



27 May 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 01 March 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

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 7 - 224

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/0762/O	Gap site for dwelling & garage at 45m W of 151 Mullanahoe Road Ardboe for Gary Campbell.	APPROVE

5.2.	LA09/2019/0712/F	Construction of general purpose agricultural buildings and associated groundworks at 25m NE of 34 Castlecaulfield Road, Donaghmore, for Mr Joseph O'Neill.	REFUSE
5.3.	LA09/2019/1124/O	Replacement dwelling and garage 70m N of 172 Innishrush Road, Upperlands, for Mr T Kelso.	REFUSE
5.4.	LA09/2019/1503/F	Free range poultry laying unit (max no. of birds 16,000), litter shed, 2 feed bins, access to public road and associated works at approx. 115m NW of 25 Old Monaghan Road, Clogher, for Stephen and Angela McKenna.	APPROVE
5.5.	LA09/2020/1259/F	Additional first floor office space at 15a Grange Road, Ballygawley, for Exi - Tite Ltd.	APPROVE
5.6.	LA09/2020/1454/F	29 dwelling units with associated parking, access, landscaping and wastewater treatment (reduced from 35 to 29 units) at 15-17 Oaks Road, Dungannon for Sandale Developments Ltd.	APPROVE
5.7.	LA09/2020/1513/F	4 dwellings (to replace I/2012/0115/F) at 56 Moneymore Road, Cookstown for Mr A Martin.	APPROVE
5.8.	LA09/2020/1531/F	Retention of vehicular access to existing garage at Fairy Burn House, Sandholes Road, Cookstown for Mr. Kieran McCracken.	REFUSE
5.9.	LA09/2020/1571/F	Retrospective application for the retention of livestock shed, silage pit, and extension to existing agricultural storage/equipment/machinery shed and all associated site development and drainage works at approx. 200m SE of 68 Kilnacart Road Dungannon, for Mr Niall McCann.	APPROVE
5.10.	LA09/2021/0480/F	Dwelling and domestic garage within existing cluster at 75m W of 11 Grange Road, Cookstown for Mr. Paddy Donnelly.	REFUSE
5.11.	LA09/2021/0528/F	Amendment to conditions 3, 4 & 5 of I/2001/0137/F (vehicular	REFUSE

		accesses & visibility splays) adjacent to 89 Lissan Road, Cookstown, for Mr Malcolm Thom.	
5.12.	LA09/2021/0641/O	Site for a dwelling and domestic garage on a farm 25m S of 66 Ballynease Road, Portglenone, for Catherine & Ciaran Maguire.	REFUSE
5.13.	LA09/2021/0840/O	Site for dwelling & garage at 30m E of 34a Annaghmore Road , Cookstown for Daniel Quinn.	APPROVE
5.14.	LA09/2021/0909/O	Farm dwelling & garage at approx. 250m W of 18 Mawillan Rd. Moneymore, for Seamus Lagan.	REFUSE
5.15.	LA09/2021/0991/O	Dwelling & detached garage at approx. 50m NE of 23 Castletown Road, Aughnacloy, for Michael Jones.	REFUSE
5.16.	LA09/2021/1252/F	Dwelling and garage (change from I/2011/0240/F) at 370m NW of junction of Glenarney and Knockaleery Roads, Cookstown, for Mrs Amanda McCord.	APPROVE
5.17.	LA09/2021/1315/F	Retention of hard cored yard for farm storage along and proposed farm storage shed adjacent to 18 Keenaghan Road, Cookstown, for Vincent Dynes.	REFUSE
5.18.	LA09/2021/1458/F	Conversion of existing barn to dwelling house at 40m W of 54 Coash Road, Dungannon, for Philip Mc Clung.	APPROVE
5.19.	LA09/2021/1481/F	Dwelling and detached garage (to supercede part of H/2000/0418/F) at site at 1 Beech Lane, Maghera for Michael Burke.	APPROVE
5.20.	LA09/2021/1498/F	Dwelling and detached garage (to supercede part of H/2000/0418/F) at site at 2 Beech Lane, Maghera for Barry Hampson.	APPROVE
5.21.	LA09/2021/1544/O	Site for dwelling with detached garage at 30m NE of 37 Cooneen Road, Fivemiletown for William McConnell.	APPROVE
5.22.	LA09/2021/1598/O	Dwelling, garage & associated site works 80m SW of 129 Benburb Road, Dungannon, for Mr Norman McKenzie.	REFUSE

5.23.	LA09/2021/1627/F	Rear extension, detached garage & alterations at 55 Springhill Road, Moneymore for Mark Moran.	APPROVE
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6. Receive Deferred Applications

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	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/0740/F	Site for dwelling and garage between No.23 & No 29A Cloghog Road, Coalisland, for Mr Conor Tennyson.	REFUSE
6.2.	LA09/2020/0870/O	Infill dwelling and garage, Approx 20m E of 14 Killyneill Road Dungannon for Mr Kevin Rafferty.	APPROVE
6.3.	LA09/2021/0054/O	Site for dwelling and garage on a farm approx. 60m SW of 125a Ballinderry Bridge Road, Cookstown for Kieran Mitchell	APPROVE
6.4.	LA09/2021/0506/F	Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access at 45m SE of 83 Derryloughan Road, Coalisland for Mr Christopher Mc Cann.	APPROVE
6.5.	LA09/2021/0681/O	Dwelling and domestic garage based at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan.	APPROVE
6.6.	LA09/2021/1036/F	New entrance (substitution approved LA09/2020/0631/F) at approx 60m SW of 137 Lurgylea Road, Galbally, Dungannon for Mr Damian Corr.	APPROVE
6.7.	LA09/2021/1276/O	Dwelling (including waste water treatment plant) at 35m NW of 270 Killyman Road, Dungannon for Mr Paul Cranston.	REFUSE

7. Receive Update to Planning Officer Authorisation List

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8. Receive Response to Department for Economy Consultation on Application for Prospecting Licences by Dalradian Gold

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Matters for Information

9 Minutes of Planning Committee held on 1st February 2022

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- 10 Receive Report on DfE Grant of Dalradian Gold
Prospecting Licences DG1/22 and DG2/22

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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

11. Receive Response to Department for Infrastructure Issues
Paper on Review of Strategic Policy on Renewable Energy
12. Receive Report on UAH Letter re Building Preservation
Notice at St Malachy's Parochial Hall
13. Receive Report on Promoting Quality Design

Matters for Information

14. Confidential Minutes of Planning Committee held on 1st
February 2022
15. Receive Update on the Implementation of the New Planning
Portal
16. Enforcement Cases Opened
17. 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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0762/O	Target Date:
Proposal: Proposed gap site for dwelling & garage	Location: 45m West of 151 Mullanahoe Road Ardboe.
Referral Route: <ul style="list-style-type: none">• Non delegated - application submitted by spouse of Anne Marie Campbell, MUDC's Deputy Chief Executive and Strategic Director of Environment; and• Objections	
Recommendation: Approve	
Applicant Name and Address: Gary Campbell 5 Ronan Drive Magherafelt BT45 6HD	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary: Proposed dwelling and garage Meets the criteria of Policy CTY 2a New Dwellings in Existing Clusters – A WW2 Airfield ambulance / fire-fighting building and a control tower located is located to the east of the site and a car breakers yard with associated buildings to the southwest. These buildings / sites to the east and southwest I consider focal points associated with the cluster. 10 objections in total received from 5 separate parties including neighbouring properties to west and north. Issues raised and addressed within main body of report include: proposal does not meet with planning policy; sewage disposal; land ownership; rights-of-way; flooding; maintenance of access roads to site; wind turbine nearby applicant will experience visual and noise pollution; neighbouring amenity; and vegetation to be protected.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Rivers Agency	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	10	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Objections received, detailed in, 'Planning Assessment of Policy and Other Material Considerations.'		
Description of Proposal		
This is an outline application for a proposed dwelling and garage to be located on lands approximately 45m West of no. 151 Mullanahoe Road Ardboe.		
Characteristics of the Site and Area		
The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 400 metres east of Ardboe.		
The site is a flat rectangular shaped plot accessed via and at the end of an existing narrow lane off the Mullanahoe Rd in Ardboe. It comprises an agricultural field situated adjacent Ardboe's abandoned airfield at Kinrush.		
The site is bound to the north by no. 147 Mullanahoe Rd a single storey dwelling with ancillary shed and hen houses beyond and to the south by the lane serving the site. The site is bound to the west by no. 149 Mullanahoe Rd a 1 ½ -storey dwelling of bungalow appearance. The site is bound to the east by no. 151 Mullanhoe Rd a single storey dwelling located to the opposite side of the airfield runway. A WW2 airfield ambulance / fire-fighting building and a control tower run to the rear of no. 151.		
The east and south boundaries of the site are relatively open unto the adjacent runway and lane respectively bound only by post and wire fencing. The north and west boundaries / party boundaries of the site with nos. 147 & 149 Mullanahoe Rd, respectively, are relatively well-enclosed bound by post and wire fencing and a mix of mature hedgerow and tree vegetation. A watercourse runs along the inside of the west boundary.		
Critical views of a dwelling (including garage) on site will be when passing the southern frontage of the site from the lane serving it and on the southern approach to and passing the eastern frontage of the site from the disused runaway. Existing development and		

vegetation bounding the site will screen views from the north and west and provide a sense of enclosure and backdrop to critical views.

This area of countryside is characterised by its location between Ardboe settlement limits visible in the distance to the west and the abandoned airfield it sits adjacent to the east, which overlooks Arboe Business Park. It has come under development pressure in recent years with the lane proposed to access the site serving a number of existing dwellings; ancillary buildings and businesses including a public house located to the outside of the first bend in the lane on the approach to the site; and a car garage/breakers yard located immediately southwest of the site. A wind turbine and a number of solar panels are located in a large field opposite and to the southeast of the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 15 (Revised): Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

Relevant History on Site

No relevant history on site.

Consultees

1. DfI Roads were consulted on the 18th June 2018 and responded on the 26th June 2018 with no objection as access to the site is to be provided via a private lane extending from a public road.
2. NIEA were consulted 6th August 2018 as the site is 2.1km from Lough Neagh and Lough Beg SPA/Ramsar/Lough Neagh ASSI (hereafter referred to as designated

sites) which are of international and national importance and protected by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002. NIEA responded on 20th August 2018.

- Water Management Unit – responded with no objections referring only to Standing Advice on Single Dwellings available at: www.daera-ni.gov.uk/water-environment-standingadvice containing conditions and informatives relevant to the proposal. This could be brought to the attention of the applicant via informative.
- Natural Environment Division (NED) – responded with no objection to the proposal subject to standard informatives. NED stated the proposal is not connected with, or necessary for, the conservation management of the designated sites. Due to the small scale, temporary nature of the construction works, the proposal is unlikely to have a significant impact on whooper swans foraging in the nearby fields.

3. Shared Environmental Services were consulted on the 6th August 2018 in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) as a watercourse runs along the western boundary of the site. SES responded on the 28th September 2018 that having considered the nature, scale and location of the project subject to the following mitigation measure being conditioned under any subsequent planning approval, which I consider reasonable, the proposal will not have an adverse effect on the site integrity of any European site:

- A clearly defined buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the western edge of the red line boundary. Reason: To prevent polluting discharges entering and impacting on the site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

4. River's Agency were consulted on a number of occasions throughout the processing of this application as a watercourse runs along the western boundary of the site and objection letters received detailed a history flooding on site. Further to a Flood Risk Assessment (FRA) and Drainage Assessment (D.A) being received on the 14th June 2021 and 21st November 2018 respectively DfI Rivers from a drainage and flood risk perspective responded on the 8th July 2021 as follows under the outlined policies of PPS 15 (Revised) Planning and Flood Risk:

- FLD1(Development in Fluvial Flood Plains) - The FRA indicates portions of the site lie within the 1% AEP fluvial flood plain with a 1% AEP flood level of 24.96m OD. Due to the near location to the flood plain, the developer should be advised that for design purposes all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above the 1% AEP flood level. Infilling should not take place below the predicted 1% AEP flood level, as infilling of the flood plain will only serve to undermine the flood plain's natural function of accommodating and attenuating flood flows. The area of the site affected by flood plain should be kept free from future unauthorised development. The site layout may have to be revised to comply with policy FLD 1.

- I am content the FRA submitted concluded flooding on site can be mitigated through improvements to the culverts associated and whilst this is an outline application, an indicative site layout submitted showed the proposed dwelling including garage, access arrangements and septic tank could be provided on site outside the area identified at risk of flooding. Accordingly, I am content this proposal should not increase the risk of flooding to the development or elsewhere, subject to the dwelling and garage being located outside the identified flood risk area. I consider conditions that no development or raising of existing ground levels shall take place within the identified flood risk area and that improvements to culverts associated with the FRA must be carried out and evidence of this provided to council prior to commencement of development, are necessary. This is to ensure the development does not flood or cause flooding elsewhere. This would also provide assurances improvements to the culverts, whilst not necessarily development, has been / can be done.
 - FLD2 (Protection of Flood Defence and Drainage Infrastructure) – An undesignated watercourse flows along the western site boundary. Policy requires a 5m maintenance strip. It should be marked up on a drawing and protected from impediments (including tree planting), land raising or future unapproved development by a planning condition.
 - I am content this could be conditioned.
 - FLD3 (Development and Surface Water) – Providing the drainage works described in the D.A dated the 20th November 2018 and noted on the drainage layout drawing are implemented and schedule 6 approval to discharge storm water is obtained as stated, the proposed development should not increase the risk of flooding to the development or elsewhere.
 - FLD4 (Artificial Modification of watercourses) - only permits the culverting of open watercourses by the Planning Authority in exceptional circumstances.
 - Culverting has not been proposed.
5. Environmental Health were consulted on the 7th August 2018 and responded on the 23rd October 2018 with no objection to the above proposed development subject to a number of standard informatives.

Key Policy Considerations

Cookstown Area Plan – The site is located in the rural countryside outside any development limit designated by the Area Plan. It has no other zonings or designations within the Plan.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside which deals with development such as proposed, are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside – is 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 are listed in CTY1 of PPS21. One instance

is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

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

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

I believe the site is located within a cluster of development lying outside of a farm and consisting in excess of four buildings of which more than three are dwellings (see Fig. 1).

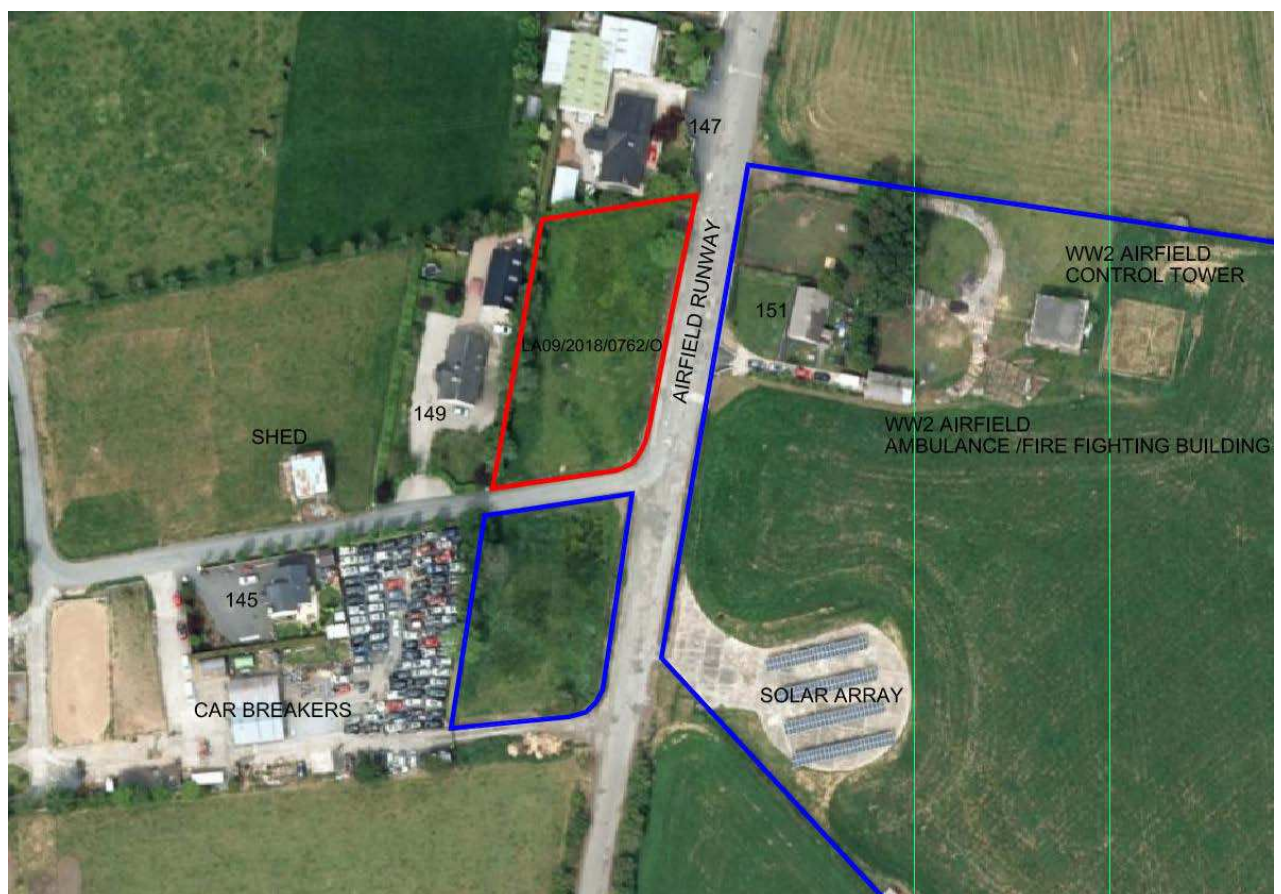


Fig 1: Site identified in red within cluster of development

As detailed in 'Characteristics of the Site and Area' above the immediate area surrounding the site has come under considerable development pressure in recent years with a cluster of dwellings and businesses forming along the lane to its south and both sides of the airfield runway to its east. As see above in Fig 1 above, these include but are not limited to 4 dwellings with ancillary buildings, nos. 145, 147, 149 and 151 Mullanhoe Rd; a WW2 airfield ambulance / fire-fighting building and control tower to the rear of no. 151; a car breakers yard in association with no. 145; and a solar array.

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

The cluster of development as detailed above, in my opinion appears as a visual entity in the local landscape when viewed on the western approach from the lane proposed to serve it and from the airfield runway on both the northern and southern approach.

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

A WW2 Airfield ambulance / fire-fighting building and a control tower located is located to the east of the site and a car breakers yard with associated buildings to the southwest. These buildings / sites to the east and southwest I consider focal points associated with the cluster.

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

The site is well enclosed. In addition to the mix of vegetation along its north and west boundaries the site is bound to the north by no. 147 Mullanahoe Rd, a single storey dwelling and to the west by no. 149 Mullanahoe Rd, a 1 ½ storey dwelling of bungalow appearance. No. 151 Mullanahoe Rd a single storey dwelling with a WW2 airfield ambulance / fire-fighting building and a control tower to its rear sits to the opposite side of the airfield runway, bounding the site to the east.

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

Due to the enclosed nature of the site and the existing development in the immediate vicinity a dwelling could be absorbed into the existing cluster through rounding off and consolidation with no significant impact on the existing character, or visually intruding into the open countryside.



Fig 2: View of site outlined in red on south approach from airfield runway with WW2 airfield ambulance / fire-fighting building and a control tower (brick buildings) located to east of photo to the rear of no. 151 Mullanahoe Rd.

- Development would not adversely impact on residential amenity.

Subject to a 5.5m ridge height restriction, a dwelling and garage of an appropriate size, scale, design and layout to be considered further under any subsequent reserved matters application should absorb onto this site without significant adverse impact on the residential amenity of nos. 147 and 149 Mullanahoe Rd immediately to its north and west

respectively. Adequate separation distances can be retained and the site benefits from mature vegetation along its party boundaries with the aforementioned properties, which should remove any potential for overlooking to a significant degree.

Other Policy / Considerations

NIEA Map viewer identified the site to be within an area known to breeding waders which are priority species. However I am content that as this site is improved grassland within an existing build-up of development this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 10 third party objections were received from 5 parties

1. Ms Dympna McElroy
2. Mr and Mrs McElroy
3. Mr and Mrs Conlon
4. PA Duffy & Co Solicitors on behalf of Mr Patsy Forbes, owner / occupier of no. 137 Mullanahoe Rd, Ardboe Manufacturing Company Ltd
5. Mr Gerard Forbes

7 objections were received from Dympna McElroy, 2 received 2nd July 2018 on behalf of Mr and Mrs McElroy and Mr and Mrs Conlon the owner / occupiers of nos. 147 and 149 Mullanahoe Rd respectively. 1 received 15th February 2019 from herself to illustrate flooding referred to in previous. 3 further objections were received on 10th December 2019 from Dympna McElroy, on behalf of Mr and Mrs McElroy; Mr and Mrs Conlon and herself. These were on the back of an updated P2 Certificate and additional drainage information to address flooding. 1 additional received 2nd Decemeber 2021 further to re-neighbour notification of an indicative block plan received on the 12th November 2021.

2 objections from PA Duffy & Co Solicitors received 9th December 2019 and 2nd December 2021.

1 objection Mr Gerard Forbes received 12th December 2019 from.

Ms Dympna McElroy, raised a number issues on behalf of Mr and Mrs McElroy; Mr and Mrs Conlon; and herself, including:

1. Proposal does not meet policy criteria in SPPS and PPS 21 (incl. Policy CTY8)

As detailed and concluded in my assessment of this proposal above the cluster has a focal point and meets all other policy tests. I believe due to the enclosed nature of the site and existing development in the immediate vicinity a dwelling could be absorbed into the existing cluster through rounding off and consolidation with no significant impact on the existing character, or visually intruding into the open countryside.

2. Under PPS 21 Policy CTY 16 Development Relying on Non-Mains Sewage, site area was questioned as being appropriate to provide sufficient sewage treatment.

It was stated raw sewage drains into sheugh at western site boundary, creating an smell pollution and daily nuisance for neighbouring residents at nos. 149 and 147 Mullinahoe Rd. An investigation into appropriate sewage treatment and drainage of the existing dwellings within the locale is required.

Environmental Health were consulted in relation to above issue(s) however raised no concerns subject to standard informatives. Further to Environmental Health's response the objectors stated the location of septic tank referred to had not been marked on the site plan. The septic tank has now been marked up on an indicative block plan, which shows there is sufficient scope within the site to locate a septic tank and still achieve a minimum separation distance from habitable properties. The septic tank location can be considered further under any subsequent reserved matters application.

3. Details of occupier of proposed dwelling should be verified.

This is not a planning concern or requirement, any planning permission granted goes with the land not the owner / occupier.

4. The site includes land (Forbes Lane) not in the applicants ownership. The correct certificate of ownership and required notifications to all landowners is required.

Further to the objectors initial comments above the agent/applicant was contacted to confirm details submitted were accurate. Subsequently, the Certificate of Ownership was revised from Certificate A to C with notice served on, Mr Patsy Forbes; Mr Gerry Forbes; and Mr and Mrs McElroy. Upon receipt of the undated Certificate of Ownership re-neighbour notification was carried out. Dymrna McElroy, on behalf Mr and Mrs McElroy; and Mr and Mrs Conlon made the following further comments on the 10th December 2019: They were not served notice under Certificate C, as stated on the updated P1 Form. And Mr and Mrs McElroy in response to a letter from Toal and Heron solicitors dated 21st January 2019, submitted to clarify the applicant usage of the access lane, wished to clarify statements made are not necessarily a right and proper presentation of same. They are of the opinion that it is not appropriate to comment on these items through this platform. However, should it be deemed appropriate by Council/Planning Department, the objections can be submitted upon request.

Having considered the land owner issues raised, completion of the Certificate of Ownership is to raise awareness and bring to the attention of any interested parties land ownership issues arising. Whilst the onus is on the applicant to serve notice on all interested parties I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

5. Neighbour notification section of P1 Form has not listed all household and landowners adjoining the site, including lane.

Whilst P1 Form did not list all properties adjoining the site I am content press advertisement and neighbour notification has been carried out in line with the Council's statutory duty.

6. Raised issue that site historically floods along northern boundary for approx. 6m into site. Flooding increases with heavier rainfall and site has completely flooded (incl. adjoining Rd) on more than one occasion in recent years.

Having consulted with Rivers Agency as detailed further above I am content the FRA submitted concluded flooding can be mitigated and whilst this is an outline application, an indicative site layout submitted shows the proposed dwelling including garage, access arrangements and septic tank could be provided on site outside the area identified at risk of flooding. Accordingly, I am content this proposal should not increase the risk of flooding to the development or elsewhere. Subject to the dwelling, garage and ancillary development being located outside the identified flood risk area; a condition that no development or raising of existing ground levels shall take place within the identified flood risk area; and a negative condition that improvements to culverts must be carried out and evidence of this provided to council prior to commencement of development

7. Site is accessed via and sits at junction of a private lane (Forbes Lane) and disused airfield, a private road. Neither road is Council maintained, onus is on local landowners. Applicant/buyer of dwelling must contribute to maintenance of these roads on equal basis with all other landowners by way of a burden on the land.

This is a civil matter. Planning permission does not confer title. It would be the responsibility of the developer to ensure he controls all lands necessary to carry out the proposed development. 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.

8. Wind turbine exists to south of site (LA09/2010/0388/F), existing residents experience shadow flicker causing nausea and noise nuisance daily. The applicant will be closer (approx. 50m) and will experience this visual and noise pollution.

Environmental Health were consulted and raised no concerns in this regard. The wind turbine is located approx. 180m southeast of the site, similar to its distance from no. 151 Mullanahoe Rd, located opposite the site.

9. Neighbouring properties privacy must be maintained. Noted no.147 has a living room and kitchen window, and no. 149 a bedroom and living room window facing the site. Added, a window on any elevation within 15m of a boundary with another house must have obscure glazing and be non-opening unless the parts, which can be opened, are more than 1.7 m above the floor of the room in which the window was installed.
10. No structure/dwelling/outbuilding should create overshadow the adjoining neighbours lands at nos.147 and 149 Mullanahoe Rd.
11. Ridge heights of neighbouring dwellings should be acknowledged (1-1 ½ story).

In relation to points 8, 9 and 10 above, I believe the site has the capacity to absorb a suitably sited and designed dwelling with a ridge height no greater than 5.5m above FFL, similar to neighbouring properties, without causing any significantly unacceptable

detriment to neighbouring amenity in terms of over overlooking or overshadowing. Adequate separation distances can be retained and the site benefits from mature vegetation along its party boundaries with the aforementioned properties, which should reduce potential for overlooking to a significant degree. Note planning policy does not specify a window on any elevation of a dwelling within 15m of a boundary with another dwelling must have obscure glazing and be non-opening.

12. Creating Places – Consideration for 20m separation distances between dwellings / buildings, has not been included in the site plan submitted.

Given the dimensions and enclosed nature of the site I am content subject to a suitable scheme coming forward under any subsequent reserved matters application adequate separation distances, as per Creating Places guidance, so as to not have any significant detrimental impact on neighbouring amenity can be achieved.

13. Western boundary made up of indigenous trees and hedgerow running alongside the sheugh/natural waterway must be protected and retained.

Existing vegetation on site can be protected via attaching a planning condition to any subsequent decision for it to be retained.

14. 10m buffer zone as per Shared Environmental Service (SES) correspondence dated 28th of September 2018 along the watercourse on site to prevent polluting discharges entering it and impacting integrity of Lough Neagh and Lough Beg Ramsar / SPA, has not been marked on the site plan submitted.

15. A 5m maintenance strip along the watercourse adjacent the western boundary of the site should be kept clear from impediments (including tree planting garden fencing), land raising or future unapproved development has not been marked on the site plan submitted.

In relation to points 14 and 15 above Based on the indicative site layout submitted a 10m buffer as per SES correspondence can be provided and conditioned to be maintained, as can a 5m maintenance strip as per River's correspondence.

16. Block plan insufficient to assess proposal.

This is an outline application and it is considered sufficient information has been received at this stage to assess the proposal.

PA Duffy & Co Solicitors submitted 2 objections outlining notification of application was not served on their client Mr Patsy Forbes on the 1st May 2019 as stated in the updated Certificate of ownership – Certificate C. That there is no public right-of-way within or are adjoining the site over the un-adopted roadway outlined in red owned by Mr Forbes. Mr Forbes has not and will not provide a right-of-way for any residential property on subject site. The subject site is a vacant site upon which there has been no residential property, prescriptive rights cannot therefore have been obtained. In response to the issues raised I would reiterate earlier comments in regards to bullet point 5 above: Completion of the Certificate of Ownership is to raise awareness and bring to the attention of any interested

parties land ownership issues arising. Whilst the onus is on the applicant to serve notice on all interested parties I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Mr Gerard Forbes a landowner adjacent the proposed site also raised concern about ongoing flooding; and that he had received no official notice of the proposal. In relation to flooding I would reiterate my comments in response to bullet point 6 above; and bullet point 5 with regards receiving no official notification. As Mr Forbes did not disclose his address and refers to himself as a neighbouring landowner, I would also note neighbour notification relates to occupied buildings.

In conclusion, whilst the above objections have been taken into consideration, my opinion remains to approve. The site meets the tests of CTY 2a of PPS21 'New Dwellings in Existing Clusters'. I believe a dwelling could be absorbed on site into the existing cluster through rounding off and consolidation with no significant impact on the existing character, or visually intruding into the open countryside. This is due to the enclosed nature of the site and existing development in the immediate vicinity.

Recommend: Approve

Neighbour Notification Checked:	Yes
Summary of Recommendation:	Approve

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. 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 no greater than 5.5 metres above finished floor level.

Reason: To ensure that the development integrates into the landscape.

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: In the interests of visual and residential amenity.

6. Prior to commencement of the development hereby approved improvements to culverts associated with the Flood Risk Assessment received 14 JUN 2021 must be carried out and evidence of this provided to Mid Ulster Council.

Reason: To prevent flood risk.

7. All drainage works described in the Drainage Assessment (Doc.01) and noted on drainage layout Drawing No.02 bearing the date stamp received 21st November 2018 shall be implemented to the satisfaction of all statutory agencies prior to the occupation of any dwelling hereby approved.

Reason: To ensure the development hereby permitted will not increase the risk of flooding to the development or elsewhere.

8. The proposed finished floor level of the dwelling and garage should be placed at minimum of 600mm above the lough level of 24.96m OD Belfast or 350mm above existing ground level, whichever is the greater.

Reason: To ensure the development hereby permitted will not increase the risk of flooding to the development or elsewhere.

9. No development or raising of existing ground levels shall take place within the area identified in blue on drawing no. 02 bearing the date stamp received 12 NOV 2021.

Reason: To ensure the development hereby permitted will not increase the risk of flooding to the development or elsewhere.

10. The dwelling and garage hereby permitted shall be located in general conformity with drawing no. 02 bearing the date stamp received 12 NOV 2021.

Reason: In the interest of visual and residential amenity.

11. The existing natural screenings of this site as indicated in blue on drawing no. 02 bearing the date stamp received 12 NOV 2021, shall be retained intact and no

lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

Reason: To ensure the development integrates into the countryside and in the interests of residential amenity.

12. 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 with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

13. A clearly defined buffer of at least 10m shall be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the western edge of the red line boundary.

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

14. A 5m maintenance strip along the watercourse adjacent the western boundary of the site shall be kept clear from impediments (including tree planting garden fencing), land raising or future unapproved development.

Reason: To comply with policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure.

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. Please see the Department of Agriculture, Economy and Rural Affairs, Northern Ireland Environment Agency's (NIEA) consultation response dated and scanned to the planning portal on the 20th August 2018 for information purposes.
5. Please see the Mid Ulster District Council's Environment Health Department's consultation response dated and scanned to the planning portal on the 23rd October 2018 for information purposes.
6. Please see the Department for Infrastructure's, Rivers - Planning Advisory Unit consultation response dated and scanned to the planning portal on the 8th July 2021 for information purposes.

Signature(s)

Date:



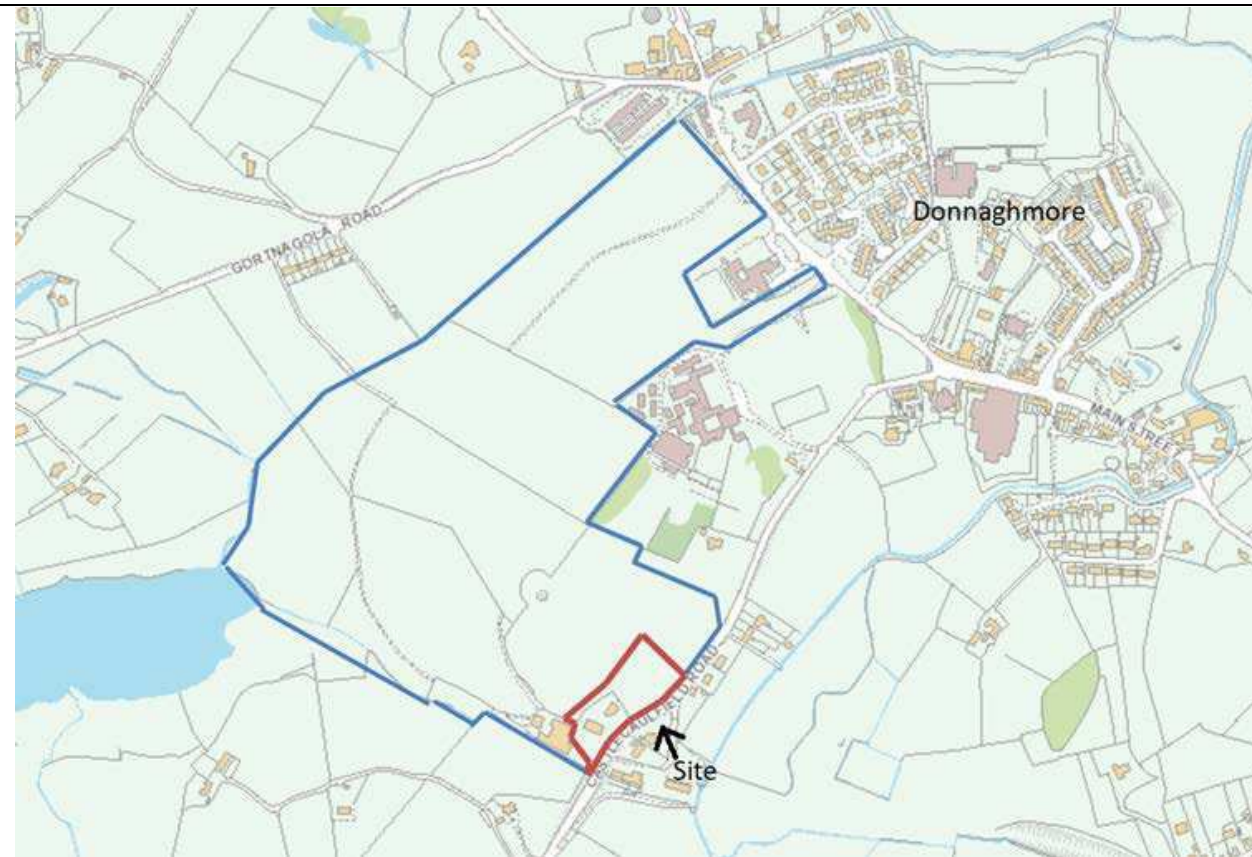
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0712/F	Target Date:
Proposal: Construction of new general purpose agricultural buildings and associated groundworks	Location: 25m to the North East of 34 Castlecaulfield Road Donaghmore
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Joesph O'Neill 34 Castlecaulfield Road Donaghmore BT70 3HF	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT458AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received

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

Summary of Issues

None

Characteristics of the Site and Area

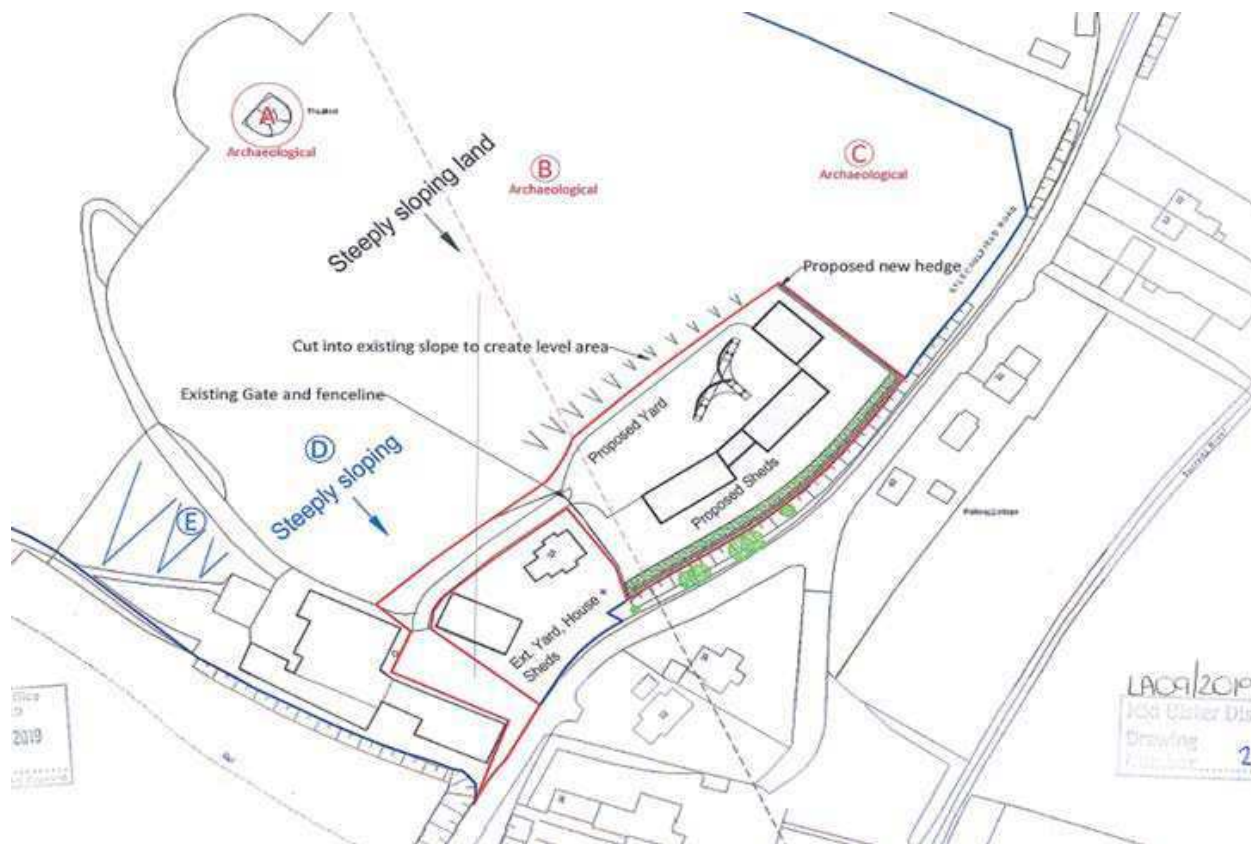
The site comprises a rectangular shaped portion of a larger agricultural field and associated access through the existing yard located 25 metres to the NE of number 34 Castlecaulfield Road, Donaghmore. The red line of the site includes the lower portion of a steeply sloping agricultural field adjacent to a large two storey dwelling at number 24. The site is accessed via the existing yard dividing two large sheds and looping around the rear of the existing dwelling. The North of the site is undefined on the ground but the steeply sloping bank acts as a backdrop. To the east the site is undefined, to the west the site is bounded by a post and wire fence separating it from the dwelling at number 24 and to the south along the roadside there is a low cropped native species hedgerow and a number of mature trees. The yard and some buildings to the south west of the site were being used in connection with an existing car wash and valeting business, with the remainder of the yard and buildings to the west still retained in agricultural use.

There is direct access to the site from Castlecaulfield Road and the site is located in open countryside, just on the outskirts of Donaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The roadside boundary of the site is open to the public road with no specific entrance/exit area.



Description of Proposal

The proposal seeks full planning permission for the construction of new general purpose agricultural buildings and associated works.



Planning Assessment of Policy and Other Material Considerations

Assessment

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.

Other Policy Considerations

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built heritage.

- Policy BH3 Archaeological Assessment and Evaluation.

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

3rd Party Objections

No objections have been received.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

In paragraph 2.3 of the SPPS it states ?The basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured. The proposed agricultural shed will be located 35m from the nearest third party dwelling at number 45 Castlecaulfield Road. It will be used for the storage of farm machinery, equipment and vehicles, it is my opinion that due to the separation distance from the nearest dwelling it will not have a significant impact on the amenity of number 45.

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

PPS 21 - Sustainable Development in the Countryside



Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the business ID has been in existence for and claimed SFP since 2015 at which point two previous active business IDs were merged, both of which claimed SFP in their own right. There is sufficient information to show that the farm is both established and currently active.

This proposal for 4 no. agricultural building, to provide storage for farm machinery and equipment. The principal farm holding including the yard, buildings and dwelling are located immediately adjacent to the site.

b) It is appropriate to the location in terms of character and scale.

The surrounding area is rural in character. These sheds are all typical of agricultural buildings which are found in this rural area, however, the appearance of 4 sheds side by side is rather large in scale, the applicant has attempted to alleviate this issue by breaking up the mass with a smaller shed in the middle of the two larger ones. Given the nature of this building, and the size and scale of the existing farm holding it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.

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

The shed is set back approx. 25m from the public road, accessed via a laneway which dissects the existing yard. The site benefits from mature boundary of vegetation to the south which will somewhat screen views of the shed from the public road and with appropriate planting to reinforce this boundary and add planting to the NE, the visual impact will be reduced. The topography of the site with the steep hill to the rear will also lessen the impact. In my view, given the design, size and scale of the building and existing vegetation this proposal will integrate into the landscape.

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

The shed will be used for storage and it does not have an underground tank for slurry collection so there should be no issues around ammonia emissions. I therefore have no concerns around its impact on natural heritage.

A desktop search has identified the presence of 3 potential historical sites to the rear of the site and therefore HED were consulted to assess the impact on the built heritage.

HED Monuments requested an archaeological evaluation as per BH3 is submitted to permit a reasoned and informed planning decision.

The applicant submitted an archaeological programme of works and upon further consultation with HED, they have reviewed the submitted programme of works and are not in a position to agree the POW until amendments to the methodology are made. As such, the methodology should be amended for a site evaluation scenario rather than mitigation / excavation. A provision should be included to allow for the resolution of the evaluation on site with the HED planning casework officer if any remains are uncovered. They have stated that these points must be addressed before they will agree the programme of works.

The applicant submitted a revised archaeological programme of works and upon review HED were satisfied that this document allayed previous concerns and they agreed with the mitigation strategy, and were content for this to proceed to archaeological licensing.

HED advised that this is only the first step in compliance with the request for further information in the form of an archaeological evaluation. This will not be fully satisfied until the programme of works has been implemented on site by a licensed archaeologist, and a final report detailing the results of the archaeological investigation has been submitted to HED (Historic Monuments).

The applicant is reluctant to bear the expense of the assessment, however, commissioned the assessment, a mitigation strategy and a proposed excavation methodology. However, HED have asked for further works including the physical evaluation and report on same which despite numerous requests, the applicant has failed to submit. The applicant has suggested approval by way of negative condition, however, the council and HED are not content with this proposal and require the physical evaluation to be carried out before any such approval.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The shed will be located 35m from the closest third party dwelling, at number 45. At this distance I would have concern about the impact on residential amenity by way of noise. In addition the applicant has designed the proposal in such ways as to create a cloister which would help to attenuate any noise.

In the case where a new building is proposed the following points should be met:

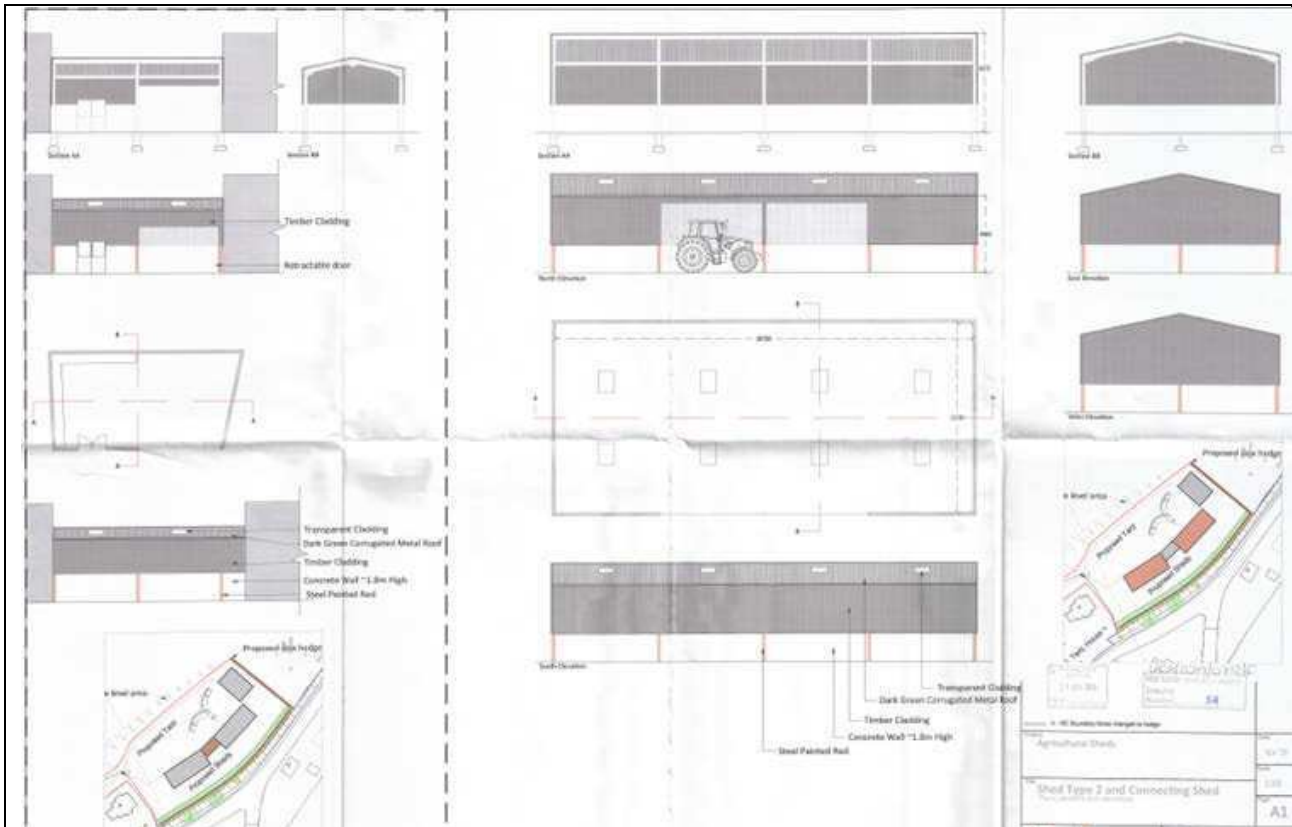
- There are no suitable existing buildings;

No suitable buildings are available on the holding. As previously discussed, the farm holding including a number of buildings are all currently in use.

- The design and materials are sympathetic to the locality;

The sheds whilst significant in size are also of a simple design and buildings of this style are characteristic of the rural area.

- It is sited beside existing farm buildings.



Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As detailed in my assessment above, these points have been covered.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The shed is agricultural in nature and will not cause a detrimental change to the rural character of this area. This shed also benefits from the backdrop of the steep bank to the rear, the existing buildings to the side as well as proposed landscaping to the front and remaining side.

DFI Roads were also consulted and after a number of amendments to FSDs were content to approve subject to condition;

The vehicular access, including visibility splays of (2.4m * 60.0m) and (60.0m) forward sight distance shall be provided in accordance with Drawing No 8 B bearing the date stamp 7 January 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Planning Policy Statement 6 (PPS6) Planning, Archaeology and Built heritage.

- Policy BH3 Archaeological Assessment and Evaluation.

This policy is applicable in this instance and it states that where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where

such information is requested but not made available the Department will normally refuse planning permission.

In this case as detailed above the applicant has not provided all the information HED has requested and therefore is contrary to PPS6 BH3.

Other Considerations

This site is not subject to flooding and there are no land contamination issues with the site.

Having weighed up the above policy and material considerations I am of the opinion that this application should be recommended for REFUSAL on the grounds of lack of information and contrary to PPS 6 Policy BH3.

Neighbour Notification Checked

Yes

Reasons for Refusal:

The proposal is contrary to Policy BH3 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological assessment/evaluation requested by the Council has not been made available.

Signature(s)

Date:

ANNEX	
Date Valid	24th May 2019
Date First Advertised	6th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18a ,Castlecaulfield Road,Dungannon,Tyrone,BT70 3PQ The Owner/Occupier, 33 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 34 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 35 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 39 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 39a ,Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 45 Castlecaulfield Road Dungannon Tyrone The Owner/Occupier, 45a Castlecaulfield Road, Dungannon, Tyrone, BT70 3HF The Owner/Occupier, 47 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF	
Date of Last Neighbour Notification	4th June 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0712/F Proposal: Construction of new general purpose agricultural buildings and associated groundworks Address: 25m to the North East of 34 Castlecaulfield Road, Donaghmore, Decision: Decision Date: Ref ID: M/2004/0140/O Proposal: Replacement 2 Storey Dwelling Address: 34 Castlecaulfield Road, Donaghmore, Dungannon Decision: Decision Date: 23.06.2004	

Ref ID: M/1973/0089

Proposal: EXTENSION AND IMPROVEMENTS TO FARMHOUSE

Address: MULLYGRUEN, DONAGHMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2015/0788/F

Proposal: Retention of change of use of a Redundant Agricultural Building and Partial External Yard Area to Facilitate a Car and Agricultural Vehicle Wash Facility

Address: Lands Adjacent to and SW of 34 Castlecaulfield Road, Donaghmore,

Decision: PG

Decision Date: 09.05.2017

Drawing Numbers and Title

Drawing No. 06

Type: Cross Sections

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 07

Type: Cross Sections

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1124/O	Target Date:
Proposal: Proposed replacement dwelling and Garage.	Location: 70m North of 172 Innishrush Road Upperlands Maghera BT46 5UY.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr T Kelso 43 Tirgirval Road Upperlands Maghera BT46 5WU	Agent Name and Address: 3rd Dimension 27 Gracefield Road Magherafelt BT45 6LD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice
Statutory	Rivers Agency	Advice

Representations:

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

Summary of Issues

- Due to a lack of information, the proposal is contrary to the policy contained within PPS 2.
- The site is located within the 1 in 100 year strategic fluvial floodplain. A Flood Risk Assessment was requested but has not been provided, therefore is contrary to Policy FLD of PPS 15.

Characteristics of the Site and Area

The site is located within the open countryside approximately 1.2km south east of the settlement limits of Tamlaght. The red line of the application site is a roadside plot of land with an old derelict building which is subject to replacement as part of this application. There are also two outbuildings located within the redline, these are located along the eastern boundary of the site. The site is relatively flat, with some overgrown hedges within the site. The site is bounded on the roadside by a low hedgerow, with the eastern boundary defined by mature planting which

appears to have overgrown another building. The northern boundary is defined by a mix of trees and hedges with the western boundary defined by mature trees with a watercourse running along this. The surrounding area is agricultural in nature however there is an orange hall located directly opposite the site.

Description of Proposal

This is an outline planning application for a proposed replacement dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21 - Sustainable Development in the Countryside

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

PPS 2: Natural Heritage

PPS 15 (Revised): Planning and Flood Risk

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a replacement dwelling and as a result, it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy. Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

I am content that the building subject to replacement was once a dwelling as it exhibits the essential characteristics of a dwelling, with window and door openings and a chimney visible.

The policy further states that replacement dwellings will only be permitted where all the following criteria are met:

- The proposed replacement dwelling should be sited within the established curtilage of the existing building unless, either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

The proposal is to be located within the existing curtilage of the dwelling.

- *The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.*
- *The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.*

As this is an outline planning application, no detailed design details have been submitted. The applicant has indicated the dwelling will have a ridge height of no more than 6.5m from finished floor level and I am content that this is acceptable at this location. I am content that a dwelling of this size would integrate into the landscape and not have a visual impact significantly greater than the existing building.

All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;

I am content that the necessary services can be provided and will not have an adverse impact on the environment or character of the locality.

- *Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

DfI Roads were consulted and had no objection subject to a condition.

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 an outline application in which the exact design and siting details have not been submitted; however, I am content that an appropriately designed dwelling, will be acceptable at this location. A full landscaping scheme should be provided at reserved matters stage although I am content that the proposed dwelling does not rely on new planting to provide screening given the location of the site and existing planting.

In terms of policy CTY 14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

PPS 2: Natural Heritage

Natural Environment Division were consulted and responded to state they have concerns regarding the proposal especially the trees and structures which are to be removed or modified. They requested further information in the form of either a Biodiversity Checklist completed and submitted with an ecological statement completed by an ecologist. Or; A preliminary ecological appraisal submitted to assess the site for potential natural heritage interests, including priority habitats, protected and/or priority species. NED consider that in the absence of this further information, the proposal would be contrary to the Habitats Regulations PPS 2 and the SPPS in that the development would have an unacceptable adverse impact on priority habitat and species and insufficient information has been submitted to establish otherwise. This information has been sought from the agent on numerous occasions however, it has not been forthcoming therefore the proposal is contrary to the policy contained within PPS 2.

PPS 15 (Revised): Planning and Flood Risk

DfI Rivers were consulted and confirmed that the site is located within the 1 in 100 year strategic fluvial floodplain. Policy FLD 1 states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to policy. As per FLD 1, the proposal can be considered an exception but it does still require a flood risk assessment.

“Where the principle of development is accepted by the planning authority through meeting the ‘Exceptions Test’, as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and*
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.”*

The agent was contact numerous times requested a FRA however, this has not been forthcoming and insufficient evidence has been provided, the proposal is contrary to FLD 1.

DfI Rivers also states that a watercourse lies adjacent to the western boundary on the site and requires a maintenance strip. As part of any reserved matters application the applicant should show a maintenance strip on the site layout plan. The applicant is advised to contact DfI Rivers to establish their needs.

Other Material Considerations

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

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Refusal	
Reasons for Refusal:	
<p>The proposal is contrary to the Habitats Regulations PPS 2 and the SPPS in that it has not been demonstrated that insufficient information has been provided to demonstrate the development would not have an unacceptable adverse impact on priority habitat and species.</p> <p>The proposal is contrary to Policy FLD 1 of PPS 15 as the site lies within the 1 in 100 year fluvial flood plain and a Flood Risk Assessment has not be submitted.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	23rd August 2019
Date First Advertised	3rd September 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 172 Innishrush Road Upperlands Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1124/O Proposal: Proposed replacement dwelling and Garage. Address: 70m North of 172 Innishrush Road, Upperlands, Maghera, BT46 5UY., Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1503/F	Target Date:
Proposal: Erection of free range poultry laying unit (max no. of birds 16,000), litter shed, 2 no. feed bins, new access to public road and associated works (revised plans showing levels)	Location: Approx. 115m NW of No. 25a Old Monaghan Road Clogher Co Tyrone
Referral Route: 3rd Party Objections	
Recommendation:	Approve
Applicant Name and Address: Stephen & Angela McKenna 27a Old Monaghan Road Clogher	Agent Name and Address: Bernard J Donnelly 30 Lismore Road Augher BT70 2ND
Executive Summary: Proposal in accordance with planning policy, 3rd party objections have been considered in report.	
Signature(s):	

Case Officer Report

Site Location Plan



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

1. the proposal may restrict the future development of a private dwelling by a family member on site adjacent to No. 26;
2. proposal will devalue home de to;
 - i. unsightly visual intrusion;
 - ii. detrimental impacts of noise;
 - iii. impact on night sky due to number and intensity of lighting throughout the night.
3. will be a hazard to health and safety through dust, ammonia, smell, pest invasion, increased volume of traffic will endanger family when they go on walks etc. The objector has stated that (according to the Health and Safety Executive) the proposal has the potential to have health impacts which include exposure to infectious diseases, respiratory symptoms and lung function impairment, and that people with pre-existing lung or heart disease, the elderly and children are particularly sensitive to particulate air pollution associated with poultry dust emissions;
4. Access opposite site will have a detrimental impact on residential amenity;
5. proposal will have a significant detrimental impact to natural habitat and wildlife of the area;
6. proposal will have detrimental impact on the visual amenity of the area;
7. Development close to Fury River and proximity will have detriment on visual character, nature conservation interests and public access/recreation potential of river;
8. hazard to health and safety of the public due to pollution from poultry dust, ammonia, and vermin spreading disease;
9. Increased volume of traffic will pose risk/danger to road users, including schools and local GAA and Rugby Clubs.

Description of proposal

This is a full planning applications for the erection of a free range poultry laying unit (max no. of birds 16,000), litter shed, 2 no. feed bins, new access to public road and associated works.

Characteristics of Site and Area

The site is a rectangular shaped plot cut out of a larger agricultural field and is set back approx. 110m from Old Monaghan Road, with a new access formed to the NE of the site opposite No. 26 Old Monaghan Road. There are no naturally defined boundaries to the site, however there is a tree lined hedge following an existing field ditch to the north, and a mature wooded area to the south. Where the site is located is a dip in the landscape, with land rising towards the public road and falling away again, and land rising to the west of the site. Between the public road and the site the access will traverse a small field with well defined boundaries and a small water course over a short length.

Land in the area is used mostly for agricultural purposes and the area is defined by dispersed single dwellings and farm holdings. The applicants farm grouping is located approx. 90m north of the site and is defined by a single storey dwelling and associated outhouses and sheds. To the east and on the opposite side of Old Monaghan Road is a 2 storey dwelling and garage, with the dwelling being approx 120m from the rectangular part of the site. Furey River runs along the rear curtilage boundary of No. 26. The boarder with the Republic of Ireland is approx. 4km to the SE with Clogher located approx. 2.5km to the north.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

Dungannon and South Tyrone Area Plan 2010- unzoned land in the open countryside. The policy provisions of the Strategic Planning Policy Statement apply until such times as a new LDP for Mid Ulster is adopted. The SPPS and PPS21 apply.

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

Relevant Planning Policy

The Regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Consultation Replies

Mid Ulster Environmental Health were consulted and advise that considering the total capacity of the proposed poultry house will be 16000 bird places and the farm will be free range, it is recognised that this type of poultry farming is less intensive. Therefore, maintaining a minimum separation distance of 100m for free range poultry farms is deemed to be adequate in preventing any loss of amenity due to odour, noise, pest and air quality impacts. The Environmental Health Department would view the development as being acceptable subject to the following condition being attached to any approval restricting the poultry shed for 'free range' methods only.

NIEA advise that they do not consider that there will be significant environmental impacts from this proposal. On consideration of environmental information provided by the agent including AQIA and NMP Plans on slurry spreading, NIEA raise no objections to the proposal subject to mitigating planning conditions being attached to any permission including;

- limiting capacity to 16000 free range hens,
- slurry spreading being carried out in accordance with NMP plans,
- all contaminated run-off from the facility, concrete apron and areas surrounding the potholes should be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway, as detailed within the Drainage Assessment Report (date received 05/12/2019).
- The ventilated belt removal system must be installed prior to the stocking/housing of the free range layers;
- No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority.

Natural Environment Division has requested further lighting details to ensure that wildlife would not be impacted by this proposal. NED refers to the Preliminary Ecological Assessment, section 4.2, that it is 'recommend that there should be no direct lighting of any boundary vegetation or the small watercourse that flows along boundary 2a'. NED has reviewed the information provided within the Lighting report and Revised Site Layout Drawing Number 02rev5, and is content that the proposed lighting is unlikely to significantly impact the foraging and commuting behaviours of the local bat population.

In the final response from NIEA, Water Management Unit and Inland Fisheries (a body within NIEA) required amendments to be made to the CEMP. These amends are required as there was a slight amendment to PPGs from the previous response. Given that Natural Environment Division require a full CEMP prior to the commencement of development on site, and that Water Management Unit and Inland Fisheries raised no objection to the proposal in their penultimate response, I find that a negative condition re CEMP Plan is sufficient to proceed in this particular case, with an informative attached to ensure revised CEMP reflects changes in Environmental Guidance. Drainage and Water propose the following condition is attached;

The applicant must adhere to all mitigation and disposal methods for poultry litter generated by this proposal as detailed in the Poultry Litter Disposal Agreements uploaded to the Northern Ireland Planning Portal (NIPP) on 26th May 2020.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

Shared Environmental Services carried out a HRA on this proposal (see file) and concludes the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site. SES also propose conditions which are reflective of NIEA proposed conditions.

Rivers Agency provided comment on a Drainage Assessment submitted in support of this proposal and provided the following advice;

While not being responsible for the preparation of the Drainage Assessment by JBK Consulting Engineers, dated November 2019, accepts its logic and has no reason to disagree with its conclusions.

However, the efficacy of the proposed swale is outside DfI Rivers' area of knowledge and expertise. DfI Rivers advises the Planning Authority to engage the services of those who are expert in this area to provide them with a more complete assessment of this proposal.

The effectiveness and function of the proposed attenuation method is reliant on the system being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.

Rivers Agency then goes on to say that Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for Planning NI.

DFI Rivers acknowledge that the applicant has received approval to culvert two undesignated watercourses under Schedule 6 of the Drainage Order 1973.

In relation to Rivers Agency comments, NIEA were consulted on this proposal and advise a condition in respect to run off and discharge from the site. The issue of the swale can be imposed as a planning informative. I am satisfied that only small portions of existing watercourses will be culverted for access purposes and this is advised to be acceptable under policy FLD4 of PPS15 (revised).

DfI Roads have been consulted on this proposal and are content that the proposed access onto the public road is safe and satisfactory subject to planning conditions including 2.4 x 90m in both directions being provided in accordance with Drg No 02(Rev 2) dated 31/01/2020. Draing 02 (rev2) has since been superseded, but I am satisfied that drawing No. 02 rev4 date received 25/06/2020 reflects the same vehicular standards as shown in drawing No. 02 rev2, including splays 2.4m by 90m in both directions.

DAERA advise that the business Id identified on Form P1C been in existence for more than 6 years and that the farm business is currently active in that agricultural grants are received on the holding by the registered farmer.

Public Health Authority (PHA) were consulted as potential health impacts from the proposed development were raised in an objection from the residents of No. 26 Old monaghan Road. The objector raises concern that the proposal has the potential to have health impacts which include exposure to infectious diseases, respiratory symptoms and lung function impairment, and that people with pre-existing lung or heart disease, the elderly and children are particularly sensitive to particulate air pollution associated with poultry dust emissions. In response to this objection the PHA provide a very detailed response. PHA do acknowledge that such facilities have a theoretical potential to cause adverse health effects from exposure to particulate matter (PMT), ammonia, general dust and other emissions, but that in general significant harm is very low except where there is prolonged exposure to these pollutants at a high concentration. Cognisance is taken of the nearby receptors who are likely to be impacted the most by the facility, including No. 26, and the Air Quality Impact Assessment that has been undertaken. PHA conclude that the AQIA provides a high degree of reassurance that any potential public health impacts in relation to the facility would be minimal. PHA also state that should there be any outbreak of infectious/non-infectious disease in the area at any time then PHA would be obliged to conduct an epidemiological investigation regardless if this is deemed to be associated with the facility.

3rd Party Objections

An objection was received from the occupiers of No. 26 Old Monaghan Road, which is located approx. 150m from the nearest part of the proposed free range poultry shed. The points raised in the objection are summarised as follows;

1. the proposal may restrict the future development of a private dwelling by a family member on site adjacent to No. 26;
2. proposal will devalue home de to;
 - i. unsightly visual intrusion;
 - ii. detrimental impacts of noise;
 - iii. impact on night sky due to number and intensity of lighting throughout the night.
3. will be a hazard to health and safety through dust, ammonia, smell, pest invasion, increased volume of traffic will endanger family when they go on walks etc. The objector has stated that (according to the Health and Safety Executive) the proposal has the potential to have health impacts which include exposure to infectious diseases, respiratory symptoms and lung function impairment, and that people with pre-existing lung or heart disease, the elderly and children are particularly sensitive to particulate air pollution associated with poultry dust emissions;
4. Access opposite site will have a detrimental impact on residential amenity;
5. proposal will have a significant detrimental impact to natural habitat and wildlife of the area;
6. proposal will have detrimental impact on the visual amenity of the area;
7. Development close to Fury River and proximity will have detriment on visual character, nature conservation interests and public access/recreation potential of river;
8. hazard to health and safety of the public due to pollution from poultry dust, ammonia, and vermin spreading disease;
9. Increased volume of traffic will pose risk/danger to road users, including schools and local GAA and Rugby Clubs.

If not already considered, the remaining points of objection will be considered later in my report.

Relevant planning history

There is no relevant planning history on this site to consider.

Key Policy Consideration

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

- a) It is necessary for the efficient use of the agricultural holding.
The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA confirm that the Business ID number has been established for a period of 6 years and is currently active. Therefore, there is an active and established farm business. This poultry house is an investment opportunity for the applicant and part of Moy Park's expansion programme and in line with the Agri-Food Strategy. I am of the opinion that this proposal supports the needs of the existing business.
- b) It is appropriate to the location in terms of character and scale.
The surrounding area is rural in character. Although hen houses in general are large scale, these are agricultural buildings which are typical of the rural area. Given the nature of this proposal, and its purpose to house poultry, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area. The proposal is also in keeping the scale, mass, design and materials of typical hen houses found throughout the Northern Ireland countryside. The site is also situated within a natural hollow in the landscape, with land rising to both the east and west of the building. There is also a copse of trees/woodland

adjacent and south of the development, and proposed landscaping will assist with integration in the future.

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

This is covered above.

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

There are no built heritage features on the site or adjacent to the site.

NIEA and Shared Environmental Services were consulted on this proposal. As stated above all have no objections with this proposal subject to the applicant adhering to all mitigation and disposal methods as detailed in the NMP plans submitted with the application.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

Relevant neighbours have been consulted, the proposal advertised in the local press. 3rd party objections have been received. Environmental Health have been consulted and raise no concern over any potential detrimental impacts to private residential amenity from this facility. Health concerns were raised by the objectors and these have been address under PHA Consultation response above. The AQIA concludes that concentration levels at nearby sensitive receptors will be at a concentration level that will not cause harm, and will be low risk.

This proposal is unlikely to result in a detrimental impact on the amenity of nearby residents if operated in accordance with best practice farm management.

In the case where a new building is proposed the following points should be met:

-There are no suitable existing buildings;

All other buildings on this holding are being utilised for intensive poultry farming.

-The design and materials are sympathetic to the locality;

The poultry house is similar to the adjacent buildings, is of a simple design and buildings of this style are characteristic of the rural area.

-It is sited beside existing farm buildings.

The proposal is not sited beside existing farm grouping, however it has been widely accepted that poultry houses on farms need a good separation distance from other farm buildings given the biosecurity risks involved with this enterprise.

Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As detailed in my assessment above, these points have been covered.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The poultry house is agricultural in nature and will benefit from a backdrop of land and tree coverage. The existing character will not be changed to an unacceptable degree through this proposal.

It is worth noting that an EIA screening exercise was also carried out, the results were a nil determination, the proposal is not EIA development.

PPS3 Access, Movement and Parking

DfI Roads were consulted on this proposal and are content with the access arrangements onto the public road and within the site, subject to condition. I am satisfied that a safe and satisfactory access can be achieved and that PPS3 is met. DfI Roads do not raise concern over additional traffic on the roads due to this development and I am satisfied that the road network is capable of

accepting a development with these traffic movements without causing a road safety risk. The objectors concerns in this regard are not determining.

PPS15 Planning and flood risk is covered under DfI Rivers Agency comments above.

Other considerations

No land contamination issues have been identified. An objection relates to loss of amenity where vehicles pull onto the public road opposite their dwelling. The access position is staggered away from the front of the objectors dwelling, and I am satisfied that it is of a sufficient distance so as not to cause detriment to residential amenity.

NIEA do not share the objectors concern about impacts of lighting on the night sky.

I do agree with the objector that the proposal will limit future development of their family home, as it does not affect the curtilage of the existing dwelling.

Impacts of development on property values are not a material planning consideration and I have considered the proposal to not have a detrimental impact on residential amenity, the environment, or public health.

NIEA do not raise any concerns over the impact of the development on any existing natural habitat or wildlife in the area or elsewhere. The policy provisions contained within PPS2 Natural Heritage have been met.

I am satisfied that all objectors concerns have been satisfactorily addressed.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted subject to the following conditions;

Conditions

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

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

2. The maximum number of birds within the proposed facility shall not exceed 16,000 free range layer hens only.

Reason: To control the size, scale and nature of the facility, to protect nearby residential amenity and the environment.

3. The applicant must adhere to all mitigation and disposal methods for poultry litter generated by this proposal as detailed in the 3 Poultry Litter Disposal Agreements (see Doc 1) uploaded to the Northern Ireland Planning Portal (NIPP) on 26th May 2020.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

4. Prior to the development hereby approved becoming operational all drainage works detailed within the Drainage Assessment Report date received 05/12/2019 (Doc 2), shall be in place, and all contaminated run-off from the facility, concrete apron and areas surrounding the popholes shall be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway for the entire lifetime of the facility, unless otherwise agreed with Council.

Reason: To safeguard the environment from pollution incidents.

5. The ventilated belt removal system shall be installed and shall be in good working order prior to the commencement of operations hereby approved, and shall be permanently retained and maintained in good working order for the lifetime of the operations hereby approved.

Reason: To safeguard residential amenity and the environment.

6. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan;
- d) Environmental Emergency Plan;

Reason: To safeguard the environment.

7. The development hereby approved shall be in accordance with levels indicated on drawing No. 02 rev4 date stamp received 25/06/2020. All ground levels shall be permanently retained at those levels unless otherwise agreed in writing with Council.

Reason: To assist with integration.

8. The existing trees, as indicated in green on drawing No 02 rev4 shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure the development integrates into the countryside and to safeguard biodiversity.

9. During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 02 rev4 date received 25/06/2020, shall be planted as shown and be permanently retained thereafter at a height not less than 2 metres above ground level at that point, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

10. 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 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 Council gives its written consent to any variation.

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

11. The vehicular access, including visibility splays of 2.4 x 90m in both directions shall be provided in accordance with Drg No 02(Rev 4) date received 25/06/2020, prior to the commencement of any other works or other development hereby permitted.

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

12. 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 permanently 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

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

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

14. Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed and shall be sited so that when open they do not project over the footway, verge, or carriageway.

Reason: To ensure waiting vehicles do not encroach onto the carriageway in the interests of road safety.

Informatives

1.This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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

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

4.NIEA advise that when providing your finalised CEMP that you reflect the most up to date guidance. Please see the following;

Water Management Unit has reviewed the Outline Construction Method Statement (OCMS) submitted by the applicant/agent for those areas that fall within our remit, and would advise that the OCMS requires further details:

-The OCMS makes reference to now defunct PPG documentation. A number of these documents have been replaced with updated GPP documents. A full list of all relevant GPP/PPGs and CIRIA documents in the case of culverts and settlement ponds should be included in the final document;

-There does not appear to be direct reference to the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 in the OCMS, as well as details of fuel/oil storage at the site, the document should be updated accordingly with these details;

-NIEA's Pollution Prevention hotline number 0800 80 70 60 should be included in the list of emergency contacts, along with a timeframe for response. For example, Any spillages / pollution

incidents should be reported to the NIEA Water Pollution Hotline within 30 minutes of the incident occurring, unless it is not safe to do so.

A list of GPPs and PPGs applicable to the OCMS can be found on the Netregs site at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The applicant should refer to DAERA Standing Advice on Pollution Prevention Guidance which is available at: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

If the agent/applicant requires any guidance in relation to the OCMS and the points made above, Water Management Unit's Pollution Prevention Team will be happy to advise and can be contacted at: nieapollutionprevention@daera-ni.gov.uk.

5. It is the responsibility of the developer to ensure suitable drainage is put in place along with all required statutory consents.

Signature(s)

Date:

ANNEX	
Date Valid	14th November 2019
Date First Advertised	26th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Old Monaghan Road, Clogher, Tyrone, BT76 0HW Louis and Roisin Bogue 26 Old Monaghan Road, Clogher, BT76 0HW The Owner/Occupier, 26 Old Monaghan Road, Clogher, Tyrone, BT76 0HW	
Date of Last Neighbour Notification	23rd July 2020
Date of EIA Determination	15th April 2021
ES Requested	No
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: LA09/2020/1259/F	Target Date:
Proposal: Additional first floor office space	Location: 15a Grange Road Ballygawley Dungannon
Referral Route: The applicant's father is an elected member of Mid Ulster Council and a member of the Planning Committee (Cllr Wills Robinson).	
Recommendation:	Approval
Applicant Name and Address: Exi - Tite Ltd 15a Grange Road Ballygawley Dungannon BT70 2LP	Agent Name and Address: Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

This application site is located at No 15a Grange Road, Ballygawley, approximately 70 metres north east of the Ballygawley Roundabout. It is within the development limits of the village of Ballygawley and is included within the Grange Road Local Landscape Policy Area (LLPA 4) as designated in the Dungannon and South Tyrone Area Plan. The purpose of this LLPA is to protect the attractively landscaped grounds and residences which make a positive contribution to the visual amenity and character of the village on approaches from the A4 Roundabout. Adjacent to and immediately south of this site is Suitor's Craft Gallery and Coffee Shop. The area surrounding the site includes a mixture of detached private residential properties on large plots.

This application site is occupied by the premises of Exi-Tite Ltd which is a supplier of Heating, Ventilation and Air Conditioning systems. The site currently accommodates a single storey office building with a large cladded building connected to the rear and these are sited close to the south eastern boundary. The site is narrower at the roadside being just over 20 metres wide. It stretches some 70 metres back from the roadside to where vehicles are parked to the rear of the store. The ground falls in a northerly direction from the site to the Ballygawley Water and there are small groupings of trees in the immediate environs. The north eastern boundary of the site is the rear wall of an outbuilding associated with No 15 Grange Road. The hardstanding area within the application site and adjacent to this appears to be utilised for undesignated parking. The south eastern roadside boundary is a black wire fence which separates the site from the public footpath and also comprises the gated entrance.

Planning History

This is some relevant planning history associated with this application site.

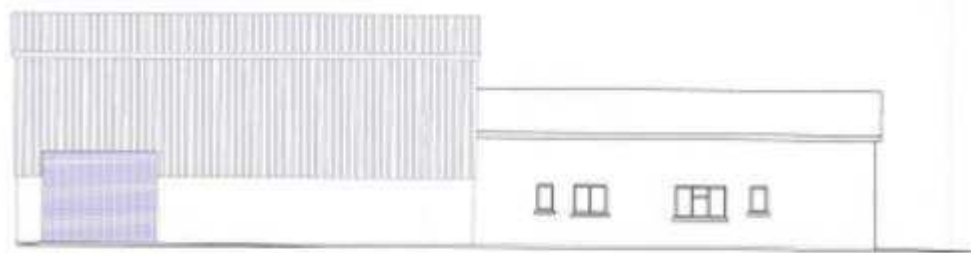
LA09/2020/1200/F was granted permission for the retention of additional office space on this application in March 2021.

In August 2017, planning permission was granted for the demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance under application LA09/2017/0509/F.

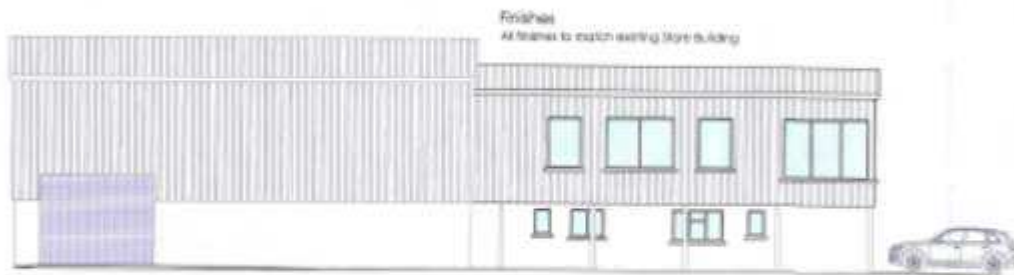
An Enforcement Case was opened under LA09/2018/0052/CA, however this was closed in June 2018 as it was found there was no breach of planning control.

Description of Proposal

This application seeks full planning permission for additional first floor office space at Exi-Tile Ltd located at No 15a Grange Road, Ballygawley. It proposes to measure 9.9 metres wide and 14.1 metres deep. It has a ridge height of 7.2 metres FGL, making it just under 1 metre lower than the ridge height of the existing store. The finishes of this extension will match that of the store as it will be cladding and both floors of the front elevation will be cladding.



Existing Side Elevation



Proposed Side Elevation



Proposed Front Elevation

This application will see the existing ground floor of the office unchanged, except for some internal configuration to allow for access to the first floor. This proposal will create almost 140 metres square of additional office space which means it has a slightly larger footprint than the existing, thus creating 1 metre overhang along both sides of the building. It will provide 2 toilets, a kitchen area as well as the working office space and waiting 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 Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020 and 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, which in this instance is the Dungannon and South Tyrone Area Plan.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 4 Planning and Economic Development is retained and it is this policy which this application will be assessed under.

Policy PED 1 Economic Development in Settlements sets out the requirements for the various Class Types and their suitability in each of the different settlement types in the hierarchy. This application site is located within the Development Limits of the village of Ballygawley which is classified in the Villages and Smaller Rural Settlements. PED 1 states that proposals to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

This site is currently occupied by Exi-Tite Ltd and as this proposal is for an extension to an existing business, I have no concerns about the compatibility of the use of this additional office space located within the confines of an existing business.

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

There have been no objections received regarding this application. I do not foresee that the increased office space will have any detrimental impact on the amenities of nearby residents.

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

As this structure is sited in the yard area of an existing business, there are no natural or built heritage issues with this proposal.

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

The Ballygawley Water river course sits approximately 140 metres to the north of this application site. Although this river is susceptible to flooding, this does not impact this site and occurs on land to the north of this site which sits between it and the river.

(e) it does not create a noise nuisance;

I do not have any concerns this proposal will have any impact on nearby residents. Following submission of details of the treatment

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

NI Water were consulted regarding this application and they stated there was no available capacity for this proposal as the Ballygawley WWTW is currently operating above design capacity. They stated for the applicant to consider a package Plant on the application site which would not be adopted by NI Water. The agent contested there would be no increase in staff levels at this time and this proposal was necessary for social distancing.

I am not convinced by this as a recent application for the retention of a unit which served as additional space has recently been approved for the applicant on this same site. The agent's claims also are contradicted by the increase of staff numbers as was stated on the P1 form.

Whether the applicant intends to increase staff numbers now or at a later date, it is irrelevant as the nature of this proposal is to create additional office space which can cater for additional staff which in turn will have an impact on the amount of waste produced as a result of this proposal. The applicant provided amended drawings showing the location of the treatment plant and its specifications and Environmental Health have satisfied with these additions to the proposal and have no objections.

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

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

The applicant has indicated in the application form they propose to utilise an existing unaltered access onto the Grange Road. DfI Roads were consulted and requested the visibility splays at the entrance be amended showing the entrance and visibility splays of 2 metres by 45 metres to the south west and 60 metres to the north east, with the same forward sight distance. Following the submission of amended drawings, DfI Roads have no objection, subject to the standard condition regarding the visibility splays and therefore I am content this proposal will achieve the policy requirements of PPS 3 Access, Movement and Parking.

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

This site is located along the main road network making it accessible to all with a Bus Stop metres from the site entrance and a footpath which also increases safety of pedestrian customers.

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

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

In terms of layout and design, this extension extends upwards thus not reducing any existing space within the site. The proposed finishes mean it will integrate with the existing store building and will not be intrusive on the surrounding area.

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

Fencing currently surrounds the site ensuring its security.

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

This criterion is not applicable for this proposal as it lies within the development limits of Ballygawley.

Consultations and Representations

DfI Roads sought amended drawings showing the entrance and visibility splays of 2 metres by 45 metres to the south west and 60 metres to the north east, with the same forward sight distance. Following the submission of amended drawings, DfI Roads have no objection, subject to the standard condition regarding the visibility splays and therefore I am content this proposal will achieve the policy requirements of PPS 3 Access, Movement and Parking.

NI Water were consulted and confirmed there is no Waste Water Treatment capacity at the Ballygawley plant and the applicant was asked to provide their own treatment package plant onsite. The agent contested this stating the business had no planned increase in staffing levels. Following the provision of the details of treatment package to be installed on the site, the agent in the meantime obtained Consent to Discharge. And NI Water have no objections to this proposal.

The Environmental Health Department of Mid Ulster Council initially did have concerns about this proposal. It was indicated on the P1 form that waste water is to be disposed of through connection to mains system. As there is no capacity in the Ballygawley WWTW at present, Environmental Health require that the applicant provide information on the proposed sewerage system including details of the type of facility, the location, as well as details of noise and odour. Details and location of the treatment plant were provided and upon reconsultation regarding the Tricel Novo system which is now proposed. They have no concerns regarding this proposal subject to conditions detailing the location of the treatment plant and the procedure following any Odour or noise complaint to the Council.

This application was advertised in the local press and five neighbours were notified, in line with the Council's statutory duty. No objections were received for this application.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Further Consideration

Planning application LA09/2020/1200/F for the retention of a separate office unit was granted approval in March 2021, on the basis that NI Water were content there was no additional loading as there were no toilet facilities in this unit that was retained.

Subsequently the agent submitted an application LA09/2020/0619/DC to discharge 2 Condition attached to application LA09/2020/1200/F regarding the visibility splays and the provision of hard surfaced areas which are permanently marked to provide adequate facilities for parking, servicing and circulating within the site.

DfI Roads visited the site and confirmed the visibility splays and forward sightlines were in situ, complying with Condition No 2 but the requirements to provide adequate permanent parking were not undertaken.

The agent provided CCTV images showing some kerbing slabs erratically positioned along the edges of a gravelled area where white chalk was temporarily marking parking spots. It is the Council's view that this is not suffice for the conditions to be discharged as requested as well as they were not even in the correct place as was identified on the approved Drawing.

Following discussion with the Senior Planner it was agreed the Conditions as above could be addressed through the determining of this planning application. Drawings were provided which show the parking as was a requirement of the approved permission, with concrete edge kerbing defining the spaces on the compacted gravel surface. The package plant is also sited close to the rear north western boundary of the site which was necessary for this application.

Following a successful outcome of this proposal, the agent will withdraw application LA09/2020/0619/DC as it is no longer necessary.

Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Having considered the criterion set out in PPS 4, I am content this proposal satisfies the requirements of PED 9 and therefore should be recommended for approval, subject to conditions.</p> <p>As the applicant has stated in Q26 of the P1 form that his father is an elected member of Mid Ulster Council and a member of the Planning Committee (Cllr Wills Robinson), this application cannot be determined under the Council's present Scheme of Delegation and therefore it must go before the Council's Planning Committee.</p>	
<p>Conditions:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 201</p> <p>2. The vehicular access, including visibility splays of 2 m x 45m in both directions, shall be provided in accordance with Drawing No 1 REV1 bearing the date stamp 13th November 2020 and Drawing No 2 REV2 bearing the date stamp 29th November 2021 prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.</p> <p>4. All car parking as indicated on Drawing No 2 REV2 bearing the date stamp 29th November 2021 shall be implemented within 8 weeks of the date of this decision notice. This shall be permanently retained thereafter, unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure there is a satisfactory and safe means of parking for both employees and the public.</p> <p>5. The gates/security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed, and retained thereafter.</p> <p>Reason: To ensure waiting vehicles do not encroach onto the carriageway.</p> <p>6. No operation in or from any building hereby permitted shall commence until hard surfaced areas as indicated on Drawing No 2 REV2 bearing the date stamp 29th November 2021 have been constructed and permanently marked to provide adequate facilities for parking, servicing</p>	

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.

7. The sewerage treatment plant shall be located as is indicated on Drawing No 2 REV2 stamp received on 29th November 2021 and shall be installed and fully operational prior to the occupation of the development hereby approved.

Reason: To ensure the amenity of nearby residents.

8. Within 4 weeks of a written request from Mid Ulster Council, following odour or noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall at their own expense employ a suitably qualified and competent person to assess the level of immissions from the plant.

Reason: To ensure the amenity of nearby residents.

Informatives

This notice relates to Drawing No 1 REV1 bearing the date stamp 13th November 2020, Drawing No 2 REV2 bearing the date stamp 29th November 2021 and Drawing No 03 and 04 bearing the date stamp 12th October 2020.

This permission does not confer title. It is the responsibility of the developer to ensure they control all the lands necessary to carry out the proposed development.

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

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

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

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.

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. 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 and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	12th October 2020
Date First Advertised	27th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 ,Grange Road,Ballygawley,Tyrone,BT70 2LP The Owner/Occupier, 15b Grange Road Ballygawley The Owner/Occupier, 17 Grange Road Ballygawley Tyrone The Owner/Occupier, 17a Grange Road Ballygawley The Owner/Occupier, 20 Grange Road Ballygawley Tyrone	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1259/F Proposal: Additional first floor office space Address: 15a Grange Road, Ballygawley, Dungannon, Decision: Decision Date: Ref ID: LA09/2020/1200/F Proposal: Proposed additional office space Address: 15a Grange Road, Ballygawley, Dungannon, Decision: Decision Date: Ref ID: M/2002/0707/O Proposal: Residential Development to include alterations to existing roundabout Address: Land adjacent to Omagh Road, Ballygawley Decision: Decision Date: 13.03.2007	

Ref ID: M/1990/0122
 Proposal: Two Signs
 Address: 17 GRANGE ROAD BALLYGAWLEY
 Decision:
 Decision Date:

Ref ID: M/1990/0130
 Proposal: Change of use from Existing Building to Picture Framing Workshop
 Address: 17 GRANGE ROAD BALLYGAWLEY
 Decision:
 Decision Date:

Ref ID: M/1998/0085
 Proposal: Minor Extension to Craft Shop and Relocation of Toilets
 Address: 17 GRANGE ROAD BALLYGAWLEY
 Decision:
 Decision Date:

Ref ID: M/1992/0334
 Proposal: Replacement Domestic Garage and store
 Address: 17 GRANGE ROAD BALLYGAWLEY
 Decision:
 Decision Date:

Ref ID: M/2002/1021/F
 Proposal: Proposed change of use from stables (disused) to self catering accommodation at existing guest house
 Address: The Grange Guest House, 15 Grange Road, Ballygawley
 Decision:
 Decision Date: 21.10.2002

Ref ID: M/2004/1627/F
 Proposal: Proposed sun lounge and new dormer windows
 Address: The Grange, Grange Road, Ballygawley
 Decision:
 Decision Date: 11.01.2005

Ref ID: LA09/2017/0509/F
 Proposal: Demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance
 Address: 15A Grange Road, Ballygawley,
 Decision: PG
 Decision Date: 08.08.2017

Summary of Consultee Responses

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 REV2 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Plans Status: Submitted
Drawing No. 04 Type: Proposed Elevations Status: Submitted
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



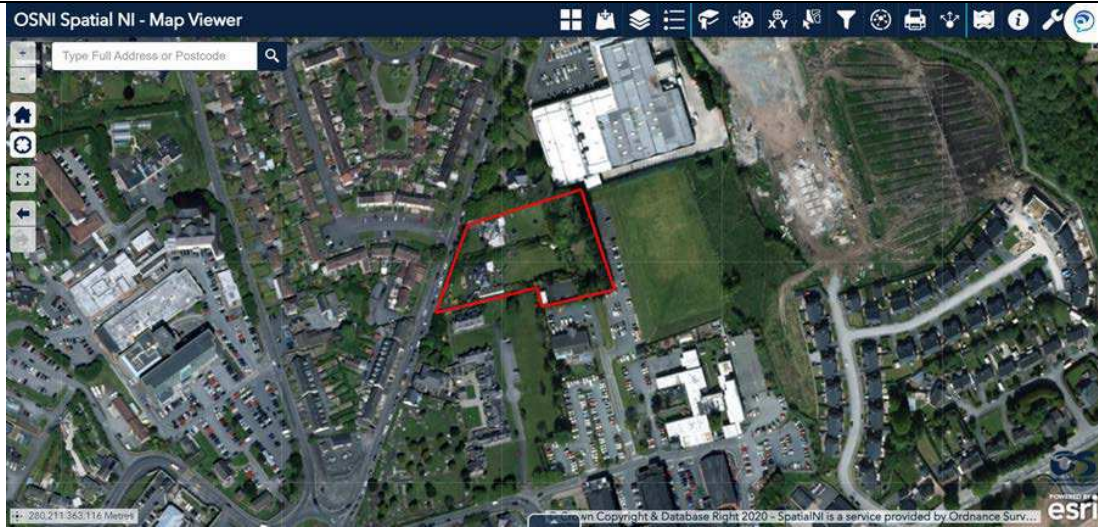
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1454/F	Target Date:
Proposal: Construction of 29 dwelling units with associated parking, access, landscaping and wastewater treatment (reduced from 35 to 29 units)	Location: 15-17 Oaks Road Dungannon BT71 4AR
Referral Route: Objections received.	
Recommendation:	Conditional approval
Applicant Name and Address: Sandale Developments Ltd 8 Garvagh Road Donaghmore BT70 3LS	Agent Name and Address: Povall Worthington Unit 1 405 Hollywood Road Belfast BT4 2GU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Awaiting final response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Description of Proposal

Construction of 29 dwelling units with associated parking, access, landscaping and wastewater treatment (reduced from 35 to 29 units) in compliance with Planning Policy Statement 7 (PPS 7): Quality Residential Environments.

Characteristics of the Site and Area

The site is located within the limit of development for the settlement of Dungannon as defined within the Dungannon and South Tyrone Area Plan 2010. The site is located approximately 650 meters northeast of Dungannon Square. Access to the site is proposed from the Oaks Road some 220 metres northeast of the Thomas Street roundabout. The site has been cleared with post and wire fencing erected to the site frontage, western boundary. Previously the site was occupied by two large dwellings and associated gardens. The northern boundary, which separates the site from no 27 Oaks Road is defined by fencing with strong vegetation within no 27. The southern boundary is defined by a mixture of wall, hedge and palisade fencing, palisade fencing is also existing on the eastern boundary. Land use within the area is varied including educational, residential and commercial. The educational element consist of primary and secondary facilities to the south and south east with residential to north, west and south. The commercial element is the Oaks centre further to the north.

Planning Assessment of Policy and Other Material Considerations

The site is located within the limit of development for Dungannon as defined by the Dungannon and South Tyrone Area Plan 2010 (DAP) where Planning Policy Statement 7 (PPS 7): Quality Residential Environments applies. The site has no specific zoning and as stated above has been cleared. It was previously occupied by two large dwellings with associated large gardens. It is my opinion that, the proposal respects the surrounding context, character and topography in terms of layout, scale and proportions. No features of archaeological or built heritage have been identified, and no landscape features worthy of retention have been identified; adequate provision is made for public and private open space and landscaped areas. The movement pattern can support 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; adequate and appropriate provision is made for parking; the design of the development draws upon the local traditions of form, materials and detailing; the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the layout is designed to deter crime and promote personal safety.

Other Policy and Material Considerations:

Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation is a material consideration for this proposal. It is my opinion that the layout provides sufficient open space provision for the proposal as well as a means to achieve retention of same in the form of landscape management proposals.

At the time of writing this report, there has been no confirmation from the Department for Infrastructure - roads as to the acceptability of the scheme details. The agent is currently working with Roads to achieve an acceptable layout, meeting the Private Streets standards, however delays in assessment by Roads has resulted in no formal agreement. This situation causes significant issues for the developer in that the delivery of the scheme is dependent upon social housing funding. Planning has been advised; by the developer that this proposal is for the provision of social housing and that funding has been allocated for the scheme. However, the project is in great danger of losing that allocated funding, as approvals have to be in place by end of March otherwise the funding will be withdrawn.

Additional information from NIHE has confirmed the following;

The Oaks Road scheme is programmed to start as part of the 2021/22 Social Housing Development Programme (SHDP) i.e. to be confirmed as a start on-site before 31st March 2022. This proposal is expected to deliver 29 homes in an area of acute housing need. This scheme

counts towards this year's overall Departmental & Ministerial target for new social housing starts of 1,900 units. The scheme has an associated in-year budget spend of approximately £2.7m. In order to achieve start planning permission must be secured and the green form issued to the applicant.

In summery funding for this scheme, for social housing has been approved and is required to have the benefit of Planning permission. This funding is time bound and expires at the end of March 2022. The March meeting of the Planning committee is the last opportunity to approve the scheme in order to meet funding deadlines. Members are therefore asked to consider approving this planning application subject to a positive response being received from DfI Roads and assessment of any comment/objection received, prior to issuing a decision.

It should be noted that at the time of writing there has been a number of comments/objections to the proposal (see below). New neighbourhood notification has taken place in relation to the submission of amended plans and to date previous comments have been reiterated. The formal consultation period ends on 17th February 2022.

During the processing of this application a number of objections/comments were received:

Dungannon Nursery School:

Health and safety: need for Risk assessment by construction company against building materials and equipment encroaching into car park, mesh screens /hoarding to be provided.

This is not an issue to be dealt with under planning legislation, other legislation exists to control this aspect of construction works.

Noise Pollution: excessive noise should be limited to hours outside school day. Negative impact on special educational needs children.

The permission, if approved has a condition attached in respect of the provision of a 1.8m high boundary fence as required after assessment by Environmental Health. Other noise legislation exists beyond planning legislation.

Child protection and Safeguarding: during construction and after completion of works privacy and safety required.

The site boundary is some 20 meters from the school building with an intervening car park. The closest proposed dwelling to boundary is 2-3 meters beyond that. Design of building is such that there are no windows in the elevation facing the school and these in my opinion is sufficient to alleviate any issues.

Boundary and Security: replace existing 2m metal railings with a solid wall, min 3m high. No visual encroachment into school site.

There is an existing palisade type fence defining the school grounds which has been erected by the Education authority and not in control of the developer. A 1.8 m high fence is proposed along this site boundary, by the developer and as such should provide adequate security especially with the retention of the metal fencing.

No 27 Oaks Roads (dwelling north of site)

Detrimental effect on existing enjoyed privacy.

These issues relate to the dwelling and garden space of no 27. The developer has proposed a 1.8m timber boarded fence along that boundary. It is my opinion that same would be of sufficient height to not cause concern.

Proposed new building separation in relation to no 27, sloping nature of existing site.

The proposed new buildings provide for a 10 metre separation distance from the boundary of the neighbouring property. Beyond that there is some 9 metres plus to no 27, with the ground of both properties sloping to the east. In my opinion this complies with policy requirements.

Close proximity of proposed dwelling to existing shared boundary.

A 10 metre separation distance from the neighbouring property has been provided as per Creating Places.

Absence of proposed boundary treatment/security.

As part of the assessment of the application details of all boundary treatment has been requested. Currently a 1.8m high fence is proposed.

Access safety.

As part of the assessment of this application, consultation was sent to the Department for Infrastructure Roads. Currently a final response is outstanding.

Councillor B Monteith

Concerns in relation to loss of amenity and privacy.

The proposed separation distance from the adjoining properties, along with satisfactory boundary treatment would in my opinion remove any negative issues of amenity and privacy.

Concerns in relation to location and quality of open space.

The proposed open space provision includes a play area which is located in eastern portion of the site. This area is the only relatively flat area within the site. In the remainder of the site, gradients and proximity to the Oaks Road would in my opinion not accommodate usable open space provision.

Road safety.

As part of the assessment of this application, consultation was sent to the Department for Infrastructure Roads. Currently a final response is outstanding.

The members should note that we currently have issues in dealing with this application, those being

- No final clearance from Department for Infrastructure – Roads, with issues to be resolved including car parking provision, access details and Private Streets Determination (PSD).

- Awaiting additional information from agent in relation to updated boundary treatments and landscaping and
- Possible re neighbourhood notification to be carried out in relation to receipt of amended drawings.

I can therefore only make my recommendation to approve assuming that all the outstanding issues are resolved.

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

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 7: Quality Residential Developments is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend that planning permission is granted subject to conditions and with the proviso that all outstanding issues are resolved:

- satisfactory boundary and landscaping details are submitted,
- Parking provision is acceptable and Private Streets Determination from DfI Roads is issued and
- Subject to further assessment in relation to possible re neighbourhood notification process.

Conditions:

Note that additional conditions may have to be added through further processing of the application.

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

Reason: Time Limit.

2. Facades exposed to noise levels of up to 69dB LAeq,16hr shall be provided with glazing units providing 34 dB RTra and ventilation units providing 34 Dne-Ctr.

Reason: To protect residential amenity from noise.

3. Facades exposed to noise levels between 50 and 65 dB LAeq,16hr shall be provided with glazing units providing 30 dB RTra and ventilation units providing 30 Dne-Ctr.

Reason: To protect residential amenity from noise.

4. Rear facades of property numbers 13 to 20 shall be provided with glazing units providing 17 dB RTra and ventilation units providing 17 Dne-Ctr.

Reason: To protect residential amenity from noise.

5. The 1.8m boundary fence shall be located as per Drawing Site Layout 09 date stamped 19th November 2020.

Reason: To protect residential amenity from noise.

6. The waste water treatment plant shall be located as per Drawing Site Layout A3 date stamped 18th April 2021 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To protect future site users from foul sewerage.

7. An adequate maintenance programme for the Waste Water Treatment Plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the sewerage treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from odour and noise.

8. Within 4 weeks of a written request by Mid Ulster District Council, following odour or noise complaint from the occupant of a dwelling, which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of emissions from the Waste Water Treatment Plant.

Reason: To protect residential amenity from odour and noise.

9. Any works required to resolve noise or odour issues shall be carried out by an approved operator. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To protect residential amenity from odour and noise.

10. The proposed development shall be constructed strictly in accordance with that information as detailed on planning drawings 01; 02; 03; 04; 05; 06; 07; 08; 09 & 10.

Reason: To ensure that the detailed design respects the character of the listed buildings in terms of scale, height and massing and that the detailed design is compliant with Policy BH11

(Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval.

Reason : To safeguard against flood risk to the development and elsewhere.

12. Department for Infrastructure conditions.

Informatives

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

2. Department for the Economy - Geological Survey of Northern Ireland:

Geological Survey of Northern Ireland (GSNI) assessed the planning proposal in view of stability issues relating to abandoned mine workings

A search of the Geological Survey of Northern Ireland Shafts and Adits Database indicates that the proposed site is not in the vicinity of any known abandoned mine workings.

This letter summarises the information currently held by GSNI. We acknowledge that our databases may not be comprehensive and that in certain circumstances the precise location of features and boundaries cannot be guaranteed as being accurate. I would therefore draw your attention to the attached Conditions and Limitations.

Conditions and Limitations:

Use by the customer of information provided by the Geological Survey of Northern Ireland is at the customers risk. The Department for the Economy gives no warranty, expressed or otherwise implied as to the quality or accuracy of information supplied by the Survey. The report provides only general indications of ground conditions and must not be relied upon as a source of detailed information about specific areas or as a substitute for site investigation or ground surveys. Users must satisfy themselves, by seeking appropriate professional advice and carrying out ground surveys and site investigations if necessary, that the ground conditions are suitable for any particular use or developments.

3. Department for Infrastructure Roads Informatives:

To be provided.

4. Department for Infrastructure Rivers Informatives:

PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

The Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. Hence, DfI Rivers would have no specific reason to object to the proposed development from a fluvial flood risk perspective.

PPS15 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure

The site is unaffected by a designated watercourse and information available from OSNI maps did not reveal any obvious undesignated watercourses. DfI Rivers does not keep a record of undesignated watercourses so the site may be affected by one. If a watercourse is discovered during the development of the site, then Policy FLD 2 will apply.

PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

DfI Rivers has reviewed the Drainage Assessment by Sheehy Consulting, dated 30th March 2021, and comments as follows;

DfI Rivers, while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions.

It is brought to the attention of the applicant that the responsibility for justifying the Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

The DA states that it is proposed to attenuate more than the 30 year event in the drainage network including the attenuation system, therefore DfI Rivers requests that the planning authority includes a Condition as part of its planning permission if granted.

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

5. Department for Communities - Historic Environment Division:

This application has been assessed under Paragraph 6.12 (setting) of Strategic Policy Planning Statement for Northern Ireland and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Additional information/advice (e.g. on legislation, guidance, contacts, etc.) for planning officer and applicant's awareness:

Legislation & policy

1. The Planning Act (NI) 2011
2. Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage.
3. Strategic Planning Policy Statement for Northern Ireland (SPPS NI) ? Planning for Sustainable Development.

6. Northern Ireland Water comments:

See attached comment dated 9/12/20.

Signature(s)

Date:

ANNEX	
Date Valid	19th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Mournebeg Drive,Drumcoo,Dungannon,Tyrone,BT71 4AQ The Owner/Occupier, 15b ,Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 24b ,Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 26 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 26 Shiels Institution,Dungannon,Tyrone,BT71 6BJ The Owner/Occupier, 27 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 27 Shiels Institution,Dungannon,Tyrone,BT71 6BJ The Owner/Occupier, 28 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 28 Shiels Institution,Dungannon,Tyrone,BT71 6BJ The Owner/Occupier, 29 Shiels Institution,Dungannon,Tyrone,BT71 6BJ The Owner/Occupier, 30 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 32 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 34 Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 34a Oaks Road,Dungannon,Tyrone,BT71 4AR The Owner/Occupier, 34b Oaks Road,Dungannon,Tyrone,BT71 4AR SUZANNE HUDSON Dungannon Nursery School,Circular Road,Dungannon,Tyrone,BT71 6BE The Owner/Occupier, Dungannon Primary School,Circular Road,Dungannon,Tyrone,BT71 6BE Gerry Rogers Email Suzanne Hudson Email Address Gerry Rogers	

Email Address Gerry Rogers Email Address The Owner/Occupier, The Oaks Centre,Oaks Road,Dungannon,Tyrone,BT71 4NA	
Date of Last Neighbour Notification	3rd February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1454/F Proposal: Proposed 35 dwelling units with associated parking, access, landscaping and wastewater treatment Address: 15-17 Oaks Road, Dungannon, BT71 4AR, Decision: Decision Date: Ref ID: M/2007/0760/O Proposal: Replacement of two dwelling houses for housing development Address: 15 -17 Oaks Road, Dungannon Decision: Decision Date: 21.03.2008 Ref ID: M/1998/0886 Proposal: Erection of 2.4m high palasade boundary fence Address: EAST TYRONE CFE CIRCULAR ROAD DUNGANNON Decision: Decision Date:	
Summary of Consultee Responses See above	
Drawing Numbers and Title	

Drawing numbers to be agreed prior to issue.

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 06

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 07

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 08

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 09

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1513/F	Target Date:
Proposal: Proposed 4no. Dwellings to replace previous approval I/2012/0115/F.	Location: 56 Moneymore Road Cookstown BT80 8PY.
Referral Route: To Committee - Approval - One objection received.	
Recommendation:	
Applicant Name and Address: Mr A Martin 56 Moneymore Road Cookstown BT80 8PY	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Executive Summary: Approval	
Signature(s): Peter Henry	

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	Advice
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	1
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

To Committee - Approval - One objection received.

Characteristics of the Site and Area

The proposed site is located within the settlement limits of Cookstown, accessed off the main Cookstown to Momeymore Road (Protected Route). The existing site is an established plot that houses one large detached domestic dwelling, and ancillary outbuildings. The site is a mature site, with large landscaped front garden. The southern/front boundary that abounds the main Momeymore Rd is defined by mature deciduous trees. A private mixed deciduous hedge and tree lined drive leads up to the existing two-storey house on site. Mature coniferous trees and a deciduous hedge run along the rear boundary of the site. An access road also runs along the north western or rear boundary. Views are limited due to the maturity of the site.

Relevant planning history

I/2012/0115/F - 2 detached dwellings and integral garages - 56 Moneymore Road, Cookstown -
Permission Granted - 03.01.2013

Representations

There were six neighbour notification letters sent out however one objection has been received.

Description of Proposal

This is a proposed full application proposed 4no. Dwellings to replace previous approval I/2012/0115/F, the site is located at 56 Moneymore Road, Cookstown

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. I note that a proposal for two large dwellings had been previously approved under I/2012/0115/F wherein in this application they have gone for four smaller dwellings. Given such I am content that the four dwellings are still acceptable within the context of the wider setting. I am content that there is no conflict with any features of the archaeological and built heritage, and landscape. I am content that the proposal has provided sufficient amenity space for both properties without the need for public amenity space.

I am content that there is an acceptable movement pattern provided with good transport links in the area, with adequate parking provision provided for each dwelling. I am content that the proposed design reflects elements of No.56 Moneymore Road as such I am content that it is acceptable within this location. Furthermore, I am content that the proposed dwellings have been designed to ensure there is no conflict with any neighbouring amenity nor will it give rise to 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. When compared to what was previously

approved I am content that the development is able to sensitive to the character of the area, wherein it will be read as part of the area.

PPS 3: Access, Movement and Parking

A consultation was sent to DFI Roads and in their final response confirmed that they had no objections subject to conditions, I am content that the access is acceptable and complies under PPS 3.

Consultations were also sent to Rivers Agency and NI Water respectively, Rivers Agency confirmed that the site did not lie within a flood plain and have no reason to object from fluvial flood perspective. Confirmed that the site is unaffected by a designated watercourse and information available from OSNI maps and a site inspection did not reveal any obvious undesignated watercourses. DfI Rivers does not keep a record of undesignated watercourses so the site may be affected by one. If a watercourse is discovered during the development of the site, then Policy FLD 2 will apply. In terms of FLD 3, the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Finally confirmed that FLD 4 and 5 do not apply. NI Water raised no concerns as long as the developer gained the relevant agreements from them.

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.

During the planning process one objection was received, summary of their issues was over ownership wherein a small portion of the site included a parcel of land owned by the objector. As such the agent amend the plans accordingly to remove this piece of land, wherein issues were resolved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No 01 Rev D bearing the date stamp 15/02/22 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 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 and any forward sight distance, shall be provided in accordance with Drawing No 01 Rev D bearing the date stamp 15/02/22 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 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.

Signature(s)

Date:

ANNEX	
Date Valid	30th November 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Don Sonner 26A St Jeans Tullagh Cookstown The Owner/Occupier, 52 Moneymore Road, Cookstown, Tyrone, BT80 8PY The Owner/Occupier, 54 Moneymore Road, Cookstown, Co.Tyrone, BT80 8PY The Owner/Occupier, 56 Moneymore Road, Cookstown, Tyrone, BT80 8PY The Owner/Occupier, 58 Moneymore Road Cookstown Tyrone The Owner/Occupier, 60 Moneymore Road Cookstown Tyrone The Owner/Occupier, 75 Moneymore Road, Cookstown, Tyrone, BT80 8PY Judith Black Millar Shearer & Black, 40 Molesworth Street, Cookstown, BT80 8PH The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1638/DC Proposal: Discharge of Condition No 7 & 8 of previously approved I/2008/0111/F. Address: Lands to the rear of 42-56 Moneymore Road, Cookstown., Decision: Decision Date: Ref ID: LA09/2020/1513/F Proposal: Proposed 4no. Dwellings to replace previous approval I/2012/0115/F. Address: 56 Moneymore Road, Cookstown BT80 8PY., Decision: Decision Date:	

Ref ID: I/2008/0111/F

Proposal: Erection of nursing home and 92no dwelling units comprising of 9no detached 42no semi detached, 33no townhouses, 2no duplex dwellings and 6no apartments with associated road network and landscaping.

Address: Lands to the rear of 42-56 Moneymore Road including no. 40 Moneymore Road and lands to the South West of No 40 Moneymore Road, Cookstown

Decision:

Decision Date: 01.11.2010

Ref ID: I/2002/0416/O

Proposal: Proposed site for housing development off Moneymore Road and associated alterations and improvements to existing road junction (Old Belfast Coach Road) to provide road access

Address: Off Moneymore Road, Cookstown (to north of No.s 40 to 56 Moneymore Road)

Decision:

Decision Date: 01.02.2005

Ref ID: I/2008/0272/F

Proposal: Demolition of No 54 + Alteration to No 56, Moneymore Road with proposed 10 No, 4 bed, 2 and a half storey detached dwellings + amenity space with access provision for future development

Address: 54 + 56 Moneymore Road Cookstown

Decision:

Decision Date: 15.09.2009

Ref ID: I/2012/0115/F

Proposal: 2 detached dwellings and integral garages

Address: 56 Moneymore Road, Cookstown,

Decision: PG

Decision Date: 03.01.2013

Ref ID: I/1986/0128

Proposal: BOUNDARY WALL

Address: 58 MONEYMORE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2014/0204/A

Proposal: Banner (Amended Plans 02 (Rev 1)

Address: Moneymore Road - A29, within 40mph speed limit, Street Column No 1217 BT80 8EH,

Decision: WITHDR

Decision Date: 24.02.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1531/F	Target Date:
Proposal: Proposed retention of vehicular access to existing garage.	Location: Fairy Burn House Sandholes Road Cookstown BT80 9AR.
Referral Route: DFI Roads objection	
Recommendation:	Refused
Applicant Name and Address: Mr Kieran McCracken Fairy Burn House Sandholes Road Cookstown BT80 9AR	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Executive Summary: Statutory Objection received and all other material considerations have been taken into consideration.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Summary of Issues

This is a full planning permission for retention of vehicular access. The proposal has been objected on the ground of an unauthorised access onto the Strifehill road. No third party representations received and all other material considerations have been taken into consideration

Characteristics of the Site and Area

The proposed site is identified as Fairybourn House, Sandholes Road in Cookstown. The site hosts a large two storey dwelling with hipped roof finished in a red brick. The dwelling is located within a generous plot with extensive landscaping throughout. To the front of the dwelling is a loose gravel driveway and area of hard standing- there are large areas of garden/landscaping to the rear and to each side of the dwelling. Within the site is a newly constructed 5 bay red brick hipped roof garage set back from the road. Surrounding the garage is a gravel driveway/yard

area. To the rear of the garage is a tree lined boundary. A newly created access point has been created onto the Strifehill Road, there is red brick pillars at this entrance and an electric gate. The boundary to the north of the site is defined by a hedgerow which is interspersed with trees.

Characteristics of Area

The surrounding area is urban in character and mainly defined as an area of light industrial units, wholesale retail and showrooms. There is a residential area to the North of the site and land to the NE of the site is designated for potential housing. The dwelling is situated within the development limits of Cookstown as designated in the Cookstown Area Plan 2010.

Description of Proposal

Full planning permission is sought for retention of vehicle access to existing garage. Drawing No 02 date stamp 02/12/2020 annotates access onto Strifehill Road with red brick pillars 2.09m in height and 890mm width with electric gates.

Full design details are annotated on Drawings 01, 02, 03 date stamp 02/12/2020. All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 14/12/2020 (publication date 15/12/2020). There were no neighbours notified this is due to separation distance with the site; 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.



Fig. 1 photograph of unauthorised access onto Strifehill Road



Fig. 2 Photograph of access onto Sandholes Road

Planning History

Reference	Location	Proposal	Status
LA09/2018/0410/F	Fairy Burn House, Sandholes Road,	Proposed domestic garage, extension to site curtilage & alterations to existing garage.	PG 19/06/2018

I/2012/0059/F	Fairy Burn House, Sandholes Road,	Proposed new entrance, extension to side of dwelling and detached garages and carport	PG 01.05.2012
I/2012/0381/F	Fairy Burn House, Sandholes Road,	Proposed flat, garages and carports	PG 30.01.2013
LA09/2019/0179/CA	Fairy Burn House, Sandholes Road	Creation of an unauthorised access onto the Strifehill road.	Open file under active consideration

It is noted that there is an active enforcement file was opened on 29th November 2019 under reference LA09/2019/0179/CA Fairy Burn House, Sandholes Road, Cookstown, Tyrone. The site which is subject to the complaint is located to the north west of the dwelling, to the rear of an existing garage and car port.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Cookstown Area Plan 2010.
2. Strategic Planning Policy Statement (SPPS).
3. PPS 3 Planning Policy Statement 3 Access, Movement and Parking. (DCAN 15)
4. DCAN 15 Vehicular Access Standards

The Cookstown Area Plan 2010 (CAP) operates as the statutory local development plan for the area the site lies in. The Magherafelt Area Plan 2015 does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 3.

Assessment

DFI Roads were consulted on this application on 23 December 2020 and responded on 2 February 2021. Roads raised concerns the application would prejudice the delivery of the A29 Cookstown Bypass and Sandholes Link Road. Roads stated that the current proposal demonstrates an access onto the Strifehill Road which is not an authorised access as per LA09/2018/0410, the description of this proposal would indicate the retention of vehicular access is only for Sandholes Road.

I happened to be the Case Officer responsible for processing LA09/2018/0410/F which related to a domestic garage, extension to site curtilage & alterations to existing garage. This proposal did not involve access arrangements and therefore no requirement to consult Roads on this application was deemed necessary.

However, it's noted the current curtilage annotated on Drawing no 01 date stamp 03/12/2020 has been extended contrary to what was previously approved under LA09/2018/0410/F.

<p>DFI Roads have issued the following refusal reason should be applied</p> <p>1.The proposed development is within the landtake associated with the preferred route of the Cookstown Bypass and Sandholes Link Road Transport Corridor project as provided for within the Investment Delivery Plan (IDP) for Roads and would, if permitted, prejudice the implementation of this strategic transport project.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation:</p> <p>Refused</p>	
<p>Reasons for Refusal:</p> <p>1.The proposed development is within the landtake associated with the preferred route of the Cookstown Bypass and Sandholes Link Road Transport Corridor project as provided for within the Investment Delivery Plan (IDP) for Roads and would, if permitted, prejudice the implementation of this strategic transport project.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	2nd December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0410/F Proposal: Proposed domestic garage, extension to site curtilage & alterations to existing garage. Address: Fairy Burn House, Sandholes Road, Cookstown, BT80 9LU., Decision: PG Decision Date: 19.06.2018 Ref ID: LA09/2020/1531/F Proposal: Proposed retention of vehicular access to existing garage. Address: Fairy Burn House, Sandholes Road, Cookstown BT80 9AR., Decision: Decision Date: Ref ID: LA09/2017/1044/F Proposal: Renewal of application I/2011/0417/F 5 single storey workspace units- Light Industrial Address: Adjacent to and south of junction of Strifehill Road and Sandholes Road, Cookstown, Decision: PG Decision Date: 09.01.2018 Ref ID: I/2012/0059/F	

Proposal: Proposed new entrance, extension to side of dwelling and detached garages and carport

Address: Fairy Burn House, Sandholes Road, Cookstown,

Decision:

Decision Date: 01.05.2012

Ref ID: I/2012/0381/F

Proposal: Proposed flat, garages and carports

Address: Fairburn House, Sandholes Road, Cookstown,

Decision: PG

Decision Date: 30.01.2013

Ref ID: I/1997/0447

Proposal: Erection of 2 No. Dwellings and Garages

Address: APPROX. 75M NORTH EAST OF JUNCTION OF SANDHOLES ROAD/
STRIFEHILL ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0169

Proposal: Site for Dwelling

Address: APPROX. 220M NORTH EAST OF BOTTLING WORKS SANDHOLES ROAD
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1993/6031

Proposal: Housing Development Farrannsaggart Cookstown

Address: Farrannsaggart Cookstown

Decision:

Decision Date:

Ref ID: I/1994/0166

Proposal: Two Dwellings

Address: SOUTH EAST OF SANDHOLES ROAD BALLYREAGH SANDHOLES
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1987/0468

Proposal: 11 KV O/H EXTENSIONS

Address: GLEBE WEST, COOLKEEGHAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: LA08/2018/0155/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1710/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/1403/DC

Proposal: Discharge of condition 24 of planning permission LA08/2016/1328/F

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

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2019/0022/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

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

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale,

Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2018/0965/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

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

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

Decision: PG

Decision Date:

Ref ID: LA08/2018/1354/DC

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

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

Decision:

Decision Date:

Ref ID: LA08/2018/0964/DC

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

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd,

Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0146/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/0156/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/1467/DC

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

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

Decision: RL

Decision Date:

Ref ID: LA08/2017/1352/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA09/2016/0468/PAN

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

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

Decision:

Decision Date:

Ref ID: LA08/2017/1619/DC

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

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

Decision: RL

Decision Date:

Ref ID: LA08/2018/1422/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Summary of Consultee Responses

Roads concerns

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Elevations

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A



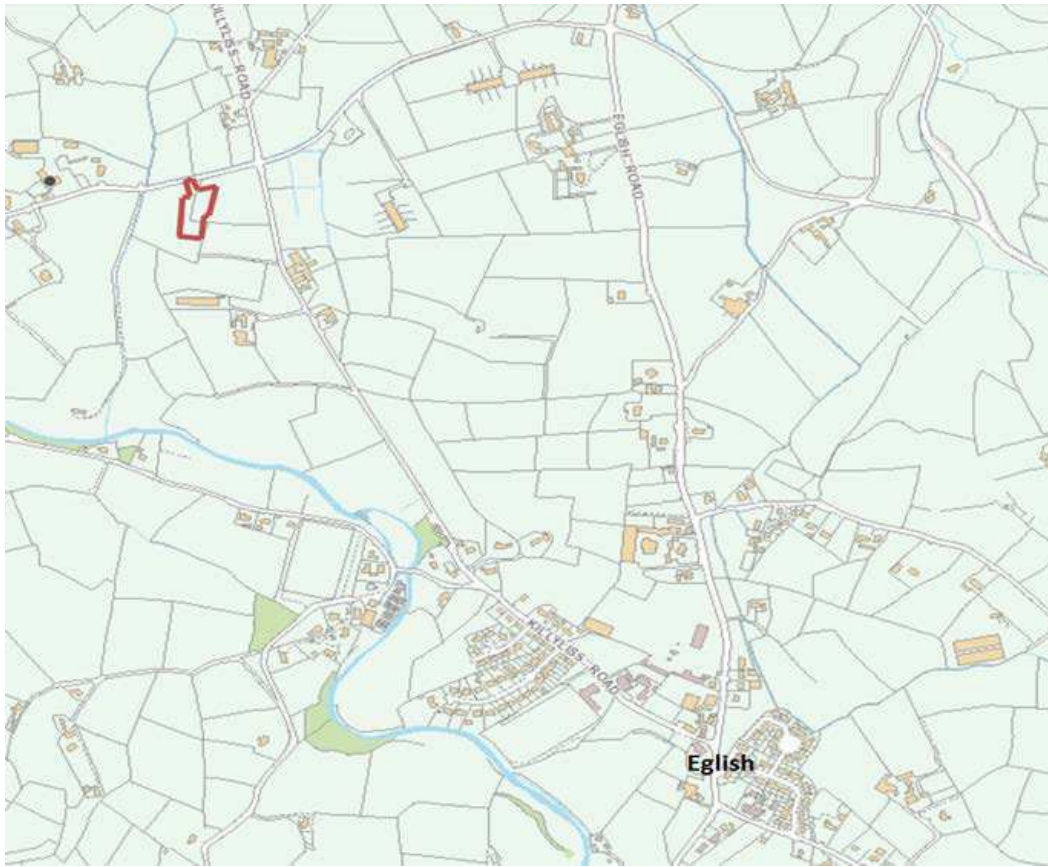
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1571/F	Target Date:
Proposal: Retrospective application for the retention of livestock shed, silage pit, and extension to existing agricultural storage /equipment/ machinery shed and all associated site development and drainage works	Location: Approx. 200m South East of 68 Kilnacart Road Dungannon
Referral Route: Objection	
Recommendation:	Approval
Applicant Name and Address: Mr Niall Mc Cann 66A Kilnacart Road Dungannon	Agent Name and Address: C D Consulting 75 Creagh Road Tempo BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	NIEA	Error
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received

Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	NIEA	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

None

Characteristics of the Site and Area

The site is situated on the Kilnacart Road, Dungannon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010 and lies outside all other areas of constraint as depicted by the DSTAP 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with little in terms of wide spanning views or prospects.



The application site is bounded to the rear and sides by vegetation and hedgerows, the roadside front elevation is defined by a row of planted trees staggered a few metres apart. The site is accessed via an existing access which is situated to the north of the site via Kilnacart Road. The site is part of an existing farm holding which includes lands surrounding the site and lands, in a separate parcel, some 250m to the north of the proposal. The red line boundary of the site includes an existing hard stand area, a smaller machinery shed toward the roadside and a larger livestock shed to the rear of the site. The proposed access to the application site is also in situ, it has a wide gravel access with a 2 metre high gated fence. The site at the time of latest site visit included a number of tractors, trailers, and other farm machinery. There was also a large collection of round bales in the field adjacent to the west. The site is clearly currently being used for agriculture.

In terms of elevation the site area is relatively flat with a small rise in elevation to the south of the site and a gradual reduction in elevation towards a small stream to the west.

Description of Proposal

The proposal seeks retrospective application for the retention of livestock shed, silage pit, and extension to existing agricultural storage/equipment/machinery shed and all associated site development and drainage works.



Planning Assessment of Policy and Other Material Considerations

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

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

Planning History

LA09/2017/0846/F - Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales, farm plant and machinery - PERMISSION GRANTED - 08.06.2018

LA09/2017/0084/CA - Unauthorised change of Use on site and creation of unauthorised access. Enforcement Case Closed - 17.07.2018

LA09/2018/0101/CA - Alleged breach of condition 6 of LA09/2017/0846/F (parking of lorry trailers) On Going.

LA09/2019/0321/F - distribution office and associated yard- farm diversification project ? WITHDRAWN.

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

The objection received was from an anonymous source and the main concerns raised centred on the sincerity of the applicant and the intended nature of the application.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. DFI Roads have been consulted with the proposal and are content subject to conditions.

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.

DAERD have confirmed that the farm business has been in existence since 2017, therefore it does not exceed the requirement of 6 years. The applicant has claimed payments via the Basic Payment Scheme or other Agri-Environment Schemes for the first time in 2021. Therefore the applicant needs to demonstrate how the farm business has been active.

By way of back ground it must be noted that the previous 2017 application established that the applicant was applying for a new farm building on his own holding, and it was accepted that this was the first agricultural building on the applicants holding. The evidence provided was sufficient to demonstrate that land has been used for agricultural purposes by the owner of the farm ID for a period in excess of six years. The response from DAERA cross referenced with DAERA issued farm maps, supplied by the applicant, confirms that this is indeed the case. With this in mind I am content that the agricultural holding is both active and established.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies certain criteria.

CTY 12 includes five further criteria (a-e):

a)Agricultural holding

The applicant has provided supporting information highlighting that the proposal will aid in the efficient functioning of the farm by providing a farm shed for the storage of cattle and feedstuff as well as machinery at this farm holding. The applicant has increase the number of livestock and subsequently the need has come to expand the level of facilities. I consider that the proposed farm sheds would benefit the farm holding.

B & C)Integration and character

The proposal presents agricultural buildings which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area. It must also be considered what is already approved on the site and the extent of the extension which is largely to the rear. None of the proposed development is any closer than what is approved. It must also be noted that the applicant has went to considerable effort to provide additional screening.

Notwithstanding that above, the proposal is sited away from any other farm buildings on this farm holding and this detracts from its ability to integrate, furthermore the size and scale of the proposal is not in keeping with this area of the countryside. The introduction of a new farm building of the size and scale proposed at this location will have a negative impact on the rural character of this area. Although buildings of this nature are not considered uncommon in the countryside, they are usually part of a wider grouping of farm buildings.

d) Natural environment and drainage.

There are no sensitive built heritage features of note within the site or the surrounding area. I consider that the proposal will not have a negative impact on any historic buildings or monuments. In addition the applicant commissioned an air quality impact assessment which indicates that there will not be any significant negative impact on the natural environment.

e) Neighbouring amenity

It is noted that the proposal is sited some 170m away from the closest unconnected dwelling. I am content that the proposal will not result in detrimental impact on the amenity of residential dwellings outside of the holding or enterprise including potential problems arising from noise, smell and pollution.

CTY 12 - Additional Requirements

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

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

With regards to the above there are no other existing buildings on this holding other than the proposed. The design and materials are generally characteristic to agricultural buildings in the locality and the new shed is adjacent to the existing shed which also seeks expansion.

Other policy and material consideration

In my opinion, the site can satisfactorily accommodate the proposed extension to the farm buildings of the design and scale as proposed. The existing building already approved on the site

provide an acceptable degree of screening and together with the additional planting along the public road and the topography of the surrounding landform, will allow the proposal to achieve an acceptable degree of integration. As the building is of a typical design, the proposal will not have any impact on rural character. The proposal satisfies all the relevant policy criteria and is therefore acceptable.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development.

Neighbour Notification Checked

Yes

Conditions

1.This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Informatives

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

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

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

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

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	9th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1571/F Proposal: Retrospective application for the retention of livestock shed, silage pit, and extension to existing agricultural storage/equipment/machinery shed and all associated site development and drainage works Address: Approx. 200m South East of 68 Kilnacart Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0846/F Proposal: Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales ,farm plant and machinery Address: 175m South East of 66A Kilnacart Road, Dungannon, Decision: PG Decision Date: 08.06.2018 Ref ID: LA09/2019/0321/F Proposal: Proposed distribution office and associated yard- farm diversification project Address: 175m South East of 66A Kilnacart Road, Dungannon, Decision: Decision Date: 31.07.2019	
Drawing Numbers and Title	

Drawing No. 01
Type: Sign Details
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Landscaping Plan
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



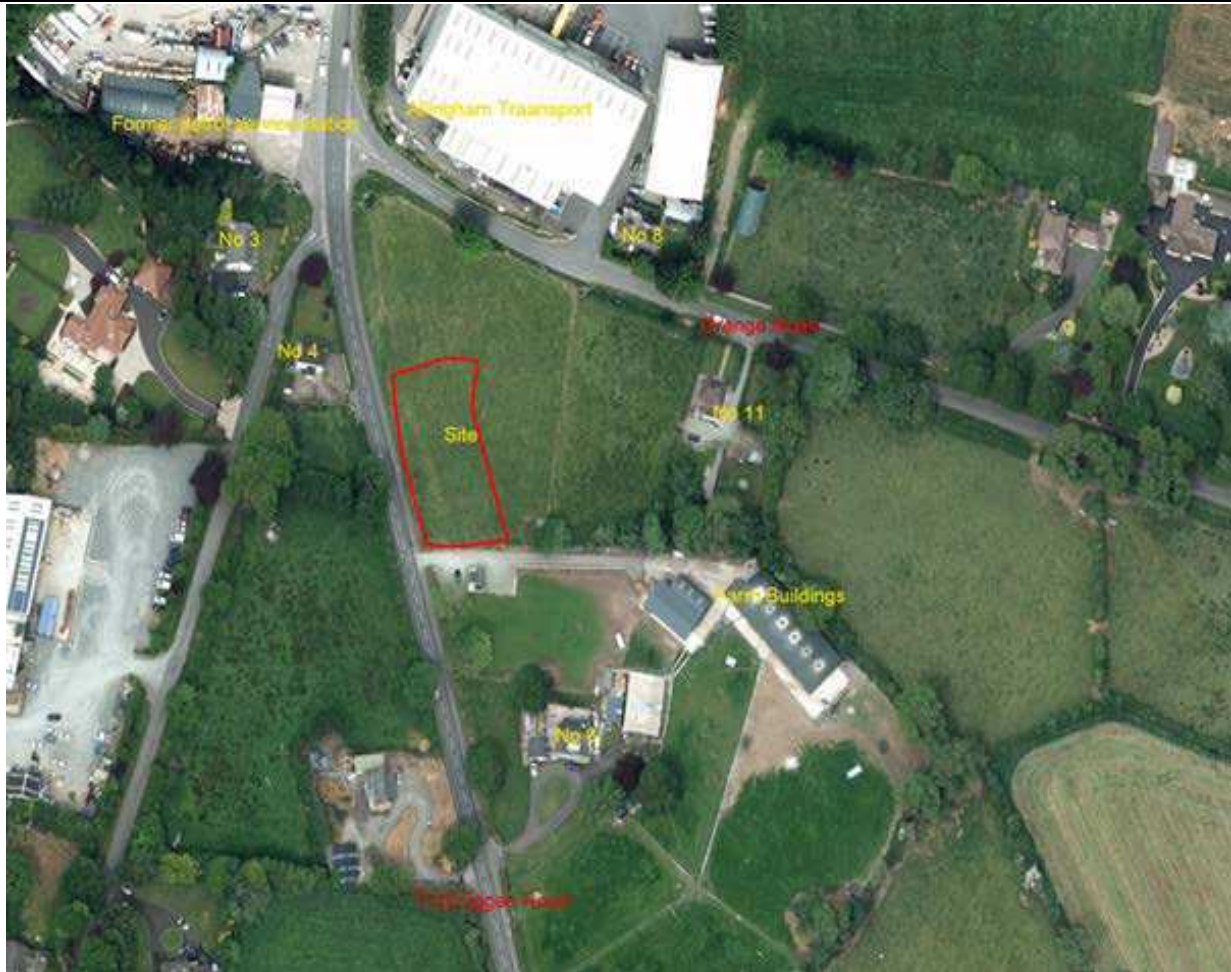
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0480/F	Target Date:
Proposal: Proposed new dwelling and domestic garage within existing cluster	Location: 75m West of 11 Grange Road Cookstown
Referral Route: <ol style="list-style-type: none"> 1. Refusal- Contrary to Policies CTY1 and CTY2a of PPS 21 2. Letter of objection 	
Recommendation:	Refusal
Applicant Name and Address: Mr Paddy Donnelly 65a Lissan Road Cookstown	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection has been received; all other material considerations have been addressed within the determination within the report.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

Full planning is sought for a dwelling and garage within an existent cluster in accordance with Planning Policy CTY2a of PPS 21.

Characteristics of the Site and Area

The application site is identified as lands approximately 75m West of 11 Grange Road, Cookstown, which is identified within the Cookstown Area Plan 2010 as land within the countryside and is not located within any settlement limit. The site is not located within any specific environmental designations.

The immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility. There are a number of established businesses in close proximity to the site, including Allingham Transport, DBS Building Supplies.

The site forms the portion of a grass field that borders the Tullywiggan Road to the west; boundaries comprise of timber fence with low level hedgerow; the south boundary defined by a post and wire fence which borders a farm lane; further south is a small farm shop. The other remaining boundaries to the east and north open onto the field and are undefined. Further east is a small corrugated and timber shed used for keeping horses.

The surrounding topography within the site is relatively flat.

Description of Proposal

Full planning permission is sought for a new dwelling and domestic garage within existing cluster located 75m West of 11 Grange Road, Cookstown. The proposed dwelling is to provide a two storey detached with a ridge height of 8m; frontage 13m; and a depth of 12m. Full details and external finishes and proposed landscaping are annotated on Drawing Nos 03 and 04 date stamp 24/03/2021.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Planning history.

LA09/2019/0891/F - junction of Tullywiggan road and Grange Road, Cookstown for a new dwelling and garage within existing cluster PG. 21.10.2019

LA09/2020/0421/F - approx. 55m SW of 8 Grange Road, Cookstown - New dwelling and garage within existing cluster. PG 16.09.2020.

LA09/2021/0750/F - proposed new dwelling and garage within an existing cluster. PG 09.12.2021

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing one objection has been received. This application was initially advertised in the local press on w/c 05/04/2021 (publication date 06/04/2021).

Six (6) notification letters sent on 13/04/2021; 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 in relation to access, moving and parking arrangement on 26/072021 and responded on 16/08/2021 no objection subject to standard conditions and Informatives.

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 Cookstown Area Plan 2010 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Cookstown Plan 2010;
4. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards;
5. PPS 21 Sustainable Development in the Countryside (CT2a, CTY 13 & 14);
6. Building on Tradition A sustainable design guide for rural NI.
7. MUDC Draft Area Plan 2030

Cookstown Area Plan 2010

The CAP acts as the local development plan for the area the site is located in however there are no provisions in the LDP that are material to the determination of the application.

Regional planning policies of relevance to this application are set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS) and other retained policies, specifically Planning Policy Statement 21 Sustainable Development in the Countryside (PPS 21).

There is no conflict or change in policy direction between the provisions of the SPPS and the retained PPS 21 insofar as it relates to this application. Therefore the retained policies take precedence in decision making in accordance with the transitional arrangements outlined in the SPPS.

Supplementary planning guidance is found in Building on Tradition. A Sustainable Design Guide for the Northern Ireland Countryside (BOT).

Policy CTY1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The first of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. Other types of development will only be permitted where there are overriding reasons why that development is essential.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *The 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.*

There are a number of dwellings surrounding the site - Nos 3 & 4 are located NW of the site consisting of detached dwellings with roadside frontages; No 8 detached dwelling located north; and No 11 a detached dwelling located NE of the site. Therefore, I am content that it lies outside of a farm and consists of four or more buildings, of which more than three are dwellings.

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

I am content that the site and cluster is able to appear as a visual entity in the local landscape. As I already alluded to the immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility.

There are a number of established businesses in close proximity to the site, including Allingham Transport, DBS Building Supplies. I am satisfied the cluster as a visual entity with the surrounding landscape.

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

It is noted the site is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads. However, there is located established industrial bossiness in the vicinity of the site. It is also noted that it is established practice in MUDC that have considered economic development / industrial buildings to represent a focal point within a cluster. It is particularly noteworthy that a site bordering the application was considered to represent development in existing cluster approved under LA09/2019/0891/F

I am of the view that it has been recognised as a cluster in the above application and that a precedent has been established on the basis of development previously approved within an existent cluster.

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

Upon review of the submitted plans and from my site observations it is clear that the site's red line does not development on at least 2 of its boundaries.

I acknowledge whilst there is planning approval adjacent to proposed site however in the absence of no construction works site does not represent development.

It is noted that laneways and public roads are not defined as development and cannot therefore be considered material in this application.

The proposal fails the criteria not having other development on at least two sides in the cluster;

I am content that 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 whilst I note that the site does not have other development on at least two of its boundaries and fails this criteria of CTY 2a.

- *Development would not adversely impact on residential amenity.*

Given the proposed location and the separation distance with other residential properties the design and layout of the proposed dwelling I am content that it is unlikely to have an adverse impact on residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a in that it is not bounded on at least two sides with other development in the cluster.

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. Taking into consideration the design and layout I would be content on balance that the dwelling should not appear as a prominent feature in the landscape and that the dwelling and ancillary works would be able to visually integrate into the landscape given the existing landscaping coupled with new landscaping and the land form. In terms of the proposed design I am content that this is acceptable on balance within this rural context.

In terms of Policy CTY 14 that deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be

Objection Assessment

A letter of objection from Ross Planning on behalf of a local resident, which was received by MUDC Planning date stamp 05/08/2021.

I have assessed the points raised in the objection and discussed at DM Group meeting. Summary of issues as follows:-

- Site fails Policy CTY2a in that it is not associated with a focal point;
- The applicant does not have control of all lands;
- Lacks integration and does not have other development on at least two boundaries;
- Site acts as a visual break along the Tullywiggan Road;
- Roads issues that no forward distance annotated on plans; and
- The cluster appears as a visual entity in the local landscape;

The agent was made aware that the redline incorporated lands not in his control. This was rectified and amended site location and block plans showing reduced redlines were received.

It is noteworthy the immediate area, despite being in the rural remainder, experiences a medium levels of development, which includes detached dwellings, agricultural buildings, industrial buildings and a redundant petrol filling station, which is operating as a car washing facility.

<p>I am content the site is within existing cluster and as a visual entity in the local landscape.</p> <p>In terms of road concerns - Roads were consulted and responded having no objection and recommended approval subject to conditions.</p> <p>I am in agreement with the objector that the site is not bounded on at least two sides with other development in the cluster and fails the policy in this respect.</p> <p>Other Material Considerations There are no concerns with regards to flooding, residential amenity or ecology.</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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues faced with COVID19, this period has been extended and closed at 5pm on 24th September 2020. In light of this, the draft plan cannot currently be given any determining weight.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <ol style="list-style-type: none"> 1. Refusal- Contrary to Policies CTY1 & CTY2a of PPS 21 2. Letter of objection 	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point and the site does not provide a suitable degree of enclosure and is not bounded on at least two sides with other development in the cluster. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	24th March 2021
Date First Advertised	6th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Ardculmer Road Cookstown Tyrone The Owner/Occupier, 4 Tullywiggan Road, Cookstown, Tyrone, BT80 8SD The Owner/Occupier, 7 Ardculmer Road Cookstown Tyrone The Owner/Occupier, 8 Grange Road Cookstown Tyrone Hayley Dallas 9a, Clare Lane, Cookstown, Londonderry, Northern Ireland, BT80 8RJ Hayley Dallas 9a, Clare Lane, Cookstown, Londonderry, Northern Ireland, BT80 8RJ	
Date of Last Neighbour Notification	13th August 2021
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2018/1604/O Proposal: Renewal of outline planning approval LA09/2015/0798/O for a dwelling and garage Address: 20m North of 8 Tullywiggan Road, Cookstown, Decision: PG Decision Date: 17.09.2019 Ref ID: LA09/2020/0421/F Proposal: New dwelling and garage within existing cluster Address: Approx. 55m SW of 8 Grange Road, Cookstown, Decision: PG Decision Date: 16.09.2020 Ref ID: LA09/2019/0891/O Proposal: Proposed new dwelling and garage within existing cluster. Address: Junction of Tullywiggan Road and Grange Road Cookstown,	

Decision: PG
Decision Date: 21.10.2019

Ref ID: LA09/2021/0480/F
Proposal: Proposed new dwelling and domestic garage within existing cluster
Address: 75m West of 11 Grange Road, Cookstown,
Decision:
Decision Date:

Ref ID: LA09/2015/0798/O
Proposal: Proposed dwelling and garage
Address: 20m North of 8 Tullywiggan Road, Cookstown,
Decision: PG
Decision Date: 09.12.2015

Ref ID: I/1995/6016
Proposal: Proposed site Grange Road, Cookstown
Address: Grange Road, Cookstown
Decision:
Decision Date:

Ref ID: I/1977/0115
Proposal: ERECTION OF 6 NO. BUNGALOWS
Address: ARDCUMBER, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1976/0061
Proposal: ERECTION OF 6 PRIVATE BUNGALOWS
Address: ARDCUMBER, COOKSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Content

Drawing Numbers and Title

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

Drawing No. 02 (Rev-1)
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department N/A

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0528/F	Target Date:
Proposal: Proposed amendment to conditions 3, 4 & 5 relating to vehicular accesses & visibility splays as previously approved under Planning Permission I/2001/0137/F.	Location: Adjacent to 89 Lissan Road Cookstown.
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Malcolm Thom 8a Drumearn Road Cookstown BT80 9JY	Agent Name and Address: Rodney Henry Architects 2 Liscoole Cookstown BT80 8RG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations: No representations have been received in respect of this application

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 located on the Lissan Road and just inside the settlement development limits of Cookstown. However, the site is located on a fast stretch of the road where there is a 60mph speed limit and is about 500m from the 30mph signs. The site levels rise up gently from the road towards the eastern corner. The existing access is on the inside of a sweeping bend.

The site has already been commenced with the substructure of the approved dwellings in place. The site is bounded to the road by a post and rail fence, set to the rear of a narrow grass verge with a public footpath on the outside, which stops outside No.91. To the north of No.91 the road verge narrows considerably with a mature hedge and trees along the verge.

Description of Proposal

The proposal is for the proposed amendment to conditions 3, 4 & 5 relating to vehicular accesses & visibility splays as previously approved under Planning Permission I/2001/0137/F. Conditions 3, 4 and 5 of planning approval I/2001/0137/F read as follows:-

03. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawing No 1 & 2 which were received on 26 February 2001.
Reason: To ensure the development is carried out in accordance with the approved plans.

04. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

05. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

Planning Assessment of Policy and Other Material Considerations

The main policy consideration is the assessment of this proposal are:-

Planning History

Reference	Location	Proposal/Complaint	Status	Date
I/1976/0331	GORTNAGOWAN , TULLYODONNEL	EXTENSION TO LABOURER'S COTTAGES	PERMISSION GRANTED	
LA09/2021/0528/F	Adjacent to 89 Lissan Road, Cookstown	Proposed amendment to conditions 3, 4 & 5 relating to	VALID APPLICATION RECEIVED	
I/2004/1333/F	5 Coolreaghs Crescent, Cookstown	Rear extension & multi element improvements	PERMISSION GRANTED	29.04.2005
I/1994/6074	89 Lissan Road Cookstown	Proposed site for bungalow 89 Lissan Road Cookstown	PRE APPLICATION ENQUIRY - RE	
I/2008/0057/F	69 & 71 Lissan Road, Cookstown	6 No 2 storey, 3 bed semi-detached and a terrace block	PERMISSION REFUSED	02.06.2009
I/2002/0120/F	89 Lissan Road, Cookstown	Proposed extension and alterations to dwelling	PERMISSION GRANTED	16.04.2002
I/1997/0203B	ADJACENT TO 89 LISSAN ROAD CO	Proposed dwelling & garage	PERMISSION GRANTED	
I/1994/6154	89 Lissan Road Cookstown	Dwelling 89 Lissan Road Cookstown	PRE APPLICATION ENQUIRY - RE	
I/2000/0126/F	To rear of 89 Lissan Road, Cookstown	Dwelling and Garage	APPLICATION WITHDRAWN	16.10.2000
I/1995/0497	ADJACENT TO 89 LISSAN ROAD CO	Site for Dwelling and Garage	PERMISSION REFUSED	
I/2001/0137/F	Adjacent to 89 Lissan Road Cookstown	2 no semi-detached dwellings	PERMISSION GRANTED	13.04.2001
I/1997/0203	ADJACENT TO 89 LISSAN ROAD CO	Erection of Dwelling and Garage	PERMISSION GRANTED	
I/1996/0473B	ADJECENT TO 67 LISSAN ROAD CO	Erection of dwelling and garage	PERMISSION GRANTED	
I/1974/0396	COOLREAGHS, COOKSTOWN	11KV O/H LINE	PERMISSION GRANTED	
I/1996/0473	ADJACENT TO 67 LISSAN ROAD CO	Site for Dwelling and Garage	PERMISSION GRANTED	
I/1999/0647/F	87 Lissan Road Cookstown Co Tyrone	Improvements to Semi - Detached Dwelling	PERMITTED DEVELOPMENT	

Cookstown Area Plan 2010

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. In light of this the draft plan cannot currently be given any determining weight.

PPS 3 Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where;

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance.

Consideration will also be given to the following factors:

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

- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

The proposal is seeking to amend conditions 3, 4 & 5 relating to vehicular accesses & visibility splays as previously approved under Planning Permission I/2001/0137/F. The effect of the proposal will be to reduce the visibility splays on the southern side from 2.4m x 90m to 2.4m x 76m for site B and from 2.4m x 90m to 2.4m x 70m for site A.

DfL Roads were consulted on the proposal and advised that the following comments were based on an updated roads assessment since the previous approval granted in April 2001.

- Sightlines required - 2.4 x 105 metres minimum;
- Incurtilege parking space for 4 vehicles plus additional turning area so that vehicles can enter and exit the site in forward gear.

The 105 metre sightline is based on a reasonable 85% ile estimated speed of 48 mph. Estimated Speed measurement is not an exact figure and can depend on several factors such as driver characteristics, weather on the day, current road standard etc. For more accurate measurements, a more technical speed survey is carried out over a duration of several days. For guidance on speed measurement refer to DCAN 15 PARA 6.

It is now noted that 2.4 x 90 metres was approved in 2001 (approx. 20 years previous) when the same influencing factors would not be exactly the same and could account for some minor differences). Under current standards the estimated speed for 90 metres is 44 Mph which is a difference of 4 mph.

Under the circumstances, Df Roads will not offer an objection to the previously approved 90 metres but any reduction in 90 metres would be considered contrary to DCAN 15

It is clear therefore, that the current standards for the proposed access are 2.4m x 105m, which the proposal attempts to reduce so far as 2.4m x 70m, well below the required standards. It should also be noted that the I/2001/0137/F approval required that the approved splays of 2.4m x 90m be provided prior to any development commencing on site. The approved splays have not been provided and therefore the development is in breach of this condition and now attempts to seek a further reduction in the splays required.

It is my opinion that the proposal falls well below the required standards and in the interests of road safety and convenience of road users, the proposal should be refused for the following reason:-

The proposed development is contrary to Planning Policy Statement 3 Access, Movement and Parking Policy AMP 2

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Refuse for the reason stated below:-	
Reason for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking and DCAN 15 in that it would, if permitted, fail to provide a safe access to the required standards, thereby prejudicing road safety and the convenience of other road users. 	
Signature(s)	
Date:	

ANNEX	
Date Valid	1st April 2021
Date First Advertised	13th April 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 12 Coolreaghs Crescent Cookstown Tyrone</p> <p>The Owner/Occupier, 83a ,Lissan Road,Cookstown,Tyrone,BT80 9SQ</p> <p>The Owner/Occupier, 85 Lissan Road Cookstown Tyrone</p> <p>The Owner/Occupier, 87 Lissan Road Cookstown Tyrone</p> <p>The Owner/Occupier, 87a Lissan Road Cookstown</p> <p>The Owner/Occupier, 89 Lissan Road Cookstown Tyrone</p> <p>The Owner/Occupier, 91 Lissan Road Cookstown Tyrone</p>	
Date of Last Neighbour Notification	21st April 2021
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: I/1976/0331 Proposal: EXTENSION TO LABOURER'S COTTAGES Address: GORTNAGOWAN , TULLYODONNELL, DESERTCREAT, DONAGHRISK, COOLREAGHS, TULLYNURE Decision: Decision Date:</p> <p>Ref ID: LA09/2021/0528/F Proposal: Proposed amendment to conditions 3, 4 & 5 relating to vehicular accesses & visibility splays as previously approved under Planning Permission I/2001/0137/f. Address: Adjacent to 89 Lissan Road, Cookstown., Decision: Decision Date:</p> <p>Ref ID: I/2004/1333/F Proposal: Rear extension & multi element improvements Address: 5 Coolreaghs Crescent, Cookstown</p>	

Decision:
Decision Date: 29.04.2005

Ref ID: I/1994/6074
Proposal: Proposed site for bungalow 89 Lissan Road Cookstown
Address: 89 Lissan Road Cookstown
Decision:
Decision Date:

Ref ID: I/2008/0057/F
Proposal: 6 No 2 storey, 3 bed semi-detached and a terrace block consisting of 4 No 2 storey, 3 bed units 10 total with associated parking, garden and amenity space. The installation of on-site package treatment plant.
Address: 69 & 71 Lissan Road, Cookstown
Decision:
Decision Date: 02.06.2009

Ref ID: I/2002/0120/F
Proposal: Proposed extension and alterations to dwelling
Address: 89 Lissan Road, Cookstown
Decision:
Decision Date: 16.04.2002

Ref ID: I/1997/0203B
Proposal: Proposed dwelling & garage
Address: ADJACENT TO 89 LISSAN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1994/6154
Proposal: Dwelling 89 Lissan Road Cookstown
Address: 89 Lissan Road Cookstown
Decision:
Decision Date:

Ref ID: I/2000/0126/F
Proposal: Dwelling and Garage
Address: To rear of 89 Lissan Road, Cookstown
Decision:
Decision Date: 16.10.2000

Ref ID: I/1995/0497
Proposal: Site for Dwelling and Garage
Address: ADJACENT TO 89 LISSAN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2001/0137/F
Proposal: 2 no semi-detached dwellings
Address: Adjacent to 89 Lissan Road Cookstown

Decision:
Decision Date: 13.04.2001

Ref ID: I/1997/0203
Proposal: Erection of Dwelling and Garage
Address: ADJACENT TO 89 LISSAN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1996/0473B
Proposal: Erection of dwelling and garage
Address: ADJECENT TO 67 LISSAN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1974/0396
Proposal: 11KV O/H LINE
Address: COOLREAGHS, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1996/0473
Proposal: Site for Dwelling and Garage
Address: ADJACENT TO 67 LISSAN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1999/0647/F
Proposal: Improvements to Semi - Detatched Dwelling
Address: 87 Lissan Road Cookstown Co tyrone
Decision:
Decision Date:

Summary of Consultee Responses

DfI Roads advised that the proposal was contrary to the current published guidance.

Drawing Numbers and Title

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

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


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

Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0641/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage on a farm	Location: 25m South of 66 Ballynease Road Portglenone
Referral Route: Contrary to policy Objections received	
Recommendation:	Refusal
Applicant Name and Address: Catherine And Ciaran Maguire 1 Friendly Way Belfast	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Two objections have been received and have been fully considered within the preparation of this report. The objections can be summarised below:</p> <ul style="list-style-type: none"> • Issues relating to ownership of the laneway and lands for visibility splays • The applicant is not a farmer with no agricultural buildings. • Increased volume of traffic on the laneway- safety concerns regarding this. 		
Characteristics of the Site and Area		
<p>The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The site is located some distance back from the Ballynease Road,</p>		

located approximately 900m North, accessed via an existing laneway, which leads to the dwelling identified as No.66 Ballynease Road. The site is part of a larger agricultural field which is a flat field with the southern and western boundary of the site defined by mature trees and hedges. The eastern boundary is defined by a small post and wire fence which runs along the existing laneway. The surrounding area is a mix of agricultural uses with dwellings located along the southern part of the laneway, and a working bog is located approximately 150m east of the application site.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS3: Access, Movement and Parking
Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 -Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account in the preparation of Mid Ulster 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

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

In respect to criteria (a) the agent submitted a P1c form but was not able to provide a farm business ID and as such we were not able to consult DAERA to confirm there is a farm business which is currently active and established for at least 6 years. It was clear to see from the site visit the land was kept in good agricultural condition however, the business aspect was not clear. The agent submitted a number of receipts and invoices which were addressed to Cathal McElean who is the landowner (notice was served and the correct certificate filled out within the P1 form) however, these receipts related to the upkeep of the lands rather than evidence that a business was operating. Further clarification was sought from the agent regarding the farm business, and it was made clear we felt the information provided didn't show there was an active and established business however the agent responded to state they felt adequate information and invoices have been provided to substantiate that the business has been in operation for 6 years.

However, following discussion at a group meeting it was agreed there isn't sufficient information to establish the farm business is currently active and has been established for at least 6 years therefore, fails to comply with criteria a.

The agent submitted what appears to be farm maps; however, there is no business ID associated with these. There is no relevant history to suggest a dwelling or development opportunity has been sold off from the farm.

I am content that a dwelling on the site would be visually linked to the dwelling and outbuildings to the north (No.66 Ballynease) which is the registered address of the landowner. I am content that the access is to be taken from an existing laneway.

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. As this is an outline application, no design details have been provided however, the proposed site has established boundaries to the south and west of the field and these would be retained to ensure a dwelling can be absorbed into the site and integrates. I am content that an appropriately designed dwelling would be suitable at this location and does not offend policy CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development.

PPS 3- Access, Movement and Parking

DfI Roads were consulted on the proposal and having considered the two representations received which relate to access and Right of Way issues they have no objection subject to a condition. Any objections relating to ownership over the lands are a civil matter and not a material consideration for planning.

PPS 15 (Revised)- Planning and Flood Risk

DfI Rivers were consulted and responded to confirm the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. However, they did state a drainage assessment was required as the site area is recorded as being 1.29 hectares. However, it was the agent's view that the site subject to development was much less than 1 hectare and that the reason the site area was so large was due to the red line using the existing laneway. It was agreed at a group

meeting that as the site subject to development was below 1 hectare (approximately 0.5 hectare) a flood risk assessment is not required.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside. It has not been demonstrated that there is a currently active farm business that has been active and established for at least 6 years.

Signature(s)

Date:

ANNEX	
Date Valid	26th April 2021
Date First Advertised	11th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 New Ferry Road,Bellaghy,Londonderry,BT45 8ND J Adams 2, New Ferry Road, Bellaghy, Londonderry, Northern Ireland, BT45 8ND The Owner/Occupier, 4 New Ferry Road,Bellaghy,Londonderry,BT45 8ND Anne Adams 4, New Ferry Road, Bellaghy, Londonderry, Northern Ireland, BT45 8ND The Owner/Occupier, 64 Ballynease Road, Portglenone, Londonderry, BT44 8NX The Owner/Occupier, 66 Ballynease Road Portglenone Londonderry	
Date of Last Neighbour Notification	10th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0641/O Proposal: Proposed site for a dwelling and domestic garage on a farm Address: 25m South of 66 Ballynease Road, Portglenone, Decision: Decision Date: Ref ID: H/1987/0467 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 66 BALLYNEASE ROAD PORTGLENONE Decision: Decision Date: Ref ID: H/2005/1055/F Proposal: 11KW Supply Address: 6 Newferry Road, Bellaghy, Co.Londonderry. Decision: Decision Date: 11.05.2006 Ref ID: H/1992/4023 Proposal: ALTS AND ADDS TO DWELLING Address: 2 NEWFERRY RD BELLAGHY Decision:	

Decision Date:
Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

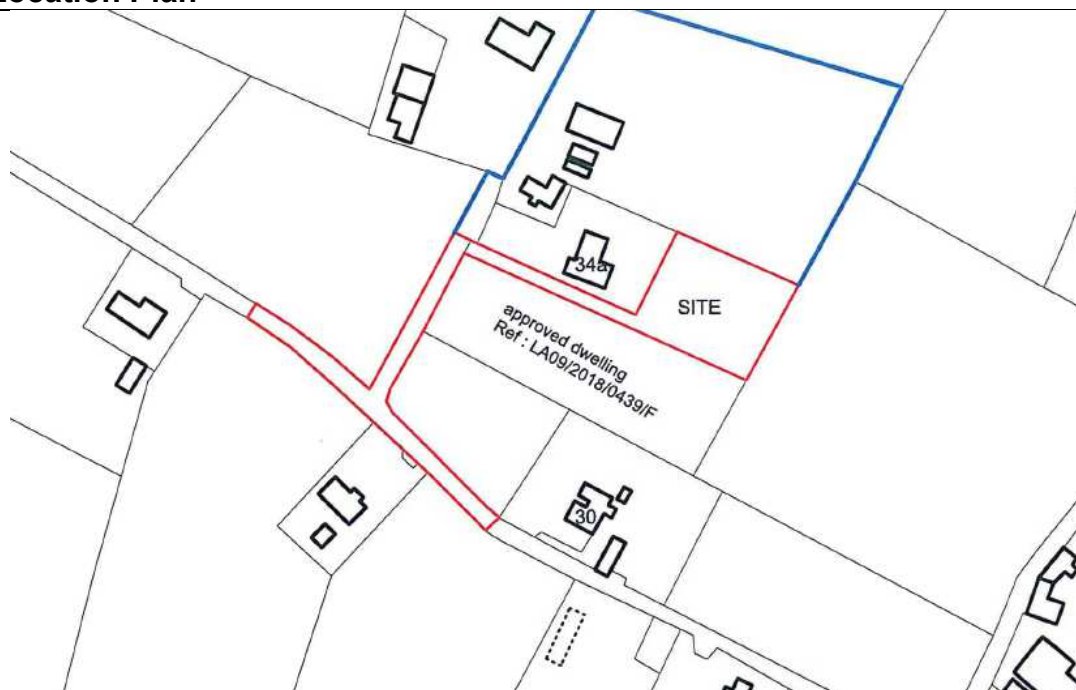


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0840/O	Target Date:
Proposal: Proposed site for dwelling & garage in a cluster, at 30m East of No34a Annaghmore Road , Cookstown.	Location: 30m East of No34a Annaghmore Road Cookstown.
Referral Route: Approval – exception to policy CTY2a.	
Recommendation:	Approval
Applicant Name and Address: Daniel Quinn 34a Annaghmore Road Cookstown BT80 0JA	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is located in the rural countryside outside of any settlement designated under the Cookstown Area Plan 2010. It is a relatively flat, rectangular shaped plot cut from the southern portion of a much larger agricultural field. It is set back approx. metres from the annaghmore road and accessed via an existing concrete lane which serves a number of other bungalow dwellings. Whilst on site the dwelling directly south of the red line of the site which was approved under LA09/2018/439/F was under construction. There are no views of the site from the Annaghmore Road due to mature vegetation along the southern boundary of the site, along the lane serving the site and within the wider vicinity. Views of the site are limited to travelling along the lane.

Description of Proposal

Outline planning permission is sought for Proposed site for dwelling & garage in a cluster at 30m East of No34a Annaghmore Road, Cookstown.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 34, 34a, 36E and 36F Annaghmore Road. At the time of writing, no third party representations were received.

Planning History

There is not considered to be any planning history associated with the site itself however the surrounding lands has recent history which is considered throughout this report.

I/2013/0053/O - Site adjacent to and SW of 34a Annaghmore Lane, Coagh, - 1 no. storey and a half dwelling with separate double domestic garage – PERMISSION GRANTED

I/2014/0016/RM - Site 80m NW of 34A Annaghmore Road, Coagh, Cookstown, Co Tyrone, BT80 0JA - A Storey And A Half Dwelling With Seperate Double Domestic Garage – PERMISSION GRANTED 06.05.2014

LA09/2017/1227/O - S.W. and adjacent to 34a Annaghmore Road, Coagh - Dwelling and garage - APPLICATION WITHDRAWN

LA09/2018/0439/F - South East of 34a Annaghmore Road, Coagh - Relocation and change of house type to previously approved application I/2014/0016/RM (Amended siting) - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

The Cookstown Area Plan 2010 identifies the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan

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

This proposal is for a new dwelling and garage. The agent has also provided an indicative layout plan which shows how the proposed dwelling would be sited, especially in relation to the surrounding properties.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. I am content that the cluster appears as a visual entity in the local landscape. The third criterion notes that the cluster should be associated with a focal point such as a social/community building/facility or is located at a crossroads. In the report for LA09/2018/0439/O, an exception was granted on the basis of two previous permissions which were approved by the department (I/2013/0053/O and I/2014/0016/RM) on the grounds that the Kinturk Centre and Coyles Cottage (as outlined in blue and green in figure 1 below) were focal points associated which were associated with the site. Given the history associated with the site directly south (outlined with orange circle in figure 2) of the application site and noting that the site will have very limited public views or impacts on the character of the area, I recommend an exception to CTY 2a in this instance.



Figure 1 – Kinturk Centre and Coyles Cottage in relation to the application site



Figure 2 – Application site in relation to the previous approval LA09/2018/0439/F

The proposal meets with the fourth criterion where the site provides a suitable degree of enclosure and it is bounded on at least two sides with other development. I am content that the proposed development could be absorbed into the existing cluster of development without significantly altering the existing character or adversely impacting on the residential amenity. Noting the indicative layout plan, I am content that there would be sufficient separation distance between the proposed site and any of the neighbouring properties to avoid any issues such as privacy or overlooking concerns.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time, however I am content that a 1.5 storey dwelling could be designed to be appropriate at this site, given the dwelling currently under construction to the south of the site is 1.5 storey. Full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application, noting there is limited vegetation or landscaping along the existing boundaries at present.

DfI Roads were consulted on the proposal and have raised no issues with the proposal, subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2m x 33m in both directions and a 33m forward sight line and other details as set out in the attached form RS1, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

Reason: In the interests of visual and residential amenity.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s)

Date:

ANNEX	
Date Valid	3rd June 2021
Date First Advertised	15th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 34 Annaghmore Road, Ardboe, Cookstown, Tyrone, BT80 0JA The Owner/Occupier, 34a, Annaghmore Road, Cookstown, Tyrone, BT80 0JA The Owner/Occupier, 36E, Annaghmore Road, Cookstown, Tyrone, BT80 0JA The Owner/Occupier, 36F, Annaghmore Road, Cookstown, Tyrone, BT80 0JA	
Date of Last Neighbour Notification	6th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0840/O Proposal: Proposed site for dwelling & garage in a cluster, at 30m East of No34a Annaghmore Road, Cookstown. Address: 30m East of No34a Annaghmore Road, Cookstown., Decision: Decision Date: Ref ID: I/1993/0155 Proposal: Erection of dwelling Address: 36 ANNAGHMORE ROAD, COAGH, COOKSTOWN Decision: Decision Date: Ref ID: I/1991/0225 Proposal: Retirement Dwelling Address: TO REAR OF 36 ANNAGHMORE ROAD, COAGH, CO TYRONE. Decision: Decision Date:	

Ref ID: I/2001/0210/O
Proposal: Dwelling & Garage
Address: Site 35 M East of 36A Annaghmore Road, Coagh
Decision:
Decision Date: 16.07.2001

Ref ID: I/2000/0368/F
Proposal: Replacement dwelling
Address: 32 Annaghmore Road Ardboe Cookstown
Decision:
Decision Date: 20.06.2000

Ref ID: I/1986/0329
Proposal: DWELLING
Address: 34A ANNAGHMORE ROAD, COAGH, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1995/0453
Proposal: Extension and renovation to dwelling
Address: 34 ANNAGHMORE ROAD ANNAGHMORE COAGH
Decision:
Decision Date:

Ref ID: I/2014/0016/RM
Proposal: A Storey And A Half Dwelling With Seperate Double Domestic Garage
Address: Site 80m NW of 34A Annaghmore Road, Coagh, Cookstown, Co Tyrone, BT80 0JA,
Decision: PG
Decision Date: 06.05.2014

Ref ID: I/2012/0245/O
Proposal: A storey and a half dwelling with separate double domestic garage
Address: Site adjacent Southwest of 34a Annaghmore Lane, Coagh, Cookstown, Co. Tyrone BT800JA,
Decision: WITHDR
Decision Date: 20.02.2013

Ref ID: I/2013/0053/O
Proposal: 1 no. storey and a half dwelling with separate double domestic garage
Address: Site adjacent to and SW of 34a Annaghmore Lane, Coagh,
Decision: PG
Decision Date: 28.03.2013

Ref ID: LA09/2017/1227/O
 Proposal: Dwelling and garage
 Address: S.W. and adjacent to 34a Annaghmore Road, Coagh,
 Decision: WITHDR
 Decision Date: 23.04.2018

Ref ID: LA09/2018/0439/F
 Proposal: Relocation and change of house type to previously approved application
 I/2014/0016/RM (Amended siting)
 Address: South East of 34a Annaghmore Road, Coagh,
 Decision: PG
 Decision Date: 20.08.2018

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02
 Type: Concept Layout Plan
 Status: Submitted

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

02

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0909/O	Target Date:
Proposal: Farm dwelling & garage	Location: Approx 250m West of 18 Mawillan Road Moneymore
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Seamus Lagan 15 Mawillan Road Moneymore BT45 7XH	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	DAERA - Coleraine	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

It has been considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 2.2km south east of the settlement limits of Moneymore. The red line of the application site includes an existing access

that leads from the Mawillian Road, west and the site is a portion of a larger agricultural field. The access lane is a stoney laneway which rises as you travel from the public road. There is planting along the northern boundary of the lane and this continues around the northern boundary of the field. The southern boundary of the laneway has mature planting as does the southern boundary of the field. Views of the site are limited and it sits at a level above the public road. At the time of the site visit there were two buildings located on the site. The first was a open sided structure/building with metal sides and roof. The second was a pre fabricated style wooden structure which appeared to be used as a dwelling. Neither of these have planning permission and a separate planning enforcement case is open in relation to these. The surrounding area is agricultural in nature.

Description of Proposal

This is an outline planning application for a farm dwelling & garage.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 -Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

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

- demonstrable health and safety reasons; or

- verifiable plans to expand the farm business at the existing building group.

In respect to criteria (a) a consultation was issued to DAERA in which they have confirmed the Farm Business Id is currently active and has been in existence for more than 6 years. Therefore, the proposal meets this criteria.

Following a search on the planning portal, it appears that 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.

With regards criteria (c), the proposal is not sited to be visually linked or to cluster with an established group of farm buildings. It appears the site was due to be sited with the open sided structure and dwelling which are currently on site, however, as these do not have permission they can not be considered an established group of buildings on the farm. Clarification was sought from the agent on 4th October 2021 as to if the applicant owns any other farm buildings and to clarify why the application site is not included on the farm maps provided. No response was forthcoming. An email was then received from the agent on 30th November 2021 looking an update on the application. On 1st December 2021 I responded and stated we were still looking clarification on the points previously raised.

As no information has been forthcoming, the application fails to meet criteria Policy C, as it is not sited to be visually linked or to cluster with an established group of farm buildings.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, the proposed site is bounded to the north and south by existing mature development and I am content a dwelling at this location would not be a prominent feature in the landscape. Ancillary works would integrate with the surroundings. However, as previously stated the dwelling does not visually link or is sited to cluster with an established group of buildings on a farm so therefore, the proposal fails to comply with policy CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development.

Other Material Considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

PPS 6- Planning, Archaeology and the Built Heritage

HED were consulted as the site was located within close proximity to an archaeological site and monument. They responded to confirm there were content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements.

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

<p>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.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes/No</p>
<p>Summary of Recommendation:</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside. 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. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	15th June 2021
Date First Advertised	29th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Mawillian Road Moneymore Londonderry The Owner/Occupier, 18 Mawillian Road Moneymore Londonderry The Owner/Occupier, 20 Mawillian Road Moneymore Londonderry	
Date of Last Neighbour Notification	30th June 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0909/O Proposal: Farm dwelling & garage Address: Approx 250m West of 18 Mawillian Road, Moneymore, Decision: Decision Date: Ref ID: LA09/2020/0107/LDP Proposal: Proposed Pig Shed for 1200 weaner pigs at land approx. 350M S.W. of 18 Mawillian Road, Moneymore, BT45 7XH Address: Land approx. 350M South West of 18 Mawillian Road, Moneymore, BT45 7XH, Decision: PG Decision Date: Ref ID: I/2003/0030/O Proposal: Site for dwelling and garage (2 storey) Address: 450 Metres South West of 20 Mawillian Road, Moneymore Decision: Decision Date: 15.03.2003	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

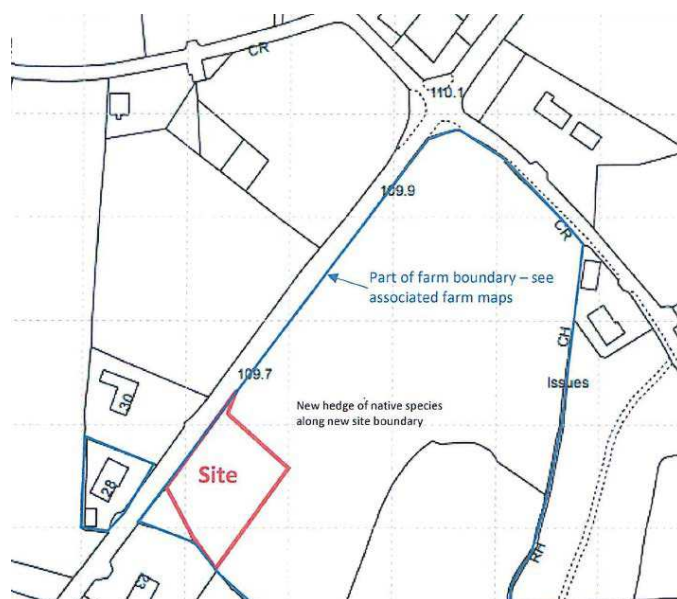


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0991/O	Target Date:
Proposal: Erection of new dwelling & detached garage	Location: Approx. 50m NE of 23 Castletown Road Aughnacloy
Referral Route: Contrary to CTY 2A and CTY 10 within PPS 21.	
Recommendation:	REFUSAL
Applicant Name and Address: Michael Jones 16 Tirelughan Road Aughnacloy BT69 6DB	Agent Name and Address: David Keys Architecture 15 Derganagh Road Dungannon BT702JY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The site is located at lands locate approx. 50m NE of 23 Castletown Road, Aughnacloy. The red line of the site includes a roadside portion of a larger agricultural field. The site is generally flat throughout and has existing hedging along the roadside and boundaries. The northern and eastern boundaries are currently undefined opening into the remainder of the agricultural field. The lands adjoining the site and a small plot including No.28 outlined in blue, which indicates ownership. The surrounding area includes a number of roadside residential properties but beyond that lands are rural in nature scattered with single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for a dwelling and detached garage.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 23, 28 and 30 Castletown Road. At the time of writing, no third party representations were received.

Planning History

LA09/2021/0652/PAD - Castletown Road, Aughnacloy - PAD for site at Castletown Road – PAD DECLINED

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

This proposal is for a new dwelling and detached garage. The agent has submitted a supporting statement where they set out how they feel the proposal meets with the policy criterion held within CTY 2a and CTY 10 of PPS 21. Both policies were considered at our group discussions.

DAERA have responded noting that the farm business is active and established and thus criterion (a) of CTY 10 is met. With respect to criterion (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. With respect to (c), the new dwelling would not be visually linked with the existing farm buildings on the site and therefore is contrary to the policy requirements.

The agent has referred to the grandparents dwelling and shed which is located across the road and has also provided a supporting statement, which sets out why the other lands within their control that could be visually linked with existing farm buildings in line with CTY 10, would not be suitable for the proposed dwelling. Health and safety reasons relating to a shooting range have been cited as one of the main reasons why they do not

wish to site beside the main farm dwelling and main group. The supporting information includes appendices that highlights the potential dangers and noise problems that they have already experienced from the nearby shooting range, alongside the lack of mature trees and hedging and distance from services, hence the reasoning behind this proposed siting. It is my view that there are other alternative siting options within the applicants ownership which would mean they would be able to site to visually link or cluster with an established group of farm buildings on the farm and thus the proposal fails on criterion (c) of CTY 10.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. Although there is a number of existing roadside dwellings and associated outbuildings, we are not content that the cluster appears as a visual entity in the local landscape. The third criterion notes that the cluster should be associated with a focal point such as a social/community building/facility or is located at a crossroads. Figure 1, as shown below, identifies the distance the between the proposed site and the crossroads to the NE of the site. There is approx. 173m distance between the application site and the crossroads and therefore we feel it cannot be read as one entity and therefore is contrary to this criterion. The identified site is bounded on two sides by development, to the NW and SW and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. There is sufficient separation distance and vegetation along the south western boundary to avoid any issues such as privacy or overlooking concerns.



Figure 1 – The application site in relation to the crossroads to the NE of the site.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application

thus no design has been stipulated at this time however given the character of the area and noting that the dwellings in the surrounding area are generally bungalows, I feel a proposed dwelling with a restricted ridge height of 5.5m would be most appropriate at this site if planning approval was to be granted. This would avoid the proposed dwelling appearing overly dominant and also will be in keeping with the surrounding development. The existing hedging should also be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application, again if approval were to be granted.

Having considered all of the above and noting that the proposal site is not within an identifiable cluster of development and thus contrary to policy, we feel the application should be refused.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and (is not located at a cross-roads. The dwelling would if permitted alter the existing character of the cluster visually intrude into the open countryside.

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

Signature(s)

Date:

ANNEX	
Date Valid	30th June 2021
Date First Advertised	13th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Castletown Road Aughnacloy Tyrone The Owner/Occupier, 28 Castletown Road Aughnacloy Tyrone The Owner/Occupier, 30 Castletown Road Aughnacloy Tyrone	
Date of Last Neighbour Notification	15th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0652/PAD Proposal: PAD for site at Castletown Road. Address: Castletown Road, Aughnacloy., Decision: Decision Date: Ref ID: LA09/2021/0991/O Proposal: Erection of new dwelling & detached garage Address: Approx. 50m NE of 23 Castletown Road, Aughnacloy, Decision: Decision Date: Ref ID: M/1995/0131 Proposal: Dwelling Address: 20M SOUTH OF 28 CASTLETOWN ROAD, AUGHNACLOY Decision: Decision Date:	

<p>Summary of Consultee Responses</p> <p>DAERA: Confirmed the active and establishment of the farm business Dfl Roads: Content, subject to conditions.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1252/F	Target Date:
Proposal: Dwelling and garage (change of design details from that approved and commenced under I/2011/0240/F)	Location: 370m NW of junction of Glernarney and Knockaleery Roads Cookstown
Referral Route: One letter of objection	
Recommendation:	Approved
Applicant Name and Address: Mrs Amanda McCord 31 Drumnacross Road Cookstown BT80 4EA	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary: Full planning is sought for a change of house type for a dwelling and garage in lieu of a previous approval I/2011/0240/F based on an Infill. Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection has been received; all other material considerations have been addressed within the determination within the report.	
Signature(s):	

Case Officer Report

Site Location Plan





Fig. 1. LA09-2021-1252/F Shows proposed design details



Fig. 2. Shows design details approved under I/2011/0240/F

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

Summary of Issues

Full planning is sought for a change of house type for a dwelling and garage in lieu of a previous approval I/2011/0240/F based on an Infill. Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection has been received; all other material considerations have been addressed within the determination within the report.

Characteristics of the Site and Area

The application site is approx. 370m NW of the junction of Glernarney and Knockaleery Roads, Cookstown, which is located in open countryside as defined in the Cookstown Area Plan 2010. The site is accessed directly off the Northern side of the Knockaleery Road. There is an existing agricultural opening which will provide the access point into the site. The site is an irregularly shaped plot and makes up part of a much larger agricultural field. The site is at a low level with

the topography rising to the NE- the proposed dwelling will be located in a hollow alongside a mature hedgerow which defines the SW boundary of the site. There are two intervening hedgerows between the site and the public road so views will be limited to the immediate vicinity of the existing dwelling.

The surrounding area is rural upland in character. There is a low degree of development pressure along this laneway- the area is fairly remote however existing development in the area is typified by single dwellings and farm groups with associated outbuildings. Drum Manor Forest Park is close by N of the site.

Description of Proposal

The applicant is seeking full planning permission for a change of house type as previously approved under I/2001/0240/F PG 05/12/2011.

Planning history.

I/2011/0240/F - Erection of a dwelling and detached garage at 370m NW of junction of Glernarney and Knockaleery Roads, Cookstown. PG 05/12/2011.

LA09/2021/0826/LDP - Construction of dwelling in compliance with planning permission I/2011/0240/F Invalid

I/2006/0565/O - Proposed Dwelling & Garage 370 Metres North West of Junction of Glernarney & Knockaleery Roads. PG 13/04/2007.

LA09/2021/0027/CA unauthorised garage used for residential purposes and visibility splays not in place - 370 Metres North West of Junction of Glernarney & Knockaleery Roads

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 this report one objection email was received on 20.10.2021. 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 14/02/2022; 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 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

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 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 6 Archaeological and the Built Environment
4. PPS 21 Sustainable Development in the Countryside (CT3, CTY 13 & 14)
5. PPS 3 Access, Movement and Parking.
6. Building on Tradition A sustainable design guide for rural NI.

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?.

The principle of development has already been established through previous approval I/2011/0240/F, a letter from building control has confirmed that works commenced on site before the expiration with foundations poured on concrete being evident on site during visit. With this in mind the proposed application must still comply under CTY 13 and 14.

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 previously noted I am content that the previously approved dwelling has lawfully commenced which has been reinforced to what was witnessed during the site visit.

Objection Assessment.

MUDC Planning Department received an objection (email) sent on 20/10/2021.
Summary of the issues raised in the above letter:

- Referred to an authorised development on site;
- Development does not comply to what was approved under I /2011/0240/F;
- The objector is seeking an update relating to an active enforcement case.
- Non compliance regarding visibility splays. DFI Roads were consulted and responded having no objection to the development subject to condition and Informatives.

The application relates to changes to a previous approval granted under I/2011/0240/F. I am content that pre-commencement works and verified by Building Control establishes the principle of development and that visibility splays are in place.

I am unable to comment on an active enforcement file pertaining to the site.

Assessment.

Given the topography of the landform coupled with the existing and proposed landscaping I am content that a dwelling will be able to successfully integrate into the landscape. I note that the access to the public road remains the same as previously. In terms of the proposed design and after brief group discussions that it has been agreed that it is acceptable in 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 also satisfied that on balance that this 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;

DFI Roads were consulted and confirmed that they had no objection to the proposal subject to conditions and Informatives

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 was due to close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

There are issues with regards to flooding, residential amenity or ecology.

I recommend approval

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approved

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 2.4 x 80 metres and an 80 metre forward sight distance, shall be provided in accordance with Drawing No 01 (Rev-1) bearing the date stamp 17 Nov 2021 and Drawing No 02 (Rev-1) bearing the date stamp 24 Nov 2021 prior to the commencement of any other development hereby permitted. The area within the visibility

splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3.All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 06th February 2020 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

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 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.

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 domestic garage hereby approved shall be used only for domestic purposes ancillary to the dwelling hereby approved.

Reason: To prohibit an unacceptable change of use.

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.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.

4.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.

5. 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.

6. 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	
Date Valid	27th August 2021
Date First Advertised	7th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21, Knockaleery Road, Terrywinny, Cookstown, Tyrone, BT80 9EG, The Owner/Occupier, 23, Knockaleery Road, Terrywinny, Cookstown, Tyrone, BT80 9EG, Brian Hopper Email Address	
Date of Last Neighbour Notification	14/02/2022
Date of EIA Determination	N/A
	No
Planning History Ref ID: LA09/2021/1252/F Proposal: Dwelling and garage (change of design details from that approved and commenced under I/2011/0240/F) Address: 370m NW of junction of Glernarney and Knockaleery Roads, Cookstown, Decision: Decision Date:	
Ref ID: I/2002/0089/O Proposal: Proposed site for 2 storey dwelling & garage Address: 320 Metres West of junction of Knockaleery Road & Glenarney Road, Cookstown Decision: Decision Date: 27.05.2002	
Ref ID: I/2002/0090/O Proposal: Site for dwelling & garage Address: Knockaleery Road, 300 Metres West of junction of Knockaleery Road & Glenarney Road, Cookstown Decision: Decision Date: 12.02.2003	
Ref ID: I/2011/0240/F	

Proposal: Proposed dwelling & garage
 Address: 370m NW of junction of Glernarney & Knockaleery Roads, Cookstown,
 Decision:
 Decision Date: 10.12.2011

Ref ID: I/2006/0565/O
 Proposal: Proposed Dwelling & Garage
 Address: 370 Metres North West of Junction of Glernarney & Knockaleery Roads,
 Cookstown
 Decision:
 Decision Date: 16.04.2007

Ref ID: I/1996/0171
 Proposal: Site for dwelling and garage
 Address: 320M WEST OF JUNCTION OF KNOCKALEARY ROAD/GLENARNY ROAD,
 COOKSTOWN
 Decision:
 Decision Date:

Ref ID: I/2011/0065/F
 Proposal: Proposed change of house type and re-siting of dwelling and garage from
 previously approved application I/2008/0053/RM
 Address: Land 320m west of junction of Knockaleery Road and Glenarney Road,
 Cookstown,
 Decision:
 Decision Date: 08.07.2011

Summary of Consultee Responses

Content

Drawing Numbers and Title

Drawing No. 02 (REV-1)
 Type: Proposed Plans
 Status: Submitted

Drawing No. 01 (Rev-1)
 Type: Site Layout or Block Plan
 Status: Submitted

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1315/F	Target Date:
Proposal: Retention of hard cored yard for farm storage along with proposed farm storage shed	Location: Adjacent to 18 Keenaghan Road Cookstown
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSAL
Applicant Name and Address: Vincent Dynes 18 Keenaghan Road Cookstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

Representations:

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

Summary of Issues including Representations

No representations have been received in respect of this proposed development.

Characteristics of the Site and Area

The site is located within a rural area, 7Km south west of Cookstown, 5Km north east of Pomeroy and 3Km north west of The Rock. The field has been excavated to lower the ground levels well below the adjacent road level and has been completely hardcored. The access laneway sweeps down from the highest point at the north western corner, into the site which is bounded along the roadside by a low hedge of shrubbery/gorse hedging set on a low embankment. The access point is paired with the access to No's. 28 and 28A. There are virtually no visibility splays existing at present.

The site is currently used for the storage of 32no. shipping containers, of various sizes, which are arranged around the outer boundary of the site. The applicant's dwelling is located adjacent to the southern boundary, sits lower than the site and is accessed via a separate concrete laneway which extends along the eastern boundary of the site. There are critical views of the site on approach from both the east and west.

Description of Proposal

Retention of hard cored yard for farm storage along with proposed farm storage shed.

The site is located within the field indicated on the farm map as 6/104/232/4 and the entire field extends to 0.11ha.

The proposal includes the erection of a single shed for farm storage and measures 31.081m x 12.792m with an eaves height of 6.1m and rising of a ridge height of 7.5m. The shed is to be positioned towards the northern boundary between 6m and 12m from the Keenaghan Road. The shed has 2.4m high walls with a smooth render finish with a Goosewing Grey coloured box profiled cladding over and similar type cladding on the roof. The shed has two large roller shutter doors in the southern elevation with two pedestrian, one in each gable. The site ground levels are approximately 2.5m below the adjoining road level at the access point with the road level dropping towards the east. Given the reduced site levels, the ridge of the proposed building will be around 5m above the adjoining road level. The proposed site encompasses the entire field.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
I/1986/0497	KEENAGHAN ROAD, SKENAGHER	PROPOSED DWELLING	PERMISSION GRANTED	
I/1987/0174	KEENAGHAN ROAD, SKENAGHER	DWELLING	PERMISSION GRANTED	
LA09/2021/1315/F	Adjacent to 18 Keenaghan Road, Cool	Retention of storage yard with proposed farm building, ii	VALID APPLICATION RECEIVED	
I/2007/0695/D	130m North East of 4 Shancraig Villas,	Proposed site for dwelling & Garage	APPLICATION WITHDRAWN	06.08.2010
I/1986/0064	16 KEENAGHAN ROAD, DUNGANN	IMPROVEMENTS TO DWELLING	PERMISSION GRANTED	
LA09/2021/0051/CA	Adjacent To 18 Keenaghan Road,Dun	Unauthorised change of use to facilitate the siting of me	NEGOTIATE TO RESOLVE	

4.0 Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Cookstown Area Plan 2010. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies certain criteria.

It must therefore be considered if the farm business is both active and established. DAERA have advised that the farm business ID number was allocated on 11th April 2018 as a Category 3 farm business which does not entitle the farm business to claim any land payments or other agri-environment payments. The land does however, appear to be farmed although the field in question can no longer be farmed has been entirely taken over by the current use of storage.

The applicant has also submitted copies of several receipts and documentation including the following:-

Notification of Tuberculosis Test Results for two bovine animals;

Animal feeds;

Supply and erecting fencing and gates and purchase of materials for same;

Cleaning land drains;

Purchase of hay and straw bales;

Purchase of a tractor, repairs to same and consumables;

Hedge cutting;

Tyre repairs;

Purchase of concrete products;

Purchase of fertiliser;

A statement that there are 2 cattle in the applicants herd and although they have a flock number, they have not bought any sheep until they have handling facilities.

Therefore it is accepted that the business is active, however, it has not been satisfactorily demonstrated that the farm business has been established for at least 6 years. The applicant has claimed that they were previously a member of another farm business and details of that business were provided. However, the extract provided clearly shows that the other farm business was registered to Patrick James Thompson and the applicant is associated with that business. Mr Thompson's farm business is a Category 1 farm business and has been registered since 12th May 2005.

The supporting statement advises that there are no farm buildings on the existing holding and from a check of the lands contained within the farm maps provided, this would appear to be the case. Consequently the applicant has failed to demonstrate how their farm business has been established for the necessary 6 years.

The proposal must also meet all the following criteria;

- It is necessary for the businesses efficient use;

The supporting statement advises that the applicant does not currently have any buildings on his farm holding and therefore requires this shed to; provide shelter for animals, store animals feed and equipment, treat and test animals and for isolation purposes. The statement also advises that there are no buildings on the applicants uncles holding either. It would therefore seem necessary that given the applicant does not have any existing buildings on the farm holding, that they should be permitted to erect a building for the purposes stated.

- it is appropriate in terms of character and scale;

The character and scale of the proposed building is acceptable in the rural area as it is of a typical agricultural design and finish.

- it visually integrates;

Whilst it is acknowledged that the site levels have been lowered to almost 2.5m below the road level, given the proposed shed has a ridge height of 7.5m above ground level, this will result in a large shed of around 400m² sitting around 5.0m above road level. Undoubtedly the proposed shed will have a visual impact on the local landscape, however, as it will nestle into the side of a small site set below the road

level and will be partially screened at low level by the boundary hedgerows, it will achieve a small degree of integration, albeit, not to such an extent to justify a refusal.

- there will be no adverse impact on natural or built heritage;
the proposed development will not have an adverse impact on either natural or built heritage;
- there will be no detrimental impact on residential amenity;

The proposed building, which is being sought for housing animals amongst other things, will be around 80m from the nearest third party dwelling. The minimum recommended separation distance between agricultural buildings and third party residential amenity is 75m. Therefore, the proposed building, even if it is entirely used for animal housing, should not have a detrimental impact on residential amenity.

Additionally, in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;

As detailed above, there are no existing buildings on the applicant's farm holding.

- the design and materials to be used are sympathetic to the locality and adjacent buildings;
the design and materials are acceptable for this rural location; and

- the proposal is sited beside existing farm or forestry buildings;

as discussed above, there are no existing buildings on the farm holding, therefore the proposed building will be the first farm building.

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

it is essential for the efficient functioning of the business; or

there are demonstrable health and safety reasons.

The proposal is for a farm building on a site where there are currently no existing farm buildings. The only building associated with the farm business is the applicants dwelling which sits on an adjacent site.

Although, the proposed building is not sited beside existing farm buildings, it is sited adjacent to the only building on the farm, ie. the applicants dwelling. It is accepted that the applicant has a need for a farm building and therefore the proposal satisfies this policy test.

CTY 13 - Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. As discussed above, the proposed building will achieve an acceptable degree of integration into the surrounding landscape.

CTY 14 - Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. There are no buildings currently on site and the only adjacent building is the applicants dwelling. The proposal will not, even when viewed in association with the applicants dwelling, cause a detrimental impact on visual character by way of build up.

Recommendations

In considering the above, it is my opinion that the proposal meets all the policy tests for a building on the farm, however, the applicant does not meet the policy test of having a farm business for at least 6 years. Therefore the proposal is contrary to policy CTY 12 and is recommended for refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reason stated below:-

<p>Reason for Refusal:</p> <ol style="list-style-type: none">1. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business has not been in existence for at least 6 years.
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	7th September 2021
Date First Advertised	21st September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Keenaghan Road,Dungannon,Tyrone,BT70 3JL The Owner/Occupier, 19 Keenaghan Road,Dungannon,Tyrone,BT70 3JL The Owner/Occupier, 28 Keenaghan Road,Cookstown,Tyrone,BT70 3JL The Owner/Occupier, 28a ,Keenaghan Road,Dungannon,Tyrone,BT70 3JL	
Date of Last Neighbour Notification	6th October 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/1986/0497 Proposal: PROPOSED DWELLING Address: KEENAGHAN ROAD, SKENAGHHERGNEY, ROCK, DUNGANNON Decision: Decision Date: Ref ID: I/1987/0174 Proposal: DWELLING Address: KEENAGHAN ROAD, SKENAGHERGNEY ROCK, DUNGANNON Decision: Decision Date: Ref ID: LA09/2021/1315/F Proposal: Retention of storage yard with proposed farm building, internal use of building to be shared with the storage of farm machinery and storage of containers used in association with the applicants removal business Address: Adjacent to 18 Keenaghan Road, Cookstown, Decision: Decision Date: Ref ID: I/2007/0695/O Proposal: Proposed site for dwelling & Garage	

Address: 130m North East of 4 Shancraig Villas, Keenaghan Road Cookstown
 Decision:
 Decision Date: 06.08.2010

Ref ID: I/1986/0064
 Proposal: IMPROVEMENTS TO DWELLING
 Address: 16 KEENAGHAN ROAD, DUNGANNON
 Decision:
 Decision Date:

Summary of Consultee Responses

DfI Roads and Ni Water did not raise any issues.
 Environmental Health advised that the initial proposed buildings should only be used for the storage of agricultural machinery and storage or distribution, to protect residential amenity from Noise and Odour. However, the proposal was amended to a single shed to be used for agricultural use including housing and treatment of animals including general farm storage. As the proposed shed is located in excess of 75m from the nearest third party dwelling, it is not envisaged that it will create a nuisance by way of noise or odour.
 DAERA advised that the applicants has a Category 3 farm business number but has not had this for the necessary 6 years.

Drawing Numbers and Title

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

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

Drawing No. 03/1
 Type: Proposed Floor Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/03/2022	Item Number:
Application ID: LA09/2021/1458/F	Target Date:
Proposal: Conversion of existing barn to dwelling house	Location: 40m West of 54 Coash Road Dungannon
Referral Route: 1. Objection from third party at neighbouring dwelling.	
Recommendation:	Approval
Applicant Name and Address: Philip Mc Clung 54 Coash Road Dungannon	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64 - 66a Main Street Coalisland BT71 4NB
Executive Summary: The proposal is for the conversion of an existing barn to a dwelling and is situated along a laneway off Coash Road. There are no extensions to the footprint of the building and two car parking spaces are shown on the block plan to serve the dwelling.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	

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 and on the edge of the settlement limit of Ballynakilly as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area to the south is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single dwellings and is outside the limits. To the east and along an existing lane with the site is a two storey dwelling and there is a single dwelling at the point where the access meets the Coash Road.

The application site comprises an existing shed along a lane. The shed has external finishes of blockwork walls and red tin sheeting on the roof. Adjacent to the shed is an area where there are raised planting area which is overgrown.

Description of Proposal

This is a full application for the conversion of existing barn to dwelling house at 40m West of 54 Coash Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

A representation was received by email on the 5th November 2021 from the owners/occupiers of No. 52 Coash Road which is the dwelling at the junction of the access and Coash Road.

The objector states there is a lack of room for builders, machinery, deliveries or a place to park a car at the site. Consequently a revised block plan has been submitted showing space for the parking of two cars. The applicant has shown they control land to the east of the site on a large plot at a neighbouring dwelling. Any building works or deliveries would be temporary so I am content they can be accommodated.

The objector states that asbestos is being stored in the barn. This is a health and safety matter and not a material planning consideration. I discussed this issue with Environmental Health who stated the Health and Safety Executive enforce the removal of asbestos from existing buildings and the Council have no regulatory powers in this matter.

The objector states that there are a lot of wild flowers and raised beds to the side of the barn and this attracts bees and butterflies and it would be unfortunate to lose these. The applicant has proposed planting to the side of the existing building.

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

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limit of Ballynakilly as defined in the Dungannon and South Tyrone Area Plan 2010 so SETT 1 is the relevant policy which applies. The site is not within any other zonings or designations within the Plan.

I am content the proposed conversion is sensitive to the size, character and function of Ballynakilly. The proposal is for the conversion of an existing building with no additional extensions to overdevelop the site and the building is along an established access. The proposal respects the constraints of the site as the applicant has not included further development. I am content there will not be an unacceptable impact on neighbour amenity by way of overshadowing, loss of light or loss of privacy. There are new windows on the rear elevation but they are facing onto agricultural fields. There are new windows on the front elevation but as these will face onto another large shed there will be no loss of privacy to neighbouring dwellings as shown in fig 1 below. I consider there are no conservation interests at the site. The applicant has shown on the block plan space for the parking of two cars so I am content there is sufficient access and parking arrangements at the site. The applicant has proposed to connect to the mains sewer as the site is within the settlement limit.



Fig 1 – photo from the site visit showing the front elevation of the barn.

The proposal is in accordance with policy in the SPPS for the conversion of buildings to dwellings as discussed below.

Overall I consider the proposal meets all the criteria in SETT 1.

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. The SPPS defines a suitable building as a former school house, church or other traditional barns and outbuildings. I am content the building which is the subject of this application is a traditional outbuilding and is suitable for conversion to a dwelling.

PPS 7 – Quality Residential Environments

The proposal is for the conversion of the existing barn to a dwelling and there are no extensions to the footprint of the building. As shown in fig 1 below the dwelling will have the front door and the windows on the front and back will have a vertical emphasis. I am content the design is acceptable as long narrow windows on the front and back is typical for a vernacular dwelling. As this is currently an old barn a design for a rural dwelling would be most acceptable. The proposed external finishes are white render walls, aluminium grey windows and tin roof. I am content the finishes are acceptable and will respect the character of the surrounding area.

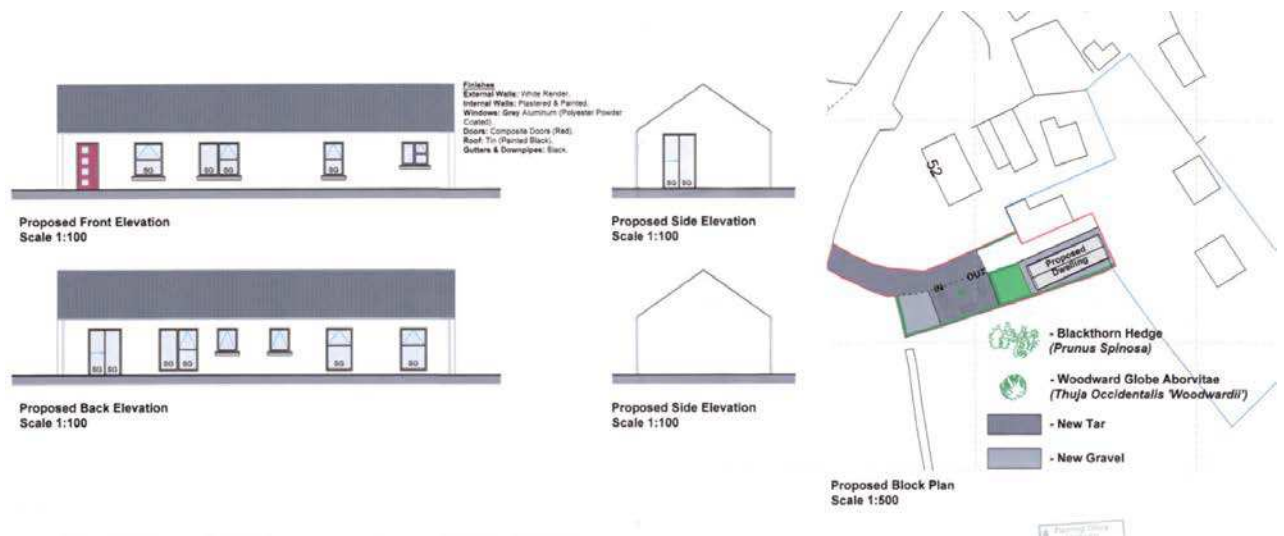


Fig 1 – Snapshot of the proposed elevations and block plan

There are no archaeological or built heritage designations or zonings at the site.

As the proposal is for a single dwelling there is no need for the provision of public open space. I am content there is sufficient private open space at the site in accordance with guidance in Creating Places. There is an area of land to the south west of the barn and within the curtilage.

There is no need for the provision of neighbourhood facilities with this proposal.

The site is on the edge of the settlement limit so there is provision for walking and cycling within the limits and to the wider countryside.

The applicant has shown on the block plan there is space for the parking of two cars at the site.

The proposal is within the settlement limit of Ballynakilly where there are other dwellings surrounding the site which will promote personal safety.

Overall, I am content the proposal meets all the criteria in QD1 in PPS 7.

PPS 3 Access, Movement and Parking

The proposal is for the conversion of an existing barn to a dwelling so there is an intensification of the existing lane and DFI Roads were consulted. DFI Roads had no

concerns about to conditions about visibility splays of 2.4m x 35m to the north and 2.4m x 45m to the south and informatives.

Other Considerations

I consulted NED, HED and flooding map viewers and the site is not impacted by any of these issues.

The site is within an area where there are abandoned mines but as the proposal is for the conversion of an existing building it is not necessary to consult GSNI.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for approval as it complies with all the criteria in SETT1 in the Plan and Policy QD1 in PPS 7 – Quality Residential Environments.

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 35m to the north and 2.4m x 45m to the south shall be provided in accordance with drawing 04 date stamped 06 DEC 2021. 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. All landscaping comprised in the approved details of landscaping on the approved Drawing No 02 Rev 1 date stamped 13 DEC 2021 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree shrub or other plants 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: To ensure the development 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 Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

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

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

It is the responsibility of the developer to ensure that

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1481/F	Target Date:
Proposal: New Dwelling & Detached Garage to supercede part of existing approval H/2000/0418/F	Location: Site at No.1 Beech Lane Maghera BT46 5GG
Referral Route: Approval - To Committee - One objection received.	
Recommendation:	
Applicant Name and Address: Michael Burke 6 Crew Road Maghera BT46 5EZ	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

To Committee - One objection received.

Characteristics of the Site and Area

The site is located within the development limits of Maghera, but also it within land zoned for housing as defined by the Maghera Area Plan 2015. The site is located within an existing development known as 'Beech Lane' in which includes two developed dwellings with three marked out sites for dwellings already approved. The site is currently accessed via an existing access that serves two other dwellings. I note that immediate and surrounding area is characterised by a mix of development inclusive of residential, schools, commercial and agricultural land uses.

Relevant planning history

H/2000/0418/F - 10 No. Dwellings And Garages - To The Rear Of 83 Glen Road, Maghera - Permission Granted - 07.11.2000

Representations

There were six neighbour notification letters sent out however one objection has been received.

Description of Proposal

This is a proposed full application for a New Dwelling & Detached Garage to supersede part of existing approval H/2000/0418/F, the site is located Site at No.1 Beech Lane, Maghera. I note that principle of development has already been established under H/2000/0418/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.

Magherafelt Area Plan 2015
 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. I note that site lies just outside an ATC but there is no conflict with this.

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

First I note that a development this size does not require public open space. I am content that sufficient private amenity space has been provided.

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 a 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 similar to that previously approved on the site, with the addition of a sun room towards the rear of the dwelling. As such 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:-

Again the design and layout are similar to that previously approved, as such even with the small changes to the proposal 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

The proposed site intends to use an existing access that already serves two other dwellings, I am content that the access in place complies under PPS 3.

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 during the planning process one objection has been received, summary of objections are as follows;

- Obstruction of the current view we enjoy of the Glenshane mountain and surrounding countryside;
- Loss of light (sunlight/daylight);
- Loss of privacy (being overlooked);
- Diminution in value;
- Increase in noise/traffic.

In response to the comments made by the objector, I acknowledge the concern over the loss of a view however it is determined no one has a right to a view as such this concern has no determining weight. In terms of loss of light and privacy, given the separation distance between the site and the objectors house I would be content that this dwelling would unlikely have any impact on the objectors amenity. In terms of the diminution in value, I note that this is not a planning concern and not given any determining weight. Finally in terms of additional noise and traffic, DFI Roads were consulted and confirmed that the access arrangements are acceptable. As such I note that a dwelling has already been approved in this location as such I am content that there shouldn't be any adverse noise created as a result of this dwelling.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

1. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: H/2000/0418/F on the 07.11.2000 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on 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 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:

ANNEX	
Date Valid	8th October 2021
Date First Advertised	19th October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Beech Lane Maghera Londonderry The Owner/Occupier, 5 Beech Lane Maghera Londonderry The Owner/Occupier, 5 Culglas Maghera Londonderry The Owner/Occupier, 81a ,Glen Road,Maghera,Londonderry,BT46 5AP Naomi Campbell 81a, Glen Road, Maghera, Londonderry, Northern Ireland, BT46 5AP The Owner/Occupier, 83 Glen Road Maghera Londonderry The Owner/Occupier, 85 Glen Road,Maghera,Londonderry,BT46 5AP	
Date of Last Neighbour Notification	10th November 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/1987/0074 Proposal: SITE OF HOUSING DEVELOPMENT Address: BETWEEN NOS 37 AND 49 WILLIAM STREET BELLAGHY Decision: Decision Date: Ref ID: H/1983/0076 Proposal: BUNGALOW AND GARAGE Address: MULLAGHBOY ROAD, BELLAGHY Decision: Decision Date: Ref ID: LA09/2021/1498/F Proposal: New dwelling & detached garage to supercede part of existing approval H/2000/0418/F Address: Site at No. 2 Beech Lane, Maghera,	

Decision:
Decision Date:

Ref ID: LA09/2019/0457/TPO

Proposal: Consent to carry out works to Protected Trees

Address: 81 Glen Road, Maghera, BT46 5AP,

Decision:
Decision Date:

Ref ID: LA09/2021/1481/F

Proposal: New Dwelling & Detached Garage to supercede part of existing approval
H/2000/0418/F

Address: Site at No.1 Beech Lane, Maghera, BT46 5GG,

Decision:
Decision Date:

Ref ID: H/2001/0573/F

Proposal: Change of house types

Address: Housing Development, Glen Road, Maghera

Decision:
Decision Date: 25.01.2002

Ref ID: H/2005/0850/F

Proposal: Change of House Type (Site No 5) to previously approved application
H/2000/0418

Address: Glen Road, Maghera

Decision:
Decision Date: 14.02.2006

Ref ID: H/2006/0650/LDE

Proposal: Retaining Wall

Address: Cul Glas Housing Estate, Glen Road, Maghera

Decision:
Decision Date:

Ref ID: H/2000/0418/F

Proposal: 10 No. Dwellings And Garages

Address: To The Rear Of 83 Glen Road, Maghera

Decision:
Decision Date: 07.11.2000

Ref ID: H/1999/0333

Proposal: HOUSING DEVELOPMENT(12 DWELLINGS & GARAGES)

Address: TO THE REAR OF 83 GLEN ROAD, MAGHERA

Decision:
Decision Date: 19.06.2000

Ref ID: H/1988/0552

Proposal: SITE OF HOUSING DEVELOPMENT

Address: OPP NO 80 GLEN ROAD MAGHERA

Decision:

<p>Decision Date:</p> <p>Ref ID: H/2010/0367/F</p> <p>Proposal: Proposed change of house type at site No.7 (approved under H/2000/0418/F)</p> <p>Address: Site No.7 Beech Lane, Glen Road, Maghera</p> <p>Decision:</p> <p>Decision Date: 16.09.2010</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 03 Type: Proposed Plans 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>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1498/F	Target Date:
Proposal: New dwelling & detached garage to supercede part of existing approval H/2000/0418/F	Location: Site at No. 2 Beech Lane Maghera
Referral Route: To Committee - Approval - Three objections have been received.	
Recommendation:	
Applicant Name and Address: Barry Hampson 4 Beaver Drive Maghera BT46 5RQ	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	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

To Committee - Approval - Three objections have been received.

Characteristics of the Site and Area

The site is located within the development limits of Maghera, but also it within land zoned for housing as defined by the Maghera Area Plan 2015. The site is located within an existing development known as 'Beech Lane' in which includes two developed dwellings with three marked out sites for dwellings already approved. The site is currently accessed via an existing access that serves two other dwellings. I note that immediate and surrounding area is characterised by a mix of development inclusive of residential, schools, commercial and agricultural land uses.

Relevant planning history

H/2000/0418/F - 10 No. Dwellings And Garages - To The Rear Of 83 Glen Road, Maghera -Permission Granted - 07.11.2000

Representations

There were five neighbour notification letters sent out however three objections have been received.

Description of Proposal

This is a proposed full application for a New Dwelling & Detached Garage to supersede part of existing approval H/2000/0418/F, the site is located Site at No. 2 Beech Lane, Maghera. I note that principle of development has already been established under H/2000/0418/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.

Magherafelt Area Plan 2015

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 an ATC lies just outside the site but I am content that there is no conflict with this. From review of the surrounding area I am content that there is no conflict with any archaeological and built heritage, and landscape features.

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

A development this size does not require public amenity space, in that I am content that sufficient private amenity space has been provided.

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 a 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:-

In terms of the proposed design I note that this type of dwelling has become quite common, as such I am content that the design is acceptable in this area.

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 first note that whilst the proposed dwelling is located within an existing housing development known as 'Beech Lane' that were all approved with a similar design, that the wider context of the site is characterised by a mix of housing types. In which I note that the proposed dwelling will have a slightly higher ridge of about 1m (check heights), this is felt not significant in that it would likely to have an unacceptable adverse impact. As such I am content that the dwelling may differ from the rest of the development that it will not 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

The proposed site intends to use an existing access that already serves two other dwellings, I am content that the access in place complies under PPS 3.

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.

During the planning process I note that three objections were received in connection to this application, summary of the objections are as follows;

- Concerns over the visual appearance of the dwelling mainly that of the full height glass panel along the front elevation over the door. The view from objections is that this design does not reflect the other dwellings in the development and would be out of character in comparison to what was previously approved.
- Obstruction of the current view we enjoy of the Glenshane mountain and surrounding countryside;
- Loss of light (sunlight/daylight);
- Loss of privacy (being overlooked);
- Diminution in value;
- Increase in noise/traffic.

In response to these comments, whilst I acknowledge the comments I must point out that it is a wide variety of houstypes in the immediate area and planning where possible dose try to promote a variety of designs if possible. As such I am content that the design is acceptable. With regards to the loss of a view, whilst I acknowledge this concern no one has a right to a view and as such no determining weight is given. In terms of loss of light and privacy, I note that the dwelling is only 1m higher than that previously approved and given the site layout coupled with only ground floor windows on the gable with the objector I am content that it is unlikely to given rise to loss of amenity. Furthermore whilst I acknowledge the concern over diminution in value again this is not a material consideration and not given any determining weight. Finally in terms of additional noise and traffic, DFI Roads were consulted and confirmed that the access arrangements are acceptable. As such I note that a dwelling has already been approved in this location as such I am content that there shouldn't be any adverse noise created as a result of this dwelling.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approval	
Conditions: 1. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: H/2000/0418/F on the 07.11.2000 and only one dwelling shall be constructed on the site. Reason: To ensure that only one dwelling is constructed on 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 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:	

ANNEX	
Date Valid	12th October 2021
Date First Advertised	26th October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Beech Lane Maghera Londonderry The Owner/Occupier, 5 Beech Lane Maghera Londonderry The Owner/Occupier, 5 Culglas Maghera Londonderry The Owner/Occupier, 81a ,Glen Road, Maghera, Londonderry, BT46 5AP The Owner/Occupier, 83 Glen Road Maghera Londonderry Eimer Doherty Email Address Brenda Gunning Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/1987/0074 Proposal: SITE OF HOUSING DEVELOPMENT Address: BETWEEN NOS 37 AND 49 WILLIAM STREET BELLAGHY Decision: Decision Date: Ref ID: H/1983/0076 Proposal: BUNGALOW AND GARAGE Address: MULLAGHBOY ROAD, BELLAGHY Decision: Decision Date: Ref ID: LA09/2021/1498/F Proposal: New dwelling & detached garage to supercede part of existing approval H/2000/0418/F Address: Site at No. 2 Beech Lane, Maghera,	

Decision:
Decision Date:

Ref ID: LA09/2019/0457/TPO

Proposal: Consent to carry out works to Protected Trees

Address: 81 Glen Road, Maghera, BT46 5AP,

Decision:
Decision Date:

Ref ID: LA09/2021/1481/F

Proposal: New Dwelling & Detached Garage to supercede part of existing approval
H/2000/0418/F

Address: Site at No.1 Beech Lane, Maghera, BT46 5GG,

Decision:
Decision Date:

Ref ID: H/2000/0418/F

Proposal: 10 No. Dwellings And Garages

Address: To The Rear Of 83 Glen Road, Maghera

Decision:
Decision Date: 07.11.2000

Ref ID: H/1999/0333

Proposal: HOUSING DEVELOPMENT(12 DWELLINGS & GARAGES)

Address: TO THE REAR OF 83 GLEN ROAD, MAGHERA

Decision:
Decision Date: 19.06.2000

Ref ID: H/1988/0552

Proposal: SITE OF HOUSING DEVELOPMENT

Address: OPP NO 80 GLEN ROAD MAGHERA

Decision:
Decision Date:

Ref ID: H/2010/0367/F

Proposal: Proposed change of house type at site No.7 (approved under H/2000/0418/F)

Address: Site No.7 Beech Lane, Glen Road, Maghera

Decision:
Decision Date: 16.09.2010

Ref ID: H/1994/0264

Proposal: DWELLING

Address: ADJ TO 81 GLEN ROAD MAGHERA

Decision:
Decision Date:

Ref ID: H/1993/0337

Proposal: SITE OF DWELLING

Address: ADJ TO 81 GLEN ROAD MAGHERA

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: Proposed Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1544/O	Target Date:
Proposal: Site for dwelling house with detached garage.	Location: 30m NE of 37 Cooneen Road Fivemiletown.
Referral Route: Approval – objections received.	
Recommendation:	Approval
Applicant Name and Address: William McConnell 6 Aghingowley Sess Fivemiletown BT75 0LQ	Agent Name and Address: Funston Howe Architecture 30 Cullion Road Ededmore Tempo BT94 3AR
Executive Summary:	
Signature(s):	

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

Summary of Issues

There was one objection received in relation to the proposal. The main concerns related to privacy concerns, site looks out of place and spoils the character of the area and that it would devalue their property. Each of these issues will be discussed in detail later in the report.

Characteristics of the Site and Area

The red line of the site includes lands 30m NE of 37 Cooneen Road, Fivemiletown. The proposed site is a roadside location and includes a portion of a larger agricultural field which is located within Fivemiletown Settlement Limits as designated within the Dungannon and South Tyrone Area Plan 2010. The site is currently appears as agricultural lands situated within the development limits. The surrounding area appears quite rural given that it is along the boundaries of the settlement limits with a mix of other uses found within Fivemiletown itself. There are several scattered single dwellings nearby to the site.

Description of Proposal

Outline planning permission is sought for a dwelling house with detached garage.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 37 Cooneen Road. At the time of writing, one objection received in relation to the proposal. The main concerns related to privacy concerns, site looks out of place and spoils the character of the area and that it would devalue their property.

I am content that the dwelling proposed could be designed in such a way to avoid any privacy concerns relating to the objectors property which is located approx 20m from the red line of the site at the closest points. The agent has provided a concept plan which shows the desired siting of the dwelling. I am also content that the single dwelling and garage would not appears out of place or spoil the character of the area given that there are other single dwellings and garage/outbuildings nearby, notably no. 32 and 37 Cooneen Road. Although within the settlement limits, given the site is at the peripheral of them, single dwellings and associated garage appears to be common. The final point about devaluing their property price is not something which is considered a material consideration and therefore cannot be taken into account.

Planning History

M/2005/0489/Q - 30 M North East of 32 Cooneen Road, Fivemiletown - Private Housing Development - PRE APPLICATION ENQUIRY - NON COMMITTAL

M/2004/0736/O - 30m north east of 32 Cooneen Road, Fivemiletown - site for private housing development - APPLICATION WITHDRAWN

M/2006/0711/O - 30 M North East of 32 Cooneen Road, Fivemiletown - Site for Private Housing Development - Use: Domestic Housing - PERMISSION GRANTED - 16.08.2007

M/2008/0848/RM - 30m north east of 32 Cooneen Road, Fivemiletown - Private housing development- comprises of 21 No two storey dwelling in 1 No block of four, 3 No block of three, 3 No blocks of two semi-detached, 2 No- detached dwellings with domestic garages and associated site works and public road realignment - PERMISSION GRANTED – 23.04.2010

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Establish Residential Areas
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
- DCAN 8 – Housing in Existing Urban Areas

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

The 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.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed.

The Dungannon & South Tyrone Area Plan 2010 is the statutory local development plan for the application site. SETT1 indicates that development may be acceptable if it meets identified criteria, these are broadly similar those in PPS7 and so I consider if the proposal meets with PPS7, it will also accord with the Plan. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 7 in respect of the proposal. The policy provisions within PPS 7 Policy QD 1 remain applicable in terms of assessing the acceptability of the proposed dwelling.

In addition to the policy contained within the addendum to PPS 7 “Safeguarding the Character of Established Residential Areas” (APPS 7) will also be a material consideration. The APPS 7 was introduced in August 2010 and provides additional planning policy on the protection of local character, environmental quality, and residential amenity within established residential areas, villages and smaller settlements.

The proposal is for a dwelling and garage. Details surrounding the design of the dwelling have not been submitted as this application relates to outline planning consent only, however I find no reason why a dwelling could not be designed to respect the surrounding context and character of this area whilst remaining respectful in terms of layout, size and scale. In considering the surrounding context, there is a mix of dwelling types in the wider area however the closest dwellings to the site include a range of sizes including detached two and single storey dwellings. Given this, I don't feel that a ridge height restriction is necessary for this application. There is existing boundaries in place and sufficient space within the site to allow a dwelling to be positioned and sited without having a negative impact on the neighbouring sites.

There are no protected archaeological or built heritage features identified within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests. The proposal has some existing mature boundaries along the southern and western boundaries which will be conditioned to be retained where possible and a landscaping

scheme to be submitted with the RM application. Adequate private open space should be provided as part of the RM application. As the proposal is for a single dwelling and garage, it is considered that it would be unnecessary and inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The proposal seeks to create a new access onto Cooneen Road. DfI Roads were consulted and were content with the proposal subject to condition. The location of this site within the Settlement of Fivemiletown allows for sustainable methods of travel for pedestrians and public transport users. Any potential issues surrounding parking and design will be identified at Reserved Matters stage subsequent to any planning approval. There is a mix of land uses in this area, with the adjacent land to the west being used for residential purposes, therefore it is not considered that there would be a conflict of land uses.

In terms of overlooking, loss of light and overshadowing, I consider that a dwelling could be designed at a proportionate size, scale and height to avoid causing any significant detrimental impact on neighbouring amenity. Adequate separation distances and boundaries are shown on the concept plan submitted between the application site and neighbouring sites which will help mitigate any overlooking or privacy concerns. The proposal is within the settlement limits of Fivemiletown and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

NI Water were also consulted in relation to the proposal. They have noted no concerns in relation to the proposal, subject to conditions. They have noted that there is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface water network. The Applicant is required to consult with NI Water (InfrastructurePlanning@niwater.com) to determine how this development may be served.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 90m in both directions and 90m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

Reason: In the interests of visual and residential amenity.

5. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved. 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 and residential amenity.

6. That no development shall proceed beyond sub-floor construction until an extension to the existing surface water network to serve the development is provided. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from this site.

Signature(s)

Date:

ANNEX	
Date Valid	22nd October 2021
Date First Advertised	2nd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Cooneen Road Fivemiletown Tyrone Kenneth and Doreen Gray 37 Cooneen Road, Fivemiletown, Co Tyrone, BT75 0NF	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2006/0711/O Proposal: Site for Private Housing Development - Use: Domestic Housing Address: 30 M North East of 32 Cooneen Road, Fivemiletown Decision: Decision Date: 16.08.2007 Ref ID: M/2004/0736/O Proposal: site for private housing development Address: 30m north east of 32 Cooneen Road, Fivemiletown Decision: Decision Date: 21.01.2005 Ref ID: M/2008/0848/RM Proposal: Private housing development- comprises of 21 No two storey dwelling in 1 No block of four, 3 No block of three, 3 No blocks of two semi-detached, 2 No- detached dwellings with domestic garages and associated site works and public road realignment. Address: 30m north east of 32 Cooneen Road, Fivemiletown Decision: Decision Date: 23.04.2010 Ref ID: M/2005/0489/Q Proposal: Private Housing Development	

Address: 30 M North East of 32 Cooneen Road, Fivemiletown
 Decision:
 Decision Date:

Ref ID: M/1987/0247
 Proposal: HOUSING DEVELOPMENT
 Address: COONEEN ROAD, FIVEMILETOWN
 Decision:
 Decision Date:

Ref ID: M/2012/0435/F
 Proposal: Erection of two number two storey dwellings with detached garages within private housing development (phase one sites 1 and 18).
 Address: 30m South East of 32 Cooneen Road Fivemiletown,
 Decision: PG
 Decision Date: 06.06.2013

Ref ID: LA09/2021/1544/O
 Proposal: Site for dwelling house with detached garage.
 Address: 30m NE of 37 Cooneen Road, Fivemiletown.,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

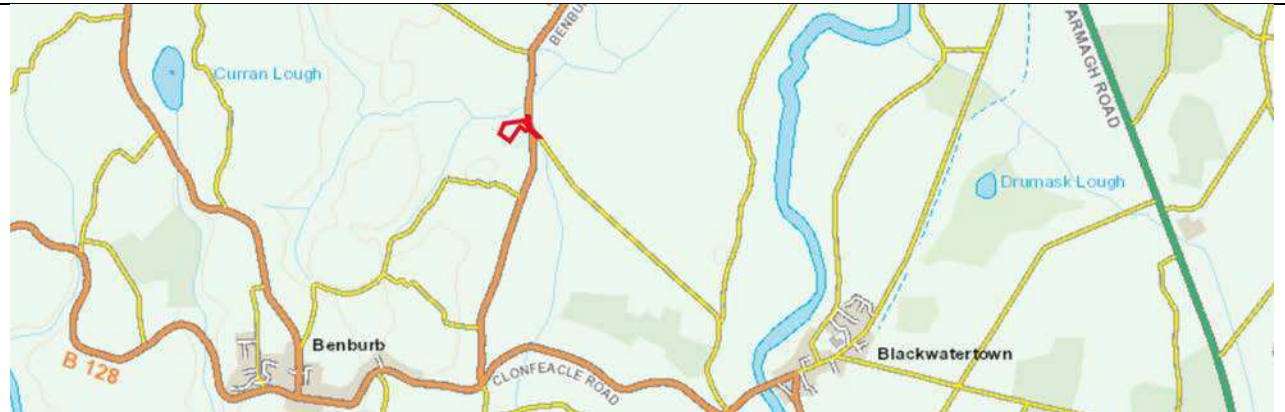
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

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

Case Officer Report

Site Location Plan



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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

Representations

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

Relevant History

N/A

Consultees

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

Consideration

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

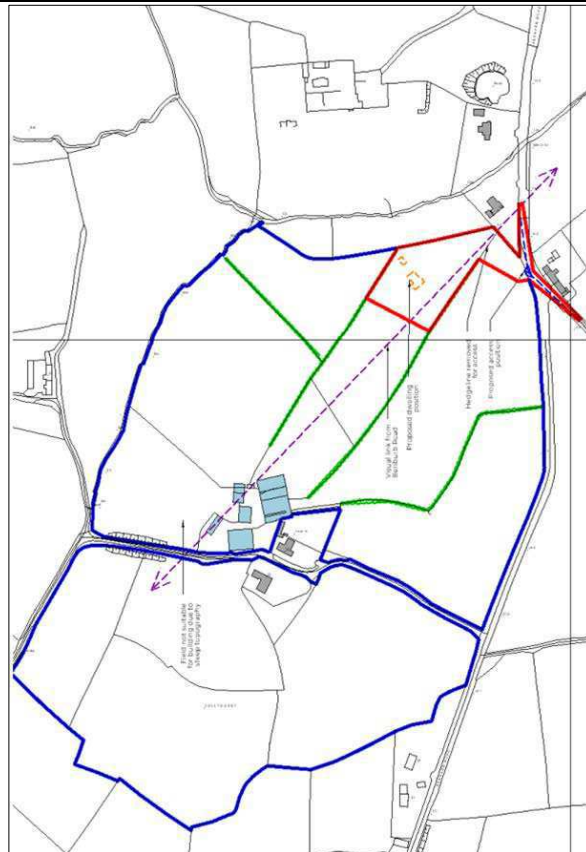
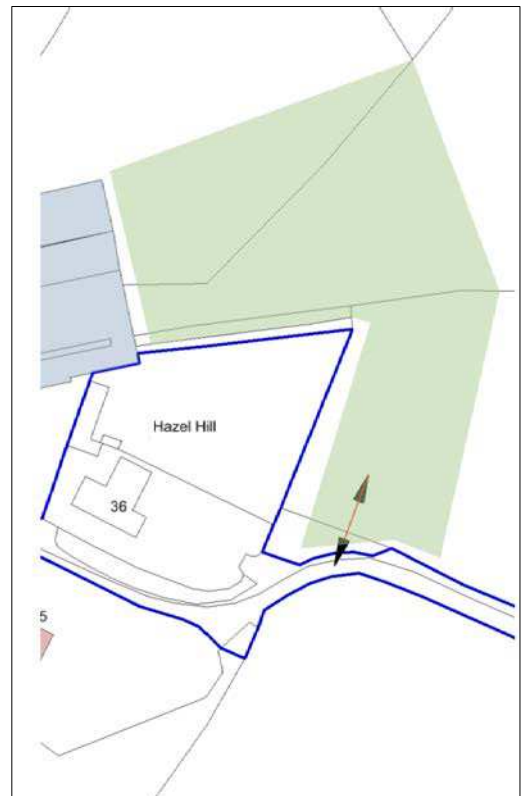
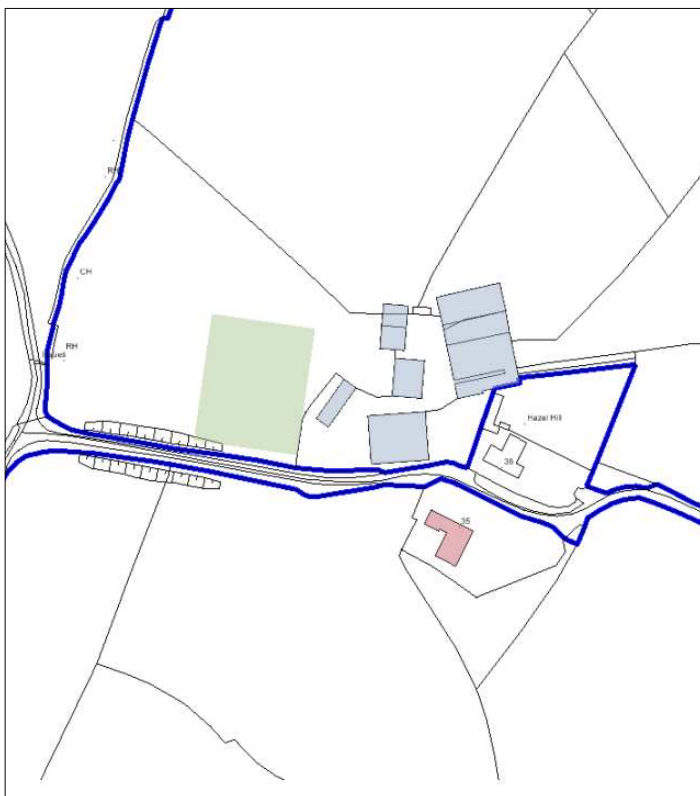


Fig 2: Plan within Supporting Statement - Purple dash line represents visual link from Benburb Rd



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

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

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

Additional considerations

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

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

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal Reasons

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

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1627/F	Target Date:
Proposal: Proposed rear extension, detached garage & alterations	Location: 55 Springhill Road Moneymore
Referral Route: To Committee - Approval - Agent works for Mid Ulster District Council	
Recommendation:	
Applicant Name and Address: Mark Moran 55 Springhill Road Moneymore BT45 7NH	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: Approval	
Signature(s): Peter Henry	

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

Summary of Issues

To Committee - Approval - Agent works for Mid Ulster District Council

Characteristics of the Site and Area

The site is located approximately 2.8km south east of the development limits of Moneymore, as such the site is located within the open countryside as per defined in the Cookstown Area Plan 2010. On the site sits a large detached two storey dwelling, with an outbuilding to the side and rear with a large garden to the front. The site currently has a direct access onto the public road. The surrounding area is currently characterised by residential properties and agricultural land uses with wider area is characterised by predominately agricultural land uses.

Neighbour Notification

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

Description of Proposal

This is a full application for the proposed rear extension, detached garage and alterations to the existing dwelling, the site is located at 55 Springhill Road, Moneymore.

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.

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

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

Policy 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.

Upon review of the plans and taking the extension first, I note that it is a small rear extension in comparison to the existing house. As such I am content that the extension is acceptable in terms of size, scale, massing and design and given the external materials are to match that of the existing dwelling I am content that it will add to the character of the dwelling rather than detract from it. In terms of the proposed garage, I note that it is really just replacing an existing outbuilding on the site that is in need of the repair, I am content that it is acceptable in terms of size, scale, massing, design and use of external materials in relation to the main dwelling. From such I am content that the proposed works is unlikely to have an adverse impact on the wider setting.

(b) In terms of any impact on neighbouring amenity, given the separation distances between the site and neighbouring properties along with the proposed layout I am content that is unlikely to give rise to any adverse impacts on neighbouring amenity. I note no objections have been received.

(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.

(d) I note that the proposed extension is quite small and will result in a small loss of the rear yard with the garage more replacing the existing outbuilding, however I am still content that there will be sufficient space within the curtilage for recreational and domestic purposes inclusive of parking. The proposed garage will add to the parking provision.

I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: 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

<p>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.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation:</p> <p>Approve</p>	
<p>Conditions:</p> <p>1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2.The domestic garage hereby approved shall be used only for domestic purposes ancillary to No 55 Springhill Road, Moneymore.</p> <p>Reason: To prohibit an unacceptable change of use.</p> <p>Informatives</p> <p>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.</p> <p>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.</p> <p>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.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	10th November 2021
Date First Advertised	23rd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 54 Springhill Road Moneymore Londonderry The Owner/Occupier, 58 Springhill Road Moneymore Londonderry	
Date of Last Neighbour Notification	30th November 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1627/F Proposal: Proposed rear extension, detached garage & alterations Address: 55 Springhill Road, Moneymore, Decision: Decision Date: Ref ID: LA09/2020/0810/O Proposal: Proposed site for a "Dwelling on a farm" & domestic garage (based on Policy CTY 10) Amended Access Address: 45m West S/West of No 55 Springhill Road, Ballindrum, Moneymore, BT45 7NH, Decision: PG Decision Date: 22.10.2020 Ref ID: LA09/2018/1435/F Proposal: 2 Farm sheds -1 for the storage of winter fodder and 1 for animal shelter Address: 55m West South West of 55 Springhill Road, Ballindrum, Moneymore, Decision: PG Decision Date: 16.09.201 Ref ID: I/2008/0479/F Proposal: Removal of existing rear return and renovation of dwelling (re-slate, new windows & doors, new stair, replaster internally & externally, new ground floor re-build chimney, new storm goods) Address: 55 Springhill Road, Moneymore, Magherafelt Decision:	

Decision Date: 17.09.2008

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 03
Type: Existing Plans
Status: Submitted

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Garage Plans
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0740/F	Target Date: <add date>
Proposal: Proposed site for dwelling and garage. Based on Policy CTY10	Location: Between No.23 & No 29A Cloghog Road Coalisland
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: This application was originally for 2 dwellings as infill and has been amended to a dwelling on a farm. The applicant has not demonstrated why the proposal cannot be sited beside existing buildings on the farm.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve DEARA – active farm, field not claimed	
Characteristics of the Site and Area: The site lies within the open countryside outside all other areas of constraint as depicted by the DSTAP 2010. It is located a short distance to the North of the settlement of Clonoe, along the Cloghog Road, between numbers 23 and 29a. The red line of the site encompasses two fields, directly south of number 23 Cloghog road and directly north of 29a Cloghog road. The proposed dwelling is to be located in the north part of the site which is well enclosed by mature trees and strong roadside hedge. The site lies within a row of three dwellings and garages with frontages onto the Cloghog Road. The dwelling to the direct north includes a large two storey dwelling and significant garden. The dwelling to the rear is also a large two storey dwelling with a significant garden to the front. The site lies on the outside of a bend in the road and therefore visual linkage of the two existing dwellings is not strong.	

Description of Proposal

The proposal seeks full planning permission for a single storey dwelling and detached garage on a farm.

Deferred Consideration:

This application was before the Planning Committee in November 2020, at that time it was proposed as 2 dwellings and garages as infill development. A virtual meeting was held with the Planning Manager where the issues in relation to infill were discussed.

Following the meeting the application was amended to a dwelling and garage on a farm and details were submitted to support this. DEARA were consulted and advised the business is a Category 1 farm, it has been established for over 6 years and that it made claims in 2018 and 2019. The application fields are not on the farm map and have not been claimed by any other farm business. Members will be aware there are 3 criteria that must be met in considering CTY10 of PS21:

- 1- Is the farm currently active and has it been established for 6 years

It is clear the fields have been maintained during my site visit in February 2021 and google street view photos from July 2021 show the fields mown and horses in them. I am content the farm is currently active and has been established for 6 years, meeting this part of the policy.

- 2- Have there been any dwellings or development opportunities, outwith settlement limits, sold off within 10 years of the date of the application

A search of the applicants name and address has identified the following planning applications:

LA09/2015/1065/F – agricultural store at Cloghog Moss Road was withdrawn

LA09/2017/1549/O – site for dwelling at Ferry Road was withdrawn

LA09/2020/0729/F – 5 dwellings under consideration inside the settlement of Annaghmore

LA09/2020/0739/F – 2 dwellings granted planning permission inside the settlement limits for Coalisland

As these either did not received planning permission or are inside the settlement limits, in my view there have not been any dwellings or opportunities sold off and as such I consider this part of the policy is met.

- 3- Is the development visually linked or sited to cluster with an established group of buildings on the farm.

As the members can see above, there have been a number of applications submitted on behalf of the applicant for other developments. These other lands are not shown on the applicants farm maps submitted with this application, as outlined in yellow in fig 1 below. DEARA have advised from their records they do not have any other farm business registered for Mr Conor Tennyson at 39 Cloghog Road, (this is the property identified by the red dot on fig 1 below). The previous applications show there is land at 39 Cloghog Road, this is identified by the red outline in fig 1 below and has been taken from the farm map submitted with application LA09/2015/1065/F.

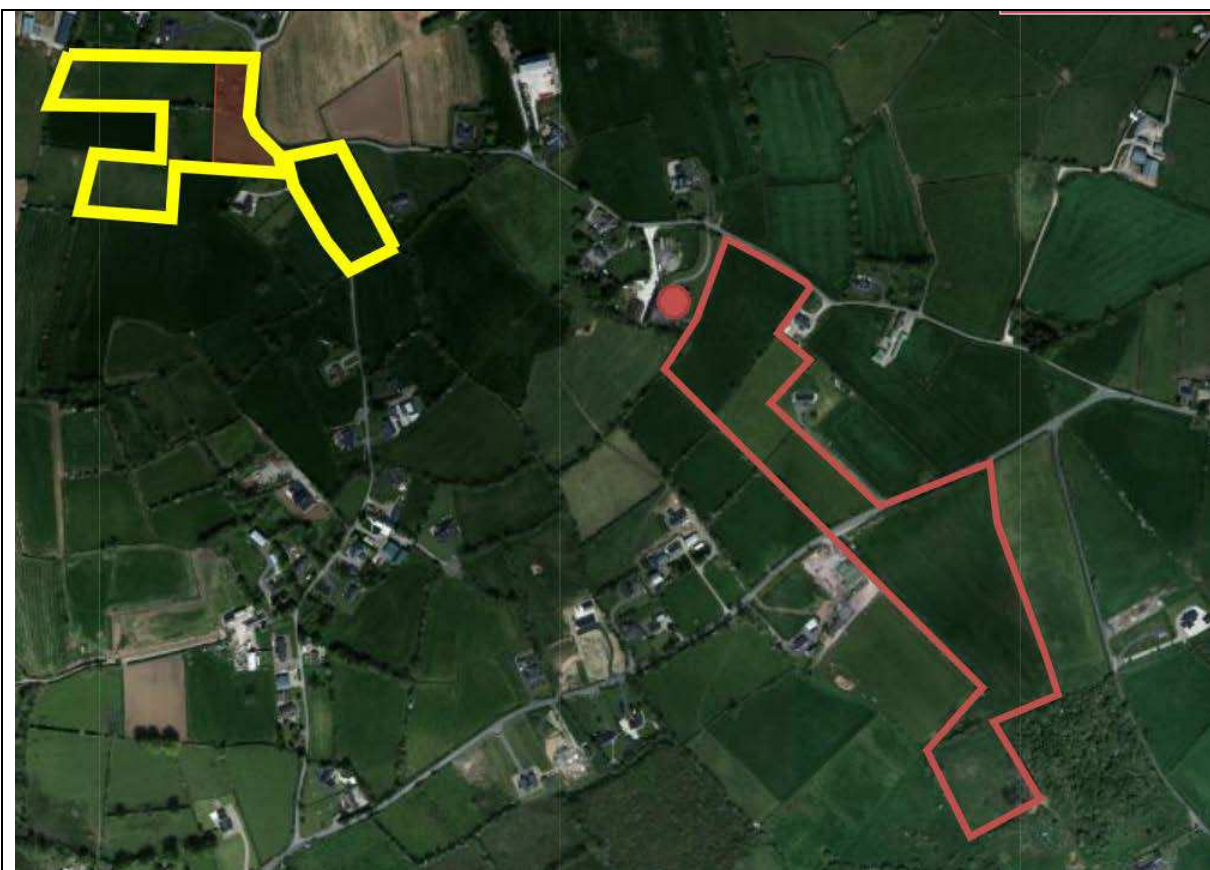


Figure 1- application site in red fill, application farm lands outlined in yellow, applicants dwelling as set out in application form identified with red dot and other lands as shown on the farm in application LA09/2015/1065/F outlined in red.

Members are advised the P1C from submitted with application LA09/2015/1065/F advised there are 2 Conor Tennyson's, father and son. It is stated that Mr Tennyson senior was never registered with DEARA and that his son was allocated a business id on 6 November 2014. This application has been accompanied by a business id and DEAR have advised they do not have any records of 2 Conor Tennyson's with this address. Despite requesting additional information to clarify the situation no additional information has been submitted. In consideration of the above information about the farm and the lands associated with it, I have not been presented with information to persuade me that a dwelling cannot be located beside the existing buildings at 39 Cloghog Road. I do not consider this criteria has been met.

Even though the proposal is now for one dwelling and garage, I consider it must also be assessed against CTY8 and CTY13. The existing vegetation to the front and sides of the site are mature and the majority of the frontage hedge can be retained to ensure the development is kept screened. In this case I consider the proposed dwelling would be well integrated. I do not consider that it would result in the creation of ribbon development as the dwelling to the north is well set back and well away from the proposed site. As previously considered and reported to Committee, this site is, in my opinion a significant and defensible gap that should be protected. The plot sizes of the development adjacent to the site vary in size and whilst there is a very large plot immediately to the north, this is not in my view indicative of the pattern here and the garden of it serves to provide separation for the development and means the gap could accommodate more than 2 dwellings. On the road immediately in front of the site, I was not aware of the other development to the north and as such I do not consider this is a gap site within a substantially built up frontage.

I recommend this application is refused as it has failed to demonstrate that a dwelling cannot be sited beside an established group of buildings in the farm and it is not an exception within CTY8 for in fill opportunity.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY10 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.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantially built up frontage and does not constitute an infill opportunity within a gap as it would accommodate more than 2 dwellings.

Signature(s):

Date



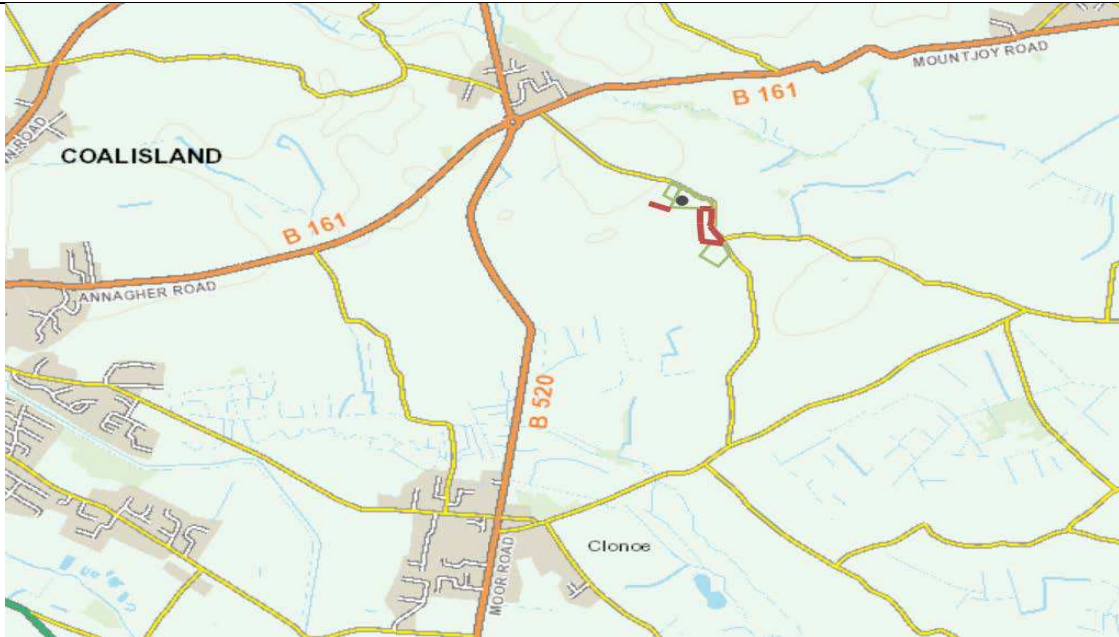
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0740/F	Target Date:
Proposal: Proposed sites for 2No infill dwellings and garages	Location: Between No.23 & No 29A Cloghog Road Coalisland
Referral Route: Contrary to Policy	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies within the open countryside outside all other areas of constraint as depicted by the DSTAP 2010. It is located a short distance to the North of the settlement of Clonoe, along the Cloghog Road, between numbers 23 and 29a.

The red line of the site encompasses two fields, directly south of number 23 Cloghog road and directly north of 29a Cloghog road.

The land rises very slightly from the roadside east to the rear west with a low cropped hedgerow bounding the site along the Cloghog road to the east. The site is also bounded on both ends north and south by a row of mature trees and hedgerow.



The site lies within a row of three dwellings and garages with frontages onto the Cloghog Road. The dwelling to the direct north includes a large two storey dwelling and significant garden. The dwelling to the rear is also a large two storey dwelling with a significant garden to the front. The site lies on the outside of a bend in the road and therefore visual linkage of the two existing dwellings is not strong.



Description of Proposal

The proposal seeks full planning permission for two single storey dwellings and detached garages.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Dungannon Area Plan 2010

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

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

- CTY8 - Ribbon Development

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

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

Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

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

Key Policy Consideration:

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

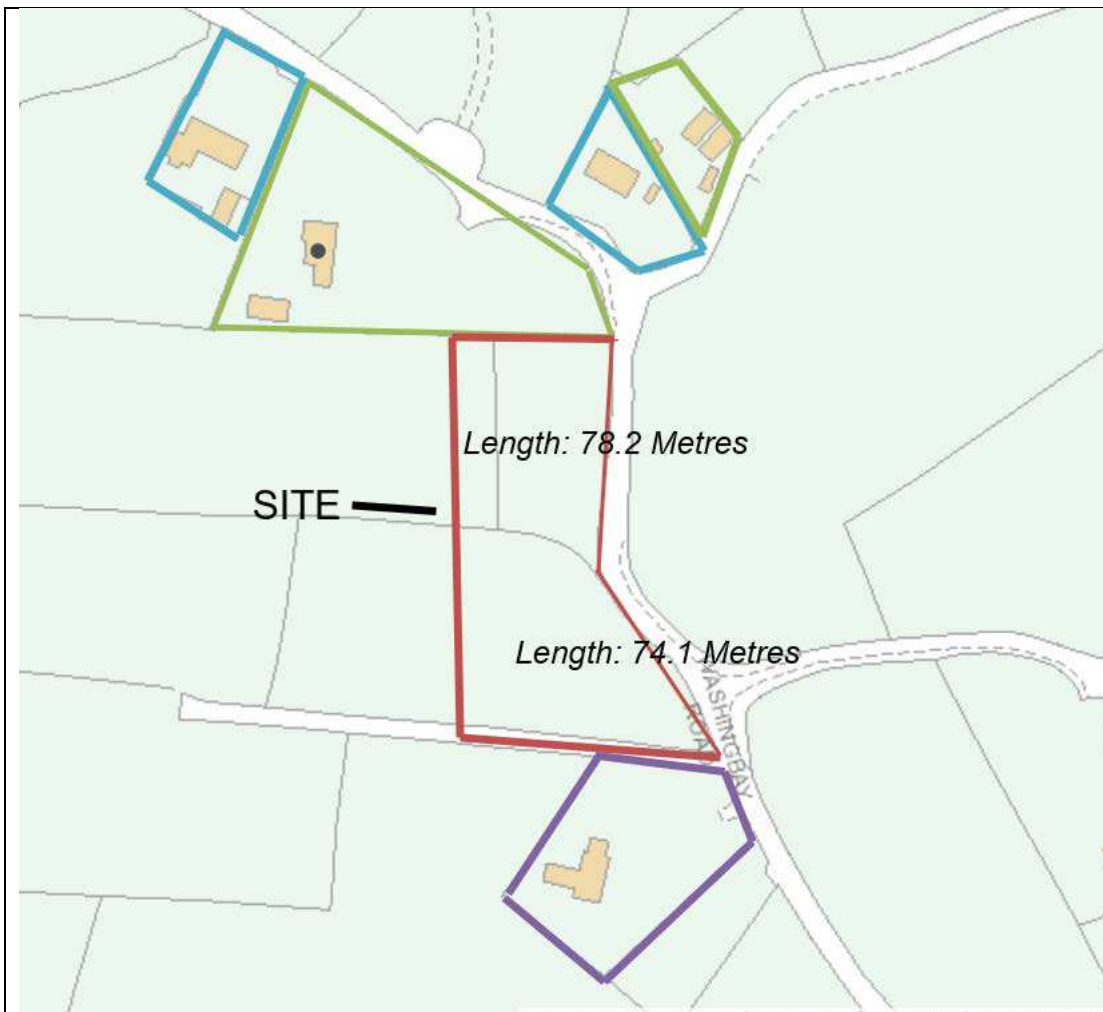
In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site falls between two dwellings and garages to the North West, and a further dwelling to the south east.

There is a gap of approx. 150 metres along the site frontage, which is excessive, the existing plot sizes along this Road would generally range between 25 and 40 metres, with the exception of the corner site to the north which has an exceptionally large frontage.

It is clear that a gap of over 150 metres site frontage is be out of character for the area.
It is my opinion that this site is therefore sufficient to accommodate a lot more than 2 dwellings.

Policy CTY8 is not met.



Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively low lying and has a low level of vegetation cover. The proposal seeks permission for two dwellings with a ridge of 5.5 metres. Upon site inspection it was evident that there were buildings of a similar height and larger within the surroundings.



The addition of two more dwelling, located on this particular plot, in my view will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape. In my view CTY 14 of PPS21 is not met.

Other Policy and Material Considerations

Transport NI have no objections to this proposal subject conditions.

Recommendation refuse.

Neighbour Notification Checked Yes

Refusal Reasons

- 1. The proposal is contrary to Policy 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 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 add to a ribbon of development, therefore resulting in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	25th June 2020
Date First Advertised	7th July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Cloghog Road Coalisland Tyrone The Owner/Occupier, 23 Cloghog Road Coalisland Tyrone The Owner/Occupier, 24 Cloghog Road Coalisland Tyrone The Owner/Occupier, 29a Cloghog Road Coalisland	
Date of Last Neighbour Notification	24th July 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0740/F Proposal: Proposed sites for 2No infill dwellings and garages Address: Between No.23 & No 29A Cloghog Road, Coalisland, Decision: Decision Date: Ref ID: M/2002/0597/RM Proposal: Erection of dwelling and detached domestic garage. Address: Land 80m west of 24 Cloghog Road, Coalisland. Decision: Decision Date: 20.09.2002 Ref ID: M/2003/0207/F Proposal: Extension to dwelling Address: 80m west of 24 cloghog Road, Coalisland Decision: Decision Date: 07.05.2003 Ref ID: M/2001/0028/O Proposal: Site for dwelling. Address: Land 80m west of 24 Cloghog Road, Coalisland. Decision:	

Decision Date: 16.11.2001

Ref ID: M/1996/0330

Proposal: Site for dwelling

Address: ADJACENT TO NO. 21 CLOGHOG ROAD, MAGHERAMULKENNY,
COALISLAND

Decision:

Decision Date:

Ref ID: M/1991/6078

Proposal: 2 No Sites Washingbay Road Coalisland

Address: Washingbay Road Coalisland

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 03

Type: Site Appraisal or Analysis

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 07

Type: Housing Concept Plan

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0870/O	Target Date: <add date>
Proposal: Infill dwelling and garage	Location: Approx 20m East of 14 Killyneill Road Dungannon
Applicant Name and Address: Mr Kevin Rafferty 46 Termon Road Carrickmore	Agent Name and Address: C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: The application site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and within the Phase 2 Housing Zoning DH32. As the site is within Phase 2 housing land planning permission is only granted for a single rural dwelling that does not prejudice the development of the zoning and rural policy applies i.e. PPS 21. The proposal is for an infill dwelling and I consider the buildings at No. 16 do not have a frontage to the road so the proposal does not meet CTY 8. The proposal does not meet any other policies within PPS 21. The application would also prejudice the development of phase 2 housing zoning DH32.	
Summary of Consultee Responses: DFI Rivers – not inside flood plain, some surface flooding on part of the site DFI Roads – to develop the zoned land will require road widening and additional infrastructure NI Water – no foul sewer available, use septic tank	

Characteristics of the Site and Area:

The site is within and on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is urban in character and characterised as predominantly residential in character. The area is built-up with cul-dec-sacs of mainly semi-detached dwellings and further west towards the site there are more developments of detached dwellings. The remaining area to the north, south and west is more rural in character with agricultural fields and single rural dwellings.

The immediate area is along Killyneill Road and just off the junction with the Killyman Road between Dungannon Town Centre and the settlement of Killyman. Along the same side of the road as the application site are 3 other dwellings with a roadside frontage at No. 8, No. 12 and No. 14. To the east of the site is a dwelling at No. 16 which is set back from the road and accessed via a lane off Killyneill Road. Across the road from the site are 2 dwellings on large plots.

The application site is a portion of a larger agricultural field to the north of No. 12, 14 and 16. The topography of the site slopes downwards slightly from east to west. The site has been divided up into several horse paddocks by open-sided fencing and there is a small shed in the north west corner of the site. Along the roadside boundary there is a post and wire fence with an agricultural gate as a means of access to the field and beyond. The field is set back from the road by a grass verge. Along the west boundary and northern boundary with No. 16 is a timber frame fence about 1m in height. Along the boundary with No. 14 there is a 2m high wooden fence and a row of established trees runs through a portion of the site about 14m east of No.14.

Description of Proposal

This is an outline application for an infill dwelling and garage at approximately 20m east of No. 14 Killyneill Road, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in April 2021 where it was deferred to meet with the Planning Manager. A meeting was held virtually on 22 April 2021 and it was indicated that due to the lands being zoned for Phase 2 housing lands they are protected and sickle houses will only be allowed if there is a farming case or it is seen as infill opportunity in a substantially built upon frontage, even then the proposal must not prejudice the overall development of the lands. The dwelling to the rear, no 16, is in the applicants ownership, however it does not have a frontage to the road to allow it to be considered as bookend for the purposes of considering this site as an infill opportunity site. The agent was asked to consider the farming case and to demonstrate that access to the phase 2 housing land could be achieved with this development in place.

DFI Roads have advised a single dwelling requires sight lines of 2.4m x 70.0m and that these are achievable. The applicant provided various layouts showing how a road could be provided to the housing lands and that a dwelling in the west part of the site would not prejudice the provision of the access to the housing lands. DFI Roads were asked to comment and advised that access to the housing lands would require road widening and cyclepath/footpath provision, sight lines of 4.5mx 120.0m and would require significant 3rd

party lands to achieve this. They did not say that the approval of a dwelling on this site would prejudice the overall access to the Phase 2 lands. Members are asked to note that the applicant bought 2.6ha of land in 2016. This is part of the overall 16.1ha of Phase land lands contained in CH32 and includes No 16m, set back to the rear of the site. DFI Roads have not provided any indication that the proposed development of this site would prejudice the development of CH32, they have set out what would likely be required to provide an access and this would necessitate 3rd party lands along Killyneil Road. The applicant has provided an indicative layout showing a 6m wide access road into the lands and 2m wide footpaths, as well as generous parking and turning areas to allow additional parking within the site, this is deemed as acceptable in Para 7.2 of DCAN 15. I do not consider it the applicant would wish to prejudice his investment in 2.6ha of land by carrying out development that would block it from being developed and there are other alternatives open to him, ie demolition of no 16. In light of this I do not consider the development of one house on this site would prejudice the future development of the land zoned in CH32.

The applicant has advised that he bought this land in 2016, the land and house are let out and the occupier keeps horses. There is no evidence that the applicant is a farmer or has a farm business. It is clear this is not an infill opportunity as the dwelling at no 16 does not have a frontage to the road, only a laneway and the paddock to the front has not been established as the curtilage of the property. The proposed dwelling cannot be considered to meet any of the policies in PPS21 for a dwelling in the countryside and as such HOUS1 would appear not to be met. That said, a dwelling in the west part of the site, beside number 14, could be a natural rounding off of development here. Members will be aware of the concept of rounding off and that there is no specific policy for this set out in PPS21. In my opinion, development of the land further to the east would clearly impact on the access to the lands for CH32 and this would prevent any further development in that direction and as such a dwelling in the west part of this site would round off the development here and as such I would recommend members make an exception to HOUS1 in this case.

Taking account of the extant Plan, the potential for this site to be developed without impacting on the overall phase 2 housing zoning being realised and that it would round off development here for the reasons indicated, I recommend planning permission is granted as an exception to policy in this case.

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 dwelling shall be sited within the area outlined in red on drawing no 02Rev2 bearing the stamp dated 25 MAR JAN 2021.

Reason: To protect the future development of Housing Zoning CH32.

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 allow the proposed development to be consider in relation to the surrounding residential properties.

5. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries 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 biodiversity.

6. Prior to commencement of any development hereby approved, the vehicular access as set out on the attached RS1 form, including visibility splays of 2.4mx 70.0m a shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

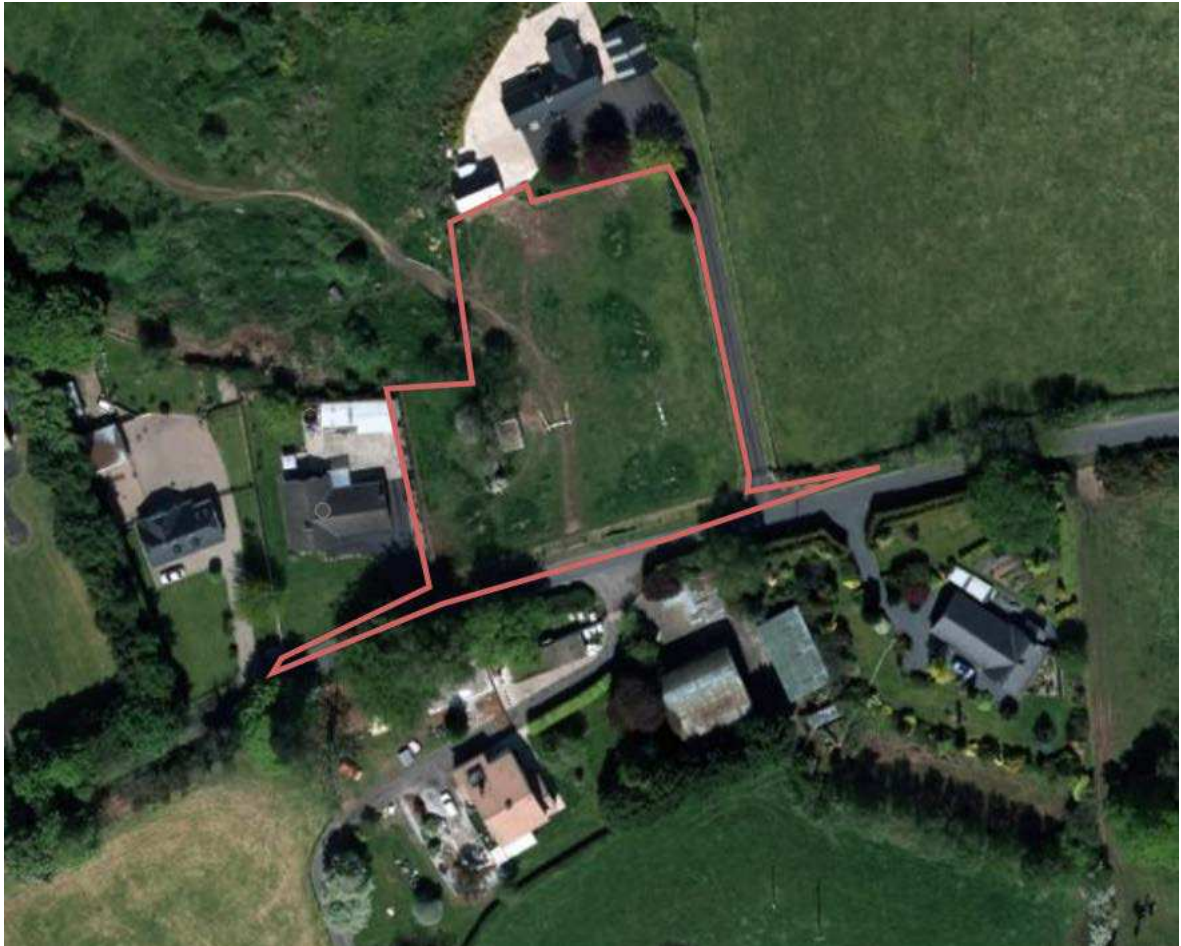
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12/04/2021	Item Number:
Application ID: LA09/2020/0870/O	Target Date:
Proposal: Infill dwelling and garage	Location: Approx 20m East of 14 Killyneill Road Dungannon
Referral Route: 1. The proposal is contrary to Plan Policy HOUS 1 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010 in that the application would prejudice the comprehensive development of phase 2 housing zoning DH 32.	
Recommendation:	Refusal
Applicant Name and Address: Mr Kevin Rafferty 46 Termon Road Carrickmore	Agent Name and Address: C Mc Ilvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: The application site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 and within the Phase 2 Housing Zoning DH32. As the site is within Phase 2 housing land planning permission is only granted for a single rural dwelling that does not prejudice the development of the zoning and rural policy applies i.e. PPS 21. The proposal is for an infill dwelling and I consider the buildings at No. 16 do not have a frontage to the road so the proposal does not meet CTY 8. The proposal does not meet any other policies within PPS 21. The application would also prejudice the development of phase 2 housing zoning DH32.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is within and on the edge of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is urban in character and characterised as predominantly residential in character. The area is built-up with cul-dec-sacs of mainly semi-detached dwellings and further west towards the site there are more developments of detached dwellings. The remaining area to the north, south and west is more rural in character with agricultural fields and single rural dwellings.

The immediate area is along Killyneill Road and just off the junction with the Killyman Road between Dungannon Town Centre and the settlement of Killyman. Along the same side of the road as the application site are 3 other dwellings with a roadside frontage at No. 8, No. 12 and No. 14. To the east of the site is a dwelling at No. 16 which is set back from the road and accessed via a lane off Killyneill Road. Across the road from the site are 2 dwellings on large plots.

The application site is a portion of a larger agricultural field to the north of No. 12, 14 and 16. The topography of the site slopes downwards slightly from east to west. The site has been divided up into several horse paddocks by open-sided fencing and there is a small shed in the north west corner of the site. Along the roadside boundary there is a post and wire fence with an agricultural gate as a means of access to the field and beyond. The field is set back from the road by a grass verge. Along the west boundary and northern boundary with No. 16 is a timber frame fence about 1m in height. Along the boundary with No. 14 there is a 2m high wooden fence and a row of established trees runs through a portion of the site about 14m east of No.14.

Description of Proposal

This is an outline application for an infill dwelling and garage at approximately 20m east of No. 14 Killyneill Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No recent planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Settlement Limit in Dungannon and South Tyrone Area Plan 2010

The application site lies within and on the boundary of Dungannon settlement limit but the application will not alter the boundary of the limit of development within Dungannon as shown in figure 2 below. The site is within Phase 2 housing designation DH 32 Land East of the Cairn.

Policy HOUS1 zones 257 hectares of land for housing. 148 hectares are zoned as phase 2 lands which has not yet been released for housing development. Any applications on this land must be considered against the rural planning policy and must not prejudice the comprehensive development of the land for housing.

The proposal is within designation DH 32 where there are seven key site requirements, the applicant needs to demonstrate that the proposed dwelling will not compromise any future development within this zoning and meet these key site requirements. This is an outline application so the landscaping of this proposal will be considered at the Reserved Matters Stage. A supporting statement was submitted by the agent, which states the land at DH 32 has not been identified for release under the Housing Review. A siting condition will place the proposed dwelling in the western portion of the site. The key site requirements are that a vehicle access should be from the Killyneill Road and link to another access from the Bush Road further north. As shown in figure 2 below DH32 is covers numerous fields and the key site requirement is that any vehicle access should also link to the Phase 1 housing zoning DH 07. I consider as this is a large housing zoning and if it was ever developed there would be a large increase in the volume of traffic coming and going from this section of the Killyneill Road. I consider if the proposed dwelling was sited in the location proposed as shown in figures 1 and 3 below it would compromise achieving the access and visibility splays of a housing development on this zoning.

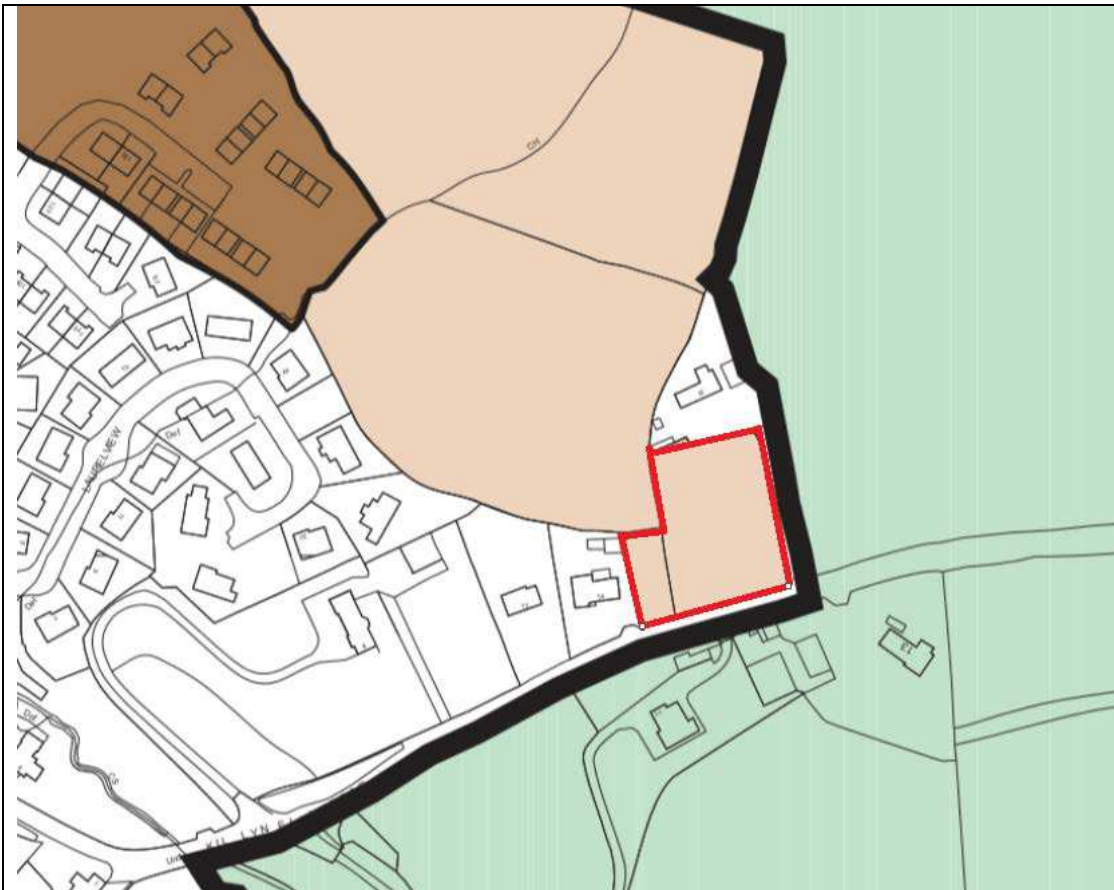


Figure 1 – The application site outlined in red within Phase 2 Housing Zoning DH 32 in the Dungannon and South Tyrone Area Plan 2010

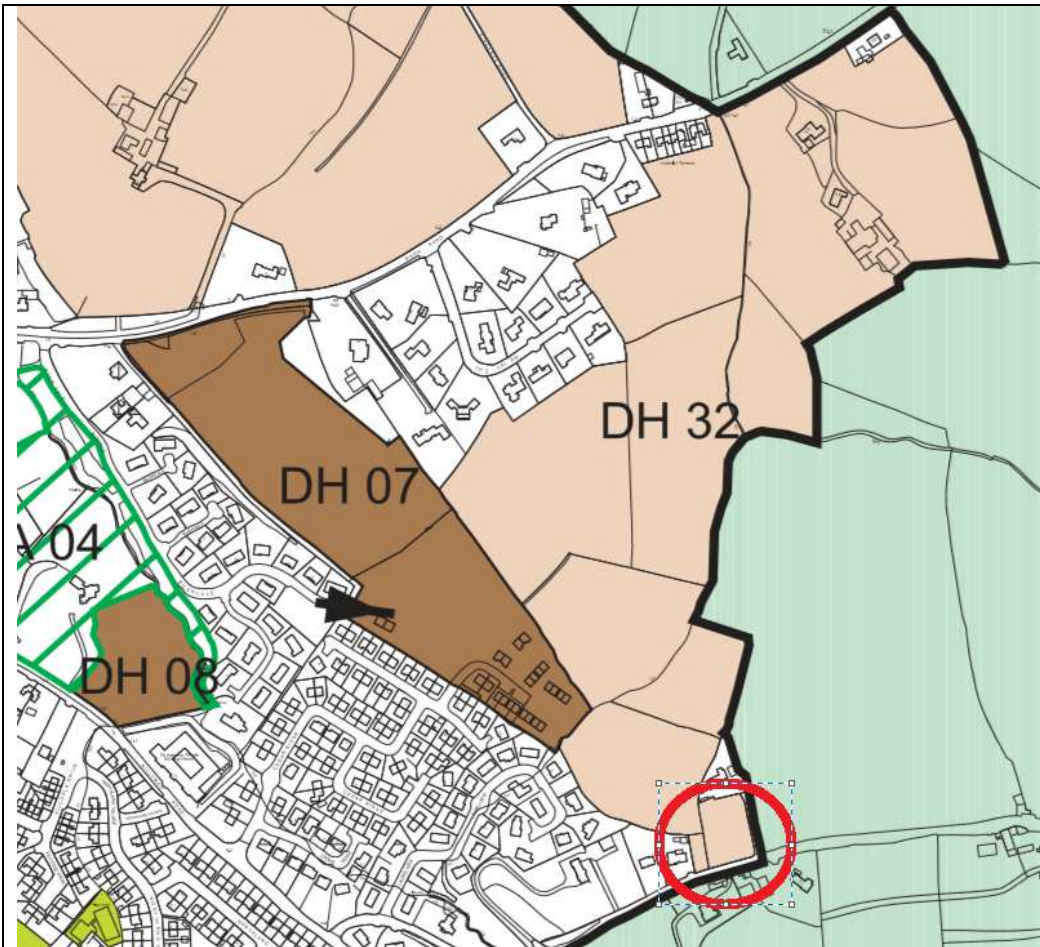


Figure 2 - The application site in the context of the whole zoning DH32 and the linked zoning of DH07.

Figure 3 – Photograph showing the access to DH 32 Phase housing zoning in the north east corner

Existing access to the
Phase 2 housing land
behind the application site



As part of the assessment DFI Roads were consulted and responded on 24th February 2021. As stated in the key site requirements vehicular access should be from Killyneill Road. DFI roads consider that access arrangements to DH 32 will require road widening along a substantial section of Killyneill Road including the application site frontage to a width of 6m, and pedestrian and cycleway provision will also be required. In addition the development of DH 32 housing land would require a right turning lane and visibility splays of 4.5m x 120m. In terms of the impact on this on this application site DFI Roads state that an future road widening scheme will have a negative impact on visibility splays at properties along this section of road prejudicing road safety. In the Roads consultation response it is stated that the visibility splays for the access arrangements at DH 32 will be within the confines of the red line of this application site. In email dated 24.03.2021 the agent included a concept plan for information purposes only to address Roads comments in the latest consultation response. The agent considers 4.5 by 120m splays to serve the zoned development land and these splays can be achieved without intrusion into the red outline of the application site. The concept plan shows room within the site itself for 4 cars to park meaning visitors would not have to park along the road or up on the kerb as concerned. The agent considers the issue of 3rd party land is out of their control as it relates to existing 3rd party entrances which will fall within the 'y distance' which they believe will be 80m.

On balance, I consider the application site would have an unacceptable impact on the development of DH 32 housing zoning.

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.

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

At No. 12 there is a one-half storey dwelling with a driveway and garden area and I am content this dwelling has a frontage to the road. Immediately east at No. 14 there is a single storey which also has a driveway and garden area serving as a road frontage. Abutting the east boundary of No. 14 is the application site which is a portion of an agricultural field which is currently being used as horse paddocks. Abutting the east boundary of the site is the access lane to No. 16 as shown in figure 5 below. No. 16 is set back from the Killyneill Road by 56m and the only frontage No. 16 has to the road is the access, gates and a stone wall on either side. In CTY 8 it states there should be a substantial and continuous built up frontage. The land in front of No. 16 is not part of the garden of No. 16 as it is part of the agricultural field and is currently horse paddocks as shown in figure 4. I consider No. 16 does not have a common frontage with the other buildings along this road such as No. 12 and No. 14. It is set back from the road by 56m and is sitting on a single site with no other buildings abutting its boundary. Therefore, I do not consider the site is a gap site between 3 or more buildings and would add to a ribbon of development.

No. 12 has a plot frontage of 20m and No. 14 has a plot frontage of 26m and the application site has a frontage of 50m. No. 16 only has an access lane which has a frontage to the road and this is 8m in width. There are no other dwellings east of No. 16, only agricultural fields. The applicant has proposed to site the dwelling beside the eastern boundary of No. 14 as shown in a drawing in figure 6 below. If the dwelling was placed in this location any frontage would be approximately 20m. I am content this plot frontage is acceptable and reflects the plot size along this stretch of road. In addition, the application site is capable of accommodating only 2 dwellings as set out in the policy in CTY 8.

Figure 4 – Photograph of the front of No. 16 Killyneill Road



Figure 5 – Photograph of the entrance to No. 16 Killyneill Road



Figure 6 – Drawing submitted by the applicant to demonstrate where they would prefer the proposed dwelling sited.

In terms of CTY 10 the only farm buildings at the site are a small shed and in discussions with the agent it has been stated there is no farming operations at the site. The agent has confirmed the applicant does not have a DAERA farm business ID nor would have a 6 year farming history at the site.

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 13 and CTY 14 deal with rural character and integration and design of buildings in the countryside and both policies would be relevant should the principle of development be acceptable on this site.

I am content the dwelling will not be a prominent feature in the landscape. The proposed dwelling and garage is within the settlement limit of Dungannon in an area which is already built up with dwellings with a roadside frontage. There are critical views in both directions but the dwelling will read with other dwellings in long distance views so I have no concerns and the site has a flat topography.

There is mainly timber fencing as boundary treatment at the site but there is a row of mature trees along the eastern boundary of the preferred siting which could be retained. I am content new planting will not be primarily relied on for the purposes of integration.

There is an agricultural access at the site so a new vehicular access will be created.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a single storey dwelling would integrate well at this site as the main house type along this road is single storey.

I am content that the proposal is capable of complying with CTY 13.

CTY 14 – Rural Character

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. On balance, I am content the proposal will not be a prominent feature in the landscape. I am content a one-storey dwelling could be accommodated at this site and would respect the traditional pattern of development in the area. This area is already built-up with a number of dwellings and is on the edge of the settlement limit of Dungannon so I have no concerns it will lead to a suburban style build-up of development. I am satisfied a new access will not damage rural character. As No. 16 does not have a substantial frontage to Killyneill Road I consider the dwelling will add to a ribbon of development and this would damage rural character.

Consultees

NI Water were consulted and have no objections.

Rivers Agency were consulted as part of the site has surface water flooding but responded with no concerns.

Planning Policy Statement 3 – Access, Movement and Parking

As discussed earlier in the assessment DFI Roads have concerned that the application site will impact on visibility splays for an access to housing zoning DH 32.

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

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it is contrary to Plan Policy HOUS 1 Phase 2 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010.

Reasons for Refusal:

1. The proposal is contrary to Plan Policy HOUS 1 Housing Zonings in the Dungannon and South Tyrone Area Plan 2010 in that the application would prejudice the comprehensive development of phase 2 housing zoning DH 32.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Tom McElhatton	
Application ID: LA09/2021/0054/O	Target Date: 29/4/21
Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm)	Location: Approx 60m SW of No 125a Ballinderry Bridge Road Cookstown
Applicant Name and Address: Mr Kieran Mitchell 125 Ballinderry Bridge Road Cookstown BT80 0AY	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Refusal - To Committee - Contrary to CTY 10, 14 and 15 of PPS 21.	
Characteristics of the Site and Area: The site is located partly within the development limits of Ballylifford and partially in open countryside as per defined in the Cookstown Area Plan 2010. The red line covers a number of agricultural building which I note are located within the development limits of Ballylifford and a portion of a much larger agricultural field which is the open countryside within the Lough Shore Countryside Policy Area. I note that the site falls from the north towards the south of the site, in which the field bounded by mature hedging and post and wire fencing. The surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes to the south with north of the site being characterised by the development limits of Ballylifford. Representations Six neighbour notifications were sent out however there were no representations were received in connection with this application.	

Description of Proposal

This is an outline application for a proposed site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm), the site is located Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown.

Deferred Consideration:

This application was presented to the Planning committee on 6th July 2021 with an opinion to refuse for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the character of the area.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballylifford and the surrounding countryside.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was subsequently held with the agent on 22nd July 2021 at which the agent was advised that certain internal matters in relation to policy would have to be considered and then further assessment of the application would take place.

This application is for a dwelling and garage adjacent to an existing farm group. The farm group being inside the limit of development for a designated settlement and the dwelling outside, on the opposite side of the settlement limit. Consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) has advised that the farm business is active and established thus meeting policy requirement.

The previous assessment of the application advised that the proposal did not respect the traditional pattern of development exhibited in that area (CTY 14) and that the proposal if permitted would mar the distinction of the defined settlement limit (CTY 15).

On examination of the pattern of development, within the settlement, it is noted that apart from more recent development the pattern of development for the settlement is that of roadside detached properties, with the settlement development limit forming a similar pattern. As the proposal can be conditioned to a roadside form, it is my opinion that the traditional pattern can be replicated thus complying with policy CTY 14.

In relation to Policy CTY 15 it is evident that the proposed site is outside and adjacent to the limit of development. However, it is noted that the entire applicants land holding, at this location is outside the limit of development, with the farm buildings within it. Therefore, development opportunities at this location are limited by the settlement designation. As one approaches the site from the south the farm buildings and adjacent dwelling to the north define the skyline. It is my opinion that any suitable conditions development on the proposed site would read against the existing farm group. As one approaches the site from the north the proposal again would read with the farm group, only at site frontage, as the farm buildings would shield the proposal prior to that. In addition it is noted that the farm buildings themselves define the limit and that the proposed site and remainder of field are currently accessed from the farmyard.

The issue here is whether or not the proposal would mar the settlement limit, on balance it is my opinion that with the adherence to suitable conditions there would be no distinguishable negative impact. I therefore recommend that outline approval is granted subject to the following conditions.

Conditions:

- Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.
- Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.
- The proposed dwelling shall be sited in the area shaded green on the approved plan Drawing 01 (rev 1) received 14/1/21.

Reason: To ensure that the development is integrated into the landscape.
- The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, Building on Tradition.

Reason: To ensure the dwelling is in keeping with the character of the rural area.
- The proposed dwelling shall have a ridge height of less than 5.5 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.

- 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.
- 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
- 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.
- A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Informatives:

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

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0054/O	Target Date:
Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm)	Location: Approx 60m SW of No 125a Ballinderry Bridge Road Cookstown
Referral Route: Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Kieran Mitchell 125 Ballinderry Bridge Road Cookstown BT80 0AY	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.

Characteristics of the Site and Area

The site is located partly within the development limits of Ballylifford and partially in open countryside as per defined in the Cookstown Area Plan 2010. The red line covers a number of agricultural building which I note are located within the development limits of Ballylifford and a portion of a much larger agricultural field which is the open countryside within the Lough Shore Countryside Policy Area. I note that the site falls from the north towards the south of the site, in which the field bounded by mature hedging and post and wire fencing. The surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes to the south with north of the site being characterised by the development limits of Ballylifford.

Representations

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

Description of Proposal

This is an outline application for a proposed site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm), the site is located Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1996. Went on to confirm that the farm business has made claims in each of the previous six years. From such, I am content that the farm business is active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were done I am content that the farm business has not attained any approvals for farm cases in the previous ten years. In that time I am content that no other development opportunities have been sold off either during this time.

With respect to (c), I note that the registered farm address sits some distance away from the site, however within the red line sits a number of farm buildings. As noted above the farm buildings located within the red line are also located within the development limits of Ballylifford (as seen below)



As such, I note at this time that within CTY 10 it does not distinguish that buildings on the farm within the development limits cannot be used in connection with this policy. As such and after further consideration I am content that these buildings are still able to constitute as an existing group on buildings on the farm. From such a dwelling in this location would be able to visually link and cluster with this existing group of buildings. The policy goes on to state that where practicable that an existing access should be used however given the roadside location I am content that a new access is the most practical solution. As such on balance I am content that this application has been able to comply with CTY 10.

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 have been provided, however, given that the site sits along the roadside that a low ridge would be required in line with the surrounding development to ensure it is not visually prominent. I note that as much of the existing landscaping should be retained where possible, with a new boundaries planted out, therefore a landscaping scheme should be submitted as part of 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 6m 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 am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. Given the location of the development limits I am of the opinion that a dwelling within the site is likely to mar the distinction between the countryside and development limits which does not respect the pattern of development in the area. In addition, a dwelling in the northern part of the site has the capacity to lead to additional dwellings through infilling, but I cannot speak for future development. As such, I am of the opinion that this application has the potential to cause detrimental change to the character of the area, failing under CTY 14.

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 above, given the farm buildings are located within the development limits of Ballylifford with the rest of the site in the countryside I am of the opinion that any dwelling would mar the distinction between the countryside and the development limits of Ballylifford, failing under CTY 15 as a result. It is felt that the lands in which the site is located acts as an important visual break between the countryside and the development limit and it would be unacceptable to lose such.

As noted previously, the applicants registered farm address of the business is located at some distance from the site, where at this location the applicant owns lands and buildings that would easily comply with CTY 10, as shown in red below.



I note that any dwelling in the red line of the above would be able to comply with CTY 10 but also would not create conflict CTY 15. I raised this issue with the agent as to would there be a possibility of applying for a site at this group rather than the proposed site. In their response confirmed that whilst the buildings are located within the development limits but these were used as the main buildings of the farm and wanted to locate a dwelling closer to these buildings for more operational reasons. Whilst I acknowledged this rationale, I note that this does not outweigh the concerns with the marring the distinction of the countryside and development limits and impact on the character of the area. As such I have shown an alternative that would comply fully with this policy where the applicant will not be prejudiced, as such I must recommend that the application has failed under CTY 14 and 15.

Cookstown Area Plan 2010

I note that the Area Plan states that the site is located within the Lough Shore Countryside Policy Area, which states that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area. In addition, it is considered that the continued build-up of development closer to Lough Neagh would not only be damaging to the character and appearance of this area, but would also have significant adverse effects on the important nature conservation interests of the Lough and its shoreline.

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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;
DFI Roads were consulted and responded to state that they have no objections subject to conditions and informatives.

Given the failure in policy, I must recommend refusal for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy 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 CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the character of the area.

3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Ballylifford and the surrounding countryside.

Signature(s)

Date:

ANNEX	
Date Valid	14th January 2021
Date First Advertised	26th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 125 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 125a Ballinderry Bridge Road Coagh The Owner/Occupier, 125b Ballinderry Bridge Road, Coagh, Londonderry, BT80 0AY The Owner/Occupier, 126 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 126a Ballinderry Bridge Road Coagh The Owner/Occupier, 128 Ballinderry Bridge Road Coagh Londonderry	
Date of Last Neighbour Notification	25th January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0054/O Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm) Address: Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown, Decision: Decision Date: Ref ID: I/1990/0021 Proposal: Retirement Dwelling Address: 125 BALLINDERRY BRIDGE ROAD COAGH Decision: Decision Date: Ref ID: I/2003/0978/Q Proposal: Proposed housing development Address: 126a Ballinderry Bridge Road Coagh Cookstown Decision: Decision Date:	

Ref ID: I/2004/0150/O
Proposal: Proposed housing development
Address: 50.0m east of 126A Ballinderry Bridge Road, Coagh, Cookstown, County Tyrone
Decision:
Decision Date: 13.10.2004

Ref ID: I/2014/0398/F
Proposal: Proposed dwelling and garage
Address: 25m SW of 127 Ballinderry Bridge Road, Cookstown, BT80 8AY,
Decision: PG
Decision Date: 11.05.2015

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0506/F	Target Date: <add date>
Proposal: Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access	Location: 45m S.E. of 83 Derryloughan Road Coalisland
Applicant Name and Address: Christopher Mc Cann 83 Derryloughan Road Coalisland Dungannon	Agent name and Address: Ward Design 10 Main Street Castledawson BT45 8AB
Summary of Issues: Whether or not the farm is currently active and established.	
Summary of Consultee Responses: DFI Roads – provided access standards DEARA – no business id for the applicant	
Characteristics of the Site and Area: The site lies in the open countryside just a short distance to the north east of the settlement limits of Tamnamore and to the south west of Lough Neagh and outside all other areas of constraint as depicted by the DSTAP 2010. The site is directly east of number 83 Derryloughan Road, Coalisland. The red line of the site includes a dwelling at number 83, a tarred laneway off the Derryloughan road, a concrete yard to the rear and a small byre type building to the east boundary. The red line also includes the field to	

the east which is bounded on all sides by a native species hedgerow, with some trees along the roadside boundary. The existing dwelling is a small bungalow set back approx. 40 metres from the roadside.

Description of Proposal

The proposal seeks full planning permission for a single storey dwelling on a farm with conversion and reuse of existing byre.

Deferred Consideration:

This application was before the Planning Committee in December 2021 where it was deferred for a meeting with the Planning Manager. A meeting was held on 16 December and the applicant put forward additional information for consideration in respect of the farming background and current status. An amended plan was also provided to use the existing access and lane for the new dwelling.

Members will be aware that Policy CTY10 allows planning permission to be granted for a dwelling where 3 criteria have been met. In this case the applicant has already met 2 of the criteria, criteria b and c, but had not demonstrated that the farm is currently active and has been established for at least 6 years. It is well established that an application does not have to provide a business id number issued by DEARA, provided they can demonstrate there is a business on-going and that it is related to agricultural or the land is being kept in good agricultural and environmental condition. The applicant owns 1.75ha here of which 1.25ha is in grass. The applicant has advised they have owned the land since 1795 and have provided a number of receipts and invoices for Ian and Christopher McCann to show the activity they have undertaken on the land:

14/2/15 receipt for hedge cutting (McLernon Contracts)
3/3/15 receipt for hedge cutting (McLernon Contracts)
19,6,15 receipt for round baling (McLernon Contracts)
26,1,16 receipt for hedge cutting (McLernon Contracts)
18- 3- 16 receipt for cleaning drains and shoring (Martin McCaffrey & Sons)
6,2,17 receipt for hedge cutting (McLernon Contracts)
28-8-2017 receipt for ploughing and reseeding (Martin McCaffrey & Sons)
20/06/2018 receipt of baling hay (C Morgan)
30/06/2019 receipt of baling hay (C Morgan)
16/06/20 receipt of baling hay (C Morgan)
19 – Feb 2021 receipt for hedge plants and trees (Gardening Products)
24/07/21 receipt of baling hay (C Morgan)
24/8/21 receipt for tools and sprays (Fane Valley Stores Ltd)
3-9-21 receipt for fencing products (Mervyn Potts)

It is clear the ground is kept in good order and that grass is baled from the land, while there are no invoices for the sale of the bales, there were none apparent on the holding when I visited the site. In light of the above I am content that the land is kept in good environmental and agricultural condition, the applicant is investing in the lands and as such, in my opinion, meets the requirements for an active farm as set out in CTY10. From the invoices submitted it is clear this has been ongoing for a period of over 6 years which illustrates the farm has been established for over 6 years. I am satisfied that this is an active and established farm business and meets the requirements for criteria a in CTY10.

The initial application included a new access lane which would have removed all the roadside vegetation. It is now proposed to use the existing access, which will serve 2 dwellings and, as per para and improve the sight lines to 2.4m by 45.0m. DFI Roads observations on 21 May 2021 indicate the 85th percentile road speeds at the access are 31MPH. The access will serve 2 dwellings which, in line with para 5.3 of DCAN15 will result in approx. 20 vehicle movements per day using the access. Table A allows the x distance for an access serving up to 60 vpd to have an x distance of 2.4m or reduced to 2.0m where the road speeds are less than 37MPH. Table B allows the minimum y distance for roads speeds of 31MPH as 33m and the maximum 60m. In view of the above I consider the 2.4m x 45.0m sight lines that have been proposed are acceptable and will allow existing vegetation to be retained to assist screening the proposed development.

I recommend this application is approved with the conditions set out 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.s contrary to Policies CTY1 and CTY10

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45.0m in both directions shall be provided in accordance with the details as set out on drawing No 3A bearing the stamp dated 2 FEB 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

3. All hard and soft landscape works as detailed on drawing no 3A bearing the stamp dated 2 FEB 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development 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: In the interests of visual amenity and biodiversity.

Signature(s):

Date



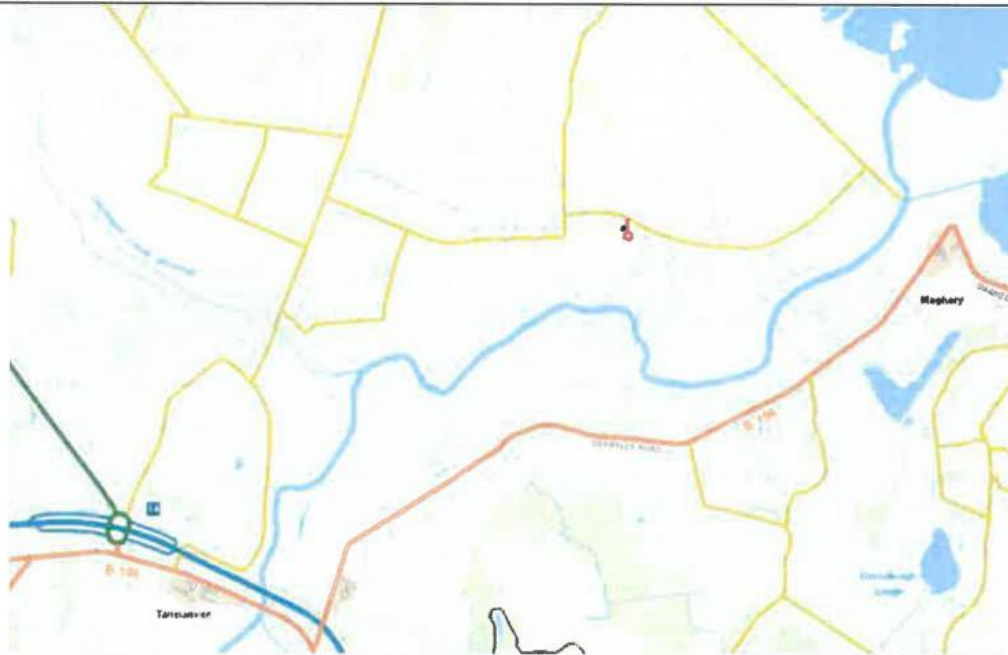
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0506/F	Target Date:
Proposal: Single storey dwelling on a farm with conversion and reuse of existing byre and upgrade of existing access	Location: 45m S.E. of 83 Derryloughan Road Coalisland
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Christopher Mc Cann 83 Derryloughan Road Coalisland Dungannon	Agent Name and Address: Ward Design 10 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	Standing Advice
Non Statutory	DAERA - Omagh	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 site lies in the open countryside just a short distance to the north east of the settlement limits of Tamnamore and to the south west of Lough Neagh and outside all other areas of constraint as depicted by the DSTAP 2010.

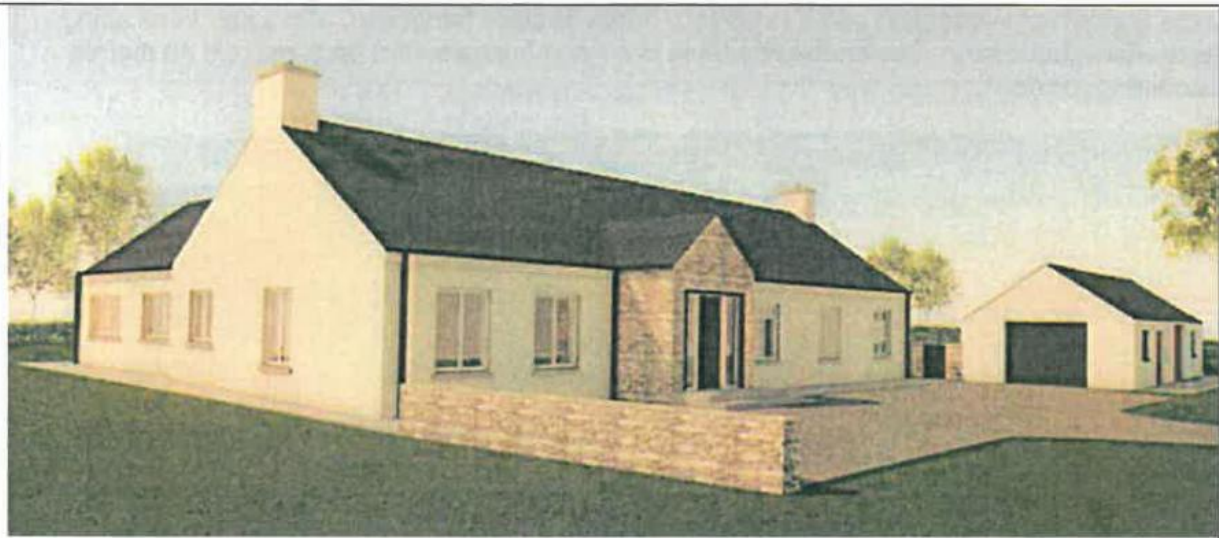
The site is directly east of number 83 Derryloughan Road, Coalisland. The red line of the site includes a dwelling at number 83, a tarred laneway off the Derryloughan road, a concrete yard to the rear and a small byre type building to the east boundary. The red line also includes the field

to the east which is bounded on all sides by a native species hedgerow, with some trees along the roadside boundary. The existing dwelling is a small bungalow set back approx. 40 metres from the roadside.



Description of Proposal

The proposal seeks full planning permission for a single storey dwelling on a farm with conversion and reuse of existing byre.



Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010
Strategic Planning Policy Statement (SPPS)
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
PPS 21: Sustainable Development in the Countryside
CTY 1- Development in the Countryside
CTY 10 ? Farm Dwellings
CTY 13 - Integration and Design of Buildings in the Countryside; and
CTY14 - Rural Character
PPS 3 - Access, Movement and Parking;

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

Planning History

There is not considered to be any relevant planning associated with the site. The applicant originally applied for the conversion of existing byre to a dwelling, however, when the policy context was requested the applicant has amended the proposal to include a farming need.

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a

dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

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

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm

With respect to (a) it is considered that this policy criteria has not been met, the applicant has not provided an Agricultural Business Identification number and is not in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has no Business ID and does not claim single farm payments. To support the application there is three receipts dating back 1 year, this does not prove the farm business has been active and established for 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is located directly adjacent to the main holding and will be visually linked as it only separated by a low cropped hedge.

It is considered that the proposal is not in compliance with the criteria of Policy CTY 10.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity, however the proposal seeks to create a new driveway along the existing entrance and would involve the removal of mature trees at the entrance which currently provide significant screening

to the site. The site does benefit from this roadside vegetation cover, and their clearance to allow new splays would cause the dwelling to struggle to fit in unobtrusively.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale however the new access may raise concerns.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Recommendation Refusal

Neighbour Notification Checked **Yes**

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Signature(s)

Date:

ANNEX	
Date Valid	29th March 2021
Date First Advertised	13th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 80 Derryloughan Road Coalisland Tyrone The Owner/Occupier, 80a Derryloughan Road Coalisland The Owner/Occupier, 81 Derryloughan Road Coalisland Tyrone The Owner/Occupier, 82 Derryloughan Road Coalisland Tyrone The Owner/Occupier, 82a Derryloughan Road Coalisland The Owner/Occupier, 83 Derryloughan Road Coalisland Tyrone The Owner/Occupier, 90 Derryloughan Road Coalisland Tyrone	
Date of Last Neighbour Notification	22nd April 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0844/F Proposal: Detached garage. Address: 83 Derryloughan Road, Coalisland, Dungannon BT71 4QS., Decision: Decision Date: Ref ID: LA09/2021/0506/F Proposal: Single storey dwelling with conversion and reuse of existing byre and upgrade of existing access Address: 45m S.E. of 83 Derryloughan Road, Coalisland, Decision: Decision Date: Ref ID: M/1990/0465	

Proposal: Extension to dwelling
 Address: 83 DERRYLOUGHAN ROAD COALISLAND
 Decision:
 Decision Date:

Ref ID: M/1990/0094
 Proposal: Extension to Dwelling
 Address: 83 DERRYLAUGHAN ROAD COALISLAND
 Decision:
 Decision Date:

Ref ID: M/1997/0087
 Proposal: Extension to dwelling
 Address: 83 DERRYLOUGHAN ROAD COALISLAND
 Decision:
 Decision Date:

Drawing Numbers and Title

Drawing No. 02
 Type: Proposed Floor Plans
 Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Tom McElhatton	
Application ID: LA09/2021/0681/O	Target Date: 17/8/21
Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill)	Location: Approx 25m North East of 49 Moyagoney Road Portglenone
Applicant Name and Address: Mr Alan Donegan 49 Moyagoney Road Portglenone	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: The proposal is contrary to PPS21 in that it does not comply with Policies CTY8 and CTY 14	
Characteristics of the Site and Area: The site is located within the open countryside, outside any defined settlement limits as per Magherafelt Area Plan. The red line of the application site consists of part of a larger agricultural field, which has a relatively flat topography. The northern and southern boundaries are defined by low level hedgerows, with the eastern boundary which runs along the public road defined by a wooden fence. An undesignated watercourse flows along the northern and eastern boundaries. The dwelling no 49 abuts the application site to the south, with an agricultural field to the north. The surrounding area is a mix of residential properties and agricultural land uses with three dwellings located to the south with the dwelling no 47 located approximately 100m north of the application site.	

Description of Proposal

This is an outline application for a proposed dwelling and domestic garage based on CTY 8 (infill).

Deferred Consideration:

This application was presented to the Planning committee on 6th July 2021 with and opinion to refuse for the following reasons;

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable development in the countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Moyagoney Road.
- The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

The application was deferred to allow for a meeting with the Planning Manager. A virtual meeting was held with the agent on 22 July 2021 at which the agent was advised to submit another application for a second dwelling within the gap site. This would allow Planning to assess the new application and subsequently revisit this application, in the light of circumstances then present.

A second application was submitted, LA09/2021/1160/O assessed and an approval granted on 10th November 2021. The area of the second application encompassed the remainder of the gap between nos 47 and 49 Moyagoney Road.

Policy CTY 8: Ribbon Development of Planning Policy Statement 21 allows for an exception to be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The situation in relation to the development pattern within the area has now altered in that to the south exists three road frontage dwellings and to the north an outline approval for a single dwelling and an existing road frontage dwelling, thus providing a suitably sized gap site. It is my opinion that the approval of application LA09/2021/1160/O allows this application to comply with Policy CTY 8 of Planning Policy Statement 21 and I would therefore recommend that is application be granted approval with conditions.

Conditions:

- Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

- The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, Building on Tradition.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

- 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.

- 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.

- 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

- 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.

- 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.

- 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.

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

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

Informatives:

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

- **Department for Infrastructure – Rivers comments:**

DfI Rivers have assessed your consultation and our comments, under each policy heading of PPS 15 are as follows:

PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

The Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. Hence, DfI Rivers would have no specific reason to object to the proposed development from a fluvial flood risk perspective.

PPS15 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure

An undesignated watercourse flows along the northern and eastern boundaries of the site. Under 6.32 of the policy a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times.

By way of a this informative, prospective purchasers whose property backs onto this watercourse are made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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

PPS15 Policy FLD 4 Artificial Modification of Watercourses

Not applicable to this site

PPS15 Policy FLD 5 Development in Proximity to Reservoirs

Not applicable to this site

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

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is

an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

Signature(s):

Date



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0681/O	Target Date:
Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill)	Location: Approx 25m North East of 49 Moyagoney Road Portglenone
Referral Route: Refusal- Contrary to CTY 8 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr Alan Donegan 49 Moyagoney Road Portglenone	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site consists of part of a larger agricultural field, which has a relatively flat topography. The northern and southern boundaries are defined by low level hedgerows, with the eastern boundary which runs along the public road defined by a wooden fence. An undesignated watercourse flows along the northern and eastern boundaries. The dwelling No.49 abuts the application site to the south, with an agricultural field to the north. The surrounding area is a mix of residential properties and agricultural land uses with three

dwelling located to the south with the dwelling No.47 located approximately 100m North of the application site.

Description of Proposal

This is an outline planning application for a proposed dwelling and domestic garage based on policy CTY 8 (Infill).

Representations

No third party representations have been received in relation to this planning application.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 3- Movement, Access and Parking
PPS 15 (Revised)- Planning and Flood Risk
PPS 21- Development in the Countryside

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

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

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

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. I am content that No.51 and 49b to the south of the site have a built up frontage and this is very clear, as they are located close to the roadside. Although No. 49 is set back from the road I am also content that this dwelling shares a road frontage with the two dwellings south of it. From this I am content there is a substantial and continuously built up frontage present to the south, with the dwelling at No.47 located 100m north of the site also sharing a road frontage. However, given the gap between No.49 and No.47 being approximately 125m I do not believe this represents an infill opportunity within a substantial and continuously built up frontage as the gap between the two is much too large and represents an important visual break in the countryside.

Furthermore, given the size of the gap, although the application site is sufficient in size to allow for one dwelling, when read in the wider context with the adjacent field to the north, there is the potential for an additional two dwellings to be sited here, creating a ribbon of development along the Moyagoney Road.

Policy CTY 8 also requires that the existing pattern of development is respected in terms of size, scale, siting and plot size. I am content that the proposed application is in general conformity with the existing pattern of development on the Moyagoney Road. The red line of the application, is similar, yet slightly smaller than the adjoining property at No.49. In terms of the size of the plot, as previously stated I am content it is sufficient. It has a road frontage of approximately 35m along the Moyagoney Road, which is similar to the frontages of No.49b and No.51 to the south. It is noted that No.49 has a smaller frontage as it is sited further west from the road. A siting condition could be attached to any approval to ensure the siting on the proposed application site respects the existing pattern of development.

From this, I do not believe the application can be considered an exception to Policy CTY 8 as the gap to be filled is too large and would result in ribbon development along the Moyagoney Road.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. The site benefits from some established planting of the site which would allow a dwelling to blend with the existing landscape, with some additional planting required to aid integration.

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

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

PPS 15 (Revised)- Planning and flood risk

DfI Rivers were consulted as the site is located adjacent to an undesignated watercourse. DfI Rivers confirmed a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by the way of a planning condition.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	4th May 2021
Date First Advertised	18th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 49 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 49b Moyagoney Road Portglenone The Owner/Occupier, 51 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 52 Moyagoney Road Portglenone Londonderry	
Date of Last Neighbour Notification	19th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2001/0377/O Proposal: Site of Dwelling and Garage Address: 100m North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 18.10.2001 Ref ID: LA09/2021/0681/O Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill) Address: Approx 25m North East of 49 Moyagoney Road, Portglenone, Decision: Decision Date: Ref ID: H/2005/0875/O Proposal: Site of Dwelling and Garage Address: Adjacent to 51 Moyagoney Road, Portglenone Decision: Decision Date: 07.04.2006 Ref ID: H/2002/0690/O Proposal: Site of dwelling & garage Address: 150 metres North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 10.06.2003 Ref ID: H/2002/0691/O Proposal: Site of dwelling & garage	

Address: 200 metres north west of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 14.02.2003

Ref ID: H/2001/1003/F

Proposal: Alteration to Entrance

Address: 100m NW of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 18.01.2002

Ref ID: H/2001/0669/F

Proposal: Dwelling and Garage

Address: 100 Metres North West of No. 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 15.11.2001

Ref ID: H/2001/0825/F

Proposal: Garage

Address: 100 Metres North West Of 51 Moyagoney Road, Portglenone.

Decision:

Decision Date: 07.11.2001

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1036/F	Target Date: <add date>
Proposal: New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	Location: Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
Applicant Name and Address: Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	Agent name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Summary of Issues: The applicants have planted new hedging and are proposing to provide additional landscaping to ensure the new access integrates into the landscape.	
Summary of Consultee Responses: DFI Roads – no issues raised with the safety of the access and conditions recommended.	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups. The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new	

access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

Description of Proposal

This is a full application for an amended access to previously approved application LA09/2020/0631/F.

LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

Deferred Consideration:

This application was before the Committee in January 2022 and was deferred for a meeting with the Planning Manager. A meeting was held on 13 January 2022 and the applicant provided information about landscaping that has been carried out on the site to assist the integration of the new access and offered to provide additional landscaping to integrate the development on the site.

An amended plan was received which provides details of the revised access and landscaping proposals which, in my opinion will provide screening to the access laneway and the dwelling that is currently under construction. It is noted the curtilage of the dwelling has now changed and the access as approved for the development has not been provided. The provision of the approved access was a pre-commencement condition for the dwelling and this could mean the dwelling has not lawfully commenced. Given that the permission was granted on 3 February 2021, it is still within the time period for commencement and I consider it appropriate and necessary to condition this new access is provided within 3 months. As the access has changed the curtilage I propose a condition is added to restrict the curtilage of the dwelling to that as provided with this application.

I recommend this application is approved with the conditions suggested below.

Conditions:

1. Within 3 months of the date of this decision the vehicular access including visibility splays of 2.4m x 150.0m in both directions shall be provided in accordance with the details as set out on drawing no 02/1 bearing the stamp dated 15 FEB 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

2. All hard and soft landscape works as detailed on drawing no 02/1 bearing the stamp dated 15 FEB 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development 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: In the interests of visual amenity and biodiversity.

3. The curtilage of the dwelling which this access serves shall not extend outside the area identified by the red line on drawing No 01 bearing the stamp dated 08 JUL 2021.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

Signature(s):

Date



Cornhairle Ceantair
Lár Uladh
Mid Ulster
District Council

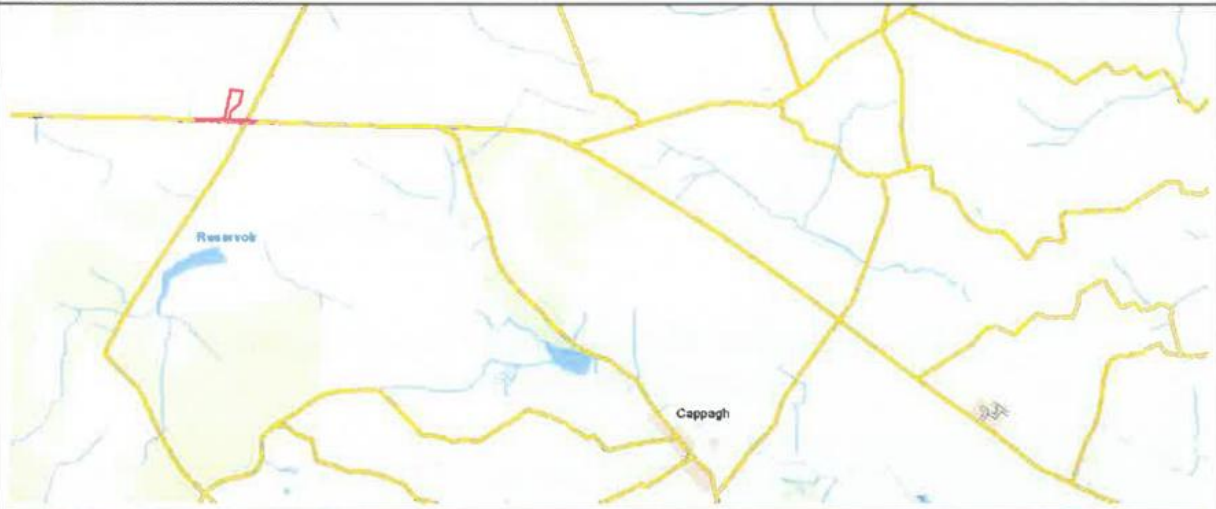
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN


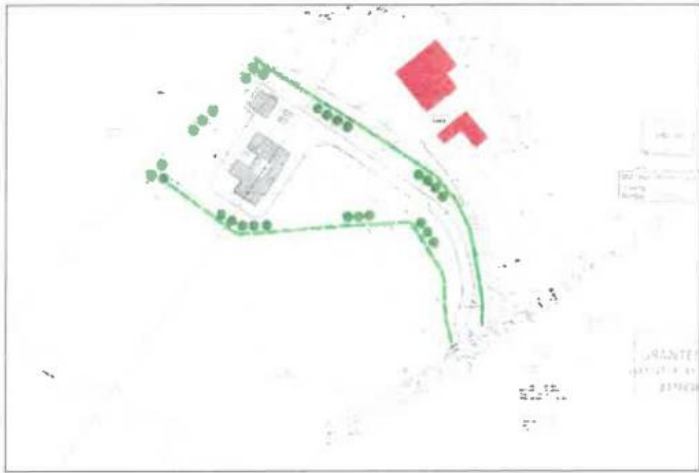

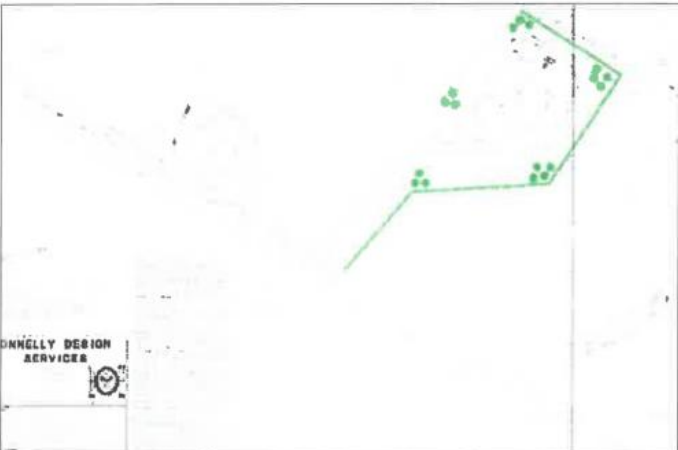
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1036/F	Target Date:
Proposal: New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	Location: Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
Referral Route:	
Recommendation:	REFUSE
Applicant Name and Address: Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is a full application for an amended access to previously approved application LA09/2020/0631/F.		
LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3 rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.		
		
		
Figs 1 & 2: Site plan and layout granted under previous application LA09/2020/0631/F		
		
		
Figs 3 & 4: Site plan and layout sought under current application		

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups.

The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

Planning Assessment of Policy and Other Material Considerations

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

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

Planning History

On Site

- LA09/2020/0631/F - Proposed dwelling & detached domestic garage – Approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY - Granted 3rd February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

Adjacent Site

- M/2009/0069/F - Proposed dwelling and garage - Opposite 138 Lurgylea Rd Galbally, Dungannon - Granted 10th March 2009
- LA09/2021/0395/F - Proposed dwelling and detached domestic garage in substation of M/2009/0069/F - 133 Lurgylea Road Galbally Dungannon - Granted 9th June 2021

The above applications relate to lands west of the current site adjacent the Lurgylea Rd (see Fig 5, below).



Fig 5: Site layout granted under application LA09/2021/0395/F, as can be seen the boundary the current site proposes to follow lined in red above is further east of the recently approved dwellings curtilage.

Dungannon and South Tyrone Area Plan 2010 - The site is located within the rural countryside outside any settlement designated by the Plan.

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

Planning Policy Statement 3 Access, Movement and Parking (PPS3) - Policy AMP 2 (Access to Public Roads) of PPS3 is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access onto a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) - sets out planning policies for development in the countryside.

Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Policy CTY 14 deals with rural character with particular reference to criterion (e) which states the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

I am not content the new access lane will integrate with its surroundings and as a result it will damage the rural character of the area. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

The access lane under this application will run through open landscape along a double row of post and wire fencing approx. 1.2m high (see Fig 6, below). Whilst the proposed block plan submitted indicates an existing hedge along this boundary, what exists is not long established and in my opinion is insufficient to integrate the proposed access arrangements thus damaging the rural character of this very open area of countryside. Owing to the lack of vegetation on site this proposal will rely heavily on new planting, which would take years to establish. Accordingly, I am not content the revised access arrangements would integrate into the landscape without damage to rural character in accordance with Policies CTY13 and CTY14.



Fig 6: Google map shows open landscape access will cross & fencing referred to above



Fig 7: Google map shows approx. line of fencing and vegetation the access lane approved under previous application will follow, along the side of No. 137 Lurgylea Rd, the applicant's current address.

I note concerns with the currently proposed access lane were raised under the previous application on site LA09/2020/0631/F. At the outset of LA09/2020/0631/F the applicant/agent proposed the current access lane however as Planning considered it would not integrate the applicant/agent was given the opportunity to amend the access, alongside other design issues raised, to aid integration. Subsequently, the access lane was amended to run along the north boundary of the site adjacent and parallel to No. 137's access lane (Fig 7) whereby it benefited from post and wire fencing interspersed with mixed vegetation / trees to assist its integration into the landscape. Accordingly, Planning was content the revised access arrangements, alongside other design issues addressed, would now integrate into the landscape in accordance with Policies CTY13 and CTY14 thus the overall scheme was granted.

I do not believe there have been any significant changes on site since the previous application whereby the access lane currently proposed was considered not to be in accordance with Policies CTY13 and CTY 14 therefore I would recommend this proposal be refused. In making this recommendation, I have taken into account supporting information submitted by the agent justifying the proposed access arrangements. However, as detailed above I do not consider this proposal integrates; and there are no sufficient reason why the previously approved access arrangements cannot be provided, legal issues raised are with DFI and NIE, DFI will have to grant road opening permit.

Additional Considerations

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

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Recommendation

Refuse lack of integration resulting in a detrimental change to the rural character of the countryside

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape. 2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of the access arrangements would result in a detrimental change to the rural character of the countryside. 	
Signature(s)	
Date:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1276/O	Target Date: <add date>
Proposal: Proposed dwelling (including waste water treatment plant)	Location: 35m N.W. of 270 Killyman Road Dungannon
Applicant Name and Address: Mr Paul Cranston 120 Bush Road Dungannon	Agent name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Summary of Issues: The proposed site is small and elevated above the road, it does not respect the character of the surrounding area in terms of its plot size and the proposed dwelling. A dwelling here would likely have an adverse impact on the amenity of the adjacent dwellings and due to its narrow width would require significant retaining structures to allow access	
Summary of Consultee Responses: DFI Roads – access can be achieved to required standard EHO – no response received	
Characteristics of the Site and Area: The site lies within the Northern edge of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010. The M1 motorway runs directly past the North of the site. The area is predominantly residential in nature with detached dwellings on both sides, semi-detached dwellings to the rear and across the road frontage there is an agricultural field which is also within the settlement. The red line of the site is located approx. 35 north west of number 270 Killyman road and includes a long narrow plot sandwiched between two dwellings, the site is approx. 8.5 metres wide. The site is higher than the road level with a steep bank on the entrance to the site. It is bounded along all sides and to the rear by low cropped native species hedgerow and the frontage has been opened and is undefined.	

There are trees on either side of the entrance with a hedge along the frontage to the west and a walled frontage along the road to the east. The dwelling has bungalows on either side.

Description of Proposal

The proposal seeks outline planning permission for a site for a dwelling and a septic tank.

Deferred Consideration:

This application was before the Planning Committee in December 2021 where it was deferred for a meeting with the Planning Manager. At the meeting on 16 December 2021, additional information was presented to show how the site could be developed with a small bespoke single storey dwelling and offering similarities with a site in Aughnacloy. Due to issues with capacity in the sewage works it was proposed to deal with the sewage from the site through a septic tank.

The amended plans were subject to further consultation with DFI Roads, EHO and neighbours. DFI Roads have set out the standards that an access will be expected to meet. EHO have not formally responded but have advised that a septic tank should be at least 7 metres from a property and any discharge will be subject to NIEA Consent. An additional letter of objection was received from the neighbour raising concerns about the impact of the development on them.

Members will be aware that new residential development in settlements is assessed against PPS7 – Quality Residential Developments and the Addendum to PPS 7, Protecting the Character of Established Areas. The indicative plans that have been submitted show a new dwelling which is single storey with a 6 metre built frontage on an 8 metre wide site.

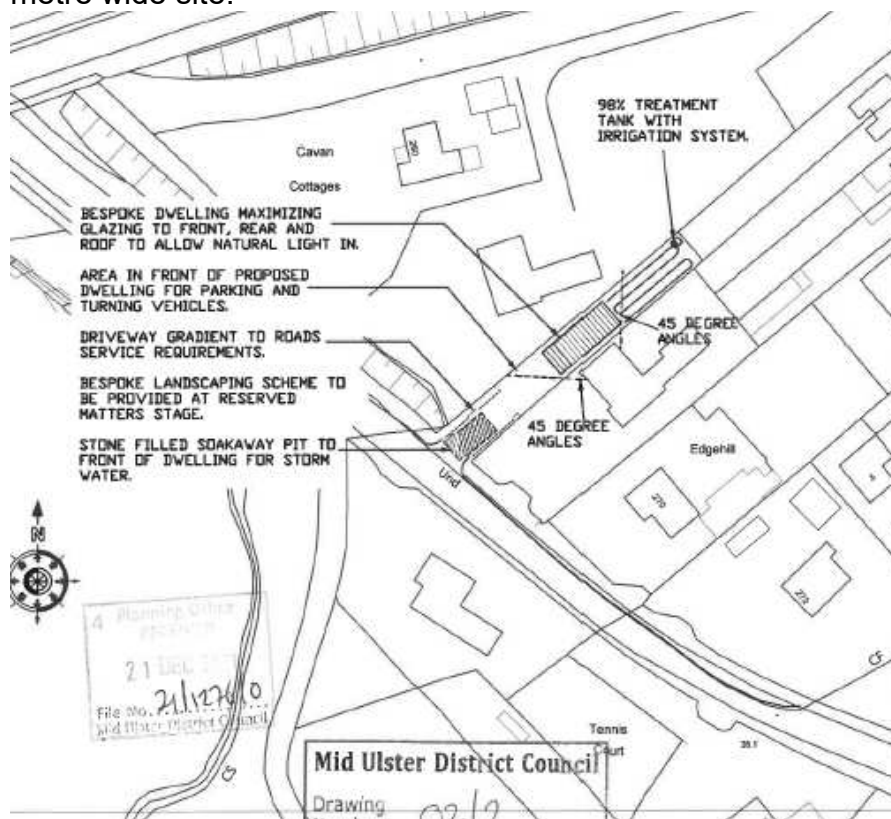


Fig 1. Indicative layout of the proposed site.

The proposed dwelling has the appearance of being shoehorned onto the site, it has a bespoke design with a flat roof behind a low pitched roof front, one small opaque window in each side elevation and roof lights to achieve natural light inside of the house. These design features themselves indicate that the site is too restrictive to accommodate a dwelling of a similar size and appearance to the large dwellings either side of it which are on large plots (Fig 2).



Fig 2 plot sizes adjacent to the site.

The proposed site is approx. 615sqm in total area and the adjacent properties range from approx. 1275sqm to 2,240sqm in size. The site plan (Fig 1) indicates that a dwelling here would have little room either side of it between the walls and the neighbours properties and boundaries. It does not take account of the significant difference in the levels between the road and the site (Photo 1), the narrow width of the site or the adjacent development.



Photo 1 - Site viewed from Killyman Road in front

Access could be achieved to the site, however it would, in my opinion require significant retaining structures and excavations to achieve this. I also do not consider it would be possible, or it would be very difficult to turn a car in the site to ensure it enters and exits the site in a forward gear, as is the usual requirement to prevent vehicles reversing out onto the public road. This would also result in the entire frontage of the site given over to

hard standing for parking and turning areas, which is also not in character with the immediate area.

Members will also be aware that each site is decided on its own merits and the comparable case that has been cited is for a new dwelling in Sydney Lane, Aughnacloy. LA09/2020/1374/O. That site is level with the road, at its frontage, and has a shallow rise away from the road and is in no way comparable with this application site. (See Fig 3 and Photo 2)

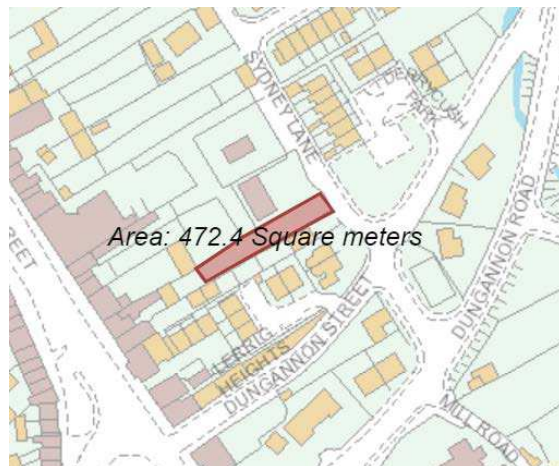


Fig 3 and Photo 2 – Site at Sydney Lane Aughnacloy

Taking account of all the issues raised above and in the previous report, my view is that this development is out of character, would not be able to provide an acceptable parking provision, would result in overdevelopment and should be refused for the reasons stated below

Refusal Reasons

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, be unacceptable as it will result in overdevelopment, loss of amenity on neighbouring properties by reason of its closeness, would require significant retaining structures that are out of character with the area and it would not be capable of providing adequate parking and turning facilities within the site.
2. The proposal is contrary to Policy LC1 of the Department's Planning Policy Statement 7 Addendum - Protecting the Character of Established Areas; Quality Residential Environment in that the development, would, if permitted, represent an overdevelopment of the site and would be out of keeping with the established character of the area.

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: LA09/2021/1276/O	Target Date:
Proposal: Proposed dwelling	Location: 35m N.W. of 270 Killyman Road Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Paul Cranston 120 Bush Road Dungannon	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

None

Characteristics of the Site and Area

The site lies within the Northern edge of the settlement limits of Killyman and outside all other areas of constraint as depicted by the DSTAP 2010. The M1 motorway runs directly past the North of the site. The area is predominantly residential in nature with detached dwellings on both sides, semi-detached dwellings to the rear and across the road frontage there is an agricultural field which is also within the settlement.

The red line of the site is located approx. 35 north west of number 270 Killyman road and includes a long narrow plot sandwiched between two dwellings, the site is approx. 8.5 metres wide. The site is much higher than the road level with a steep bank on the entrance to the site. It is bounded along all sides and to the rear by low cropped native species hedgerow and the frontage has been opened and is undefined.



There are trees on either side of the entrance with a hedge along the frontage to the west and a walled frontage along the road to the east. The dwelling has bungalows on either side.



Description of Proposal

The proposal seeks outline planning permission for a site for a dwelling.



Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010
 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.

Representations

No third party representations were received.

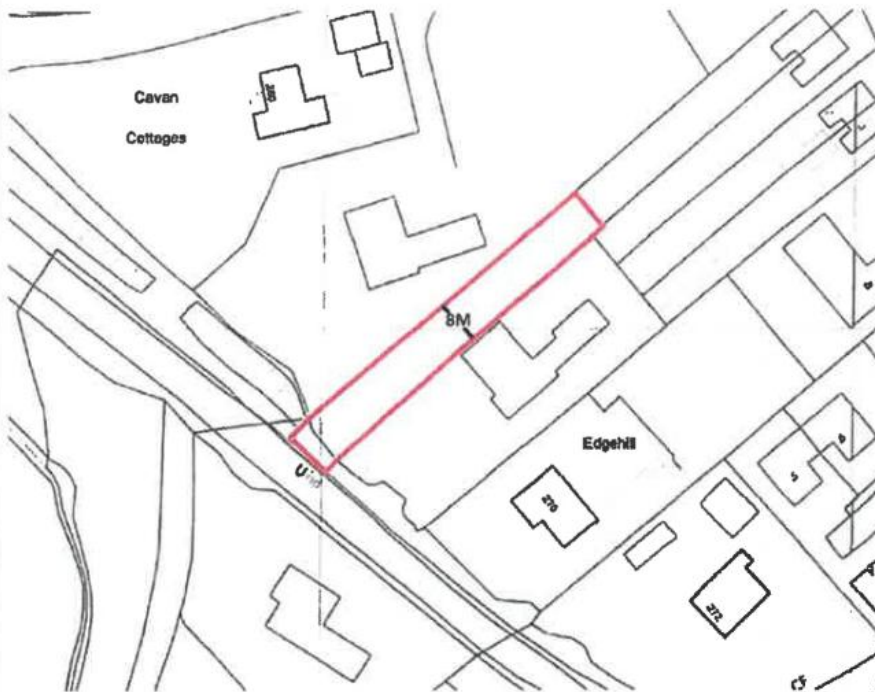
Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result 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:-

I note that the site is located within a mixed-use area inclusive of residential in close proximity, I note that the site appears as an urban infill given the level of build-up. However, it is my opinion that the site is too restrictive on terms of width to allow a dwelling to fit in acceptably. The site is approx. 8.5 metres with and any dwelling on this site would result in loss of amenity for the dwellings on either side.

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 am content that no features of archaeological or built heritage, and landscape features will be impacted from this proposal.



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

Given the size of development I am content that the proposal does not require to provide public open space and given the size of site that there should be adequate private amenity space.

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

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

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

I am content the site will 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 site is big enough to be able to provide sufficient parking for a dwelling.

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

I note that this is only an outline application therefore no design details have been provided.

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 no indicative site plan has been submitted, however, it is my opinion that due to the size and shape of the site any dwelling would give rise to loss of private amenity enjoyed by the neighbour, gable to gable distance of the existing dwellings is approx. 15 metres, also loss of light would be a concern due the site width of 8.5 metres, and finally overshadowing would also be a concern, due to its position to the NW, number 262 would experience overshadowing in early morning to afternoon sun. I note that additional landscaping will be solely required to reduce any concerns in regards to neighbouring amenity.

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.

PPS 3: Access, Movement and Parking

DFI Roads were consulted in relation to the application and responded to confirm that they were content subject to conditions and informatives.

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 does not yet carry determining weight.

As the application has failed to comply with all the criteria under Policy QD1 of PPS 7 I must recommend refusal for this application.

-Overdevelopment

-Loss of amenity

Neighbour Notification Checked

Yes

Refusal Reasons

1.The proposal is contrary to the Department's Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, result in an unacceptable loss of amenity on neighbouring properties by reason of overlooking, overshadowing and loss of light.

2.The proposal is contrary to the Department's Planning Policy Statement 7; Quality Residential Environment in that the development, would, if permitted, represent an overdevelopment of the site.

Signature(s)

Date:

ANNEX	
Date Valid	1st September 2021
Date First Advertised	14th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cavan Cottages Dungannon Tyrone The Owner/Occupier, 2 Cavan Cottages Dungannon Tyrone The Owner/Occupier, 260 Killyman Road Dungannon Tyrone The Owner/Occupier, 261 Killyman Road Dungannon Tyrone The Owner/Occupier, 268 Killyman Road Dungannon Tyrone Doreen Lewis 268 Killyman Road,Cavan,Killyman,Dungannon,BT71 6RT The Owner/Occupier, 269 Killyman Road Dungannon Tyrone The Owner/Occupier, 270 Killyman Road Dungannon Tyrone The Owner/Occupier, 3 Cavan Cottages Dungannon Tyrone The Owner/Occupier, 4 Cavan Cottages Dungannon Tyrone The Owner/Occupier, Holly Ridge 262 Killyman Road Dungannon	
Date of Last Neighbour Notification	21st September 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1276/O Proposal: Proposed dwelling on a farm Address: 35m N.W. of 270 Killyman Road, Dungannon, Decision: Decision Date: Ref ID: M/1976/0298	

Proposal: EXTESNSIONS TO COTTAGES.

Address: LAGHEY COTTAGES, KILLYMAN, CAVAN COTTAGES, KILLYMAN, BALLYNAKILLY

Decision:

Decision Date:

Ref ID: M/2003/0242/F

Proposal: Chalet type dwelling with attatched rear garage

Address: Site adjacent to no. 270 Killyman Road, Dungannon

Decision:

Decision Date: 30.05.2003

Ref ID: M/2000/1232/O

Proposal: Site for one and a half storey dwelling and detached domestic garage.

Address: Land adjacent to 270 Killyman Road, Dungannon.

Decision:

Decision Date: 21.03.2001

Ref ID: M/1995/0752

Proposal: Temporary mobile home for decanting purposes

Address: 3 CAVAN COTTAGES KILLYMAN

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Report on	Updated Planning Officer Authorisation list.
Reporting Officer	M.Bowman
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to seek Members' approval for Mr Colin McKeown to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.
2.0	Background
2.1	Upon the transition of Planning Powers to the Council in April 2015 Member's previously agreed to authorise key officers, namely SPTO / Team leads, to sign decisions on the Council's behalf, in line with the agreed Schemes of Delegation.
3.0	Main Report
3.1	<p>As of 14th June 2021 Mr Colin McKeown has been temporary promoted to a Senior Officer working within the Development Plan Team. As such he will require to be authorised as above.</p> <p>It should be noted that signing decisions is not the same as taking decision. All decisions will be undertaken either by:</p> <p>(i) Planning Committee Or (ii) Planning Manager under the scheme of delegation.</p> <p>Where a decision is made under the scheme of delegation it will be the Planning Managers responsibility to ensure decisions are made in accordance with the policies of the Council and that the right checks and balances are in place</p>
4.0	Other Considerations n/a
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: this will allow for efficient use of Officer time</p> <p>Human: internal team restructuring.</p>

4.2	<u>Equality and Good Relations Implications</u> <u>None</u>
4.3	<u>Risk Management Implications</u> None
5.0	Recommendation(s)
5.1	That Mr Colin McKeown is nominated as an authorised officer.
6.0	Documents Attached & References

Report on	Report on the Council's consideration of the launch of the Consultation on Mineral Prospecting Licence Applications MPLA1/22 and MPLA2/22 for Dalradian Gold Limited
Date of Meeting	1 st March 2022
Reporting Officer	Dr Chris Boomer
Contact Officer/s	Colin McKeown

Is this report restricted for confidential business?		Yes	
If 'Yes', confirm below the exempt information category relied upon		No	x

1.0	Purpose of Report
1.1	The purpose of this report is to provide members with information regarding the Department for the Economy's consultation on their notice of intention to award two Mineral Prospecting licences to Dalradian Gold Limited. The Notice was published in the week commencing 17 th January 2022. A copy of the Public Notice is attached at Appendix B.
1.2	The report will also advise of our intention to respond to DfE and the nature of that response.
1.3	Councils' response must be issued to DFE before 10 th April 2022
2.0	Background
2.1	The two application sites are identified as MPLA1/22 and MPLA2/22 and are located within Counties Tyrone and Londonderry. A considerable part of MPLA2/22 is located in the north west of the Mid Ulster LGD covering the majority of the Sperrin AONB. A map showing the areas covered by the proposed licences is attached in Annex B.
2.2	The two applications are for areas currently licensed by the Department for the Economy to the applicant. The two licences, known as DG5/16 and DG6/16, will end on 31 May 2022.
2.3	The applicant holds Crown Estates options for both areas. Precious metals i.e. gold and silver are vested in the Crown and the applicant has continued, and intends to continue, gold exploration in both these areas under their Crown Estates Options.

2.4	<p>The Public Notice advising that the Department intends to grant the two Mineral Prospecting licences will appear in the first publication of the following newspapers in weeks commencing 17th January 2022 and 24th January 2022;</p> <ul style="list-style-type: none"> • The Belfast Gazette • Tyrone Courier • Mid Ulster Mail • Tyrone Constitution • Dungannon Herald • Ulster Herald • Coleraine Chronicle • Strabane Chronicle • Strabane Weekly News • Londonderry Sentinel • Derry Journal • Derry News (known as Derry Now) • Belfast Telegraph (NW Edition)
2.5	A copy of the Public Notice has been attached at Appendix C
3.0	<p>Main report</p> <p>3.1 Members should be aware that there is a strong likelihood that these prospecting licenses will be granted by the Department but that this does not confer any kind of planning permission for mineral extraction. Having said that, the Council would express concern at the lack of direct involvement with the local community in relation to the statutory process for granting these licenses.</p> <p>3.2 Whilst the prospecting licenses relate only to investigations by Dalradian, they do not represent any permission for development or extraction and therefore, the Council has limited planning grounds on which to object. However, members should be aware that on 26th October 2017, a meeting of Council devolved authority to Planning Committee to respond in relation to the matter of earlier prospecting licenses. It was resolved that we should respond not solely on the grounds of planning concerns but that our response should also reflect and be inclusive of the views of other stakeholders such as the local community.</p> <p>3.3 There are already high levels of fear and concern in these rural communities over the ongoing planning application lodged by Dalradian Ltd under reference LA10/2017/1249/F and accordingly, it is our view that community involvement in the statutory process surrounding minerals exploration and development is something which is essential.</p> <p>3.4 Members should be aware that the Council has previously adopted the following position in relation to similar exploration licenses for Dalradian Ltd and that we would again endorse this position;</p>

3.5	<p><i>The Council objects to the proposed Mineral Prospecting license and also opposes the issue of all mineral prospecting licenses across the District. The reason for the Councils opposition is that offers no benefit to the local community and the issue of prospecting can cause division in communities and conflict among neighbours.</i></p>
3.6	<p>If the Department proceeds with their intention to grant these licenses then, the Councils position is that they should be granted subject to more extensive community involvement being carried out by Dalradian such as mandatory notification being served on landowners prior to entering land as well as prior notification being provided of overhead surveillance which can be intrusive and intimidating for local communities involved.</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified:
	Human: None identified
	Risk Management: None identified
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are requested to agree the attached response which will issue to DfE which will acknowledge the lack of planning grounds for objecting to the prospecting license but which places emphasis on the importance of involving the local community in this highly sensitive and contentious issue.
6.0	Documents Attached & References
6.1	Appendix A – Letter to DfE forming the Councils response to the public consultation Appendix B– Map showing the areas covered by MPLA1/22 and MPLA2/22 Appendix C – copy of Public Notice issued by DfE

APPENDIX A



Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132
Email – developmentplan@midulstercouncil.org

Mark Wilson
Minerals and Petroleum Branch
Room 9
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB

Dear Mr. Wilson

THE MINERAL DEVELOPMENT ACT (NORTHERN IRELAND) 1969 – NOTICE OF INTENTION TO AWARD TWO MINERAL PROSPECTING LICENSES TO DALRADIAN GOLD LIMITED

APPLICATION REFERENCES: MLPA1/22 and MLPA1/22

Thank you for your letter dated 14th January, advising Mid Ulster District Councils of the Departments intention to grant the above mentioned prospect licenses.

Whilst the Council note that the Department intends to grant these licenses, we would request that the contents of this representation, which is sent with the agreement of our elected members is given full consideration.

Whilst the prospecting licenses relate only to investigations by Dalradian, they do not represent any permission for development or extraction and therefore, the Council has limited planning grounds on which to object. However, on 26th October 2017, a meeting of Council devolved authority to Planning Committee to respond in relation to the matter of earlier prospecting licenses. It was resolved that we should respond not solely on the grounds of planning concerns but that our response should also reflect and be inclusive of the views of other stakeholders such as the local community.

We would ask the Department to recognise the heightened levels of fear and concern felt within local communities in this area over the issues surrounding gold mining and the activities of mining companies. We feel that community involvement in every aspect of the statutory process involving the exploration of valuable minerals is something that should not be overlooked.

Mid Ulster District Council has adopted a previous position in relation to similar exploration licenses for Dalradian Ltd. and it is expressed below;

The Council objects to the proposed Mineral Prospecting license and also opposes the issue of all mineral prospecting licenses across the District. The reason for the Councils opposition is that offers no benefit to the local community and the issue of prospecting can cause division in communities and conflict among neighbours.

If the Department proceeds with their intention to grant these licenses then the Councils position is that Dalradian should engage in more extensive community involvement such as mandatory notification being served on landowners prior to entering their land as well as prior notification being provided of overhead surveillance which can be intrusive and intimidating for local communities involved.

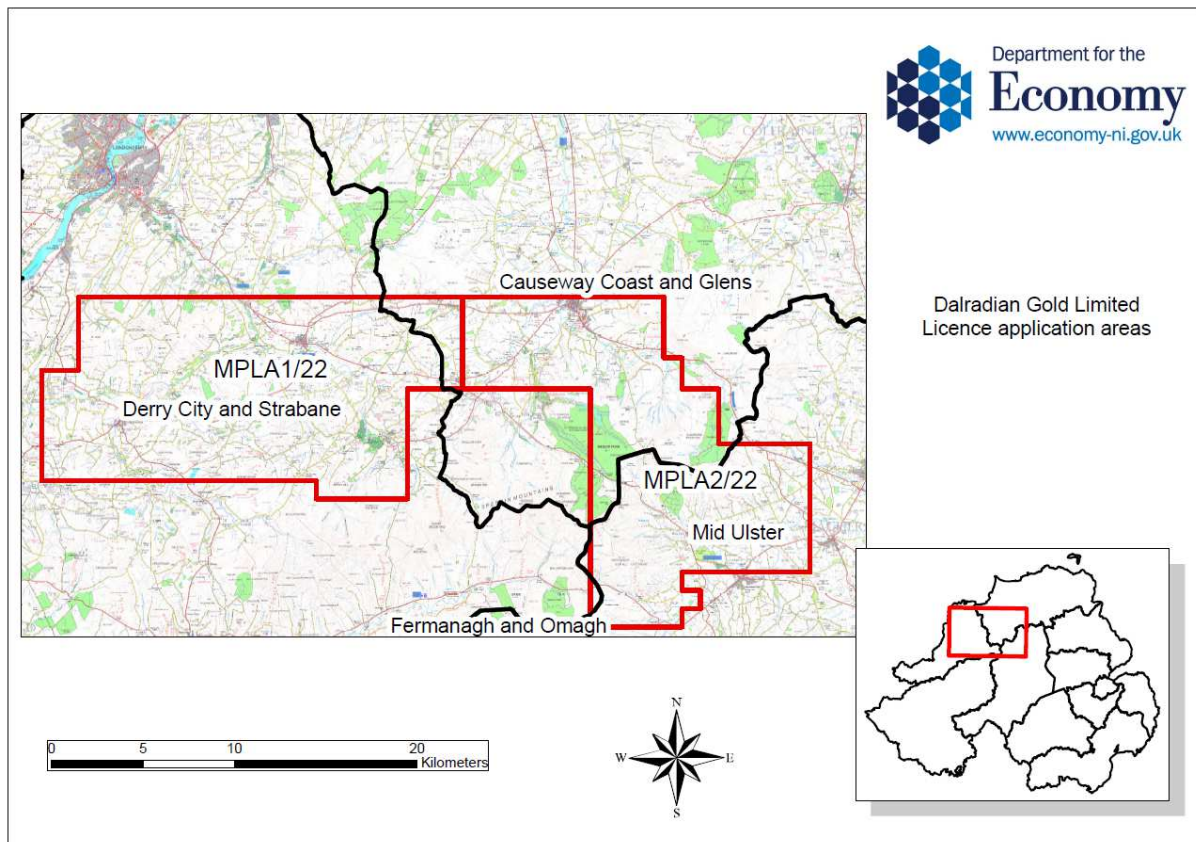
Yours Sincerely,

A handwritten signature in black ink, appearing to read 'C. Boomer', with a long horizontal flourish extending to the right.

Dr. Chris Boomer
Service Director – Planning

APPENDIX B

Map showing the areas covered by MPLA1/22 & MPLA2/22



**APPENDIX C – PUBLIC NOTICE PUBLISHED W/C 17TH JAN
AND W/C 24TH JAN 2022**



Department for the
Economy
www.economy-ni.gov.uk

Mineral Development Act (NI) 1969

In exercise of its powers under Section 11 of the above Act, the Department for the Economy proposes to grant two Mineral Prospecting Licences in Counties Tyrone and Londonderry.

Details of the applications, including a map showing the areas covered by the proposed licences is available at:
<https://www.economy-ni.gov.uk/consultations> by following the link to Mineral Prospecting Licences MPLA1/22 and MPLA2/22.

This information may also be inspected in hard copy. This can be done by appointment only and anyone wishing to avail of this facility should contact the Department on 028 9052 9377 to arrange.

Any person may make representations to the Department about the proposed licences, this should be done on or before 10 April 2022, either by email to:
MPLconsultation@economy-ni.gov.uk or by letter to:

The Department for the Economy, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB.

Please note that email correspondence is preferred.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 February 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Black, Chair

Councillors Bell*, Brown, Clarke*, Colvin*, Corry, Cuthbertson, Glasgow, Hughes*, Mallaghan*, McFlynn, McKinney, D McPeake, S McPeake, Quinn*, Robinson

Officers in Attendance

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
Miss Thompson, Democratic Services Officer

Others in Attendance

Councillor Gildernew***

LA09/2019/1119/O
LA09/2021/0307/O

Mr Cassidy*
Mr Cassidy*

* 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 7.09 pm

P013/22 Apologies

None.

P014/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

All Members present (Councillors Bell, Black, Brown, Clarke, Colvin, Corry, Cuthbertson, Glasgow, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in agenda item 4.16 - LA09/2021/1380/A and agenda item 4.17 - LA09/2021/1397/LBC.

Councillor D McPeake declared an interest in agenda item 5.2 - LA09/2020/0908/O.

Councillor Corry declared an interest in agenda item 4.8 - LA09/2021/0622/F.

Councillor Cuthbertson declared an interest in agenda item 4.2 - LA09/2020/0025/F.

Councillor S McPeake declared an interest in agenda item 5.7 - LA09/2021/0822/O.

P015/22 Chair's Business

Councillor Clarke referred to PAN submitted in December related to a telecommunications installation at Ballynagilly Road, Lissan, Co Tyrone. Councillor Clarke stated he had studied the information submitted and would be concerned as he felt the information is misleading and that the proposed installation is in the wrong place. Councillor Clarke stated that five sites had been identified for the proposal and that four had been ruled out one of which was Glenviggan Road. Councillor Clarke stated he felt that site was in and around a site which was proposed and agreed approximately 5-6 years ago under a different project and was deemed suitable at that stage.

Councillor Clarke stated that the name of the project was Six Towns and was evidently aimed at the Six Towns area however the only Councillors notified were those within Magherafelt DEA. Councillor Clarke stated the proposal is within Magherafelt DEA but if the proposal is to service the Six Towns area then he felt Councillors in Carntogher and Moyola DEAs along with Cookstown DEA should also have been notified.

Councillor Clarke stated that the site at Glenviggan Road was ruled out because of priority habitat and peatland. The Councillor stated that Fair Mountain had also been ruled out as a site but highlighted that the site identified was on the other side of the mountain. Councillor Clarke stated that there also seemed to be a mix up with the maps and the information submitted and discounted reasons were not applicable to the sites being shown on the maps and that this needed to be looked at.

Councillor Clarke stated that the target area needs to be considered further as it was his belief that the target area would not be served from the site identified. The Councillor stated that there should also be consultation with local representatives as he felt there are a range of other sites which could be used.

The Service Director of Planning commended Councillor Clarke on his research and stated that the matter had only been brought to his attention prior to the meeting and he had not looked into it in great detail. The Service Director of Planning stated this was not a PAN as in a Pre Application Notification but rather is a letter which states that someone intends to exercise their permitted development rights and that, unlike a normal planning application, this will be considered under specific criteria.

Ms Doyle (SPO) stated that the planning department received notification of the proposal in December and that it has been made into a PAD (Pre Application Discussion) file and that consultations are yet to issue on this. Ms Doyle stated that the notification advised that it was a pre planning application phase and does not benefit from permitted development rights as far as she was aware.

The Service Director of Planning asked Councillor Clarke if he had got his information from the planning portal.

Councillor Clarke advised that the information was circulated to Magherafelt DEA Councillors by Cornerstone. The Councillor stated he was content that he had raised the issue for officers to investigate.

The Service Director of Planning advised Councillor Clarke to make contact with the Head of Development Management to discuss the matter further.

The Service Director of Planning referred to the addendum and the NI Audit Office report on Planning in Northern Ireland which was published today and stated he would take issue with some of the headlines stemming from this. The Service Director stated he felt planning is making decisions in Mid Ulster and that the department has dealt with nearly 9,000 applications most of which have been determined within target. The Service Director of Planning acknowledged that the report refers to the whole of Northern Ireland and whilst he felt the report is unfair in some things it is correct in others in that it is taking a long time to deal with major applications across Northern Ireland and that Mid Ulster would be one of the weaker Councils on this. However, of the almost 9,000 applications received by Mid Ulster, major applications only accounted for about 80. The Service Director of Planning stated it was best to see how performance can be improved and that he felt the implementation of the new computer system will be a great benefit going forward. The Service Director stated it was also critical of the Department to provide leadership in putting things right and also highlighted that the Department had not brought forward a change to planning fees. Since planning came to Mid Ulster there had only been a 1% increase but the cost of running the department has increased and this will be unsustainable over time. The Service Director of Planning stated that, prior to the report coming out, the Chief Executive had written to the Audit Office stating that it was felt that the research had been limited in who it had spoken to and the statistics considered and that the views of Planning Committee members should also have been taken into account but that this was ignored by the Audit Office. The Service Director of Planning stated a report on the Audit Office publication would be brought to the next Planning Committee meeting.

The Service Director of Planning referred to the addendum and the report on the Review of the Implementation of the Planning Act (NI) 2011 which was published by the Department prior to the publication of the Audit office report and concludes that planning legislation does not need to change bar a few minor items. The Service Director of Planning highlighted that the findings of the report by the Department and the Audit Office do not really tie together.

The Service Director of Planning referred to addendum and notification from DfI in respect of Proposed De-Restriction on sections of A6 Castledawson - Toome Road. The Service Director stated that this notification was not of particular concern and meant that the sections of road highlighted on the maps circulated would switch to the national speed limit.

Mr Marrion (SPO) confirmed that a 30mph speed limit applies where there are three or more street lights on the carriageway, placed not more than 185m apart and that the notification to de-restrict the sections of road highlighted on the maps will allow the national speed limit to apply along the entire A6 route.

The Service Director of Planning advised he had a further item which would be taken in confidential business.

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 from tonight's meeting schedule—

Agenda Item 4.1 – LA09/2018/0565/F - Housing development of 36 no. dwellings, services and infrastructure at lands N of 7 Lisnastraine Heights, Coalisland for McAvoy Roan Pension Fund – Defer for office meeting.

Agenda Item 4.7 - LA09/2021/0288/O - Site for dwelling and garage within a gap at 30m S of 174A Ardboe Road, Cookstown for James Devlin – Defer for submission of additional information.

Agenda Item 4.9 - LA09/2021/0719/F - Farm dwelling and garage at approx. 25m E of 25 Creagh Hill Road, Toomebridge, for Brendan Mulholland – Defer for office meeting.

Agenda Item 4.11 - LA09/2021/0845/O - Dwelling and garage at lands 50m SE of 13 Magherafelt Road Clooney, Tobermore, for Mark Drennan – Defer for officer 2nd opinion.

Agenda Item 4.15 – LA09/2021/1283/O - Off-site replacement dwelling and garage 50m NW of 26 Annaginney Road, Dungannon, for George McIvor – Defer for office meeting.

Agenda Item 4.18 - LA09/2021/1497/F - Retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown for Enda and Nuala Devlin – Defer for office meeting.

Councillor Brown requested that agenda item 4.5 - LA09/2020/1637/F - be deferred in order for additional information to be provided. The Councillor stated that both of the applicants grandparents had passed away last week and he had not got the necessary information submitted in relation to odour and noise reports.

Councillor McFlynn referred to agenda item 4.7 - LA09/2021/0288/O – and the objections received in respect of this application and that she wanted to ensure that the objectors concerns would be considered when the additional information has been submitted.

The Service Director of Planning advised that when an application is deferred it has to come back to the Planning Committee and the Committee gets to consider the objections and the additional information submitted by the applicant.

Proposed by Councillor Robinson
Seconded by Councillor Corry and

Resolved That the planning applications listed above be deferred as outlined.

Matters for Decision

P016/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2018/0565/F Housing development of 36 no. dwellings, services and infrastructure at lands N of 7 Lisnastraine Heights, Coalisland for McAvoy Roan Pension Fund

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0025/F Retention of timber cabin for use as storage, at site at 42 Main Street, Moygashel, Dungannon for Mr Brian Turkington

Members considered previously circulated report on planning application LA09/2020/0025/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0025/F be approved subject to conditions as per the officer's report.

LA09/2020/0892/F Dwelling & detached garage at Site 177 adjacent to 1 Brookfield Road, Dungannon for NI031025 Ltd

Members considered previously circulated report on planning application LA09/2020/0892/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Corry

That planning application LA09/2020/0892/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan stated it was his understanding that a name would have to be associated to a planning application and in this case a company number has been used. The Councillor asked if a name should be advertised along with the application.

The Service Director of Planning asked what was advertised.

Mr Marrion (SPO) stated that the advertisement would have been in relation to the proposed development and that the details on the planning portal are the name that has been put forward which is NI031025 Limited along with an address of 64 Hall Street, Maghera which sets out who the applicant is.

The Service Director of Planning stated that in law when a planning application is made it should indicate who the applicant is and a contactable address.

Mr Marrion confirmed that both a name and address have been provided.

The Service Director of Planning stated that an applicant's name is not always put in a press advertisement but rather the proposal and location of development.

Councillor Mallaghan stated he was content with the response but just found the situation unusual.

The Chair, Councillor Black asked if the applicants name is available why the company number had been used.

Mr Marrion clarified that the applicants name is NI031025 Limited as submitted.

The Service Director of Planning stated that the applicant can be a company but it should state who the company is and not just a number.

Councillor McKinney asked for legal opinion on the matter.

The Council Solicitor stated it appears that the number is the company name as it has a 'Ltd' at the end of it but that a Companies House search could clarify.

Mr Marrion stated that he had done a quick Companies House search and that the company name is the company number.

Councillor Colvin stated he was aware from previously working in Building Control that a contact name was required in case of any litigation however he was conscious that this may have changed. Councillor Colvin stated that he felt Councillor Mallaghan had raised an important point and he was not entirely satisfied with what was before Members tonight and that the matter required more investigation.

The Chair, Councillor Black stated that Councillor Colvin's comments were fair and that the Committee needed to satisfy itself that it is making a solid decision.

Councillor Bell stated that that he had done a company search and that this shows a list of Directors names for the company.

The Service Director of Planning stated it was his understanding that the company, provided they are the applicant, can make an application but that the applicant needs to be stated.

Mr Marrion referred to the Planning General Procedural Order Article 3 which states that an application should contain the name and address of the applicant or where an agent is acting on behalf of the applicant then their address should be given. Mr Marrion questioned whether it would be any different if it was Boots the Chemist who submitted an application as Boots is the company name.

The Service Director of Planning felt it was in order to defer the application in order to seek a legal opinion in relation to the application.

Councillor S McPeake stated he was content to defer the application in order to obtain in house legal opinion and that if all is found to be in order then the application should be approved without holding it back for a month. If an issue is found then the application should be brought back to Committee.

The Service Director of Planning felt that was sensible as applications are held for five days before they are issued in any case. The Service Director suggested that the application be approved subject to checking the validity of the application and if all is found to be in order then the approval should be issued following the five day call in period.

Proposed by Councillor S McPeake
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/0892/F be approved subject to conditions as per the officer's report and checking the validity of the application.

Councillor Colvin stated it would be important to know the outcome for the future.

The Chair, Councillor Black confirmed with the original proposer and seconder that they were content with the way forward.

Councillors Brown and Corry confirmed they were content.

**LA09/2020/1378/F 2 blocks of 5 glamping accommodation at Fishermans Walk
380m E of 23a Ballymacombs Road, Bellaghy for Ryan
McSorley**

Members considered previously circulated report on planning application LA09/2020/1378/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1378/F be approved subject to conditions as per the officer's report.

**LA09/2020/1637/F Change of use of first floor of unit 12 from storage to two
apartments. Addition of a first floor over unit 11 for use as
two apartments, together with additional floorspace for
access stairs and storage at Units 11 & 12 The Diamond
Centre, Market Street, Magherafelt, for SH Watterson
(Machinery) Ltd**

Agreed that application be deferred earlier in meeting for submission of odour and noise reports.

LA09/2021/0283/F Retrospective change of use from domestic garage/store to offices and storage at rear of 81 Glen Road, Maghera, for H.M Electrics Ltd

Members considered previously circulated report on planning application LA09/2021/0283/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0283/F be approved subject to conditions as per the officer's report.

LA09/2021/0288/O Site for dwelling and garage within a gap at 30m S of 174A Ardboe Road, Cookstown for James Devlin

Agreed that application be deferred for submission of additional information earlier in meeting.

LA09/2021/0622/F Extension and alterations to clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works at 10 Corrick Road, Straw, Draperstown, for St Colms GAA Ballinascreen

Members considered previously circulated report on planning application LA09/2021/0622/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0622/F be approved subject to conditions as per the officer's report.

LA09/2021/0719/F Farm dwelling and garage at approx. 25m E of 25 Creagh Hill Road, Toomebridge, for Brendan Mulholland

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0806/O Dwelling at site 100m W of 89 Omagh Road, Ballygawley, for Stephen Canavan

Planning Application Withdrawn.

LA09/2021/0845/O Dwelling and garage at lands 50m SE of 13 Magherafelt Road Clooney, Tobermore, for Mark Drennan

Agreed that application be deferred earlier in meeting for officer 2nd opinion.

LA09/2021/0994/O Infill site for a dwelling adjacent to 21 Tullyveagh Road, Doorless, Cookstown for Mr Patrick Conlon

Members considered previously circulated report on planning application LA09/2021/0994/O which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/0994/O be approved subject to conditions as per the officer's report.

LA09/2021/1007/O Dwelling (revised siting on block plan) at site adjacent to 113 Back Lower Road, Brockagh, Dungannon, for Owen Campbell

Members considered previously circulated report on planning application LA09/2021/1007/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/1007/O be approved subject to conditions as per the officer's report.

LA09/2021/1089/O 2 dwellings (additional plans submitted) at lands to the rear of 41 Millburn Street, Cookstown for William Wilkinson

Members considered previously circulated report on planning application LA09/2021/1089/O which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/1089/O be approved subject to conditions as per the officer's report.

LA09/2021/1283/O Off-site replacement dwelling and garage 50m NW of 26 Annaginney Road, Dungannon, for George McIvor

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1380/A 2 Banner Signs fixed to front elevation on PPC aluminium frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon, for Mid Ulster District Council

LA09/2021/1397/LBC 2 Banner Signs fixed to front elevation on PPC aluminium frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon, for Mid Ulster District Council

All Members declared interest in these items earlier in meeting.

Members considered previously circulated reports on planning applications LA09/2021/1380/A and LA09/2021/1397/LBC which both had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Robinson and

Resolved That planning applications LA09/2021/1380/A and LA09/2021/1397/LBC be approved subject to conditions as per the officer's report.

LA09/2021/1497/F Retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown for Enda and Nuala Devlin

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2019/1119/O Dwelling and domestic garage at approx. 50m W of 62 Reclain Road, Dungannon, for Ms Margaret Donnelly

Mr Marrion (SPO) presented a report on planning application LA09/2019/1119/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that it is accepted that this application is on a fully working farm and that single farm payments have been claimed in excess of six years. It is also accepted that there have been no dwellings approved under policy in the last ten years and that the applicant has never had a house on the farm approved. Mr Cassidy advised that the site is not prominent, clusters with the farm buildings and provides integration. Mr Cassidy stated that the only issue is that a site was transferred from the farm within the last ten years. The site in question was a derelict house given to a son almost ten years ago and that no money was exchanged in this gift as the son worked alongside his father on the farm. Mr Cassidy stated that the old dwelling has been renovated and in order to generate monies to complete these renovations the house was signed over to the son's wife to allow them to obtain a mortgage. Mr Cassidy stated that as the old house was gifted, the planning department deem it to be sold by the farmer. Mr Cassidy stated that, traditionally, family farms have been passed down to the next generation on death but more recently social and economic changes have meant that farms are now transferred to the next generation during the farmer's lifetime and to this end the son has been added as a full member of the farm business. As a full member, the son is now the person with day to day responsibility for managing the farm and has discretion to buy and sell stock. He is also responsible for accounts and tax and is the main worker on the farm. As previously stated, Mr Cassidy advised that the son resides in the dwelling the planning department deem to have been sold off.

Mr Cassidy stated that the objective of PPS21 is to manage growth in the countryside and to achieve an appropriate and sustainable pattern of development which meets the needs of a vibrant rural community and was not intended to deny houses on a technicality. Mr Cassidy stated that the policy refers to dwellings that are sold off the farm and that the wording suggests that money changes hands. Mr Cassidy stated that the old house was transferred as a gift and not sold and that the policy does not refer to the transfer of property. Mr Cassidy stated that no monies were exchanged and that the dwelling is still lived in by a member of the farm business who works on the farm seven days a week. Mr Cassidy stated that the applicant has also helped out on the farm her entire life and has recently got married. Mr Cassidy stated that it is her elderly father's wish that she build her house on the family land. Mr Cassidy asked Members to review the application in the spirit of the policy and allow the applicant to build her home.

The Service Director of Planning stated it is important to proceed with caution based on the facts and that facts should not be manufactured to suit. The Service Director clarified that he was not suggesting that this has occurred but he just wanted to be sure of the facts. The Service Director of Planning asked if the transferred building had been built.

Mr Cassidy advised that the transferred building was an old stone cottage which has been renovated and is now lived in.

The Service Director of Planning asked if a replacement opportunity had been transferred as the case officer had advised him that planning permission had been granted. The Service Director asked what the planning permission was for.

Mr Marrion advised that the planning appeal reference stated that the application was for a dwelling at lands approximately 80m south of 64 Reclain Road, Dungannon. Mr Marrion stated that the Commissioner's report refers to a site for a dwelling and not a replacement.

The Service Director of Planning asked if that house was built.

Mr Marrion advised that there was a house approved in 2012 and that foundations were put in place and a garage was built and has been extended.

The Service Director of Planning stated that the garage has been built and there is the ability to build the house as the planning permission is still live. The Service Director stated that the notion of transfer is if land/property goes to someone else and not whether money has been exchanged. The Service Director of Planning asked was the property transferred from one persons name to another persons name in land registry.

Mr Marrion advised that the change of name on land registry occurred on 28 September 2015.

The Service Director of Planning stated that clearly less than ten years ago a development opportunity left the farm and that planning policy refers to the transfer of property to children.

Mr Marrion stated that the amplification of the policy states that sold off will mean any development opportunity disposed of within the farm holding to any other person including a member of the family.

The Service Director of Planning stated that the policy is clear. The Service Director stated that the claim is that it was sold off but the person is now part of the farm business and asked when this happened.

Mr Marrion stated that DAERA have advised the person was added to the farm business in May 2021.

The Service Director of Planning asked when the planning application was submitted.

Mr Marrion advised the planning application was submitted in 2019.

The Service Director of Planning highlighted that the application was already in the system and had a recommendation for refusal before the person was added to the farm business. The Service Director stated it would appear that the person was added to the farm in order to aid the planning application. The Service Director stated that the property went from the farmer to the son therefore there has been a disposal and therefore the application should be refused. The Service Director stated that technicalities do not come into it and that the question could be raised as to whether a new farm has been created and whether the requisite six years have passed for the owner of the farm.

The Service Director of Planning stated he was conscious of the audit report published today which is critical of planning authorities which it claims are not implementing what it sees as being straightforward applications for houses in the countryside and the overturning of recommendations for no real reason. The Service Director stated he did not feel this applies to Mid Ulster as it has very few overturns, the lowest in Northern Ireland, and that the rationale is always very clearly set out. In this instance the Service Director stated that the agent is asking the Committee to create a precedent for the future in that all a person needs to do is register with a farm business and that he urged Members to be careful. The Service Director of Planning stated that if the Committee refuse the application the applicant can go to planning appeal and if the planning appeal accepted that all a person needs to do is register a farm holding in a son/daughters name then he would be content to implement that practice in the future.

The Chair, Councillor Black stated he would have some concerns regarding the retrospective nature in that the name has been added to the farm business a considerable time after the application was submitted.

Councillor Glasgow asked if there was a legal risk or opinion on the matter or was it just what policy states in the report.

The Council Solicitor stated she could not comment as she had not been involved with the preparation of the report. The only thing the Council Solicitor stated she could comment on was if there was a decision to overturn the officer recommendation.

The Service Director of Planning stated that the issue relates to policy rather than a legal position and that the policy sets out the rules. The Service Director stated that the policy sets out that if property is transferred to a son/daughter then it is considered as a transfer and it does not say unless they become part of the farm holding at a later date. The Service Director stated that the tests for a legal challenge would be has the Committee considered something that it shouldn't have, has the Committee failed to consider something it should have or has the Committee made a decision that no other reasonable person could have made. The Service Director stated you can never guess the outcome of a legal case but his own reading would be it would be very hard to reasonably interpret that it hadn't transferred to the son from the farm holder.

Mr Marrion stated that the person to which the property was transferred is a son in law of the farmer and not the farmers son.

Councillor Colvin stated that the agent had put the case across very well and very persuasively but that unfortunately in this situation the Committee would have to go against policy to do anything other than accept the officer recommendation. Councillor Colvin proposed the officer recommendation to refuse the application.

Councillor Robinson seconded Councillor Colvin's proposal.

Resolved That planning application LA09/2019/1119/O be refused on grounds stated in the officer's report.

LA09/2020/0908/O Dwelling and garage 25m NE of 68 Hillhead Road, Toomebridge for Mr Damian Barton

Members considered previously circulated report on planning application LA09/2020/0908/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/0908/O be approved subject to conditions as per the officer's report.

LA09/2020/1444/O Dwelling and garage adjacent to 76 Moghan Road, Castlecaulfield, Dungannon, for Brigid McElduff

Planning Application Withdrawn.

LA09/2021/0305/F Dwelling with detached garage and loft room at approx. 50m SSW of 31 Sherrigrim Road, Stewartstown for Mr Daryl Morrison and Miss Rachel Mullan

Members considered previously circulated report on planning application LA09/2021/0305/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0305/F be approved subject to conditions as per the officer's report.

LA09/2021/0317/O Infill dwelling and garage between 23 and 27a Macknagh Lane, Upperlands, for Paddy McEldowney

Ms Doyle (SPO) presented a report on planning application LA09/2021/0317/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated the proposal is for an infill dwelling between 23 and 27a Macknagh Lane, Upperlands. Mr Cassidy confirmed that the planning officer had visited the site and is clear that no.23, the dwelling and garage to the south east of the site has frontage to the road with the argument being that 27a does not have road frontage as it is the officer opinion that it is only an access point to the road. Mr Cassidy stated that no.27 is a large two storey house which is set back from the road and that its garden space is defined by two distinct areas, one being a formal lawn and the other being kept as a natural habitat by the owner, it was advised that there are no physical features to separate these two areas. Mr Cassidy stated that a post and wire fence separates no.27 from the application site and that this is defined on the drone images submitted. On the ground, there is no boundary feature to the front or side of no.27 that physically separates it from the road and there is no evidence that the natural habitat to the side of the dwelling has ever been used as an agricultural field and that this area has been enjoyed by the occupants of the house since construction. Mr Cassidy stated that no.27 has a road frontage of 30m. Mr Cassidy stated he felt the proposal is practically identical to another application previously recommended for approval following a site visit by Members and that these details had been circulated to Members. In that application it was felt that the buildings situated on the corner gave the appearance of a continuous built up development allowing the proposal to be considered more favourably as a gap site. Mr Cassidy stated he appreciated that each application should be determined on its own merits however he felt there are striking similarities between these two applications which should strike the balance in approving the application tonight and asked Members to reconsider the recommendation.

Councillor Brown, in referring to the previous application mentioned by Mr Cassidy, asked was that proposal considered as a gap site or a farm dwelling on a farm. The Councillor stated that the house in question in the previous approval does not front onto the Roshure Road but rather Mullaghboy Hill Road and therefore he did not see the two applications as being similar.

Mr Cassidy stated that the previous application was originally submitted as a farm dwelling but it was deemed there was no farm case and the application was subsequently considered as an infill dwelling and thats what Members went to see at the site visit and what the decision was based on.

The Service Director of Planning stated that the situation on infill is clearly set out in policy and the way it is interpreted is that a site should have road frontage with at

least three buildings. The Service Director stated that decisions are not taken based on what happened with a previous application but rather they are made based on policy. The Service Director stated that each infill development is never exactly the same because of two tests – one being road frontage and the number of buildings as stated and the other being that it does not change rural character.

Councillor S McPeake stated he had went on the site visit to the previous application and it was not a farm dwelling that was being dealt with at that time. Councillor McPeake felt there were similarities between the two applications and if agreement could not be reached tonight he would suggest a site visit as it would be helpful for Members to see the site before making a decision.

The Service Director of Planning stated that if Members felt they would benefit from seeing the site then a site visit can be arranged as it is important not to make decisions based on a previous decision but rather how they see this application. The Service Director stated that if Members are unsure of the officer recommendation it is reasonable to ask for a site visit.

Councillor Brown stated he was fairly sure that the site on the Roshure Road was a PPS21 site for a farm dwelling on a farm and that the person who applied for the site has a farm dwelling in Magherafelt town. Councillor Brown stated that the previous application is in the countryside and was to exit onto the Mullaghboy Hill Road rather than the Roshure Road. Councillor Brown stated that the previous application cannot be classed as an infill site as it was not an infill application but rather a PPS21 application so therefore infill should not be considered.

The Service Director of Planning advised that PPS21 is the whole policy for the countryside and that a house on a farm is within PPS21 along with infill dwellings. The Service Director advised that policy CTY10 deals with dwellings on a farm and policy CTY8 deals with infill. The Service Director stated that an application for a house on a farm is different to an infill dwelling as each would be considered according to its policy. The Service Director of Planning asked if the previous application had been granted as an infill or dwelling on a farm.

The Head of Development Management advised that the previous application whilst initially being submitted as a farm dwelling was considered and granted as an infill dwelling. It was argued that the house in question had two frontages – one onto Mullaghboy Hill Road and the other onto Roshure Road.

The Service Director of Planning stated that it can happen that an application is made under one policy but when it is considered it could be found that the application fits another policy under PPS.

Councillor S McPeake proposed a site visit be undertaken.

Councillor D McPeake seconded Councillor S McPeake's proposal as he stated he had been to the site visit for the previous application being referred to and it had been helpful.

Councillor McKinney stated that in relation to the previous application the decision recommended by the planning officer in their initial report was correct however by

the time the site visit was made a wall had been built along Mullaghboy Hill Road and Roshure Road. As outlined by the officer, Councillor McKinney stated that there was only slight frontage onto the Roshure Road and that the application only got through “by the skin of its teeth”.

The Chair, Councillor Black asked if Councillor McKinney had any difficulty in a site visit being undertaken for this application.

Councillor McKinney stated he did not see the circumstances as the same between the two applications but that people may want to try to manipulate the argument.

Councillor McFlynn stated that she has found since she has come onto the Planning Committee that each application is judged on its own merit, irrespective of what has happened with previous applications. The Councillor stated she agreed with Councillor S McPeake’s proposal and that a site visit should be taken.

Councillor Corry stated she also felt a site visit would be worthwhile.

Councillor S McPeake referred to Councillor McKinney’s comment in relation to potential manipulation on how this application is determined. Councillor S McPeake stated that he did not say the two applications were exactly the same but that he felt there were similarities between this application and the previous application. Councillor S McPeake stated he was not manipulating anything when he said that and made no apology.

The Service Director of Planning stated that when the Committee undertake the site visit they will be able to judge the application against policy.

Councillor McKinney stated his comments were made to the person who is representing the applicant and that it was they who were making the comments on the similarities between the applications and not him or Councillor S McPeake. Councillor McKinney stated it was the person representing the applicant who made the similarities and that Councillor S McPeake did not make any comments but stated that if he felt he had that was ok.

Councillor S McPeake stated that his comments were in relation to the request for a site visit and there was no manipulation being made.

Resolved That planning application LA09/2021/0317/O be deferred for a site visit.

**LA09/2021/0690/O Dwelling, adjoining and NE of 100 Trewmount Road,
Killyman for Briege O'Donnell**

Members considered previously circulated report on planning application LA09/2021/0690/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0690/O be approved subject to conditions as per the officer’s report.

LA09/2021/0822/O Site for farm dwelling and garage, 60m South of 88 Gulladuff Hill, Magherafelt for Dan McCrystal

Members considered previously circulated report on planning application LA09/2021/0822/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0822/O be approved subject to conditions as per the officer's report.

LA09/2021/1313/O Dwelling and garage, between 55c and 59 Cadian Road, Dungannon (site 1) for Mr R P Reid

LA09/2021/1314/O Dwelling and garage between 55c and 59 Cadian Road, Dungannon (site 2) for Mr R P Reid

Members considered previously circulated reports on planning applications LA09/2021/1313/O and LA09/2021/1314/O which both had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning applications LA09/2021/1313/O and LA09/2021/1314/O be approved subject to conditions as per the officer's report.

P017/22 Receive update to Planning Officer Authorisation List

The Service Director of Planning presented previously circulated report which sought approval for Mrs Karla McKinless to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That Mrs Karla McKinless is nominated as an authorised officer to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

The Chair, Councillor Black stated that agenda item 7 - Minutes of Planning Committee held on 10 January 2022 would be moved into matters for decision.

P018/22 Minutes of Planning Committee held on 10 January 2022

The Chair, Councillor Black referred to discussion at the Council meeting on 27 January 2022 at which it was decided to refer this item back to the Planning Committee.

Councillor Glasgow stated he did not intend to go over the debate in relation to item P006/22 – Receive Report on Planning Performance but that there were two points he had stated at the meeting which he wanted to be included in the minute which he felt were important namely –

- 1 At the end of paragraph 5 - “I just want to make sure the infrastructure is there for them to fulfil their duties as they work from home.”
- 2 Paragraph 7, sentence 2 – “I propose a report is carried out to look into this matter to see what staff need to fulfil their duties from home”

Councillor Glasgow stated that during the previous debate of the item the Council Solicitor had put forward advice and asked as a point of clarification if this had been legal advice or procedural advice.

The Chair, Councillor Black asked Councillor Glasgow if he was content with the minute subject to the two comments being included.

Councillor Glasgow stated he was content.

The Council Solicitor stated she had offered procedural advice with regards to the forum for discussing such matters and that it was not legal advice.

Councillor Glasgow asked for confirmation that it was not legal advice that had been given.

The Council Solicitor stated she had provided Council procedural advice in relation to dealing with such matters as on the night of the meeting she had interpreted Councillor Glasgow was making a complaint and that it was not the correct forum to do so.

Councillor Glasgow clarified that he had not made a complaint but rather a request for a report to ensure that the structure was there to enable people to continue working from home on a rota basis.

The Council Solicitor stated that the Councillors comments were clear now but that on the night if it had been a complaint that was being made she wanted to ensure that it was addressed in the correct forum.

Councillor Glasgow reiterated that he had never been making a complaint.

The Service Director of Planning stated that the clarification had been helpful and that what Councillor Glasgow was asking was do officers have the facilities in order to work from home. The Service Director advised that at the introduction of lock down the planning department invested heavily and all officers got laptops which are internet linked in that when an officer is working from home they can link into the office and can open files, write reports etc. The Service Director stated that team meetings are conducted virtually and that there is a Citrix system in place whereby phonecalls can be taken on an officers laptop. It was advised that if a member of staff does not have an internet connection then they would be expected to work in the office however all staff have their own internet connections. The Service Director also highlighted that officers do not work from home all the time but rather on

alternate days. The Service Director of Planning stated that Councillor Glasgow had asked for an assurance that Council has invested in its staff to enable working from home for staff and he confirmed that this has happened. The Service Director stated that if Members have an issue and it is brought to his attention then it will be dealt with.

Councillor Glasgow stated that the comments of the Service Director were reassuring and that he was content that the issues that he had raised had all been addressed within the verbal report provided tonight and thanked the Service Director for taking the time to do so.

The Service Director of Planning stated that if he had misinterpreted what Councillor Glasgow had been asking at the Planning Committee in January then it was his fault and he apologised for that.

The Chair, Councillor Black stated that there had been some misinterpretations at the last meeting and there were aims to stop the conversation entering into areas which causes difficulties in open business. The Chair stated that everyone was now clear on what had been said and that Councillor Glasgow had received a response in relation to his question.

The Council Solicitor also offered her apologies for misinterpreting what had been presented during last month's debate and her attempt to try to steer the conversation and that no offence had been meant by this.

Councillor Colvin stated that the conversation tonight had been helpful and was appreciated.

Proposed by Councillor S McPeake
Seconded by Councillor Brown and

Resolved That it be recommended to Council that the Minutes of the Planning Committee held on 10 January 2022 (P001/22 – P012/22) transacted in Open Business having been printed and circulated, be considered and adopted subject to the following comments made by Councillor Glasgow being included within item P006/22 –

- 1 At the end of paragraph 5 - "I just want to make sure the infrastructure is there for them to fulfil their duties as they work from home."
- 2 Paragraph 7, sentence 2 – "I propose a report is carried out to look into this matter to see what staff need to fulfil their duties from home"

Matters for Information

None

Live broadcast ended at 8.40 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor Robinson 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 P019/22 to P023/22.

Matters for Decision

P019/22 Receive Enforcement Report

Matters for Information

P020/22 Confidential Minutes of Planning Committee held on 10 January 2022

P021/22 Enforcement Live Case List

P022/22 Enforcement Cases Opened

P023/22 Enforcement Cases Closed

P024/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.47 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: 1 February 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

Receive details of NIAO Report into Planning in Northern Ireland

Receive report on the Review of the Implementation of the Planning Act (NI) 2011

Notification from DFI in respect of Proposed De-Restriction on sections of A6
Castledawson - Toome Road.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.10	Agent has written to withdraw the planning application	Members to note
5.3	Agent has written to withdraw the planning application	Members to note.

Confidential business:

- Receive response to DFI request for Clarification in relation to The Councils submission of the Draft Plan Strategy 2030.

Report on	DFE decision to grant Dalradian Gold Prospecting Licenses DG1/22 and DG 2/22
Date of Meeting	1 st March 2022
Reporting Officer	Dr. Chris Boomer, Planning Manager
Contact Officer/s	Colin McKeown, Senior Planning Officer (Acting)

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to advise members the DFE have approved the application for prospecting licenses for Dalradian Gold. The relevant reference for the applications was MPLA1/19 and MPLA2/19. The consultation on these licenses ran from 13 th September 2021 – 5 th December 2021.
2.0	Background
2.1	The relevant licenses are DG1/22 and DG2/22.
2.2	The relevant reference for the applications was MPLA1/19 and MPLA2/19.
2.3	The consultation on these licenses ran from 13 th September 2021 – 5 th December 2021.
3.0	Main report
3.1	<p>The Department have decided to grant licenses for Dalradian to carry out exploration in the relevant area.</p> <p>A map of the letter notifying MUDC of this as well as the maps identifying the areas in question are attached.</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified:
	Human: None identified
	Risk Management: None identified
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members should note the decision of DfE to approve these prospecting licenses.
6.0	Documents Attached & References
6.1	Appendix A – Letter from DFE notifying the Council of the decision to grant exploration Licenses. Appendix B – Map of areas covered by Licenses DG1/22 and DG2/22

Appendix A – Letter from DFE notifying the Council of the decision to grant exploration Licenses.

Minerals and Petroleum Branch



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16 February 2022

Dear Consultee,

MINERAL PROSPECTING LICENCE APPLICATION NOTIFICATION - DALRADIAN GOLD.

Thank you for taking the time to respond to the notification/consultation process, which took place from 13 September to 05 December 2021, concerning applications for two Mineral Prospecting Licences from the above named company.

The Department has considered all the issues raised and took the decision to award the Mineral Prospecting Licences effective from 01 February 2022.

The Department has produced a report setting out its responses to the issues raised in the notification process which can be found on our website at

[Mineral Prospecting Licence Applications MPLA1/19 \(Licence DG1/22\) and MPLA2/19 \(Licence DG2/22\) | Department for the Economy \(economy-ni.gov.uk\)](#)

The applicant company has been advised that the granting of a Mineral Prospecting Licence confers limited rights on the licensee to search for minerals and that they may also require a range of further permissions for some of their prospecting activities from DfE and other regulatory authorities such as Councils, Northern Ireland Environment Agency (NIEA) and Health & Safety Executive Northern Ireland (HSENI) as appropriate.

All advice received from statutory bodies has been passed on to the company concerned for attention and action as appropriate.

If you require any further information about the licensing process or about minerals prospecting activity please do not hesitate to contact me

Yours faithfully



Mark Wilson
MINERALS AND PETROLEUM BRANCH

APPENDIX B - Map of areas covered by Licenses DG1/22 and DG2/22

