



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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2019/0838/F	<b>Target Date:</b>
<b>Proposal:</b> Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnells and car parking associated with coalisland mens shed club.(Amended landscaping and drainage information provided)	<b>Location:</b> Lands 90m of South of 177a Annagher Road Coalisland (DMAC Engineering Factory).
<b>Applicant Name and Address:</b> Lilac Cancer Support Ltd 177b Annagher Road Coalisland	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Summary of Consultee Responses:</b> No objections subject to conditions.	
<b>Characteristics of the Site and Area:</b>  <p>This red line of the site includes a long narrow access laneway taken off the Annagher road and a triangular plot of land located adjacent and south of the existing approved DMAC engineering factory. The access runs along the west of the existing factory and continues to a cleared portion of land to the rear. At present there is a sizable earth bund, approx 6-7m high, which separates the proposed site from the existing factory and yard. There is also earth banking and mature landscaping along the SE and NE boundaries of the site. The cleared area itself is at a much lower level than the factory and a gravel base has been constructed. At the time of my site visit there was a portacabin located on the site.</p> <p>To the south is a detached single dwelling. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west. The site lies just a short distance to the East of the settlement limits of Coalisland and to the West of the settlement limits of Clonoe.</p>	



### Description of Proposal

Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with coalisland mens shed club. A Temporary 5 year planning permission is initially being sought.

**Deferred Consideration:**

Following a deferral of this application in Dec 2019 meetings were held with both the objector and the applicants for the development.

Date: 18 December 2019

Time: 12.00

Present:

Melvin Bowman – Head of Development Management

P Marrion – MUDC

Mr James Hughes – Objector

Mrs Maria Hughes – Objector

MB Bowman explained the process and that the meeting was only for Lilac Cancer Care application. Planning do not notify when applications are being brought to committee.

MB advised there is an opportunity to speak to the members in accordance with the protocol.

Mr Hughes read out a prepared statement and provided a copy of this

MB advised if temporary permission is granted then it would generally be for a maximum of 5 years.

Mr Hughes set out a number of other places that are more suitable including the Councils site on Gortgonis Road. Other sites felt available were Clonoe Community Centre / Washingbay Centre, South Tyrone Mens Shed in Dungannon. The site has a habitat that supports newts/badgers/bats and there is a report on file. Council biodiversity officer M Edgar was on the site in September 2015. Only 1 type of newt in NI. The use is felt incompatible with DMACs operations given a history of complaints relating to noise / odour etc.

MB questioned if there was any activity on the site at the moment. Mr Hughes advised there is limited activity on the site of the men's shed. The access to the men's shed cannot come off the private lane from Washingbay Road. This is a private lane and there are 6 houses that are accessed off the lane. This was clarified during legal proceedings in regards to the Mills Housing Development where the Water Board advised they were the owner. Mr Hughes advised the legal decision is that all of those who access off the lane must agree to any changes.

The temporary nature of the proposal is questioned- if this was a site gifted to Lilac would this not be for a longer term? In addition, what happens to the site when any temporary permission expires?

Office Meeting held , Council Offices, Magherafelt

Date: 19 December 2019

Time: 10:55

Present:

Melvin Bowman – Head of Development Management

P Marrion – MUDC

Cllr Niamh Doris

Cllr Brian McGuigan

Margaret – Lilac Cancer Care

Chris – Lilac Cancer Care

Chris Cassidy – Agent

Francie Molloy – MP

Melvin Bowman set out the issues relating to the application the site is in the countryside, the status of the site, reasons for recommendation, note only for temporary permission and is there any medium to long term proposals for this.

Chris Cassidy set out that the proposal should be considered against PPS8 as Pg37 sets out the definition of open space, allotments are included and this is what the case officer report has set out. The Case officer has already accepted this aspect meets PPS8 policy.

Chris/Margaret explained that what is needed is driven by the members. The members come from the Lough Shore Area, Killyman and Coalisland. They are men who live on their own and there is a need for a café/kitchen area.

MB asked if there are any other similar facilities that they are aware of?

Chris/Margaret – none in Coalisland, there is a deficiency in the area for this type of facility. From experience of other facilities it is unlikely to affect neighbours. There is a flagship project in Limavady which is the model this is based up[on]. While the application is for a men-shed, Lilac Cancer Care are a sponsoring body and are able to provide sustainability for the project/ Lilac Cancer Care will ensure this project does not fail . Funding has been secured from Dept. for Communities and DHS which will fund full time employees.

Francie Molloy MP advised South Tyrone Men shed in Dungannon and Western House in Coalisland are for different people. Dungannon Mens shed are to vacate the existing premises and there are issues with ownership and management. Eden Project in Carrickfergus is comparable, it is for coming together of men. The applicant has been trying to obtain the railway lines in Coalisland as only space available but unable to get control of these. The person in Western House tragically lost her life and there was no one to take over. The trust withdrew support for it.

Margaret advised they need green space and have approached Woodland Trust in relation to planters and bee-keeping. They require space to erect poly tunnels for growing vegetables.

Cllr McGuigan alluded to the Moneyneany site where there are polytunnels and beds within the grounds of the community hub.

Francie Molloy MP advised this site is central and will serve the area of Coalisland, Clonoe and Washing Bay.

MB queried how accessible the site is.

C Cassidy advised there are 2 roads into the site.

Margaret advised the majority of the users do not own cars and they use a pathway from Spring Island. Lilac Cancer Care approached DMAC to get ground for the project as they were aware of the community need.

MB queried why 5 years proposed?

Chris/Margaret advise they intend to invest heavily in the site and do not own the land yet.

C Cassidy advised the ground would be gifted by DMAC on ownership basis

F Molloy explained DMAC got planning permission and moved up the hill in accordance with the eventual planning permission. He felt that the Drainage issues have been dealt with by DMAC and that the proposal should be determined on its merits and given the clear local community need.

MB advised it would be helpful for the Council to greater understand the basis on which this is a necessary community facility which can be normally be acceptable under CTY1.

C Cassidy advised the scheme is supported by GEDA and FLOGAS who back the scheme. DMAC have ownership of the lane onto Washingbay Road.

MB asked about the site selection process or that it needs to be demonstrated how this site has been selected. Issues in relation to natural habitat have been raised also.

Margaret advised the main access to the site is off Annagher Road, a keyholder would have access to the site through a pedestrian gate in the main gate. It is the intention to close off and close in the site for operational purposes. Mr Hughes has been advised of the benefits of the scheme by other members. They need to be on site for a number of reasons – to ensure they meet the growing season and to meet funding deadlines.

F Molloy advised there are a number of funding streams from DHS and DFC and most schemes need signed off.

Neighbourhood renewal date is 1 March. Southern Trust recognise there are mental health issues around Coalisland and this offers an alternative.

C Cassidy advised they were unsuccessful in getting into the enterprise centre.

MB advised they need to provide details to show other sites that have been considered, provide details of the constitution of Lilac Cancer.

Margaret advised Lilac have been in contact with the objector, the site meets so many of their needs and they can show the objector how this can operate without impacting on them. There are currently 35 members and the site will operate under set hours with 7PM usually the finish time. There may be some later events in the summer evening.

### **Planning assessment of Policy and other material considerations.**

The SPPS. (Improving Health and Well-Being)

At Par. 4.3 the SPPS states, 'The planning system has an active role to play in helping to better the lives of people and communities in Northern Ireland and in supporting the Executive's key priority of improving health and well-being. For the purpose of the SPPS the Department supports the World Health Organisation's definition of health as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'.

Further at Par. 4.14 'The planning system has an important role supporting Government with addressing these issues through its influence on the type, location, siting and design of development. Examples of such development include: mixed use developments; mixed tenure housing schemes; strong neighbourhood centres; temporary uses in interface locations; active street frontages; buildings that provide public services, including education, healthcare and recreational facilities; public paths and cycleways; and passive spaces such as civic squares and public parks. Our society will not only benefit from the economic advantages of maximising shared space but can also reap the rewards that come with a more diverse, enriched environment. I also appreciate that the Regional Development Strategy 2025 (RDS).recognises the importance of open space, sport and outdoor recreation to health and the environment'.

Whilst being edge of settlement, this is a rural location as defined by the current Dungannon Area Plan so the provisions of PPS21 apply. I note that this specific type of proposal does not comply

with any of the obvious exceptions to development in this countryside. Policy CTY1 of PPS21 does however provide for exceptions:

‘Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan’.

In terms of Non-Residential Development, CTY1 states that Planning permission will be granted for non-residential development in the countryside in a number of other cases one of which is a necessary community facility to serve the local rural population. This may offer some scope within which to further consider positively this proposal against policy when also considered alongside the temporary 5 permission being sought by the applicants.

Additionally, there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies

**PPS8, (Open Space, Sport and Outdoor Recreation)** as suggested by the first report to the planning committee and by the agent for the application is in my view also supportive of this application given that in its preamble it states:

‘This PPS sets out the Department’s planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans. It embodies the Government’s commitment to sustainable development, to the promotion of a more active and healthy lifestyle and to the conservation of biodiversity’.

At Par 1.1 of PPS8, it is stated that, ‘Open space, sport and outdoor recreation are important components of life. They provide many cultural, social, economic and environmental benefits and contribute positively to physical and mental health and a better quality of life. The Government considers everyone, particularly children, the elderly and those with disabilities, should have easy access to open space and the opportunity to participate in sport and outdoor recreational pursuits’. I note that at Par 1.3 that allotment developments, which are part of this application, are included amongst a range of definitions of open space.

**Policy OS 3 Outdoor Recreation in the Countryside** of PPS8 may provide some additional policy context for this proposal. The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and  
 (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements

If one accepts that this proposal does provide a form of recreation for its intended users then having considered the 8 criteria listed above, and having consulted various statutory bodies in order to be able to determine its impact, this application does generally meet with Policy OS3.

The central consideration for me is the rationale for choosing this site, located as it is just outside the development limits, and indeed whether it is a proposal which should be located elsewhere. The Lilac group have set out their site selection path as referenced in the office meeting notes above and I do see that the proposal in its entirety, which includes the outside space / poly-tunnels and small workshop as well as some parking, requires a site of this area perhaps not immediately easily found or available elsewhere. I have no reason not to accept that DMAC have agreed to gift the site to the Lilac Group, this setting up the potential for the project to quickly get off the ground and to meet a demand locally for the facility which is according to the group also backed by Cancer Care. I am aware of other 'mens shed' type developments in the province and it has been explained to me that the current proposal will satisfy a local need identified and supporting by other funding bodies. As such it seems entirely reasonable to me for members to consider this application against Policy CTY1 of PPS21 on the basis that it has been presented as providing a necessary community facility to serve the local rural population with its members described to me as coming from the more isolated and rural Lough Shore Area, Killyman and Coalisland. They are described as being men who live on their own, this tied into the need for a small café/kitchen area to complement the overall proposal. The application also in my view supports the aims of the SPPS outlined earlier in this report relating to promoting wider health and well-being objectives.

The proposal in no way harms any other aspects of PPS21 policy such as visual integration, rural character concerns or despite its urban / rural interface location, will it mar in any measurable way the setting of Coalisland. The proposed workshop measures some 16m x 8m and is designed with one roller shutter door and a pedestrian access to its southern side. The smaller portacabin / tearoom building sits facing onto the raised flowerbed area and wider site. Appropriate native species landscape is proposed.

In addition I do not foresee any obvious nuisance of loss of amenity to other dwellings and occupied property in the vicinity, nor have EHO raised any issue with this aspect of the proposal. The use of the site can also be secured with appropriate planning conditions as can any restoration of the site given that a temporary permission is being sought. Whilst the application seeks a 5 year permission this does not prevent further applications being made to either extend the temporary permission or indeed seek a permanent location here for the development, such proposals being assessed against the relevant Development Plan and Policies in place at this time.

I have considered the PPS2 (Natural Heritage) and PPS15 (Flood risk) aspects of this application in my further assessment below.

### **Recent amendments.**

The presence of additional badger setts as discovered during the on site investigation with NIEA has resulted in the need for some revisions to the original proposal, principally to enable a 25m buffer area free from development. PPS2 concerns raised by objections, given the approval of the plans to NEDs satisfaction subject to conditions, permit me to conclude that the proposal is in accordance with this Policy.

The inclusion of an on-site PTP Plant will deal with sewerage disposal from the site. It should be noted that any future discharge point will be required to be agreed with a separate consent from



This application would undermine pledges made to residents made in the initial approval.

This is an attempt to extend the operations at DMAC.

Siting is on existing soakaways and may cause flooding.

That there is more recent evidence (images provided) of surface flooding after recent heavy rainfall) / soakaway from existing factory not working.

In response, I note that the objections received appear not to raise issues specifically relating to any loss of amenity to the objectors property by way of noise, nuisance or other disturbance but

rather focusses on the wider principle of the proposed development and some of its alleged local environmental impacts. Great effort has been applied by the Council in seeking expert opinion on these matters of concern in terms of engaging NIEA with a site visit and seeking specific consultation advice with the likes of Rivers Agency and Environmental Health Department.

In considering the above objections I would respond and consider further as follows:

Previous pledges / attempt to extend DMAC – Whilst I accept that this site was once the location of the original DMAC site before its eventual approved relocation, the site was subsequently cleared of all buildings. DMAC are not applicants for this application but I do acknowledge that the application has been submitted on the basis that the land is being initially gifted to the Lilac group. As such, if approved, this development would not in itself be an extension of DMAC but an entirely separate use of the lands not in my setting any precedent for an extension of the DMAC facility onto the site again. Any permission granted by the Council can also specifically condition the use of the site. Any such proposal to occupy the site for purposes associated with the DMAC operations would require a planning application which would be assessed on its own individual merits and in accordance with the relevant Plan and Policies in place at that time.

Siting outside the settlement – this is a material consideration in this proposal as one which I have set out my rational for suggesting than members could consider the application as being within the wider scope of PPS21 and PPS8.

#### PPS15 / flood risk concerns

It is acknowledged via photographic evidence submitted to the Council by an objector and uploaded to the planning portal that this lower part of the wider site has been at risk from storm water ponding /inundation. In attempting to clarify the cause and potential solution to this the agent was asked to comment, and the advice of Rivers Agency sought. The 25 Nov 2020 drawings have detailed an arrangement to deal with running water coming from the existing access lane into a large cattle grid which in turn drains back to the attenuation tank associated with the DMAC factory. Rivers Agency have stated that they have no reason to disagree with the method proposed by Sheehy Consulting to redirect overland flow from the access lane into the factory system.

It is this overland flow via the access which appears to be the principal cause of ponding within part of the application site. Rivers Agency go on to state that drainage is via percolation through the soil strata, and whilst also stating they cannot comment on the efficacy of this arrangement do note that the Consultants letter states this soakaway system has been approved by NIEA.

Considering that the above measures should be meeting the requirements and approval of other agencies, I see no clear impediment otherwise which should result in this proposal prejudicing the DMAC sites obligations to ensure surface water is appropriately dealt with. More recent images provided by the objector showing ponding of surface water on the 21 Jan are noted. There are clearly lower lying parts of this site still subject to collection of storm surface water more towards the eastern half. I would again add that the development of the site for this proposal, as considered in the drainage assessment submitted and based on the Rivers Agency response, should not pose any greater risk to drainage given the drainage assessments assurance that whilst part of this site is affected by pluvial flooding, that this risk is to be eliminated upon the development of the site as this area will be served by a percolation system. The Drainage assessment also reports that whilst there is evidence of live drainage infrastructure within the site boundary which acts as a soakaway from the DMAC site, this percolation area poses no flood risk to the proposed development.

NIEAs response addresses the natural environment impacts of this application and in light of this I feel that the objections relating to wildlife and habitat are addressed. As I see it appropriate badger

buffer areas are provided, including to the later identified unused sett within the site, as well as the necessary means by which the site is illuminated. In addition, this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) and NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, and having screened the proposal, i acknowledge no concerns which would justify a refusal of permission subject to conditions.

It is my considered conclusion that members can consider applying determining weight for this application in accordance the provisions of PPS21 as representing a necessary community facility and are also entitled to acknowledge the desire to promote open space and recreation use such as this in a rural location as provided for within PPS8 policies. Objections to the proposal have been considered, and in light of the consultee responses and consideration of the specifics and need for the proposal, I do not find these of sufficient weight to justify a refusal of the application.

It is therefore on balance my view that the application should be approved subject to the below conditions:

#### Conditions

1. The permission hereby is granted is temporary and shall be limited for a period of 5 years from the date of this permission.

Reason: This application is for temporary planning permission.

2. Upon the expiry of 5yrs from the date of this permission the site shall be cleared of all buildings and structures and suitably restored in accordance with a plan to be submitted and agreed by the Council within 6 months before the use ceases on the site.

Reason: To ensure the sites appropriate restoration is achieved.

3. The site is hereby approved for community use only as defined by Class D1: 'Community and Cultural Uses' of the Use Classes Order NI 2015 and shall be used for no other purpose.

Reason: To control the orderly use of the site.

4. The site and its buildings hereby approved shall be used only for meetings / ancillary small scale arts and crafts activities and ancillary canteen use and all outdoor areas including parking shall be used only for horticulture and car parking associated with the community use of the site.

Reason: In order to control the use of the site and in the interests of protecting the amenity of nearby property.

5. The use of the site hereby approved shall not operate outside the hours of 10am and 7pm Mon to Saturday.

Reason: In the interest of protecting neighbouring amenity.

6. No development activity, vegetation clearance, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within the badger

protection zone, as shown on Drawing No. 2E, date stamped 25<sup>TH</sup> Nov 2020, unless an appropriate Wildlife License has been obtained from NIEA. Any proposed tree and hedgerow planting within the badger protection zone shall be carried out using hand tools only.

Reason: To protect badgers and their setts.

7. There shall be no external lighting of the site with the exception of any necessary security lighting, fitted with motion sensors.

Reason: To minimise the impact of the proposal on bats and other wildlife.

8. The vehicular access, including visibility splay of 4.5 metres by 120.0 metres in both directions, shall be provided in accordance with Drawing No 5 bearing the date stamp 22nd October 2019 prior to the commencement of any other development hereby permitted.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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.

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

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

10. The parking facilities detailed on Drawing No 04 date stamp 7th October 2019 shall be open for use during all hours of business.

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

11. All planting as specified on Drawing 02/E shall be provided during the first available planting season following the commencement of the development.

Reason: To ensure the provision of all soft landscaping to the site in the interests of visual amenity.

## **Informatives**

1. Any septic tank or waste water treatment unit should be constructed in accordance with BSEN 12566. The waste water treatment unit and drainage field should be installed in accordance with BS6297:2007 however a minimum separation distance from the waste water treatment unit to any habitable dwelling of 15m is suggested.
2. A Consent to discharge effluent being obtained from Department of Agriculture, Environment and Rural Affairs (DAERA), Northern Ireland Environment Agency as required by The Water (Northern Ireland) Order 1999. Application forms are available from

Northern Ireland Environment Agency, Water Management Unit, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL. Tel: 0300 200 7856 / Email: [consents@daera-ni.gov.uk](mailto:consents@daera-ni.gov.uk)

3. Where lands not in the ownership of the applicant or outside the site boundary marked red in the application site maps are to be used in connection with a septic tank and/or associated drainage, a legal agreement should be obtained in relation to these lands. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement work as required. Such legal agreement being included in any planning approval as a planning condition.
4. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE

5. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- ☐ kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- ☐ damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;

Natural Heritage & Conservation Areas

- ☐ damage or destroy anything which conceals or protects any such structure;
- ☐ disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 955.

6. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- ☐ kill, injure or take any wild bird; or
- ☐ take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- ☐ at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- ☐ obstruct or prevent any wild bird from using its nest; or
- ☐ take or destroy an egg of any wild bird; or
- ☐ disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- ☐ disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

7. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

☐ kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*);

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☐ damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection;

☐ damage or destroy anything which conceals or protects any such structure;

☐ disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

8. If there is evidence of newts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

9. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as rabbits present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at [www.ciria.org](http://www.ciria.org).

**Signature(s): M.Bowman**

**Date 17/2/21**



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0838/F	<b>Target Date:</b>
<b>Proposal:</b> Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with Coalisland men's shed club.	<b>Location:</b> Lands 90m of South of 177a Annagher Road Coalisland (DMAC Engineering Factory).
<b>Referral Route: Objection received</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Lilac Cancer Support Ltd 177b Annagher Road Coalisland	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	

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Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	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**

One objection has been received from the owner of number 36 Washingbay Road, Coalisland. The main concerns in the letter refer to the neighbouring engineering site of DMAC, however, the objector states a number of additional points;

This application would undermine pledges made to residents made in the initial approval.

This is an attempt to extend the operations at DMAC.

Siting is outside the settlement and therefore unsuitable for this type of development.

Siting is on existing soakaways and may cause flooding.

Bio diversity, the application is located within 50 metres of a newt pond, in addition the objector is stating that there are bats in the area.

**Characteristics of the Site and Area**

This red line of the site includes a long narrow access laneway taken off the Annagher road and a triangular plot of land located adjacent and south of the existing approved DMAC engineering factory. The access runs along the west of the existing factory and continues to a cleared portion of land to the rear. At present there is a sizable earth bund, approx. 6-7m high, which separates the proposed site from the existing factory and yard. There is also earth banking and mature landscaping along the SE and NE boundaries of the site. The cleared area itself is at a much lower level than the factory and a gravel base has been constructed. At the time of site visit there was a number of metal containers as well as some other industrial type metal structures located along the southern boundary.

To the south is a detached single dwelling. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west. The site lies just a short distance to the East of the settlement limits of Coalisland and to the West of the settlement limits of Clonoe.

## Description of Proposal

Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with coalisland men's shed club.

## Planning Assessment of Policy and Other Material Considerations

### Area Plan

Dungannon South Tyrone Area Plan 2010- The site is located just outside the development limits of Coalisland, in the countryside. The policy provisions of SPPS and PPS21 apply.

### Planning Policy

SPPS- Strategic Planning Policy Statement

PPS21- Sustainable Development in the Countryside

PPS1 - General Principals

PPS3- Movement Access and Parking

PPS8 - Open Space and Recreation

### Relevant Planning History

M/2011/0126/F- permission granted for a small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland, for DMAC on 13.04.2015 (North of application site).

M/2006/2126/F- Retention of Replacement shed for the purpose of paint spraying machine components, permission was refused on 22.06.2017.

An enforcement notice was served on this site for unauthorised breached in planning control and the offender fined £15,000.

LA09/2018/0943/F - Extension to existing factory premises to provide staff car parking - which is currently ongoing.

There are various other planning histories on or close to this site (both planning applications and enforcement cases) however most relate to the factory to the north, some of which are ongoing.

### 3rd Party Objection

One objection has been received from the owner of number 36 Washingbay Road, Coalisland. The main concerns in the letter refer to the neighbouring engineering site of DMAC, however, the objector states a number of additional points;

-This application would undermine pledges made to residents made in the initial approval.

-This is an attempt to extend the operations at DMAC.

There is concern that an approval for the men's shed on this site would set a precedent and lead to the owner for the adjoining DMAC to extend into this part of the site again after years of trying to get unauthorised operations from this part of the site removed.

-Siting is outside the settlement and therefore unsuitable for this type of development.

There has been no supporting statement to suggest why this application must be sited on this site and not within the settlement limits. The applicant has stated that should the proposal gain planning permission the owner of the site would gift the area to the applicant, however, no evidence of this has been submitted.

-Siting is on existing soakaways and may cause flooding.

The proposal will be close to the drainage area for DMAC which may increase flooding at the objectors property, at the applicants request I am bringing the application to committee before the full response from rivers agency or NIEA have been received.

-Bio diversity, the application is located within 50 metres of a newt pond, in addition the objector is stating that there are bats in the area.

During my site visit there was no evidence of bats or newt, no evidence or photographs have been provided by the objector and the time of writing the full response from rivers agency or NIEA have not been received.

## Consideration

### SPPS - Strategic Planning Policy Statement for Northern Ireland

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

The Council has the important task of guiding appropriate developments to the right places, while preventing developments that are not acceptable. In exercising its planning role, it must make provision for necessary developments, such as workplaces, houses, schools and roads, and at the same time protect the natural and built environment. It must secure economy and efficiency as well as amenity in the use of land. It must integrate a variety of complex economic, social, environmental and other factors, many of which have implications beyond the confines of the land-use planning system. The key themes that underlie the Councils approach to planning are sustainable development, mixed use, quality development and design. These themes are set out here and more detailed policies are contained in the other Planning Policy Statements and the SPPS. With this application PPS 3 and PPS21 are applicable.

### PPS 21 CTY1

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. In addition other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. In this case the application is applying for a non-residential use (Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking associated with coalisland men's shed club.) in the open countryside.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

The proposed development is for the Lilac Cancer Support Ltd, whom have proposed to locate a Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking all in conjunction with The Coalisland's men's shed club.

It is suggested that the shed would be open from the hours of 10am to 7pm, however, it has not been made clear if this is the first of its type within the area, or where the current meeting places are and as to why they require a new premises.

This application does not fall within any of the above categories and the applicant has not demonstrated any overriding reason why it cannot be located within the settlement limit therefore refusal recommended

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

#### PPS21 CTY13

It is my opinion that there is sufficient landscaping and trees to assist with integration of the proposal into the landscape. The design, size and scale of the building would allow the building to blend in successfully with its immediate and wider surroundings. I have no concerns for integration.

#### PPS21 CTY14

It is my opinion that the proposal is of a size and scale that will not have a detrimental impact on the rural character of this area and will not offend policy CTY14.

#### PPS 8 - Open Space, Sport and Outdoor Recreation

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

This proposal does not impact on any features of archaeological importance or built heritage.

There was no evidence of any protected species on site on the day of my inspection.

The proposal does not result in the loss of any agricultural land and due to its location – a clearing to the rear of the DMAC engineering site– it will not have any impact on agricultural activities.

The site and activities are nearly totally enclosed with mature vegetation and its topography. It cannot be critically viewed from the public road. It therefore has no adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located over 40m to the S of the site. I am satisfied that the activities on site (as long as there is no increase in activity) will not have an adverse impact on residential amenity.

The site is in an area outside of the settlement limit and given the limited use of the site, I would have no concerns in respect of public safety.

The proposal is acceptable in terms of scale, massing and design.

The proposal will cater for the need of older men, with a concern for their mental health and well being. Access to this site is only achievable by private car/bus given its rural location.

The proposal does involve intensification in terms of traffic movements, however road service have no objection and adequate parking is available.

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

#### PPS 3

Planning Policy Statement 3 - Access, Movement and Parking sets out the main planning considerations that the Council will take into account in assessing: the provision made for access, movement and parking in proposals for new development; proposals for car parks; and proposals which affect routes afforded protection for future transport proposals. The provisions

will prevail unless there are other overriding policy or material considerations which outweigh them and justify a contrary decision.

The proposed access is taken off the Annagher Road via the existing access, DFI Roads have been consulted and have responded with no objections subject to conditions.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this the Draft Plan cannot be given any determining weight at this time.

Accordingly, this application does not accord with the provisions of current Planning Policy and therefore cannot be determined under the Council's present scheme of delegation and must be presented to the Planning committee.

**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.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	14th June 2019
<b>Date First Advertised</b>	27th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 172 Annagher Road, Coalisland, Tyrone, BT71 4NF The Owner/Occupier, 174 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 175 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 175a ,Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 177 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 177 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 36 Washingbay Road Coalisland Tyrone James Hughes 36 Washingbay Road, Coalisland, Tyrone, BT71 4PU	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0838/F Proposal: Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnells and car parking associated with coalisland mens shed club. Address: Lands 90m of South of 177a Annagher Road, Coalisland (DMAC Engineering Factory)., Decision: Decision Date:  Ref ID: LA09/2018/0943/F Proposal: Extension to existing factory premises to provide staff car parking (Biodiversity checklist and amended plans) Address: 70m South of 177 Annagher Road, Coalisland (DMAC Engineering Factory),	

Decision:

Decision Date:

Ref ID: LA09/2016/1761/NMC

Proposal: Relocation of previously approved flue stacks

Address: 70m South of 177 Annagher Road, Coalisland,

Decision: CR

Decision Date:

Ref ID: LA09/2019/0179/F

Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition

Monday - Friday from 6am - 8pm

Address: Lands 70m South of 177 Annagher Road, Coalisland.,

Decision:

Decision Date:

Ref ID: LA09/2015/1278/NMC

Proposal: Minor change to planning approval M/2011/0126/F: change of exterior cladding colour of the unit to green and change of roof pitch to accommodate overhead cranes

Address: 70m South of 177 Annagher Road, Coalisland,

Decision: CG

Decision Date:

Ref ID: LA09/2017/0319/F

Proposal: The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line. (Amended description) (Revised Odour Impact Assessment received)

Address: 70m South of 177 Annagher Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2013/0464/LDE

Proposal: Works which were subject to conditions have not been carried out

Address: Lands south of 177 annagher Road, Coalisland,

Decision: PG

Decision Date:

Ref ID: M/2014/0027/LDE

Proposal: The continued use of the land for the storage of industrial machinery, steel. portacabins and general industrial equipment

Address: Lands south of 177 Annagher Road, Coalisland,

Decision: PR

Decision Date:

Ref ID: M/2010/0631/Q

Proposal: Zoning of Industrial Lands

Address: Lands South of 177 Annagher Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2010/0074/F

Proposal: Proposed retention of existing spray painting/shot blasting workshop (using an Industrial Development Board backed volatile organic compound extraction system) and hardstanding area with extension to workshop and hardstanding area.

Address: 260m South of 177 Annagher Road, Coalisland

Decision: AW

Decision Date:

Ref ID: M/2011/0126/F

Proposal: Small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland.

Address: 70m South of 177, Annagher Road, Coalisland,

Decision: PG

Decision Date: 29.04.2015

Ref ID: M/1986/0582

Proposal: EXTRACTION OF SAND

Address: ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1987/0421

Proposal: SAND EXTRACTION

Address: ANNAGHER ROAD, ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/2126/F

Proposal: Retention of Replacement shed for the purpose of paint spraying machine components

Address: Retention of Replacement Shed 260m's South of 177 Annagher Rd, Coalisland, Co.Tyrone

Decision:

Decision Date: 22.06.2007

Ref ID: M/2009/0643/F

Proposal: Proposed retention of ex shotblasting/spray painting workshop with hardstanding area and extension to workshop & hardstanding area

Address: 260m south of 177 Annagher Rd, Coalisland

Decision:

Decision Date: 11.01.2010

**Drawing Numbers and Title**

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

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

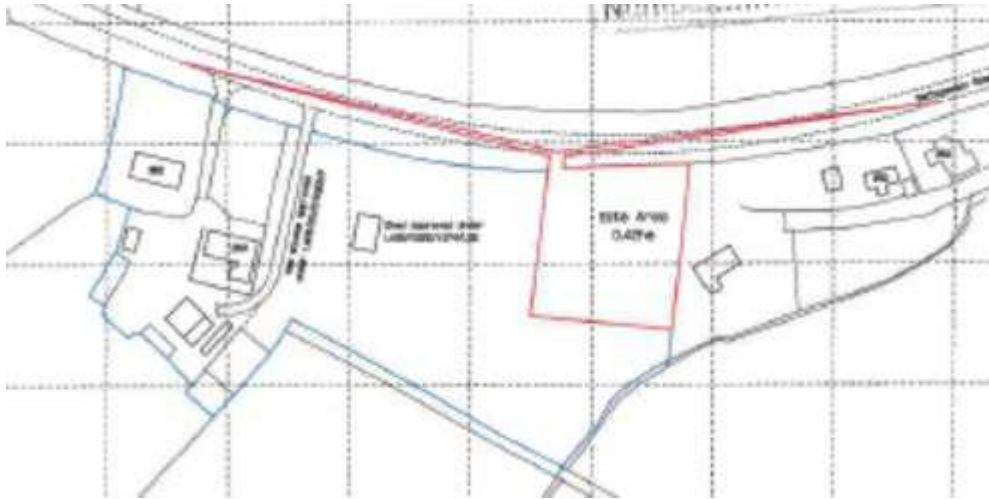
## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2019/1466/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed infill dwelling and garage	<b>Location:</b> Approx 102m East of 260 Ballygawley Road Dungannon
<b>Applicant Name and Address:</b> Mr Kevin McCaul 260 Ballygawley Road Dungannon BT70 1TG	<b>Agent name and Address:</b> C.McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Summary of Issues:</b> Whether the site can be considered as a gap in a substantially built up frontage.	
<b>Summary of Consultee Responses:</b> DFI Roads – site lines of 2.4m x 160m required	
<b>Characteristics of the Site and Area:</b>  This site forms the eastern half of a roadside field which is located approximately 102m east of No. 260 Ballygawley Road, with Cabragh Petrol Filling Station located approx. 1 km to the East. Along the roadside boundary there is a significant roadside verge approx. 6-10m wide, with the verge sloping down into the site from roadside, behind which grows a patchy tree lined hedge row. To the west, this boundary is open to a larger field and is not clearly defined. Along the SW and SE boundary is a post and wire fence. The eastern boundary is also defined by a post and wire fence and is shared in part with the curtilage boundary of No. 256.  The site is relatively flat, sloping gently down hill to the south, and is approx. 3m lower than levels at roadside.  To the west is a recently constructed agricultural building, a farm group and two single storey dwellings, while to the east there is a grouping of four dwellings which all access onto one private laneway which provides access to Ballygawley Road (a former protected route). These grouping of	

dwelling include 3 two storey detached, and one storey and a half detached. Land in the area is used mostly for agricultural grazing purposes and the area is defined by dispersed single dwellings and farm holdings.

### Description of Proposal

This is an outline planning application for a proposed infill dwelling and garage as shown on the attached map.



### Deferred Consideration:

This application was presented before the members in February 2020, along with a site immediately to the west, LA09/2019/1465/O with recommendations to refuse as the gap was too large to consider as an infill. Since then the applicant has exercised rights under the General Permitted Development Order and constructed a new agricultural building to the west. This building is lawful by virtue of a Certificate of Lawful Use or Development ref LA09/2020/1074/LDE which was issued on 1 December 2020. This has the effect of closing the gap between the development to the west and the east, as can be seen below.



The new building has been constructed and now forms part of the overall built form for the purposes of making an assessment of the development in the area. As members can see from the above layout, the gap between the development to the west and the east is now reduced. The proposed site has a frontage of 54m compared with the existing development close by which ranges from:

- 88m for the dwelling at no 252 Ballygawley Road,
- 48m for the 2 properties immediately to the east, 250 and 256 Ballygawley Road,
- 38m for 262 Ballygawley Road to the east and
- 90m for the dwelling and farm group at 260 Ballygawley Road, this is including the new agricultural building.

Taking these frontages into account, and the development which is located either side of this proposed site, I consider the gap between the existing development would only be capable of accommodating 2 dwellings of a size comparable with the adjacent development. I consider this site, which is one half of the gap, meets with the exception contained within policy CTY8 and recommend this application is approved.

**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 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 commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 160.0m in both directions and forward sight distance of 160.0m, 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.

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge

to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

#### 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**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1466/O	<b>Target Date:</b> 20/02/2020
<b>Proposal:</b> Proposed infill dwelling and garage	<b>Location:</b> Approx 102m East of 260 Ballygawley Road Dungannon
<b>Referral Route:</b> Refuse	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mr Kevin McCaul 260 Ballygawley Road Dungannon BT70 1TG	<b>Agent Name and Address:</b> C.McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Representations: None Received

#### Description of proposal

This is an outline planning application for a proposed infill dwelling and garage (adjacent and east to LA09/2019/1465/O)

#### Characteristics of Site and Area

This site forms the eastern half of a roadside field which is located approximately 102m east of No. 260 Ballygawley Road, with Cabragh Petrol Filling Station located approx. 1 km to the East. Along the roadside boundary there is a significant roadside verge approx. 6-10m wide, with the verge sloping down into the site from roadside, behind which grows a patchy tree lined hedge row. To the west, this boundary is open to a larger field and is not clearly defined. Along the SW and SE boundary is a post and wire fence. The eastern boundary is also defined by a post and wire fence and is shared in part with the curtilage boundary of No. 256.

The site is relatively flat, sloping gently down hill to the south, and is approx. 3m lower than levels at roadside.

To the west is two single storey dwellings, while to the east there is a grouping of four dwellings which all access onto one private laneway which provides access to Ballygawley Road (a former protected route). These grouping of dwellings include 3 two storey detached, and one storey and a half detached. Land in the area is used mostly for agricultural grazing purposes and the area is defined by dispersed single dwellings and farm holdings.

### Planning Assessment of Policy and Other Material Considerations

#### Planning Act 2011

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

#### Area Plan

The site is located in the open countryside as defined in the Dungannon and South Tyrone Area 2010 where SPPS and PPS21 are applicable. There are no specific area plan policies relevant to this proposal.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this, the Draft Plan cannot be given any determining weight at this time.

#### Representations

None received

#### Relevant planning history

LA09/2019/1465/O- Proposed infill dwelling and detached garage (decision pending, will be considered at the same time as this proposal as adjacent and west and makes up part of the overall gap which is proposed to be developed).

#### Key Planning Policy and consideration

Strategic Planning Policy Statement- The policy provision of SPPS do not impact on the policy provisions of PPS21 Sustainable Development in the Countryside, which is the applicable policy for assessing planning applications in the countryside, until such times as the new area plan is adopted.

There are certain circumstances 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.

To the west of the site are 2 existing dwellings on rectangular shaped plots. From Photo 1 you can see these plot shapes and sizes compared to the application site. The curtilage of No. 260 measures approx.. 32m wide at roadside and 120m long. No. 262 has a frontage of approx.. 40m wide and measures approx. 90m long. Given these plot sizes, it is my view that up to 4 dwellings could be sited in the gap between No. 260 and No 250 to the east. In my view the application site and the site to the west (LA09/2019/01465/O) is not reflective of the existing development pattern along this frontage of road in terms of the size and scale of the plot sizes.

The curtilage boundaries to dwellings east of the site, especially Nos 254 and 252 Dungannon Road are different to those to the west, as they have a wider roadside frontage and are not as

deep. No 254 (see photo 1) has a road frontage of approx. 62m and is approx. 20m wide, while No. 252 has a road frontage of approx. 100m long and 20m wide. Again, these plot sizes are not reflective to the subject site, or the adjacent site, which measure approx.. 70m wide and 100m long. Even with the use of siting conditions it is my view that dwellings on this gap site would result in ribbon development. It would not be possible to develop these sites that would reflect the character of development in this area and is contrary to policy CTY 8 of PPS21.

The agent has also excluded a piece of land to the west of site 19/14665/O as this makes up part of planning application LA09/2016/0305/F. At present, LA09/2016/0305/F is not commenced, and may never be developed. This future gap could create an opportunity for another gap site along this frontage.

The area hatched (see Photo 1) is not included in the overall gap site, even though it forms part of the gap. This land does not appear to belong to the curtilage of any dwelling and has the appearance of agricultural land (see photos 3, 4 and 5). No. 256 accesses onto a private lane and not directly onto Ballygawley Road and does not seem to have included the hatched land within it's curtilage. Along the hatched area frontage there is no formal garden area, fences, walls or hedgerow that would normally define a dwelling curtilage and give the appearance of a built up frontage. Again, by allowing dwellings on sites 1465 and 1466 in my view could give rise to other infill opportunities given the size of the gap and the variety of site shapes and sizes along this stretch of road.

In my view, the gap between Nos 254 and 260 is an important visual break between two clusters of development. This gap is sufficient, 180m in total when including the access to LA09/2016/0305/F and the area to the north of No. 256, to provide relief from build-up and ribbon development in this part of the countryside.

This site also lacks long established natural boundaries and in my view a dwelling on this site will not integrate into the landscape. The plot size as proposed is excessive and is not of a size and scale that will respect surrounding development, especially development to the west. DfI Roads have provided comment on this proposal and indicate that the access position be along the eastern boundary. This boundary has no established natural boundaries, and there is a significant difference in levels between roadside and the site. There will have to be significant cutting and filling to provide access to the site and the access is such that it will not follow any existing natural boundaries to assist with integration. Some roadside vegetation may also have to be removed to provide access to this site which will open the site further. For these reasons I find the proposal contrary to policy CTY13 of PPS21 in that a dwelling and garage and ancillary development including access will not integrate into the countryside. The dwellings in the area are on intimate sites that are well defined by natural landscaping. This site is not of the same character to those surrounding.

To develop a dwelling on this site would add to an existing build up of development in this area of countryside. At present this gap provides a welcome relief from development located at No.s 260-262 Ballygawley Road, and, No.s 250-256 Ballygawley Road. To allow a dwelling on this site, and the adjacent site (1465/O) would add to an existing build up of development in the countryside which would further erode the rural character of this area of countryside and is contrary to policy CTY14 of PPS21.

#### Other Policy and Material Considerations

The site is not subject to flooding and there are no land contamination issues to consider.

DfI Roads have no objection to this proposal subject to splays of 2.4m by 160m in both direction and the access point to be at the position indicated on the RS1 form.

As this proposal is outline there are no details of the proposed dwelling or how it may impact on surrounding amenity. However, in my view a dwelling on this site could be designed and sited to

ensure that existing and proposed private amenity is protected.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That planning permission is refused for the following reasons;

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Dungannon Road also adversely impacting on the rural character of this area of countryside.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling and garage to integrate into the landscape;
  - the ancillary works will not integrate with their surroundings.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area);
  - the building would, if permitted create or add to a ribbon of development;
  - the impact of ancillary works would damage rural character;
 and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th November 2019
<b>Date First Advertised</b>	19th November 2019
<b>Date Last Advertised</b>	14th January 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 250 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 252 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 256 Ballygawley Road, Dungannon, Tyrone, BT70 1TG The Owner/Occupier, 260 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 262 Ballygawley Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	10th December 2019
<b>Date of EIA Determination</b>	<b>NA</b>
<b>ES Requested</b>	No



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

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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2019/1638/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed infill sites for 2 dwellings and garages (Amended plans and shadow analysis)	<b>Location:</b> Adjacent to 7 Coalpit Road Dungannon
<b>Applicant Name and Address:</b> Shaun Kelly 3A Coalpit Road Dungannon	<b>Agent name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> If the development meets the criteria for infill development and if there will be any adverse impacts on the amenity of the adjoining properties.	
<b>Summary of Consultee Responses:</b>  DFI Roads – 2.4m x 60.0m sight lines at new access and 2.4m x 60.0m to be kept clear to the west from Rossmore Road junction. DFI Rivers – maintenance strip, ffl to be 600mm above existing ground level DETI Geological Survey – no response	
<b>Characteristics of the Site and Area:</b> The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural and is characterised by single detached dwellings, farm complexes and agricultural fields. There is moderate development pressure in the area from single dwellings with a roadside frontage. Along this short stretch of Coalpit Road there are 5 dwellings with a frontage to Coalpit Road, these are mainly one and one and half storey dwellings.  The application site is a rectangular shaped plot and is 0.19 ha in size. The site sits slightly below the level of the public road and is currently an agricultural field. The field is at the junction of Coalpit Road and Rossmore Road. Across the road and to the east is No. 2 and	

to the west are 3 no. detached dwellings. Along the road and east boundaries is a low hedge approximately 1m in height. Along the southern boundary are established trees and abutting the boundary with No. 7 is a post and wire fence.

#### **Description of Proposal:**

The proposal is for the erection of 2 detached chalet dwellings and detached domestic garages. The dwellings will have a ridge height of 7.5m above ground level with smooth render walls and dark slate or tiled roofs. The dwellings will have dormer windows to the front protruding from the wallplate level, one house will have 1 central dormer and the other 2 at either side of the flat roofed single storey stone porch. (see drawings in Addendum)

#### **Deferred Consideration:**

This application was presented to the committee on 4<sup>th</sup> August 2020 where it was deferred for a meeting with the planning manager. A meeting was held on 18<sup>th</sup> August where the size and sale of the proposed development was discussed. Subsequently amended plans have been received which show 2 detached chalet dwellings and detached domestic garages. The dwellings will have a ridge height of 7.5m above ground level with smooth render walls and dark slate or tiled roofs. The dwellings will have dormer windows to the front protruding from the wallplate level, one house will have 1 central dormer and the other 2 at either side of the flat roofed single storey stone porch.

It has been accepted this is an infill site as there are 3 dwellings and outbuildings to the west, towards Cookstown Road and a detached dwelling to the east, on the opposite side Rossmore Road, which has a frontage with Coalpit Road. Concerns about the capability of the site to accommodate 2 dwellings had been raised and amended plans have been submitted to address this.

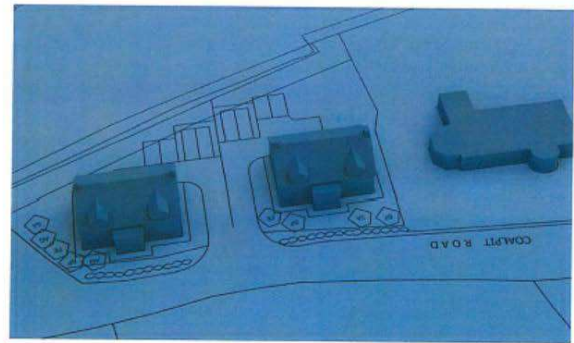
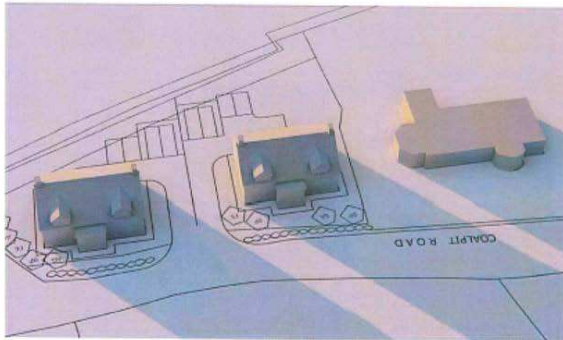
The site is located in an area where there is a considerable amount of built development already carried out to the west, as can be seen in Fig 1 below.



Fig 1: site and surrounding development



21<sup>st</sup> December



The only window proposed in the gable facing the existing development will be a downstairs bathroom window, which will have obscure glazing in it. I am therefore content the proposal will not unduly overlook the existing property. I will in all probability provide some screening for the sunroom from the public road as it is very open to views on approach from the east.

DFI Rivers comments have been addressed and a maintenance strip is being provided to the rear boundary to allow access to the waterway.

Given that this is a gap site within a substantially built up frontage, I am content that issues of residential amenity will not be unduly affected by these proposed dwellings and they respects the character of the surrounding development. I recommend the application, as amended, is 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 of 2.4m x 60.0m and any forward sight line shall be provided in accordance with drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The sight line of 2.4m x 60.0m to the west of the Rossmore Road/Coalpit Road junction shall be provided in accordance with drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020., prior to the commencement of any works or other development hereby permitted. The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. All hard and soft landscape works as detailed on drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020 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 any 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.

5. The 5m strip along the south boundary of the site as identified by hatching on the approved drawing No 02 Rev 4 bearing the stamp dated 18 DEC 2020 shall be kept free from any development or landscaping planting and ground levels within it shall not be raised or lowered.

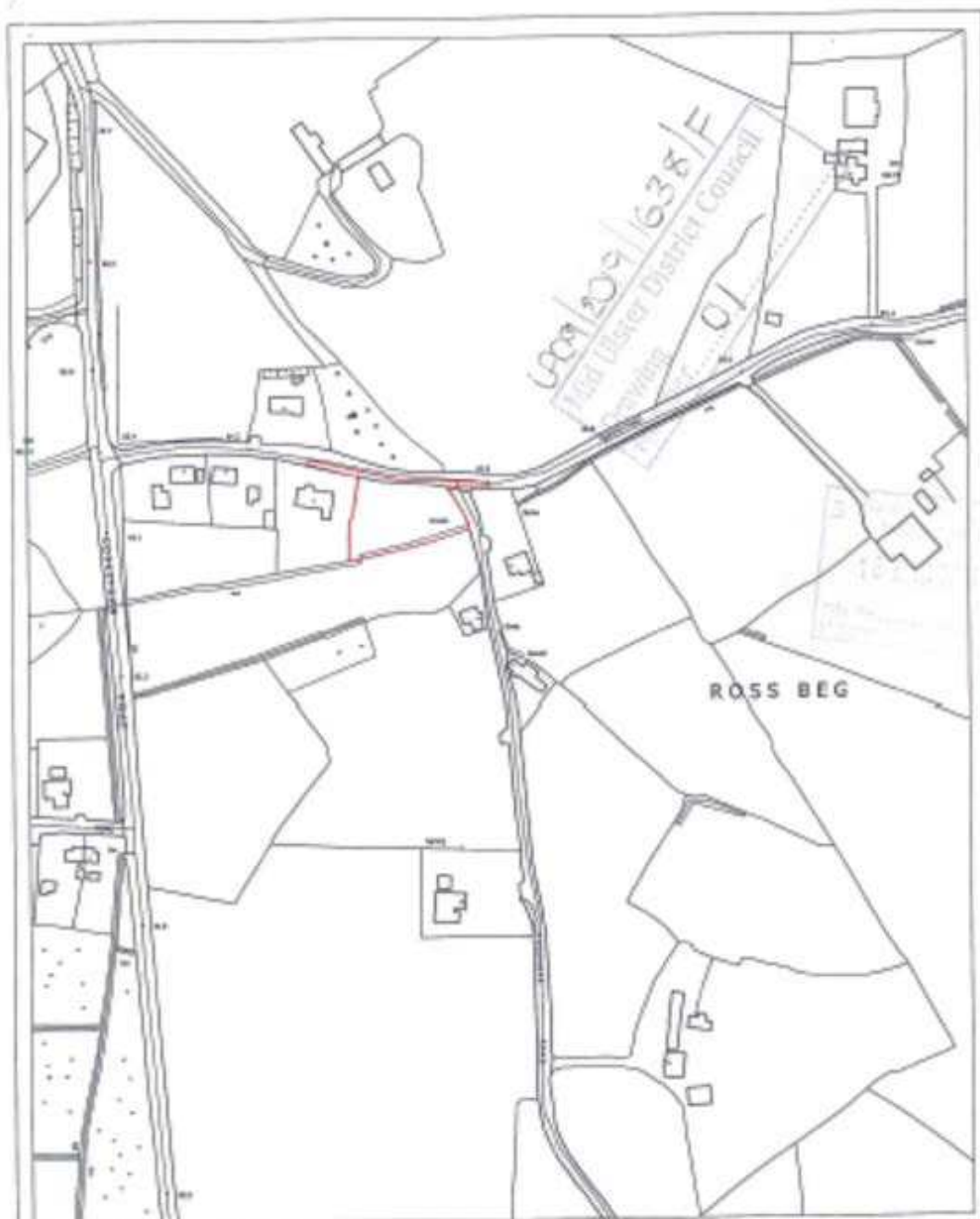
Reason: To allow maintenance of the adjacent watercourse.

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**



Location Plan  
Scale 1:2500

O.S. Map Ref. 092-04-99

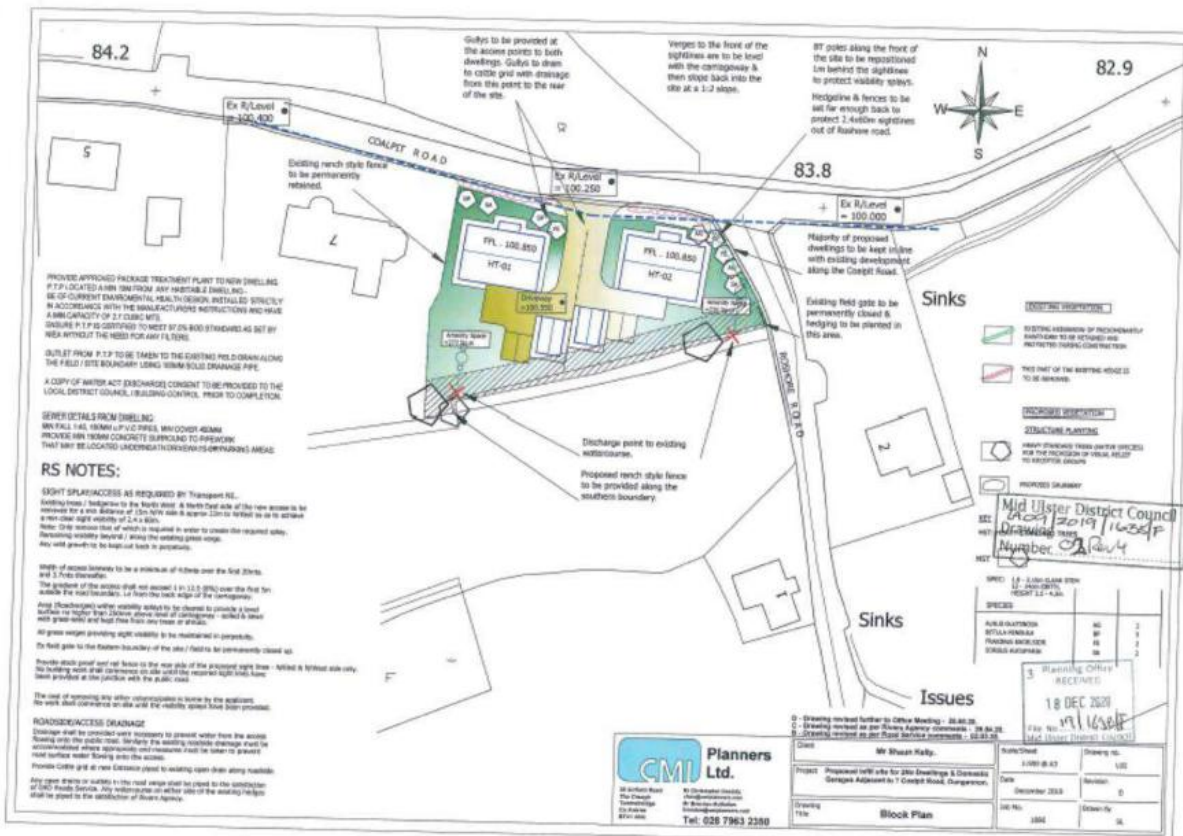


**Planners  
Ltd.**

Unit 13  
The Bannockburn  
80-82 Railway Rd  
Belfast BT1 1AA

As Development Control  
info@cmiplanners.com  
As Planning Consultants  
info@cmiplanners.com  
Tel: 028 7363 2350

Client	Shane Kelly	Scale/Sheet	1:2500 @ A4	Drawing no.	LB1
Project	Adjacent to 7 Corbett Road, Bangor.	Date	Dec 2019	Revision	A
Drawing Title	Location Map	Job No.	1896	Drawn By	S.



# HOUSE TYPE 2



First Floor Plan  
Total Area: 61.207 (144)



Ground Floor Plan  
Total Area: 110.007 (245)



Front Elevation



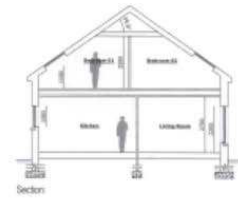
RHS Elevation



LHS Elevation



Rear Elevation



Section

## SCHEDULE OF FINISHES

ROOF	Asph/Flt - RAJA (Asph/Flt on rafters)
WALLS	Internal: Plaster, External: Brick & render Basement: Concrete block & render Basement: Concrete block & render
FLOORING	Ground: Asph/Flt (on concrete) First: Asph/Flt (on concrete) Basement: Asph/Flt (on concrete)
WINDOWS	Asph/Flt (on concrete)

House Type 2 - 10/11/2019 - 10/12/20

<b>CMI Planners Ltd</b> 10/11/2019 10/12/2020 10/13/2021 10/14/2022 10/15/2023 10/16/2024 10/17/2025 10/18/2026 10/19/2027 10/20/2028 10/21/2029 10/22/2030 10/23/2031 10/24/2032 10/25/2033 10/26/2034 10/27/2035 10/28/2036 10/29/2037 10/30/2038 10/31/2039 10/32/2040 10/33/2041 10/34/2042 10/35/2043 10/36/2044 10/37/2045 10/38/2046 10/39/2047 10/40/2048 10/41/2049 10/42/2050 10/43/2051 10/44/2052 10/45/2053 10/46/2054 10/47/2055 10/48/2056 10/49/2057 10/50/2058 10/51/2059 10/52/2060 10/53/2061 10/54/2062 10/55/2063 10/56/2064 10/57/2065 10/58/2066 10/59/2067 10/60/2068 10/61/2069 10/62/2070 10/63/2071 10/64/2072 10/65/2073 10/66/2074 10/67/2075 10/68/2076 10/69/2077 10/70/2078 10/71/2079 10/72/2080 10/73/2081 10/74/2082 10/75/2083 10/76/2084 10/77/2085 10/78/2086 10/79/2087 10/80/2088 10/81/2089 10/82/2090 10/83/2091 10/84/2092 10/85/2093 10/86/2094 10/87/2095 10/88/2096 10/89/2097 10/90/2098 10/91/2099 10/92/2100 10/93/2101 10/94/2102 10/95/2103 10/96/2104 10/97/2105 10/98/2106 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Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

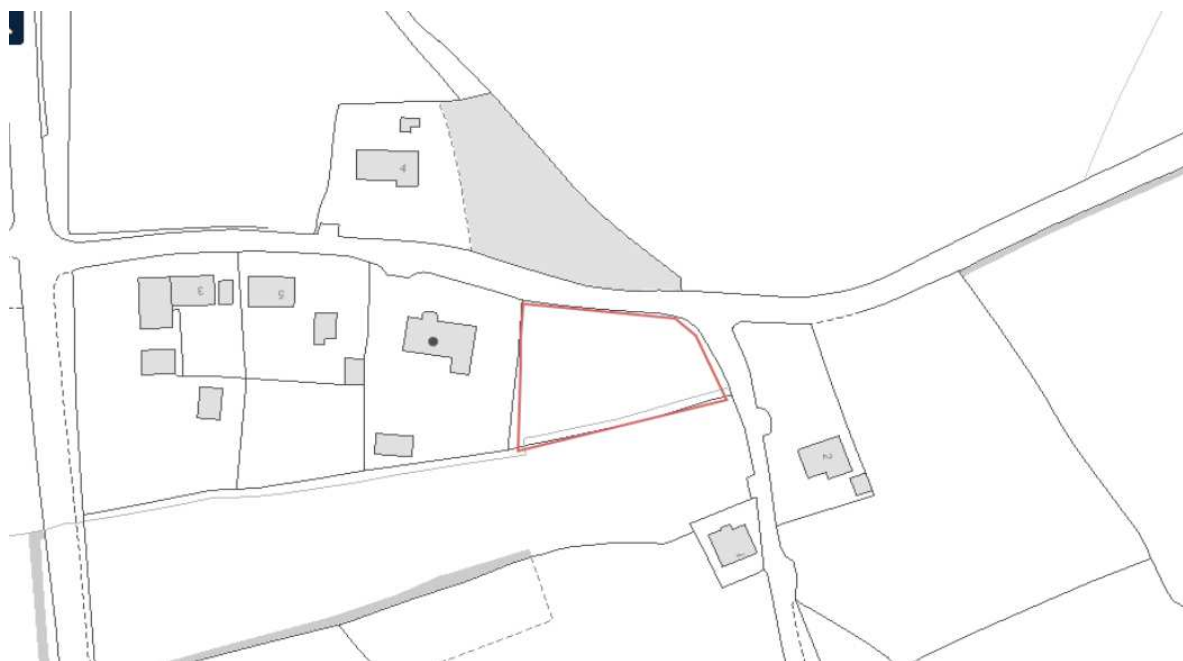
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/06/2020	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1638/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill sites for 2 dwellings and garages	<b>Location:</b> Adjacent to 7 Coalpit Road Dungannon
<b>Referral Route:</b> <ol style="list-style-type: none"><li>1. Proposal is contrary to Policy CTY 8 – Ribbon Development in Planning Policy Statement 21 in that the proposal does not reflect the development pattern along the frontage in terms of siting and plot size.</li><li>2. Proposal is contrary to Policy CTY 14 – Rural Character in Planning Policy Statement 21 in that the proposal does not respect the traditional pattern of settlement exhibited in the area.</li></ol>	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Shaun Kelly 3A Coalpit Road Dungannon	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	
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

### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural and is characterised by single detached dwellings, farm complexes and agricultural fields. There is moderate development pressure in the area from single dwellings with a roadside frontage. Along this short stretch of Coalpit Road there are 5 dwellings with a frontage to Coalpit road and it is mainly one and one and half storey dwellings.

The application site is a rectangular shaped plot and is 0.19 ha in size. The site has a topography which is level with the public road and is currently a field. The field is a corner

plot at the junction of Coalpit Road and Rossmore Road. Across the road and to the east is No. 2 and to the west are 3 no. detached dwellings. Along the road and east boundaries is a low hedge approximately 1m in height. Along the southern boundary are established trees and abutting the boundary with No. 7 is a post and wire fence.

### **Description of Proposal**

This is a full application for an infill site for 2 no. detached dwellings and detached garages.

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

#### **Planning History**

No recent planning histories.

#### **Representations**

The proposal was advertised and neighbour notified and at the time of writing no representations have been received.

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period give rise to a number of objections to Policies contained in the Plan. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25<sup>th</sup> March for 8 weeks. The re-consultation was due to close at 5pm on 21<sup>st</sup> May 2020. In light of this the draft plan cannot currently be given any determining weight.

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

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

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

#### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

#### **Policy CTY 8 – Ribbon Development**

The proposal is for 2 no. detached dwellings and garages at an infill site along Coalpit Road. The site is a field which is between 4 no. other dwellings along this side of the public road. To the west of the site there are dwellings at No. 3, No.5 and No.7 and to the east there is a dwelling at No. 2. I am content these dwellings all have frontages to the public road which are either private gardens or their driveways. Therefore, I am content the proposal meets the criteria that the site is located along a substantial and built up frontage that includes a line of 3 or more buildings along a road without accompanying development to the rear.

The frontage at the application site is 44m, No. 3 is 40m, No. 5 is 32m, No.7 is 40m and No. 2 is 20m and the average plot frontage is 35m. I am content the overall size of the site respects the development pattern along this stretch of Coalpit Road.

Most of the other dwellings along this road are one or one and half storey. No. 2 is a two-storey dwelling, but this is set further back from the road and there are minimal critical views due to established trees. The proposal is for 1 type of detached dwellings with a ridge height of 6.5m and this is consistent with the height of dwellings along this road. I am satisfied the size and scale of the proposed dwellings fits with the character of the surrounding area.

In terms of siting, the other buildings along this road are single dwellings on plots approximately the same area as the application site and have generous sized amenity space and driveways. As shown on Drawing No 02 Rev2 date stamped 01 MAY 2020 the proposal is to site 2 no. detached dwellings at the site and have a dual access driveway through the middle. The detached garage will be sited along the southern boundary. I am not content there is adequate amenity space for House Type 1 for the size of the dwelling, while house Type 2 has slightly more amenity space. The amount of amenity space at these two plots is not in character with the other dwellings along this stretch of Coalpit Road as shown in figure 1 below. I consider the overall size of the application site cannot reasonably accommodate 2 dwellings and would not be in character with the other development along this road. Members should be aware that I discussed concerns about siting 2 no. dwellings on this site and the agent stated in an email dated 27<sup>th</sup> April 2020 that the applicant did not wish to reduce the proposal to a single dwelling and wished to proceed with the proposal for 2 no. dwellings.

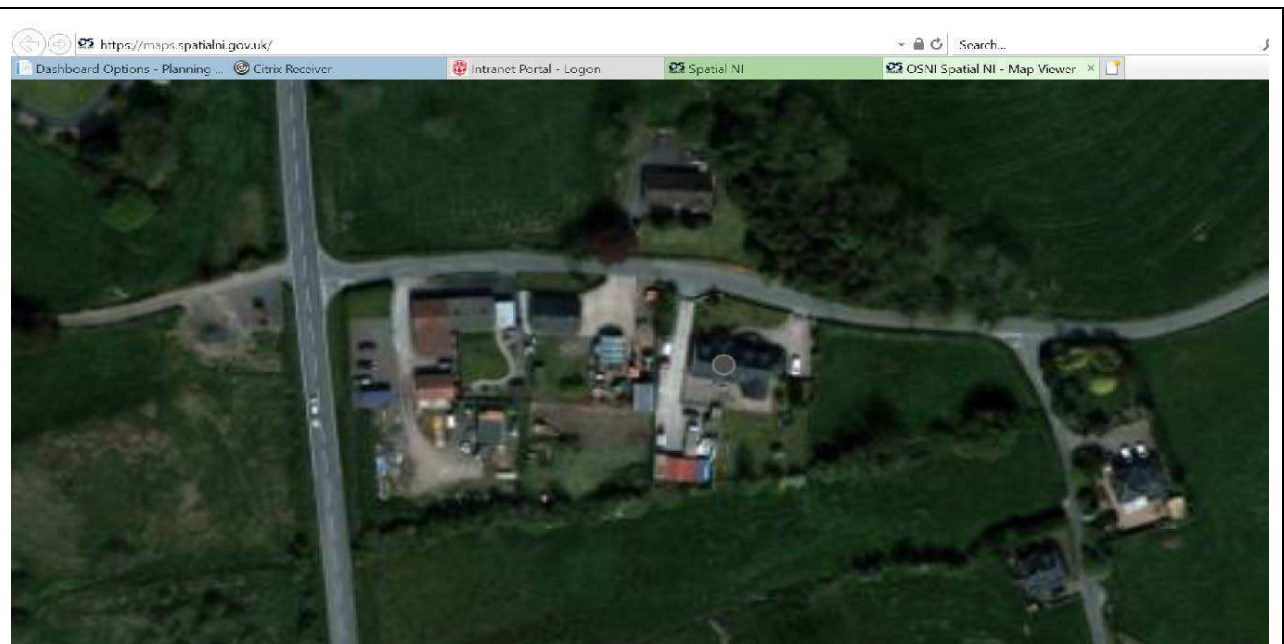


Figure 1

Therefore, I consider the proposal does not meet the section of criteria for siting and plot size of the individual plots as set out in CTY 8.

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

The application site is at the same level as the public road and is located at the junction of Coalpit Road and Rossmore Road. The site is a corner plot along a row of detached dwellings and there is another dwelling across Rossmore Road at No. 2. Further west along Coalpit Road towards the junction with the main Cookstown Road there are no critical views and to the east along Coalpit Road there are minimal critical views. In addition, as the proposed site is along a row of existing dwellings, I am content the proposal is not a prominent feature in the landscape.

There is a low 1m hedgerow along the roadside boundary which would need to be removed to provide visibility splays but Drawing 02 Rev 2 shows there is a proposed hawthorn hedgerow to replace this one. The low hedgerow along the eastern boundary will be retained. On Drawing 02 Rev 2 there is shown a ranch style fence along the west boundary with No. 07 and along the south boundary. I would recommend a hedgerow along these boundaries to assist integration at the site and protect the amenity of No. 7. I am content there is a suitable degree of enclosure for the buildings to integrate and it does not primarily rely on the use of new landscaping for integration.

The proposal will have a dual access that runs through the middle of the site. It is preferable if the access runs along an existing boundary but as the access runs for a short distance I have no concerns. A new garage is proposed at each site with a ridge height of 3.9m and is 6.3m in length and 4.2m in width. The garage will have the same finishes as the proposed dwelling, so I have no concerns. They will be situated along the south boundary so I am content there will not be an unacceptable impact on neighbouring amenity.

House type 1 which is the proposed dwelling on the west half of the site is a one and half storey dwelling with a ridge height of 6.5m and a long rectangular form. House Type 2 has

the same ridge height and form. Overall, I have no concerns about the scale and massing of the dwellings as they are in character with other dwellings along this stretch of road. Both dwellings have built in dormer windows to the window which would not normally be acceptable in rural dwellings but No. 7 immediately to the west has the same type of windows. Therefore, I am content they will not detract from the character of the area. In terms of the design, the windows have a long vertical emphasis and there is a good solid to void ratio, and chimneys project from the ridges. In initial designs submitted House Type 1 had a double projection on the front elevation but after discussions with the agent this was subsequently removed as this is not in character with a rural area. The proposed external finishes on both dwellings are blue/black slate roof tiles, wet/dry dah finish to the external walls and black upvc and guttering. I am content the proposed finishes are acceptable for a rural area and will not detract from the character of the surrounding area.

I am content the proposal will blend with the existing buildings as the site is along a row of 4 no. other dwellings.

The case of dwelling on a farm is not applicable in this case.

#### **CTY 14 – Rural Character**

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape as the proposed dwellings will sit with other buildings either side along this stretch of road. I consider the proposal will not result in a suburban style build-up of development when viewed with existing and approved buildings. However, I consider the siting of 2 no dwellings on this site does not respect the traditional pattern of settlement along this stretch of road. The principal type of development along this road is detached dwelling on a single plot with relatively large gardens and driveways. This proposal will have 2 no. dwellings on a plot about the same size as other plots along the road with less amenity space. The proposal will not add or create ribbon development. The proposed access runs through the middle of the site but I am content this will not damage rural character.

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

DFI Roads were consulted about the application and had no concerns subject to conditions and informatives. No third party land is required on either side to create the visibility splays.

#### **Other Considerations**

There are no ecological or built heritage issues at the site. I consulted Geological Survey as there are abandoned mines in the vicinity and at the time of writing no consultation response has been received. However, I completed a check on Mid Ulster Council's Historical Ortho Viewer and there are no abandoned mines at the application site.

The application lies on the periphery of the fluvial flood plain which is along the southern boundary and Rivers Agency were consulted. They had no concerns as long as conditions about the design and siting were met. The proposed dwellings and garage should be a minimum of 600mm above existing ground level and there is a 5m maintenance strip along the southern boundary.

#### **Neighbour Amenity**

As shown on drawing No 02 Rev 2 date stamped 01 MAY 2020, house type 1 is sited that the left hand side gable wall is only 1.5m from the boundary with No. 7. There is a ground floor kitchen window and sunroom window on the ground floor and first floor bedroom window on this side of the proposed dwelling. There will be an open ranch style fence between the 2 properties and I consider the close distance and upper bedroom window will create an unacceptable loss of privacy to the occupiers of No. 7. The new windows face onto No. 7's front garden and amenity space.

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it does not comply with the criteria in CTY 8 and CTY 14 in Planning Policy Statement 21.

**Reasons for Refusal:**

1. Proposal is contrary to Policy CTY 8 – Ribbon Development in Planning Policy Statement 21 in that the proposal does not reflect the development pattern along the frontage in terms of siting and plot size.
2. Proposal is contrary to Policy CTY 14 – Rural Character in Planning Policy Statement 21 in that the proposal does not respect the traditional pattern of settlement exhibited in the area.

**Signature(s)**

**Date:**



## Deferred Consideration Report

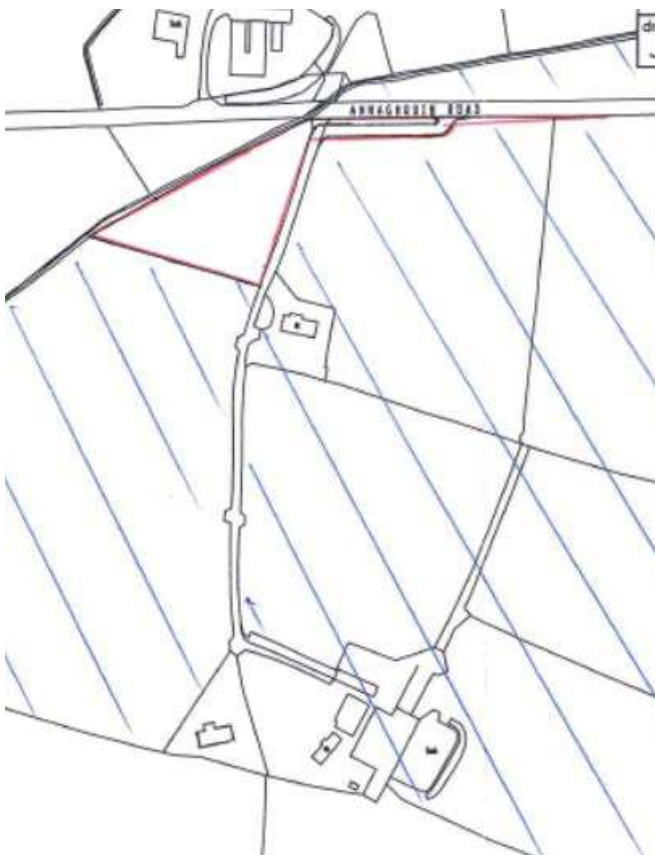
Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/0399/0	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> 60m N.W of 58 Annaghquin Road Rock Dungannon
<b>Applicant Name and Address:</b> Patrick McGuire 58 Annaghquin Road Rock Dungannon	<b>Agent name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b>  The application was originally recommended as refusal on the basis that the site is not visually linked or sited to cluster with an established group of buildings on the farm.  Following a site inspection and re-assessment, an approval with conditions is now being recommended.	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located in the open rural countryside. It is an agricultural field and triangular in shape. It is bound on north/north west with existing trees and vegetation. A post and wire fence and laneway exists along the eastern boundary. The southern boundary is currently	

undefined and continues into a larger agricultural field. The land begins to rise beyond this boundary. The land rises from north to south, although the site itself is relatively flat and on the same level. The surrounding area is mainly agricultural with farm dwellings and buildings.

LA09/2020/1566/LPD has since been submitted for 'Proposed new dry cattle shed enclosed fenced animal compound and hard standing to an existing cluster of farm buildings and active farm yard' at Lands 150m South of 58 Annaghquin Road Rock and it is currently under consideration. This proposal is adjacent to the main group of farm buildings to the SW of the site.

### **Description of Proposal**

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



### **Deferred Consideration:**

The application was first presented as a refusal to Planning Committee in December 2020 for the following reasons;

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to CTY10 of PPS21 in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an

established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.

3. The proposal is contrary to CTY13 of PPS21 in that the proposed dwelling is not visually inked or sited to cluster with an established group of buildings on the farm.

However it was deferred for a virtual office meeting which was held with the Planning Manager on 10th Dec 2020.

In relation the meeting the criteria of CTY10 for a farm dwelling, DEARA have confirmed there is an active and established farm business which has been in existence for more than 6 years. No dwellings or development opportunities have been sold off from the farm.

The only issue had been in relation to criteria c and that the site would not be visually linked or sited to cluster with a group of buildings on the farm. The site could not be visually linked with the main group of farm buildings approx. 220m NW of it. It had been noted that there was a farm dwelling No.58 (applicant's address), to the SE of the site that could be visually linked to the site but, as it was only single dwelling it could not be considered as a farm 'group'. However following a further site inspection of this dwelling, it is noted there is a farm shed located to the rear of the house (see photos below). As the site can be viewed with these, it would therefore be visually linked with a group of two buildings on the farm and so I am satisfied it meets criteria c on this basis.





### Shed at No.58

In order to ensure a dwelling on this site would be not unduly prominent, I would add a siting condition to the southern portion of the site and restrict the ridge height to 6m. Approval is therefore recommended with the following conditions noted below.

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.

### **Conditions**

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

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

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

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

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

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

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

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

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

5. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

6. The proposed dwelling shall be sited in the area shaded green on the approved plan date stamped 20 March 2020.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

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

Reason: In the interests of visual amenity.

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

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

**Signature(s):**

**Date**

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0399/O	<b>Target Date:</b>
<b>Proposal:</b> Single dwelling and domestic garage	<b>Location:</b> 60m N.W of 58 Annaghquin Road Rock Dungannon
<b>Referral Route:</b>  Recommended Refusal	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Patrick McGuire 58 Annaghquin Road Rock Dungannon BT70 3JX	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>  Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

#### Consultation Type

Statutory

#### Consultee

DFI Roads - Enniskillen Office

#### Response

Content

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

### Characteristics of the Site and Area

The site is located approximately 1.3km south west of the settlement limits of The Rock within the open countryside and has no other designations on or around the site, as per the Cookstown Area Plan 2010. The site is currently an agricultural field, which is bound on the north/ north western side with existing tree lines and other vegetation. A post and wire fence running along an existing laneway defines the eastern boundary. The southern boundary of the application is undefined and continues into a larger agricultural field. The land rises from north to south, although the land within the red line is mainly flat. The surrounding area is mainly agricultural with three dwellings located south of the application site, along the existing access laneway, which are all associated with the existing farm holding, located approximately 220m south east, shown in blue on the site location plan above.

### Description of Proposal

This is an outline planning application for a dwelling and a garage on a site approximately 60m NW of 58 Annaghquinn Road, Rock, Dungannon.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

### **Representations**

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

### **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:

- 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.

With respect to (b) there are no records indicating that any dwellings or development

opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With regards criteria (c), the proposal is not sited to be visually linked or to cluster with an established group of farm buildings. The proposed site is located approximately 220m north west of the established group of farm buildings. It is located at the start of an existing access which is used to access the farm holding. Given the landform at the application site where the land rises in a southerly direction, the established group of farm buildings cannot be seen from the site. The agent submitted a supplementary report providing justification regarding the proposed site and why no other fields within the farm holding (as shown in figure 1 below) could be considered, the main reasoning was due to the open, elevated land and they believe it would not achieve integration. Health and safety issues were also raised about siting another dwelling close to an active farm. The statement also claimed the farm business had plans to expand the existing farmyard but no evidence was provided to support this. Following an initial group discussion, it was determined insufficient reasoning was provided to support this alternative site and the agent was asked if they could provide further information.



Figure 1: Farm Maps

Following this, the agent submitted a further drawing (Drawing No.02) which outlined planned future expansion of the farm buildings and slurry tanks, as well as an additional supplementary report. Within the report, the agent again outlined the fact that the majority of the other field's available lack established boundaries and would fail to integrate. The agent also stated that the applicant had experienced a fire at the farmyard and outlined this was a health and safety issue by locating a dwelling close to these existing buildings and attached photos. Following a group discussion it was determined that although the applicant has stated they plan to expand, there was not enough evidence to support this. It was noted that although the fire was an unfortunate event, there was not enough evidence that health and safety concerns restricted the dwelling being sited closer to the existing farm holding. For this reason, the application fails to meet criteria (c) 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. As this is an outline application, no design details have been provided however, the proposed site is bounder to the north and eastern boundaries with an existing hedgerow, which provides natural screening from the public road. Although I do not believe a well-designed dwelling would be a prominent feature in the landscape, CTY 13 states a new

building will be unacceptable in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm. As a result, the proposal fails to meet the criteria of 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. I believe any dwelling approved here should be subject to a condition limiting the ridge height to 5.5m to ensure the dwelling does not appear prominent in the landscape and respects the local character of the area. `

#### **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.

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:**

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.

**Signature(s)**

**Date:**

## ANNEX

<b>Date Valid</b>	20th March 2020
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<b>Date First Advertised</b>	31st March 2020
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<b>Date Last Advertised</b>	
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<b>Details of Neighbour Notification</b> (all addresses)
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The Owner/Occupier, 58 Annaghquin Road, Dungannon, Tyrone, BT70 3JX The Owner/Occupier, 60 Annaghquin Road Dungannon Tyrone The Owner/Occupier, 60c Annaghquin Road Dungannon
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<b>Date of Last Neighbour Notification</b>	
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	Yes /No
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<b>Planning History</b>
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Ref ID: LA09/2020/0399/O Proposal: Single dwelling and domestic garage Address: 60m N.W of 58 Annaghquin Road, Rock, Dungannon, Decision: Decision Date:
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Ref ID: I/2009/0245/F Proposal: Proposed domestic dwelling and garage in association with a farm Address: 50m West of 58 Annaquinn Road, Rock, Cookstown, Co Tyrone Decision: Decision Date: 25.05.2010
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Ref ID: I/2014/0314/O Proposal: Proposed infill dwelling and garage Address: 50m South of 58 Annaghquin Road, Rock, Decision: WITHDR Decision Date: 03.06.2015
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<b>Summary of Consultee Responses</b>
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**Drawing Numbers and Title**

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department: