make the necessary arrangements.

Yours sincerely

**EDWIN POOTS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**



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IN PEOPLE**

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contact the Department via the Next Generation Text  
Relay Service by dialling 18001 + telephone number.



**Sustainability at the heart of a living,  
working, active landscape valued  
by everyone.**



Edwin Poots MLA  
Minister of Agriculture, Environment and Rural Affairs

E mail: [private.office@daera-ni.gov.uk](mailto:private.office@daera-ni.gov.uk)

12 October 2021

Dear Minister Poots,

**NIEA Operational Policy on Ammonia Emitting Projects**

I would like to thank you for taking the time to meet with Council on the 13 September 2021 to discuss your Department's review of the operational policy for ammonia emitting projects and of the progress on NIEA clearing a backlog of outstanding planning consultations.

At this meeting, you advised that the Habitats Directive did not apply to Northern Ireland, and that your Department was seeking legal advice on this matter from the Attorney General.

The Directive was transposed into domestic law i.e. **Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995**, and to ensure that the regulations remain operational after the EU transition period, changes were made by the **Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019**.

In December 2020, your Department published guidance explaining The Conservation (Natural Habitats, etc.) (Amendment) (NI) (EU Exit) Regulations 2019, which clarified that the obligations within the Directive have not changed, can you clarify your statement that the Directive no longer applies to Northern Ireland?

You also indicated at the meeting that you were taking legal advice from the Attorney General on the outstanding planning consultations and this was the rationale for the delay. I would like ask to what exactly you are taking legal advice on in respect to these outstanding consultations.

Finally, can you could provide a timeline for the completion of the review of the operational policy for ammonia emitting projects and publication of the draft NI Ammonia Strategy for public consultation. Shared Environmental Services is keen to

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**Mid & East  
Antrim**  
Borough Council

work collaboratively with DAERA to deliver a comprehensive approach to the reduction of ammonia levels across Northern Ireland and encourage the sustainable growth of the Agri-food business.

Yours sincerely

**Nicola Rowles**  
**Director of Development**

Please reply to:

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Tel: 0300 1245 000

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Chief Executive OBE  
Anne Donaghy



Ms Nicola Rowles  
Director of Development  
Mid & East Antrim Borough Council  
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Our Ref: CORR-1096-2021  
Date: 21 October 2021

Dear Ms Rowles

### **NIEA Operational Policy on Ammonia Emitting Projects**

Thank you for your correspondence of 12 October 2021. I will address each of your queries in order.

I can confirm that since our last meeting I have met with the Attorney General. I am currently considering her advice.

As I have previously stated I am aware of the frustrations and stress delays in the planning system cause for applicants. However, it remains within the power of the planning authorities to determine the outstanding reconsultations without further advice from my Department.

With regard to the time line on the publication of the draft Northern Ireland Ammonia Strategy and public consultation, it remains my desire to consult on the strategy soon.

I welcome the commitment to work collaboratively on this important subject and to deliver a comprehensive approach to the reduction of ammonia levels across Northern Ireland.

Yours sincerely

**EDWIN POOTS MLA**  
**Minister of Agriculture, Environment and Rural Affairs**





# OAKLAND VILLAS RESIDENTS

15 NOV 2021

In response to Planning application LA09/2021/0146/0, Oakland Villas residents would like some views and concerns to be raised and considered at the planning meeting. Whilst we do not have any major issue with the infill site location, we do not support the current scheme design on the basis of the access through Oakland Villas to the proposed site.

## CONCERNS

- Existing traffic from site (Builders yard?) has not been utilized through Oakland Villas as stated in the application. (Picture A)
- No consideration for residents has been made within the existing application. Parking is already tight within Oakland Villas without losing more space to further access.
- Heavy construction traffic may not be able to access the proposed site when vehicles are parked.
- Heavy construction traffic may cause damage to existing kerbing, ironwork and surfacing.
- Increased site traffic will cause an increased danger to residents who cross the existing road to access the green area.
- Existing concrete laneway access from the main road has not been considered as an alternative access to the proposed infill site application. (Picture B)
- A part of Greenspace and Mature trees within Oakland Villas has already been removed recently to achieve access to the proposed site. (Pictures C + D)

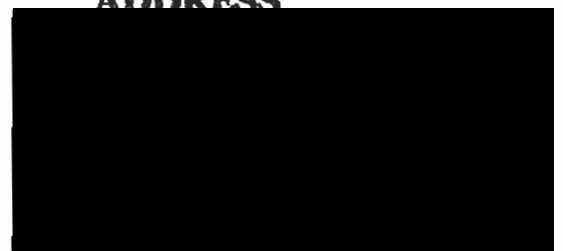
## PROPOSALS

The residents of Oakland Villas propose that the above concerns be addressed prior to approval for the current application. We reiterate that we do not object to the placement of the proposed infill site but have major concerns about the access proposed. Particularly the increased heavy traffic causing damage and safety risk to residents during the construction phase.

## SIGNED

Zandra Morgan  
Uel Carson  
SIRBATIVE  
Q. Williams

## ADDRESS









<b>Report on</b>	Planning Performance
<b>Date of Meeting</b>	10th Jan 2022
<b>Reporting Officer</b>	Dr Chris Boomer, Service Director
<b>Contact Officer</b>	Dr Chris Boomer, Service Director

<b>Is this report restricted for confidential business?</b>		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)		

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To inform members of planning performance and progress against national statistics and in comparison to other Councils
<b>2.0</b>	<b>Background –</b>
2.1	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 <sup>th</sup> September 2021, representing the first half of the business year.
<b>3.0</b>	<b>Main Report – Implications for Mid Ulster Council</b>
	<b>Current Position on applications</b>
3.1	The regional planning statistics show that 1 <sup>st</sup> April to September 30 <sup>th</sup> show that the total number of applications received were 770 applications were submitted and 753 decisions made of which 99.3% were approved. This makes Mid Ulster the third busiest planning department and the most successful in negotiating positive outcomes for applicants.
3.2	Over the period, we received only 4 major applications, although we issued 10 major approvals, which was the highest in Northern Ireland. Average processing times were 98.2 weeks, reflecting the complexity of the applications.
3.3	All other applications are classified as local. Processing times average 14.8 weeks, just inside our targets. Only three other authorities achieved better, all of which received less applications. However, unverified figures for November

	<p>suggest that as we clear our backlog of applications received over lockdown, average performance times will decline.</p>
3.4	<p>Mid Uster received highest and nearly 50% of Northern Ireland industrial development and the highest number of commercial, civic and industrial applications outside Belfast.</p>
3.4	<p>Some 99 enforcement cases were opened in the first half of the business year and 67 of which investigations have been concluded with 83.3% within the target period of 39 weeks.</p>
	<p><b>Progress of Local Development Plan</b></p>
3.5	<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. Despite two letters and assurance that by the Department that they would contact us, we are still awaiting word on whether the plan is to be passed to the Planning Appeals Commission for public examination.</p>
	<p><b>Planning Portal</b></p>
3.6	<p>The installation of our new portal and application management system is being progressed although it appears on the Consultants side that some slippage has occurred and a go live date of 1st April is being touted. This said, until the system has been fully tested, I am not yet assured of this, and I am awaiting a revised project plan from the consultants.</p>
	<p><b>Other Considerations</b></p>
4.1	<p><b>Financial, Human Resources &amp; Risk Implications</b></p>
	<p>Financial: We have been working in budget.</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, I am confident that with Covid abating, appropriate recruitment and implementation of the new computer system, we will see significant service improvements in 2022/23. .</p>
4.2	<p><b>Screening &amp; Impact Assessments</b></p>

	None for the Council
	Rural Needs Implications: None for the Council. N/A
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	That the Planning Committee notes the Service Directors report.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Regional statistics published by the Department of Infrastructure are available on the DfI website.

