



Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: H/2014/0154/F	Target Date:
<b>Proposal:</b> Proposed additional 1no poultry house and feed bins to house approximately 8000 birds to accompany existing houses on site	<b>Location:</b> 150m North East of 20 Newferry Road Bellaghy BT45 8ND
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for Refusal due to lack of information to satisfactorily demonstrate that the proposed development will not have an adverse impact on the adjacent Ballymacombs More ASSI.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr Alan Mawhinney CO/AGENT	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Magherafelt District Council	Substantive Response Received
Non Statutory	DAERA - Ballymena	Substantive Response Received
Non Statutory	DFI Roads - Enniskillen Office	Substantive Response Received

Non Statutory	Water Management Unit	Add Info Requested
Non Statutory	Natural Heritage	Add Info Requested
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	Shared Environmental Services	
Non Statutory	Shared Environmental Services	Add Info Requested
Statutory	NIEA	Advice
Statutory	NIEA	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>One representation was received from the RSPB.</p> <p>The site is within several hundred metres of statutory nature conservation designations and future peatland habitats restoration sites. Protection of these sites helps to conserve local habitat for breeding, wintering and migratory birds. RSPB are concerned that cumulative impact of the proposal with the existing developments could have negative impacts on the local environment. Potential impacts include :</p> <ul style="list-style-type: none"><li>- habitat loss/fragmentation</li><li>- increased risk of flooding</li><li>- pollution of air, ground and water</li><li>- Waste from poultry houses and the impact on adjacent habitats</li><li>- emissions of ammonia, nutrient enriched runoff and dust.</li></ul> <p>The agent responded to advise that the applicant carried out a full wintering bird survey for the adjacent wind turbine (H/2014/0082/F) to which the conclusion of the survey was positive. A qualified comment from an ornithologist regarding RSPB's objection was offered, however, this was never submitted.</p>		
Characteristics of the site		

The site is a large portion of land to the rear and approx. 150m NE of 20 Newferry Road, Bellaghy.

Two poultry units exist on the western portion of the site, approved under planning ref: H/2010/0384/F. These are broiler breeder houses which were approved for a maximum of 8,700 birds in each unit.

The site is relatively flat and sits slightly below road level. It is accessed via an existing concreted laneway to the west of No. 20.

Views of the site are limited due to its set back from the road and behind a row of mature vegetation.



The site in association with Ballymacombs More ASSI, The River Bann and Lough Beg.

#### Description of Proposal

This proposal is for 1 additional poultry house for approx. 8,000 birds along with associated feed bins. If the existing houses are operating at maximum capacity this proposal takes the total site capacity to 25,400.

However, the Air quality Impact Assessment provided by Marshall Day Acoustics in support of this application states 'At present, there are two poultry sheds on the existing site, housing a total of 18,000 layers. On completion, it is proposed that the site will have the provision for three mechanically ventilated poultry sheds housing a total of 27,000 layer birds. This is not consistent with the numbers stated on the previous planning approval ( $8,700 \times 2 = 17,400$ ) in addition to the 8,000 now proposed bringing the total for the site to 25,400.





## Planning Assessment of Policy and Other Material Considerations

### Consultation responses

Transport NI - Approval in principle, subject to conditions

Environmental Health - Satisfied that if poultry house operated in adherence with 'Odour and Noise Management Plan' residential amenity should not be adversely affected.

NIEA Natural Heritage - have concerns and considers that further information is required to comply with the Habitats Regulations.

NIEA Water Management Unit - further info required on litter utilisation - standard informatives.

DARD - Business ID has been in existence for more than 6 years and business claims subsidies.

Rivers Agency - Flood risk assessment carried out on the previous application

H/2010/0384/F. Rivers Agency accepts the reports logic and has no reason to disagree with its conclusions.

Shared Environmental Services – requested additional information on the specific outlet which will process litter from the proposed poultry house.

Natural Environment Division (NED) has serious nature conservation concerns with this proposal in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

I have assessed the relevant policy, in particular:

The regional Development Strategy (RDS)

Magherafelt Area Plan 2015

Planning Policy Statement 1 General Principles

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Planning Policy 6 Planning, Archaeology and The Built Heritage.

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside

- Policy CTY 12 Agricultural and Forestry Development.

- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

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

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

The SPPS states that Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest. There is a legal duty to take reasonable steps to further the conservation and enhancement of the features by which the ASSI is of special scientific interest.

A development proposal which could adversely affect any of the above-mentioned sites of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

PPS 1 operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance.

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

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12.

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

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

The proposal is for the expansion of the applicants existing poultry farm. DARD have confirmed that the applicant's business ID has been in existence for more than 6 years and that the business claims Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri Environment scheme. Therefore there is an active and established business. This is an investment opportunity for the existing business and part of Moy Park's expansion programme and in line with the Agri-Food Strategy. Therefore it is my opinion that this proposal supports the needs of the existing business.

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

The proposed shed is located adjacent to the existing poultry units. It is a standard scale, form and design for a modern poultry unit and is of similar design to the existing poultry units and buildings of this type are common in the rural area.

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

Given the positioning of the proposed shed back from the public road and its grouping with the existing poultry unit and farm buildings, it will visually integrate into the local landscape.

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

There are no built heritage feature on or adjacent to the site. The site is adjacent to Ballymacombs ASSI, 390m from Lough Beg ASSI, 440m from Culnafey ASSI and 3.83 km from Moneystaghan Bog ASSI. NIEA Natural Heritage had concerns and considered that further information was required to comply with the Habitats Regulations. NIEA also had serious nature conservation concerns with this proposal in that the development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

The agent was requested to provide the necessary information for Natural Environment Division on 12th October 2018 and on three subsequent occasions but has continually failed to provide any additional information to address this issue. Therefore the proposal cannot be fully considered and fails to meet the policy test in that regard.

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

The nearest neighbouring properties are the roadside dwellings in front of the site; Nos. 20 and 24 which are approx. 150m from the proposed poultry unit.

An odour and noise management plan was submitted with the previous application H/2010/0384/F - this is a generic report. An updated management plan has not been received, however, Environmental Health have not raised any objections. Given the relatively modest scale of the operation and its location relative to sensitive receptors, the proposed development should not give rise to detrimental impacts on the amenity of residential dwellings outside the holding.

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

- There are no suitable existing buildings;

There are no buildings which can be used as the existing two poultry units are at capacity;

- The design and materials are sympathetic to the locality and adjacent buildings;

The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

- It is sited beside existing farm buildings.

The proposal is sited beside the two existing poultry units.

The proposal meets all but one of the above criteria and therefore it fails to comply with Policy CTY 12.

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

As mentioned above under point c) the proposal will visually integrate into the surrounding landscape and is an appropriate design.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

Given that this proposal is for an expansion of an existing poultry farm and the new shed will group within the existing it will not cause a detrimental change to the rural character of this area.

Policy AMP3 of PPS3 deals with access to public roads.

Transport NI have no objections.

Policy NH 3 of PPS 2 deals with Site of Nature Conservation Importance – national; and advises that Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest. This Policy also states that 'A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required'.

NIEA have raised concerns in relation to the impact on the adjacent ASSI. Due to the level of information provided, it will be very difficult to protect the ASSI as the proposed



poultry unit will make the restoration of the adjacent peat extract site to bog land almost impossible.

The applicant has provided details of an outlet for the poultry litter. It has been confirmed that the operations on the site, including the proposed unit, will produce 396 tonnes of litter per year. This litter will be utilised as part of Moy Park's litter utilisation strategy through land spreading in the Republic of Ireland, disposal via Anaerobic Digestion and combustion for renewable energy generation. No litter is to be landspread in Northern Ireland. There will be no storage of litter on site as litter will be cleared at the de-population stage and immediately transported to the relevant end user. However, Shared Environmental Services have requested details of the specific outlet which will process the litter from this proposed site. NIEA Water Management Unit have also requested a copy of the signed contractual agreement between the applicant and Moy Park to confirm that litter will be disposed of by way of the Moy Park litter Utilisation Strategy. Despite this additional information being requested from the applicant on four separate occasions, no additional information has been provided. Therefore it has not been satisfactorily demonstrated that there is an acceptable means of disposal for the poultry litter and the proposal is unacceptable in that regard.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons listed below:-

Reasons for Refusal:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of the potential adverse impact on Ballymacombs More ASSI.
2. The proposal is contrary to Policies CTY 1 and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not satisfactorily demonstrated that the development, if permitted, will not have an adverse impact on natural heritage.
3. The proposal is contrary to Policy NH 3 of PPS2 Natural Heritage in that the applicant has failed to satisfactorily demonstrate that the development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

Signature(s)

Date:

ANNEX	
Date Valid	29th April 2014
Date First Advertised	12th May 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>L Peoples  1 Forest Education Centre Belvoir Drive  The Owner/Occupier,  20 New Ferry Road Ballymacombs More Bellaghy  The Owner/Occupier,  24 New Ferry Road Ballymacombs More Bellaghy  The Owner/Occupier,  Bulrush Horticultural Ltd New Ferry Rd, Magherafelt BT45 8ND  giving nature a home  Northern Ireland HQ,Belvoir Park Forest,Belvoir Drive,BELFAST,BT8 7QT</p>	
Date of Last Neighbour Notification	13 <sup>th</sup> May 2014
Date of EIA Determination	21st May 2014
ES Requested	No
<p>Planning History</p> <p>Ref ID: H/1992/0228  Proposal: PEAT EXTRACTION(MILLED METHOD)  Address: BEHIND 20 NEWFERRY ROAD BELLAGHY  Decision:  Decision Date:</p> <p>Ref ID: H/1978/0077  Proposal: EXTENSION TO FARM BUNGALOW  Address: 25 NEWFERRY ROAD, BELLAGHY  Decision:  Decision Date:</p> <p>Ref ID: H/2003/0810/F  Proposal: Replacement Dwelling &amp; Garage  Address: 25 Newferry Road, Bellaghy.  Decision:  Decision Date: 09.03.2004</p> <p>Ref ID: H/2004/1354/O  Proposal: Site of dwelling and garage</p>	

Address: To the rear of, 25 Newferry Road, Bellaghy

Decision:

Decision Date: 09.11.2005

Ref ID: H/2010/0384/F

Proposal: Proposed erection of two no. poultry houses to accomodate maximum of 8700 birds in each house and associated works

Address: 90m north of no.20 Newferry Road, Bellaghy

Decision:

Decision Date: 25.10.2011

Ref ID: H/2002/0109/O

Proposal: Site of Dwelling & Garage

Address: Adjacent to 25 Newferry Road, Bellaghy

Decision:

Decision Date: 05.03.2003

Ref ID: H/2004/0867/O

Proposal: Site of dwelling and garage.

Address: 140m North West of 27 Newferry Road Bellaghy.

Decision:

Decision Date: 24.11.2005

Ref ID: H/2014/0082/F

Proposal: Proposed 250kw wind turbine with a hub height of 50m and a blade diameter of 30m, giving a tip height of 65m from ground level.

Address: 310m North East of 22 Newferry Road, Bellaghy,

Decision:

Decision Date:

Ref ID: H/2014/0154/F

Proposal: Proposed additional 1no poultry house and feed bins to house approximately 8000 birds to accompany existing houses on site

Address: 150m North East of 20 Newferry Road, Bellaghy, BT45 8ND,

Decision:

Decision Date:

Ref ID: H/2013/0309/F

Proposal: Proposed In-vessel Composting Facility (IVCF) for (non-hazardous) green and organic waste, storage, access and ancillary site works.

Address: Lands east of Bulrush Horticulture Ltd, No. 16 Newferry Road, Bellaghy, BT45 8ND,

Decision:

Decision Date:

Drawing Numbers and Title
<p>Drawing No. DOC 04 Type: Technical Specification Status: Submitted</p> <p>Drawing No. DOC 03 Type: Further Particulars Status: Submitted</p> <p>Drawing No. DOC 02 Type: Technical Specification Status: Submitted</p> <p>Drawing No. DOC 01 Type: Technical Specification Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 03 Type: Existing and Proposed Elevations Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



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

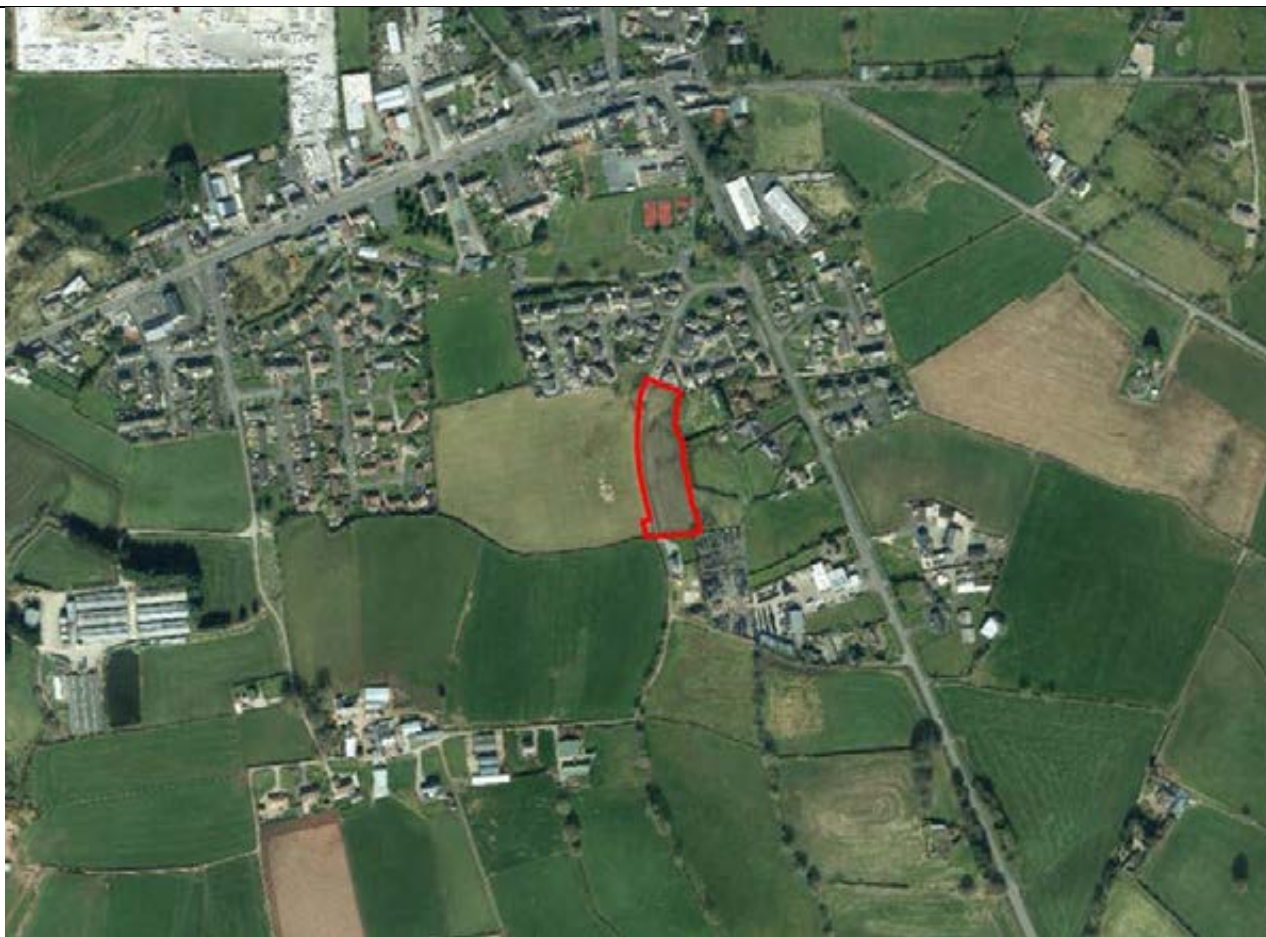
Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1534/F	Target Date:
<b>Proposal:</b> 15 Dwellings 1 x4 bed detached 1.5 storey, 2 x 3 Bed semi detached 1.5 storey, 8 x 3 bed semi detached 2 storey and 4 x 4 four bed semi detached 2 storey	<b>Location:</b> Lands Calmore Road Tobermore between 53 and 11 Calmore Road Tobermore
<b>Referral Route:</b>  The applicant is a brother of Councillor McKinney This application is being presented to Committee as it has attracted two letters of objection.	
<b>Recommendation:</b>	<b>APPROVAL</b>
<b>Applicant Name and Address:</b> I Mc Kinney Moyola Farms Ltd 11a Ballnahone Road Tobermore Maghera	<b>Agent Name and Address:</b> Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
<b>Executive Summary:</b>	
<b>Signature(s):</b>	




## Case Officer Report

## Site Location Plan



## Consultations:

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

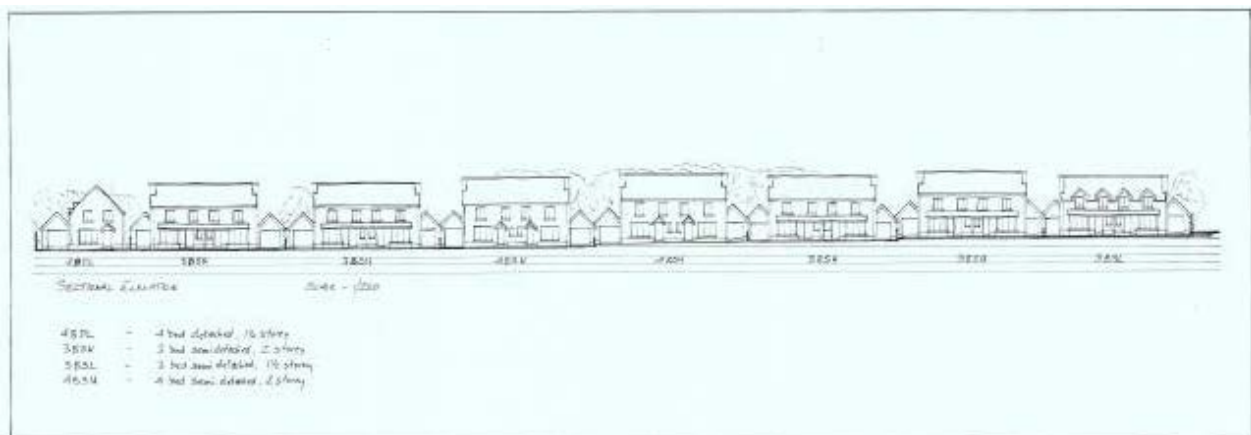
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Rivers Agency	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Two letters of objection were received in respect of this planning application and both relate to the following issue:-</p> <ul style="list-style-type: none"><li>• The proposed road coming closer to the objectors house and the resulting devaluation of their property;</li></ul> <p>The area of land in question is outside the site boundary and is not affected by any part of the development. Therefore the concerns of the objectors are ill-founded and carry no weight in the consideration of this planning application.</p>		
Characteristics of the site and area		
<p>The site consists of a long narrow field of between 30-40m deep on the Calmore Road and with a road frontage of 160m. The site is bounded to the Calmore Road and along the southern boundary by a 1.5m high thorn hedge. There is a mature hedgerow along the eastern boundary alongside an open watercourse. The site rises gently from the north towards the southern boundary. There is a single two storey dwelling adjacent to the northern end of the site with a single bungalow adjacent to the southern boundary.</p>		
		
From the side of No.53 Calmore Road		



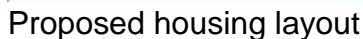
Calmore Road

### Description of the Proposal

This application is for the erection of 15 Dwellings – 1 no. 1.5 storey 4 bed detached, 2 no. 1.5 storey 3 bed semi-detached, 8 no. 2 storey 3 bed semi-detached and 4 no. 2 storey 4 bed semi-detached. All dwellings are in a single row facing directly onto the eastern side of the Calmore Road.



Indicative Streetscape



## Creating Places

The lands in question are contained within the zoned lands as TE 02/3 in the Magherafelt Area Plan 2015. This site is designated as a Committed Housing Site and therefore does not have any Key Site requirements.



PPS 7 Quality Residential Environments – Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

The proposed development is assessed against these criteria as follows:-

- (a) The proposal meets the first of these criteria in that it respects the surrounding context as it is for a housing development in a largely residential area. In terms of the layout, the density at 24.6 dwellings per hectare is slightly lower than the adjacent development at Loughhill Park which has 25.7 dwellings per hectare.
- (b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site.
- (c) This layout is for 15 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of around 100m<sup>2</sup> to 150m<sup>2</sup>.
- (d) As the site is close to and within walking distance of the centre of Tobermore, the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has good access onto the Desertmartin Road and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;
- (f) Adequate provision is made for parking of vehicles with all sites having in-curtilage parking provided.
- (g) The design of the development is acceptable in terms of form, materials and detailing;
- (h) The proposal will not create a conflict with adjacent land uses as these are all existing dwellings.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

The proposed development is acceptable when assessed under policies contained within PPS 12, PPS 13 and Creating Places.

DfI Roads were consulted regarding the proposed access and layout and advised that they have no objections to the proposed development subject to a minor amendment and submission of the necessary Private Streets Determination being carried out. The necessary amendments were completed and DfI Roads advised that these were acceptable.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve subject to the conditions listed below:-



## Conditions

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

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

2. All hard and soft landscape works 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 each individual site no later than the first available planting season following occupation of that site as hereby approved.

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

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

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

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

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

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

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

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

6. The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 13 bearing the date stamp 04 January 2019.

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

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

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

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

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

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no buildings, walls, gate pillars, or other structures other than the demountable fencing as indicated on drawing no. 13 date stamped 4th January 2019 shall be erected within the 5m wide maintenance strip along the open watercourse on the eastern boundary of the site hereby approved..

Reason: To ensure continued access is available to the watercourse for maintenance purposes.

Signature(s)

Date:

ANNEX	
Date Valid	3rd November 2017
Date First Advertised	16th November 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Calmore Road Tobermore Londonderry The Owner/Occupier, 53 Calmore Road Tobermore Londonderry David Kee 59, Calmore Road, Tobermore, Londonderry, Northern Ireland, BT45 5SA Michael Dunbar Email	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: LA09/2017/1534/F Proposal: 15 Dwellings 1 x4 bed detached 1.5 storey, 2 x 3 Bed semi detached 1.5 storey, 8 x 3 bed semi detached 2 storey and 4 x 4 four bed semi detached 2 storey Address: Lands Calmore Road, Tobermore between 53 and 11 Calmore Road, Tobermore, Decision: Decision Date:  Ref ID: LA09/2017/0524/PAD Proposal: Development site within the current area plan, 15 dwellings and garages Address: Calmore Road, Tobermore, Decision: Decision Date:  Ref ID: H/1997/0614 Proposal: HOUSING DEVELOPMENT Address: ADJ TO 11 CALMORE ROAD TOBERMORE Decision: Decision Date:  Ref ID: H/2010/0464/F Proposal: Single storey side extension to existing dwelling	

Address: 53 Calmore Road, Tobermore

Decision:

Decision Date: 23.11.2010

Ref ID: H/2007/0385/F

Proposal: Demolition of existing dwelling & outsheds and proposed housing development comprising of 4 No. detached houses, 10 No. semi-detached houses & 6 No. apartments.amended scheme

Address: 19 Desertmartin Road, Tobermore

Decision:

Decision Date: 04.09.2009

Ref ID: H/2004/0009/O

Proposal: Site of housing development.

Address: North of no.11 Calmore Road, Tobermore, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2007/0909/O

Proposal: Mixed density housing development comprising of approx 90-100 dwellings units (Amended details submitted including proposals for a right turn lane from Desertmartin Road to Calmore Road)

Address: Lands, adjacent to and north of No.11 Calmore Road, (and south of Nos 6, 24 & 26 Loughill Park, south and south west of No 53 Calmore Road and east of Nos 7, 17, 18 & 19 Calmore Park) Tobermore (Amended site address)

Decision:

Decision Date: 10.04.2009

Ref ID: H/2002/0863/Q

Proposal: Site of Housing Development

Address: Calmore Road, Tobermore

Decision:

Decision Date:

Ref ID: H/2002/1173/F

Proposal: Housing Development (110 units).

Address: Adjacent to Lough Hill, Calmore Road, Tobermore.

Decision:

Decision Date: 18.01.2006

Ref ID: H/1994/0398

Proposal: SITE OF DWELLING

Address: CALMORE LANE TOBERMORE

Decision:

Decision Date:

#### Summary of Consultee Responses

The consultees did not raise any issues.

Drawing Numbers and Title



Drawing No. 13  
Type: Road Access Plan  
Status: Submitted

Drawing No. 05  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 07  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 08  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 09  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 10  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 11  
Type: Garage Plans  
Status: Submitted

Drawing No. 12  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Floor Plans  
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1801/F	<b>Target Date:</b>
<b>Proposal:</b> Rationalisation of existing sand and gravel extraction, lateral extensions to existing approved extraction, deepening of extraction below the current base levels to a level circa 202mAOD, with restoration to agricultural after-use	<b>Location:</b> Lands at Murnells Sand and Gravel Quarry, north and west of no 46 Murnells Road, Pomeroy, Dungannon.
<b>Referral Route:</b> This is a major planning application	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Creagh Concrete Products Blackpark Road Toome BT41 3SL	<b>Agent Name and Address:</b> Quarryplan Ltd 6 Saintfield Road Crossgar BT30 9HY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	NIEA	Extension Required
Statutory	NIEA	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Error

Statutory	Historic Environment Division (HED)	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The site is located in the open countryside and is bounded by agricultural fields, farm buildings, dwelling houses and Murnells Road. Lands to the east consist of a former sand and gravel pit.</p>		
<b>Description of Proposal</b>		
<p>Rationalisation of existing sand and gravel extraction, lateral extensions to existing approved extraction, deepening of extraction below the current base levels to a level circa 202mAOD, with restoration to agricultural after-use.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>Regional Development Strategy 2035  Strategic Planning Policy Statement  Cookstown Area Plan 2010  MUDS Local Development Plan 2030 – Draft Plan Strategy  Planning Policy Statement 2 - Nature Conservation  Planning Policy Statement 3 - Access and Movement  Planning Policy Statement 4 - Planning and Economic Development  Planning Policy Statement 6 - Archaeology and the Built Heritage  Planning Policy Statement 21 - Sustainable Development in the Countryside</p>		
<p>Section 45 (1) of the Planning Act (NI) 2011 requires a planning authority when dealing with a planning application to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6 (4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p>		
<p>The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy launched on the 22nd Feb 2019. The initial consultation period gave rise to a number of</p>		

objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

The RDS 2035 provides an overarching strategic planning framework to facilitate and guide the public and private sectors. There are 8 revised aims within the RDS 2035 one of which is “To take actions to reduce our carbon footprint and facilitate adaptation to climate change”. It also states that we need to reduce harmful green house gas emissions to help reduce the threat of climate change and promote sustainable construction, consumption and production.

The SPPS is a statement of the Department’s policy on important planning matters that should be addressed across NI. The SPPS acknowledges that the minerals industry makes an essential contribution to the economy and to our quality of life, providing primary minerals for construction, such as sand, gravel, crushed rock and other uses, and is a valued provider of jobs and employment, particularly in rural areas. Minerals can only be extracted from sites where they occur, and there may be limited opportunities for consideration of alternative sites with a further challenge being the restoration of sites upon completion of work associated with the extraction and processing of materials.

The regional strategic objectives for minerals development are to:

- Facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
- Minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
- Secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

Historically, sand and gravel has been extracted and processed from part of the application site under application reference I/1981/0189, which incorporated the eastern portion of the current application site and extended beyond to the north, which is outside the current red line boundary. There is a long history of planning approvals for sand and gravel extraction and associated plant and site works at this site. The most recent approval was granted in 2013 under planning reference I/2009/0222/F for “Proposed sand and gravel extraction pit associated operational plant and machinery including the retention of 3 number water washer/storage ponds for the duration of the works only”. Both areas approved historically are incorporated under this current application.

The planning application is seeking planning permission for 7.7 ha of land at Murnells sand and gravel quarry. The existing land uses comprise of agricultural lands, sand and gravel extraction and mineral processing. The agent has clarified that of the 7.7ha, approximately 6 ha relate to existing sand and gravel undertakings carried out under the previous grant of planning permissions outlined above. The remaining c.1.7ha is given over the agricultural lands, which are predominantly in the southwestern section of the proposed site and the access road from the site to the public road.

This current application is to rationalise the historic consents for mineral extraction and provide a phased scheme in order to maximise the reserve potential from the site without

significantly altering the existing footprint of the extant put and provide a holistic restoration concept. The access point to Murnells Road remains the same.

There are five phases of extraction proposed prior to the final restoration of the site. During Phase 1 mineral extraction will take place in a southerly direction. The applicant will create new receptor areas including ponds with the remaining existing ponds to be fenced off and protected as specified by a project ecologist. An exposed sand face along the western boundary will be protected and retained for nesting Sand Martin. Once these have been completed, extraction will proceed in the southern area of the site. Phase 1 is expected to release c.300,000 cubic metres of sand and gravel.

Phase 2 will revert to lands approved for mineral extraction under I/1981/0189 and is expected to release c.100,000 cubic metres of sand and gravel. During this phase the screen bund and overburden restoration in the north west of the site will be encouraged to 'green up' and will be sown out in accordance with the final restoration concept.

Prior to Phase 3 commencing, a system of ponds will be created in the south of the site and these will be used to create a habitat for newts within the remaining ponds in the north and north east of the site which are to be relocated. The newts will then be relocated to the new ponds and wetland area, established as part of progressive restoration in the completed area to the south of the site. Extraction will then commence in the northern area of the site. Phase 3 is expected to release c.25,000 cubic metres of sand and gravel.

Phase 4 will see the lands containing the processing plant site, erected following the approval of I/2009/0222/F worked to release c.30,000 cubic metres of sand and gravel reserve.

Phase 5 of the proposed operations will see restoration slopes being created within the previously extracted Phase 4 area prior to implementation of the holistic restoration concept. This phase will see the site worked to its maximum geotechnical levels and will release a further c.110,000 cubic metres of sand and gravel.

The agent has stated in the ES where opportunities present, progressive restoration will be implemented at the earliest opportunity within the context of active extractive operations. Drawings have been submitted to illustrate the proposed phased extraction and remediation of the site. A restoration plan has been submitted as part of this planning application and this illustrates the full and final landscape restoration envisaged for the entire holding.

Mineral can only be extracted from where it is found. The applicant has stated that a quarry location is not only governed by geological constraints, but in NI as haulage comprises such a large percentage of selling price (in the region of 25-40%), geographical location is also a key component. Due to the market forces of supply and demand this constrains mineral operations to a given distance from a target market. The ES includes a table outlining the selection process adopted for the selection of this site.

Policy MIN1 of A Planning Strategy for Rural Northern Ireland (PSRNI) states that extensions to existing mineral workings, which minimise environmental disturbance in the countryside, will normally be preferred to new workings on greenfield sites. As

assessment is required of the need for mineral resources against the need to protect and conserve the environment. The agent has detailed the selection process that has been adopted in arriving at the position that an extension of the Murnells operation provides the Best Practical Environmental Option (BPEO) for a development of this magnitude. There are a number of owner/operators of the existing operations who are in direct competition with the applicant and are unwilling to dispose of their site.

The ES states the applicant requires the mineral at Murnells to help meet the shortfall in aggregate available to the company on the open market and without it the shortfall would be required to be acquired from other sources. This, it is contended, could potentially result in less suitable extension applications or increased pressure on greenfield sites, agricultural lands and sites containing NI Priority Habitats with significantly less beneficial landscaping proposals, planning gain, rehabilitation of existing sites and after-use. The agent states the proposal offers planning benefits as it incorporates previous approvals brought under the one red line boundary and thereby offers an opportunity to modernise the historic conditions.

### **Effects on the water environment.**

The ES identifies there are three designated conservation areas within a 4km radius of the site. The closest is Lough Doo ASSI which is noteworthy for its fluvio-glacial deposits. Limehill Farm ASSI is an internationally important fossil site for Silurian stratigraphy. The upstream reach of the Upper Ballinderry River ASSI and SAC is noted for the physical features of the river and refers to the importance of its associated riverine flora and fauna. The Sperrins AONB is c.3.7km to the northwest of the application site.

The application area straddles the watershed between the two headwaters of two watercourses, Loughagarran Stream and Shancrock Stream that converge some 2km to the east of the site.

The site does not overlap any area of floodplain with the risk of fluvial flooding confined to the narrow strip of land immediately adjacent to the banks of the Loughagarran Stream (450m to the north of the site at the closest approach) and Shancrock Stream (235m to the south of the site at the closest approach).

Storm runoff will collect in the sump on the quarry floor or drain towards the settlement ponds at the northern margin. Aside from the water management system within the extraction area there is a relatively scarcity of waterbodies near the site.

Based on the proposed quarry design and the interpolated groundwater contours, it is anticipated there will be a negligible risk of intercepting the water table during the operational life of the quarry.

The ES states the operation of mobile and fixed plant presents a risk that pollutants may enter groundwater because of hydrocarbon spillage or leakage on site. The risk of such a pollution incident can be minimised through the adoption of various measures including checking for leakages, reporting defects to ensure timely repairs etc.



It is considered the proposed development will cause no derogation in the quantity and quality of any local water supplies, including private spring wells. This is because the proposed development will not involve sub-watertable working or dewatering, therefore there will be no drawdown-related impact upon water levels and flow and water quality will be safeguarded by the same measures.

Following the submission of further data to verify the groundwater levels in the northern section of the site and a groundwater monitoring plan both Water Management Unit and Land, Soil and Air team of NIEA find the proposal acceptable. This is subject to the applicant referring and adhering to standing advice and obtaining and complying with any required statutory permissions.

### **Noise impact assessment**

A daytime noise survey was carried out at the nearest noise sensitive locations, to establish the current ambient noise levels in the area. The noise survey entailed taking readings during a typical working day at the nearest noise sensitive receptor locations. The noise survey accounted for the rationalisation of existing approved sand and gravel extraction, lateral extensions and deepening of approved extraction to a level of c.202mAOD with restoration to agricultural after-use. Sand gravel output is expected to be between 80,000 and 100,000 tonnes pa with no more than 20 vehicle movements occurring at the site daily, and there is no processing of the quarried sands and gravels at the quarry site. All mineral excavated at the site will be transported to the Creagh Concrete processing and distribution sites at Toomebridge and Ardboe. There will be no blasting on site and the proposed hours of operation are 0700-1900 Mon – Fri and 0800-1500 Saturdays. There are 12 noise sensitive receivers in proximity to the quarry site boundary.

The noise survey has found the predicted noise levels due to the proposed quarrying activities will be well below the World Health Organisation recommended guideline noise limit criterion on 50-55dB LAeq, 12hour for community exposure during operation. The noise levels due to dozer activities during topsoil excavation, noise bund construction and restoration works may periodically result in a noise level that exceeds the noise limit of 55dB LAeq, 1hour. However, it is accepted within Planning Practice Guidance 'Assessing Environmental Impacts from Mineral Extraction - Noise Emissions' (March 2014) that all operators will have some noisier short-term activities that cannot meet the limits set for normal operations such as overburden removal, bund construction, restoration works etc. Site preparation and restoration works will be carried out during an 8 week window per annum.

The ES details mitigation measures which will be employed to minimise operational impacts and include restricted operating hours as outlined above; a 220m long 3m high noise bound along the southern boundary to protect dwellings at 34, 38 and 40 Murnells Road; on site speed limit; noise reduced plant; silenced vehicle reverse alarms; noise monitoring in the event of a complaint from a NSR.

When the measured baseline noise levels and the predicted noise levels from the quarrying and extraction operations on site are compared, there will be no exceedance of the relevant noise limits outlined in the PPG.

Environmental Health has assessed the acoustic assessment by AONA Environmental. They acknowledge the report predicts noise levels at the noise sensitive properties will not exceed the proposed PPG noise limit of 45dB LAeq (1hour). Consequently, there are no objections from EHO subject to conditions.

### **Ecology**

There are several designated sites around Murnells Quarry. The designated areas located less than 2km from the site have been considered in terms of their potential connectivity to the proposed development and impacts of dust and noise have been considered. There are no SPA's within the 15km of the proposed site. The closest SAC is the Upper Ballinderry River SAC and it has been determined there is no direct connectivity via surface watercourses from the Murnells Quarry site to this SAC. The hydrological report has confirmed that there is some low potential for groundwater connectivity to this SAC because groundwater from this site drains towards the Shancrock Stream, which eventually feeds into the Kildress Stream, which flows into the SAC.

The following ASSI sites lied within 5km of the quarry site; Upper Ballinderry River ASSI, Bardahessiagh ASSI, Lime Hill Farm ASSI and Lough Doo ASSI, the latter of which is the closest at c.1.8km NW of the proposed quarry. There are no ASSI's that have hydrological connectivity to the application site. With regards to SLNCI's, Evishanoran SLNCI is within 1.1km of the quarry. This will not be impacted by the proposal, as there is no connectivity to this site given its distance from the proposals and the lack of a hydrological link.

The main potential physical impacts identified in the ES that quarrying may have on the receiving environment are:

- Permanent habitat removal;
- Dust deposition;
- Noise; and
- Hydrological impacts.
- 

It is considered there is no potential for dust, noise or hydrological impacts upon any designated sites within 15km of the proposed quarry extension.

The only pathway for impact upon a designated site is in the event of polluted groundwater entering the Shancrock Stream and this eventually reaching >10km downstream to the Upper Ballinderry River SAC, and causing an indirect effect upon this site. The potential for impact is considered very low and mitigation has been provided to ensure that there is no likelihood of significant effects upon this SAC.

There is also potential for impacts on protected species and species of conservation importance, including bats, starlings, newts and frogs.

Mitigation measures have been included in the ES for the potential impacts on habitats, SAC, ASSI, amphibians, bats, birds and hedgerows. Subsequent to implementing all of the recommended mitigation provided in the Ecology report, the majority of adverse impacts potentially posed by the proposals will be negated. Significant areas of habitat

restoration have been proposed and it is considered this will provide an overall long-term enhancement of the habitats that are currently available at this quarry site.

NIEA Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions. They also note that if the restoration plan is successful, it is expected that the long term positive impacts to biodiversity will be adequate. NED recommend that a long term monitoring plan should also be included as part of the Habitat Restoration Plan to report on the success rate of the restoration project.

### **Visual appraisal**

The application site is located in an area of undulating landform. The surrounding area comprises mainly of rolling agricultural fields, private dwellings and farm buildings, and several tributaries from the Ballinderry River. There are several woodland clusters, notably to the NE near the Ballinderry River. Dum Manor Forest Park is located approx. 2km to the NE of the site. The area is rich with archaeological heritage with numerous sites marked on the 1:50,000 map.

The site lies within LCA 43 - Carrickmore Hills. The key characteristics of this LCA are:

- A broad, generally open upland fringe landscape;
- Undulating landform;
- Open and exposed particularly on upper slopes;
- Complex series of glacio-fluvial features;
- Extensive sand and gravel quarrying;
- The area has a wild and remote character in parts but this is tempered by man-made influences;

Landscape sensitivity has been reduced in the northeast by the relatively strong man-made influence, generally convex skyline and mixed landscape quality.

The ES concludes the sensitivity of the broad regional landscape associated with this development would fit with the Medium/Low definition.

A number of measures have been proposed to mitigate against adverse landscape and visual effects being generated by the proposed development including commencement of restoration at the earliest opportunity in all areas where extraction or operations associated with extraction are no longer occurring and advanced permanent screen planting along the boundaries to the north. This proposal is not introducing a new land use in this rural area. The ES states the proposed comprehensive restoration scheme brings opportunities for significant beneficial amenity and biodiversity outcomes post extraction at this location.

From an inspection of the application site and the surrounding area, there can be no doubt this proposed development will have an impact on the local landscape for the lifetime of the quarry. However, given the history of approvals on the site and the scarring that has taken place thus far at this location the negative impact is not uncharacteristic for the area. There is a comprehensive restoration scheme proposed

once the reserves from this quarry have been exhausted. Restoration will bring significant visual amenity and biodiversity benefits to the local landscape.

### **Dust**

The primary sources of dust that could possibly give rise to an impact on the air quality environment of the surrounding area are:

- Soil/overburden movement and storage;
- Excavation of mineral;
- Onsite transportation of material;
- Loading and dispatch of vehicles; and
- Restoration /material replacement.

The ES suggests dust control measures that should be employed to control the impacts to acceptable levels. A Dust Action Plan is to be employed for the control and reporting of the effects of specific dust events.

EHO has assessed the dust deposition survey, which concluded the development might have the potential to generate levels of dust through its operation. However if the proposed mitigation and dust management protocols are implemented in full, then the development will not significantly impact air quality at sensitive locations in the vicinity of the site.

### **Vehicle Movements and Highways**

The proposed development will use the existing access approved under I/1981/0189. The level of vehicles using the road is not proposed to increase over and above the existing levels experienced and there is no issue of intensification.

DfI Roads have noted the access and access sight lines were not implemented in accordance with previous approval. They request the access is brought up to an acceptable standard prior to any other works commencing and have recommended conditions.

### **Archaeology**

There are three sites and monument record sites and one scheduled monument within 1km of the site and these sites all date to the prehistoric period. The closest archaeological site consists of two standing stones located c.655m to the south-southwest of the proposed development area. These are recorded as destroyed and have been unscheduled. The scheduled zone is situated c.645m to the south-southwest and encompasses a portal tomb and long cairn known as 'Dermot and Grania's Bed' and a round cairn.

The ES concludes a steep slope under pasture forms the greenfield area that forms the proposed quarry extension. Given the topography, the archaeological potential of the site is deemed low. As such, no negative impacts are predicted upon the archaeological resource because of the proposed extension going ahead. Consequently, no mitigation measures are deemed necessary.

HED Historic Monuments has reviewed the Archaeological, Architectural and Cultural Heritage section of the ES and accept the recommendations in the report. They are concerned with future extensions but since these are not part of a planning application, this is not a material consideration at this time.

Having considered all the relevant plans, policies and material considerations, I recommend an approval of this application subject to the conditions listed below.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve subject to the conditions listed below.

**Conditions:**

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

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

2. Within 24 months of the date of this decision notice, the applicant must submit a guarantee to cover all site restoration and aftercare liabilities for the written approval of Mid Ulster District Council. Such guarantee must, unless otherwise agreed in writing by the Council as the Planning Authority:
  - i. Be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - ii. Be for a specified amount which covers the value of all site restoration as agreed between the operator and Mid Ulster District Council at the commencement of development;
  - iii. Either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (all items) exclusive of mortgage interest published by or on behalf of HM Government or, in the event that the index is no longer appropriate or applicable, such other comparable index as the Planning Authority, acting reasonably, decide between the said date and such relevant anniversary. The amount shall be reviewable to ensure that the specified amount of the guarantee always cover the value of the site restoration and aftercare liabilities.
  - iv. Come into effect once written approval has been issued by Mid Ulster District Council and expire no earlier than 12 months after the end of the aftercare period and a guarantee of aftercare for a period of not less than 5 years post restoration.

Reason: To ensure the resources are made available for the future restoration of the land

3. In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed and lodged with Mid Ulster District Council as the Planning Authority.

Reason: To ensure the resources are made available for the future restoration of the land.

4. In the event the value of the guarantee held by the Council is less than the calculated site restoration and aftercare liabilities (calculated through condition 6) below, the operator shall, within four months of the submission of the annual progress plan required through condition 6, deliver a further guarantee to cover all site restoration and aftercare liabilities. Such guarantee must, unless otherwise agreed in writing by Mid Ulster District Council, comply with parts (i) to (iv) of condition 2 above. If this further guarantee is not submitted within four months of the submission of the annual progress plan required through condition 7, all extraction operations shall cease until the Council confirms, in writing, receipt of an acceptable guarantee.

Reason: To ensure that provision is made for the restoration of the site.

5. The Landscape Restoration Concept drawing number 10 date stamped 3 May 2019 shall be adhered to in full and completed within one year of completion of extraction of the site.

Reason: To ensure restoration takes place in its entirety.

6. An annual progress plan shall be submitted to the Council as Planning Authority on the 31st March of each year following the commencement of development and for the duration of extraction and restoration operations approved through this permission. The annual progress plan shall detail:
  - i. The extent of extraction operations undertaken that year;
  - ii. Areas prepared for extraction, including any soil stripping and removal of vegetation etc;
  - iii. The extent of restoration operations carried out;
  - iv. Recent topographical site survey undertaken within 1 month prior to the submission of the annual progress plan;
  - v. Total tonnage of minerals dispatched from the site within the preceding year;
  - vi. Estimation of remaining reserve of sand and gravel material (which are likely to be exported from site);
  - vii. A calculation of the costs of restoring the area of the site disturbed by the development and the associated area of the site to be enhanced at that time;
  - viii. Compliance with statutory permissions and legal agreements;
  - ix. Site complaint log and actions taken;
  - x. Any incidents involving pollution of watercourses.

Reason: To ensure the proper restoration of the site after extraction operations have ceased.

7. A finalised Habitat Restoration Plan (HRP) shall be submitted and approved in writing by the Planning Authority prior to commencement of any works associated with the proposal. The approved HRP shall then be implemented in accordance with the approved details and all works on site shall conform to the approved plan, unless otherwise agreed in writing by the Planning Authority. The HRP shall include the following:

- i. Pre-construction baseline habitat surveys to National Vegetation Class (NVC) level;
- ii. Appropriate maps, clearly identifying restoration areas as well as any ornithological mitigation measures proposed;
- iii. The methodology and prescriptions of habitat management measures as per the recommendations of the Ecological Impact Assessment. This should include timescales and defined criteria for the success of the measures proposed;
- iv. Details of monitoring of measures using fixed quadrat locations to assess and report the success or otherwise of the restoration measures.

Details of the production of regular monitoring reports to be submitted to the Planning Authority at intervals to be agreed and to include details of contingency measures should monitoring reveal unfavourable results.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats.

8. Mineral extraction/storage of overburden material that will see the loss of ponds 1, 2, 7 and 8 shall not commence until the replacement ponds, as denoted on drawing number 04/1 have been created. Mineral extraction/storage of overburden material that will see the loss of ponds 3, 4, 5 and 6 shall not commence until the replacement ponds, as denoted on drawing number 04/1 have been created.

Reason: To compensate for the loss and damage of priority habitat.

9. No works shall occur until the newt population in ponds 1, 2, 7 and 8 have been successfully translocated to the replacement ponds under licence and under the supervision of a qualified ecologist. The replacement habitat shall be protected by appropriate fencing to restrict movement across the site and to prevent unnecessary mortality for the duration of the works.

Reason: To protect newts.

10. Ponds 3, 4, 5 and 6 shall be cordoned off with appropriate fencing and a protective buffer put in place until the newts inhabiting these ponds are ready to be translocated under licence to the replacement habitat. The replacement habitat shall be protected by appropriate fencing to restrict movement across the site and to prevent unnecessary mortality for the duration of works.

Reason: To protect newts.

11. There shall be no extraction works or disturbance to any of the sand martin nesting sites within the redline boundary during the bird breeding season (1 March to 31 August inclusive).

Reason: To protect sand martins.

12. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 1 August inclusive, unless a competent ecologist has

undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of commencing.

Reason: To protect breeding birds.

13. The site shall only operate normal working hours ie. 07:00- 19:00hrs Mon- Fri, 07:00- 15:00hrs Sat.

Reason: In the interest of residential amenity.

14. A Noise Target level of 45dB LAeq (1 hour) should not be exceeded at any nearby residential properties.

Reason: In the interest of residential amenity.

15. Mechanical plant used on site shall be fitted with effective exhaust silencers. Vehicle reverse alarms will be appropriately silenced in order to reduce noise breakout from the site while still maintaining their effectiveness. All plant shall be maintained in good working order and where possible operated at low speeds and shall be shut down when not in use.

Reason: In the interest of residential amenity.

16. Potentially noisy plant or operations shall be located as far as possible from noise sensitive receptors so that the transmission of noise can be minimised.

Reason: In the interest of residential amenity.

17. Prior to any extraction taking place a 220m long 3m high earthen noise bund should be placed along the southern quarry perimeter in close proximity to the residential properties at 34, 38 and 40 Murnells Road.

Reason: In the interest of residential amenity

18. An on-site speed limit will be enforced for all traffic. Drivers of vehicles must be advised of the speed limits through the erection of signs.

Reason: In the interest of residential amenity

19. The operators will use 'noise reduced plant' and/or will modify work activities so that noisy plant is unnecessary.

Reason: In the interest of residential amenity

20. Within 4 weeks of a written request by Mid Ulster District Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ



a suitably qualified and competent person, to assess the level of noise emissions from the extraction activity. Details of the proposed assessment shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: In the interest of residential amenity

21. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 20, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of a written request of Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council.

Reason: In the interest of residential amenity

22. The dust mitigation plan outlined in Section 10 of the Environmental Statement submitted in support of this application by Quarryplan, dated March 2019. This should be adopted and fully implemented by the applicant.

Reason: In the interest of residential amenity

23. Within 4 weeks of a written request by Mid Ulster District Council, following a dust complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of dust from the extraction activity. Details of the proposed assessment shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the dust monitoring.

Reason: In the interest of residential amenity

24. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 23. Such information shall be provided within 3 months of the date of a written request of Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council.

Reason: In the interest of residential amenity

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	22nd December 2017
<b>Date First Advertised</b>	18th January 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 32 Murnells Road Pomeroy Tyrone The Owner/Occupier, 34 Murnells Road,Pomeroy,Tyrone,BT70 2SL, The Owner/Occupier, 38 Murnells Road,Pomeroy,Tyrone,BT70 2SL, The Owner/Occupier, 40 Murnells Road Pomeroy Tyrone The Owner/Occupier, 46 Murnells Road Pomeroy Tyrone The Owner/Occupier, 48 Murnells Road Pomeroy Tyrone The Owner/Occupier, 50 Murnells Road,Pomeroy,Tyrone,BT70 2SL,	
<b>Date of Last Neighbour Notification</b>	18th January 2018
<b>Date of EIA Determination</b>	28th September 2018
<b>ES Requested</b>	Yes
<b>Planning History</b>  Ref ID: LA09/2017/1801/F Proposal: Rationalisation of existing sand and gavel extraction, lateral extensions to existing approved extraction, deepening of extraction below the current base levels to a level circa 202mAOD, with restoration to agricultural after-use Address: Lands at Murnells Sand and Gravel Quarry, north and west of no 46 Murnells Road, Pomeroy, Dungannon, Decision: Decision Date:  Ref ID: LA09/2017/1337/PAN Proposal: Continued extraction and processing (washing and screening) of sand and gravel from Murnells Quarry, a lateral extension in a northerly and westerly directions with the rationalisation of historic mineral workings and deepening of the quarry floor with restoration to nature conservation habitats Address: Murnells Quarry, Lands North of 40 Murnells Road, Cookstown, Decision: Decision Date:  Ref ID: I/2002/0413/F Proposal: Sand & Gravel Extraction including the construction and retention of 3 Water Washer / Storage Ponds for the duration of the works only	

Address: On land 200m North of 38 Murnells Road, Pomeroy, Cookstown.

Decision:

Decision Date: 19.10.2004

Ref ID: I/2003/0154/F

Proposal: Operation and use of Sand and Gravel washing and screening mobile plant.

Address: 200m North of 38 Murnells Road, Pomeroy, Cookstown.

Decision:

Decision Date: 19.10.2004

Ref ID: I/2009/0222/F

Proposal: Proposed sand and gravel extraction pit, associated operational plant and machinery including the retention of 3 number water washer/storage ponds for the duration of the works only.

Address: Lands adjacent to and north of 38 Murnells Road, Pomeroy, Cookstown

Decision: PG

Decision Date: 20.12.2013

Ref ID: I/2009/0656/F

Proposal: Part retrospective sand and gravel extraction in association with additional sand and gravel extraction.

Address: Lands adjacent to and North of 38 Murnell's Road, Pomeroy, Cookstown

Decision:

Decision Date: 05.01.2011

Ref ID: I/1981/0189

Proposal: EXTRACTION AND SCREENING OF SAND AND GRAVEL

Address: MURNELLS, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2011/0221/F

Proposal: Proposed erection of a wind turbine of 30m hub height and 30m rotar diameter with a max output not exceeding 250kw (Shadow Flicker Assessment received)

Address: 105m North of 46 Murnells Road, Pomeroy, Co Tyrone. BT70 2SL,

Decision: PG

Decision Date: 31.08.2012

Ref ID: I/1981/0185/F

Proposal: EXTRACTION AND SCREENING OF SAND AND GRAVEL

Address: MURNELLS, COOKSTOWN

Decision:

Decision Date:

**Summary of Consultee Responses**

No objection subject to conditions.

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 06

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 07

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 08

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 09

Type: Cross Sections

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0073/F	<b>Target Date:</b>
<b>Proposal:</b> 2no Poultry Units (16,000 bird capacity in each unit) with 4no meal storage bins, 2no underground wash water storage tanks and associated access lane/turning area	<b>Location:</b> Approx 240m North of 93 Ballagh Road Ranenly Fivemiletown
<b>Referral Route: Refusal</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Gary Beacom 93 Ballagh Road Fivemiletown BT75 0LD	<b>Agent Name and Address:</b> Neil Irvine Design Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



**Representations:** None Received

#### **Description of proposal**

This is a full planning application for 2no Poultry Units (16,000 bird capacity in each unit) with 4no meal storage bins, 2no underground wash water storage tanks and associated access lane/turning area.

#### **Characteristics of site and area**

The site includes the southern portion of 2 agricultural fields and is set back approx. 740m from Ballagh Road at the end of an existing laneway that serves existing dwellings, farm buildings and agricultural land. The southern boundaries of the site are defined by a row of mature trees, the remaining boundaries are not clearly defined and are open to the remainder of the fields.

Land rises from roadside up the lane to the site. Although on high land, the site is well screened by existing vegetation and the site cannot be seen from surrounding vantage points. The site is relatively flat with land rising to the north.

Surrounding the site is agricultural land, and the area is defined by dispersed single dwellings and farm holdings. Fivemiletown is the nearest settlement to the site, approx. 3km to the west, with Clogher sited to the east.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010- unzoned land in the open countryside.

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.

### **Relevant Planning Policy**

The regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

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

- Policy CTY 1 Development in the Countryside

- Policy CTY 12 Agricultural and Forestry Development.

- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

### **Consultation responses**

DfI Road no objection subject to conditions;

- 60M X 2.4 M sight lines and any forward sight line shall be provided in accordance with drawing 04 18/2/17 and retained and kept clear thereafter.

DfI Roads also require the access to be in accordance with the attached RS1 form. As this is a full planning application and DfI Roads are content with the visibility spays provided, it is my view that this is sufficient for the proposed development and no further condition is required in this instance.

Environmental Health – agrees with findings that there will be no significant adverse odour impacts on neighbouring sensitive dwellings.

DAERA - no objection. Farm business ID has been in existence for more than 6 years and business claims subsidies therefore is established and currently active.

NIEA – additional information is required;

Justification for the use of the emission factor detailed within the Air Quality Impact Assessment (date stamped 28/02/2019).

Or

Revised Air Dispersion Modelling using the ammonia emission factor of 0.08kg/yr per animal for free range layer birds with litter removed twice weekly by manure belt.

The application site lies within 7.5km of Slieve Beagh - Mullaghfad - Lisnaskea SPA which

has reached the 10% additional loading capacity for nitrogen emissions. Therefore the Process Contribution must equate to <1% to proceed. The applicant may consider the use of nitrogen abatement measures to reduce emissions. These measures should be incorporated into any modelling submitted.

Shared Environmental Services- require additional information;

-According to the Agent (24/10/2019), the system to be installed for litter removal from the poultry houses is currently under consideration.

-When confirmed, an appropriate emission factor reflective of the proposed system should be agreed with NIEA prior to commissioning any revised Air Quality Impact Assessment (AQIA).

-SES has concerns regarding potential impacts of ammonia emissions from the proposal at Slieve Beagh-Mullaghfad-Lisnaskea Ramsar/SAC/SPA. Where the process contribution is greater than 0.1% of the designated sites Critical Level, visual representation across the area impacted must be included in the AQIA.

-Revised detailed Air Dispersion Modelling would not guarantee recommendation for approval of this application, therefore the applicant should fully consider the additional expense to further the application.

Rivers Agency - No objections subject to condition (development to be carried out in accordance with Drainage Assessment) and informatives.

### **3rd Party Objections**

No objections to this application have been received.

### **Relevant planning history**

No relevant history

### **Key Policy Consideration**

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

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

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

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

The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the business ID has been in existence for more than 6 years and that the farm business claims subsidies. Therefore, there is an active and established farm business. This poultry house is an investment opportunity for the applicant and part of Moy Park's expansion programme and in line with the Agri-Food Strategy. I am of the opinion that this proposal supports the needs of the existing business.

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

The surrounding area is rural in character. Although hen houses in general are large scale, these are agricultural buildings which are typical of the rural area. Given the nature of this proposal, and its purpose to house poultry, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area. The proposal is also in keeping the scale, mass, design and materials of existing hen houses in the area. The site benefits from set back from the public road and mature tree cover.

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



The proposed poultry sheds will benefit from a backdrop of land rising to the north and surrounding tree coverage. The proposal is set back 740m from the public road which assists integration and will be somewhat screened/grouped with the existing buildings to the south. Access will be from an existing laneway. It is my view the hen houses will satisfactorily integrate into the landscape.

d) It will not have an adverse impact on the natural or built heritage. There are no built heritage features on the site or adjacent to the site. NIEA, Shared Environmental Services and Rivers Agency were consulted on this proposal. Rivers Agency have no concern subject to the proposal being carried out in accordance with the Drainage assessment.

NIEA and SES both require additional information because it has not been properly demonstrated by the applicant/agent that ammonia produced at the facility can be managed in such a way that it will not have a detrimental impact on European or local designated protected sites. I sent an e-mail to the agent on 23rd July 2019 and again on 20th September seeking additional information to rectify the situation. To date no additional information has been provided to address the outstanding issues. On discussion with the agent by phone it was indicated by the agent that the applicant had not agreed to commission further reports to progress these issues. I therefore recommend that the proposal be refused for this lack of information.

Members will note that SES in their response have applied a 0.1% contribution factor whilst NIEA have applied 1%. Since it has not been demonstrated that the 1% has not been achieved it is our view that the proposal represents a significant risk to protected habitats.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding. Environmental Health have been consulted and have no objections. I am content that the proposal is of sufficient distance to dwellings outside the holding for there to be any detrimental impacts to residential amenity.

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

- There are no suitable existing buildings;

No suitable buildings exist on the applicants holding. These types of buildings need to be of a particular size, shape and internal environmental standard to create optimum conditions for laying.

- The design and materials are sympathetic to the locality;

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

- It is sited beside existing farm buildings.

The proposal is sited to the north (approx. 100m) of existing farm buildings which share the same laneway.

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

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

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

It is worth noting that an EIA screening exercise was also carried out and given that the proposal is unlikely to have a significant environmental impact, the need for an ES was screened out.

**PPS2 Natural Heritage**

In my view the proposal is contrary to both policies NH1- European and Ramsar Sites- International and NH3 Sites of Local Conservation Importance of PPS2 Natural Heritage in that it has not been demonstrated that the proposal can operate without detriment to these protected sites. Amonia emissions from this proposal may have a detrimental impact on these designated sites and this needs to be clearly demonstrated by the applicant/agent which has not been the case to date.

The application site is within 7.5 km of Cullentra Lough ASSI, Round Lough and Lough Fada ASSI, Lough McCall ASSI, Cloghcor Lough ASSI, Fardross Stream ASSI, Slieve Beagh – Mullaghfad – Lisnaskea SPA and Slieve Beagh ASSI/SAC/Ramsar (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc.).

**Other Considerations**

The site is not subject to flooding and no land contamination has been identified.

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

That the proposal is refused for the following reasons;

**Refusal Reasons**

1. The proposal is contrary to policy CTY12 (d) of PPS21 Sustainable Development in the Countryside in that there is insufficient information to demonstrated that the proposal will not have a detrimental impact on natural heritage.

2.The proposal is contrary to policies NH1 and NH3 of PPS2 Natural Heritage in that there is insufficient information to demonstrated that the proposal will not have a detrimental impact on sites of International and National importance.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	18th January 2018
<b>Date First Advertised</b>	1st February 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 97 Ballagh Road Fivemiletown Tyrone The Owner/Occupier, 97 Glasdrummond Road,Aughnacloy,Tyrone,BT69 6DE, The Owner/Occupier, Kiltermon Church 101 Ballagh Road Fivemiletown The Owner/Occupier, Termon Lodge,103 Ballagh Road,Fivemiletown,Tyrone,BT75 0LD, The Owner/Occupier, The Wayside 93 Ballagh Road Fivemiletown	
<b>Date of Last Neighbour Notification</b>	6th February 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 3/12/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0471/F	<b>Target Date:</b> 18/6/2018
<b>Proposal:</b> Proposed new general industrial building (Use class B3) with ancillary accommodation.	<b>Location:</b> Lands at 76 Derrynoid Road Draperstown Co Derry BT45 7DN.
<b>Referral Route:</b> Agreement is required from planning committee to treat this application as an exception to Policy FLD 1 of PPS 15	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Inova Gates 76 Derrynoid Road, Draperstown	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh BT51 5AB
<b>Executive Summary:</b>  This proposal, to expand an existing economic development in the countryside, complies with the relevant policies contained within PPS4. The site however is located within the 1 in 100 year fluvial flood plain. The proposal does not meet any of the exception tests for undefended areas contained under Policy FLD1 of PPS 15, however given the fact that the development proposed is contained within the existing site curtilage, displaced flood water will not impact on adjacent third party land and on the basis that the applicant could utilise his industrial permitted development rights to erect something of a similar size provided it was the required distance away from the site boundary, members are requested to consider this proposal as an exception to policy FLD 1 of PPS 15.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

Statutory	Rivers Agency	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

**Representations:**

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

**Summary of Issues**

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified of the proposal. To date there have been no objections.

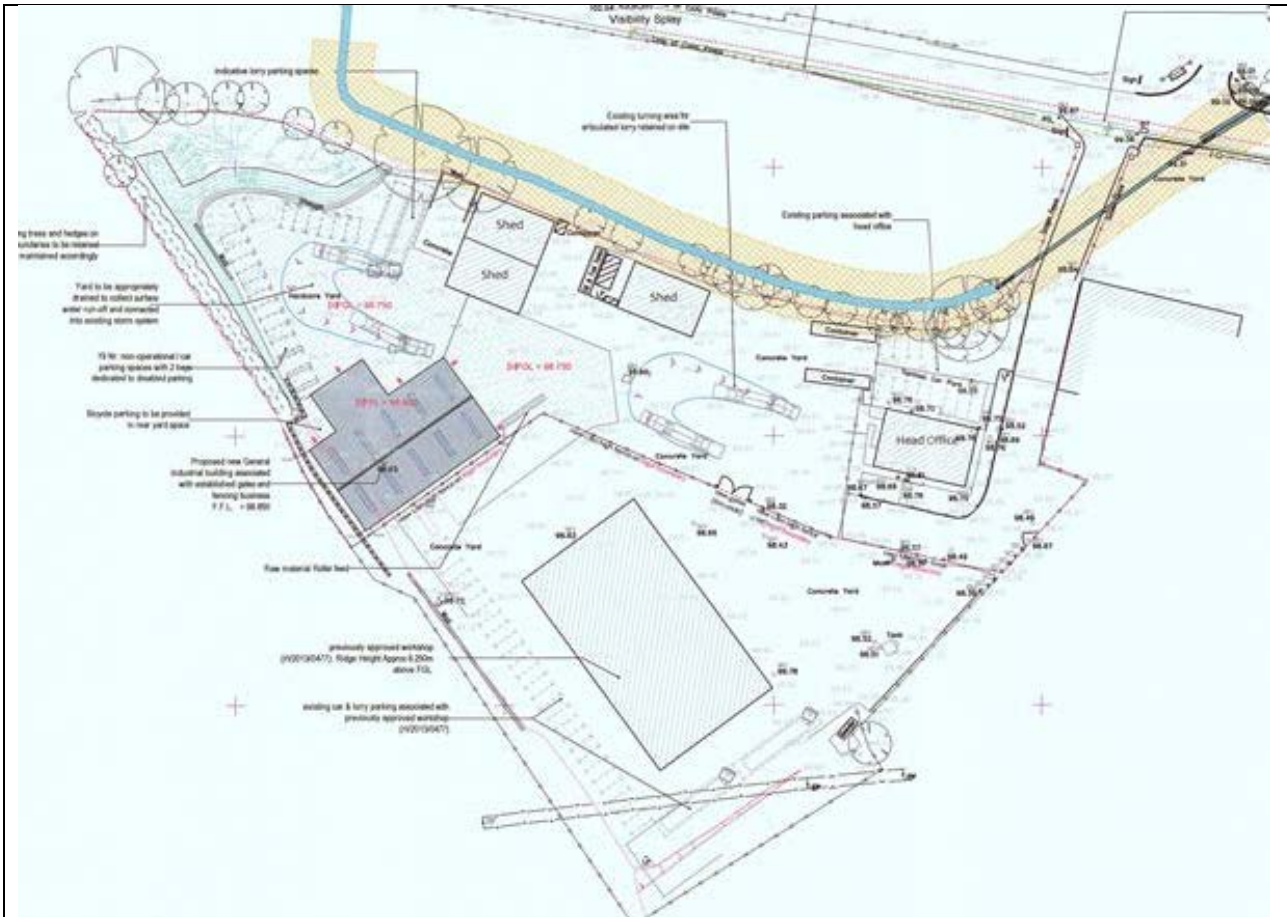
**Characteristics of the Site and Area**

The application site is 0.85 hectare plot of industrial land within “Rogers Business Park” located at 76 Derrynoid Road, Draperstown. It is approximately 2 miles outside the development limits of Draperstown and is just opposite the entrance to Derrynoid Wood and Rural College. The application site contains 3 industrial sheds occupied by Inova Gates, several metal shipping containers and a two storey detached office building. The remainder of the overall site is occupied by “Sperrin Metal Storage Solutions”. The site is defined to the SW by an embankment topped with semi mature vegetation and security fencing. The Northern boundary is defined by a band of thick mature vegetation. The remaining boundaries are void of any form of boundary treatment. To the SE of the site is a detached third party dwelling, number 74a Derrynoid Road and further to the NE is another detached third party dwelling, number 74 Derrynoid Road.

This is an upland rural area with a dispersed settlement pattern. It is recognised as being an area of archaeological importance (LDY 040:008). It is also recognised as being within the 1 in 100 year strategic fluvial flood plain.

**Description of Proposal**

This is a full application for a new general industrial building (use class B3) and ancillary accommodation with a total floor space of 654.66 sqm. It will measure 8m in height at its highest point. It will be finished in a mix of smooth cement render and metal panelling. 19 non-operational car parking spaces and 1 operational car parking space are being provided along with 3 bicycle spaces. (see proposed layout below)



## Planning Assessment of Policy and Other Material Considerations

## Relevant Planning History

LA09/2018/0785/F – Erection of ancillary store building and ancillary store extension to existing workshop at Sperrin Metal Storage Solutions, Rogers Business Park, 76 Derrynoyd Road, Draperstown. Under consideration.

H/2013/0477/F - Retention of re-siting of workshop previously approved under application H/2003/0088/F and proposed erection of new fence and gates within site curtilage, 76 Derrynoyd Road, Draperstown, BT45 7DW. Approved 28/02/2014

H/2009/0272/O - New business premises including a dwelling in connection with the business enterprise. Land to rear of No.74 Derrynoid Road, Draperstown. Approved 19/04/2011

H/2005/1171/F - Construction of 1 No. steel portal framed workshop within existing site curtilage for powder coating and assembly of supplied components forming gates and fencing. 76 Derrynoid Road, Draperstown. Approved 11/04/2008

H/2003/0088/F - New Workshop. 76 Derrynoyd Road, Draperstown, Magherafelt.  
Approved 28/08/2003

The following policies will be considered in this assessment:

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 – Access, Movement and Parking
- PPS 4 – Planning and Economic Development
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 15 – Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside

### **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 located in an area of archaeological importance. Historic Environment Division have been consulted and have raised no concerns in this regard. It is not adjacent to any Listed Buildings, priority habitat or designated sites. The proposal for a general industrial building to be used for the manufacturing of gates will not impact on residential amenity by way of unacceptable noise, odours or fumes. This has been verified following consultation with EH and conditions have been recommended to ensure the protection of residential amenity. Issues around flooding will be discussed further in this report.

The SPPS does give specific provision for Economic Development, Industry and Commerce subject to a number of policy provisions. It does not present any change in policy direction with regards to industrial development in the Countryside. As such, existing policy will be applied (ie) PPS 4.

### **Magherafelt Area Plan 2015**

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations, key site requirements and the plan does not have any policies for this type of development in a rural location. As such, existing planning policy will be applied (ie) PPS 4

### **Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy ECON 2 (d) are applicable to this application. In my opinion this proposal is not in conflict with either of these policies. It is however acknowledged that no weight can be given to this document as it is only at public consultation stage.



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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Derrynoid Road. The proposal will result in a minor intensification of use of this existing access. DFI Roads have been consulted and have advised that they have no objections subject to the provision of 2.4m x 90m sight splays. This can be a condition of approval

### **PPS 4 – Planning and Economic Development**

The principle of an industrial use on this site has been long established judging by the planning history, which suggests the site has had an industrial use dating back to 2001.

Policy PED 2 of PPS 4 states that economic development uses in the countryside will be permitted in accordance with four other policies – PED 3, PED 4, PED 5 and PED 6. I consider Policy PED 3 – Expansion of an Economic Development in the Countryside to be relevant in this assessment as well as PED 9 - General Criteria for Economic Development.

PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Expansion is normally expected to be accommodated through reuse or extensions. New buildings will be approved if they are in proportion to existing buildings and integrate as part of the overall development. Extensions should respect the scale, design and materials of original buildings.

The proposed building will be located within the confines of the existing industrial site, therefore no expansion of the site curtilage is necessary. There will be no critical views of the building from the Derrynoid road due to its set back positioning within the existing site and the presence of mature roadside vegetation. There are more critical views of the existing buildings on the site from the Doon Road, however it is my opinion that these critical views will not be exacerbated as a result of this development being approved. The proposal will cause no additional detrimental impact on the rural character or appearance of the local area. Existing vegetation along the SW site boundary is shown to be retained and should go some way to providing some integration, especially when viewed from the Doon Road. This new building will similar in scale and design to existing buildings on the site and will integrate as part of the overall development.

PED 9 General Criteria for Economic Development must also be satisfied for all economic development and provides a list of 13 criteria (a) to (m) which need to be considered. I have considered the proposal against the list of criteria and I am satisfied the proposal complies with all of them were applicable. I want to make particular reference to Criteria (d) which refers to flooding, which I will address in detail further in this report.

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

This site is in an area recognised for its archaeological potential, in particular, a megalithic tomb. Historic Environment Division have been consulted and have raised no concerns in this regard.

## **PPS 15 – Planning and Flood Risk**

The Rivers Agency Strategic Flood Maps indicate that this site lies just within the 1 and 100 year strategic fluvial flood plain. The existing industrial development on the site would have been constructed prior to the implementation of PPS 15. Policy FLD 1 does not permit development in the 1 to 100 year fluvial flood plain. It does however set out an exceptions test. The proposal does not meet any of the exceptions listed.

Policy FLD 1 also makes reference to Development Proposals of Overriding Regional or Sub-Regional Economic Importance. It states that a development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance. The applicant has submitted an Economic Importance Statement in which a case is made to consider this development as being of sub-regional economic importance. This case has not been accepted.

The applicant has also submitted a Flood Risk Assessment (FRA) in conjunction with an adjacent application (LA09/2018/0785/F). The FRA report states that displaced flood water due to the proposed developments increases flood levels on both application sites. The report states that both applicants have accepted this potential increase in flood risk to both sites and that a flood management plan will be implemented. Rivers Agency, in their consultation response have not raised any concern about the displacement of flood water on adjacent third party lands. They have advised that implementation of any flood management plan is a matter for the Council and that they cannot sustain a reason to object to the proposal from a drainage or flood risk perspective. They have also advised that compliance with FLD 1 is also a matter for the Council to decide.

It is evident from the plans submitted that the development does not involve any expansion into adjacent lands. The proposed development is contained solely within the existing industrial site, which is already subject to potential flooding. On the basis that the applicant and the applicant of the adjacent application have accepted the resulting increase in flood risk to both of their sites and the fact that Rivers have raised no concern about the displacement of flood water onto adjacent land, members are requested to consider this proposal as an exception to Policy FLD 1 of PPS 15. It is also recommended that a condition be attached to any approval that the Flood Management Plan, referred to in the FRA be submitted to the Council for agreement prior to any development becoming operational on site.

## **PPS 21 – Sustainable Development in the Countryside**

Policies CTY 13 (Design and Integration) and CTY 14 (Rural Character) are relevant in this assessment given the rural location of the site. I have no concerns regarding the visual impact of this development which is located within an existing business park. Design and

finishes are also acceptable. It does not create or add to ribbon development or build up. Overall it does not have a negative impact on the rural character of this area.

### **Other Material Considerations**

All developments proposals must accord with the local Area Plan and relevant Planning Policy, unless other material considerations indicate otherwise. In considering this proposal it is important to hold weight to Planning Legislation, in particular, the Planning (General Permitted Development) Order (Northern Ireland) 2015. Part 9 sets out the permitted development criteria for Industrial and Warehouse Development. Whilst the current proposal does not meet all the criteria in Part 9, it is clear that the applicant could erect a substantial extension to his building under permitted development as long as it was located the appropriate distance from the boundary and it was a certain height irrespective of the flooding issue.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

This proposal, to expand an existing economic development in the countryside, complies with the relevant policies contained within PPS4. The site however is located within the 1 in 100 year fluvial flood plain. The proposal does not meet any of the exception tests for undefended areas contained under Policy FLD1 of PPS 15, however given the fact that the development proposed is contained within the existing site curtilage, displaced flood water will not impact on adjacent third parties and the on the basis that the applicant could utilise his industrial permitted development rights to extend his development, members are duly requested to consider this proposal as an exception to policy FLD 1 of PPS 15.

Approval is recommended

### **Conditions**

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

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

2.The vehicular access, including visibility splays of 2.4m x 90m in both directions, shall be in place, in accordance with Drawing No.02 rev 1 bearing the date stamp 1st March 2019, prior to the commencement of any other works or other development hereby permitted.

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

3.Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

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

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

5.No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 rev 1, bearing date stamp 1st March 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

7.The development hereby approved shall be used only for economic development categorised under Use Class B3 (General Industrial) and for no other Use Class identified in the Planning (Use Classes) Order (Northern Ireland) 2015

8.The business hereby permitted shall not operate outside 07:00-18:00hrs Monday to Friday and 07:00-13:00hrs on a Saturday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

9.No construction or manufacture of products shall be undertaken in the external yard areas of the businesses, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

10.Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of noise from the development. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The

Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity.

11.The existing vegetation along the SW site boundary shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

12.Prior to the operation of the development hereby approved, the Flood Management Plan, as detailed on page 13 of the Flood Risk Assessment prepared by McCloy Consulting, shall be submitted and agreed by Mid Ulster District Council.

Reason: To protect against flooding

### **Informatives**

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

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

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

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

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

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road

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

2.The responsibility for the accuracy, acceptance of the Flood Risk Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

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 Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th April 2018
<b>Date First Advertised</b>	19th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Doon Road Draperstown Londonderry The Owner/Occupier, 15a Doon Road Draperstown The Owner/Occupier, 74 Derrynoyd Road, Draperstown, Londonderry, BT45 7DN The Owner/Occupier, 74a Derrynoyd Road, Draperstown, Londonderry, BT45 7DN The Owner/Occupier, Sperrin Metal (unit 3) 76 Derrynoyd Road, Draperstown, Londonderry, BT45 7DN The Owner/Occupier, TFR Refridgeration Ltd 76 Derrynoyd Road, Draperstown, Londonderry, BT45 7DN	
<b>Date of Last Neighbour Notification</b>	24th October 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2013/0344/RM Proposal: Proposed dwelling and Garage with business in connection with the business enterprise Address: Lands to rear of 74 Derrynoyd Road, Draperstown, Decision: PG Decision Date: 13.11.2013  Ref ID: LA09/2018/0785/F Proposal: Erection of ancillary store building and ancillary store extension to existing workshop at Address: Sperrin Metal Storage Solutions, Rogers Business Park, 76 Derrynoyd Road, Draperstown, Decision: AL Decision Date:	

Ref ID: H/2013/0477/F

Proposal: Retention of re-siting of workshop previously approved under application H/2003/0088/F and proposed erection of new fence and gates within site curtilage

Address: 76 Derrynoyd Road, Draperstown, BT45 7DW,

Decision: PG

Decision Date: 28.02.2014

Ref ID: LA09/2018/0471/F

Proposal: Proposed new general industrial building (Use class B) with ancillary accommodation.

Address: Lands at 76 Derrynoid Road, Draperstown, Co Derry, BT45 7DN.,

Decision: AL

Decision Date:

Ref ID: H/2005/1171/F

Proposal: Construction of 1 No. steel portal framed workshop within existing site curtilage for powder coating and assembly of supplied components forming gates and fencing.

Address: 76 Derrynoid Road, Draperstown

Decision:

Decision Date: 11.04.2008

Ref ID: H/2002/0474/F

Proposal: New Office Building

Address: 76 Derrynoyd Road, Draperstown

Decision:

Decision Date: 14.02.2003

Ref ID: H/2003/0088/F

Proposal: New Workshop.

Address: 76 Derrynoyd Road, Draperstown, Magherafelt.

Decision:

Decision Date: 28.08.2003

Ref ID: H/2004/0963/F

Proposal: Proposed garage and storage building facility

Address: The Rural College, Derrynoid, Draperstown

Decision:

Decision Date: 07.12.2004

Ref ID: H/1997/0538

Proposal: ALTERATIONS TO ACCESS

Address: 76 DERRYNOID ROAD DRAPERSTOWN

Decision:

Decision Date:



Ref ID: H/2001/0578/F

Proposal: Proposed erection of new office building, workshop and store

Address: 76 Derrynoyd Road, Draperstown, Co Derry

Decision:

Decision Date: 05.10.2001

Ref ID: H/2009/0272/O

Proposal: New business premises including a dwelling in connection with the business enterprise

Address: Land to rear of No.74 Derrynoid Road, Draperstown

Decision:

Decision Date: 19.04.2011

Ref ID: H/2002/0208/O

Proposal: Site of Dwelling & Garage

Address: Site 230 South East of 74 Derrynoyd Road, Draperstown

Decision:

Decision Date: 24.05.2002

Ref ID: H/2002/1032/O

Proposal: Site of dwelling and garage.

Address: Site 260 South East of 74 Derrynoyd Road, Draperstown.

Decision:

Decision Date: 03.02.2003

Ref ID: H/1979/0199

Proposal: SITE OF FARM DWELLING

Address: DERRYNOYD ROAD, STRAWMORE, DRAPERSTOWN

Decision:

Decision Date:

### **Summary of Consultee Responses**

EH – No objection. Conditions recommended

DFI Roads – No objection. Condition recommended

Rivers – No objection

HED – No objection

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 3/12/19	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0785/F	<b>Target Date:</b> 18/9/18
<b>Proposal:</b> Erection of ancillary store building and ancillary store extension to existing workshop at	<b>Location:</b> Sperrin Metal Storage Solutions Rogers Business Park 76 Derrynoyd Road Draperstown
<b>Referral Route:</b> 2 objections received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Sperrin Metal Storage Solutions Cahore Road Draperstown	<b>Agent Name and Address:</b> O'Conner Burke Architecture Ltd 1 College Terrace Derry, BT48 7NZ
<p><b>Executive Summary:</b> This proposal, to expand an existing economic development in the countryside, complies with the relevant policies contained within PPS4. The site however is located within the 1 in 100 year fluvial flood plain. The proposal does not meet any of the exception tests for undefended areas contained under Policy FLD1 of PPS 15, however given the fact that the development proposed is contained within the existing site curtilage, displaced flood water will not impact on adjacent third parties and the on the basis that the applicant could utilise his industrial permitted development rights to erect something of a similar size provided it was the required distance away from the site boundary, members are duly requested to consider this proposal as an exception to policy FLD 1 of PPS 15.</p> <p>Both objections have been fully considered and following consideration of consultation advice from Environmental Health, it is my opinion that the objections do not merit the refusal of this application. Conditions are recommended in order to ensure the protection of adjacent residential amenity and to protect against flooding.</p>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

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

**Summary of Issues**

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified of the proposal.

To date there have been 2 objections received from the occupants of number 74 Derrynoid Road and the occupants of number 74a Derrynoid Road. The issues raised by these third parties are summarised as follows:

- They have no objection in principle.
- The need, siting and integration of the detached store and its impact on their residential amenity in terms of noise
- How the proposed acoustic barrier fence will address their noise concerns
- Their concern about the content and conclusions of the noise report submitted
- The dwelling at number 74a is not indicated on the plans
- Site layout does not indicate topographical levels
- A request that conditions be attached in relation to operating hours and use.

Members are advised that EH have been consulted with this application and the associated acoustic report (including an addendum). EH have responded and have raised no objections in terms of the impact on residential amenity from unacceptable noise levels. They have recommended conditions to ensure the protection of residential amenity. These relate to hours of operation, no manufacturing outside the buildings and the requirement for the applicant to assess noise if a reasonable noise complaint is received in the future.

Despite the dwelling at number 74a not been shown on the site location (this is a recently constructed dwelling), I am satisfied that EH have considered the impact on this dwelling as they have been made aware of the objection from the occupants of number 74a.

It is also noted that the objector at number 74a was granted approval for their dwelling in connection with a business enterprise where it would have been accepted that there was going to be a reduced level of amenity experienced due to the proximity of the dwelling to the business enterprise.

It is my opinion that the objections to this proposal do not merit the refusal of the application.

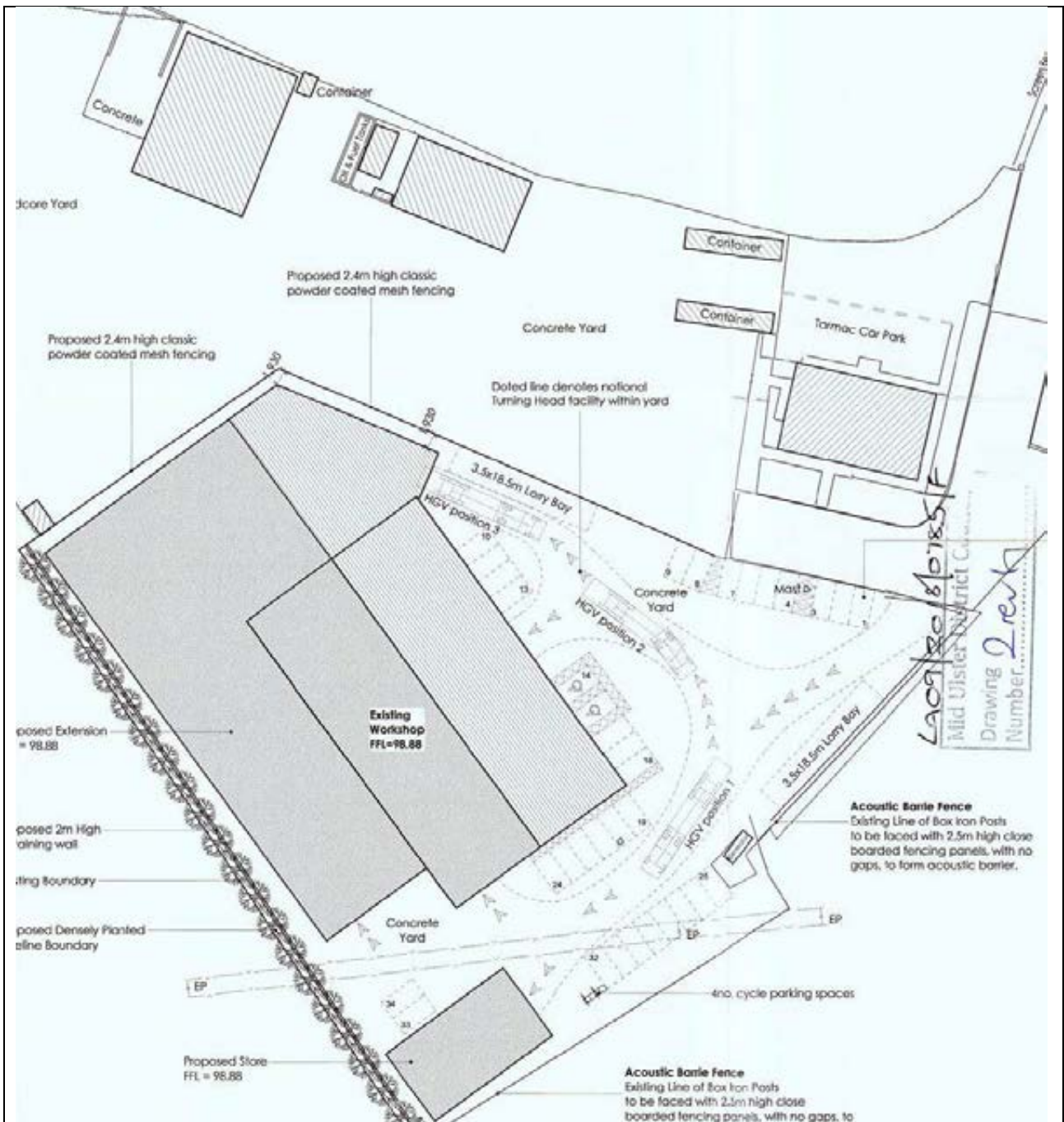
**Characteristics of the Site and Area**

The application site is 0.58 hectare plot of industrial land within “Rogers Business Park” located at 76 Derrynoid Road, Draperstown. It is approximately 2 miles outside the development limits of Draperstown and is just opposite the entrance to Derrynoid Wood and Rural College. The application site contains one large industrial shed currently used as a workshop by “Sperrin Metal Storage Solutions”. The remainder of the Business Park contains 3 smaller industrial sheds occupied by Inova Gates, several metal shipping containers and a two storey detached office building. At the entrance to the site, adjacent to the public road is another large industrial building occupied by TFR. The application site is defined to the SW by a retaining wall, an embankment topped with semi mature vegetation and security fencing. The SE boundary is defined by security fencing and sporadic gorse hedgerow. The remaining boundaries are void of any form of boundary treatment. To the immediate SE of the site is a detached third party dwelling, number 74a Derrynoid Road and further to the NE is another detached third party dwelling, number 74 Derrynoid Road.

This is an upland rural area with a dispersed settlement pattern. It is recognised as being an area of archaeological importance (LDY 040:008). It is also recognised as being within the 1 in 100 year strategic fluvial flood plain.

**Description of Proposal**

This is a full application for the erection of ancillary store building (176sqm) and an ancillary store extension (1458sqm) to the existing workshop. It will also involve ancillary works, including the retention of a retaining wall, the provision of formalised parking areas and the erection of 2.4m high security fencing to define the site curtilage within the Business Park (see proposed site layout below)



## Planning Assessment of Policy and Other Material Considerations

### Relevant Planning History

LA09/2018/0471/F - Proposed new general industrial building (Use class B) with ancillary accommodation. Lands at 76 Derrynoid Road, Draperstown, Co Derry, BT45 7DN. Under consideration.

H/2013/0477/F - Retention of re-siting of workshop previously approved under application H/2003/0088/F and proposed erection of new fence and gates within site curtilage, 76 Derrynoyd Road, Draperstown, BT45 7DW. Approved 28/02/2014

H/2009/0272/O - New business premises including a dwelling in connection with the business enterprise. Land to rear of No.74 Derrynoid Road, Draperstown. Approved 19/04/2011

H/2005/1171/F - Construction of 1 No. steel portal framed workshop within existing site curtilage for powder coating and assembly of supplied components forming gates and fencing. 76 Derrynoid Road, Draperstown. Approved 11/04/2008

H/2003/0088/F - New Workshop. 76 Derrynoyd Road, Draperstown, Magherafelt. Approved 28/08/2003

The following policies will be considered in this assessment:

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 – Access, Movement and Parking
- PPS 4 – Planning and Economic Development
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 15 – Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside

### **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 located in an area of archaeological importance. Historic Environment Division have been consulted and have raised no concerns in this regard. It is not adjacent to any Listed Buildings, priority habitat or designated sites. The proposal by its nature – an ancillary store and extension to a work shop to provide bespoke metal storage solutions – will not give rise to any unacceptable noise, odours or fumes which have the potential to impact on neighbouring residential amenity. This has been verified following consultation with EH.

The SPPS does give specific provision for Economic Development, Industry and Commerce subject to a number of policy provisions. It does not present any change in policy direction with regards to industrial development in the Countryside. As such, existing policy will be applied (ie) PPS 4.



**Magherafelt Area Plan 2015**

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations, key site requirements and the plan does not have any policies for this type of development in a rural location. As such, existing planning policy will be applied (ie) PPS 4

**Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy ECON 2 (d) are applicable to this application. In my opinion this proposal is not in conflict with either of these policies. It is however acknowledged that no weight can be given to this document as it is only at public consultation stage.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Derrynoid Road. The proposal will result in a minor intensification of use of this existing access. DFI Roads have been consulted and have advised that they have no objections subject to the provision of 2.4m x 90m sight splays. This can be a condition of approval

**PPS 4 – Planning and Economic Development**

The principle of an industrial use on this site has been long established judging by the planning history, which suggests the site has had an industrial use dating back to 2001.

Policy PED 2 of PPS 4 states that economic development uses in the countryside will be permitted in accordance with four other policies – PED 3, PED 4, PED 5 and PED 6. I consider Policy PED 3 – Expansion of an Economic Development in the Countryside to be relevant in this assessment as well as PED 9 - General Criteria for Economic Development.

PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Expansion is normally expected to be accommodated through reuse or extensions. New buildings will be approved if they are in proportion to existing buildings and integrate as part of the overall development. Extensions should respect the scale, design and materials of original buildings.

The proposed extension and new store will be located within the confines of the existing Business Park, therefore no expansion of the site curtilage is necessary. There will be no critical views of the extension or the new store from the Derrynoid road due to their set back positioning within the existing site. There are more critical views of the existing buildings on the site from the Doon Road, however it is my opinion that these will not be exacerbated as a result of this development. The proposal will cause no additional detrimental impact on the rural character or appearance of the local area. A band of trees

are shown to be planted along the SW boundary which should go some way to providing some integration, especially when viewed from the Doon Road.

PED 9 General Criteria for Economic Development must also be satisfied for all economic development and provides a list of 13 criteria (a) to (m) which need to be considered. I have considered the proposal against the list of criteria and I am satisfied the proposal complies with all of them were applicable. I want to make particular reference to criteria (b – amenity) and criteria (e – noise), given the fact that there have been objections which have referenced similar issues. Environmental Health have been consulted with this proposal. They have not objected to the proposal and have recommended conditions to mitigate against any adverse noise impacts to ensure the protection of residential amenity. Criteria d refers to flooding, which I will address in detail further in this report.

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

This site is in an area recognised for its archaeological potential, in particular, a megalithic tomb. Historic Environment Division have been consulted and have raised no concerns.

### **PPS 15 – Planning and Flood Risk**

The Rivers Agency Strategic Flood Maps indicate that this site lies within the 1 and 100 year strategic fluvial flood plain. The existing industrial development on the site would have been constructed prior to the implementation of PPS 15. Policy FLD 1 does not permit development in the 1 to 100 year fluvial flood plain. It does however set out an exceptions test. The proposal does not meet any of the exceptions listed.

Policy FLD 1 also makes reference to Development Proposals of Overriding Regional or Sub-Regional Economic Importance. It states that a development proposal within the floodplain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub regional economic importance. The applicant has submitted an Economic Importance Statement in which a case is made to consider this development as being of sub-regional economic importance. This case has not been accepted.

The applicant has also submitted a Flood Risk Assessment (FRA) in conjunction with an adjacent application (LA09/2018/0471/F). The FRA report states that displaced flood water due to the proposed developments increases flood levels on both application sites. The report states that both applicants have accepted this potential increase in flood risk to both sites and that a flood management plan will be implemented. Rivers Agency, in their consultation response have not raised any concern about the displacement of flood water on adjacent third party lands. They have advised that implementation of any flood management plan is a matter for the Council and that they cannot sustain a reason to object to the proposal from a drainage or flood risk perspective. They have also advised that compliance with FLD 1 is also a matter for the Council to decide.

It is evident from the plans submitted that the development does not involve any expansion into adjacent lands. The proposed development is contained solely within the existing industrial site, which is already subject to potential flooding. On the basis that the applicant and the applicant of the adjacent application have accepted the resulting increase in flood risk to both of their sites and the fact that Rivers have raised no concern about the

displacement of flood water onto adjacent land, members are requested to consider this proposal as an exception to Policy FLD 1 of PPS 15. It is also recommended that a condition be attached to any approval that the Flood Management Plan, referred to in the FRA be submitted to the Council for agreement prior to any development becoming operational on site.

### **PPS 21 – Sustainable Development in the Countryside**

Policies CTY 13 (Design and Integration) and CTY 14 (Rural Character) are relevant in this assessment given the rural location of the site. I have no concerns regarding the visual impact of this development which is located within an existing business park. Design and finishes are also acceptable. It does not create or add to ribbon development or build up. Overall it does not have a negative impact on the rural character of this area.

### **Other Material Considerations**

All developments proposals must accord with the local Area Plan and relevant Planning Policy, unless other material considerations indicate otherwise. In considering this proposal it is important to hold weight to Planning Legislation, in particular, the Planning (General Permitted Development) Order (Northern Ireland) 2015. Part 9 sets out the permitted development criteria for Industrial and Warehouse Development. Whilst the current proposal does not meet all the criteria in Part 9, it is clear that the applicant could erect a substantial extension to his building under permitted development as long as it was located the appropriate distance from the boundary and it was a certain height irrespective of the flooding issue.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

This proposal, to expand an existing economic development in the countryside, complies with the relevant policies contained within PPS4. The site however is located within the 1 in 100 year fluvial flood plain. The proposal does not meet any of the exception tests for undefended areas contained under Policy FLD1 of PPS 15, however given the fact that the development proposed is contained within the existing site curtilage, displaced flood water will not impact on adjacent third parties and on the basis that the applicant could utilise his industrial permitted development rights to extend his development, members are duly requested to consider this proposal as an exception to policy FLD 1 of PPS 15.

Both objections have been fully considered and following consideration of consultation advice from Environmental Health, it is my opinion that the objections do not merit the refusal of this application. Conditions are recommended in order to ensure the protection of adjacent residential amenity and to protect against flooding.

### **Approval is recommended**

## Conditions

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

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

2.The vehicular access, including visibility splays of 2.4m x 90m in both directions, shall be in place, prior to the commencement of any other works or other development hereby permitted.

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

3.Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

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

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

5.No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 5th June 2018 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

7.The business hereby permitted shall not operate outside 08:00-18:00hrs Monday to Friday and 08:00-13:00hrs on a Saturday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

8.No construction or manufacture of products shall be undertaken in the external yard areas of the businesses, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

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

Reason: To protect nearby residential amenity.

10.The proposed 2.4m high boundary fencing and the 2.5m acoustic barrier fencing as identified on drawing number 02 revision 1, bearing date stamp 20th February 2018, shall be erected prior to any other development commencing.

Reason : To protect nearby residential amenity

11.All planting comprised in the approved plans shall be carried out in the first planting season following the commencement of the building and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

12. Prior to the operation of the development hereby approved, the Flood Management Plan, as detailed on page 13 of the Flood Risk Assessment prepared by McCloy Consulting, shall be submitted and agreed by Mid Ulster District Council.

Reason: To protect against flooding

### **Informatives**

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

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

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

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

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

It is the responsibility of the developer to ensure that

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

2.The responsibility for the accuracy, acceptance of the Flood Risk Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

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 Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

**Signature(s)**

**Date**

## ANNEX

**Date Valid**

5th June 2018

<b>Date First Advertised</b>	21st June 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Doon Road Draperstown Londonderry The Owner/Occupier, 15a Doon Road Draperstown The Owner/Occupier, 74 Derrynoyd Road, Draperstown, Londonderry, BT45 7DW, The Owner/Occupier, 74a Derrynoyd Road, Draperstown, Londonderry, BT45 7DW, Sheila Curtin Email Address Sheila Curtin Email Address The Owner/Occupier, Inova Gates 76 Derrynoyd Road, Draperstown, Londonderry, BT45 7DN The Owner/Occupier, TFR Refridgeration Ltd 76 Derrynoyd Road, Draperstown, Londonderry, BT45 7DN	
<b>Date of Last Neighbour Notification</b>	11th October 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2013/0344/RM Proposal: Proposed dwelling and Garage with business in connection with the business enterprise Address: Lands to rear of 74 Derrynoyd Road, Draperstown, Decision: PG Decision Date: 13.11.2013  Ref ID: H/2013/0477/F Proposal: Retention of re-siting of workshop previously approved under application H/2003/0088/F and proposed erection of new fence and gates within site curtilage Address: 76 Derrynoyd Road, Draperstown, BT45 7DW, Decision: PG Decision Date: 28.02.2014  Ref ID: LA09/2018/0785/F Proposal: Erection of ancillary store building and ancillary store extension to existing workshop at	

Address: Sperrin Metal Storage Solutions, Rogers Business Park, 76 Derrynoyd Road, Draperstown,  
Decision:  
Decision Date:

Ref ID: LA09/2018/0471/F

Proposal: Proposed new general industrial building (Use class B) with ancillary accommodation.

Address: Lands at 76 Derrynoid Road, Draperstown, Co Derry, BT45 7DN.,

Decision:

Decision Date:

Ref ID: H/2005/1171/F

Proposal: Construction of 1 No. steel portal framed workshop within existing site curtilage for powder coating and assembly of supplied components forming gates and fencing.

Address: 76 Derrynoid Road, Draperstown

Decision:

Decision Date: 11.04.2008

Ref ID: H/2002/0474/F

Proposal: New Office Building

Address: 76 Derrynoyd Road, Draperstown

Decision:

Decision Date: 14.02.2003

Ref ID: H/2003/0088/F

Proposal: New Workshop.

Address: 76 Derrynoyd Road, Draperstown, Magherafelt.

Decision:

Decision Date: 28.08.2003

Ref ID: H/1997/0538

Proposal: ALTERATIONS TO ACCESS

Address: 76 DERRYNOID ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2001/0578/F

Proposal: Proposed erection of new office building, workshop and store

Address: 76 Derrynoyd Road, Draperstown, Co Derry

Decision:

Decision Date: 05.10.2001



Ref ID: H/2009/0272/O

Proposal: New business premises including a dwelling in connection with the business enterprise

Address: Land to rear of No.74 Derrynoid Road, Draperstown

Decision:

Decision Date: 19.04.01

### **Summary of Consultee Responses**

EH – No objection. Conditions recommended

DFI Roads – No objection. Condition recommended

Rivers – No objection

HED – No objection

### **Drawing Numbers and Title**

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

Drawing No. 10  
Type: Proposed Plans  
Status: Submitted

Drawing No. 09  
Type: Existing Plans  
Status: Submitted

Drawing No. 08  
Type: Existing Plans  
Status: Submitted

Drawing No. 07  
Type: Proposed Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 03  
Type: Site Appraisal or Analysis  
Status: Submitted

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

Drawing No.  
Type:  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0943/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to existing factory premises to provide staff car parking	<b>Location:</b> 70m South of 177 Annagher Road Coalisland (DMAC Engineering Factory)
<b>Referral Route: Refusal, objections</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> DMAC Engineering 177 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 01



#### Representations:

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

#### Summary of Issues

-detrimental impact of proposal on newt, bat and badger population surrounding the site. The objector provided some photographs to show badger sets and newts within a pond on his land. The objector also provided an e-mail from a Mid Ulster Council Biodiversity Officer, which highlights the presence of some badger sets within the area however these are not indicated on a map nor is there any evidence of use.

-land ownership queries. The objector claims that part of the application site to the south is not within the applicants control, and belongs to the objector. No further evidence was received. This has not been raised with the applicant as yet.

-Sound Barrier- by cutting through the existing sound barrier on site will increase noise levels at the objectors property which will cause unacceptable detriment to residential amenity;

-Parking Need- there is no need for parking at this part of the facility as there is ample parking provision within existing curtilage boundaries;

-Soakaway/Drainage- the proposal will be on top of drainage for DMAC which may increase flooding at the objectors property;  
 -there is concern that the applicant is trying to extend into this part of the site again, this is years after removal of unauthorised development from this part of the site.

### **Description of proposal**

This is a full planning application for an extension to existing factory premises to provide staff car parking.

### **Characteristics of site and area**

This site is located adjacent and south of the existing approved DMAC engineering factory which is accessed from Annagher Road. It is proposed to use the same access position that the business currently uses, but to direct staff carparking from its current location to the front of the factory building, to an area of land located to the SE. At present there is a sizable earth bund, approx 4-5m high, which separates the proposed parking area from the existing factory and yard. There is also earth banking and mature landscaping along the SE and NE boundaries of the site.

Topography is relatively flat and the site is defined by exposed bare soil/earth. This part of the site is where most of the drainage works for DMAC have been carried out, which can be evidenced on site.

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.

### **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.

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.

#### **Planning Policy**

SPPS- Strategic Planning Policy Statement

PPS21- Sustainable Development in the Countryside

PPS4- Planning and Economic Development

PPS3- Movement Access and Parking

PPS2- Natural Heritage

PPS15- Planning and Flood Risk

#### **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.

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 Objections

A number of objections have been received by the same objector, who is located at 36 Washingbay Road (approx 140m SW from the proposed car park). These objections relate to;  
 -detrimental impact of proposal on newt, bat and badger population surrounding the site. The objector provided some photographs to show badger sets and newts within a pond on his land. The objector also provided an e-mail from a Mid Ulster Council Biodiversity Officer, which highlights the presence of some badger sets within the area however these are not indicated on a map nor is there any evidence of use.

-land ownership queries. The objector claims that part of the application site to the south is not within the applicants control, and belongs to the objector. No further evidence was received. This has not been raised with the applicant as yet.

-Sound Barrier- by cutting through the existing sound barrier on site will increase noise levels at the objectors property which will cause unacceptable detriment to residential amenity;

-Parking Need- there is no need for parking at this part of the facility as there is ample parking provision within existing curtilage boundaries;

-Soakaway/Drainage- the proposal will be on top of drainage for DMAC which may increase flooding at the objectors property;

-there is concern that the applicant is trying to extend into this part of the site again, years after unauthorised operations have been removed from this part of land.

### Consideration

The proposal is for the expansion of an established economic use in the countryside. PPS21 Sustainable Development in the Countryside, Policy CTY1 lists certain types of development that are considered acceptable in the countryside, including development for economic use in accordance with the policy provisions of PPS4 Planning and Economic Development. The SPPS introduced in September 2015 is a consolidation of some 20 PPS's, and PPS4 is a retained policy until such time as a Plan Strategy for Mid Ulster is adopted. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal.

The relevant policy consideration is PED 3 of PPS 4- Expansion of an Existing Economic Development Use in the Countryside:

'The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.'

The proposal consists of the expansion to the established curtilage of DMAC Engineering, to provide a car park for business employees with 114 spaces.

It is proposed to access this car park through the existing yard of DMAC, where an existing earth bund will be cut through to provide access to the land to the south. At present this earth bund helps to reduce the impacts of noise from DMAC operations.

The applicant/agent also provided a supporting statement for the car park at this location. It is argued by the agent that the existing staff car parking is interfering with factory operations and is not safe. Land to the east of the factory cannot be used due to health and safety reasons and that this area will be used to store finished machines. There is also a gas container located to the SE corner of the factory, which would be dangerous for employees to pass every day.

In my view the proposed extension would not represent a major increase in the site area of the existing established business. Set back from the public road, it is low in the landscape and will benefit from existing earth banks and landscaping for integration. In my view the proposal will not have a detrimental impact to the visual character of this area of countryside.

However, cars will now be moved to an area that is closer to the rear of properties located along Washingbay Road. This will mean that cars will be travelling through a passage cut through an earth banking at 7am in the morning, engines will be stopping and starting, doors will be slamming and opening. In my view, this noise nuisance close to residential development is not something that you would normally expect to hear in the countryside. For this reason it is my opinion that the character of this area of countryside and nearby residential amenity will be detrimentally impacted thorough noise, nuisance and general disturbance.

In the past, this part of the site was used for industrial operations and an unauthorised building was constructed. This was subject to enforcement proceedings and the unauthorised use and building was removed from the land. Part of the reasoning to allow DMAC to relocate further to the north, behind substantial landscaped earth banking, was to protect existing residential amenity . The objector thinks that it is a deliberate tactic by DMAC to extend factory operations to this part of land that was subject to previous enforcement actions in previous years, in an effort to secure future permissions on this part of land. I cannot attach any weight to this argument as I can only consider the facts presented.

In order to demonstrate that noise nuisance will not have a detrimental impact on residential amenity the agent has provided a Noise Impact Assessment. Environmental Health have provided comment on the most recent version of this assessment and make the following comments;

*'It should be noted that a 4.5m high earth bund is currently positioned to the south of the existing factory to mitigate noise from the existing DMAC factory. This earth mound is a requirement of planning decision M/2011/0126/F listed as condition 14 on Decision Notice dated 15th April 2015 and was incorporated to reduce noise from the existing factory. This planning application seeks to cut through the existing earth bund to create a car park to the south and beyond the current site boundary.*

*We have concerns around the performance of the existing earth bund as a noise barrier to existing site activities if part of the barrier is removed and would contend that this may lead to increased noise levels due to existing site activities at nearby residential properties.*

*A Grainger Acoustics report has been submitted in support of this application for an extension to existing factory premises to provide staff car parking and we would provide the following comments:*

*We note that the consultancy has used noise obtained from cars passing a point on the existing driveway at a rate of 20 cars per hour. Current operating hours for the DMAC facility range from 7am to 8pm Monday to Friday and 8am to 2pm on Saturdays. We agree with the consultancy that traffic movements will peak twice daily (arrival and departure from the DMAC facility). However, we note from the CMI supporting statement that the site currently employs 127 people, the majority of whom would be assumed to arrive by vehicle. We therefore believe traffic movements of approximately 100 cars per 10 minutes is more reflective of the situation as vehicles will arrive en masse prior to 7am and post 5pm but this is unlikely to extend to a period of 1 hour as used within the assessment.*

*The proposal includes plans for approximately 114 car parking spaces but the assessment considers a line source assessment i.e. cars travelling past a fixed point. Other noise associated with car parking which has not been considered within the report include engine start up and car door slamming, both of which are likely to be noisier and door slamming will have a peak LMax value which does not seem to have been considered within the assessment. The noise assessment should consider all encompassing noise from within the proposed car parking area.*

*It is also unclear why the ISO 717 correction was applied as this standard considers the impact of building sound insulation on internal noise levels from road traffic noise measurements, yet*



*this assessment seems to consider the impact of noise on external amenity and not within nearby residential receptors.*

*Table 1 identifies three receptors on Washing Bay Road but 6 additional properties are located within 200 metres of the proposed site and appear to have been omitted from the assessment. These are; 181, 183, 193, 193A, 195 and 197 Dernagh Road and lie to the east of the proposal.*

*A current planning application (LA09/2019/0179/F) has also been submitted to amend condition 12 of M/2011/0126/F planning decision to alter the starting time from 7am to 6am. Travel to the site and any noise from the car park could potentially have more impact with earlier opening as background noise levels are likely to be lower.*

*Until the above matters are addressed, no further comment can be provided by this Department on the suitability of the proposal.'*

In my view, the agent has not provided sufficient information to demonstrate that acceptable noise levels can be achieved at nearby residential properties. I share the objectors concerns in relation to noise, nuisance and general disturbance. Plus, I contend that there is sufficient space within the existing curtilage of the factory to provide sufficient parking for existing staff and there is no need to extend the factory yard to this area. The reasons given by the agent to relocate to this area are not sufficient.

PED9: General Criteria for Economic Development in that Environmental Health lists a number of criteria that has to be met before permission is granted;

(a) it is compatible with surrounding land uses;

In my view it has not been demonstrated that this proposal is compatible with surrounding landuses in that there is insufficient information to show that there will be no detrimental impact on residential amenity.

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

Again, the agent has failed to demonstrate that nearby residents will not suffer detrimental impact to their private amenity through noise, nuisance and general disturbance. An existing earth bank of around 4-5m high will also have a passage cut through it. This bund at present helps protect existing amenity from noise generated at DMAC. To cut a hole through this bund may affect its noise retention, and may even amplify or channel noise to sensitive receptors nearby which will make the situation worse for them. The onus is on the applicant/agent to clearly demonstrate that this will not be the case.

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

Features of built heritage will not be impacted from this proposal.

The agent has provided a Preliminary Ecological Appraisal. NIEA were consulted to comment on this proposal and to comment on all objections, as well as an e-mail provided to the objector by a Biodiversity Officer within Mid Ulster District Council. NIEA provided comment and raise no objection to this proposal in terms of its impact on the natural environment, including local sites and protected species. I am satisfied that there will be no detrimental impact to natural heritage. Objectors concerns in relation to impacts on protected species are not sustained in this instance.

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

Rivers Agency indicate that the site is not located within a Flood Plain. The agent has provided a Drainage Assessment and Rivers Agency raise no objection its conclusions. Should permission be granted then the proposal should be carried out in accordance with the findings of the Drainage Assessment. The objectors concerns in relation to increased flooding are not sustained in this case.

(e) it does not create a noise nuisance;

It has not been demonstrated that a noise nuisance will not be created by this proposal.

(f) it is capable of dealing satisfactorily with any emission or effluent;  
No issues raised in this regard.

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

DfI Roads were consulted on this proposal and raise no objection. No additional traffic will be generated for this site, existing splays are acceptable for this proposal, parking will be moved to a different area to the SE of the existing site.

(h) adequate access arrangements, parking and manoeuvring areas are provided;  
There is sufficient space for access arrangements and DfI Roads raise no concern with this proposal.

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

Due to its location, access to this facility relies heavily on private car. This proposal does not change this. The proposal can be accessed by bike and foot and does respect access for people whose mobility is impaired.. In my view the proposal does not impede existing public rights of way. There are poor links to public transport, but this was the case under the existing permission and the situation is not made worse.

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

Existing landscaping can be retained along the site boundaries. Where the car park is to be located is bare soil at present with a very low biodiversity value. In my view, existing biodiversity will not suffer a detrimental impact from this proposal.

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

I am satisfied that the proposal will integrate into the landscape, with little or no public critical views of the carpark from the surrounding area.

(l) is designed to deter crime and promote personal safety; and  
The site is secured by fencing and gates.

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

See (k) above.

### **PPS2 Natural Environment**

The agent has provided a preliminary ecological appraisal and NIEA are content that no protected sites, habitats or species will be detrimentally impacted by this proposal. SES confirm that no European designated sites will be detrimentally impacted by this proposal. Objectors concerns in relation to impacts on protected species are not sustained in this instance.

### **Other considerations**

The site is not subject to flooding and acceptable drainage for the site has been demonstrated in a Drainage Assessment. The policy provisions of PPS15 Planning and Flood Risk are not offended.

Environmental Health or NIEA did not raise any land contamination issues.

The Objector has raised concern that land to the south of the application site may be within his ownership. As the objector is aware that the proposal may be on his land, then no one has been prejudiced by the inclusion of this land within the application site, as the landowner is aware. On inspection of the plans, the red line seems to be for inclusion of a drainage pipe, which seems to be included within land controlled by DMAC. Neither party have provided evidence to show landownership. Any 3<sup>rd</sup> party dispute over land ownership is a matter for the interested parties concerned to sort out (through the Courts if necessary) and Mid Ulster Council cannot adjudicate on such matters.

Objectors concern in relation to other land drainage issues are not for this application to address and is a 3<sup>rd</sup> party dispute.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That the proposal is refused for the following reasons;

**Refusal Reasons**

1. The proposal is contrary to CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED3 of Planning Policy Statement 4: Planning and Economic Development in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on the character of this area of countryside by reason of noise, nuisance and general disturbance.
2. The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that insufficient information has been provided to demonstrate that;
  - it is compatible with surrounding land uses;
  - it will not harm the amenities of nearby residents;
  - it will not create a noise nuisance.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th July 2018
<b>Date First Advertised</b>	19th July 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 36 Washingbay Road Coalisland Tyrone James Hughes 36, Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 4PU James Hughes 36, Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 4PU James Hughes Email James Hughes Email Address	
<b>Date of Last Neighbour Notification</b>	25th July 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1069/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2No additional broiler poultry sheds with 4No feed bins 2No gas tanks and associated development. (Poultry sheds to contain 74000 broilers taking the total site capacity to 132000 broilers)	<b>Location:</b> Land approx. 190m South East of 39 Cornamaddy Road Pomeroy
<b>Referral Route:</b> It is a Major planning application	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mr Phelim Mc Gee 32 Dernanaught Road Dernanaught Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Foyle Carlingford & Irish Lights Commission	Substantive Response Received
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Shared Environmental Services	
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Foyle Carlingford & Irish Lights Commission	
Non Statutory	Shared Environmental Services	Substantive Response Received

### Representations:

Letters of Support	None Received
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>	
<b>Characteristics of the Site and Area</b>	
<p>The application site is situated in the rural area outside of any settlement limits and where the predominant land use is agricultural including farm sheds and fields, and there are a number of rural dwellings.</p>	
<b>Description of Proposal</b>	
<p>The application is for 2 additional broiler poultry sheds with 4no feed bins, 2no gas tanks and associated development (Poultry sheds are to contain 74,000 broilers taking the total site capacity to 132,000 broilers).</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	
<p>Regional Development Strategy Strategic Planning Policy Statement Dungannon and South Tyrone Area Plan 2010 MUDC Local Development Plan 2030 - Draft Plan Strategy Planning Policy Statement 2 - Natural Heritage Planning Policy Statement 11 Planning and Waste Management Planning Policy Statement 21</p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires a planning authority when dealing with a planning application to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6 (4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period gave 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.</p> <p>In the DST Area Plan 2010 the application site lies outside any settlement limits in the open countryside.</p> <p>There have been 7 letters of objection received which all raise the same issues as follows:</p> <ol style="list-style-type: none"> <li>1. The Habitats Regulation Assessment by Shared Environmental Services is based on an inappropriate screening policy;</li> </ol>	

2. The MPLUS provides no certainty as to the destination of the waste and its adverse impact on protected sites is unknown which is contrary to Article 6(3) of the Habitats Directive;
3. The MPLUS agreement did not have a Strategic Environmental Assessment completed at the time of its approval and the impact on protected sites, priority habitats and species is unknown;
4. The MPLUS agreement includes export of waste to another Member State but there is no evidence of export agreements and approvals, permits and licenses being in place, especially post Brexit. The final destination of the waste within another Member State has not been determined nor the adverse impact of that waste;
5. There is no evidence the Planning Authority consulted with another Member State as per the ESPOO Convention regarding the transboundary impact of this project which is in contravention of the EIA Regs;
6. The AD plants cited as potential processing facilities did not have EIA's or Habitats assessments completed at the time of the planning approval. It has not been determined if the waste from these plants will have an adverse impact on protected sites, priority habitats and species;
7. The screening policy of not undertaking an in-combination or cumulative assessment is concerning;
8. The objectors do not agree with non-regulated intensive agricultural sites being screened out from the appropriate assessment;
9. The cumulative impact of all anaerobic digestors, poultry and pig house applications on European Sites in NI and other Member States is not included;
10. The anaerobic digester plants in operation are unlawful due to the lack of an appropriate assessment;
11. The environmental information is flawed as it only considers ammonia;
12. 98% of Special Areas of Conservation exceed the critical levels of nitrogen deposition at which ecological damage occurs and 75% of these sites exceed the thresholds by double and some by over 400%;
13. The European Court of Justice ruling against the RoI which concluded that Habitats subject to degradation must be given time to recover.
14. The objectors feel the level of gaps in evidence in contravention of Annex IV of the EIA Directive and the degree of maladministration mean it will be unlawful for the Planning Authority to approve this project.

In addressing the above points of objection both NIEA and Shared Environmental Services hold the expert advice and both have provided consultation responses to the planning application. It is for NIEA and SES to decide on the appropriateness of the screening policies used by them and MUDC cannot comment on these issues.

Neither SES nor NIEA have objected to the proposed development. There are no European designated sites within the NIEA 7.5km screening zone for NH<sub>3</sub> emissions. The existing installation and associated emissions are regulated by NIEA-IPRI: PPC Permit number P0269/07A and the applicant has to apply for a permit variation. The Moy Park Litter Utilisation Strategy (MPLUS) referred to by the objectors does include land spread in RoI. However, further clarification has been sought on the matter and Moy Park have confirmed the poultry litter produced on this farm will be utilised through Tully Biogas plant in Ballymena under the MPLUS. Upon further investigation SES have informed us that Moy Park has indicated there is sufficient processing capacity available



via its contract with Tully Biogas plan. Consequently, no waste has been indicated on the updated letter from the agent to be taken to Rol. Given this updated position there is no transboundary effect from the proposed development. Natural Environment Division of NIEA considers there are no Natura 2000 sites that will be adversely impacted by the proposal. The existing installation and associated emissions from the Tully Biogas Plant are regulated by NIEA-IPRI: PPC permit number P0269/07A.

Consultation responses:

Roads: No objection subject to condition

DAERA: Confirms the farm business has been in existence for more than 6 years and that Single Farm Payment has been claimed for the last 6 years.

Rivers: No objection in principle.

Environmental Health: No objection in principle. It is to be noted that due to the capacity regarding poultry spaces Industrial Pollution and Radiochemical Inspectorate (IPRI) are responsible for the permit issued regarding this site.

NIEA: Water Management Unit is content subject to an informative that the applicant should adhere to DAERA's Standing Advice.

NIEA: Land, Soil and Air IPRI team advises the applicant will be required to apply for and obtain a Pollution Prevention and Control (PPC) variation prior to making any alteration to the site.

NIEA: Natural Environment Division advises the application site is within 7.5km of Lurgylea ASSI, Taneragee ASSI, Little River ASSI, Bardahessiagh ASSI and Limehill Farm ASSI. The site also has a tenuous hydrological connection to River Foyle and Tributaries (SAC/ASSI) and Upper Ballinderry River SAC/ASSI. These sites are of international and national importance and are protected by Conservation (Natural Habitats etc.) Regulations (NI) 1995 as amended and The Environment (NI) Order 2002. NED has no concerns subject to recommendations.

A watercourse exists along the western red line boundary, which enters River Foyle and Tributaries SAC/ASSI over 55km downstream, via the Camowen and Strule Rivers. A watercourse exists c.105m south of the application site, which enters Ballinderry River c.25km downstream via the Claggan and Killymoon Rivers, thus creating a tenuous hydrological connection between the application site and Upper Ballinderry River SAC/ASSI. All contaminated run off must be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway.

NED have no objection in principle subject to informative.

Loughs Agency: Notes the proximity of the proposed development is hydrologically connected to the River Foyle and Tributaries SAC and have requested the inclusions of conditions.

Shared Environmental Services: A response has been made in light of the assessment required by Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations

(NI) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that the proposal will not have an adverse effect on site integrity of any European site.

#### Policy Consideration:

NIEA has stated the applicant must apply for and obtain a PPC variation prior to making any alteration to the site. PPS 11 addresses this area. It states the planning and pollution control systems are separate but complementary systems of control and regulation designed to protect the environment from harm as a result of development and related operations.

Planning control focuses primarily on:

- Whether the development itself is an acceptable use of the land rather than on the control of the processes or substances involved; and
- Regulating the location of the development in order to avoid or minimise the adverse effects on people, the use of land and the environment.

PPS 11 goes on to state that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. Accordingly the applicant will be advised of the need to apply for a variation to the existing PPC prior to any development taking place.

Whilst it is acknowledged that planning control is not an appropriate means of regulating the detailed characteristics and day to day operations of this proposal it is accepted that certain matters relevant to pollution control may be material planning considerations. As a consequence advice has been sought from a number of consultees on aspects of the scheme and their responses are detailed in this report.

The Industrial Pollution and Radiochemical Inspectorate have commented on this application. The applicant has not applied for a variation to the PPC and the applicant must demonstrate the proposal will have an acceptable environmental impact, including (a) impacts of odour, ammonia and dust emissions on sensitive local receptors and (b) utilisation of manures produced from the proposed installation. In an explanatory note IPRI state sustainable utilisation of litter is a critical environmental aspect of the operation of the farm, particularly since the cumulative impact of poultry litter generated by this and other proposals may be significant. The applicant has stated that litter will be utilised in accordance with the Moy Park Litter Utilisation Strategy. As part of the application for a PPC permit variation the applicant will be required to identify the specific outlet they intend to utilise and to provide evidence that the outlet has the capacity to utilise the litter and has the appropriate authorisation in place. Although outside the remit of planning control the applicant has confirmed that litter is to be taken to the Tully Biogas Plant in Co Antrim.

As I have already stated the application sits outside any settlement limit as identified in the area plan. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing Planning Policy Statements (PPS) one of which is Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21).

Policy CTY 1 of PPS 12 sets out the types of development, which in principle are considered to be acceptable in the countryside, one of these being agricultural and forestry developments in accordance with Policy CTY 12. Paragraph 6.73 of the SPPS also contains policy in respect of agriculture and forestry development. The latter, essentially reiterates elements of Policy CTY 12 of PPS 21. Policy CTY 1 goes on to state that 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.

Policy CTY 12 - Agricultural and Forestry lists criteria under which planning permission will be granted for development on an active and established agricultural holding. The applicant is a producer for Moy Park and is seeking to expand the business to facilitate additional bird capacity on-site as part of a wider Moy Park expansion programme. Paragraph 5.56 of CTY 12 states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. The applicant has provided a DARD business number, which DAERA has confirmed has been in existence for more than 6 years and that Single Farm Payment has been claimed for the last 6 years.

In terms of character and scale I consider the proposed buildings to be appropriate to the location. The new sheds will be sited to the rear of the existing farm buildings and will sit on slightly higher ground. There is a considerable level of engineering works required given the sheds will be cut into the ground. The agent has shown the land will be graded up as required. The site will be visible from the Cornamaddy Road but the degree of public interest is limited at this location. The buildings are of a relatively low level and it is my opinion they will integrate into this rolling countryside. There are no adverse impacts on the natural or built heritage and it will not result in any detrimental impact on the amenity of residential dwellings outside the holding, given there are no dwellings in the immediate vicinity of the application site.

Policy CTY 12 address those situations where a new building is proposed. In this case the applicant does not have any suitable existing buildings on the holding that can be used for the purposes of the proposed use. The design and materials for the proposed buildings are sympathetic to the locality and the adjacent buildings. The proposed buildings will be finished in Acheson and Glover facing brick and juniper green cladding. The proposal is sited immediately behind two existing poultry sheds finished with similar materials.

PPS 2 sets out planning policies for the conservation, protection and enhancement of our natural heritage. Policy NH 1 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans is not likely to have a significant effect on a European Site (including SAC, SPA). Policy NH 3 states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an ASSI for example.

Natural Environment Division advises the application site is within 7.5km of Lurgylea ASSI, Taneragee ASSI, Little River ASSI, Bardahessiagh ASSI and Limehill Farm ASSI.

The site also has a tenuous hydrological connection to River Foyle and Tributaries(SAC/ASSI) and Upper Ballinderry River SAC/ASSI. These sites are of international and national importance and are protected by Conservation (Natural Habitats etc.) Regulations (NI) 1995 as amended and The Environment (NI) Order 2002. NED has no concerns subject to recommendations. NED has considered the impacts of the proposal on designated sites and other natural heritage interests, and on the basis of the information provided, has no concerns subject to recommendations.

NED have considered the proposal following acquisition of DAERA specific legal advice on DAERA's operational policy including any direct/indirect impacts on associated farm activities. NES has considered the impacts of the proposal, as per the application, on the designated sites and, on the basis of the information provided is content that the proposal is in line with DAERA's operational policy on nitrogen emissions. Due regard is to be given by the competent authority, MUDC, to the recommendations of NED when undertaking a Habitats Regulations Assessment on River Foyle and tributaries SAC/ASSI and Upper Ballinderry River SAC/ASSI to ensure compliance with the requirements of the Habitats Regulations and The Environment (NI) Order 2002.

The applicant has submitted an ES, which includes an Air Quality Impact Assessment in Appendix 3 (dated 1 March 2018). Table 15 details the modelled ammonia concentration, i.e. the Process Contribution from the proposal and the existing poultry sheds at the already cited designated sites within 7.5km of the proposal. All of these sites have been designated for earth science features. It is considered, due to the nature of these features, that they are unlikely to be affected by nitrogen emissions from the proposal. NED are content that all of the litter from the proposed facility will be utilised in accordance with Moy Park's Litter Utilisation Strategy.

A watercourse exists along the western red line boundary, which enters River Foyle and Tributaries SAC/ASSI over 55km downstream, via the Camowen and Strule Rivers. A watercourse exists c.105m south of the application site, which enters the Ballinderry River c.25km downstream via the Claggan and Killymoon rivers, thus creating a tenuous hydrological connection between the application site and Upper Ballinderry River SAC/ASSI. All contaminated run-off (from the facility and associated concrete aprons must be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (NI) 2003 and the Nitrates Action Programme (NAP) Regulations (NI) 2014 as detailed in Standing Advice Note 12 for agricultural developments.

Shared Environmental Service has carried out a HRA and this is adopted by MUDC. They have concluded an appropriate assessment is complete and there is no adverse effect on site integrity without conditions. They state there are no European designated sites within the NIEA 7.5km screening zone for NH<sub>3</sub> emissions. The existing installation and associated emissions, as well as Tully AD plant are regulated by NIEA-IPRI, therefore SES considers that there can be no adverse effect to any designated European Site from the proposal.

The Environmental Health Department has offered no objections in principle to the proposal and recommend the Industrial Pollution and Radiochemical Inspectorate should be consulted on the application on the basis of poultry capacity regarded as intensive

farming. Due to the capacity regarding poultry spaces IPRI are responsible for the permit issued regarding this site. No issues or concerns have been raised in the areas of noise and dust.

With regards to hydrology of the proposed application and the environs, drawing no 02 illustrates all dirty water to be collected in a wash tank to the north east of the proposed sheds with no overflow or outlet to a waterway. This is for the purposes of heavily contaminated water which includes any waste water arising from the washing of the poultry houses which will be collected in a channel and piped directly to the tank. Heavily contaminated yard run off will be directed to a diverter in the yard before entering the tank. NIEA: Drainage and Water state this will ensure there will be no release of contaminants from operational activities into any adjacent/nearby watercourses. Lightly contaminated water i.e. run off water from the roofs and concrete yard during the crop cycle will be routed via guttering and downpipes to a proposed 103m swale with check dams located to the south of the proposed houses for treatment. A field drain connected to the swale will collect any surface water that does not infiltrate into the sides and base of the grass swale but instead overtops the last dam and flows into the lowest bay of the swale.

With regards to transport, the ES identifies that due to the nature of poultry farming, the majority of vehicular movements are concentrated at specific times during the crop cycle. A crop cycle lasts fifty days and there are seven cycles per annum with 30 trips per crop cycle. This will produce, for the entirety of the poultry site 420 vehicular movements per annum. DfI Roads were consulted on the proposed application and have not raised any objections in principle and have suggested the inclusion of conditions.

Having considered the local area plan, all relevant planning policies and other material considerations it is my opinion this application is acceptable subject to the conditions listed below.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

**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 60m in both directions and forward sight distance of 60m shall be provided in accordance with the approved drawings 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 before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

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

Reason: To ensure waiting vehicles do not encroach onto the carriage

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	6th August 2018
<b>Date First Advertised</b>	22nd August 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Gwyneth McQuiston 11, Drumalief Road, Limavady, Londonderry, Northern Ireland, BT49 0QS Harriett Moore-Boyd, 21, Christine Park, Newtownabbey, Antrim, Northern Ireland, BT36 6TD Joanne Lusby  Elizabeth Roche  Ciaran McClean  Dianne Greer  Cormac McAleer	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Voluntary
<b>Planning History</b>  Ref ID: LA09/2018/0210/PAN Proposal: Proposed 2no. additional broiler poultry sheds (37,000 birds per house), 4no. feed bins, 2no. gas tanks and associated development. Address: Land approx. 190m SE of 39 Cornamaddy Road, Pomeroy, Co Tyrone, BT70 2TW., Decision: Decision Date:  Ref ID: LA09/2018/1069/F Proposal: Proposed 2No additional broiler poultry sheds with 4No feed bins 2No gas tanks and associated development. (Poultry sheds to contain 74000 broilers taking the total site capacity to 132000 broilers) Address: Land approx. 190m South East of 39 Cornamaddy Road, Pomeroy, Decision: Decision Date:	

Ref ID: M/2004/1764/F

Proposal: 2 No Free Range hen houses with maximum capacity of each house of 19,000 birds

Address: 340m South East of 41 Cornamaddy Road, Cornamaddy, Pomeroy

Decision:

Decision Date: 15.04.2005

Ref ID: M/2006/1422/F

Proposal: Retention of 3 free range hen houses (19000 birds) also retention of farm building to be used in conjunction with hen houses

Address: 340m South East of 41 Cornamaddy Road, Pomeroy

Decision:

Decision Date: 24.08.2006

Ref ID: M/1988/0204

Proposal: DWELLING

Address: 200 M SOUTH EAST OF 41 CORNAMADDY ROAD, CORNAMADDY, DUNGANNON

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:





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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1094/F	<b>Target Date:</b>
<b>Proposal:</b> Single Storey detached Garage (amended site)	<b>Location:</b> Strathmullan House 56 Killymeal Road Dungannon BT71 6XJ
<b>Referral Route: Objections received</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Stephen Boyle 11 Hillcroft Dungannon BT71 6SJ	<b>Agent Name and Address:</b> Ronan Boyle (CSEA) Construction Environmental Engineering LTD 3 Strathmullan Dungannon Co. Tyrone BT71 6XJ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

## Summary of Issues

Three objections were received from the neighbouring properties to the NE at dwellings 23, 24 and 25 Viewfort. Their concerns were over the accuracy of the red line, disputing the land ownership along their boundary. The objection from Number 24 also included concerns over the obstruction of the views to the listed building.

## Characteristics of the Site and Area

The application site is a 0.66 hectare plot of land which takes in Strathmullan House, a two storey Grade 2 Listed derelict dwelling and its extensive domestic curtilage.

The dwelling is included on the Built Heritage At Risk NI (BHARNI) Register. It is located to the immediate North of numbers 3, 5 and 10 Strathmullan, a low density residential development within the development limits of Dungannon Town.

The site is elevated above the level of the existing dwellings in Strathmullan and is accessed via a sweeping hard core driveway which runs along the side and rear of number 3 Strathmullan.

The dwelling itself has a slate roof with 2 chimneys finished in red brick. The external lower walls are finished in sandstone and the upper walls are finished in red clay brickwork. Rain water pipes and gutters are finished in cast iron.

The front elevation has a two storey centralised projection and ground floor bay windows. The dwelling also has two storey rear return. The majority of windows are boarded up.

At the time of site visit the site was under construction and there was a temporary chain link fence running along the footpath to the front of the site. The curtilage of the site was overgrown with weeds and shrubs and there were a number of piles of rubble.

The immediate area is residential in character, with Strathmullan to the South, Viewfort to the North East and Dunavon Heights to the North. To the North West of the site is a zoned community woodland (DCW01) Dunlea Vale.

## Description of Proposal

The proposal seeks full planning permission for a single storey detached garage.

## Planning Assessment of Policy and Other Material Considerations

The proposal is for a 16 metres long, 8 metres wide and 4 metres high single storey three bay garage to the rear of the property. The finishes proposed are timber cladding walls, profiled metal deck cladding roof and timber effect doors and windows.

As this site lies within the curtilage of a listed building PPS 6 - Planning and the Built Heritage must be considered.

HED have been consulted and have expressed concerns and have taken the stance that it has failed to comply with policy BH11 of PPS 6.

The proposal would affect the setting of a listed building, The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building
- (c) the nature of the use proposed respects the character of the setting of the building.

-In this case HED feel that the proposals roof pitch is not sympathetic to the listed building as per criteria (a)

- In this case the HED consider the current palette of finishes for the proposed detached garage block to be unacceptable under criteria (b).

- And finally HED feel that a detailed landscape proposal would be needed in order to soften the approach to the garage block and assist in separating elements of the listed building and the proposal.

These concerns have been transmitted to the applicant whom has expressed his desire for the application to be assessed as is without these suggested changes.

Having discussed the proposal at length with the senior planners it is our opinion that a timber garage of this size and design would not be obtrusive at this location. The garage is set back behind the building line of the existing listed building, in addition its low ridge height and the back cloth of existing vegetation help it integrate. A steeper roof pitch would necessitate the removal of the lower branches of the surrounding trees. With regards to the effect on the settings of the listed building, it is my opinion that the proposal will have little impact, especially given the close proximity of the large two storey detached dwellings situated immediately in front of the site. The access remains unaltered and critical views will be minimal.

The application is seeking planning consent for the erection of a single storey garage and as such the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7- Residential Extensions and Alterations.

It is considered that Policy EXT1 of this statement is relevant to this proposal. Policy permits development where the following criteria are met:

- The scale, massing, design and materials are sympathetic with the built form and area,
- The proposal does not unduly affect privacy or amenity,
- The proposal will not cause unacceptable loss or damage to the environment,
- Where sufficient space remains within the curtilage of the property for recreational purposes.

The proposal is for a single storey garage to the rear of the property. As the proposal is minimal, it is considered to be subordinate to the existing dwelling. In addition to this the proposed garage would generally match the proportions and materials of the dwelling. It is also considered that there is little impact on the character or appearance of the surrounding area. It is considered that the size and scale of the garage would ensure that there would be no overlooking or infringement upon the privacy of the neighbouring dwelling. Furthermore it is considered that there is sufficient amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings. The proposal is therefore acceptable in terms of scale and design, should not cause overlooking or overshadowing or have adverse impact on the adjoining properties

Three objections were received from the neighbouring properties to the NE at dwellings 23, 24 and 25 Viewfort. Their concerns were over the accuracy of the red line, disputing the land ownership along their boundary. The objection from Number 24 also included concerns over the obstruction of the views to the listed building.

The applicant has submitted deeds map to show all lands within his ownership, it appears that the red line of the site correlates to this map.

In addition the existing access is to be used and with the positioning of the garage to the west there should be minimal impact on the views of the listed building.

In conclusion, contrary to HED concerns that the proposal does not comply with PPS 6 policy BH11 in that if approved it would adversely affect the settings of a listed building. Having discussed with the senior planners it is our opinion that the proposal is acceptable for the reasons detailed above.

The proposal is also compliant with PPS 7, in terms of scale and design, should not cause overlooking or overshadowing or have adverse impact on the adjoining properties

Recommendation Approval.

#### **Neighbour Notification Checked**

**Yes**

#### **Conditions**

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

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

2. The materials used for the building hereby approved shall be as shown on the plans, with external walls to be constructed of closed board timber or overlapping closed board timber.

Reason; To safeguard the settings of the listed building.

#### **Informatives**

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

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

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

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

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

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

**Signature(s)**

**Date:**

## ANNEX

<b>Date Valid</b>	15th August 2018
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<b>Date First Advertised</b>	30th August 2018
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<b>Date Last Advertised</b>	29th November 2018
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### **Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
1 Strathmullan, Dungannon BT71 6XJ  
The Owner/Occupier,  
10 Dunavon Heights Dungannon Tyrone  
The Owner/Occupier,  
10 Strathmullan Dungannon Tyrone  
The Owner/Occupier,  
11 Dunavon Heights Dungannon Tyrone  
The Owner/Occupier,  
2 Strathmullan Dungannon Tyrone  
The Owner/Occupier,  
22 Viewfort Dungannon Tyrone  
The Owner/Occupier,  
23 Viewfort,Dungannon,Tyrone,BT71 6LP,  
Fergal and Carmel McCann  
24 Viewfort, Killymeal Road,Dungannon,BT71 6LP  
The Owner/Occupier,  
24 Viewfort,Dungannon,Tyrone,BT71 6LP,  
The Owner/Occupier,  
25 Viewfort Dungannon Tyrone  
Michael and Lynne Maguire  
25 Viewfort, Killymeal Road,Dungannon,BT71 6LP  
The Owner/Occupier,  
3 Strathmullan Dungannon Tyrone  
The Owner/Occupier,  
5 Strathmullan,Dungannon,Tyrone,BT71 6XJ,  
The Owner/Occupier,  
9 Dunavon Heights Dungannon Tyrone  
Paddy Mallon  
Email Address  
The Owner/Occupier,

Soliticors,46 Irish Street,Dungannon,BT70 1DB  
 The Owner/Occupier,  
 Strathmullan House,56 Killymeal Road,Dungannon,Tyrone,BT71 6LJ,

**Date of Last Neighbour Notification**

15th November 2018

**Date of EIA Determination****ES Requested**

No

**Planning History**

Ref ID: LA09/2016/1115/LBC

Proposal: Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of new 2 storey extension to rear and 1 new single storey extension to rear

Address: Strathmullan House, 56 Killymeal Road, Dungannon,

Decision: CG

Decision Date: 04.01.2017

Ref ID: LA09/2018/1094/F

Proposal: Single Storey detached Garage (amended site)

Address: Strathmullan House, 56 Killymeal Road, Dungannon, BT71 6XJ,

Decision:

Decision Date:

Ref ID: LA09/2016/1114/F

Proposal: Refurbishment of existing listed building to include demolition of existing 2 storey rear return and construction of new 2 storey extension to rear and 1 new single storey extension to rear

Address: Strathmullan House, 56 Killymeal Road, Dungannon,

Decision: PG

Decision Date: 04.01.2017

Ref ID: LA09/2016/0943/PAD

Proposal: Alteration and enlargement or improvement of a dwelling

Address: Strathmullan House, 56 Killymeal Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/1994/0534

Proposal: Public Authority Housing

Address: MULLAGHADUN, ADJOINING DUNAVON PARK DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1118/F

Proposal: Erection of 4 detached dwellings, site road and retention of existing dwelling with new access at lands at and inclusive of 56 Strathmullan House, Killymeal Road, Dungannon. (amended proposal)

Address: Lands adjacent to and inclusive of 56 Strathmullan House, Strathmullan, Killymeal Road, Dungannon

Decision:

Decision Date:

Ref ID: M/1989/0283

Proposal: Private Housing Development

Address: REAR OF DUNAVON PARK MULLAGHADUN DUNGANNON

Decision:

Decision Date:

Ref ID: M/1990/0418

Proposal: Dwelling House

Address: GROUNDS OF STRATHMULLAN HOUSE (TO THE REAR OF 56 KILLYMEAL ROAD.) DUNGANNON.

Decision:

Decision Date:

Ref ID: M/1993/0669

Proposal: Site for dwelling house

Address: APPROX 80 M SOUTH EAST OF STRATHMULLAN HOUSE, KILLYMEAL ROAD, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/1995/0332

Proposal: Housing Development

Address: GROUNDS OF STRATHMULLAN HOUSE KILLYMEAL ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0863

Proposal: Housing Development

Address: GROUNDS OF STRATHMULLAN HOUSE KILLYMEAL ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0059

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: MULLAGHADUN, KILLYMEAL ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/005902

Proposal: 5 NO DWELLINGS

Address: SITES 6, 7, 10, 11 AND 25 VIEWFORT, KILLYMEAL ROAD, DUNGANNON

Decision:



Decision Date:

Ref ID: M/1977/005901

Proposal: 22 DWELLINGS. PRIVATE HOUSING DEVELOPMENT

Address: KILLYMEAL ROAD, MULLAGHADUN, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/0158

Proposal: Dwelling

Address: SITE ADJACENT TO SITE 1 STRATHMULLAN DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/0171

Proposal: Erection of dwelling

Address: SITE 23 VIEWFORT DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0124

Proposal: Erection of Dwelling

Address: SITE 22 VIEWFORT KILLYMEAL ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1987/0358

Proposal: DWELLING

Address: 20 VIEWFORT, KILLYMEAL ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2014/0296/F

Proposal: Single storey garage conversion and extension to existing dwelling

Address: 22, Viewfort, Dungannon,

Decision: PG

Decision Date: 11.07.2014

**Drawing Numbers and Title**

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

Drawing No. 3B  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type:  
Status: Submitted

Drawing No. 1B  
Type: Site Location Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1566/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> 500m S.E. of 101 Barnagh Road Altmore Dungannon
<b>Referral Route:</b> Refusal – Contrary to Policy CTY 10 and CTY 13 of PPS 21.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Sean O'Donnell 36A Barvagh Road Donaghmore	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Contrary to policy requirements of PPS 21 - CTY 10 and CTY 13.

### Characteristics of the Site and Area

The site is located approx. 500m SE of 101 Branagh Road, Altmore. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The application site includes a portion of an agricultural field and includes the existing access arrangement. The blue lands surrounding indicate land ownership include

agricultural fields and the existing old homestead as indicated on the site location plan which is located to the NW of the application site. The lands are generally quite flat throughout the site. The current boundaries of the site vary between post and wire fencing and mature trees to the west with other parts of the site remaining undefined. There is existing mature trees located to the south of the application site. The surrounding area is predominantly rural with forestry trees to the west of the site.

### **Description of Proposal**

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

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

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

#### Planning History

It is not considered there is any relevant planning history associated with this site.

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

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

The Dungannon and South Tyrone Area Plan 2010 identify the site as being in the rural countryside, located NW of Cappagh Settlement Limit. There are no other specific designations or zonings.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside, part (e) – Dwelling on a Farm, are applicable to this application although it holds no determining weight following on from the consultation stage.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of

development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

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

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years and also that the lands have been claimed on for over 6 years too. From this, I am content the farm holding has been active and established for at least 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the only evidence of and buildings or structure on site from the farm maps is the old homestead which is also noted on the site location plan. From the site visit I could not see any evidence of this on the ground. There did not appear to be any buildings which the proposed siting would visually link with. The agent was asked to provide justification for the proposed siting following land registry checks which showed that the applicant was in ownership of a number of fields around their home address which appeared to provide a suitable alternative site to that proposed under this application. The agent cited right of way issues along the existing laneway and the difficulty of maintaining a mountain farm a number of miles away from the farm holding as the reasoning for the proposed site. There are exceptional circumstances set out in CTY 10 which may allow for siting elsewhere on the farm if there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing business group, however it has not been demonstrated that this is the case in this instance and therefore the proposal fails this criterion of the policy.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, details surrounding the design and finishes of the dwelling have not been submitted however the site lacks boundaries and therefore the site would appear quite open and exposed to public views and would appear quite prominent. There would be little vegetation to aid with integration. Criterion (g) of CTY 13 relates back to the need for any proposed dwelling on a farm to be sited to visually link or cluster with an established group of buildings on a farm. This issue has been addressed previously and therefore it is considered the proposal fails on this requirement of CTY 13 also.

The applicant has noted that they intend to alter an existing access. DfI Roads have been consulted and have no objection subject to condition.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Refusal is recommended.

**Conditions/Reasons for Refusal:**

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling does not cluster with an established group of buildings at the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th November 2018
<b>Date First Advertised</b>	13th December 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) N/A	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA10/2018/1475/PAD Proposal: Heart of Ancient Ulster Landscape Partnership 2019-2024 Address: Lands on Carrickmore Plateau and the Pomeroy Hills, Co Tyrone, Decision: Decision Date:  Ref ID: LA09/2018/1566/O Proposal: Proposed dwelling and garage Address: 500m S.E. of 101 Barnagh Road, Altmore, Dungannon, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  No issues.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	





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

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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0007/RM	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage (amended drawings received)	<b>Location:</b> 130 m east of 9 Greenagh Road Dungannon
<b>Referral Route:</b> Objection	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Conor Shields 23 Charter Road Rugby CV22 5HX	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues** 1 objection received – detailed in assessment of proposal.

### Characteristics of the Site and Area

There does not appear to be any significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area by enlarge remain as per LA09/2016/0873/O.

The site is located approx. 130 metres east of 9 Greenagh Road approx. 1.8km south of Coalisland. It is in area which is largely characterised by agricultural land, farm holdings and dispersed rural settlement. The red line of the site encompasses the curtilage of no. 9 a two storey dwelling and its access along with a parcel of land located at the roadside and adjacent to the entrance of the laneway within which the proposed dwelling is to be sited. This parcel of land has well-established hedgerow boundaries to the south and

east which are augmented by mature trees which extend to heights in excess of approximately 6m. The roadside and western boundaries are defined by a wooden fence.

### **Description of Proposal**

This is a reserved matters application for a dwelling and garage to be located on a site 130 metres east of 9 Greenagh Road, Dungannon. This proposal gained outline approval under outline application LA09/2016/0873/O granted 9th November 2018.

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

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

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

Regional Development Strategy 2030 (RDS)

Dungannon and south Tyrone Area Plan 2010 (CAP)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 (PPS3) - Access, Movement and Parking

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

Planning Policy Statement 21 (PPS21) - Sustainable Development in the Countryside with particular reference to -

Policy CTY 1 - Development in the Countryside

Policy CTY 8 - Ribbon Development

Policy CTY 13 - Integration and Design of Buildings in the Countryside

Policy CTY 14 - Rural Character

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 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.

### **Relevant Planning History on Site**

LA09/2016/0873/O – outline permission for a dwelling and garage, granted the 9th November 2016.

### **Consultees**

1. Transport NI were consulted in relation to access arrangements and further to an amended drawing showing a paired access with no. 9 Greenagh Road and drainage measures (Drawing no. 01 Rev.02) in place have no objection to this proposal subject to standard conditions and informatives.
2. Rivers Agency were consulted on this application as Flood Maps NI indicated surface water flooding on site. Rivers Agency responded under PPS15:

- Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure - an undesignated watercourse flows along the Southeast boundary of the site. A suitable maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and be protected from impediments. I think this is reasonable and can be dealt with via condition.
- Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains - The proposed development is located in an area where there is evidence of a history of surface water flooding. A Drainage Assessment (D.A) is required. The agent submitted an amended block plan (Drawing no. 01 Rev.02) to show existing and proposed levels of the site and a D.A on the 07/05/2019, which was forwarded to River's Agency for comment. Rivers Agency responded that the D.A should address the potential flood risk associated with the culvert which leaves the site at the Southeast boundary. Particularly the capacity and potential for blockage. The agent subsequently submitted an addendum to the D.A on the 16/08/2019 and Rivers Agency were re-consulted. Rivers Agency response to the addendum was that the D.A does not provided the methodology used to determine the pipe size. This should be provided. This methodology was subsequently provided by the agent to Rivers Agency who while not being responsible for the preparation of the report accepted its logic and has no reason to disagree with its conclusions. Consequently, Rivers Agency did not object to the proposed development from a drainage or flood risk perspective. Rivers Agency noted it should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the D.A and implementation of the proposed flood risk measures rests with the developer and their professional advisors. I am content that this can be attached to any subsequent decision as an informative.

### **Consideration**

The site is located in the rural countryside outside any settlement defined in the Dungannon and South Tyrone Area Plan. The SPPS and PPS 21 therefore apply.

The principle of development has already been established on this site under outline planning application LA09/2016/0873/O. This approval granted permission for a dwelling and garage under the provisions of CTY 8 of PPS 21 - a small gap site within an otherwise substantial and continuously built up frontage.

This Reserved Matters proposal complies with the planning conditions set at outline stage under LA09/2016/0873/O.

The size, scale, siting, orientation and design of the dwelling and garage are considered acceptable for the site and locality in that they should integrate on site and into the landscape, respecting the existing development pattern and without significant impact to the character of the area. As such this proposal should not offend policy CTY 13 or CTY 14 of Planning Policy Statement 21

The size and scale of the dwelling which is single storey (6m ridge height) and the garage (5.5m ridge height) is considered to be proportionate to the site and existing dwellings in the vicinity.

The dwelling and garage is sited within the existing line of development. And its orientation fronting unto the adjacent road is considered consistent with traditional siting patterns and acceptable for the locality.

The design (including finishes) of the dwelling is simplistic and reflective of traditional rural design and generally in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

The dwelling which has an rectangular shaped floor plan and pitched roof construction has a dropped pitch gable extension to its east side, a smaller sun lounge extension to its west side and a small pitched roof front porch. The garage sited to the west side of the dwelling also has a simple rectangular floor plan and pitched roof construction.

Finishes to the dwelling and garage are as follows:

Walls: smooth render with stone cladding detail to the gable extension and porch

Roof: black slates

Windows/doors: Upvc double glazed

I have no concerns regarding the new dwelling and garage impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing given the enclosed nature of the site and existing separation distances.

### **Other Policy / Material Considerations**

An objection letter to this proposal was received on the 22nd January 2018 from Mr and Mrs Loughran of No. 9 Greenagh Road, the property adjacent and west of the site. Advising that they sold this site to the applicant they raised the following two issues:

1. The location of garage -They state the garage is on lands that did not form part of the sale of the site to the applicant.
2. Access to site - They state that the access to the site is using their entrance off the Greenagh Road. That when outline permission was obtained it was for a family member, this fell through and the site was sold. That is was agreed the outline permission would be superceded with a full permission including a new entrance a few metres down from theirs.

The issues raised in the letter above have been taken into consideration in the assessment of this proposal however they are a civil matter between the applicant and the objectors. The principle of this proposal was established under the outline application and this reserved matters application as detailed above meets with the conditions of the outline approval. Any permission granted 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.

It is noted that the agent/applicant was made aware of the objection letter received and subsequently submitted an amended drawing to show the garage pulled further east on the site out of the lands identified by Mr and Mrs Loughran as not forming part of the sale of the site. The amended drawing also showed amended access arrangements as per Transport NI consultation response to show a paired access with no.9 Greenagh Road. Upon receipt of these amendments the objectors and neighbour were re-notified. No further objections were received.

**Recommendation: Approval**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approval

**Conditions**

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
  - i. The expiration of a period of 5 years from the grant of outline planning permission; or
  - ii. The expiration of a period of 2 years from the date hereof.

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

2. All proposed landscaping as detailed on Drawing No. 01(Rev.02), bearing the date stamp received 15th February 2019, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

3. The vehicular access, including visibility splays of 2.4m x 45m and any forward sight distance shall be provided in accordance with Drawing No. 01(Rev.02), bearing the date stamp received 15th February 2019, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

4. A working strip of at least 5 metres along the watercourse adjacent the site must be kept clear from impediments, land raising or development.

Reason: To facilitate future maintenance of the 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.
3. This permission relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
5. Transport NI comments:

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

It is the responsibility of the developer to ensure that:

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- The developer should note that this planning approval does not give consent to discharge water into a DfI Transport NI drainage system.

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

6. Please see Rivers Agency consultation responses dated and scanned to the Planning Portal for information purposes. Additional comments:

An undesignated watercourse flows along the South-Eastern boundary of the site. Perspective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

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

**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> LA09/2019/0282/O	<b>Target Date:</b>
<b>Proposal:</b> Site for housing development with foul sewage treatment plant and associated works	<b>Location:</b> Lands opposite and immediately east of 2 7 and 9 Ackinduff Park Aghaginaduff Dungannon
<b>Referral Route: Objections</b>	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mrs Anne Mc Keever 17 Drumnacanvy Lodge Portadown BT63 5XY	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan: 01



Letters of Support	None Received
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Letters of Objection	2
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Number of Support Petitions and signatures	No Petitions Received
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Number of Petitions of Objection and signatures	No Petitions Received
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#### Summary of Issues

- increased traffic levels and lack of traffic calming measures on Whites Road, requirement for extra speed restriction;
- inclusion of speed bumps on this stretch of whites road would encourage drivers to adhere to 30mph speed limit;
- received no neighbour notification.

#### Description of proposal

This is an outline planning proposal for a housing development located within the development limits of Aghaginaduff/Cabragh as defined in Dungannon and South Tyrone Area Plan 2010.

#### Characteristics of Site and Area

This triangular shaped plot is located at the SE edge of the northern Node of development within Aghaginaduff/Cabragh development limits (one of 3 development nodes) opposite Ackinduff Park with access from Whites Road. All boundaries of the site are defined by maintained hawthorn hedgerows of approx 2m in height, with the roadside boundary having a 1m wide grass verge. Topography within the site is relatively flat, and the field is currently used for grazing purposes. The SE boundary of the site marks the edge of the northern node of development beyond which to the east is agricultural land.

To the west and north are residential developments, the west is high density terraced 2 storey properties, to the north is lower density 2 storey detached and semi-detached dwellings with areas of open space contained within the development.

Further to the south is a primary school with Cabragh petrol filling station located on the opposite side of the A5 road.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Aghaginaduff/Cabragh on land with no zoning. Within the area plan it indicates that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential developments in excess of five units will not normally be permitted.

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.

### **Relevant planning history**

None

### **Representations**

3rd party representation has been received on this application.

The following issues have been raised;

- increased traffic levels and lack of traffic calming measures on Whites Road, requirement for extra speed restriction;
- inclusion of speed bumps on this stretch of whites road would encourage drivers to adhere to 30mph speed limit;
- received no neighbour notification.

I am satisfied that all notifiable neighbours were notified in accordance with the statutory neighbour notification definition. The objector lives at 23 Whites Road, approx. 200m south of the application site. There are 2 intervening agricultural fields between the application site and the objector.

In terms of traffic calming measures, DfI Roads were consulted on this proposal and do not object to this proposal subject to the following conditions;

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

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

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

Therefore subject to a satisfactory road layout being received at RM stage, and agreement with DfI Roads, I am satisfied that a safe and satisfactory road layout can be achieved that will safeguard all road users.

### **Consideration**

The Strategic Planning Policy Statement is a consolidation of existing Planning Policy, under which PPS7 and addendums remain unaltered.

This proposal was received on 28th Feb 2019. The concept submission was of poor quality, and failed to relay a quality layout. There was no clear indication of potential numbers, no open space provision which is important for an intimate small village setting given the proposed housing numbers, no indication of buffer planting at the development limit or private treatment plant provision (as NIW have indicated that there is insufficient mains sewage capacity for the proposed development to connect).

The applicant was requested to provide a more quality Concept Layout Plan. While the revised version also left a lot to be desired, in a broad sense it was accepted that housing on this site is acceptable in principle, the overall layout to be agreed at Reserved Matters Stage.

DfI Rivers Agency were consulted on this proposal and given proposed numbers indicated on the Concept Plan it is likely that 10 or more dwelling units are being proposed and therefore a Drainage Assessment is required at this stage. On discussion with senior colleagues, given that no flood risk had been identified, that in this case a DA could be conditioned for inclusion at RM stage.

Buffer planting and open space provision can also be conditioned, along with DfI Road requirements.

Details of the revised Concept Plan and technical specifications of the proposed Private Treatment Plant were forwarded to EHD for comment, and they are content that the proposed plant will not have a detrimental impact on existing or proposed residential amenity.

Under the policy provisions of PPS7 DQ1 it is considered that the principle of housing on this application site is acceptable

**Policy QD1** states all proposals for residential development will be expected to conform to all of the following criteria:

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

-I consider that an acceptable form of development can be achieved on this site that will respect the existing form of development in the area. Should the proposal be for more than 5 units then areas of open space will be expected.

b) features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

There are no sites of archaeological or built heritage nearby that the site will impact. Hedging along the boundaries can be retained, with buffer planting along the SE boundary to mark the edge of the development limit.

c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

This can be assessed at RM stage.

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

The site is located close to an existing shop and primary school. Additional facilities are not required for a development of this size and scale.

e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

DfI Roads propose planning conditions for footpaths and sight splays at RM stage, which will provide footpaths within the development and along the roadside, which will support walking and cycling.

f) adequate and appropriate provision is made for parking;

This can be assessed at RM or full stage. DfI Roads raise no concern or objection to this development subject to planning conditions.

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

This can be assessed at RM or full stage.

h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

This can be assessed at RM or Full stage. It seems from the size of the site that a form of development can be agreed that will safeguard existing and proposed amenity.

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

Detailed boundary treatment and internal layout can ensure good security to rear of properties and good surveillance over public areas such as footways, roads and areas of open space. Can be assessed at RM or full stage.

**Revised PPS15 Planning and Flood Risk (introduced September 2014)**

Should the proposal accommodate 10 units or more then there is a requirement for a Drainage Assessment to be prepared under policy FLD3. This can be conditioned in this instance to be provided at RM stage.

The site is not located within a flood plain.

### **PPS2 Natural Heritage**

The site is an agricultural field of low biodiversity value. There are no links to any N2K or local protected sites. It is my view that the proposal will not have a detrimental impact on protected sites, habitats or animals.

### **Other Material Considerations**

This site is not impacted by land contamination and is currently used for agricultural purposes.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

That outline planning permission is granted subject to the following conditions.

### **Conditions**

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

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

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Open Space: an area of open space to function as a kick about area shall be provided as an integral part of the development.

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

3. A 5m-10m strip of buffer landscaping, including trees and hedges, shall be provided along the boundary indicated in yellow on drawing No. 01 date stamp received 28-FEB-2019, details of which shall be approved at Reserved Matters stage.

Reason: To indicate the edge of the development limit, and in the interests of visual amenity.

4. All public open space and landscape areas agreed at Reserved Matters stage shall be maintained in accordance with a maintenance plan to be submitted and agreed with Council prior to the occupation of any unit hereby approved, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure that the public open space provided is managed and maintained in accordance with the Department's Planning Policy Statement 7 (PPS 7) - Quality Residential Environments, and Planning Policy Statement 8 (PPS 8) - Open Space, Sport and Outdoor Recreation.

5. At Reserved Matters stage a Drainage Assessment shall accompany the proposal should it be for 10 or more dwellings, details of which to be approved by Rivers Agency.

Reason: To ensure satisfactory drainage within the site and to ensure the development will not flood or cause flooding elsewhere.

6. A satisfactory means of sewage disposal shall be demonstrated at Reserved Matters stage.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

7. Should a private treatment plant be agreed at Reserved Matters stage, it shall remain in place until such times as the necessary improvements are made to the Waste Water Treatment Works, at which point the development hereby approved shall be connected to the public sewerage system and the private sewage treatment plant shall be decommissioned and removed from the site within 3 months of successful connection and adoption to the public sewerage system.

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

8. Details of all curtilage boundaries shall be agreed at Reserved Matters stage and shall be built in accordance with approved plans prior to the occupation of that dwelling to which that curtilage relates, and shall be permanently maintained and retained thereafter, unless otherwise agreed by Council.

Reason: In the interests of privacy and amenity.

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

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

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

#### Informatives

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

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

3. The extent and location of the area of open space required by condition 2 will be determined at Reserved Matters stage. The developers attention is drawn to the guidance provided by Creating Places.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	4th March 2019
<b>Date First Advertised</b>	21st March 2019
<b>Date Last Advertised</b>	11th July 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 19 Aghinduff Park,Dungannon,Tyrone,BT70 3AU The Owner/Occupier, 2 Aghinduff Park,Dungannon,Tyrone,BT70 3AU Sean Loughran 23 Whites Road Dungannon Tyrone Sean Loughran 23, Whites Road, Dungannon, Tyrone, Northern Ireland, BT70 3AN The Owner/Occupier, 34 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 36 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 38 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 40 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 5 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 7 Aghinduff Park,Dungannon,Tyrone,BT70 3AU The Owner/Occupier, 7 Gleanniseal,Dungannon,Tyrone,BT70 3BE The Owner/Occupier, 9 Aghinduff Park,Dungannon,Tyrone,BT70 3AU	
<b>Date of Last Neighbour Notification</b>	26th June 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5th November 2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0704/F	<b>Target Date:</b> 29/08/2019
<b>Proposal:</b> Proposed changes of layout to approved development (LA09/2017/0293/F): Site No.9 single detached dwelling changed to a pair of 2 storey semi detached dwellings. Sites Nos. 19 and 20 (pair of semi detached) removed due to archaeology (revised road layout)	<b>Location:</b> Church View Church Street Ballygawley Co Tyrone.
<b>Referral Route:</b> Objection	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Jackay Ltd 4a Enterprise Road Bangor BT19 7TA	<b>Agent Name and Address:</b> Eugene Corrigan Building Designs 7 Ardmore Heights Omagh BT78 5AX
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

See main body of report

**Description of proposal**

This is a full planning application changes of layout to approved development (LA09/2017/0293/F): Site No.9 single detached dwelling changed to a pair of 2 storey semi detached dwellings.

**Characteristics of site and area**

The application site is located on the south side of Church Street in Ballygawley. It is bounded by the Church of Ireland to the west and by the 'Fairway Green' housing development and hall with direct access onto Church Street to the east. Permission has been granted on this under LA09/2017/0293/F and development has commenced, with 4 sets of semi-detached dwellings almost complete to the north of the site where proposed changes are proposed, from a detached dwelling, to a set of semi-detached 2 storey dwellings.

Opposite the site to the north is Presbyterian Church and Hall and Richmond Primary School.

Most of the site has been cleared for development, and most drainage work and road way paths seem to be in place. The northern portion of the east/NE boundary is shared with development to the east including dwellings within Fair Green that back onto the site, an existing hall and nursing home and is defined by a mix of treatments including fencing, hedging and walls of a variety of heights. The remaining part of this boundary is defined in part by a post and wire fence shared with another field. Other parts to the south of this boundary are not clearly defined and open to a larger open area of rush/marsh land. A retaining gabbion structure has been constructed to the south, which forms part of the drainage/flood protection measures.

Part of the NW boundary is shared with the Church of Ireland, a listed building, and is defined by a 2/3m high stone wall and some mature trees located on the site side of the boundary. The remainder of this boundary is not clearly defined and dissects part of an existing field to the south of the Church.

The SW boundary is not clearly defined. To the south of the site the land is flat and marshy, with drainage channels, marshy/rush land and some tree/shrub growth. This part of the site lies within 1:100 flood plain.

There are panoramic views of the countryside to the south, with the A5 visible in the distance. The site can be viewed from the stretch of road from the Ballygawley roundabout towards Omagh for small approx. 200m with the Church of Ireland also clearly visible along with other surrounding development within this area of Ballygawley.

Land within the site slope downhill from Church Street to a flatter area to the south of the site. Access is gained from Church Street where this boundary is defined by a rendered block wall and access gate.

**Planning Assessment of Policy and Other Material Considerations****Planning Act 2011**

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

**Area Plan**

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Ballygawley on land with no zoning. Within the area plan it indicates that housing development

will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

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.

### **Relevant planning history**

LA09/2017/0293/F- Proposed private housing development consisting of 29 No. dwellings ,including private and public amenity spaces and associated roads and Waste Water Treatment Plant, granted 27.11.2018.

M/2006/1112/F this site was granted on 28th May 2009 for 38 units of accommodation and included a mix of apartments, semi-detached and terraced dwellings with associated landscaping and parking.

### **Representations**

One 3rd party objections has been received by No. 18 Fairview, a single storey dwelling located to the north (NNE) of site No. 9. Issues raised are summarised below and include;

- loss of sunshine/daylight;
- detrimental impact on privacy by overlooking;
- overbearing effect on home from proposed development.

I will assess these impacts later in my consideration.

### **Consultees**

In this particular case, as communal car parking spaces are proposed to be displaced, I find it only necessary to consult DfI Road. DfI Roads required further amendments from the original proposed layout. The agent provided an amended block plan (drawing No. 02 rev1) and DfI roads have no further concern with this proposal. Need for a new Private Street determination is not required as this has been considered under the previous application LA09/2017/0293/F and the road layout is remaining broadly unchanged. It is felt that no further consultation was required with any other professional consultee as numbers are being reduced by one, and the only other assessment required is to assess the visual and amenity impacts on existing and proposed dwellings.

### **Consideration**

Planning permission was granted on this site under LA09/2017/0293/F. Layout remains broadly the same, with the exception of site 9, which proposes to replace a 2 storey detached dwelling and communal parking with 2 semi-detached 2 storey dwellings with in curtilage parking, and the removal of dwellings on sites 19 and 20, to be left as open space with the discovery of archaeological remains. Some communal parking is also proposed at this area of open space.

In my view, the proposed amended layout on site 9 is reflective of the relationship between that layout which was approved between sites 8, 10 and 11 of LA09/2017/0293/F. Site 10 has a separation distance to the rear boundary of approx 8m, and a private amenity space of 62m2. Site 11 had 8m to rear boundary and private amenity space of 62m. Distances between dwellings 10, 11 and 8 were approximately 9m.

Under the proposed development, there is a separation distance to the rear boundaries of the proposed semis of approx. 8m, with a separation distance of 9m between buildings. Proposed private amenity measures 65m2 (site 9) and 58m2 (site 10). This is very similar to what was previously granted. In my view this is on the limit of what is considered to be a quality residential

layout, but given the similar relationship that was granted under 17/293, I find this to be still within the spirit of policy QD1 of PPS7 in provision of a quality residential layout. While Creating Places suggest a standard of 70m<sup>2</sup> for private residential amenity, and a separation distance of 10m to the rear boundary, and 20m between properties that back onto each other, these are only recommendations.

In relation to the objectors concerns, there will be a separation distance of over 25m from the gable of the dwelling that will face No. 18 Fairview, which is a similar distance from the dwelling on site No. 8 that was granted under 17/293/F. I do not feel that impacts of overlooking or overshadowing will be any greater on this property from this proposed development. The new dwelling on site No. 9 is also at a lower level in the site, and will have a lower finished floor level than No. 18, by approx. 3.5m. This will reduce impacts of overlooking, overshadowing and over dominance. Proposed first floor bedroom windows will pint towards No. 18, by due to separation distance and proposed levels it is my view there will be no detrimental impact to the private amenity by this development. Existing rear boundary fencing and proposed landscaping will also help to protect existing private amenity.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

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

The principle of residential development has been established on this site under M/2006/1112 and LA09/2017/0293/F. As detailed above, it is my view that the proposed changes are appropriate for this site and are in keeping with the character of the previous permission.

b)features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

The site is located adjacent to Church of Ireland, a Grade B listed building. Its curtilage wall, shared with the proposed development is listed also. This has been considered under LA09/2017/0293/F where conditions for its protection has been added and still apply. It is proposed to remove dwellings on sites 19 and 20 to preserve archaeological important discoveries on the site. I have no objections to this, subject to a planning condition being attached for an open space management plan being put in place prior to the occupation of sites 18, 19, 20 and 20.

No landscaped features are identified in the area for protection and integration into the development.

c)adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

There is sufficient private amenity space provided for each dwelling in this application. Parking is mostly to the front of properties, with some on-street parking outside any defined existing curtilage. This layout has been found acceptable by DfI Roads. Council Planning staff have also found the previous layout to be acceptable, and this layout is broadly similar.

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

The site is located close to existing services within Ballygawley Village. A development of this size and scale does not need its own facilities.

e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;  
Footpaths are provided along the internal road that link with existing footpaths into the village and the location of this site within Ballygawley enables convenient access to public transport.

f) adequate and appropriate provision is made for parking;  
There is adequate provision for parking provided for each dwelling proposed and DfI Roads raise no concern or objection to this development. DfI indicate that Private Street Determination exists under 17/293/F.

g) the design of the development draws upon the best local traditions of form, materials and detailing;  
The proposed materials and design match the previous permission, part of which has been implemented to the north of the site.

h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;  
This has been assessed above.

i) the development is designed to deter crime and promote personal safety.  
There are no concerns about this regarding this proposal. Rear boundaries of properties are secure, and there is a good level of surveillance as properties front onto the road and onto each other to the south of the development. Area of open space are bounded by public road with good surveillance which promotes personal safety. Streetlighting will also help promote personal safety. There are no 'hideout' or potential anti-social areas within the development.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;  
The density of this proposal is suitable in this established residential area. This application proposes a reduced density to that which was previously granted approval by the Department and Council.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;  
The layout and design of residential development within the wider area is varied with dwellings of differing design and types. I do not think this proposal is conflicting with the character of the existing residential area, as explained above.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A  
The sizes of the dwellings proposed exceed the minimum recommended standards and are acceptable.

PPS15 Planning and Flood Risk. This has been considered under LA09/2017/0293/F and in my view covers this site. There is no amendment to drainage, surface levels, or runoff rates. Mitigation included under 293/f still stands.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> That permission is granted subject to the following conditions.	
<b>Conditions</b>	
1.	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2.	The area of open space, located between sites 19 and 20 and indicated on drawing No. 02 rev1 date stamp received 20th August 2019, shall be provided prior to the occupation of any dwelling on sites 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 as indicated on drawing No. 02 rev1 date received 20th August 2019, unless otherwise agreed in writing by Mid Ulster council.  Reason: To ensure that the public open space and planting provision is provided in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible.
3.	No dwelling unit on sites 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 as indicated on drawing No. 02 rev1 date received 20th August 2019 shall be occupied until Mid Ulster District Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company for the upkeep and maintenance of the area of public open space referred to in Condition 2 above.  Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.
4.	Prior to the occupation of each dwelling on sites 9 and 10 hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawings no. 02 rev1 date stamp received 20th August 2019.  Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments, and to ensure continuity throughout the development.
<b>Informatives</b>	
1.This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.	
2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.	



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

4.This approval relates only to sites 9 and 10, and the area of open space which is adjacent and east of site No. 19 indicated on drawing No. 02 rev1 date stamp received 20th August 2019. All the remaining conditions and informatives of planning approval LA09/2017/0293/F remain unaltered and shall be complied with unless otherwise agreed by Mid Ulster Council.

5.This application does not require a determination under The Private Streets Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application Reference LA09/2017/0293/F.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	23rd May 2019
<b>Date First Advertised</b>	6th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Fair Green,Ballygawley,Tyrone,BT70 2LJ The Owner/Occupier, 17 Fair Green,Ballygawley,Tyrone,BT70 2LJ Paul Carson 18 Fair Green,Ballygawley,Co. Tyrone,BT70 2LJ The Owner/Occupier, 18 Fair Green,Ballygawley,Tyrone,BT70 2LJ The Owner/Occupier, 19 Fair Green,Ballygawley,Tyrone,BT70 2LJ The Owner/Occupier, 21 Fair Green,Ballygawley,Tyrone,BT70 2LJ The Owner/Occupier, 3 Old Omagh Road,Ballygawley,Tyrone,BT70 2AA The Owner/Occupier, 81 Church Street,Ballygawley,Tyrone,BT70 2HA The Owner/Occupier, Richmond Primary School,1 Old Omagh Road,Ballygawley,Tyrone,BT70 2EZ The Owner/Occupier, The Firs,7 Fair Green,Ballygawley,Tyrone,BT70 2LJ The Owner/Occupier, The Rectory,24 Old Omagh Road,Ballygawley,BT70 2AA	
<b>Date of Last Neighbour Notification</b>	20th September 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No



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> LA09/2019/0838/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	

Statutory	NIEA	
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:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0980/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Replacement Dwelling and Detached Double Garage.	<b>Location:</b> No. 10 Coolnasillagh Road Maghera.
<b>Referral Route:</b>  Approval – To committee – One objection received.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr J Grant 101 A Iniscarn Road Desertmartin Magherafelt BT45 5NJ	<b>Agent Name and Address:</b> Paul Moran Architects 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Approval – To committee – One objection received.

Summary of objection are as below:

- First issue raised that the objector owned the laneway that the applicant initially intended to use which has only been used for agricultural purposes and was never used for residential purposes. In which they have not been asked or granted any permissions for a right of way over this lane.
- In addition as per the submitted plans it indicates vegetation to be trimmed back, in which no permissions will be given for those owned by the objector.
- Finally, the lane is not up to purpose for residential use and especially during the construction phase. In which construction vehicles driving over this lane could not do so without damage to a primary drain and fence.

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

The proposed site is located approximately 3.51km south west of the development limits of Glen, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 10 Coolnasillagh Road, Maghera and on the site sits a detached single storey dwelling that appears not to have been lived in for some years. Originally the red line showed the use of an existing access onto the Coolnasillagh Road but has since changed to create a new access. In which the red line runs over a number of agricultural fields to the south of the dwelling in which are bounded by high mature trees that limits the public view. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

#### **Representations**

Five neighbour notifications were sent out however there was one objection received on this application.

### **Description of Proposal**

This is a proposed full application for a proposed replacement dwelling house and detached double garage located at 10 Coolnasillagh Road, Maghera.

The proposed dwelling is detached two storey dwelling with a frontage of 23.4m with a ridge height of 8.5m above finished floor and a gable depth of 9m with the remaining development to the rear. The proposed dwelling will be smooth render to be painted with blue/black slates to the roof.

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

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 3 – Replacement Dwellings

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



Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Upon review of submitted plans and what was witnessed on site I am content that the building to be replaced exhibits the main characteristics of a dwelling and that the building itself remains substantially intact.

In addition the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. Upon review of the submitted plans and what was seen on the site visit I note that given the level of surrounding vegetation it is difficult to determine where the curtilage actually is. I note that due to the limited space around the existing building that a new location would be required to accommodate a modest sized dwelling, with this in mind I am content that the proposed location of the dwelling is acceptable and is able to comply with CTY 3 of PPS 21.

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. As previously note that given the level of existing and surrounding landscaping that there will be limited public views into the site and that as the site sits on lower ground than that of the existing dwelling I am content that it will not appear as prominent in the landscape and will also adequately integrate into the landscape. In terms of the proposed design I am content on balance that it is acceptable within this rural context. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As noted I am content that the proposed dwelling will not be unduly prominent in the landscape and will not result in a suburban style of build-up development when viewed with existing development. I am content that the proposed dwelling is able to respect the traditional pattern of settlement exhibited in the area, in addition it will not result in additional dwellings through infilling. Finally, I note that throughout the application process that the access arrangements have changed as a response to the issues raised, in which has been agreed to be acceptable by DFI Roads and during the group meeting. I am therefore content that the proposal is able to comply with the criteria of CTY 14.

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.

In terms of access, I note that a new access directly onto the Coolnasillagh Road was proposed and a consultation to DFI Roads was sent who responded to confirm that there was no objection subject to conditions.

In response to the comments raised by the objector, I note that the objection was made in reference to laneway in the first submitted location plan. However the access position has since been changed away from this laneway in which no further objections have been raised. From such, I am content that the issues have since been addressed.

I have no flooding, ecological or residential amenity concerns.

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

#### **Neighbour Notification Checked**

**Yes**

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

Approval – To committee – One objection received.

#### **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 existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

3. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

4. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/2 date stamped 03rd October 2019 shall be carried out in the

first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

6. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan No 01/1 date stamped 03rd October 2019 is demolished, all rubble and foundations have been removed and the site restored in accordance with a scheme to be submitted to the Council and approved in writing.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

7. The vehicular access including visibility splays 2.4 X 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 02 / 2 bearing the date stamp 3 Oct 2019 prior to the commencement of any other development hereby permitted.

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

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

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

#### Informatives

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

2. This permission authorises only private domestic use of the [proposed garage/premises] and does not confer approval on the carrying out of trade or business there from.

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

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing

legislation as may be administered by the Department or other statutory authority. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which has application to the development hereby granted planning permission.

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

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	18th July 2019
<b>Date First Advertised</b>	1st August 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Drumconready Hill, Maghera, Londonderry, BT46 5UH The Owner/Occupier, 12 Coolnasillagh Road, Maghera, Londonderry, BT46 5LJ The Owner/Occupier, 2 Drumconready Hill Maghera Londonderry The Owner/Occupier, 8 Coolnasillagh Road Maghera Londonderry Kathleen McCusker 8, Coolnasillagh Road, Maghera, Londonderry, Northern Ireland, BT46 5LJ Kathleen McCusker 8, Coolnasillagh Road, Maghera, Londonderry, Northern Ireland, BT46 5LJ	
<b>Date of Last Neighbour Notification</b>	23rd August 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0980/F Proposal: Proposed Replacement Dwelling and Detached Double Garage. Address: No. 10 Coolnasillagh Road, Maghera., Decision: Decision Date:  Ref ID: H/2014/0376/PREAPP Proposal: solar Farm Address: Drunconready Hill Solar Farm, 1 Drunconready Hill ,Maghera, BT46 5UH, Decision: EOLI Decision Date:  Ref ID: LA09/2015/0815/F Proposal: Dwelling and Garage (Change of House Type to that approved under H/2007/0652/F, Construction commenced). Address: Approx 140m NW of 12 Coolnasillagh Road, Maghera., Decision: PG	

Decision Date: 09.03.2016

Ref ID: H/2005/0046/F

Proposal: New access and laneway to existing approved sites ref H/2003/0801, H/2003/0918 and H/2003/0123

Address: Adjacent to Campbells Bridge, Five Mile Straight, Maghera

Decision:

Decision Date: 08.07.2005

Ref ID: H/2003/0801/O

Proposal: Site of Dwelling & Garage

Address: Approx 140m North West of 12 Coolnasillagh Road, Maghera

Decision:

Decision Date: 20.04.2004

Ref ID: H/2007/0652/F

Proposal: Repositioning & change of house type, approved under Ref. H/2007/0152/RM and detached garage

Address: Approx. 140m North West of 12 Coolnasillagh Road, Maghera

Decision:

Decision Date: 22.11.2007

Ref ID: H/2007/0152/RM

Proposal: Dwelling & garage

Address: Approx 140m North West of 12 Coolnasillagh Road, Maghera

Decision:

Decision Date: 21.06.2007

Ref ID: H/2003/0918/RM

Proposal: Dwelling and garage.

Address: Adjacent to no.10 Coolnasillagh Road, Maghera.

Decision:

Decision Date: 13.08.2004

Ref ID: H/2001/0366/O

Proposal: Site of two storey dwelling and garage

Address: Adjacent No.10 Coolnasillagh Road, Maghera

Decision:

Decision Date: 14.12.2001

Ref ID: H/1978/0402

Proposal: BUNGALOW WITH GARAGE

Address: DRUMCONREADY, MAGHERA

Decision:

Decision Date:

Ref ID: H/2003/0123/O

Proposal: Site of dwelling and garage.

Address: Approximately 60m West of 12 Coolnasillagh Road, Maghera.

Decision:

Decision Date: 14.04.2003

Ref ID: H/2006/0303/RM

Proposal: Dwelling & Garage

Address: Approximately 60m West of 12 Coolnasillagh Road, Maghera

Decision:

Decision Date: 04.07.2006

Ref ID: H/2003/0500/F

Proposal: Dwelling and garage.

Address: Approx 60m West of 12 Coolnasillagh Road, Maghera.

Decision:

Decision Date: 08.06.2006

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01/1

Type: Site Location Plan

Status: Approved

Drawing No. 02/2

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Approved

Drawing No. 04

Type: Garage Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





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

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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1088/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension of curtilage and erection of domestic store and all associated site works	<b>Location:</b> Lands immediately between 218 and 220 Ballynakilly Road Dungannon
<b>Referral Route:</b> Objection	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Moussa Jaafar 85 Coash Road Ballynakilly Dungannon BT71 6JE	<b>Agent Name and Address:</b> Armagh Design 63 Glen Mhacha Armagh BT61 8AF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues** 1 objection letter received 26<sup>th</sup> September 2019

### Description of Proposal

This is a full planning application to extend the curtilage of a dwelling, located at 218 Ballynakilly Rd, to include lands to its southeast for the erection of domestic store and all associated site works

The lands sought to be included within the curtilage of no. 218 are located between it and another dwelling, no. 220 Ballynkilly Rd.

The domestic store has a rectangular floor plan and pitched roof construction. It measures 8m (gable depth) x 12m (length) x 3.7m (height) and has a roller shutter

garage door located on its front gable elevation. There are no windows in the garage only a door in its southeast elevation.

Material finishes to the proposed studio include:

- Walls: black pvc insulated steel wall cladding with black trims
- Roof: black pvc insulated steel roofing sheets
- Doors: black upvc insulated roller shutter door and upvc black double glazed pedestrian door.
- Rainwater goods: black pvc guttering upvc black downspouts.

It is noted that this application originally included a mixed martial arts grappling and wrestling studio for the applicants son, Mr Yousef Jaafar who resides at no. 218 Ballynakilly Rd. Yousef is an amateur MMA fighter and requires an studio to progress his career. Yousef proposed to train personally and simultaneously provided a limited no. of training sessions. Further to consultation with Transport NI recommending refusal (see 'Consultations' within 'Planning Assessment of Policy and Other Material Considerations' further down in the body of this report) within of this proposal under PPS 3, Access, Movement and Parking, Policy AMP 2, the applicant / agent removed this element of the proposal.

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

The site which sits adjacent the Cohannon Inn is located in the rural countryside as defined by the Dungannon and South Tyrone Area Plan 2010, approx. ½ mile north west of the Tamnamore Roundabout unto the M1.

The site which is a relatively flat irregular shaped plot comprises a small single storey dwelling, no.218 Ballynakilly Rd (the applicant's son's residence), and its curtilage. It also comprises part of an adjacent agricultural field located between no. 218 Ballynakilly Rd and 220 Ballynakilly Rd a large two storey hipped roof dwelling with detached garage that is bound to its southeast side by a horse arena and to its rear by outbuildings/sheds.

It is the aforementioned lands between nos. 218 and 220 Ballynakilly Rd that the applicant seeks to include within the curtilage of no.218 Ballynakilly Rd for the provision of the domestic store, mixed martial arts grappling and wrestling studio.

No.218 is a vernacular dwelling set back from and accessed off the Ballynakilly Rd via a short concrete lane. It has a simple rectangular floor plan and pitched roof construction with only a small pitched roof porch located on its front elevation and dropped pitched outbuilding attached to its northern gable. Its has dash finished walls, a red corrugated metal roof, and white upvc window frames and doors.

The dwelling fronts onto a small farm yard (to its east) bound by small no. of outbuildings only one of which is within the red line of the application site. It is positioned quite tight to its rear/western party boundary of the site with The Cohannon Inn leaving only a small amenity strip to its rear. It has a slightly larger garden located further to its southern gable running alongside the access lane.

The western/party boundary of the site with The Cohannon Inn is bound by close boarded fencing; the northeast boundary of the site is bound along the existing curtilage of no. 218 by a small no. outbuilding, the remainder of this boundary taking in what is

proposed as the new curtilage is undefined and opens unto the larger agricultural field from which it is cut. The southeast/party boundary of the site with no.220 Ballynakilly Rd is defined primarily by a mix of mature vegetation.

Whilst the site is located in the rural countryside and has agricultural lands running to its east, the immediate area is characterised by the heavily trafficked Ballynakilly Rd connecting Coalisland to the M1; and by The Cohannon Inn, the Service Station, and no. of mixed retail units all located on lands immediately to its northwest.

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

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

### **Key Policy Context**

Regional Development Strategy  
Dungannon and South Tyrone Area Plan 2010  
Strategic Planning Policy Statement for Northern Ireland  
Addendum to PPS 7 Residential Extensions and Alterations

The Mid Ulster Local Development Plan 2030 – Draft Strategy published February 2019

### **Planning History**

- M/1986/0305 - Bungalow - Ballynakilly Rd, Tamnamore, Dungannon
- M/1987/0071 - Two storey dwelling - Ballynakilly Rd, Tamnamore, Dungannon
- M/1991/0041 - Domestic Garage and Store - 220 Ballynakilly Rd Tamnamore Dungannon
- M/1992/0577 - Change of use from store to bedroom accommodation for Tourists - Adjacent to 210 Ballynakilly Rd Dungannon

### **Consultations**

### **Policy Consideration and Assessment**

Dungannon and South Tyrone Area Plan 2010 - The site is located in the rural countryside. The plan offers no specific policy relevant to this application.

Mid Ulster 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.

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

I believe if this proposal complies with the provisions of PPS 7 Residential Extensions and Alterations which have been retained under the SPPS, then it will not cause demonstrable harm to any interests of acknowledged importance.

Planning Policy Statement 7 Residential Extensions and Alterations - This proposal meets the criteria as set out in Policy EXT 1 of this policy in that:

The scale, massing, design and external materials of the proposed store are sympathetic with the built form and appearance of the existing property and associated buildings on site and as such should not detract from the appearance and character of the property or the area. It is my opinion that the proposed building will take on the appearance of an agricultural shed typical of the rural countryside, and when viewed from critical vantage points along the Ballynakilly Rd it will cluster with the existing dwelling and small no. of outbuildings on site.

The extension should not unduly affect the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing. In terms of overlooking the extension has no windows in any of its elevations and only one door in its southeast elevation which despite being glazed I am content should not overlook any private amenity afforded to no. 220 Ballynakilly Rd given the mature vegetation that runs along the party boundary of the site with no. 220 which in my opinion will provide adequate screening between both properties.

With regards overshadowing I am content that adequate separation distance will be retained between the proposed building and existing buildings as to not cause any concern in this regard.

The extension which is to be located on agricultural lands between nos. 218 and 220 Ballynakilly Rd will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

Existing amenity space within the curtilage of no.218 Ballynakilly Rd for recreational and domestic purposes including for the parking and manoeuvring of cars will not be impacted by this proposal. In effect this proposal will provide additional amenity space within the increased curtilage of no. 218, in the form of the domestic store and additional garden area to its front/south side.

### **Representations**

Neighbour notification and press advertisements have been carried out in line with the Council's statutory duty. At the time of writing, 1 objection had been received and is detailed below.

The objection was submitted by Mr David Mounstephen for FM Planning on behalf of their client, the details of whom were not supplied. The objection related to the studio element of the proposal which Mr Mounstephen stated appeared commercial and questioned by reason of its size and scale whether it will be ancillary to the dwelling. In relation to this concern he noted the following:

- The studio and associated shower/changing facilities are some 63 sqm (680sqft) in area;

- The studio is in a new stand alone building as opposed to an extension or alteration to the existing dwelling;
- The studio is sited beyond the curtilage of the existing dwelling; and
- The proposal includes provision for 4 car parking spaces, a turning space and passing bay.

He stated that the supporting statement accompanying this application confirmed the proposal is sited so as not to detrimentally affect amenity of residents. And highlights that an ancillary studio for domestic purposes would be unlikely to need such consideration.

He also stated the development is contrary to PPS 7 Residential Extensions and Alterations Policy EXT 1 justification and amplification text, that in all cases the (Council) need to be satisfied the accommodation will remain ancillary to the main residential property and careful consideration be given to the impact of proposals on neighbouring dwellings. Furthermore he states the design does not appear to result in an integrated rural group of building as per Annex A Guidance. And finally that the development is also contrary to PPS 21 CTY1 Development in the Countryside as there are no overriding reasons why the development is essential and could not be located in a settlement.

Further to Mr Mounstephen's objection, upon Transport NI's objection to the proposal the applicants agent submitted a revised scheme removing the MMA Grappling Studio element of the proposal (including washing and changing facilities) and 4 car parking spaces, a passing bay and turning space provided to serve it.

Upon receipt of the amended scheme both neighbouring properties and the objector was re-notified. And to date no further objections have been received.

Based on the amended scheme and having considered the objection letter received above, my opinion has not changed. I believe proposal complies with the policy provision PPS 7 Residential Extensions and Alterations Policy EXT 1. I am satisfied the accommodation will remain ancillary to the main residential property and I propose attaching an informative to ensure this remains the case. I note careful consideration has been given to the impact of proposals on neighbouring dwellings. As the proposal meets with the provision of PPS7 it does not require justification for its siting within the countryside under PPS 21 CTY1 Development in the Countryside.

I am content that that the size, scale and location of this stand alone building is acceptable for the site and locality. The proposed development is no longer proposed to be used by the applicant's son, as a grappling studio accordingly the 4 car parking spaces, a turning space and passing bay have been removed from the proposal.

I am content that the extension to the properties curtilage for the provision of this store will not, in my opinion cause any significant detrimental impact on this visual amenity of the area. It is noted the building is within a substantially built up frontage with the Cohannon Inn and Cohannon Complex next door and a large detached dwelling with equestrian facilities on the other side. Under the initial proposal which had included the MMA Studio I had concerns regarding noise from the MMA building and discussed this with Environmental Health, they did not raise any concerns with this due to its location close to other noisy activities and its small scale nature. However it noted that this element of the proposal has subsequently been removed.

I note all proposals requiring planning permission, including those for domestic purposes are considered in relation to any unduly affect they may have on the privacy or amenity of neighbouring residents. As detailed above in my assessment of this proposal against PPS7 I am content this proposal should not cause any unduly affect on neighbouring residential amenity.

**Other Considerations**

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

**Taking all of the above into consideration I would recommend the approval of this application.**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approve

**Conditions.**

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

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

2. The building hereby approved shall be used only for purposes ancillary to and for the enjoyment of the occupiers of 218 Ballynakilly Road.

Reason: To protect residential amenity.

Informative

1. This permission only allows for domestic use ancillary to 218 Ballynakilly Road. This approval does not give permission for any a separate planning unit for a commercial gym or training facility which would require a separate permission.

**Signature(s)**

**Date:**

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/12/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1137/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed single dwelling house and domestic garage on infill site	<b>Location:</b> Land between 13 & 19 Dunamony Road Dungannon
<b>Referral Route:</b> <ol style="list-style-type: none"> <li>1. Objection received from a third party.</li> <li>2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Dunamony Road.</li> <li>3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration.</li> <li>4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.</li> </ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Colm Casey 48 Friary Road Dungannon BT70 1PU	<b>Agent Name and Address:</b> Linepoint Architects 34 Clonmore Manor Lisburn BT27 4EW
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
<p><b>Characteristics of the Site and Area</b></p> <p>The site is located 2.16km northwest of the settlement limit of Eglish as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is predominantly rural, characterised by single detached dwellings, farm complexes and sprawling agricultural fields.</p> <p>The application site is a portion of an agricultural field and has a roadside frontage along the Dunamony Road. There is a detached dwelling across the road at No. 6 and a number of detached dwellings along the same side of the public road. The site has a square shape with a flat topography, situated between No. 13 to the northwest and No. 19 to the southeast. There is a 2m high established hedgerow along the northwest boundary with No. 13. To the rear of the site, there is a watercourse and a post and wire fence. Along the roadside boundary, there is a post and wire fence.</p>	
<p><b>Description of Proposal</b></p> <p>This is an outline application for a dwelling and garage on an infill site.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Planning History</b></p> <p>No recent planning history at the site.</p> <p><b>Consultees</b></p> <p>DFI Roads were consulted and responded with no objections subject to conditions that a 1:500 block plan is submitted at Reserved Matters Stage.</p> <p>NI Water were consulted and had no objections.</p> <p>NIEA were consulted as there is a watercourse along the southern boundary of the site and responded with no objections.</p> <p><b>Representations</b></p> <p>The proposal was advertised in the local press and neighbours notified and one representation has been received.</p> <p>The owner/occupiers of No. 6 Dunamony Road submitted an objection by letter on 05<sup>th</sup> October 2019. Their premises are directly across the road from the application site. The main issues within the letter are –</p> <p>The close proximity of another house to the existing two houses. The site is across the road from No. 6 and in the field to the southeast of No. 13. The principle of whether a dwelling is acceptable on this site will be considered in the assessment of CTY8 in PPS 21.</p> <p>Another dwelling on this lane would affect the safety and character of the neighbourhood. In terms of safety DFI Roads were consulted and had no objections to the safety of a new access at the site. The issue of the impact on rural character will be determined in assessment of CTY 14 in PPS 21.</p>	

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

### **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.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

### **Strategic Planning Policy Statement**

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a dwelling on an infill site and as a result, the development must be considered under CTY 8 of PPS 21.

### **CTY 8 – Ribbon Development**

The application site is situated with a roadside frontage along a public road and is the northern portion of an existing agricultural field. There is a dwelling northwest and abutting the site at No.13. 50m southeast of the site is the lane for No.19. There is no roadside frontage of No. 19 along the Dunamony Road. 74m north of the site is another dwelling at No. 09. On balance, I am not content the proposal is located in a substantial frontage on a small gap site, with 3 or more buildings along a road. No. 19 does not have a common frontage with the public road so the proposal will add to ribbon development along this stretch of the road. In addition, there are no other dwellings south of No. 19 that have a frontage to this side of the road. As a consequence rather than infilling existing development, it would extend the build up to the detriment of rural character.

Overall, I do not consider the proposal is an infill site and will be adding to ribbon development.

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

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

The application site is situated along an existing roadside frontage and is on land with flat topography. The proposed dwelling will sit to the south of No. 13. In a southeast direction, there are long distance views of the site but the proposed dwelling will read with the dwelling at No. 13. In a northwest direction, there are minimal critical views due to the slight bend in the road and the dwelling will sit behind the existing dwelling at No. 13. Overall, I consider the proposal will not be a prominent feature in the landscape.

There is a 2m high hedgerow along the boundary with No. 13. There is no vegetation along the roadside boundary and along the southeast boundary as the site is a portion of an agricultural field. To the rear of the site is a watercourse and a post and wire fence. I consider the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. There is only one established natural boundary and the site would rely on new landscaping for integration.

A new access is proposed along the southeast boundary of the site and I am content a new access will integrate with the surroundings.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a one or two storey dwelling would integrate well at this site. It is predominantly one storey dwellings along this side of the road but there is a two storey dwelling opposite the site.

There is a dwelling to the northwest of the site and another dwelling directly across the road. I am content the proposed dwelling will cluster with these buildings and provide a backdrop in critical views.

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

#### **CTY 14 – Rural Character**

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As mentioned, the site does not benefit from existing vegetation on all the boundaries. Furthermore a dwelling on this site would only add to a build-up of dwellings and further erode rural character.

I consider the proposal will add to a ribbon of development. As stated earlier in the assessment, the proposed site is not within a small gap site within a line of 3 or more buildings with a common frontage.

No ancillary works are proposed which would damage rural character.

#### **Other Considerations**

There is a small area of surface water flooding to the rear of the site but I do not consider it necessary to consult Rivers Agency as it has minimal potential to impact on the proposal.

**Neighbour Notification Checked** Yes

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

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 13 of Planning Policy Statement 21.

**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 would, if permitted, result in the creation of ribbon development along Dunamony Road.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration.
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 would further erode rural character as a consequence of a build-up of dwellings.

**Signature(s)****Date:**



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 05/11/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1169/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of infill dwelling & garage	<b>Location:</b> Lands between 33a & 33b Grange Road Moy
<b>Referral Route:</b> Objection received from a third party.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mr Andrew Smith 15 Grange Road Moy BT71 7EJ	<b>Agent Name and Address:</b> 2 Plan NI 47 Lough Fea Cookstown BT80 9QL
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Characteristics of the Site and Area

The site is located in the rural countryside and is 1.87km from the settlement limit of Moy as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural with sprawling agricultural fields, single detached dwellings and farm complexes. The site is located along the Grange road in a row of detached dwellings. Within the immediate area of the site, there are a number of detached dwellings along Grange Road and along Seyloran Lane, which is at a junction with the site.

The application site is a square shaped plot with a roadside frontage along the public road. There are several detached dwellings on either side of the public road. The site has

a relatively flat topography. It is situated between No. 33A and No. 33B Grange Road. There is mature hedgerow along the roadside boundary and the eastern/western boundaries are defined by a row of mature trees and hedgerows. The rear boundary is undefined as the site is a portion of a larger agricultural field. The site is accessed via an existing field gate along Grange Road.

### **Description of Proposal**

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

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

#### **Planning History**

M/2002/0743/O – Dwelling – Opposite 34 Grange Road, Moy – Withdrawn

This application is on the same site as this planning application but was withdrawn after being recommended for approval.

#### **Consultees**

NI Water were consulted and responded with no objections.

DFI Roads were consulted and responded with no objections subject to a 1:500 scale plan being submitted.

#### **Planning Policy Consideration**

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

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

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

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



sewerage, access and road safety’.

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

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

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As this is an application for a dwelling on an infill site CTY8 – Ribbon Development is the relevant policy, which will apply.

The application site has a roadside frontage along a public road. There is a dwelling 260m east of the site at No. 35, a dwelling abutting the eastern boundary at No. 33B and a dwelling abutting the western boundary at No. 33A. There are also dwellings at No. 33 and No. 31. No. 31, No 33A and No. 35 are all set back from the public road with sweeping driveways to the dwellings. However, I am satisfied the dwellings have frontages with the public road as the gardens of the properties abut the road so I consider this is still the frontage of the dwellings. On balance, I am content the proposal situated on a small gap site is within a substantial and continuously built up frontage, which includes a line of 3 or more buildings along a road frontage.

There are varying plot frontages along this public road with 62m at No. 24, 56m at No. 33, and 50m at No. 33A, 67m at No. 33B and 273m at No. 35. The application site has a frontage of 72m. I am satisfied the proposed site has a plot frontage which respects the existing development pattern in terms of plot size. The proposal is the same size plot as No. 33B east of the site.

In terms of size and scale of the proposed dwelling, this is an outline application so the design of the dwelling will be considered at the Reserved Matters Stage. Along the Grange road, there are a number of large two storey dwellings so I am content that either a single/two storey dwellings would integrate into the landscape.

A number of the dwellings such as No. 31, No. 33a and No. 35 are sited further back in the plot with large gardens fronting the road. No. 33B which is adjacent to the site has a dwelling frontage onto the road. No. 34 is directly opposite the application site so members may want to set a siting condition to move the dwelling further back from the public road to protect the amenity of No. 34.

Overall I am content the proposed site is an infill site and meets the criteria in CTY 8 in PPS 21.

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

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

The application site is along an existing roadside frontage and is on land with an undulating topography. There are no long distance views of the site in both directions along the public road as there are mature trees and hedgerows along the eastern and western boundaries, as shown in figures 1 and 2. There is also mature trees along the roadside boundaries of No. 31 and No. 33A which particularly blocks any direct views in a

westerly direction. On balance, I consider the proposal will not be a prominent feature in the landscape.



Figure1 – View from western direction



Figure 2 – View from eastern direction

There are established trees along the east and west boundaries which will integrate the site in long distance views. There is a mature hedgerow along the roadside boundary and some of this will be removed for visibility splays. As shown on Drawing No. 01 date stamped 05 SEP 2019 additional planting is proposed to replace any removed which will further aid integration. As the proposal consists of a portion of an existing larger field, a new hedge is proposed along the southern boundary, which will aid integration in views from Majors Lane. I am content new planting will not be primarily relied on for the

purposes of integration.

A double garage will sit behind the dwelling and I am content this will integrate into the overall scheme. A new access is proposed which will travel through the middle of the site. It is preferable that the access runs along the boundary but as the access travels a short distance, I am content the new access is acceptable. Also, No. 31 and No. 33A have long sweeping driveways running through the middle of the site so the new access is acceptable in comparison with the surrounding landscape.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a one or two storey dwelling would integrate well at this site.

I am content the proposal will blend with the existing trees along the east and west boundaries. There are no other buildings at this site but as there are other dwellings along this stretch of public road, I am content the proposal will blend with the other development in the surrounding area.

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

I am content that the proposal is capable of complying with CTY 13.

#### **CTY 14 – Rural Character**

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As mentioned, the site benefits from existing vegetation on three boundaries and further landscaping is proposed on the remaining boundaries, which will further aid integration. The proposed dwelling is sited to cluster with existing dwellings along the road. I am content that this dwelling will not be a prominent feature in the landscape.

As there are already dwellings along this public road and they are sited within a roadside frontage I am satisfied that the development will not result in a suburban style build-up of development. I am of the opinion that the proposal is able to respect the traditional pattern of development as the site can accommodate either a one or two-storey dwelling, which would be in scale and form with other dwellings in the area. The site will be located between 2 other dwellings so I am content the proposal will not add to a ribbon of development.

The creation of a new access at this site will not damage the rural character as there is proposed hedging to mitigate the impact of a new entrance onto a public road.

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

DFI Roads were consulted as there is a new access from the Grange Road. There is a field gate but according to PPS 3, this is not considered an existing access. DFI Roads requested visibility splays of 2.4m x 70m in both directions and this should be submitted on a 1:500 scale plan at Reserved Matters Stage.

#### **Representations**

An objection was submitted from the owner/occupier at 34 Grange Road, Moy. Their dwelling is across the public road from the application site. The following issues have been raised :

1. The proposal is not in the spirit of the gap site i.e. small site in an existing row of no more than six. There will be eleven houses on the same side of Grange Road. This is ribbon development and detrimental to the rural area.
2. The proposal will alter the character of the area and lead to a loss of amenity. Currently the land is used for agricultural purposes and provides relief to the existing housing build-up.
3. The proposed dwelling will be closer to the public road than No. 33B and together with its elevated position will make it a prominent feature in the landscape.
4. The proposed dwelling overlooks the front garden at No.34 and will lead to a loss of privacy.

In regards to point 1, CTY 8 states that to be an infill site there must be three buildings with a roadside frontage and there is no mention of 'no more than six approvals in a row'. As stated earlier in the assessment I am satisfied the proposal meets the criteria in CTY 8.

In regards to point 2, I do not consider the proposal will alter the character of the rural area. The proposal has met the principle of CTY 8 and will not lead to ribbon development. In addition, the immediate area is already built-up with a number of detached dwellings along Grange Road and particularly at the junction with Seyloran Lane and Dreemore Road.

In regards to point 3, the proposed site is 13m from the public road and No. 33B is 16m. I consider the proposed dwelling is not much nearer to the public road than No. 33B. The topography of the application site has a slight undulating topography as shown in figure 3 below but I do not consider a dwelling on this site would be a prominent feature in the landscape.



Figure 3 shows the undulating topography of the site, which is one of the factors the objector feels the proposed dwelling may be a prominent feature in the landscape.

In regards to point 4, this issue was discussed in the assessment of CTY8. If approved the position of the dwelling is a material consideration, which can set as a siting planning condition in the decision notice. This would protect the amenity of No. 34 if the dwelling set further back from the public road. As shown in Drawing No 01 date stamped 05 SEP 2019 the proposed dwelling is 17m from the boundary fence of No.34 and additional planting is proposed on the roadside boundary. I consider the separation distance and the planting on the roadside boundary will protect the amenity of No. 34.

**Neighbour Notification Checked** Yes

#### **Summary of Recommendation**

The proposal is recommended for approval as it complies with CTY 8, CTY 13 and CTY 14 in PPS 21.

#### **Conditions**

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, 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 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. Time Limit**

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70 m in both directions 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 and details of a native species hedge to be planted to the rear of the of the visibility splays and along the new boundaries of the curtilage identified in orange on drawing No 01 bearing the stamp dated 05 SEP 2019. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

### **Informatives**

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.

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

This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.

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

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

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

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

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road

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

**Signature(s)**

**Date:**



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

## Development Management Officer Report Committee Application - Addendum

Summary	
<b>Committee Meeting Date:</b> December 2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1169/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of infill dwelling & garage	<b>Location:</b> Lands between 33a & 33b Grange Road Moy
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Andrew Smith 15 Grange Road Moy BT71 7EJ	<b>Agent Name and Address:</b> 2 Plan NI 47 Lough Fea Cookstown BT80 9QL
<b>Executive Summary:</b> Application considered at Committee 5 <sup>th</sup> November 2019, late objection received 5 <sup>th</sup> November 2019 was not taken into account. Objection now being considered.	
<b>Signature(s):</b>	



## Case Officer Report - Addendum

### **Planning Assessment of Objection from Fergus and Karen Bain.**

This report is an addendum to the report presented to the Planning Committee on 5<sup>th</sup> November 2019.

Members are advised this application was recommended as an approval for a dwelling on the basis that it met the exception for infill development as set out in CTY8 of Planning Policy Statement 21. The Committee agreed with the recommendation to approve the development, however following the meeting it came to the attention of the Planning Manager that an objection had been lodged on the day of the Planning Committee and this had not been taken into account in the determination of the application. The Planning Manager is of the opinion that as the objection was received before the Committee made its decision, any decision taken was not in the knowledge of the full facts of the case and therefore the application has been brought back to the Committee for its decision.

The letter of objection raises the following concerns:

- adverse impact on the character of this stretch of Grange Road by extending the ribbon development
- do not consider the site fully adheres to the infill exception in CTY8
- a dwelling on the site will not integrate in accordance with Policy CTY14
- the site was refused planning permission before

The application site was previously refused and recommended for refusal:

M/2002/0743/O – Erection of dwelling – withdrawn 10.10.2002(recommended for refusal as contrary to greenbelt, loss of rural character, lack of integration)

M/1995/0154 – Erection of dwelling - refused 12.12.1995 due to lack of integration and loss of rural character.

The planning policy has changed since those previous applications were considered and this application is now considered against the current policies in PPS21. If it meets with policies in PPS21 then the previous decisions do not have any determining weight in this decision.

The objectors acknowledge that the site is set within a loose row of development and shares a common frontage with a number of developments along Grange Road. They do not consider this is a continuous or substantial row of development as the proposed development is only set within a continuous row of 2 no dwellings and that there are other gaps along the frontage. Members will be aware the definition of a substantial and built up frontage in policy CTY8 includes a line of 3 or more buildings along a road frontage. This has formed the basis of previous decisions taken by the Planning Committee, as well as Planning Appeals Decisions. While the objection refers to the number of dwellings in the frontage, it fails to take account of the number of buildings,

which is what the policy asks us to consider. The objector has accepted the proposed development is between 2 dwellings and these have a common frontage. They have not taken into account the detached outbuilding that is set to the side of their own dwelling which, in the consideration of the policy results in the required 3 buildings, with the proposed development site between these. See below where the existing buildings are identified in blue and the application site is in red.



The site is well screened from views on approach from the east and the west by the existing vegetation and buildings around it, it will be visible for a short distance along the road frontage immediately in front of the site and on approach on the minor road from the north. That said, it has been considered the proposal meets with CTY8 and any design and siting of a dwelling will be fully assessed at the Reserved Matters stage to ensure that it fits in with the character of the area.

Members are advised this application is an exception to CTY8 of PPS21 as it is an infill site and it is therefore recommended as an approval.	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
It is recommend to approve this development.	
<p>Conditions:</p> <p>1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <ul style="list-style-type: none"> <li>i. the expiration of 5 years from the date of this permission; or</li> <li>ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</li> </ul> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from the Council, in writing, before any development is commenced.</p> <p>Reason. To enable the Council to consider in detail the proposed development of the site.</p> <p>3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70 m in both directions 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.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays and along the new boundaries of the curtilage identified in orange on drawing No 01 bearing the stamp dated 05 SEP 2019. The scheme shall detail species</p>	

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

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

#### Informatives

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

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

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

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

It is the responsibility of the developer to ensure that

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

**Signature(s)**

**Date:**



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> LA09/2019/1183/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Retention of Building to Provide Communal Site Canteen, Locker Room + First Aid Facilities	<b>Location:</b> Adjacent to 18 Cookstown Road Dungannon
<b>Referral Route: Refusal</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Barry O'Neill 18 Cookstown Road Dungannon	<b>Agent Name and Address:</b> McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan: 01



### Representations: None Received

#### Description of proposal

The proposal seeks full planning permission for the retention of building to provide Communal Site Canteen, Locker Room + First Aid Facilities. The agent has made an argument that there is a need for such an ancillary facility to cater for the existing businesses on this site. The agent has provided information to show that there is 44 no. existing employees at this site. The agent, on the P1 form, indicates that this proposed facility will not attract its own staff.

#### Characteristics of site and area

The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings

and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 3/4 metres higher than the ground level of the road.

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

### **Planning Policy**

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Dungannon and South Tyrone Area Plan 2010 is the relevant, extant Development Plan for the site. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Dungannon and South Tyrone Area Plan 2010: The Plan offers no specific guidance on this proposal.

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

PPS4 Planning and Economic Development;

PPS 3: Access, Movement and Parking: sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

### **RELEVANT PLANNING HISTORY**

LA09/2017/1258/F- Proposed retention of building as a domestic garage, incidental to the domestic usage of Dwelling at 18 Cookstown Road, Dungannon. Refused 13.06.2019 in that;

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the development would, if permitted, be inappropriate in terms of scale, massing, siting and design and would not appear subordinate or sympathetic with the existing property;

- The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is noted that originally the above application description of proposal was amended from Agricultural to domestic garage.

2017/E0050 - Lands 10m west and 10m north of No. 18 Cookstown Road, Dungannon, specifically identified as units 4 and 11, Ross Beg, Dungannon - Unauthorised change of use of: unit 4 to a dance studio with associated gymnasium; and unit 11 to a vehicle repair business - Enforcement Notice Upheld 13/08/18 (notice does not relate to subject application building).

LA09/2017/1618/LDE, Retention of existing Units, a certificate of lawfulness was granted for this existing development on 01.02.2018.

M/2006/1985/F - Approx. 60 metres East of 18 Cookstown Road, Derraghadoan, Dungannon, Bt71 4BG - Free Standing Hoarding - Permission Refused 19/02/07



M/2004/1534/F - Adjacent to 18 Cookstown Road, Dungannon - Proposed multi-purpose shed/store - Permission Granted 12/04/06

### **CONSULTATION**

DfI Roads were consulted and responded on 07/10/19 requesting 4.5m by 120.0m visibility splays in both directions.

### **REPRESENTATION**

No 3rd party representations received.

### **ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATION**

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Proposals for a communal site canteen, locker room and first aid facility will also be considered under the provisions of PPS4 Planning and Economic Development policy PED3 Expansion of an established economic development use in the countryside. Annex B of PPS3 identifies the adjacent A29 road network as a protected route, therefore it is necessary to also consider Policy AMP2 and AMP 3 of PPS3.

In terms of the planning history to this proposal, it is important to remember that this proposal was built as a single building, with its purpose to be a standalone planning unit for commercial purposes, without the benefit of planning permission.

This is the third change in the description of the proposal for this building which is already constructed on site and measures 16.6 metres in length, with a width of 7.6 metres and a ridge height of 5.8 metres. The building is finished with grey dash external walls, grey cladding roof and three roller shutter doors coloured black.

This building is subject to current enforcement action, details of which cannot be disclosed as it is not privy for public consumption at this stage. It seems that the applicant/agent is trying to get a use that would fit this building so that it can be retained on site, which seems disingenuous. This is the third attempt by the applicant/agent to rectify this proposal, from an agricultural building, to domestic garage to communal canteen. The previous refusal was never appealed by the applicant/agent.

The agent has stated on the P1 form that this development will not attract any additional staff or visitors. At present there is no way to control employment numbers on this existing site, which the agent states that currently stands at 44, spread over the various businesses on this site. In my view, it would not be appropriate for Mid Ulster Council to approve a facility that may attract further employment to a site where the current access onto a protected route is sub-standard and dangerous. Splays of 4.5m by 120m in both directions are required by DfI Roads, where existing splays are almost non-existent.

Previously, permission was refused for retention of a domestic garage (under LA09/2017/1258/F) as there was a sub-standard access onto a protected route, and it was demonstrated that there would be no increase in the number of people using the access. This decision was never appealed to the PAC. No change in circumstance has occurred since this refusal, and it is my view that the same reason for refusal be applied in this instance. In my view, as the proposal is related to industrial/commercial development, that splays of 4.5m by 120m be required, not a reduced 'x' distance of 2.4m. The PAC carried out surveys on this access under 2017/E0050 and contend that due to traffic speeds and number of vehicles per day on this stretch of road that no reduction in standards can be applied, that splays of 4.5m by 120m in both directions are required. I agree with this assessment. This proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a

safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

It is difficult to see how such a facility could operate without attracting additional employees to the site, even in terms of maintenance and cleaning. Any proposal on this site that may increase in the number of people using this access could result in a fatality given how substandard the current substandard access to the site. It is clear that this building should not be retained in any circumstance for any use, until access to this site has been improved to an acceptable standard. Under the previous application, the agent was provided with an opportunity to carry out these improvements, but this offer was declined and improvements to the visibility splays were never carried out.

In terms of an extension to an established economic development use in the countryside (Policy PED3 of PPS4), broadly speaking the design, size, scale and mass of the building is broadly similar to the existing established buildings on the site and there is no major expansion in site area. In my view retention of this building will not have a detrimental impact on the character of this area of countryside as it groups with and has existing lawful buildings as a backdrop. This proposal meets nearly all criteria under PED 9 except for part (g) in that suitable developer led improvements have not been put in place to overcome sub-standard visibility splays.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That the application is refused for the following reason;

**Refusal Reason**

1.The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking and policy PED9 part (g) of PPS4 Planning and Economic Development in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	9th September 2019
<b>Date First Advertised</b>	24th September 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 18 Cookstown Road,Dungannon,Tyrone,BT71 4BG	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Summary of Consultee Responses</b>	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1212/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 25m West South West of 71 Killymuck Road Cookstown
<b>Referral Route:</b>  To Committee – Refusal – Contrary to CTY 10 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr P Mc Cusker 71 Killymuck Road Ballinderry Bridge Cookstown	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

To Committee – Refusal – Contrary to CTY 10 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 1.1km east of the development limits of Ballylifford from such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as approx. 25m West South West of 71 Killymuck Road, Cookstown, in which the red line covers the north eastern portion of a much larger agricultural field. I note that the intention is to create a new access directly off the Killymuck Road. Given the nature of the red line I note that the southern and western boundaries remain undefined in which the northern boundary is defined by a mix of

mature hedging and trees with the eastern boundary being defined by a line of hedging and the applicants home. The surrounding land is defined by predominately agricultural land uses, interspersed with single dwellings.

#### Representations

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

### Description of Proposal

This is an outline application for a proposed farm dwelling and garage. The site is located approx. 25m West South West of 71 Killymuck Road, Cookstown.

### Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

(a) the farm business is currently active and has been established for at least 6 years;

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

With respect to (a) I note that the application was sent in without a registered farm business ID, in which was requested from the agent. In which the agent confirmed on the phone that the applicant did not have a farm business number only an applicant number along with a farm survey number. In addition the agent provided a number of receipts to try and argue that there has been farming activity over the previous 6 years. Therefore in the absence of a registered Farm Business Number a consultation with DAERA was not possible, from which I am of the opinion that this cannot constitute as a farm case in the absence of farm business number. It appears that there has been some activity on the lands but this appears to be a landowner up keeping his lands rather than proving that there is a continuous and active farm business operating at this site. To confirm I am of the opinion that this cannot be constituted as a valid farm case under CTY 10.

With respect to (b) and despite the issue over the farm business number it appears that the applicant only owns the one field in which the site is located along with his own dwelling only, and that there does not appear to be any development opportunities approved within the field in the previous 10 years.

With respect to (c), I note that the proposed site is located directly adjacent the applicants home and there does not appear to be any farm buildings under the applicants ownership. With this in mind I would be content that the dwelling would cluster with this building. But given the absence of the farm business number I am of the opinion that application has failed under CTY 10 in that it has not been provided that there is an active and established farm business.

I note that no other policy considerations have been put forward by the agent but I note the following; the site is not located within a dispersed rural community. It is not located within an existing cluster that is associated with a focal or located at a cross-roads. There is no valid replacement opportunity on the site nor is there any conversion of an existing building. The application is not for social and affordable housing nor has there been any personal or domestic circumstances provided to justify the house. Finally, given that it set behind No. 71 without a common frontage to the Killymuck Road that it cannot constitute compliance under CTY 8. From this, the application fails under CTY 1.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. I am of the opinion that as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to aid integration. Therefore a landscaping

plan will be necessary in any 'Reserved Matters' application. Due to the surrounding landform and surrounding development I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 6.0m above finish floor. From this I am content that the application is able to comply with CTY 13.

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

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.

I have no flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded confirmed that DfI Roads do not offer an objection subject to the conditions as per attached RS1 Form being complied with at Reserved Matters Stage.

I have no ecological, flooding or residential amenity concerns.

As the application has failed under CTY 10 of PPS 21 I must therefore recommend refusal for the application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

To Committee – Refusal – Contrary to CTY 10 of PPS 21.

**Reasons for Refusal:**

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

2.The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as



an exceptional case in that it has not been demonstrated that there is a farm business and that it is currently active and has been established for at least six years.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	11th September 2019
<b>Date First Advertised</b>	1st October 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 63 Killymuck Road Coagh Londonderry The Owner/Occupier, 65 Killymuck Road Coagh Londonderry The Owner/Occupier, 68 Killymuck Road Coagh Londonderry The Owner/Occupier, 70 Killymuck Road Coagh Londonderry The Owner/Occupier, 71 Killymuck Road Coagh Londonderry	
<b>Date of Last Neighbour Notification</b>	24th September 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1212/O Proposal: Proposed farm dwelling and garage Address: Approx 25m West South West of 71 Killymuck Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2018/1111/F Proposal: Proposed extension to dwelling Address: 71 Killymuck Road, Ballylifford, Decision: PG Decision Date: 15.11.2018  Ref ID: I/1985/0474 Proposal: ERECTION OF BUNGALOW Address: KILLYMUCK, COAGH, COOKSTOWN Decision: Decision Date:  Ref ID: I/1979/0151 Proposal: DWELLING	

Address: KILLYMUCK ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/047501

Proposal: ERECTION OF DWELLING HOUSE

Address: KILLYMUCK, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0475

Proposal: BUNGALOW

Address: KILLYMUCK ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/4036

Proposal: Replacement Roof

Address: 71 KILLYMUCK ROAD COAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0269

Proposal: EXTENSION TO DWELLING

Address: 65 KILLYMUCK ROAD, COAGH

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1213/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed renewal of outline planning approval	<b>Location:</b> Westland Road South Lands to the rear of 9 Adair Gardens Cookstown
<b>Referral Route:</b> Approval	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> R and F Developments	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

Some of the main issues raised include:

- Roads issues: traffic, congestion, access arrangements
- Privacy concerns
- Extra street lighting
- Character of area/buildings proximity
- Bats habitat

## Characteristics of the Site and Area

The site is located within the limit of development for Cookstown as defined within the Cookstown Area Plan 2010. Located approximately 1km south west of the town centre the site lies within an existing residential estate. Access to the proposal is gained via Adair Gardens which connects onto Adair Drive and in turn the Westland Road South. The development road to the proposed dwellings is via the side of no 9, removing the attached garage and adjacent to the boundary with no 7. The majority of the garden of no 9 is utilized for the proposal including that area on which the large garage structure is located. On site at present are a detached single storey dwelling with attached garage and large garage structure within the rear garden. This structure sits on significantly lower ground to that of the dwelling. Site boundaries are a mixture of conifer type hedging and timber fencing. Within the south western part of the site is existing woodland/scrub area. Levels within the site vary considerably from Adair Gardens estate road to the southern corner of same.

## Description of Proposal

This application seeks permission for the renewal of the existing planning approval I/2013/0370/O which was for a proposed residential development incorporating the retention of the existing garage.

## Planning Assessment of Policy and Other Material Considerations

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 7, 8, 9, 11, 12 Adair Gardens and 18 Westbury Gardens. There were a number of representations received, the details of which will be discussed below.

### Planning History

I/2013/0370/O - Lands to the rear of 9 Adair Gardens, Cookstown - Proposed residential development incorporating the retention of the existing garage (amended description) – PERMISSION GRANTED

### Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan 2030 – Draft Plan Strategy
- PPS 3: Access, Movement and Parking
- PPS 7: Quality Residential Environments
- PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

The Cookstown Area Plan 2010 identify the site as being located within the development limits of Cookstown which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no other zonings or designations within the Plan.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. At present, the proposal is considered to be in line with the policies held within this document, however it must be noted that Draft Plan Strategy holds little determining weight following on from the consultation stage.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The proposal is for the renewal of planning permission I/2013/0370/O which was granted 5th October 2016 and therefore is still live which allows for this application to be made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].

As this is a renewal of a previous outline planning permission for a proposed residential development incorporating the retention of the existing garage, the main concern is whether the main considerations that allowed for the approval in I/2013/0370/O still apply. I see no changes proposed from what was previously approved. There are no changes to the proposed access which was accepted in the original application and therefore it was not considered necessary to consult with DfI Roads. Any issues in relation to the design will be dealt with at reserved matters stage although a general concept plan which sets out the proposed site layout has been agreed previously. The same conditions and informatives which were provided for the previous application will still apply.

#### Representations

Some of the main issues raised include:

- Roads issues: traffic, congestion, access arrangements
- Privacy concerns
- Extra street lighting
- Character of area/buildings proximity
- Bats habitat

There were a number of representations received in relation to the proposal. It is considered that some of the issues raised were dealt with in the original outline proposal however each issue will be discussed regardless. There was concerns raised in relation to traffic, congestion and access arrangements in this cul de sac. It was not considered necessary to consult with DfI Roads again given that there were no changes proposed to the scheme which was previously agreed under I/2013/0370/O.

The site layout was agreed under the previous application in the form of a concept drawing which will be stamped approved with any forthcoming approval on this site. The number of units which was originally proposed were reduced to two units and it was considered that this meant the proposed density was not significantly higher than that found in the surrounding area and the pattern of development remained in keeping with

the overall character of Adair Gardens. The effect on surrounding properties was addressed by siting the units at an angle and the introduction of proposed planting. It was noted in the original outline report that issues of overlooking and lack of privacy will be fully considered when detailed plans have been submitted. It should also be noted that Environmental Health raised no issues in relation to the street lighting impact the proposal would have. A Bat Mitigation Plan was stamped approved as part of the original outline approval I/2013/0370/O and will be attached to any forthcoming approval on this site.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

The proposal is considered to be in compliance with the relevant planning policies and therefore approval is recommended.

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

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

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

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

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

3. 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 Construction Method Statement must be submitted to Mid Ulster District Council at Reserved Matters Stage. This must identify all potential risks to the Upper Ballinderry River via the adjacent watercourse (Rathbeg Drain) and appropriate mitigation to eliminate these risks. Appropriate areas for the storage of construction machinery, fuels/oils, refuelling areas, must be identified.



Reason: To ensure effective mitigation is provided ensuring there are no adverse impacts on the integrity of Upper Ballinderry River SAC.

5. Storm drainage of the site, during construction and operational phases, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Upper Ballinderry River SAC. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Upper Ballinderry River SAC.

6. A vegetated buffer of at least 10 m shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the south eastern edge of the red line boundary.

Reason: To prevent polluting discharges entering and impacting on the site integrity of Upper Ballinderry River SAC.

7. The bat mitigation measures as listed in Section 5 (page 8) of the report entitled a bat mitigation plan to the rear of 9 Adair Gardens, Cookstown received by the planning office on 13 June 2016 shall be incorporated into the layout and design of the Reserved Matters or Full application.

Reason: To minimise impact on bats.

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

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

#### Informatives

1. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

2. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

3. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

4. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

5. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

6. Please see attached note from NI Water.

7. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;

b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;

c) Deliberately to disturb such an animal in such a way as to be likely to;

(i) affect the local distribution or abundance of the species to which it belongs;

(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or

(iii) Impair its ability to hibernate or migrate;

d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

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, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31<sup>st</sup> August, unless pre-clearance surveys show an absence of breeding birds.

8. POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978. The Health and Environmental Services Department, Mid Ulster Council, requires that noise emanating from the premises shall not be audible within any dwelling between 1900 hours and 0800 hours.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th September 2019
<b>Date First Advertised</b>	1st October 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Adair Gardens, Cookstown, Tyrone, BT80 8PS The Owner/Occupier, 12 Adair Gardens, Cookstown, Tyrone, BT80 8PS Derek Donaldson 12, Adair Gardens, Cookstown, Tyrone, Northern Ireland, BT80 8PS The Owner/Occupier, 18 Westbury Gardens, Cookstown, Tyrone, BT80 8WE The Owner/Occupier, 7 Adair Gardens, Cookstown, Tyrone, BT80 8PS Eileen and Sean O'Hagan 7, Adair Gardens, Cookstown, Tyrone, Northern Ireland, BT80 8PS The Owner/Occupier, 8 Adair Gardens, Cookstown, Tyrone, BT80 8PS Gerald and Clare Thornton 8, Adair Gardens, Cookstown, Tyrone, Northern Ireland, BT80 8PS The Owner/Occupier, 9 Adair Gardens, Cookstown, Tyrone, BT80 8PS	
<b>Date of Last Neighbour Notification</b>	2nd October 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1213/O Proposal: Proposed renewal of outline planning approval Address: Westland Road South, Lands to the rear of 9 Adair Gardens, Cookstown, Decision: Decision Date:  Ref ID: LA09/2017/0150/O Proposal: Proposed demolition of workshop and erection of 1 No. 1.5 storey dwelling Address: To the rear of no's 9 and 11 Adair Gardens, Cookstown, Decision: PG Decision Date: 29.11.2018	

Ref ID: LA09/2016/1778/NMC

Proposal: Change in finished floor level to 3 of the semi-detached dwellings (under approval I/2014/0089/F)

Address: Land adjacent to 10-16 Westbury Gardens, Cookstown,

Decision: CG

Decision Date:

Ref ID: I/1977/0377

Proposal: 11 KV O/H LINE, MV U/G CABLE

Address: SULLENBOY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/0164/F

Proposal: Proposed extension and alterations to dwelling

Address: 7 Adair Gardens, Cookstown, Co Tyrone

Decision:

Decision Date: 16.04.2004

Ref ID: I/2001/0815/F

Proposal: Domestic garage and store

Address: 9 Adair Gardens, Cookstown

Decision:

Decision Date: 14.01.2002

Ref ID: I/2003/1002/F

Proposal: Extension & alterations to dwelling

Address: 9 Adair Gardens Cookstown

Decision:

Decision Date: 11.03.2004

Ref ID: I/2013/0370/O

Proposal: Proposed residential development incorporating the retention of the existing garage (amended description)

Address: Lands to the rear of 9 Adair Gardens, Cookstown,

Decision: PG

Decision Date: 10.10.2016

Ref ID: I/1983/0216

Proposal: RESIDENTIAL DEVELOPMENT

Address: SULLENBOY, COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2015/1091/F  
Proposal: Proposed new access to 4No. proposed dwellings (approval I/2014/0089/F)  
Westbury Way  
Address: Land adjacent to 10-16 Westbury Gardens, Cookstown,  
Decision: PG  
Decision Date: 09.05.2016

**Summary of Consultee Responses**

N/A

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03/10/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1257/F	<b>Target Date:</b>
<b>Proposal:</b> Small external store	<b>Location:</b> 59 Dergenagh Road Dergenagh Dungannon
<b>Referral Route:</b> Application 'called in' by Planning Committee Member under Section 29 of the Planning Act (NI) 2011	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Winston Duff Sec. Simpson Grant Assoc C/o. 133 Carnteel Road Aughnacloy BT69 6EF	<b>Agent Name and Address:</b>
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations: None Required

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

No third party representations have been received and there are no other issues.

### Characteristics of the Site and Area

The site is located 2.76km north of the settlement of Carnteel as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is predominantly rural and is characterised predominately by single detached dwellings, farm complexes and sprawling agricultural fields.

The site is located at a T-junction, and across the road and abutting the site to the southwest are detached dwellings. The application site comprises an orange hill and concrete driveway abutting the northern boundary. The existing orange hall has external finishes of profiled steel with painted red bargeboard. Along the north, south and northwest boundaries are 1m hedgerow. The roadside frontage has black metal railings and metal gates.



**Description of Proposal**

This is a full planning application for a small external store. The proposed store is 3.8m in width and 2.9m in depth. The proposed external finishes are powder coated corrugated profiled steel walls and roof. In addition, there is painted redwood fascia, bargeboard and rafterends. The proposed finishes of the store will match the existing orange hall.

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

M/2008/1159/F – Orange Hall - 59 Dergenagh Road, Dungannon – Permission Granted 12.11.2008

M/2008/0805/F - Proposed alterations and extensions to hall - 59 Dergenagh Road, Dungannon – Permission Granted 09.09.2008

**Consultees**

The proposed store will use a portion of the existing concrete driveway. I informally consulted DFI Roads and they responded stated there is no intensification of use at the site.

**Representations**

The application was advertised in the local press and neighbour notified, and at the time of writing no representations have been received.

**Planning Policy Consideration**

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

**Dungannon and South Tyrone Area Plan 2010**

The site is not within any settlement limits and it is not subject to any special designations contained in the plan.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

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

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities 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. I am satisfied that this

development meets a social need in the area and will not negatively impact on the built or natural environment nor will it harm interests of acknowledge importance.

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

Policy CTY 1 of PPS 21 identifies that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development, one of these is a necessary community facility to serve the local rural population. The proposal relates to a community facility, which is required to meet the growing demands of the local community. I consider the principle of development to be acceptable on the site.

#### **Impact on residential Amenity**

The proposal is for a store, which will be used in conjunction with an existing orange hall. The applicant submitted a supporting statement demonstrating the store will be used for the storage of chairs, table and BBQ equipment. Consequently, there will be more storage within the orange hall for uniforms, documents, instruments and other equipment. There is a detached dwelling abutting the southern boundary of the site and another dwelling across the road. I am content there will not be an unacceptable impact on the residential amenity of these properties as the store is used for storage. There will be no increase in noise or other neighbour disturbance at the site.

#### **Design and Integration**

The design and integration of the development are to be assessed against the policy provisions in PPS 21. Policy CTY 13 and 14 of PPS 21 are applicable in terms of assessing the how the proposal integrates into the countryside and its impact on rural character.

#### **CTY 13 – Integration and Design**

The store is adjacent to the orange hall and along the northern boundary of the site. There are critical views in all directions as the orange hall has a roadside frontage onto the Dergenagh Road. However as the proposed store will cluster with the existing orange hall I am content the proposal will not be a prominent feature in the landscape.

The site has a roadside frontage along Dergenagh Road and the proposed store will be cut into the existing rear embankment along the northern boundary. Therefore, I consider there is a suitable degree of enclosure for the building to integrate into the landscape. The retention of existing vegetation ensures that the proposal does not rely on new landscaping for integration.

There are no ancillary works proposed at the site as the store will use a portion of the existing concrete driveway and there is no change to the existing access onto the public road.

The design of the building is a simple rural form and is small in scale and massing. The proposed store is 12m<sup>2</sup> and will have external finishes to match the existing orange hall.

The proposed store is located along the northern boundary of the site and I am satisfied it will blend in with the existing orange hall.

#### **CTY 14 – Rural Character**

As mentioned previously in the assessment I consider the proposal will not be a prominent feature in the landscape.

The proposal respects the traditional development pattern in this area and has been sited between the existing orange hall.

The proposal does not create or add to a ribbon of development.

As documented above, there are no ancillary works proposed at the site.

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

DFI Roads have been consulted informally with this application and have raised no concerns in respect of intensification or road safety. There is a gravelled area along the roadside at the site, which provides further car parking. I am content there are no issues with car parking at the application site.

**Neighbour Notification Checked    Yes**

**Summary of Recommendation:**

The proposal is recommended for approval as it complies with CTY 1, CTY 13 and CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside.

**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.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1309/F	<b>Target Date:</b>
<b>Proposal:</b> Removal of Condition No 2 to planning application H/2000/0323/F, with change of use of existing storage building to dwelling, front & rear extension & detached garage	<b>Location:</b> 75 Lisnagrot Road Kilrea
<b>Referral Route:</b>  Approval – To Committee – Exception to Policy	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr Michael Boyle 75 Lisnagrot Road Kilrea BT51 5SG	<b>Agent Name and Address:</b> Healy McKeown Architects 11-13 Maghera Street Kilrea BT51 5QL
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

Approval – To Committee – Exception to Policy

### Characteristics of the Site and Area

The site is located approximately 3.95km NW of the development limits of Tamlaght from which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 75 Lisnagrot Road, Kilrea however I note that the red line only covers a portion of what is the curtilage of the dwelling now known as No. 75. Within the red line sits a detached building that was formerly a dwelling but conditioned to be used as storage for the dwelling at No.75, along with a small yard to the side and garden area to the rear. The site is accessed via an existing laneway that already serves four residential properties. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

**Relevant planning history**

H/2000/0323/F - Replacement Dwelling and garage – Permission Granted - 20.09.2000

**Representations**

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

**Description of Proposal**

This is a full application for the removal of Condition No 2 to planning application H/2000/0323/F, with change of use of existing storage building to dwelling, front & rear extension & detached garage, the site is identified as 75 Lisnagrot Road, Kilrea.

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

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

I note that with regards to this application that there are a number of elements to the application, the first is the removal of condition No. 02 of H/2000/0323/F which states 'Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved plan date stamped 04 May 2000, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house. Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.' From which the second part is to change the use of the building which is currently used as storage back to a residential use. I note that there is no remit within current policy to allow a dwelling that has been approved to be replaced and conditioned to no longer be used for human habitation to subsequently be used as a

dwelling once more. However upon review of the site and the surrounding area it is clear that a dwelling within the red line would now be able to comply under the policy provisions for a dwelling under CTY 8 – Ribbon Development given new developments since the original application H/2000/0323/F. In that I note that along the laneway to the site there is a substantial and continuous build up as it includes four dwellings, three to the east of the site and one to the south west wherein they all share a common frontage to the laneway. In that the site can be seen as a small gap wherein it could only accommodate a maximum of one dwelling that also shares a common frontage to the laneway, in turn showing compliance to the CTY 8. Given the above it is felt necessary to take this application to committee given the issues over the removal of condition of the previous approval.

With regards to the proposed extension to the building and proposed domestic garage, as it has been considered that this is now acceptable as a residential unit that this is to be considered under Ext 1 of PPS 7. From which I am content that both the garage and proposed extensions are acceptable in terms of scale, massing, design and use of external materials in that it will be sympathetic towards the existing building and not detract from the character of the surrounding area. With regards to residential amenity I am content on balance that this is unlikely to cause any adverse impacts on neighbouring amenity wherein there have been no objections received in connection to this application. The proposed works will result in a loss of the existing yard and garden area however I am content that it will not result in an unacceptable loss of, or damage to, trees or other landscape features which contribute to the local environmental quality. The proposed extension will have a minimal impact upon the existing parking arrangements however I am content that there is still sufficient space for parking and other recreational and domestic purposes.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As the building is existing I am content that it will not appear as a prominent feature and it is able to integrate in the landscape. Finally I am content that the proposed design and ancillary works are acceptable within this rural context. From all of this it has been agreed that the dwelling is able to comply under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As noted the proposed dwelling has been agreed as acceptable and is not deemed to be unduly prominent in the landscape. On a whole I am content that the proposed development complies with CTY 14.

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.

#### Other policy and material considerations

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

DFI Roads were the only consultation sent out and responded to confirm that they did not offer an objection subject to the relevant conditions and informatives being applied.

I have no ecological, flooding or residential amenity concerns.

As the proposal has shown its compliance under PPS 21 I therefore must recommend approval for this application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval

**Conditions:**

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

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

2. The vehicular access including visibility splays 2.4 X 70 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 bearing the date stamp 04th October 2019 prior to the commencement of any other development hereby permitted.

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

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

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

4. Notwithstanding the provisions of Article 3 Part 3 Class A of the Schedule of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions, no gates, fences, walls or other means of enclosure shall be erected without prior agreement from the Planning Authority.

Reason: To preserve the amenity of the countryside.

**Informatives**

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



2.This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

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

4.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

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

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	4th October 2019
<b>Date First Advertised</b>	22nd October 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 73a ,Lisnagrot Road,Kilrea,Londonderry,BT51 5SG The Owner/Occupier, 75a Lisnagrot Road Kilrea The Owner/Occupier, 75b Lisnagrot Road Kilrea	
<b>Date of Last Neighbour Notification</b>	11th October 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/1309/F Proposal: Removal of Condition No 2 to planning application H/2000/0323/F, with change of use of existing storage building to dwelling, front & rear extension & detached garage Address: 75 Lisnagrot Road, Kilrea, Decision: Decision Date:  Ref ID: H/2004/1265/O Proposal: Site of Nursing Home for terminally ill Address: 200m South East of, 73a Lisnagrot Road, Kilrea Decision: Decision Date:  Ref ID: H/2000/0323/F Proposal: Replacement Dwelling and garage Address: 75 Lisnagrot Road, Kilrea Decision: Decision Date: 22.09.2000  Ref ID: H/1994/0016 Proposal: ENTRANCE AND DRIVEWAY Address: ADJ TO 75A LISNAGROT ROAD KILREA Decision:	

Decision Date:

Ref ID: H/1988/0210

Proposal: BUNGALOW AND GARAGE

Address: ADJ TO NO 75 LISNAGROT ROAD KILREA

Decision:

Decision Date:

Ref ID: H/1988/0051

Proposal: SITE OF BUNGALOW AND GARAGE

Address: ADJ TO 75 LISNAGROT ROAD KILREA

Decision:

Decision Date:

Ref ID: H/1985/0510

Proposal: BUNGALOW AND GARAGE

Address: ADJACENT TO 73 LISNAGROT ROAD, KILREA

Decision:

Decision Date:

Ref ID: H/1985/0388

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW

Address: 75A LISNAGROAT ROAD, KILREA

Decision:

Decision Date:

Ref ID: H/1985/0283

Proposal: SITE OF RETIREMENT BUNGALOW

Address: ADJACENT TO 75A LISNAGROT ROAD, KILREA

Decision:

Decision Date:

Ref ID: H/1979/0148

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW AND NEW GARAGE

Address: 75A LISNAGROT, KILREA

Decision:

Decision Date:

Ref ID: H/1978/0274

Proposal: MV O/H LINE (BM 2211)

Address: LISNAGROAT, MAGHERAFELT

Decision:

Decision Date:

### **Summary of Consultee Responses**

Drawing Numbers and Title
Drawing No. 06 Type: Existing Elevations Status: Submitted
Drawing No. 05 Type: Existing Floor Plans Status: Submitted
Drawing No. 04 Type: Proposed Elevations Status: Submitted
Drawing No. 03 Type: Proposed Floor Plans Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department: