



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2016/0470/F	Target Date:
Proposal: Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution	Location: 111 Ballynakilly Road Coalisland
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr James Devlin 76a Coalisland Road Dungannon	Agent Name and Address: McKeown & Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary: This application seeks to regularise industrial uses on a site within Ballynakilly, a small settlement. Primary concern relates to noise issues from the uses on the site. This application was before the members at the January 2019 meeting, however the report that was presented at that time was not the correct version of the report, members were not fully informed about the proposal and the conditions that were to be attached to any decision. The description of the development has also been amended to accurately reflect the development that is being retained and it is for these reasons this application has been brought back to the Committee for its consideration.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	NIEA	Content
Statutory	NI Water - Multi Units West - Planning Consultations	Error
Statutory	NI Water - Strategic Applications	Advice

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 Noise Unauthorised development Asbestos on the site Buildings not fit for industrial use Buildings use shown differently on digester application	
Characteristics of the Site and Area This application relates to the uses within 6 buildings on this site: <ul style="list-style-type: none"> - 4 at the south west corner are linked together and have barrel roofs, these were former agricultural buildings and have openings on the west and east sides - the large shed in the middle of the site has an A line roof with grey walls and roof panels, it has 2 large roller doors that open towards the north east and one roller door to the north and south elevations - the building to the north of the site has grey cladding to the upper walls and roof, a roller door to the west and sliding doors to the south The buildings are located inside the settlement limits for Ballynakilly and have an access onto Ballynakilly Road to the east and to the village to the west. There is a large yard area to the east, and north of the application site that is subject to a separate retention application, LA09/2016/1223/F, which has been approved. The buildings are currently used for a variety of industrial and storage purposes the industrial uses are not currently authorised. There is a mature hedge to the north of the site, with an electricity sub station, a children's play park and residential development to the north of it. To the south is a lake which is surrounded by trees. Further south east is a spring manufacturing business and to the north west is Nethercotes tile and bathroom sales.	
Description of Proposal The proposal, as originally submitted was for the retention of a change of use from recycling and storage to general industrial uses. I noted on the site there are a number of uses within the different buildings, therefore as this is for the retention of the uses on the site the description of the development was amended to reflect the existing uses on the site. The amended description of the development was advertised in the local press on 8 th March 2019 and neighbours were notified about the amended description on 11 th March 2019 and the statutory notification period has expired without any further representations being received.	

There are a number of different uses on the site as defined by the Planning (Use Classes) Order (NI) 2015 and I consider it appropriate to specify the uses in the different building detailed on drawing 03 Rev 1, as noted during my site inspection on 26 September 2018.

- Engineering Workshop No 1 – this is part Class B3 – General Industrial associated with Terramac where welding, grinding and assembly are carried out in the majority of the building on its south side, the remainder of the building is Class B4 – Storage and Distribution associated with APEX – Construction fasteners
- Engineering Workshops 2, 3 and 4 are used by Terramac, no2 is for storage, no 3 is for spray painting and finishing and no 4 is for shot blasting, the uses in 3 and 4 are B3 – General Industrial.
- Engineering workshop 5 is used by APEX for storage and distribution
- Engineering Workshop No 6 is used for Class B2 – Light Industrial by Mac Cladding, where cladding panels are formed by rolling sheets of steel.

Planning Assessment of Policy and Other Material Considerations

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

PPS3 – Access, Movement & Parking

PPS4 – Planning & Economic Development

Mid Ulster District Council, Local Development Plan 2030 – Draft Plan Strategy

Dungannon & South Tyrone Area Plan Planning identifies this application site as being within the settlement limits for Ballynakilly. Policy SETT1 of the Plan indicates there will be favourable consideration for development proposals provided a number of criteria are met. Policy IND1 is not relevant in the consideration of this proposal as it relates to zoning lands in the main towns of Dungannon and Coalisland.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan.

Members are advised that 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 District Council published its Local Development Plan 2030, Draft Plan Strategy on 22nd February 2019. There are a number of policies within the draft plan strategy that would be relevant to the consideration of this application. GP1 – General Principles Policy, ECON1 – Economic Development in Settlements and TRAN4 –

Access onto Protected Routes and Other Route Ways. I consider the propose development could meet the the new policies, with conditions attached to protect amenity and control where the noisier general industrial development is proposed. That said the policies are at draft stage with the initial consultation period recently expired, as such I do not recommend the draft policies are relied upon to approve or refuse development and refer the members to the existing policy context.

Some of the members will be aware of this site as there was an application for an anaerobic digester, M/20014/0340/F, to the south of this site and a members site visit was carried out during the consideration of that application, before it was approved on 17th November 2015.

The existing buildings on the site are wholly located within the settlement limit for Ballynakilly and as such Policies PED1 and PED9 of Planning Policy Statement 4 are relevant to the consideration of the proposal. Members should note these policies set out a number of criteria that are similar to SETT1 of the Plan. I consider if the proposal meets with PED1 and PED9 it will accord with the Plan. .

The site has a number of planning permissions on it as can be seen in the Annex attached to this report, not all of these can be on the site at the same time as they require a range of different uses within the different building. Members are being asked to consider the retention of the Class B3 - General Industrial Use in Buildings 1, 2, 3 and 4 and the Class B2- Light Industrial Use in building 6. I consider the Class B4 - storage and distribution use in the remainder of building 1 and in building 6 already have the benefit of planning permission under M/2002/0063F and the rebuilding application M/2010/0348/F.

Planning policy for settlements and industrial development requires industrial development to be compatible with the surrounding land uses. In this case, residential development is located close to the site, within Ballynakilly and there have been a number of complaints regarding noise from the site. Environment Health colleagues have advised they have had a considerable number of complaints about the operations at the site. The Council has a live enforcement case on the site, where it was agreed to issue an enforcement notice for the unauthorised general industrial use on the site and this application relates to that notice.

The application has been accompanied by 3 noise reports, March 2016, August 2016 and December 2016, the assessment of noise is on the basis that:

- the existing building is constructed of double skin cladding panels and it is proposed to provide additional insulation to improve the noise attenuation properties of the building,
- a 4m high screen will be erected around the site boundary with existing residential properties to provide noise and visual screening of the development and
- limit the hours of operations in the yard areas

It is obvious the development on the site causes noise, this is verified by the amount of objections received by the Environmental Health Department and the Planning

Enforcement Team. The noise is generally from vehicles moving, forklifts and vehicle movement alarms, voices shouting and materials banging when being lifted, loaded and unloaded and being handled within the building with the doors open. The times the noise is generated is also of concern to the residents as this type of noise early in the morning or late at night has an exaggerated impact as residents may be woken from sleep, prevented from getting to sleep or generally prevented from enjoying their properties. Environmental Health colleagues have assessed the reports and have advised that should planning permission be granted for the retention of the uses a number of conditions should be attached to any planning permission to protect the amenity of the adjoining residential properties. These conditions relate to remediation works to the buildings, erection of a boundary screen, restrict the hours of operations and provide noise levels that must be met. Members are advised that if these conditions are attached it is likely this will require the Planning Department and Environmental Health Department to carry out further monitoring of the site. This is particularly relevant given the concerns of the residents about the length of time this site has had unauthorised activity on it and the different operators on the site. That said, I met with a representative from Terramac during the site inspection, he escorted me round the site, and explained the different processes. He advised Terramac are aware of the concerns of residents and they have taken steps to control noise by not opening the doors until 8.30am, no operations after 6pm any day, finish by 2.30pm on Fridays and at the latest 2pm on Saturdays, no work on Sundays. They also control the deliveries so they do not arrive on site until after 8.30am. The operations on site involve shot blasting, spraying, welding and fitting, other operation are carried on at Terramac's main premises at Gortgonis Road, Coalisland. I have spoken to Environmental Health colleagues and they have advised the complaints have reduced, the most recent complaint was in relation to earth moving machinery on the site. This machinery was there to remove an area of hardstanding that had been laid without permission. It would appear the site operator is now beginning to work with the authorities in a way which could reduce the impact on the neighbours. There will still be noise from the site, however it will be controlled by way of conditions, which limits the noise levels at the closest residential properties. Environmental Health colleagues have not raised any concerns about these proposed noise levels impacting residential amenity. The noise report identifies that the previous approved use on the site would have generated noise and that noise is unrestricted. The proposal is now to provide restrictions and attenuation measures to address the concerns of the residents. I do not consider this will completely remove noise however I do consider it will allow the Council to impose better control over the noise from the site. In light of the above, I consider the development could be compatible with the adjacent land uses in accordance with the requirements of SETT1, PED1 and PED9.

Roads engineers have requested improvements to the access from Ballynakilly Road, this will result in the provision of a right hand turning lane and widening of the access. Details of these amendments have been provided and agreed with the Roads engineers. The provision of these improvements can be conditioned for provision and I consider it reasonable and necessary to provide these as Ballynakilly Road is a heavily trafficked route and this will improve the movement of traffic on the road. Roads Engineers have identified an issue with the amount of parking for the development. Members are advised

the 3500sqm of Class B2 and B3 floorspace would require 90 car parking spaces and 6 commercial vehicle spaces, as set out in the Parking Standards Guide. The approved use on the site had a requirement for 14 car parking spaces and 14 commercial vehicle spaces for this amount of Class B4 floorspace. The development under consideration requires 8 less commercial vehicle spaces and 76 additional car parking spaces. The Parking Standards set put an average car parking space size and to provide 74 car parking spaces would require 850sqm of hard standing to park the cars, this does not take account of the road ways between the spaces. I consider these spaces are easily achievable within the hardstanding areas approved under LA09/2016/1223/F which authorises approx. 7500sqm of additional space to provide parking and servicing areas for the development.

PED9 sets out a number of other matters that should be considered and members are advised the site is within the settlement of Ballynakilly and has footway linkages to the village. The site is not within an area that floods and it does not result in the erection of any new buildings or hard surfaces that would increase flooding. The site is not within an area that has any known archaeological remains or historic buildings and new landscaping is proposed along the noise attenuation bund and this should provide a landscape corridor for biodiversity interests.

In light of all of the above considerations I recommend this application is approved with conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The use within the buildings shall be limited, in accordance with the Planning (Use Classes) Order (NI) 2015, to:
 - Class B2 within the floorspace identified in yellow and
 - Class B3 within the floorspace identified in blue
 on drawing No 3 Rev1 bearing the stamp dated 21 NOV 2016.

Reason: To protect the amenity of neighbouring residents.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that

Order, no buildings or hard surfaces shall be constructed within the curtilage of this site without the grant of a separate planning permission from the Council.

Reason: To allow the Council to consider the impacts of further development on the adjoining residential properties.

4. All hard and soft landscape works shall be carried out in accordance with the details as set out on drawing No 02 Rev 7 bearing the stamp dated 26 OCT 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within 3 months of the date of this decision

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

5. Within 6 weeks of the date of this decision, the enclosure of the buildings referred to in condition 2 will have panelling or a composite/metal/masonry material fitted as detailed in the Noise Impact Assessment, dated March 2016, additional submissions dated August 2016 and December 2016.

Reason: To protect the amenity of neighbouring residents.

6. The doors marked A and B into the existing workshop, as identified on drawing No 03 Rev 1 bearing the stamp dated 21 NOV 2016 shall be kept closed except for the purposes of moving equipment or materials into the building.

Reason: To protect the amenity of neighbouring residents.

7. There shall be no deliveries and/or external activity outside the hours of 09:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday.

Reason: To protect the amenity of neighbouring residents.

8. Within 6 weeks of the date of this approval, a 2m high raised bund topped with a 2m high acoustic barrier shall be erected along the site's boundary labelled X, Y and Z as presented on stamped approved drawing; Drawing No. 02 Rev 7 bearing the stamp dated 26 OCT 2018.

Reason: To protect the amenity of neighbouring residents.

9. The barrier referred to in condition 8 shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 Kg/m²

To protect the amenity of residents. Reason: To protect the amenity of neighbouring residents.

10. The noise level from the facility with all plant and equipment fully operational shall not exceed the limits outlined in Table 1 below during the permitted hours of

operation when measured at a distance of 3.5 metre from the façade of the appropriate residential property.

Table 1:

	Noise limit with all plant and equipment fully operational taking place (dB LAeq, 1 hour (inc. tonal penalty)) at boundary of 24 Cranebrook Crescent
Boundary of 24 Cranebrook Crescent	48dB

Reason: To protect the amenity of neighbouring residents.

11. The vehicular access, including visibility splays of 4.5m x 120.0m and any forward sight distance, shall be provided in accordance with Drawing No. 06 Rev 6 bearing the date stamp 26 OCT 2018 within 6 weeks of the date of this decision. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

13. 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.

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

PSD1. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 06 Rev 63 bearing the date stamp 26 OCT 2018.

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.

PSD2. The works necessary for the improvement of a public road shall be completed within 6 weeks of the date of this decision and shall be completed in accordance with the details outlined blue on Drawing Number 06 Rev 6 bearing the date stamp 26 OCT 2018. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

PSD3. A Stage 3 Safety Audit shall be carried out within 4 weeks of the date of the completion of the road improvements required by Condition PSD2 and any recommendations identified thereafter shall be implemented with 6 weeks of the date of the Audit

Reason: To provide a quality assurance that the proposed road improvements have embraced all safety features.

PSD4. A Stage 4 Safety Audit, for the road improvement works on the Ballynakilly Road shall be carried out in accordance with Design Manual for Roads and Bridges, submitted to DFI Roads and any recommendations identified thereafter implemented within one year of the works coming into operation.

To provide a quality assurance that the proposed road improvements have embraced all safety features.

Signature(s)

Date:

ANNEX	
Date Valid	7th April 2016
Date First Advertised	21st April 2016
Date Last Advertised	21st March 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 121 Ballynakilly Road, Coalisland E.W Harris 121 Ballynakilly Road,Dungannon,BT71 6HE The Owner/Occupier, 18 Coash Road,Ballynakilly,Dungannon The Owner/Occupier, 2 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 21 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 22 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 23 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 24 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 25 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 26 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 27 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 28 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 29 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 3 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 30 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 31 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 4 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone	

The Owner/Occupier,
5 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone
The Owner/Occupier,
6 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone
The Owner/Occupier,
Email
K Montgomery (Spokesperson)
Email - Ballynakelly Residents Group

Date of Last Neighbour Notification	11th March 2019
Date of EIA Determination	Re-screening 10th May 2019
ES Requested	No

Planning History

Ref ID: M/1988/0515

Proposal: IMPROVEMENTS TO DWELLING

Address: 18 COASH ROAD, BALLYNAKILLY, COALISLAND

Decision:

Decision Date:

Ref ID: M/2009/0102/F

Proposal: 5no townhouses, two and three storey with private gardens and parking to rear of site and associated access

Address: Lands to the rear of 20 Coash Road, Ballynakilly, Dungannon, BT716JE

Decision:

Decision Date: 22.12.2009

Ref ID: M/2006/0188/Q

Proposal: Change of use from electrical goods store to an engineering building.

Address: 30 Metres south west of 11 Annaghmore Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2010/0348/F

Proposal: Rebuilding of existing commercial premises due to fire damage.

Address: Site 50m NE of 111 Ballynakelly Road, BallynaKelly, Dungannon. BT71 6JE

Decision:

Decision Date: 24.09.2010

Ref ID: M/2006/1138/F

Proposal: Housing development to consist of detached, semi-detached, townhouses & small shop

Address: Lands around 20 Coash Road, Ballynakilly

Decision:

Decision Date: 23.07.2007

Ref ID: M/2002/0063/F

Proposal: Change of Use to provide Storage for Domestic Freezers and Fridges awaiting disposal

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 19.04.2002

Ref ID: M/1980/0398

Proposal: AGRICULTURAL SHED

Address: 20 COASH ROAD, BALLYNAKELLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1571/F

Proposal: Alteration and upgrade of existing access to commercial premises.

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 14.08.2008

Ref ID: M/2003/0010/F

Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland

Address: 111 Ballynakilly Road, Coalisland

Decision:

Decision Date: 11.11.2003

Ref ID: M/2014/0340/F

Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works (Reduced waste codes - plant tissues/slurries only)

Address: Lands immediately adjacent and South of 111 Ballynakilly Road, Coalisland,

Decision: PG

Decision Date: 17.11.2015

Ref ID: LA09/2016/0470/F

Proposal: Retention of the change of use of existing industrial buildings from that of a Re-Cycling Storage Facility to a General Engineering use

Address: 111 Ballynakilly Road, Coalisland,

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads – access to be provided and Private Streets Determination

DETI – Geological Survey – abandoned mines do not pose a threat to this site

EHO – noise conditions to be attached to any approval

NI Water – standard response

NIEA – content with impacts

Drawing Numbers and Title

Drawing No. 01 Rev1

Type:

Status: Submitted

Drawing No. 02 Rev 7

Type:

Status: Submitted

Drawing No. 03 Rev 1

Type:

Status: Submitted

Drawing No. 04

Type:

Status: Submitted

Drawing No. 05

Type:

Status: Submitted

Drawing No. 06 Rev6

Type:

Status: Submitted

Drawing No. 07 Rev 1

Type:

Status: Submitted

Drawing No. NOISE IMPACT ASSESSMENT

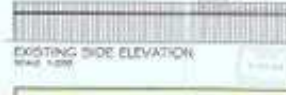
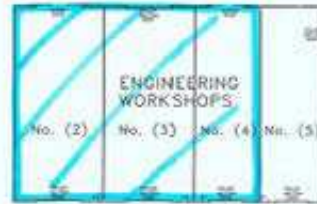
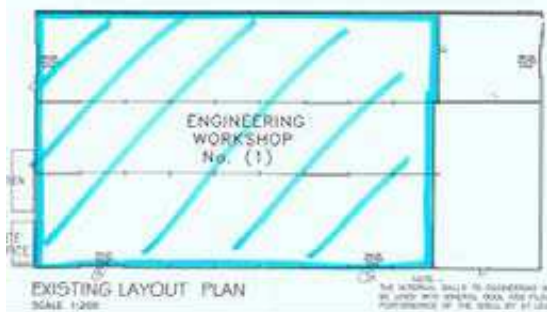
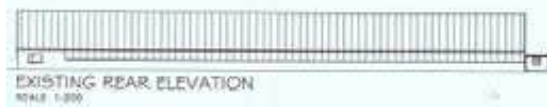
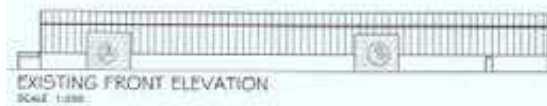
Type: Additional Environmental Information

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0232/F	Target Date: 1/6/17
Proposal: Proposed cow and calf unit to be built over existing slurry tank	Location: 62 Crossowen Road Clogher Co Tyrone BT76 0AT
Referral Route: Approval –NIEA and SES have raised concerns in relation to ammonia levels from the proposed development.	
Recommendation:	Approval
Applicant Name and Address: Simon Campbell 62 Crossowen Road Clogher Dungannon BT76 0AT	Agent Name and Address: Sam Smyth Architecture Unit 4D Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary: The proposed new building will not result in any additional animals on the farm, therefore no significant increase in ammonia levels as the existing buildings that are currently used for housing animals will be used for storage purposes on completion of the new building.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Extension Required
Statutory	Rivers Agency	Advice
Non Statutory	DETI - Geological Survey (NI)	Considered - No Comment Necessary
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	NIEA	Advice

Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Add Info Requested
Non Statutory	Shared Environmental Services	
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Issues raised by NIEA and SES - discussed in detail in the report.		
Characteristics of the Site and Area		
<p>The site is located at 62 Crossowen Road, Clogher within the countryside as identified within the Dungannon and South Tyrone Area Plan 2010. The red line of the site includes a dwelling, a number of agricultural buildings and parts of agricultural fields. The site is well screened from public viewpoints as a result of the existing mature trees which run along the roadside, especially whilst travelling along the A4 in a north easterly direction. The agricultural buildings are located to the side and the rear of the existing dwelling. The site sits on slightly elevated ground and the surrounding area is predominantly rural with scattered dwellings and their associated outbuildings.</p>		
Description of Proposal		
<p>Full planning permission is sought for a proposed cow and calf unit to be built over an existing slurry tank.</p>		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u> LA09/2017/0258/LDP - 62 Crossowen Road, Clogher - Construction of Silo Pit, steel portal frame, cladded roof and walls – PERMITTED DEVELOPMENT		
<u>Representations</u> Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 64 Crossowen Road. At the time of writing, no third party representations have been received.		
Assessment of Policy/Other material considerations		

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- PPS 2: Natural Heritage
- 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, Policy CT1- General Policy and Policy AFR1 agriculture and forestry development and development ancillary to commercial fishing would apply. At present, the proposal is in line with these policies however it must be noted that Draft Plan Strategy holds no determining weight as it is only at early consultation stage.

The proposal is located outside any defined settlement limit, located North East of Clogher. The site has no other designations or zonings.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Policy CTY 12 of PPS 21 deals with agricultural and forestry development and has a number of criterion which must be met in order for planning permission to be granted. The first requirement is that the agricultural holding is active and established. The applicant has provided a P1C form and DAERA were consulted on the application. DAERA have confirmed that the applicant has a farm business ID number and has claimed on this land over the last number of years. Policy CTY 12 has a number of other criterion (a-e) which must be met.

(a) it is necessary for the efficient use of the agricultural holding;

The applicant has an existing farm which includes a number of existing farm buildings. DAERA have confirmed that the business ID has been in existence for more than 6 years and that the farm business has claimed subsidies within the last 6 years also. Whilst on site it was evident that the other sheds/buildings on the site were being used for purposes relating to the farm holding including storage and the housing of livestock. I am content that this building is necessary for the efficient use of the agricultural holding.

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

The surrounding area is rural in character. This shed is typical of agricultural buildings in terms of its design, size and materials. The shed would not appear out of keeping as it is located within an existing farm complex.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

The shed would be located within the existing farm complex. It is not considered necessary to provide any further landscaping in this instance.

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

NIEA and SES were consulted and have responded raising some concerns with the proposal in terms of the adverse impact the proposal is likely to have on the conservation objectives of the Fymore Lough ASSI and Derryclooney Lough ASSI due to increases in ammonia emissions as the critical levels have been exceeded in the area. NIEA have advised that they have carried out their own SCAL calculations in relation to an additional 20 cows and calves and this will result in a 1% increase in emissions from this farm, added to the ammonia emissions for the surrounding area this will be over a 10% increase. The applicant has indicated that existing livestock is to be moved to the new cattle welfare unit following any subsequent planning approval. It is noted on the plans that the existing livestock numbers are not to be increased and therefore I can reasonably conclude that there will not be any significant increase in the ammonia levels in this area. Section 52 (1)(a) of the Planning Act(NI) 2011 allows conditions to be imposed on the grant of planning permission for regulating the development or use of any land under the applicants control. I consider a condition can be attached to any planning permission to ensure that livestock numbers are not increased by setting a maximum number of animals within the holding. The plans also note that all proposed storm water must be connect into the proposed storm water tank.

Rivers Agency have been consulted and have considered the drainage assessment which accompanied the application. They have responding stating they have no reason to disagree with the conclusions reached within the drainage assessment and have included a number of informatives which should be attached to any forthcoming approvals for this proposal.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

There have been no 3rd party objections to this proposal. Environmental Health were consulted and raised no objections to the proposal.

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

- there are no suitable existing buildings on the holding or enterprise that can be used; There are no other buildings on the holding or enterprise that could be used.
- the design and materials to be used are sympathetic to the locality and adjacent buildings;

The design and materials used are considered acceptable in a rural setting and are sympathetic to the locality and the surrounding sheds/buildings.

- the proposal is sited beside existing farm or forestry buildings.

The proposal is sited within an existing farm complex.

Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. It is considered the proposal is appropriate in terms of design and size for this site. It will not appear prominent and will be visually linked with the existing farm buildings.

The proposal intends to utilise an existing access onto Crossowen Road, it is not for any increase in the numbers of animals on the farm and therefore I do not consider there will be any intensification of the use of the existing access.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended, subject to conditions and informatives.

Conditions/Reasons for Refusal:

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

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

2. The building hereby permitted shall be limited to agricultural use only.

Reason: The site is located in the rural area where it is the policy of the Council to restrict development and the planning permission hereby granted, is to support the operational needs of the active and established agricultural holding.

3. The maximum number of cattle/cows kept on this holding farmed by Mr Simon Campbell shall not exceed 130.

Reason: To ensure the proposal does not have an adverse impact on the conservation objectives of the Fymore Lough ASSI and Derryclooney Lough ASSI.

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. 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.

4. 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.

5. 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.

6. 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.

7. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

Signature(s)

Date:

ANNEX	
Date Valid	16th February 2017
Date First Advertised	2nd March 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 64 Crossowen Road,Lisnamaghery,Augher,Tyrone,BT77 0AX,	
Date of Last Neighbour Notification	2nd March 2017
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0258/LDP Proposal: Construction of Silo Pit Address: 62 Crossowen Road, Clogher, Decision: Decision Date: Ref ID: LA09/2017/0232/F Proposal: Proposed cow and calf unit to be built over existing slurry tank Address: 62 Crossowen Road, Clogher, Co Tyrone, BT76 0AT, Decision: Decision Date: Ref ID: M/2007/0700/RM Proposal: Proposed replacement dwelling Address: Approx 140m West of no. 64 Crossowen Road, Clogher Decision: Decision Date: 19.03.2008 Ref ID: M/2010/0088/F Proposal: Erection of dwelling and domestic garage (change of house type & garage to previously approved application No. M/2007/0700/RM) Address: Approx 140m west of 64 Crossowen Road, Clogher Decision: Decision Date: 03.06.2010 Ref ID: M/1975/0213 Proposal: EXTENSION TO BUILDING Address: LISNAMAGHERY, AUGHER	

Decision:

Decision Date:

Ref ID: M/1975/0322

Proposal: 11KV O/H LINE

Address: LISNAMAGHERY AND BALLYNAGURRAGH, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

SES and NIEA concerns regarding the increase to the Process Contributions of Nitrogen to the European Sites.

Drawing Numbers and Title

Drawing No. 06

Type: Farm Boundary Map

Status: Submitted

Drawing No. 05

Type: Photograph

Status: Submitted

Drawing No. 04

Type: Proposed Elevations

Status: Submitted

Drawing No. 03

Type: Existing and Proposed Floor Plans

Status: Submitted

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1258/F	Target Date:
Proposal: Proposed retention of building as a domestic garage, incidental to the domestic usage of Dwelling at 18 Cookstown Road, Dungannon	Location: Adjacent to 18 Cookstown Road Dungannon
Referral Route: Contrary to planning policy, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Barry O'Neill 18 Cookstown Road Dungannon	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

This application originally sought retrospective planning permission for the retention of a 'general purpose agricultural store'. DfI Roads were consulted and advised the required visibility splays had not been provided and would require third party land. One letter of representation was received expressing concern with respect the frequent traffic movements and visibility from the existing access on to a high volume and high speed road, as well as the unsuitable design and scale of the building for 'agricultural' purposes. The agent submitted an amended P1 form changing the description of the application to read 'proposed retention of a domestic garage, incidental to the domestic

usage of Dwelling at 18 Cookstown Road, Dungannon'. The application was re-advertised and neighbours re-notified. Prevailing planning policy and all material considerations have been assessed within the determination below.

Characteristics of the 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 2 metres higher than the ground level of the road.

Description of Proposal

The proposal seeks full planning permission for the retention of building to be used as a domestic garage, incidental to the domestic usage of No.18 Cookstown Road, Dungannon.

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.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations.

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

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

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 6/11/17 requesting the location of associated farm land, information on the existing sheds use and a map showing the maximum visibility achievable towards Cookstown. The associated Consultation Checklist stated visibility splays of 2.4m x 160m would be required. The agent responded on 17/11/17 contending the vehicular activity associated with the use was insignificant therefore it was unreasonable to seek the level of visibility splays referred to in the DfI Roads consultation response. Following this, a further consultation response was received from DfI Roads advising the required visibility splays of 2.4m x 160m had not been provided and would require third party land. Following the change to the description to a 'domestic garage', DfI Roads were consulted and provided further comment on 19/10/18 advising access splays of (4.5m * 120.0m) were required in accordance with Planning Appeal Reference 2017/E0050, as well as technical approval. DfI Roads were re-consulted 13.03.2019 and provided comment on 03.04.2019 stating that if Council considers that the structural scale of the building and remote location meets the criteria to define it as domestic garage, DfI Roads would assume that no intensification would result from it's use to request an increase in visibility splays as all vehicles associate with its use would already be attending the dwelling.

REPRESENTATION

Three (3) neighbouring properties were notified and press advertisement has been carried out in line with the Council's statutory duty. One anonymous letter of representation was received which raised the following points:

- The design of the building is inappropriate for a modern tractor and lends itself to the storage and movement of vehicles rather than as secure lock-up for agricultural implements.
- There are other sheds on site which could be used for storage.
- There is an existing safety issue with respect the frequent traffic movements entering and existing the site with poor visibility on to a high-speed, high-volume trunk road.

Subsequent to the objection letter the application description has changed to a 'domestic' garage therefore the application is now proposing the building will be utilised for the storage and movement of vehicles. With respect the need for the proposal and intensification of the access on to Cookstown Road, I will consider these matters in greater detail in my assessment below.

ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

Article 45 of the Planning Act (NI) 2011 requires the planning authority, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The application site is located outside any settlement limits defined within the Dungannon and South Tyrone Area Plan 2010. The development plan does not contain any material provisions relevant to domestic garages.

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 domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under the provisions of the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). 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.

The main issues to consider in the determination of this application are:

- Scale, Massing, Design and Appearance
- Neighbour Amenity
- Impact on Trees and Environmental Quality of this Area.
- Amenity Space, Parking and Manoeuvring
- Access to a protected route

Scale, Massing, Design and Appearance

The application seeks full planning permission for the retention of a building to be used as a domestic garage, approximately 36 metres northeast of 18 Cookstown Road, Dungannon. The triple garage 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. The materials reflect a commercial development and I do not consider the finishes are in keeping with the design of the associated dwelling. Annex A paragraph A11 states garages and associated outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The application originally sought planning permission for the retention of the subject building for agricultural use and the drawing still refers to a 'general purpose agricultural store'. The surrounding context reflects that of a small business park with numerous storage units of a similar scale and design on the site as illustrated on the Site Plan Drawing No.01 date stamped 01. The scale and massing of the building reflects that of a commercial building and in my opinion is excessive given the number of existing storage building on site. There are several existing storage units to the rear of No.18 Cookstown Road, two of which were subject to enforcement action and a subsequent appeal with

respect an unauthorised change of use. The Planning Appeal Commission upheld the enforcement notice to permanently cease the unauthorised use within 3 months therefore these two units will be vacated. I consider the scale, massing, design and external materials of the proposal fail to comply Criteria (a) of Policy EXT1.

Neighbour Amenity

The proposed garage is located in close proximity to a number of storage and commercial units and is not considered to be domestic in scale, massing or design. However, the next nearest dwelling is located approximately 60m to the south-west on slightly lower ground. Given the separation distance with neighbouring residents, I do not consider the proposal will unduly affect the privacy or amenity of any neighbouring residents therefore the proposal complies with criteria (b) of this policy.

Impact on Trees and Environmental Quality of this Area

There has been no indication that the proposed extension will result in a loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality therefore the proposal complies with criteria (c) of this policy.

Amenity Space, Parking and Manoeuvring

It is considered that sufficient space remains within the curtilage of the property for recreational and domestic purposes including for the parking and manoeuvring of vehicles. However, the subject building is sited with commercial buildings, approximately 36 metres from the dwelling therefore I do not consider the proposed garage is located within the natural curtilage of the dwelling.

Access to a protected route

Policy AMP 2 - Access to Public Roads states planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The proposal will utilise an existing access onto a designated protected route. DfI Roads cannot insist upon splays should Council allow the proposal for ancillary domestic purposes.

CONCLUSION

The application seeks retrospective planning permission for a domestic garage, however the garage is not considered to be domestic in scale, massing or design. The proposal is located outside the natural curtilage of the site and reflects that of a commercial building similar to that of the surrounding buildings. No well-founded need has been demonstrated to warrant permitting a further additional building on this site particularly given the recent enforcement appeal decision relating to storage buildings located in close proximity to the associated dwelling. I consider the proposed scale, massing, design and external materials are unsympathetic to the appearance of the existing property and if permitted the proposal could have the potential to prejudice road safety.

Initially the building was built for commercial purposes and was used as such until an enforcement appeal requested its removal. Since that it has been requested to the retain

the building for agricultural purposes. As it could not be demonstrated that the proposal was necessary for agricultural use the proposal was changed again for retention for domestic use. It seems that the proposal is dis-ingenuous as the building was never built for domestic purposes, that the applicant/agent is just looking for any way to retain this building so it becomes lawful.

Plus, no feasible case has been provided by the applicant/agent as to the need for such a large domestic building given that there is a sizable ancillary domestic store located to the rear of the existing dwelling.

14/02/2019

A letter was sent to the agent on 14/11/2018 stating that any decision will be held in abeyance until the required visibility splays of 4.5m by 120m in both directions are provided where the access meets the public road. These splays were never provided. In my view the application cannot be held indefinitely and I recommend that it proceed to Committee with a recommendation to refuse based on the following reasons for refusal.

It is also noted that the Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy CT1- General Policy, and, HOU3 Residential Extensions are applicable. In my view the proposal is contrary to CT1 (c) in that the proposal is not of an appropriate scale, size, form, mass and height for a domestic store/garage.

The proposal is also contrary to HOU3 Residential Extensions in that it has not been demonstrated that the domestic building is subordinate or ancillary to the main use of the existing dwelling and is not sympathetic to the built form or appearance of the dwelling

This proposal is in conflict with the plan. However, no significant weight can be given as the Draft Plan Strategy is at early public consultation stage.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission should be refused for the following reasons.

Refusal Reasons

1. 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 scale, massing and design and would not appear subordinate or sympathetic with the existing property.

2. 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.

Signature(s)
Date:

ANNEX	
Date Valid	15th September 2017
Date First Advertised	28th September 2017
Date Last Advertised	11th October 2018
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Cookstown Road Dungannon Tyrone The Owner/Occupier, 3 Coal Pit Road Dungannon Tyrone The Owner/Occupier, 5 Coal Pit Road Dungannon Tyrone The Owner/Occupier, J Doe	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0382/F	Target Date:
Proposal: Rationalisation and continued extraction of minerals from Magheraglass sand and gravel quarry with a proposed lateral westerly extension, phased development plans and holistic restoration.	Location: Magheraglass Sand & Gravel Pit, Knockaleery, Magheraglass Road, Cookstown, BT80 9EJ.
Referral Route: Major planning application.	
Recommendation: Approve	
Applicant Name and Address: Creagh Concrete Products 38 Blackpark Road Toomebridge Magherafelt BT41 3SL	Agent Name and Address: Quarryplan Limited 6 Saintfield Road Crossgar Downpatrick BT30 9HY
Executive Summary: This is a planning application for an extension to an existing quarry. There has been concerns expressed during the course of the planning application by DAERA since an area of protected habitat was included in the area of extraction. However, amended plans have been received which excludes this area and DAERA now find the application acceptable subject to condition. An approval is recommended subject to the conditions listed below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	
Non Statutory	Shared Environmental Services	
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 Noise, dust, priority habitat.		
Characteristics of the Site and Area There is an existing quarry, which is currently operational and this application seeks to extend the existing quarrying operations. The quarry is located c.7km west of Cookstown and c.9km northeast of the village of Pomeroy. Access is gained directly to the quarry from the Magheraglass Road via an existing haul route/access lane. The site is bounded to the south east by the Cloughfin Road and to the north east by another quarry. The remaining boundaries are characterised by open agricultural lands.		
Description of Proposal Rationalisation and continued extraction of minerals from Magheraglass sand and gravel quarry with a proposed lateral westerly extension, phased development plans and holistic restoration.		
Planning Assessment of Policy and Other Material Considerations Regional Development Strategy 2035. Strategic Planning Policy Statement Cookstown Area Plan 2010 A Planning Strategy for Rural Northern Ireland Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 21 - Sustainable Development in the Countryside		

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 proposed new extension areas to the west and rationalisation of extant approved mineral reserves will be carried out through a phased approach. There will be 5 phases as follows:

- 1- The extractive area is extended to the north west of the site. Overburden will be stripped with some of this material being incorporated into the screening bunds located on the northwestern boundary of the proposed development site. Waste generated from the approved processing operations will, after residence time in the silt lagoons, be moved to the ‘main tip’.
- 2- The extraction is proposed to extend to the south, along the western boundary of the proposed development site. A main badger sett is located southwest of phase 2 development and no further extraction is proposed. Some remedial works are proposed to take place along the western boundary during this phased to restore lands and ensure the slopes are geotechnically stable. Overburden will be stripped and incorporated into the screening bunds along a portion of the western boundary of phase 2. Waste from the processing of the mineral will, after residence time in the silt lagoons, be moved to create the northern restoration landform in the northwest section of the proposed development site. An area of priority habitat has now been excluded from Phase 2.
- 3- The extractive area is extended further south and then east along the southern boundary of the proposed development site. As per phase 2 above, it is proposed to carry out remedial works to ensure the integrity of the main badger sett during this phase. During this phase, material will also be moved from the silt lagoons, following a period in residence, to create the western restoration landform in the west of the site. Material will also be transferred from the ‘main tip’ to the western restoration landform to enable extraction of mineral underlying the main tip area.
- 4- The extractive operations will move into the north east of the proposed development site. Mineral, previously underlying the ‘main tip’ and the northeast silt lagoons will be extracted. This phase does not contain an overburden removal phase. However, the remainder of the material from the ‘main tip’ requires to be relocated to the southern restoration landform. The placement of material in the southern restoration landform will reduce the steep faces within this section of the existing quarry. The silt lagoons will also be removed, with new lagoons proposed to be created within the floor of the quarry. A new access ramp will be constructed on the eastern face of the quarry to allow access to the base of mineral workings and the existing ramp removed. Waste from the processing of the mineral workings and the existing ramp removed. Waste from the processing of the mineral will, after residence time in the silt lagoons, be moved and utilised in the southern restoration landform.
- 5- The existing approved plant site will be removed and relocated to the base of mineral workings. The extractive operations moves into the south east of the site. There is no overburden handling requirements during this phase. Waste from the processing of mineral will, after residence time in the silt lagoons, be moved and

utilised in the eastern restoration landform. The eastern restoration landform has been designed to reduce steepness of the historic quarry faces in this area of the site. The screening bunds will be removed at the end of Phase 5 with approximately 50% of the topsoil and overburden materials used to create the bunds being transferred to the western restoration landform. The remaining 50% of materials will be distributed as soil cover across other areas of the site.

The Strategic Planning Policy Statement for Northern Ireland (SPPS, published in September 2015) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. It cites an example whereby the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy and states that in that instance the SPPS should be accorded greater weight in the assessment of individual planning applications. The SPPS retains certain existing planning policy statements and relevant provisions of "A Planning Strategy for Rural Northern Ireland" of which the relevant policies are the Mineral policies, which must be considered when assessing this planning application. The Mid Ulster District Council Local Development Plan 2030-Draft Plan Strategy launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and MIN 2 and MIN 5 are applicable to this application. This proposal is in keeping with these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

The SPPS recognises that minerals are an important natural resource and Government supports their responsible exploitation. Although minerals development delivers significant economic benefit, there are also a number of challenges and the planning system has a key role to play in facilitating a sustainable approach to minerals development, and ensuring the appropriate restoration of sites after working has ceased.

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.

A Planning Strategy for Rural Northern Ireland contains retained planning policies for Mineral developments. It is recognised that minerals can only be extracted from where they are found. While there will be a general presumption in favour of development, in considering a particular application account will be taken of the value of the mineral to the economy, the environmental implications of the proposal and the degree to which adverse effects can be mitigated in relation to the character of the local area. Policies MIN 1, MIN 2, MIN 6, MIN 7 and MIN 8.

Policy MIN1 is to assess the need for the mineral resource against the need to protect and conserve the environment. Extensions to existing mineral workings, which minimise

environmental disturbance in the countryside, will normally be preferred to new workings on greenfield sites. The applicant has carried out an assessment to consider alternative locations for the development. From their assessment, it has been established there is limited permitted reserves of the appropriate quantity and quality within approximately a 20km radius of the applicant's existing operation at Magheraglass. None of the owners/operators of the existing operations, which have replacement potential, is currently willing to dispose of their sites. The applicant has stated that if the company were to cease extraction at the Magheraglass Quarry, the shortfall in aggregate available to the company on the open market would need to be satisfied from a site elsewhere. This could potentially lead to less suitable extension applications, or increased pressure on Greenfield sites, agricultural land and sites containing NI Priority Habitats with significantly less beneficial landscaping proposals, planning gain, rehabilitation of existing sites and after-use. Policy MIN 1 states the Department, in this case the Council, will balance the case for a particular mineral working proposal against the need to protect and conserve the environment, taking account of all relevant environmental, economic and other considerations.

Mineral processing at the site involves washing, crushing and grading of the as-raised mineral, producing a series of graded quarry products for on-site stockpiling and onward transportation to customers. Water used in mineral processing pumps to the plant from a lagoon that is located close to the eastern boundary of the site. A water clarification and recovery plant separate the water and entrained silt decanted from the mineral plant. Clarified waters recovered by this plant pump directly back to the mineral plant for re-use, the largely drained silt pumps to a silting lagoon adjoining the eastern boundary of the site. Following further draining and consolidation within the silting lagoon, the almost dry silts are used in the progressive restoration of exhausted areas of former mineral working within the site. Drainage from the silting lagoon is made back to the groundwater supply lagoon, thus completing the "outer water management circuit".

The site is entirely within Ballinderry local management area of of Neagh Bann River Basin District and the site is entirely within the Kildress sub-catchment of the Ballinderry River. The entirety of the site is located outside any areas of significant flood risk.

Final site restoration will involve the creation of an open water body, marginal acid grassland, wet woodland and woodland for the promotion of local biodiversity. The ES considered there to be no over-riding hydrogeological or hydrologically based reasons why the planned development should not proceed in the manner described.

The area in which the quarry is located is rich in archaeological remains, with 14 sites and monument record sites (SMR's); one listed building and seven industrial heritage record (IHR) sites all within 2km of the site. While the proposed development area does not contain any known archaeological sites, the general undeveloped nature of the site and the proximity of a stream along the western edge, indicates a potential for previously unrecorded archaeological material to survive beneath the current ground surface. Historic Environment Division has requested the inclusion of two conditions to ensure the receipt of an archaeological programme of works.

Policy MIN 2 is to have regard to the visual implications of minerals extraction. Visual intrusion is often the most significant environmental impact associated with mineral workings. Where possible workings should be located to take advantage of existing

landforms and features to minimise their visual impact in the landscape. The application site is not located within an area of any special interest or of high scenic value. There are a number of published relevant character and landscape assessments that to be drawn upon. Within the Regional Landscape Character Assessment 2015 the application site is located within area 11 - West Lough Neagh Drumlins. The West Lough Neagh Drumlins RLCA 11 is located to the centre of Northern Ireland between the eastern edge of the Sperrin Mountains in the west and Lough Neagh in the east. This is generally a farmed, rural landscape with a degree of tranquillity. The more elevated land, particularly to the western fringes, is windswept and of an open upland character with long views over the landscape to the east. Views from within this landscape are otherwise restricted by the rolling drumlins. Slieve Gallion has a commanding presence from almost all parts of this RCLA, and provides the key landmark in views. Panoramic views over this landscape are available from the slopes and summit of Slieve Gallion. Wind Energy Development in NI's Landscapes identifies the site in LCA 43 Carrickmore Hills. This recognises there is extensive sand and gravel quarrying, particularly in the northern and eastern part of the LCA. Part of the LCA is located on the edge of the Sperrin AONB though this site sits further to the south (and outside the AONB) and away from the edge of the AONB. The Murrins ASSI lies further to the west. The area has a wild and remote character in parts but this is tempered by man-made influences. The majority of locations with potential for views of the proposal are to the west and north. The magnitude of change to the landscape through the extension of the existing quarry and associated mitigation is considered low. The agent has carried out a landscape and visual assessment. This has provided the following conclusions:

- The magnitude of change to the landscape through extension of the existing quarry and associated mitigation is considered low;
- The majority of the visual sensitivity were considered as being of medium sensitivity;
- Overall the potential landscape impact/significance is considered minor;
- The magnitude of change from the identified key visual receptors was considered to range from very low to high;
- Overall, the potential visual impacts range from negligible to moderate-major with only one of the selected worst-case scenario visual receptors being considered in the significant range.

It is accepted there is an irreversible impact from the extraction of minerals on the local landscape. Having considered the viewpoints to the site and the information provided in the landscape assessment this is considered to be acceptable in this case.

Policy MIN 6 is to have particular regard to the safety and amenity of occupants of developments in close proximity to mineral workings. It is recognised the continuous and disruptive nature of mineral operations make them "bad neighbours" particularly of housing. A degree of separation between mineral workings and other developments will reduce the potential for conflict. The distance required will vary according to the nature of the mineral operations and neighbouring developments. There are a number of dwellings near the site. Check NN. There are no objections to the proposed development from the surrounding properties. The applicant carried out a dust assessment. The proposed development has the potential to cause air quality impacts because of dust emissions associated with a number of proposed activities. The primary sources of dust associated with the development will be in the removal and storage of remaining overburden, loading of mineral, and haulage of mineral within and from the

site. The applicant has confirmed there is no additional processing to take place at this facility. The proposed development does have the potential to generate levels of dust through its operation. However, the applicant has proposed mitigation measures for proposed and existing quarry operations. It is considered that if the proposed mitigation and dust management protocols are implemented in full, then the development will not significantly affect air quality at sensitive locations near the site. The Environmental Health Department of MUDC have not raised any concerns on this matter.

With regards to the issue of noise, a Noise Impact Assessment was carried out and it considered the worst-case noise impacts of the proposed quarry development on the closest receptors to the site. Four specific noise sensitive receptors located to the west, south and east of the existing and proposed quarry site boundary were selected for the noise impact assessment. The proposed works comprise the westerly lateral extension and deepening of the existing quarry. The methods of extraction include excavation, loading and screening. No blasting occurs at present and nor will it occur. The predicted noise levels show a barely perceptible change in noise levels or a change that will not be significant and quarry noise levels may decrease as each phase of extraction operates further from the noise sensitive receptors. During the restoration phased the noise levels due to dozer activities during restoration works may periodically result in a noise level that exceeds the noise limit of 55 dBL_{Aeq, 1 hour}. However the restoration works are due to be carried out during an 8 weeks window per annum and national Planning Policy Guidance accepts 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, and restoration works etc.

The agent has detailed mitigation measures to be employed to minimise the operational impacts, which include restricted operational hours, on-site speed limit, the use of “noise reduced” plant, perimeter bunds, use of exhaust silencers on mechanical plant, silencing of vehicle reverse alarms and noise monitoring in the event of a complaint.

The predicted noise levels due to the proposed quarrying activities will be less than the WHO recommended guidelines noise limit criterion. The Environmental Health Department of MUDC have not raised any concerns on this matter.

Policy MIN 7 is to take account of the safety and convenience of road users and the amenity of persons living on roads close to the site of proposed operations. The proposed development will have no direct access onto the public highway, with the proposal using the existing weighbridge and downstream plant and therefore the existing site access. The P1 form indicates there will be no increase in traffic onto the public road network. The agent has stated the Magheraglass Road has been historically systematically upgraded/widened to accommodate the levels of mineral haulage vehicles that use this road as the main route to their downstream processing plants. On the basis this proposal is an internal extension of an established use DfI Roads have no objection to the proposed development.

Policy MIN 2 of the “Strategy” states that a precautionary approach will be adopted to assessing mineral development and therefore the onus will be on the developer to demonstrate that development will not:

- a) Prejudice the essential characteristics of a site of international/national or local nature conservation importance including ASSI's, SAC's, SPA's and local/national nature reserves or other heritage interests;
- b) Result in undue harm or loss to protected species or contribute to significant biodiversity loss;
- c) Cause significant risk to public safety or amenity caused by dust, noise, blasting or the use of chemical and/or biological agents;
- d) Impact negatively upon the safety and amenity of occupants of development in close proximity to the mineral working and/or its transport routes because of noise, vibration and dust arising from the excavation process or from the transportation of materials. This criteria will be of particular relevance to proposals involving the use of explosives in the extraction process;
- e) Significantly impair the safety and amenity of road users along the roads where extracted materials will be transported, by virtue of the unacceptable volume of traffic or by vibration, dust or noise associated with the proposed development;
- f) Cause undue obtrusion in the landscape, particularly by breaking the skyline or failing to utilise natural landscape features to aid integration or as a result of poor siting of plant machinery, waste material or the stockpiling of equipment;
- g) Scar the landscape for future generations ensuring that adequate restoration proposals are provided in line with Policy MIN 5.

Policy NH 5 of Planning Policy Statement 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known, inter alia, priority habitats and active peatland. A development proposal, which is likely to result in an unacceptable adverse impact on, or damage to, habitats..., may only be permitted where the benefits of the proposed development outweigh the value of the habitat.

In the Environmental Statement at Page 65 of Appendix 18 Will Woodrow states that "the potential impacts upon the mire habitat at this site will result in the loss of c.078 ha of the habitat that falls within a wider block of a total of c. 4.54 ha (c. 3.76 ha has been excluded from the application area). The impact is considered to be long term and permanent, due to the lack of scope for successful translocation or replacement of this particular habitat at the site. However, ecological compensatory measures including the restoration of c.17 ha of biodiverse habitats including wet and dry broadleaved woodland, wetland (three freshwater ponds and a c. 8 ha lake) and acid grassland habitat are included in this planning application".

NIEA were concerned the application is contrary to PPS 2: NH 5 as it is likely to result in an unacceptable adverse impact on or damage to known priority habitats, Lowland Raised Bog and active peatland and they advised that all areas of active peatland are removed from the plans.

In a response, the agent stated, "The approach being adopted by Creagh Concrete to expand and utilise their existing pits, rather than exploring and submitting applications for greenfield sites, is one which is expected to expedite their sites untapped value whilst minimising land take and environmental impacts. Coupled with the Company's approach to enclose the planning application area to include existing historic workings, granted without any assessment under EIA or restorative requirements, provides unquestionable planning gain which NIEA have not explicitly considered in any of their consultation

responses regarding the project...it is considered that NIEA have not applied Policy NH 5 correctly. The removal of the suggested 0.78 hectares would sterilise lands additional to that considered by the applicant within the Alternatives sections of the ES....Indeed Policy NH 5 of PPS 2 does not state anywhere that habitat creation is required to be provided on a like for like basis and indeed alternatives have been accepted by NIEA at other sites as recently as 2018 within the Council area. NIEA have stated that the proposed compensation is 'unlikely to outweigh the loss of peatland within the site'. Considering the actual wording of PPS 2 NH5 and the test for compensation, coupled with the interpretation of this policy".

The agent asserts that NIEA have misinterpreted the policy in that they are assessing whether the compensation is unlikely to outweigh the loss of habitat rather than the actual policy test, which is whether the proposed development and the benefits associated with the same outweigh the value of the habitat, species or feature.

The agent has referenced a recent JR of a Planning Appeals Commission decision, which has tested the interpretation of this policy by the Courts. In that case a planning appeal was dismissed for a proposed wind farm on the basis that the Commissioner did not consider the benefits of the development to outweigh the value of the NI priority habitat and introduced a third consideration which was the requirement for appropriate mitigation and / or compensatory measures which it was considered not to have been triggered. The conclusion in that appeal was although appropriate weight was attached to the benefits of the scheme "when taken together with the outline measures for compensation/enhancement do not outweigh the unacceptable adverse impact and damage that the proposed development would cause to... NI priority habitat". In Justice Keegan's consideration, it is his view that Policy NH 5 refers to the fact that if the benefit outweighs the value of the habitat etc. in such cases mitigation and or compensatory measures will be required. It was the Commissioner's interpretation that this means that only if benefit is established without any references to mitigation/compensation do you consider the measures. In Justice Keegan's view, this approach is not sound. He considers this sentence does not represent a third stage but rather it explains what is required when assessing benefit.

NED have considered the application only in that it would likely to result in an unacceptable adverse impact on or damage to known priority habitats and active peatland. It also considers that the habitat features proposed for compensation are unlikely to outweigh the loss of peatland within the site. However as it has been established through case law this is not a sound approach to the interpretation of Policy NH 5 and this approach is also adopted at Para 6.193 of the SPPS. It is where it is likely to be an unacceptable impact that appropriate mitigation and / or compensatory measures will be required. Not that they will outweigh the loss of the priority habitat. The alternative options listed by the agent have reduced the overall size of the proposed development from a total area of 24 ha to now 19 ha. There has been land excluded from the proposed development for geological and other reasons including land on which badger setts were situated. It is the contention of the agent that the applicant reconsidered the scheme from a larger land area so that consultants could deliver a scheme that was sensitive to the ecological constraints whilst delivering a sustainable and feasible project for the Company.

The agent argues the mire/wet modified bog is undesignated though it is the assertion of NIEA that it doesn't matter if the habitat is undesignated it is still afforded protection

Will Woodrow (Environmental Statement at P38, Appendix 18) states "...this semi-natural habitat, within both the excluded and included areas of peatland, has a sufficient peat depth, water content and a significant cover of peat forming species to support "active bog" although this is in a degraded state. The c. 0.78 ha of peatland habitat that lies within the application site boundary is of conservation value and therefore needs to be considered in line with prevailing policy, i.e. the need to protect the habitat against the need for the mineral and suitable mitigation/compensation contained within the entire c. 17 ha development proposal".

In his conclusion, he states that translocation and any reuse of the excavated peatland material cannot replace the more-wet modified bog, which will be lost given the unsuitable hydrological conditions on completion of the works. However, it is considered that the proposed mitigation measures and habitat restoration plan for the site aim to prevent significant impacts upon important ecological features, and encourage biodiversity back onto the site on completion of the mineral extraction process. There is a native planting proposal. In addition, there smaller perched ponds, ranging in size, shall be incorporated. Will Woodrow asserts the final restoration proposal will result in an overall greater variety of habitat types and removal of intensive agricultural practices on the restored site.

In a letter to MUDC on 25 January 2019, NED stated "regardless of whether amendments show the removal of the mire habitat from the extraction area, NED recommend that comprehensive restoration is made a condition of planning permission in order to comply with the Council's biodiversity duty as set out in the WANE act, etc".

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. It recognises that Minerals represent a very important resource for our District. Whilst it is difficult to place an exact figure on the annual value of minerals sold in Mid Ulster, it is believed that this figure may be in excess of £13 million per annum.

This site lies outside any area of constraint and the "Strategy" states there will remain a presumption in favour of hard rock and aggregates extraction and processing in recognition of the importance of this activity to the local economy and its importance in providing materials for construction regionally.

Having considered the information submitted by the agent and the consultation responses from NED it is agreed the loss of the habitat does not bring benefits from the proposed development that outweigh the value of the habitat. In a letter dated 9 January 2019 the agent stated the removal of the area of the habitat would conservatively reduce the production life of the project by one year. The letter details the benefits associated with the project. However, it is not agreed that the removal of the 0.78 ha is justified in this instance. In fact, the 0.78 ha equates to c. 20% of the peatland associated with this site.

In the letter from the agent, dated 3 May it confirms the extension is now c.5.22 hectares in size with the existing approved operational development standing at c. 11 hectare. It

is the contention of the agent that since the habitat is no longer a material consideration there is no longer a requirement for the associated post approval submission of a habitat management plan. It has been suggested by the agent that, in the absence of prevailing guidance in NI on restoration and aftercare conditions, in line with UK policy and prevailing case law, there are no exceptional circumstances requiring the Company to enter into a financial agreement regarding restoration. Indeed the agent suggests the imposition of a financial agreement would defy the essence of the proposal and the applicant's holistic approach.

Policy MIN 8 is to require restoration of mineral workings at the earliest opportunity. Restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction.

A letter of objection has been received from Millar, Shearer and Black solicitors who are acting on behalf of Peter and Brigid McNally. The letter states their clients enjoy a right of way over the lands and no alternative right of way has been agreed by the McNally's. They also state planning permission will interfere with and obstruct their client's right of way. The agent has confirmed the lands were acquired from Michael McNally.

I recommend an approval of the application subject to the conditions listed below. An agreement is currently being reached between the Planning Manager and the agent on the specific wording of conditions pertaining to phased restoration of the lands. This is to ensure the phased restoration is completed in a timely and sequential manner as laid out on Page 4 of this case officer report. These will be presented before the Planning Committee at the June 2019 meeting.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below and additional restoration conditions that will be presented as an addendum to the Planning Committee.

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. No development activity shall commence on site until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres (as shown on drawing No 04/2, date stamped 3 May 2019). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within those protection zones without the consent of the Planning Authority. The protection zones shall be retained and maintained until all construction or extraction activity

has been completed on site. Works within 25m of the sett referred to in the addendum (date stamped 18 October 2018) as “inactive” shall only be undertaken under license.

Reason: To protect badgers and their setts on the site.

3. A final Construction Environmental Management Plan and finalised Site Drainage Plan shall be submitted by the applicant/approved contractor to the Planning Authority for agreement prior to works commencing. This should reflect and detail all the pollution prevention, mitigation and avoidance measures as outlined within Sections 6 and 8 of the Environmental Statement and all additional submitted information:

Reason: To limit impacts to nearby waterways.

4. A suitable buffer of at least 10m shall be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the adjacent Kildress Stream.

Reason: To limit impacts to nearby waterways.

5. Prior to discharge to watercourses, surface water generated during the construction and operation phases of the development shall first pass through sediment traps and hydrocarbon receptors.

Reason: To limit impacts to nearby waterways.

6. There shall be no direct discharge of untreated foul sewage effluent into the Kildress Stream.

Reason: To limit impacts to nearby waterways.

7. A noise target level of 42dB (A) for properties to the west of the quarry, and 49dB (A) for the closest properties to the South and East of the quarry should not be exceeded at any stages of the development

Reason: In the interest of residential amenity.

8. 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.

9. 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.

10. Earth mounds and stacks shall be appropriately positioned to act as a physical barrier between the noise source and the receptor.

Reason: In the interest of residential amenity.

11. 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.

12. 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 immissions 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.

13. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 7, 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.

14. The dust mitigation plan outlined in Section 10 of the dust deposition monitoring survey should be adopted and fully implemented by the applicant.

Reason: In the interest of residential amenity.

15. 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.

16. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 10 (immediately above). 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:

17. The applicant must submit an Environmental Monitoring Plan within 6 months of the date of his permission. The plan should include information on the location of the monitoring sites, parameters sampled, sampling frequency, frequency of reporting and review intervals.

Reason:

18. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

19. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed

Signature(s)

Date:

ANNEX	
Date Valid	15th March 2018
Date First Advertised	29th March 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Corchoney Road, Cookstown, Tyrone The Owner/Occupier, 15 Magheraglass Road, Cookstown, Tyrone The Owner/Occupier, 28 Cloughfin Road, Cookstown, Tyrone The Owner/Occupier, 29 Cloughfin Road, Cookstown, Tyrone The Owner/Occupier, 33 Cloughfin Road, Cookstown, Tyrone The Owner/Occupier, 6 Cavanoneill Road, Cookstown The Owner/Occupier, 62 Knockaleery Road, Cookstown The Owner/Occupier, 63 Knockaleery Road, Cookstown, Tyrone The Owner/Occupier, 65 Knockaleery Road, Cookstown, Tyrone Peter & Brigid McNally, Millar Shearer Black, 40 Molesworth Street, Cookstown, BT80 8PH	
Date of Last Neighbour Notification	18th February 2019
Date of EIA Determination	
ES Requested	Submitted with the application
Planning History Ref ID: LA09/2018/0382/F Proposal: Rationalisation and continued extraction of minerals from Magheraglass sand and gravel quarry with a proposed lateral westerly extension, phased development plans and holistic restoration. Address: Magheraglass Sand & Gravel Pit, Knockaleery, Magheraglass Road, Cookstown, BT80 9EJ., Decision: Decision Date: Ref ID: LA09/2017/0805/PAN Proposal: Continued extraction of minerals from Magheraglass sand and gravel quarry with a proposed westerly lateral extension with holistic restoration of the site to a mix of nature conservation area and pasture lands Address: Magheraglass Quarry, Knockaleery, Magheraglass Road, Cookstown, Decision: PANACC Decision Date:	

Ref ID: I/2004/0940/F

Proposal: Extension to existing active Sand & Gravel Pit

Address: Kildress Sand & Gravel Pit, Drum Road, Knockaleery, Cookstown

Decision:

Decision Date: 24.10.2005

Ref ID: I/2004/0159/F

Proposal: Proposed Gravel Extraction; Part Retrospective

Address: Land 350m North-West of 15 Magheraglass Road, Cookstown.

Decision:

Decision Date: 24.10.2005

Ref ID: I/1996/0167

Proposal: Extension of site for Sand and Gravel Extraction

Address: 50M NORTH WEST OF 65 KNOCKALEERY ROAD KNOCKALEERY
MAGHERAGLASS ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1980/0282

Proposal: EXTRACTION OF SAND AND STONE

Address: KNOCKALEERY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/6067

Proposal: Development of land for sand recovery Knockaleery Co. Tyrone

Address: Knockaleery Co. Tyrone

Decision:

Decision Date:

Ref ID: I/2013/0325/F

Proposal: Regularisation of existing washing plant site

Address: Magheraglass sand and gravel pit, 270m north of 65 Knockaleery Road,
Knockaleery, Magheraglass, Cookstown, BT80 9EJ,

Decision: PG

Decision Date: 12.10.2015

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 02/1
Type: Existing Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04/2
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Cross Sections
Status: Submitted

Drawing No. 09
Type: Landscaping Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0595/F	Target Date:
Proposal: Proposed free range poultry shed with 2No. feed bins, a standby generator building and associated site works (poultry shed to contain 16,000 free range laying hens).	Location: Land approx. 150m North West of 49 Gorey Road Dungannon BT70 3AG. (central grid ref: 271602 361480).
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr Weldon Hall 18 Cravenney Road Ballygawley BT70 2LQ	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Public Health Agency	Substantive Response Received
Non Statutory	Public Health Agency	Substantive Response Received

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

Characteristics of the Site and Area

The site contains a large rectangular portion of a large agricultural field. It is located approx. 150m North West of 49 Gorey Road Dungannon. The land is relatively flat and is accessed via the existing farm yard at number 49. The main bulk of the site is in the NW corner of the field and the boundaries are undefined on the east and south boundaries. The north and west boundaries are defined by low cropped hedgerows. The associated farm holding includes a two storey dwelling and a number of large sheds and agricultural out buildings.

The site lies in the open countryside outside all other areas of control. It is a short distance to the north of the main Dungannon Ballygawley road and to the south west of the settlement limits of Castlecaulfield. The surrounding area is predominantly rural agricultural in nature. There are other large farm holdings located immediately to the East and West of the site and a number of dwellings scattered along the roadside.

Description of Proposal

Proposal seeks full planning permission for a free range poultry shed with 2No. feed bins and a standby generator building.

Planning Assessment of Policy and Other Material Considerations

Relevant Planning Policy

The regional Development Strategy (RDS)

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

Strategic Planning Policy Statement (SPPS)

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 a condition to ensure the visibility splays are completed in accordance with the drawings, 2.4m by 33m in both directions onto the public road.

Environmental Health - no objection. They state that AQIA carried out by applicant show average odour levels will be well below the maximum accepted odour level at the nearest sensitive receptor.

NIEA - no objections subject to conditions. NIEA also advise that no N2K sites will be adversely impacted by the proposal and that it is in line with DAERA's protocol on nitrogen emissions.

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.

Rivers Agency - No objections subject to informatives.

Shared Environmental Services- carried out a HRA on this proposal (see file) and concludes the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site.

Public Health Authority – carried out an assessment of the air quality impact assessment and has concluded that public health implications would be minimal. No objections.

3rd Party Objections

Three objections to this application have been received.

No.2 20, 26 and 47 Gorey Road.

The objections raise issues including loss of amenity, odour nuisance, de valuation of property, increased traffic, close proximity to dwellings, possibility of disease, health concerns, flooding and manure disposal.

Summary of concerns

-Odour or smell nuisance. The nearest residential dwelling is slightly more than 150 metres from the proposed house. Environmental Health have been consulted and have no objections as odour levels fall below maximum acceptable level at the nearest sensitive receptor. This proposal is unlikely to result in a detrimental impact on the amenity of nearby residents if operated in accordance with best practice farm management.

-Traffic and congestion increase. The proposal seeks an agricultural use which is common for the rural area, there are three existing operating farms to the south of the site which would already attract a number of vehicles to the area. A transport assessment was completed and sent to DfI roads, whom have responded and had no issues or concerns with road safety subject to conditions.

-De-valuation of property. This is not a material consideration for a planning application.

-To close to residential properties. The proposed building is set back approx. 175m from the public road and over 150 metres from the nearest neighbour. Access will follow an existing tree lined hedge/boundary and I do not feel it will not have a detrimental impact on the amenity enjoyed by the neighbouring dwellings.

-Spread of disease. NIEA, DAERA, SES and ENV HEALTH have been consulted and responded with no concerns subject to conditions. Various additional environmental reports were requested by these consultees in order to assess the full impact of this proposal on the surrounding environment, to ensure no significant impact would result. These reports include a Drainage Assessment, Nutrient management Plan, bio checklist and ecological assessment and Air Quality Impact Assessment. No concerns were raised and no issues with spread of disease were evident subject to compliance with proposed conditions.

-Flooding. Rivers agency were consulted and responded with no objections.

-Manure disposal. The applicant has submitted a document and contract providing sufficient evidence for the disposal of poultry manure from the proposed unit. No concerns.

-Health effects.

Relevant planning history

None

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 and expansion opportunity for the applicant's farm holding. 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.

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

The proposed poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of three large existing farm holdings to the south to aid its integration. It has a low ridge height and is set back approx. 175m from the public road. Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed 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. Various additional environmental reports were requested by these consultees in order to assess the full impact of this proposal on the natural environment, to ensure no significant impact would

result. These reports include a Drainage Assessment, Nutrient management Plan and Air Quality Impact Assessment. As stated above all have no objections with this proposal with the proviso that birds are limited to 16000 free range layers.

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

Relevant neighbours have been consulted, the proposal advertised in the local press and 3 no. 3rd party objections have been received. Environmental Health have been consulted and have no objections as odour levels fall below maximum acceptable level at the nearest sensitive receptor. This proposal is unlikely to result in a detrimental impact on the amenity of nearby residents if operated in accordance with best practice farm management.

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

-There are no suitable existing buildings;

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 Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. This statement does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development. In many examples throughout Northern Ireland similar proposal have been approved where the proposed hen house is sited away from the main grouping. This is sometimes required for bio security reasons so that cross contamination does not occur, and may be to protect surrounding residential amenity from noise and/or smell. For these reasons I find this siting acceptable in this instance and it will integrate into the landscape.

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.

The proposed poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of three large existing farm holdings to the south to aid its integration. It has a low ridge height and is set back approx. 175m from the public road. Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed will satisfactorily integrate into the landscape.

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

The poultry house is agricultural in nature and will benefit from a back drop of mature native species hedgerow and also the existing farm holdings to the south. 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.

Having weighed up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to conditions.

Neighbour Notification Checked

Yes

Conditions

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

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

2. Prior to commencement of the development hereby permitted, the vehicular access, including visibility splays of (2.4m * 33.0m) and (33.0m) forward sight distance shall be provided in accordance with Drawing No. 02B bearing the date stamp 22/08/18, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The applicant shall not deviate from the poultry litter disposal methods detailed in the document 'supporting information' uploaded to the NI Planning Portal on 9th May 2018. Any deviation from the agreed poultry litter disposal agreement shall be not be carried out without the prior written consent of the Planning Authority'.

Reason: To ensure that the development does not result in any significant effect on the features of any European site.

4. The poultry shed hereby approved shall be used for 'free range' methods only.

Reason: To protect the natural environment and nearby residential amenity.

5. The number of bird places within the application site shall not exceed 16,000 free range layers, unless otherwise agreed in writing by Council.

Reason: To protect the natural environment and nearby residential amenity.

6. There shall be no mixing of poultry litter produced from this application and the farmyard manure generated from existing agricultural facilities that are owned or can be accessed by the applicant.

Reason: To protect the natural environment and nearby residential amenity.

7. The existing trees and hedgerows, as indicated on drawing No. 02 date stamp received 22nd August 2018 shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: To assist with integration.

Informatives

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

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

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

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

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

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

4. Environmental health informatives.

The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, vibration and odours to nearby premises.

The applicant is also advised that in order to protect nuisance conditions arising from flies, that adequate systems are in place to manage and control flying insects.

Providing the drainage works described in the Drainage Assessment and noted on site layout drawing stamped as 'drawing number 02' by the planning authority, are implemented, the proposed development should not increase the risk of flooding to the development or elsewhere.

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

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. NIEA Advice

The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Agricultural developments.

Under the NAP regulations the records of the manure exports must be maintained for a minimum of 5 years.

Should the applicant be placing a concrete or hardcore apron around the poultry house to assist with litter management around the pop holes they should note that all effluent from this apron must be collected as slurry.

A hardcore channel must be lined with an impermeable membrane compliant with the nitrates regulations and the effluent collected as slurry in a nitrates regulations compliant tank. The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance.

Water Management Unit recommends the applicant refers and (where appropriate) adheres to the precepts contained in Standing Advice Sustainable Drainage Systems.

The applicant must refer and adhere to the relevant precepts in Standing Advice Discharges to the Water Environment.

The applicant should refer and adhere to all the relevant precepts contained in Standing Advice Abstractions and Impoundments.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

The applicant must refer and adhere to the relevant precepts in Standing Advice Discharges to the Water Environment.

As the development includes underground structures (tanks), depending on the geological setting, the potential exists for the water table to be encountered during these works.

In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities.

The applicant should refer and adhere to all the relevant precepts contained in Standing Advice Abstractions and Impoundments.

The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer and adhere in Standing Advice Discharges to the Water Environment.

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, 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 31st August, unless pre-clearance surveys show an absence of breeding birds.

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

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*).
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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;
- iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- v. 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 Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

Signature(s)

Date:

ANNEX	
Date Valid	3rd May 2018
Date First Advertised	17th May 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 26 Gorey Road,Dungannon,Tyrone,BT70 3AG, Ian Burrows 26, Gorey Road, Dungannon, Tyrone, Northern Ireland, BT70 3AG The Owner/Occupier, 30 Gorey Road,Dungannon,Tyrone,BT70 The Owner/Occupier, 30a ,Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 32 Gorey Road,Dungannon,Tyrone,BT70 The Owner/Occupier, 33 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 35 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 4 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 47 Gorey Road Dungannon Tyrone Robert & Laura Cuddy 47, Gorey Road, Dungannon, Tyrone, Northern Ireland, BT70 3AG The Owner/Occupier, 49 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 5 Gorey Road,Dungannon,Tyrone,BT70 3AG, The Owner/Occupier, 8 Gorey Road,Dungannon,Tyrone,BT70 3AG, Raymond Cuddy Gorey House,20 Gorey House,Dungannon,BT70 3AG The Owner/Occupier, Gorey House,20 Gorey Road,Dungannon,Tyrone,BT70 3AG,	
Date of Last Neighbour Notification	14th May 2018
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2018/0595/F

Proposal: Proposed free range poultry shed with 2No. feed bins, a standby generator building and associated site works (poultry shed to contain 16,000 free range laying hens).

Address: Land approx. 150m North West of 49 Gorey Road, Dungannon, BT70 3AG. (central grid ref: 271602, 361480).,

Decision:

Decision Date:

Summary of Consultee Responses

DfI Road no objection subject to a condition to ensure the visibility splays are completed in accordance with the drawings, 2.4m by 33m in both directions onto the public road.

Environmental Health - no objection. They state that AQIA carried out by applicant show average odour levels will be well below the maximum accepted odour level at the nearest sensitive receptor.

NIEA - no objections subject to conditions. NIEA also advise that no N2K sites will be adversely impacted by the proposal and that it is in line with DAERA's protocol on nitrogen emissions.

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.

Rivers Agency - No objections subject to informatives.

Shared Environmental Services- carried out a HRA on this proposal (see file) and concludes the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site.

Public Health Authority – carried out an assessment of the air quality impact assessment and has concluded that public health implications would be minimal. No objections.

Drawing Numbers and Title

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0781/O	Target Date:
Proposal: Proposed dwelling	Location: Site immediately South of 59 Cahore Road Draperstown (Amended site address)
Referral Route: This application is being presented to Committee as on letter of objection has been received.	
Recommendation:	APPROVE
Applicant Name and Address: Reps Mr Peter Bradley 59 Cahore Road Draperstown	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	DAERA - Coleraine	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 in respect of this application and related to the following issues:-

Previous planning history of the site which was refused on the grounds of ribbon development, lack of integration and build up;

The farm land is let out to a third party at present and is on the market to be sold;
Issue with flooding at this location.

Description of proposal

This is an outline application for a single dwelling on a farm holding.

Characteristics of the site and area

This site is located within the countryside as defined by PPS21 and a non-policy area/rural

remainder as defined by the draft/extant Magherafelt Area Plans. The settlement pattern in the area is quite mixed with some roadside development and farm clusters along private laneways.

This relatively flat roadside site is located at lands adjacent to No.59 Cahore Road, Draperstown and forms a larger road frontage agricultural field. No.59 is the former landowners (Dec'd) dwelling, with a detached garage/outbuilding located to the rear. The northern site boundary with No.59 is defined by a timber post and rail fence; the southern boundary is defined by a post & wire fence; the eastern roadside boundary is defined by a substantial hedgerow (approx. 3-4m); and, the western boundary is currently undefined. Intermittent views into the site can be achieved from the Cahore Road to the east when travelling along both the southern and northern approaches. Views of the site will be opened up further by hedge removal to facilitate visibility splays (approx. 20 in both directions).

There is a relevant planning history on the application site under I/2011/0102/O which was an outline application for two infill dwellings. This was refused and dismissed on appeal as it was considered to be contrary to CTY 8, CTY 13 and CTY 14. That application was substantially different from this current application as it was not considered under Policy CTY 10.

Planning Assessment of Policy and other Material Considerations

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

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in the rural area and is linked to an established farm business.

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

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- DAERA have confirmed that the business has been in existence for more than 6 years and has been active for that period;

The applicant's representatives initially provided a redundant farm business ID number. The correct ID number was subsequently provided and DAERA have confirmed that this business has been in existence for more than the required 6 years. Although DAERA have confirmed that the business is no longer active and the farm land is being utilised by another farm business, it is being farmed and therefore satisfies the criteria of being farmed.

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- the new building will be visually linked and sited to cluster with the existing dwelling and garage/outbuilding which appear to be the only buildings on the farm holding. Although the farm is a considerable size of a holding it includes a large area of mountain ground covering in excess of 174ha on which there are no buildings.

CTY 13 – Integration and Design of Buildings in the Countryside

This is an outline application for a dwelling on a farm. The site is set to the side of the existing dwelling and garage/outbuilding and is therefore visually linked with the buildings on the farm. The dwelling as proposed will benefit from the limited critical views being such that the proposed dwelling will be viewed in association with and set against the buildings to the north. Given that there are only localised critical views of the site on approach from the north and south, a dwelling with a ridge height of 5.5m, will achieve a suitable degree of integration as it will be set against and viewed with the existing farm dwelling and associated garage/outbuilding buildings.

CTY 14 – Rural Character

As the existing dwelling and garage/outbuilding are the only buildings on the farm holding, the proposed site is considered to be the best possible site for a dwelling as it is visually linked to the buildings on the farm holding. Therefore a dwelling on the application site would not result in a change of character of the surrounding area. Furthermore, as such a dwelling would be read with the existing buildings on the farm holding, it is not considered to be unduly prominent, it does not result in a suburban style build-up of development, it would respect the traditional pattern of development in the area, it would not create a ribbon of development and the impact of ancillary works would not damage rural character.

PPS 3 – Access, Movement and Parking;

Although the proposed development includes the creation of a new access, the position of the access will be adjacent to the boundary of the existing farm dwelling. This will also enable the development to achieve a satisfactory degree of integration. Transport NI

advised that they have no objection to the proposed development subject to the stated conditions.

In considering the objection, the case submitted is based on a dwelling on a farm holding (CTY10) which was not proposed previously. The fact that the farm is let out and is to be sold is not a planning consideration. While there is a record of limited flooding on the public road to the south of the site, this is a matter for DfI Roads service. There is no record of flooding on the site which would justify a refusal.

Recommendation

On consideration of the above, it is my opinion that the proposal meets the policy requirements and the site could accommodate the dwelling as proposed. Therefore planning permission should be granted for the proposed development subject to the following conditions:-

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

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

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

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

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

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

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

3. The dwelling hereby permitted shall have a ridge height of not greater than 5.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environment Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

4. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels and referenced to a fixed point on the public road has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

6. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

7. 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 development integrates into the countryside and to ensure the maintenance of screening to the site.

8. During the first available planting season after the occupation of the dwelling a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

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

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

10. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside.

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

11. 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.

Signature(s)

Date:

ANNEX	
Date Valid	4th June 2018
Date First Advertised	21st June 2018
Date Last Advertised	20th September 2018
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 59 Cahore Road, Draperstown, Londonderry, BT45 7LY, The Owner/Occupier, 59 A Cahore Road, Draperstown, Londonderry, BT45 7LY, The Owner/Occupier, 59 B Cahore Road, Draperstown, Londonderry, BT45 7LY, The Owner/Occupier, 64 Cahore Road Draperstown Londonderry Cathal & Louise McKee 64, Cahore Road, Draperstown, Londonderry, Northern Ireland, BT45 7LY The Owner/Occupier, 69 Cahore Road Draperstown Londonderry</p>	
Date of Last Neighbour Notification	4th September 2018
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2018/0781/O Proposal: Proposed dwelling Address: Site immediately South of 68 Cahore Road, Draperstown, Decision: Decision Date:</p> <p>Ref ID: H/2011/0475/F Proposal: 33kv overhead powerline to connect from Draperstown North substation to Brackagh Quarry to serve approved wind turbine development. Address: Townlands Drumard, Cahore, Cloughfin, Straw Mountain, Brackagh, Corick, Decision: Decision Date: 18.06.2012</p> <p>Ref ID: H/2012/0156/F Proposal: 33kv Overhead Powerline Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick, Decision: PG Decision Date: 19.11.2012</p>	

Ref ID: H/2004/0299/O

Proposal: Site of dwelling and garage.

Address: 140m South of 52 Cahore Road, Draperstown.,(amended address)

Decision:

Decision Date: 19.06.2006

Ref ID: H/2011/0102/O

Proposal: Proposed site of 2 no infill dwellings and garages for residential purposes

Address: Adjacent to no 59 Cahore Road Draperstown,

Decision:

Decision Date: 16.09.2011

Ref ID: H/2004/0180/O

Proposal: Site of dwelling and garage.

Address: Site at Cahore Road, Draperstown, 80m West of no.52 Cahore Road.

Decision:

Decision Date:

Ref ID: H/2005/1060/O

Proposal: Site of replacement dwelling and garage

Address: 61 Cahore Road, Draperstown.

Decision:

Decision Date: 19.06.2006

Summary of Consultee Responses

All consultees responded positively

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0799/F	Target Date:
Proposal: Proposed demolition of garage and provision of new detached dwelling (Amended Plans).	Location: Adjacent to 23 Beechland Road Magherafelt.
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Ashley Booth 45 Ballynagarve Road Magherafelt BT45 6NB	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues including representations

No representations have been received in respect of this application.

Description of proposal

The proposal is an application for a detached two storey dwelling within the side garden of an existing dwelling.

Characteristics of the site and area

The site is comprised of a small side yard/amenity area of a modest two storey detached dwelling at Beechland Road. Within that amenity area is a small single garage with a flat roofed which attached to a similar garage at no.25. The dwelling fronts onto a small, wedged shaped area of grass and a communal car parking area. The site is bounded along the rear of the public footpath by a low concrete wall. While the existing dwelling has a side yard/amenity area it also has an elongated private amenity area to the rear which is accessed via a narrow entry between the existing dwelling and the garage. The rear garden measures approximately 28m by 7m. Currently there is parking for one vehicle within the side yard/amenity area with a second parking space within the existing garage.

Planning Assessment of Policy and other Material Considerations

Include Development Plan and planning history

There is no planning history on the site.

The proposal is in accordance with the Magherafelt Area Plan 2010 insofar as the site is unzoned land within an existing housing development.

PPS 7 Quality Residential Environments – Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment. 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 proposed layout fails to meet the first of these criteria in that it does not respect the surrounding context in terms of layout and appearance. Overall, this is a small restricted site which does not allow for a layout similar in size and appearance to the existing dwellings along this part of Beechland Road in that it removes a side amenity area and also relies on dividing up the rear amenity space by erecting a 1.8m high timber fence along its entire length. This will create two long and very narrow rear amenity spaces, one of which is 2.5m wide. Access to the two rear amenity spaces is via a shared entry between the two dwellings.
- (b) There are no features of archaeological or built heritage.
- (c) As the development is for 1 dwelling, the provision of public amenity space is not a requirement. The proposal will allow the provision of two separate private amenity spaces of around 95m² and 100m², however as discussed above the layout of these areas are impracticable and undesirable as the proposed dwelling has a poor relationship to its amenity space.
- (d) The proposal is for a single dwelling and therefore the provision of neighbourhood facilities are not deemed necessary within the site.

- (e) The site is within the settlement development limits of Magherafelt and therefore 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) Although the existing garage is to be removed and the parking availability reduced from two parking spaces, one in-curtilage parking space is proposed for the new dwelling. The existing dwelling will then rely on communal car parking.
- (g) The design as submitted is unacceptable. It is evident that the proposal is an attempt to shoehorn a dwelling into a restricted side yard/amenity area of an existing dwelling. The proposed development introduces a form of development which is alien to this area in that it proposes to erect a dwelling within a very restricted side yard/amenity area with the dwelling being gable end to the road and at its closest point is only 1m from the rear of the public footpath.
- (h) Whilst the design and layout will not create conflict with adjacent land uses as these are predominantly residential, the layout, as discussed above, will undoubtedly have a major impact on the residential amenity of the existing dwelling at No.23 as the existing rear garden will be reduced to 2.5m wide at the rear of the dwelling. This is in addition to having to share an access to that amenity space with the proposed dwelling.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

Addendum to Planning Policy Statement 7 – Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and 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;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

While the proposal will not increase the overall density of the Beechland Road development significantly, the proposed site does not respect the existing pattern of development in that it results in a dwelling on an overly restricted site. This does not respect the existing layout in that the existing plot sizes are more substantial thereby resulting in more generous areas of private amenity space.

For a residential development scheme to be successful, the following issues, will need to be fully considered:

- i. the extent of the surrounding area and the relevant development plan context;
- ii. context of site and surroundings, including:
 - existing densities and layouts;
 - plot sizes;
 - ratios of built form to garden area;
 - spacing between buildings;
 - scale, height, and massing of buildings;
 - architectural styles and materials;
 - landscaping and boundary treatments; and

potential impacts on non-residential uses e.g. schools, open space, etc.

iii. the potential impacts of proposals on the street scene including main views, distance from boundaries of adjoining properties, overlooking, loss of light, overshadowing, refuse and recycling storage, noise or other general disturbance;

iv. the impact of parking provision on street scene, and the ratio of hard landscaping to soft landscaping / garden areas; and where appropriate,

v. the size, form, function and existing character of villages and smaller settlements.

The proposed development is considered to be contrary to the above addendum to PPS 7 in that it does not respect the existing plot sizes, the ratio of built form to garden areas, and the spacing between buildings. The proposal also fails to respect the existing street scene.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. In my opinion, the proposed development fails to make a positive contribution to this area as it proposes to develop a dwelling on a very restricted site and in doing so will be out of keeping with the existing development within Beechland Road.

Recommendation

On consideration of the above, it is my opinion that planning permission should be refused for the reasons listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below:-

Refusal Reasons

1. The proposal is contrary to the Magherafelt Area Plan, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments and Policy LC1 of Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas in that the development would, if permitted:

fail to respect the surrounding context in terms of design, layout and appearance;

fail to make adequate provision for private amenity space;

have an unacceptable adverse impact on the private amenity space of the existing dwelling at No. 23;

be out of keeping with the overall character of the established residential area; and represent over-development of the site.

2. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted;

be detrimental to the character of the surrounding area by reason of its siting and design which are out of character with the area; and

have an unacceptable negative impact on neighbouring amenity and therefore would not make a positive contribution to the area.

Signature(s)

Date:

ANNEX	
Date Valid	8th June 2018
Date First Advertised	21st June 2018
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10 Beechland Place Magherafelt Londonderry</p> <p>The Owner/Occupier, 12 Beechland Place Magherafelt Londonderry</p> <p>The Owner/Occupier, 19 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 21 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 22 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 23 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 24 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 25 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 27 Aughrim Road, Magherafelt, Londonderry, BT45 6AZ</p> <p>The Owner/Occupier, 27 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 29 Beechland Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 31 Beechland Road Magherafelt Londonderry</p>	
Date of Last Neighbour Notification	31st January 2019
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2018/0799/F</p> <p>Proposal: Proposed demolition of garage and provision of new detached dwelling.</p> <p>Address: Adjacent to 23 Beechland Road, Magherafelt.,</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: H/2000/0196/F</p> <p>Proposal: Extension To Dwelling</p>	

Address: 21 Beechland Road, Magherafelt

Decision:

Decision Date: 14.04.2000

Ref ID: H/2005/0817/F

Proposal: Extension & Renovations To Dwelling

Address: 27 Aughrim Road, Magherafelt

Decision:

Decision Date: 30.05.2006

Ref ID: H/1992/0572

Proposal: ALTS TO DWELLING

Address: 25 BEECHLAND RD MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

Roads Service provided suggested conditions if the proposed development were to be considered acceptable.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03/1

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0924/F	Target Date:
Proposal: Proposed dwelling and garage	Location: 150m West of 35 Drumnafern Road Donaghmore Dungannon
Referral Route: Not in accordance with policy. Proposal not sited to cluster and/or visually link with existing group of buildings on the farm.	
Recommendation:	Approve
Applicant Name and Address: Mr Leo Quinn 67 Whitebridge Road Ballygawley	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is a full planning application for proposed dwelling and garage in the countryside outside any defined development limits.

Characteristics of Site and Area

Mature trees define the NE and NW boundaries of this site, and access to the site is from Mullaghbane Road. There seems to be an access to the site/land in place with some gravel and stone hard core and splays seem also to be existing. A post and wire fence defined the southern boundary. From the block plan, the dwelling and curtilage is confined to the NE corner of the site with the southern and western curtilage boundaries not currently defined and open to a larger agricultural field.

The new A4 dual carriage passes to the south of the site with Mullaghbane Road passing under it. Land in the area is used mostly for agricultural grazing purposes and development is defined by dispersed single dwellings and farm holdings. Woodmarque joinery business is located approx. 400m to the south.

Planning Assessment of Policy and Other Material Considerations

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

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Area Plan

Dungannon and South Tyrone Area Plan 2010- this site is located in the countryside and where the policy provisions of a Strategic Planning Policy Statement (SPPS) and PPS21 Sustainable Development in the Countryside apply.

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 are applicable to this application.

In my opinion the proposal is not in accordance with CT1 in that a dwelling on this site will not clusters, consolidate or group with existing buildings on the holding. The site is acceptable in terms of integration and rural character. Design is broadly in keeping with the principles of traditional rural design and is acceptable. I have no concerns with urban sprawl.

While it has been demonstrated that the farm business is bot active and established, and no development opportunities have been sold from the holding, it has not been demonstrated that the dwelling is located next to or visually liked with a group of buildings on the farm, therefore is contrary to Part (e) of CT2.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

Key Planning Policy

SPPS
PPS21

Relevant Planning History

M/2004/1466/O- outline permission granted for a new dwelling on 9/11/2004.

M/2010/0234/Q- a letter was issued by Planning Service indicating that in principle an alternative site would appear to have been acceptable with regard to the policy provisions of draft PPS14. This opinion is made solely on the basis that the site area approved under M/2004/1466/O has been entirely lost to the A4 Road Duelling Scheme.

M/2012/0542/O- outline permission granted for proposed 2 storey dwelling and garage on 9.4.2013.

3rd party representations

No letters of objection have been received to date.

Consideration

On reading the case officer report of M/2012/0542/O, it seems that this permission was granted on the back of a commitment given by the Department under M/2010/0234/Q to allow an alternative siting for permission M/2004/1466/O. Reasons given by the Department for an alternative siting, even though M/2004/1466/O had expired, was that the site was in the path of the new A4 Dual Carriageway and that M/2004/1466/O would be acceptable with regard to the policy provisions of draft PPS14. No clarification/indication was given as to what part of dPPS14 the proposal is in keeping with.

This subject proposal is a full planning application for a single storey dwelling and garage in the countryside. The site area is the same site that was granted permission under M/2012/0542/O. In the past the Department and Mid Ulster Council have considered full planning applications

received on the back of outline planning applications within 5 years from the date of approval of the outline. Usually permission has been granted in these cases, with a time condition to commence development within 1 year from the date of approval. This is an accepted and established practice and there are many examples of when this has happened.

In this case the full application was submitted outside the 5 year timeframe of the outline approval, this was missed by a period of just under 3 months. In support of this application the agent has provided additional information to support this proposal. Agent argues that M/2012/0452/O was approved at a time that policy PPS21 was operational, and by extension this proposal should also be granted. I agree that M/2010/0234/Q indicated that the identified alternative site would appear to have been acceptable under the policy provisions of Draft PPS14 but falls short in stating what policy provisions the proposal meets.

Following this, the applicant was provided an opportunity to demonstrate what policy provisions of PPS21 this proposal meets. It is argued by Agent that if M/2012/0452/O was deemed to be acceptable under dPPS14 then it should stand that this proposal should be allowed under PPS21 and that no further information is required. I can follow Agent's logic in this instance but it was also felt by Council that should it be demonstrated that the proposal falls for consideration under one of the policies of PPS21 that this should be explored.

Agent has been able to provide farming details of the applicant and DAERA confirm that the applicant's farm is both active and established. On carrying out a spatial search of the applicants holding I became aware of other permissions on the holding. These include permissions on the Whitebridge Road, not far from Ballygawley and approx. 8km from the application site. When asked about these permissions Martin provided an update in an e-mail to the Planning Authority stating that these permissions were not granted under the policy provisions of PPS21 (no previous permission for a dwelling on a farm) and that none of these permission have been sold off or transferred to another family member from the farm within the previous 10 years.

While it has not been demonstrated that this proposal is sited beside existing farm buildings, it is my view that as there was a commitment of development allowed by the Department on this site previously which apparently met the policy provisions of dPPS14, and given that all other policy considerations of CTY10 Dwelling on a Farm have been met by the applicant, I advise Members that this permission should be granted in this instance.

Agent also argues that this case is unique as an entrance point and laneway was put in place by Road Service at the time of the new A4 dual carriageway, and that M/2012/0452/O has been lawfully commenced. During my site visit it is clear that some sort of access and laneway has been constructed. However, as no full plans or details of the access provision or dwelling were ever approved, it is not possible in this case for the development to have lawfully commenced and permission secured. There may have been some genuine belief by the applicant/agent that as Road Service at the time provided access and splays into the site that this would secure planning permission indefinitely. However as full access arrangements were never granted this is not the case.

In terms of the design of the dwelling, it is my view that this single storey dwelling with proposed access following an existing tree lined hedge will integrate into the landscape and will not have a negative impact on the rural character of this area in terms of build up or ribbon development. There are good rural design principles reflected in the design of the dwelling including a symmetrical pitched roof, the projecting front porch being the most dominant feature in the front elevation, vertical emphasis on window and door openings, Velux roof lights to serve an attic conversion and not dormer windows cut into the roof.

Given that the applicant/agent has demonstrated a bonfire farming case it is my view that a 5-year commencement condition is acceptable in this case.

It is my view that this case is unique and should Committee decide to approve then this will not set a precedent for approval of other lapsed planning applications in the countryside should no appropriate planning policy context be demonstrated.

Other material considerations

This site is not subject to flooding and there are no contamination or human health impacts to consider. Natural or built heritage will not be impacted. There are no dwellings within close proximity of this proposal for there to be any detriment on residential amenity. DfI Roads have no objections to this proposal subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted subject to the following conditions.

Conditions

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

Reason: Time Limit.

2. The curtilage of the proposed dwelling, including lawn area, shall be limited to the area as indicated on drawing No. 01 rev1 which was date stamp received 15th March 2019, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

3. The existing trees, as indicated in green on drawing No 01 rev1 date received 15th March 2019, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure the development integrates into the countryside.

4. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees and to ensure the development integrates into the countryside.

5. During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 01 rev1 date received 15th March 2019, shall be planted as shown and be permanently retained thereafter at a height not less than 2 metres above ground level at that point, unless otherwise agreed by Mid Ulster Council in writing.

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

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

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

7. The vehicular access, including visibility splays of 2.4m by 70.0m in both directions and any forward sight distance shall be provided in accordance with Drawing No. 01 (Rev.01) bearing the date stamp 15/03/19 onto Mullaghbane Road, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Informatives

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

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

3. DfI Roads advise;

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 Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Department of Environment'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 Regional Development'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 Roads Service, to ensure that surface water does not flow from the site onto the public road, in the interest of public safety and traffic management.

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

Signature(s)

Date:

ANNEX	
Date Valid	2nd July 2018
Date First Advertised	19th July 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier	
Date of Last Neighbour Notification	
Date of EIA Determination	NA

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: June 2019	Item Number:
Application ID: LA09/2018/1024/F	Target Date: 7/11/18
Proposal: Demolition of existing dwelling houses and erection of 11 apartments	Location: 100 Rainey Street Magherafelt
Referral Route: Objections received	
Recommendation: Approve	
Applicant Name and Address: John J Donnelly 21 Hillhead Road Toomebridge	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore, BT45 7PD
Executive Summary: This proposal complies with all relevant policy for this type of residential development in an urban location. 8 objections have been received and fully considered and do not merit the refusal of this application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	9
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 8 no. objections received. The issues raised in each objection are summarised below along with my consideration of each issue.

From the occupant of 85 Westland Road, Magherafelt:

Increased congestion in an area where there is already insufficient parking
Impact on residential amenity by way of overlooking, loss of light, overshadowing, loss of privacy, security, noise and other disturbance.

From the occupant of 87 Westland Road, Magherafelt:

Increased congestion in an area where there is already insufficient parking
Impact on residential amenity by way of overlooking, loss of light, overshadowing, loss of privacy, security, noise and other disturbance.

From occupants of 94/98 Rainey Street (McSwiggans Shop)

No public consultation
Lack of car parking being provided
Congestion arising from the one way traffic system proposed
Proposed design is out of character and represents "over population"

From the occupants of 2 Mullaghboy Crescent

Impact on sewers
Blocking their natural light
Impact on their privacy
Parking concerns

From a concerned resident (no address provided)

Concern about traffic generation
Blocking natural light
Impact on sewers

From occupants of 1 Mullaghboy Crescent

Block the skyline and natural light
Impact of the existing sewers

From occupants of 94/98 Rainey Street (McSwiggans Shop)

Impact from traffic
Point raised in relation to the adjacent laneway not being in complete public ownership
Burden on existing public and other services in the area

From occupants of 94/98 Rainey Street (McSwiggans Shop)

Query as to whether this is a commercial venture for the applicant

Concern over available car parking in the immediate area

No consultation by the developer

Accusation that rules/regulations/policies are being “stretched by the relevant authorities to accommodate”

Impact from additional traffic on the adjacent laneway which is currently used by the shop for deliveries

From occupants of 94/98 Rainey Street (McSwiggans Shop)

Confirmation that the laneway has been used by McSwiggans for loading/unloading as past 50 years

No consultation by the developer

Parking Standards would indicate that this proposal for 9 two bed apartments and 2 three bed apartments (11 in total) requires 17 unassigned parking spaces. 9 in-curtilage spaces are being provided, leaving a shortfall of 8 spaces. The applicant has submitted a Parking Survey which concludes that a maximum of 6-7 additional on street spaces are available in Mullaghboy Crescent. This still leaves a shortfall of 1 space. It is my opinion that this minimal shortfall would not merit the refusal of this application as not all spaces will be used 100% of the time. DFI Roads have been consulted with the Parking Survey and have stated that if Council are content with Parking Provision then they have no objections to the proposal subject to standard conditions. DFI Roads have raised no concerns about the proposed one way traffic system. Any disputes over potential congestion on the adjacent laneway sits outside the planning process. Notice has been served on McSwiggans who own a small section of the adjacent laneway according to Land Registry Maps. DFI Roads have confirmed that the laneway is not maintained as a public road.

The initial scheme has been re-designed due to concerns about its impact on neighbouring residential amenity. The revised scheme offers a greater separation distance from number 2 Mullaghboy Crescent to protect privacy, prevent loss of light and overshadowing. The closest first and second floor rooms look directly into the gable of number 2 Mullaboy Crescent which has no windows. All other first and second floor windows on the rear elevation are not “liveable” rooms. The proposal is residential in nature and does not normally give rise to any issues around security or noise disturbance.

This application does not fall into the “major” category and therefore there is no legislative requirement to carry out a community consultation prior to submission.

The initial design of the apartment block was deemed unacceptable and out of keeping with the character of the area. The scheme has been re-designed and is more reflective of adjacent buildings (ie) The Rainey Endowed School. This area is characterised by a mix of residential properties – semi’s, terraces and apartments and I am satisfied that an apartment block is in keeping with the character of this area.

NIW have raised no concerns in respect of sewer capacity.

It has not been demonstrated by any third party how this proposal could be deemed a burden on services in the area and this matter, if substantiated, is not a material planning consideration.

Whether or not this is a commercial venture for the applicant is not a material planning consideration in this assessment.

The accusation that rules/regulations/policies are being “stretched by the relevant authorities to accommodate” the developer is unfounded. This application is being assessed without prejudice and in line with all relevant policy.

Having given full consideration to the objectors concerns and having consulted them with all new information submitted at various stages through the processing of the application, I would advise members that in my opinion these representations raise no issues which would merit the refusal of this application.

Characteristics of the Site and Area

The application site is located at 100/102 Rainey Street, Magherafelt. It is within the development limits of the Town of Magherafelt as defined in the Magherafelt Area Plan 2015 (MAP). It is outside the Town Centre boundary. On the site at present are two dwellings – a 2 storey semi detached block with a hipped roof. Each dwelling has a small back garden, with number 102 also having a small detached single storey garage located in the back garden. Number 100 is bounded by a low level wall to the front and side. Vehicular access to this property is via an adjacent laneway. In-curtilage parking is available to the rear of the property. Number 102 is bounded to the front and side by a domestic hedge. The domestic garage is accessed via Mullaghboy Crescent. There is a high domestic wall defining the boundary between 100 and 102 Rainey Street. The Southern boundary of the site abuts the rear garden and gable of number 2 Mullaghboy Crescent. It is part defined by a high wall and a closed board wooden fence. To the front of the site between the front boundary of the dwellings and the public road is an informal parking area associated with McSwiggans Shop - a convenience store located to the immediate East of the site.

This area is characterised by a mix of uses ranging from a School (Rainey Endowed), a Convenience Store and Off Licence (McSwiggans) and mixed density residential properties. It is not subject to any special designations or zonings contained in the MAP. The area is recognised by Rivers Agency as being an area of inundation emanating from Mullaghboy Magherafelt Reservoir.

Description of Proposal

This is a full application for the demolition of existing dwelling houses (100/102 Rainey Street) and the proposed erection of 11 apartments with in-curtilage parking for 9 vehicles. Access will be via a one way system, entering from Mullaghboy Crescent and leaving via the adjacent laneway along the Eastern boundary of the site.

Planning Assessment of Policy and Other Material Considerations

Relevant Planning History

H/1990/0526 – Conversion of House to Apartments, 100 Rainey Street, Magherafelt. Refused 6/3/1991

The relevant policies under consideration in this assessment are:

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- Mid Ulster District Council Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- PPS 15 – Planning and Flood Risk
- Creating Places

Magherafelt Area Plan 2015 (MAP)

The site sits within the existing settlement of Magherafelt as defined in the MAP. The site is not subject to any zonings or key site requirements. The proposal will therefore be assessed under relevant planning policy.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal will not cause demonstrable harm to any interests of acknowledged importance. The site is not in an area of archaeological importance and there are no Listed Buildings in close proximity. Residential amenity will not be impacted upon. This will be addressed in more detail later in the report.

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

Mid Ulster District Council Draft Plan Strategy

The Draft Plan Strategy was launched on Friday 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District, however no determining weight can be given to the plan as it has yet to go through the consultation process. It does not present any change in policy direction from that contained within PPS 7, I am therefore content that the proposal is in compliance with the relevant Draft Plan Strategy Policies (ie) GP1 – General Principles Policy and HOU 2 – Quality Residential Development.

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. Vehicular access to these apartments will be via a one-way system – entering from Mullaghboy Crescent and existing from an adjacent laneway. DFI Roads have no objections to the access proposal subject to standard conditions and informatives. The scheme represents a shortfall of 1 parking space (as referred to earlier in the report). This shortfall, in my opinion, does not merit refusal of this application.

PPS 7 - Quality Residential Environments

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas - The proposed development is residential in nature and is in an area where residential development, (of various densities) is prevalent. Most notably, there is another apartment block located to the immediate NW of the site "Rainey View". The site is flat and topography is not an issue. The general layout of the scheme

is acceptable. There is in-curtilage parking to the rear and access to the apartments is also gained from the rear. The building generally follows the building line of the existing buildings along Rainey Street. Given the location of the site within the Town of Magherafelt, the provision of landscape is not necessary. Hard surfacing is proposed to the rear of the building and will not dominate the development.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development – The site is not in an area of archaeological importance and there are no Listed Buildings nearby. There are no TPO trees or important landscape features within the site to be retained or protected.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area – No private amenity space is being provided. There are two small areas for bin storage. Public open space is available within the Town which can be utilised by residents and can be accessed by car or foot.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of Magherafelt and there are existing neighbourhood facilities already available in the locality (eg) School, shops etc

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be fairly high and would be travelling at a low speed. DFI Roads have been consulted and have no objections to the proposal.

Adequate and appropriate provision is made for parking – Parking Standards would indicate that this proposal for 9 two bed apartments and 2 three bed apartments (11 in total) requires 17 unassigned parking spaces. 9 in-curtilage spaces are being provided, leaving a shortfall of 8 spaces. The applicant has submitted a Parking Survey which concludes that a maximum of 6-7 additional on street spaces are available in Mullaghboy Crescent. This still leaves a shortfall of 1 space. It is my opinion that this minimal shortfall would not merit the refusal of this application as not all spaces will be used 100% of the time. DFI Roads have been consulted with the Parking Survey and have stated that if Council are content with Parking Provision then they have no objections to the proposal subject to standard conditions.

The design of the development must draw upon the best local traditions of form, materials and detailing – The design and finishes of the proposed apartment block are in keeping with other buildings in the area and do not concern me. The scheme is not dominated by large expanses of glazing and there is a good solid to void ratio. Roof pitches are reflective of buildings on Rainey Street. There are also other three storey buildings located further up Rainey Street.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance – The closest third party dwelling to the site is number 2 Mullaghboy Crescent, which is located approx. 12m from the rear elevation of the ground floor of the proposed building. There will be no overlooking or impact on privacy from the apartments on the ground floor due to the presence of existing boundary treatment. One section of the first and second floor extends closer to number 2 Mullaghboy Crescent (5.5m),

however this extends directly to gable of number 2 where there are no windows openings so there will be no impact on privacy or light at this location. Where the first and second floor apartments have windows on the rear elevation, these rooms are bedrooms, bathrooms and lobbies and are not occupied the way a living room or kitchen is. The windows opening are also long and narrow. On this basis any impact on privacy will be minimal. The proposal is residential in nature and is not noise generating like an industrial proposal. Environmental Health have been consulted and have recommended that the applicant provide evidence that the apartments comply with day time and night time noise levels. Having spoken further to EH they are content that this be added as an informative to any approval.

The development is designed to deter crime and promote personal safety - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting exists along the adjacent public roads.

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

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types including terraced dwellings and apartments. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. There is a mix of house type and design which is all acceptable as there are a mix of house types and designs in the immediate area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

PPS 15 – Planning and Flood Risk

Rivers Agency initially advised that this site was in an area of inundation emanating from Mullagboy Reservoir. They have since provided the Council with internal advice about how to apply Policy FLD 5 of PPS 15 when assessing inundation from controlled NIW reservoirs. It would now appear that Policy FLD 5 is not a policy consideration for this application as Mullaghboy Reservoir is currently not deemed to be a NIW controlled reservoir until such times as a review is carried out.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve – The proposal complies with all relevant policy for this type of residential development in an urban location.

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 accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03 Rev 2 bearing the date stamp 8th March 2019, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than

250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

Informatives

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.All apartments shall comply with the daytime and night-time internal noise levels as set out in the WHO Guidelines for Community Noise 1999.

Signature(s)

Date:

ANNEX	
Date Valid	25th July 2018
Date First Advertised	9th August 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, . The Owner/Occupier, 1 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 1 Mullaghboy Crescent, Magherafelt, Londonderry, Northern Ireland, BT45 5AS The Owner/Occupier, 10 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 103 Westland Road Magherafelt Londonderry The Owner/Occupier, 12 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 2 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 2 Mullaghboy Crescent, Magherafelt, Londonderry, Northern Ireland, BT45 5AS The Owner/Occupier, 3 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 4 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 5 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 6 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 7 Mullaghboy Crescent Magherafelt Londonderry The Owner/Occupier, 8 Mullaghboy Crescent Magherafelt Londonderry Jacqueline Parke 85 Westland Road, Magherafelt, Londonderry, Northern Ireland, BT45 5AY The Owner/Occupier, 94 Rainey Street Magherafelt Londonderry The Owner/Occupier, 94/96 Rainey Street, Magherafelt,BT45 5AL J McCabe 94/96 Rainey Street,Magherafelt,BT45 5AL McSwiggans 94/98 Rainey Street, Magherafelt, BT45 5AL The Owner/Occupier, 94/98 Rainey Street, Magherafelt, BT45 5AL	

The Owner/Occupier, 94/98 Rainey Street, Magherafelt, BT45 5AL The Owner/Occupier, 98 Rainey Street Magherafelt Londonderry The Owner/Occupier, Xtra Vision Video Store 96 Rainey Street Magherafelt	
Date of Last Neighbour Notification	16th April 2019
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2018/1024/F Proposal: Demolition of existing dwelling houses and erection of 13 apartments Address: 100 Rainey Street, Magherafelt, Decision: Decision Date: Ref ID: H/1982/0097 Proposal: EXTENSION TO HOUSE AND NEW GARAGE Address: 102 RAINEY STREET, MAGHERAFELT Decision: Decision Date: Ref ID: H/1999/6003 Proposal: CAR PARKING 100-102 RAINEY STREET MAGHERAFELT Address: 100-102 RAINEY STREET Decision: Decision Date: Ref ID: H/1990/0332 Proposal: CONVERSION OF HOUSE TO APARTMENTS AND ERECTION OF ATTACHED APARTMENT BLOCK Address: 100 RAINEY STREET MAGHERAFELT Decision: Decision Date: Ref ID: H/1990/0526 Proposal: CONVERSION OF HOUSE TO APARTMENTS AND ERECTION OF ATTACHED APARTMENT BLOCK Address: 100 RAINEY STREET MAGHERAFELT Decision: Decision Date:	

Ref ID: H/2006/0611/F

Proposal: Proposed multi element improvements to dwellings

Address: Nos. 2, 4, 10, 14, 16, 28, 32, 36, 38, 40, 11, 19, 25, 29, 33, 35, and 37

Mullaghboy Crescent, Magherafelt

Decision:

Decision Date: 23.11.2006

Summary of Consultee Responses

EH – No objections.

DFI Roads – No objections subject to Council accepting the Parking Provision and subject to standard conditions and informatives

Rivers Agency – Requested FLD 5 info however internal advice from Rivers that followed consultation response resulted in the proposal not be assessed under FLD 5.

NIW – No objections

Drawing Numbers and Title

Drawing No. 10 rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 09 rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 03 rev 2

Type: Floor Plans

Status: Submitted

Drawing No. 02 rev 1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01 rev 3

Type: Site Location Plan

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 04 rev 1

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1092/F	Target Date: 9/10/2018
Proposal: 4 No. semi-detached dwellings and supervised open space with private drive to replace 2 No. previously approved semi-detached dwellings and unsupervised open space. Septic tanks to serve sites 59 and 61	Location: Lands South of 43 to 57 (odd) Lambfield Drive Dungannon
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Countrywide Homes NI Ltd 1 Derryloran Business Centre Cookstown	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of report.

Description of proposal

This is a full planning application for 4 No. semi-detached dwellings and supervised open space with private drive to replace 2 No. previously approved semi-detached dwellings and unsupervised open space. Septic tanks to serve sites 59 and 61.

Characteristics of Site and Area

This application site is located on land within an existing housing development at Lambfields, off the Coalisland Road in Dungannon. The site is part of an area of open

space which was granted as part of a larger permission. At the time of my site visit the area was being used as a builders compound to store containers, construction materials and machinery for the wider Lambfield construction. The site has dwelling backing onto it from the north, west and south. Dwellings to the west are on lower ground, with their roofs only visible from the site, while dwellings to the north and south are on the same level. The site is relatively flat although land towards the western boundary falls steeply towards the rear gardens of housing to the west. Boundaries to the north and south are defined by close boarded fencing with the eastern boundary open to Lambfield Park.

This site is located within the development limits and in the northern section of Dungannon. The surrounding area is residential in character and the site lies within land zoned as Phase 1 Housing.

Assessment of Policy/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.

Dungannon and South Tyrone Area Plan 2010- Phase 1 Housing, DH04 Land east of Coalisland Road, within an 8 hectare site as designated in the area plan.

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 HOU2 Quality Residential Development are applicable to this application. This proposal is broadly in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

Planning History

M/2014/0571/F- Change of house types from that previously approved to 23 no. semi-detached and detached units, with garages on sites as indicated, granted 2.7.2015.

M/2005/0255/F was granted approval in February 2009 for residential development comprising of 45 dwellings and ancillary works on site of previously approved housing development M/2003/1364/F. This proposal sits east of this application site.

M/2004/1947/F was granted approval in June 2005 for an extension/alteration to apartments to provide underground gas storage tanks.

M/2003/1364/F was approved in July 2004 for a change and retention of house types, including 2 additional apartments and 2 additional houses within housing development and the realignment to estate road.

M/2001/0887/F was approved in December 2002 for a Housing Development comprising detached and semi-detached townhouses and apartments.

Representations

1 letter of objection was received from No. 27 Lambfield, which is located adjacent and west of the site on lower ground. The following issues were raised:

- Impacts of increased runoff from the proposed development, increasing saturation of rear garden;

- increased traffic impacts;

- increased pedestrian access and inadequate fencing to keep children away from banking to the rear of property.

I will address these concerns in more detail later in my consideration.

Relevant Planning Policy

Regional Development Strategy for Northern Ireland 2035 (RDS)

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

Addendum to PPS 7- Safeguarding the Character of Established Residential Areas

Design and Guidance

Creating Places- Achieving Quality in Residential Developments

Improving the Quality of Housing Layouts in Northern Ireland

DCAN 8 - Housing in Existing Urban Areas

Consideration

Under M/2014/0571/F permission was granted for a set of semi-detached 2 storey dwellings (2 units) to the eastern half of this subject application site, with open space retained to the rear. 571 also proposed change of house types to previously approved dwellings, and this permission has now been commenced. This permission granted an area of open space that was now enclosed on 4 sides by properties backing onto it, linked by footways between properties.

In terms of good urban design it is encouraged to design areas of public open space that are people friendly, are overlooked by development and integrated into the wider public realm. People perceive areas of open space that are overlooked by surrounding public vantage points as being safer environments to enjoy. Whereas conversely, areas of open space that are not open to public vantage points often create an environment that attracts anti-social behaviour and a perception that the area is not safe. Unfortunately in this case, the area of open space created by granting M/2014/0571/F created an area that is not overlooked or open to public vantage points, which if allowed to proceed may cause a space within the wider Lambfield housing development that will become problematic in the future as an area that attracts anti-social behaviour.

PPS8 encourages retention of areas of open space, and a presumption against development of areas of open space except in certain circumstances. This area had not been adopted to a usable area of public open space as yet as it is being used as a construction compound. The agent also provided a map to show other areas of open space within Lambfield. The other areas, plus the proposed open space to the front of these proposed dwellings, still add to more than 10% in the wider residential area therefore in my view the loss of some open space is acceptable in this instance given the potential benefits. I feel that the proposal will result in a more user friendly and open environment, and one that is overlooked by proposed new housing, rather than

becoming an area that is shielded by surrounding housing which may attract potential anti-social behaviour.

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 long been established on this site as the planning histories above illustrate. This proposal respects the use of the surrounding area which is residential with a mixture of types of homes. The variety of house types creates an attractive residential environment.

Initially the applicant applied for 5 dwellings, however this resulted in development very close to the rear boundary of existing properties which is out of character to development found in the wider residential area, therefore it was requested to reduce the scheme to 4 dwellings which the applicant/agent agreed.

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 archaeological features in the immediate vicinity of this site.

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.

The provision of rear amenity space for each dwelling is considered acceptable and meets the standards in Creating Places. Public open space is proposed to the front of these proposed dwellings, which taken with other areas of open space within Lambfield is acceptable.

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

There is no requirement to provide local neighbourhood facilities as part of this application for 4 housing units.

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;

A footpath is provided and the location of this site within the town of Dungannon enables convenient access to public transport.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for each dwelling proposed.

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

The proposed materials of smooth black profile concrete roof tiles, a mixture of render and brick dwellings, white uPVC windows and rear doors with a coloured front door and black aluminium rainwater goods are acceptable. Matches the design of surrounding dwellings.

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;

The orientation of the dwellings takes into consideration other existing dwellings in the immediate vicinity of the site. A 1.8m high close board fence will separate the side and rear curtilages of each dwelling offering privacy.

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

With areas of open space now overlooked, there are improvements in this regard.

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. Although the density of the Lambfield Lane development has increased slightly with the addition of two dwellings, I do not think it is incongruent with the surrounding area.

(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 Lambfields development is varied with dwellings and apartments of differing design and types. I do not think this proposal is conflicting with the character of the existing residential area.

(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 although reduced in size from the initial approval, they still exceed the minimum recommended standards.

PPS 3 Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessment, protection of transport routes and parking. DfI Roads were consulted and have recommended approval subject to conditions including Private Streets. No objections or concern was raised about potential impacts of increased traffic movement from this development therefore objectors concern in this regard are not determining in this instance.

Other Considerations

This site is not subject to flooding. No concern was raised by Environmental Health over land contamination.

To ensure that the developer cannot implement the 2 semi-detached dwellings to the east of the site that were granted under M/2014/0571/F conditions will be added to ensure the open space and access road proposed with this application are put in place prior to the commencement of any other development hereby approved.

The objector raised concern that development of this site would increase runoff rates and would exacerbate existing problems of runoff experienced at their property. When I raised this with the applicant/agent an amended plan was received showing a new drainage channel which would direct any runoff from these properties to an existing storm sewer to the north, which is away from the objectors property. In this case I am satisfied with the measures taken to avoid any increased runoff rates.

The objector also raised concern that the proposal would attract children to a bank to the rear of their property. In my view, this situation is no worse than what was previously granted under previous permissions. In my view as the area of proposed open space has now been moved to the front of the proposed dwellings, it is less likely for this area to be accessed by children than had the area of open space to the east been retained. In my view these concerns are not determining in this instance.

It is proposed to serve 2 dwellings by septic tank. These septic tanks will be subject to separate consent issued by NIEA and Environmental Health raise no concern about their proximity to surrounding residential properties. While it is likely that NIW will agree connection of these dwellings to the mains sewage network, NIW has indicated that there are currently capacity issues for sewage within Dungannon. While there is a commitment of 2 dwellings already on this site (M/2014/0571/F) the additional two for now will be served by a septic tank until such times as connection to mains is agreed in writing with NIW. I am happy to proceed on this basis.

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

Summary of Recommendation:

That permission is granted subject to the following condition.

Conditions

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

Reason: Time Limit.

2. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawing No. 02 rev2 date stamp received 21st December 2018, unless otherwise agreed by Council.

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

3. Dwellings on sites 59 and 61 indicated on drawing No. 02 rev2 date received 21st December 2018 shall be served by a properly maintained and serviced private sewage treatment plant/septic tank with appropriate consents until such times as the necessary upgrade of the Waste Water Treatment Works has been completed. On completion of the necessary improvements to the Waste Water Treatment Works the dwelling shall be connected to the public sewerage system and the private sewage treatment plant/septic tanks shall be decommissioned and removed from the site within 3 months of successful connection to the public sewerage system.

Reason: To ensure that a satisfactory, permanent means of sewage disposal is achieved and to safeguard private amenity.

4. Prior to the commencement of any of the dwellings hereby approved, the developer shall provide the proposed public open space and access in accordance with details indicated on the approved plan drawing No. 02 rev2 date stamp received 21st December 2018, 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, and, to ensure an appropriate form of development on site.

5. Within 1 year of occupation of any dwelling hereby permitted the area of supervised open space as indicated on drawing No. 02 rev2 date received 21st December 2018 shall be sown out with grass and all trees planted within the first available planting season thereafter and shall be permanently maintained thereafter to the satisfaction of Council.

The open space and landscape areas as identified in condition No. 4 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.

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

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

7. The vehicular access, including visibility splays of 2.4 metres by 33.0 metres at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No.02 Rev 2 bearing the date stamp 21st December 2018, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2018
Date First Advertised	30th August 2018
Date Last Advertised	24th January 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 11 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 15 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 17 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 25 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 27 Lambfield Drive Dungannon Tyrone Francis McCullagh 27 Lambfield Drive, Dungannon, Tyrone, Northern Ireland, BT71 6GG The Owner/Occupier, 29 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 3 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 31 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 33 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 35 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 43 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 45 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 46 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 47 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 49 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 5 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 51 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 53 Lambfield Drive Dungannon Tyrone	

The Owner/Occupier,
55 Lambfield Drive Dungannon Tyrone
The Owner/Occupier,
57 Lambfield Drive Dungannon Tyrone
The Owner/Occupier,
64 Lambfield Drive Dungannon Tyrone
The Owner/Occupier,
7 Lambfield Drive Dungannon Tyrone
The Owner/Occupier,
9 Lambfield Drive Dungannon Tyrone
Francis and Anne McCullagh
Email

Date of Last Neighbour Notification

8th January 2019

Date of EIA Determination

NA

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1171/F	Target Date:
Proposal: Proposed change of use of existing domestic shed and garden to Visitors shed and garden - allowing community groups of adults with learning disabilities including Autism to visit. Creation of a new vehicular access to the Castledawson Road and associated development. (amended description)	Location: 59 Castledawson Road Magherafelt
Referral Route: Objections received	
Recommendation: APPROVAL	
Applicant Name and Address: Mr Eamon Regan 59 Castledawson Road Magherafelt BT45 6PB	Agent Name and Address: McNally Morris Architects 15 Edentrillick Road Hillsborough BT26 6PG
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	3	
Letters of Objection	11	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Characteristics of the Site and Area</p> <p>The site is located at 59 Castledawson Road, Magherafelt, and the site will be accessed by a new vehicular access off this road. This road no longer has Protected Route status. It includes extensive private gardens and houses various animals' pens and enclosures. The dwelling No.59, associated with the land, is outside the red line of the application site.</p> <p>The garden shed to be changed to the visitors shed is finished in patent metal cladding and is green in colour. The shed has an area of 83 sqm. Shed to the highest point is 3.8m and it is a single storey building. Inside the shed is finished to a high standard and includes an existing kitchen, store, w.c. and open area. There is a back door leading to the outside pen areas.</p>		
<p>Description of Proposal</p> <p>Proposed change of use of existing domestic shed and garden to Visitors shed and garden - allowing community groups of adults with learning disabilities including Autism to visit. Creation of a new vehicular access to the Castledawson Road and associated development</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>This proposal is for the change of use of existing domestic shed and garden to Visitors shed and garden - allowing community groups of adults with learning disabilities including Autism to visit. There will be a creation of a new vehicular access to the Castledawson Road and associated development.</p> <p>The proposal does not fall neatly under any specific policy criteria. As it is located in the countryside area, PPS21 - Sustainable development in the countryside is relevant. Policy CTY1 - Development in the Countryside - states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to state, other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a settlement.</p> <p>This site is at a tranquil location which is necessary for the visitors who will coming to the shed and surrounding area. Northern Health and Social Care Trust (HSC) have described this a 'Mid Ulster Sanctuary'.</p>		

HSC fully support the application proposal and have been in discussions with the applicant and are committed to the support of this initiative to enable adults with a learning disability to spend therapeutic day's activity time in this space/visitor facility. The benefits of 'social farming' as a model has been progressed through DEARA and DHSPPS and the benefits of open space and small animal care has been highlighted by our psychological services as a positive environment to meet the needs of those with special needs with challenges and behaviours aligned to the autism spectrum. These are the types of activities available at the site.

In relation to the number of visitors, it would be small groups in an enclosed environment (no more than 10 at a time from the local area) along with staff support at all times. It would be on a daily basis with transport being provided by the Trust by minibus. In time there may be outreach to include school leavers from special education, but the numbers anticipated would be the same.

In line with PPS21, all proposals 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.

CTY1 goes on to state the cases where non-residential development will be granted; this proposal could be seen to fall under category 'a necessary community facility to serve the local rural population'. HSC state that The Northern Trusts Adult Community Learning Disability Team based in Magherafelt along with Psychology have scoped the demands for this service.

Although it does not fully meet this criteria, as some of the visitors will be outside of the local rural population, with the majority identified from Magherafelt and Cookstown localities, it falls within the spirit of the policy.

This proposal involves the sympathetic re-use of an existing building in the countryside. The applicant does not intend it to be a commercial business or tourist attraction, but an enclosed sanctuary for a specific sector of the population to provide a safe and welcoming therapeutic environment for them.

SPPS states under 'Improving Health and Well-Being', that the Planning system has an active role in helping to better the lives of people and communities. It is widely recognised that well designed buildings and successful places can have a positive impact on how people feel. The level of access to quality open space is a factor that can make us feel good.

This proposal has access to open space that visitors can make use of and which has been indicated will benefit them.

In considering the creation of the new access, **PPS3** is the relevant policy.

Originally the access to the site was not a new access off the Castledawson Road, but from an existing one, this has been changed and will now run from Castledawson Road direct to the shed.

There had been an issue raised relating to ownership and the right of way with the original plans and access, however since the amended plans that objector has stated they note the amended location map accepting the existing access to No57 Castledawson Road is a right of way and outside his ownership or control.

DFI Roads had replied on 24th Sept 2018 on the original access and stated a Transport Assessment Form had not been submitted. They stated based on the information on the P1 form, there is a minimal increase in vehicles, and that visitors will be transported by minibus.

The access which was submitted originally would have required notice to be served on neighbouring landowners and their agreement relating to land required the access, which they were unwilling to give and have raised concerns with. Following the applicant becoming aware of this, and due to the fact that Castledawson Road has been de-trunked from protected route status, the access arrangements were amended so it is now within the ownership of the applicant and does not involve any third parties. There will be sight lines of 4.5 x 120m, with new gates set back 10m for carriageway with minimum width of lane access 4.5m to match existing with tarmac to match existing. The sightlines are acceptable according to DCAN 15.

DFI Roads on 12th December 2018 replied regarding the new access, and stated having considered the new access they offer no objection subject to conditions and informatives, which would be attached to any planning approval.

The new access should also alleviate the concerns in relation to traffic using a private laneway and therefore impacting on the Glenbrook stud farm and issues with a potential breach to security and bio security, as it now a separate access leading directly to the shed.

Concerns with raised about additional traffic and danger for children who reside using the existing laneway should no longer be an issue as the access has now changed.

DFI Roads have taken all the issues above into account in terms of road safety with conditions in place to cover this. The workers accompanying the visitors to the site will be qualified and be responsible for taking care of the visitors when entering and exiting the site.

PPS15 - Planning & Flood Risk

Under FLD1, the strategic flood map (NI) shows that part of the proposal site lies within the 1 in 100 year fluvial flood plain.

Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate the proposal constitutes an exception to policy. Where the principle of development is accepted the applicant must submit a flood risk assessment.

This proposal falls under exception - (f) -the use of land for sport/outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings.

Rivers have requested a flood risk assessment which agent is to provide to show all sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

The applicant has submitted this, Rivers responded on 8 May 2019 and have no given objections to the proposed development, based on the flood risk assessment.

Flooding issues raised by the objectors, including the difficulty with wheelchairs if needed on the site. All these issues have been taken into account by DFI Rivers. DFI Rivers have been advised by the Departmental Solicitor office that approving emergency evacuation plans and procedures including safe access and egress for emergency rescue services is outside the Departments statutory functions, as exercised by DFI Rivers, so they cannot comment on the suitability or otherwise of emergency plans. An informative will be added to advise the applicant of this.

Size and scale

Objectors raised concerns over the size and scale of the proposal, it had originally been described as change of use from garden shed to visitor shed. This has been amended to more accurately reflect the proposal to include the areas outside of the shed which are to be included, and all neighbours were re-notified.

The shed itself cannot be viewed from the public road and includes a quiet space, store, worker space, kitchen, w.c, prep area and main space area (40sqm). It is in excellent condition and appears structurally sound with no major internal works required. Walls and roof are patent metal cladding in green and will not change from what is existing, The area of the building in total is 83sqm. It is approx 3.8m in height. There are no issues with its size and scale.

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 CT1 & CT2 are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

REPRESENTATIONS

There have been 14 objections (From 11 addresses) received in relation to the proposal. I will address additional points which have not been fully covered already in the main body of the above report.

- **Policy not being met**

The objectors raise the issue the proposal does not meet specific planning policy. They ask does proposal meet criteria for pps4 -PED small rural projects pps21 cty4 non-residential developments - if not can a new access be permissible.

They state it fails to comply with pps21- cty4 and that it is not a necessary community facility and no economic statement has been provided.

As stated previously the proposal does not fall neatly under any criteria and detail of how it has been assessed is written in the report.

- **Enforcement issues**

The existing shed has enforcement history in terms of being a commercial use. However the enforcement team were previously content that the shed was not for commercial purposes and the case was closed. The objector is now concerned the use had been always been intended for commercial rather than domestic. They also have raised an objection to the shed being used for commercial purposes in a largely rural residential area.

The applicant has now applied for permission for the existing domestic shed to be used as a visitor shed, and if permission is granted it will be lawful and there will no enforcement issues. It was stated by the agent the shed would not be used for a business or commercial enterprise by the applicant.

- **Impact on an existing Business**

Glenbrook Stud have serious concerns that the proposed use is incompatible with their existing stud farm, and that it would prejudice its future operations (ped8). The consideration of the impact of the proposal on existing development is to be taken into account and the Council are aware of the existing business, which is responsible for the management, safety and welfare of a large number of thoroughbred race horses and associated breeding stock.

The objector goes on to state they do not object to the principle of the proposal but does not feel this is an appropriate location, and they have offered to donate land and engage with relevant health care professionals, to ensure it is relocated elsewhere to where they feel it would be more suitable and safer. This is a matter outside of the remit of planning and has not been investigated further by MUDC.

- **Concerned with lack of details regarding facilities**

Concern is raised that not enough detail has been given relating to what will happen at the site when visited. Is it educational or for social experiences?

Concerned the facilities may not meet the needs of those it is intended to be used by. ie tracking hoist, disabled toilets may be required.

Objectors are concerned over opening times if a business? No details of the nature of this venture? How many employees? Have the practice resources required been provided to carry this out.

This has all been detailed in the report and sufficient detail has been given by the agent in relation to this. Carers will accompany any visitors who will attend the site.

• **DFI Roads issues**

Concerns were raised over health and safety with visitor drop-offs. No details of drop off or pick up at the site? Or size, and type of vehicles doing this? They feel people with special/additional needs require bespoke onsite parking for their own safety.
Concerns about intensification of traffic on Castledawson Rd and road safety issues.
Access concerns – is it safe for those using it. i.e disabled/vulnerable.
Several vehicles may arrive together .Is there enough onsite parking for guests and carers. Wheelchairs, mini buses. Is this assigned or un-assigned parking?
Has assessment been carried out for risks involved?
Disabled access – is this ramped or level.

In response, DFI Roads have been made aware of all objector concerns and have responded with no objectors to the proposal as submitted.

• **Privacy and amenity**

Privacy and amenity issues raised by adjacent neighbours.
Concern that by opening site up to public, there would be vandalism and trespassing.
This is not a planning matter and would be a civil issue between landowners.

• **Environmental health issues**

Concern if external lighting provided for sensory aid and required for the independence of guests.
Potential noise issues were raised by objectors.

Environmental Health (EH) have responded on 15th May 2019 and asked for a noise report to take into account the following;

1. Proposed hours of operation of the site
2. Types of vehicles and expected number of vehicle movements onto and around the site
3. Any potential noise sources as a result of this proposal
4. Existing background noise levels at the nearest neighbouring dwelling
5. Impact of noise predicted by change of activity on those in the adjacent locality
6. Mitigation measures to reduce sound transmission, if needed, to eliminate noise nuisance at neighbouring properties.
7. That the applicant should review sources of artificial lighting.
8. Issues relating to hygiene of foodstuffs.
9. Issues relating to foul sewage.

To address the points above;

1-6. The applicant has advised it would be small groups attending (no more than 10 at a time from the local area) along with staff support at all times and the hours of operation will be 9am-5pm. Visitors would arrive on a daily basis with transport being provided by

mini-bus. In time there may be outreach to include school leavers from special education, but the numbers anticipated would be the same.

Following further consultation with EH, they stated in an email dated 17.05.2019, that given the level of complaint, they wanted to ensure they limit the traffic coming and going to the site, but they would accept conditions on operation hours and visitor numbers.

It is the view of the Council that this level of activity would not cause harm or give rise to nuisance, given the distance and separation to neighbouring properties. Due to the secluded nature of the site and the separate access, the level of activity is not such that visitor/vehicle numbers need to be conditioned.

7. Furthermore, if necessary, the activity proposed can be confined, including floodlighting, by use of condition. The agent has confirmed there will be no new external lighting as part of this application.

8 & 9. Matters relating to the food hygiene regulations and septic tanks are dealt with other regulatory bodies. The existing facilities are intended to be used and no new septic tank is proposed.

Three letters of support have also been received:

One received from Pasty McGlone MLA. He supports the proposal and its current location and feels it would greatly benefit many people in today's society.

Two letters have been received from Northern Health & Social Care Trust (HSC) – from Gareth Anderson – Interim head of day services. They have been in discussions with applicant, Mr Regan. This is something objectors raised, that they were not involved in any discussion previous to the submission planning application, however this would have been the only time Mr Regan would have been obliged to contact them once permission was applied for.

HSC are committed to supporting the development of this initiative to enable adults with a learning disability to spend therapeutic day activity time in this space/visitors facility. They go on to say the benefits of this type of experience for those with special needs have been highlighted by their psychological services as a positive environment.

The Northern Trusts Adult Community Learning Disability team (based in Magherafelt) along with Psychology have scoped the demand for this service. They advise no more than 10 adults (majority from Magherafelt & Cookstown) with a learning disability on any given day will enjoy therapeutic and meaningful activities of this enclosed sanctuary habitat with specialist support.

In addition, Ian Milne MLA has contacted the office in support of the proposal.

Conclusion:

In considering the relevant policy and all objectors issues, on balance an approval is recommended with conditions attached.

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 of 4.5m x 120m in both directions, shall be in place, in accordance with Drawing No.02/01 bearing the date stamp 28th November 2018, 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. 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. 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.

5. Hours of operation of the proposal hereby permitted, should be restricted to 9am-5.30pm Monday – Fridays, not including Bank holidays.

Reason: To safeguard living conditions of residents in nearby properties.

ANNEX	
Date Valid	6th September 2018
Date First Advertised	20th September 2018
Date Last Advertised	13th December 2018
Details of Neighbour Notification (all addresses) Jane Burnside 14 Whappstown Road Maxwells Walls Moorfields Ballymena Eoin C B O'Kane 4 Aghagaskin Road, Castledawson, Londonderry, Northern Ireland, BT45 5DS The Owner/Occupier, 4 Castledawson Road Magherafelt Londonderry Susan Campbell 48 Moyola Road, Castledawson, Londonderry, Northern Ireland, BT45 8BH Patsy McGlone MLA 54A William Street, Cookstown, Co Tyrone,BT80 8NB The Owner/Occupier, 57 Castledawson Road Magherafelt Londonderry The Owner/Occupier, 61 Castledawson Road, Magherafelt, Londonderry, BT45 6PB E.G. O'Kane 63, Castledawson Road, Magherafelt, Londonderry, Northern Ireland, BT45 6PB Maria and Brendan Murray 67 Castledawson Road, Magherafelt, Londonderry, Northern Ireland, BT45 6PB Jane D Burnside Architects,Origami House,14 Whappstown Road,Kells,Ballymena,BT42 3 NX Jane D. Burnside Architects,Origami House,14 Whappstown Road,Kells,Ballymena,BT42 3NX Burnside & Logue Burnside & Logue,Solicitors,43-49 Main Stree,Maghera,BT46 5AA Garth Anderson Day Opportunities Programme, NHSCT, Route Complex,8e Coleraine Road, Ballymoney,BT53 6BP P J Conway Glenbrook House,73 Castledawson Road,Magherafelt,BT45 6PB Des Taggart Glenbrook Stud Ltd,Head Office,58 Moneymore Road,Magherafelt,BT45 6HG Richard Bowman Gravis Planning,1 Pavilions Office Park,Kinnegar Drive, Holywood,BT18 9JQ Garth Anderson Northern Health and Social Care Trust,Route Complex,8e Coleraine Road,Ballmoney,BT53 8QA	
Date of Last Neighbour Notification	12.09.2018

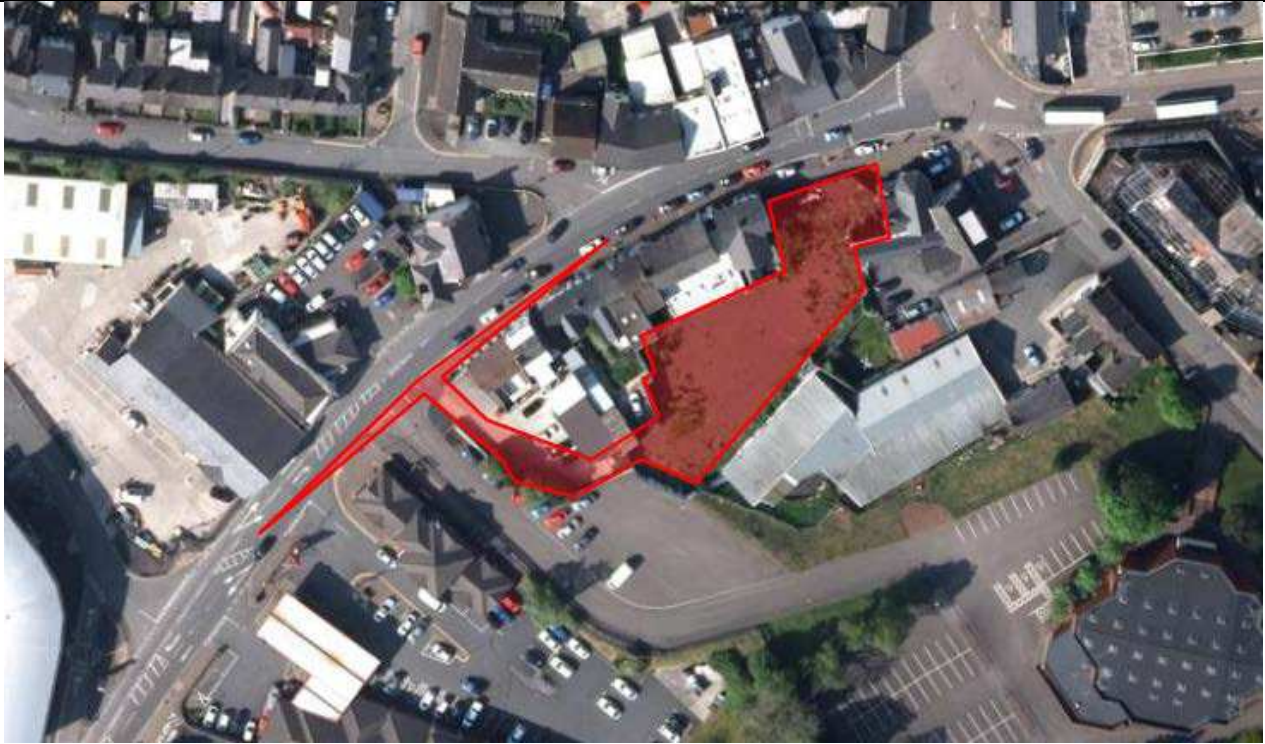
Date of EIA Determination	n/a
ES Requested	No

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1207/F	Target Date:
Proposal: Alternative vehicular entrance to access new apartments to that previously approved under application no M/2014/0331/F	Location: 34-38 The Square, Coalisland
Referral Route: Approval – 2 objection letters received.	
Recommendation:	Approval
Applicant Name and Address: Western Building Systems 11 Mountjoy Road Coalisland BT71 5DQ	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Two representations received. The contents of these objections are discussed within this report.

Characteristics of the Site and Area

The site is located at 34-38 The Square, Coalisland within the settlement of Coalisland as identified within the Dungannon and South Tyrone Area Plan 2010. The red line of the site includes an access from Dungannon Road and an existing vacant plot with a builders hoarding around it. It was formerly Cannings Shop and is within Coalisland

Town Centre and the frontage onto the Square is on the edge of the Area of Townscape Character. The area is a mix of land uses in the locality with the buildings are generally 2 storey in height. There are a number of businesses and private dwellings located adjacent to the site, with Landis Chip Shop and Gervins Bar and Lounge and snooker club of note.

Description of Proposal

Full planning permission is sought for an alternative vehicular entrance to access new apartments to that previously approved under application no M/2014/0331/F.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2017/0151/NMC - 34-38 The Square, Coalisland - Minor internal layout changes to Planning Approval M/2014/0331/F – Non Material Change Refused

M/2014/0331/F - 34-38 The Square, Coalisland - New apartments (5 no. one bedroom apartments, 5 no. two bedroom apartments) – PERMISSION GRANTED – 11.07.2016

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, two objections were received. The contents of these objections will be discussed later in the report.

Assessment of Policy/Other material considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy
- DCAN 15: Vehicular Access Standards

The Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published during the processing of this application and it is considered as a material consideration although as it is still early in the plan process, little weight should be attached to it. Under the Draft Strategy the proposed application would be considered under policies GP1 – General Principles Planning Policy and Policy TRAN4 – Access onto Protected Routes and Other Route Ways are applicable. In my view the proposal accords with the Plan Policies and is not in conflict with the plan.

The proposal is located within the settlement limits of Coalisland and has no other designations or zonings. The site is located just outside an Area of Townscape Character.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

The previous approval for the apartments was approved in 2016, this current application solely is applying for an alternative vehicular access from what was approved under the previous scheme. The previous approval utilised an existing access from Dungannon Road to the chapel car park whereas this application proposes the utilisation of an existing access located approx. 3m NE of this. This access currently provides access to an existing concrete yard. The proposal intends to provide access to the carpark which was approved under the M/2014/0331/F scheme. It is not considered the proposal would have a negative impact on the surrounding area given its urban setting.

DfI Roads were consulted in relation to the proposal and have recommended a minimum carriageway width of 4.1m along with a traffic management priority system in the form of priority signage. The agent has confirmed that both of these will be in place.

Representations

Two representations were received in relation to the application and have been carefully considered. The first of these representations was from a neighbouring resident (10 Dungannon Road) in relation to the right of way and the intensification of the laneway to serve the apartments which were approved under a separate application. The second representation was received from a solicitor acting on behalf of the residents aforementioned. The issues raised within the objection relate to discrepancies between what is shown on the plans and what is actually on site. From the site visit, the "existing intervisable passing bay" which is referred to on the plans wasn't evident on the ground as the objection letter suggests. Revised plans have been submitted to change the proposal. A condition ensuring that the passing bay is in place within a specified time frame has been imposed. In relation to the right of way, this is considered a legal issue between the parties involved. DfI Roads are the competent authority in dealing with road safety concerns or causing significant inconvenience to the flow of traffic. They have not raised any concerns in relation to the proposed scheme other than ensuring that the carriageway width of 4.1m and a traffic management priority system is in place. The agent has confirmed that this will be implemented as part of the scheme.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended, subject to condition.

Conditions:

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

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

2. Prior to the commencement of the development hereby approved, the passing bay area hatched red on drawing No. 01b date stamped 12th February 2019 should be provided and retained thereafter.

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

Signature(s)

Date:

ANNEX

Date Valid	13th September 2018
-------------------	---------------------

Date First Advertised	27th September 2018
------------------------------	---------------------

Date Last Advertised	
-----------------------------	--

Details of Neighbour Notification (all addresses)

James & Jayne Boyle
 10 Dungannon Road, Coalisland, Tyrone, Northern Ireland, BT71 4HP
 The Owner/Occupier,
 10 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 16 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 1a , Harbour Hill Arcade, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 1c , Harbour Hill Arcade, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 2 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 25a , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 25b , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 25c , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 28a Dungannon Road, Coalisland
 The Owner/Occupier,
 2a , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 3 Barrack Square, Coalisland, Tyrone, BT71 4JG,
 The Owner/Occupier,
 3 Harbour Hill Arcade, Coalisland, Tyrone, BT71 4LN,

The Owner/Occupier,
 32 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 38a , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 38b , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 3a , Barrack Square, Coalisland, Tyrone, BT71 4JG,
 The Owner/Occupier,
 4 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 40 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 42 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 44 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 4a , Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 5 Barrack Square, Coalisland, Tyrone, BT71 4JG,
 The Owner/Occupier,
 6 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 Doris & MacMahon Solicitors
 63 James Street, Cookstown, Tyrone, Northern Ireland, BT80 8AE
 The Owner/Occupier,
 8 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 8a , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Bodyline, 2 Harbour Hill Arcade, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Chemineer, The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Clare Maria Campbell Physiotherapist, 44c , The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Coalisland Credit Union, Credit Union Buildings, The Square, Coalisland
 The Owner/Occupier,
 Donaghmore Construction, 7 Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 F J Madden, 14 The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 F J Madden, The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Frank McGirrs, 27a The Square Coalisland
 The Owner/Occupier,
 Gervins Snooker Club, A, 5 Barrack Square, Coalisland, Tyrone, BT71 4JG,
 The Owner/Occupier,
 Golden Bamboo, 35-37 Dungannon Road
 The Owner/Occupier,
 Island Pc, 16 Dungannon Road, Coalisland, Tyrone, BT71 4HP,

The Owner/Occupier,
 Maire O'Neill, 14-16 ,The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Mcglone & McCabe, 12-14 ,Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 Michael Mc Aleer, 20-22 ,The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Murphy'S Wine Market, 28c ,Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 Paul McGirr, 11-17 ,The Square, Coalisland, Tyrone, BT71 4LN,
 The Owner/Occupier,
 Pizza Base, 44 Dungannon Road, Coalisland
 The Owner/Occupier,
 Post Office, 28b ,Dungannon Road, Coalisland, Tyrone, BT71 4HP,
 The Owner/Occupier,
 The Barber Shop, 28 The Square, Coalisland
 The Owner/Occupier,
 The Harbour Arcade, 37a Dungannon Road, Coalisland
 The Owner/Occupier,
 The Pine Box, 44a ,The Square, Coalisland, Tyrone, BT71 4LN,

Date of Last Neighbour Notification

26th September 2018

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2017/0151/NMC

Proposal: Minor internal layout changes to Planning Approval M/2014/0331/F

Address: 34-38 The Square, Coalisland,

Decision: CR

Decision Date:

Ref ID: LA09/2017/0999/PAD

Proposal: Public realm scheme

Address: Town Centre, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2017/1242/PAN

Proposal: The works will include the provision of new high quality natural stone paving, carriageway, resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage

Address: An environmental/street scape improvement scheme on the following streets in Coalisland Town Centre. The Square, Main Street, Lineside Road, Dungannon Road,

Stewartstown Road, Barrack Street, Barrack Square, Station Road and Washingbay Road.

Decision:

Decision Date:

Ref ID: LA09/2017/1442/PAD

Proposal: Works will include the provision of new high quality natural stone paving ,carriageway resurfacing, street furniture, tree planting, signage, street lighting, festive lighting and drainage

Address: An environmental/ streetscape improvement scheme to the following streets in Coalisland, The Square, Main Street, Lineside, Dungannon Road, Stewartstown Road, Barrack Street and Washingbay Road,

Decision:

Decision Date:

Ref ID: LA09/2018/1207/F

Proposal: Alternative vehicular entrance to access new apartments to that previously approved under application no M/2014/0331/F

Address: 34-38 The Square, Coalisland,

Decision:

Decision Date:

Ref ID: M/1973/0076

Proposal: ERECTION OF CHURCH WITH CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1973/007602

Proposal: ERECTION OF CHURCH AND CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0329

Proposal: EXTENSION TO SHOP

Address: 44 THE SQUARE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0042

Proposal: 33/11 KV system improvement (Part 5)

Address: CULLION, EDENDORK, DERRY, BRACKAVILLE, ANNAGHER GORTGONIS DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0211

Proposal: Extension and improvements to Dwelling

Address: 40 THE SQUARE COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0212

Proposal: Extension and improvements to Dwelling

Address: 42 THE SQUARE COALISLAND

Decision:

Decision Date:

Ref ID: M/1995/0388

Proposal: Landscaping scheme

Address: OPPOSITE 32-34 THE SQUARE COALISLAND

Decision:

Decision Date: 02.10.1995

Ref ID: M/1995/0760

Proposal: Alterations to Shop Front

Address: PLANTEC FURNITURE SYSTEMS DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2005/1334/F

Proposal: Proposed alterations and improvements to premises

Address: 32 The Square, Coalisland

Decision:

Decision Date: 21.07.2005

Ref ID: M/2007/1456/F

Proposal: Replacement of existing buildings with 3 no. units for office/retail use with storage spaces over, provision of ATM all within new two storey building (Amended Drawings)

Address: 34-38 The Square, Coalisland

Decision:

Decision Date: 10.02.2009

Ref ID: M/2014/0126/F

Proposal: Proposed covered smoking area at entrance to existing bar

Address: No 5 Barrack Square, Coalisland,

Decision: PG

Decision Date: 29.04.2014

<p>Ref ID: M/2014/0331/F</p> <p>Proposal: New apartments (5 no. one bedroom apartments, 5 no. two bedroom apartments)</p> <p>Address: 34-38 The Square, Coalisland,</p> <p>Decision: PG</p> <p>Decision Date: 11.07.2016</p>
<p>Summary of Consultee Responses</p> <p>No issue with the proposal subject to compliance with their response/conditions.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 1b Type: amended drawing Status: Submitted</p> <p>Drawing No. 1a Type: amended drawing Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1296/O	Target Date:
Proposal: Site of proposed two storey dwelling and garage.	Location: Lands 75m South of 16 Ballyheifer Road Magherafelt BT45 5DX.
Referral Route:(farm dwelling siting as an exception to Policy CTY10)	
Recommendation:Approval.	
Applicant Name and Address: Glenbrook Stud 58 Moneymore Road Magherafelt BT45 6HG	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	
Statutory	Historic Environment Division (HED)	
Statutory	Historic Environment Division (HED)	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area Greenfield rural site just outside the settlement limits of Magherafelt as designated by the current Magherafelt Area Plan. The proposed site on flat ground nestled with Listed building (Ballyheifer) house with its associated outbuildings. Existing mature vegetation is notable to the rear of the site as well as to the NE. Additional planting proposed within the confines of the NE third of the site. Access is new and follows established field boundary to emerge on Ballyheifer Road.		
Description of Proposal Site of proposed two storey dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations Draft Plan Strategy 2013 MAP SPPS PPS21 PPS6 PPS3. The policy under which this single rural dwelling is being sought is CTY10 of PPS21 (Dwelling on a farm). The applicant is listed as Glenbrook Stud which is a long established equine business with its main established base located 2 miles away on the other side of Magherafelt at 73 Castledawson Road where there are approx. 11 fields, the stud and its associated buildings and horse training areas and associated outbuildings, and No 73 itself. The application site is located		

on an outlier part of the lands owned by the Stud and I will assess the Policy implications for this later in my report.

The applicant has met the first requirement of the Policy by providing a Farm Business ID which DAERA have confirmed has been active and established for the required period. I have not been able to trace any other development opportunities which have been sold off from the holding.

Key to the determination of this case is the chosen site away from the established group at No 73 Castledawson Road as this is itself contrary to the 'sited with' and 'visually linked' tests explicit in CTY10 unless the exceptions test is satisfied.

The agents supporting statement sets out the following case:

1. The applicant (Mr Conway) owns a large number of thoroughbred racehorses and associated breeding stock. These are extremely valuable animals in the tens of thousands of pounds. A significant number of copies of horse passports have been provided to evidence this.
2. The expansion of the herd in recent years at No 73 has placed pressure on grazing lands there resulting in more intensive management than intended. In order to provide additional land capacity some 35 acres of land have been purchased at Ballyheifer. This location is ideally located being some 1.5 miles away from No 73
3. It is the plan that a number of horses currently at the main stud are to be re-located to the lands at Ballyheifer on an ongoing seasonal rotational basis and that these horses do not require stabling.
4. In order for this separate holding to operate properly and safely it is essential that there is someone residing there who will provide 24 hour supervision for the following reasons, security, public safety (risks associated with escaping animals), husbandry and welfare, monitoring of health (the turf club now make it mandatory for Liscensed racing yards that (where the owner is not resident) that there is an employee living on the premises.

Whilst Policy CTY10 only specifically lists 2 exceptions to the clustering with existing buildings requiring these to be health and safety or verifiable plans to expand the farm, I note that the case made here does not equate clearly with either. That said the policy should not be able to provide for other 'exceptional' circumstances when siting a farm dwelling away from the established group can be considered. In addition the applicant cannot rely solely on the group of buildings associated with Ballyheifer House as these are not on the farm and remain under the ownership of a third party.

There has been a need to carefully consider any impacts which this dwelling could have on the setting of Ballyheifer House which is listed. The consultation from HED has indicated the following:

HED: HB considers the proposal contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development of a two storey dwelling in the location shown, remains unlikely to meet policy requirements. Policy BH11 (a) clearly states that *"the detailed design respects the listed building in terms of scale, height, massing and alignment"*

HED: HB acknowledges receipt of drawings nos' 3066-PL02 (Site layout) & 3066-PL03 (Existing & proposed site sections) which amplify the issue. In terms of compliance with Policy BH11, a revised (reduced) datum level (currently shown at 62.30) and an overall finished ground floor to roof ridge of 6.0m may be acceptable to HED: HB.

Following this the applicant suitably amended the proposal on the 10th April to reduce it from a 2st dwelling to a dwelling with a max of 6m to ridge. As I regard this to have addressed the

above concerns I did not regard there to be a need to formally re-consult HED as this appears to have been their only concern. I note that a datum of 62.3 for ffl is still shown on plans, it is my professional judgment however that even at that level, the reduction to an overall 6m ridge from ffl will achieve a satisfactory relationship with Ballyheifer House and as such also accord with PPS6.

No other issues are raised by consultees and there have been no third party objections.

The agent has set out a case in relation to siting which to me indicates a genuine need to site a dwelling at the Ballyheifer road part of the farm. In visual impact terms I have also considered that a dwelling on the site with a 6m ridge height will visually blend into the landscape here, and whilst Ballyheifer House is not on the farm, a clustering effect is still visually achieved.

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 are applicable to this application. In my opinion the proposal is in compliance with CT1 and CT2 9 (with the exception of e). The proposal is in compliance with GP1.

However I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

Approval is therefore recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation: Approval with conditions.

Conditions – 6m ridge height from ffl and ffl datum as shown on plans No 02/.

- Submission of RM within 3 years.
- full planting proposals to be submitted at RM stage.
- full particulars relating to design, scale and massing to be determined at RM stage
- access to accord with RS1 form and be provided prior to commencement of any development.

Signature(s) M.Bowman

Date: 16th May 2019

ANNEX	
Date Valid	4th October 2018
Date First Advertised	18th October 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Ballyheifer Road Magherafelt Londonderry	
Date of Last Neighbour Notification	11th October 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1296/O Proposal: Site of proposed two storey dwelling and garage. Address: Lands 75m South of 16 Ballyheifer Road, Magherafelt, BT45 5DX., Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1564/F	Target Date:
Proposal: Proposal for 4 apartments 2No. 2 bedroom and 2No. 1 bedroom with associated parking (previously approved under M/2008/0412/F) (Biodiversity)	Location: 10m to the rear of 60 Union Place Dungannon
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Mr Brendan Cunningham 95 Tandragee Road Pomeroy	Agent Name and Address: Prestige Homes 1 Lismore Road Ballygawley BT70 2ND

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

See main body of report for consideration of objections.

Description of proposal

This is a full planning application for 4 apartments, 2No. 2 bedroom and 2No. 1 bedroom with associated parking (previously approved under M/2008/0412/F).

Characteristics of Site and Area

This site is located within Dungannon Town Centre (as indicated in the Dungannon and South Tyrone Area Plan 2010) on an area of land that is zoned as a protected housing area. An irregular shaped plot consisting of two rear gardens to the rear of No.s 54-60 Union Place. At present access is via a narrow tarmac pedestrian laneway which runs between Union Place and Woodlawn Park. There is a domestic garage in poor state of repair to the SE corner and land slopes steeply downhill to the north, from Union Place to Woodlawn Park.

No. 62 Union Place to the north of the application site is a detached 2 storey dwelling on a large site which is at a lower level than the application site. To the south is a terrace of 4 no. 2 storey dwellings which are at a higher level than the site. East of the site are commercial premises. To the NE and NW of the site are rows of terraced dwellings which are stepped down in an east to west direction (Woodlawn Park). Also beyond the application site to the north are detached single storey dwellings.

Planning Assessment of Policy and Other Material Considerations

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

Area Plan

Dungannon and South Tyrone Area Plan 2010: within town centre limits on an area of land that is zoned as a protected housing area. This zoning is to protect existing housing from pressure from non-residential uses.

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 HOU2 Quality Residential Development are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

Relevant Planning Policy

Regional Development Strategy for Northern Ireland 2035 (RDS)

Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

Addendum to PPS 7- Safeguarding the Character of Established Residential Areas

Design and Guidance

Creating Places- Achieving Quality in Residential Developments

Improving the Quality of Housing Layouts in Northern Ireland
DCAN 8 - Housing in Existing Urban Areas

Planning History

M/2008/0412/F- 4 No apartments, 2 No 2 bed and 2 No 1 bed with associated parking, granted 18.08.2009.

3rd party objections

A number of objections have been made in relation this proposal from neighbouring properties and raise the following issues (summarised);

- that M/2008/0412/F has expired and any weight attached to it has diminished;
- Since the previous permission new policy has been introduced, Addendum to PPS7- safeguarding the character of established residential areas;
- at no point in the sequence for choosing housing lands under the development plan process are domestic gardens identified as suitable for housing;
- that the proposal is contrary to parts (a), (b) and (c) of policy LC1 in that density is significantly higher, the established pattern of development is not respected, and, the apartment sizes are not in accordance with the standards set out in Annex A of the addendum;
- that the proposal will result in intensification of a sub-standard access and is contrary to policy AMP2 of PPS3 Access, Movement and parking;
- proposal is contrary to Creating Places (para 7.16, 7.21-7.23)) in that the proposed private amenity space will be overlooked and overshadowed by the terrace at Union Place;
- proposal contrary to criteria (a) to (h) of QD1 of PPS7.
- design contrary to (a) and (g) of QD1 of PPS7 as not in keeping with existing building materials and design;
- no new landscaping is provided and trees will be lost to make way for the development (contrary to parts (a) and (c) of QD1);
- the design does not deter crime or promote personal safety and does not comply with criteria (i);
- that the proposal will have a detrimental impact on existing property value;
- lead to parking problems;
- lead to criminal damage, littering, unsocial behaviour, loitering etc.;
- adverse effect on residential amenity by reason of loss of privacy contrary to Article 8 of the European Convention on Human Rights;
- unacceptable over-development of the area, involving loss of garden, inappropriate scale, massing and design;
- laneway insufficient for additional traffic;
- adverse impacts on wildlife (e.g. squirrels, badgers, hedgehogs and a variety of birds);
- loss of views from neighbouring properties would adversely affect the residential amenity of the area;
- generate additional traffic and associated noise.

Reference is also made to PAC decision 2016/A0051 (planning ref: LA10/2016/0072/F).

Consideration

Permission was granted for this exact proposal under planning application M/2008/0412/F. As one objector correctly pointed out, this permission has now expired.

M/2008/0412/F was found to be in accordance with the policy criteria of QD1 of PPS7. However, since this permission an addendum to PPS7 has been introduced (2010) called Safeguarding the Character of Established Residential Area which is to be considered alongside PPS7 Quality Residential Environments policy QD1 where applicable. The Strategic Planning Policy Statement has not made any changes to policies contained within PPS7.

PPS7 Policy QD1 - Quality in New Residential Development 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 4 apartments on this site has been established under M/2008/0412/F and the layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas remains the same as the original permission. While the previous permission has lapsed, determining weight can still be afforded to this decision as the policy context has not changed, and policy QD1 is still applicable until such times as the new area plan is formally adopted. In my view, even though the previous decision was made by the Department, that the same planning principles and policy apply.

The building is 2 storey and is 'L' shaped on plan, with a square block projecting forward of a rectangular block to the west. Both interconnecting blocks have a mono pitched roof. While most residential properties in the area have symmetrical pitched roofs, it is my view that this proposal does to look out of place as it is screened by existing development on Woodlawn and in Union Place and the height, scale and massing is similar to surrounding 2 storey properties. There is no special character of development in this area, and the site is not within a conservation area or Area of Townscape character therefore there are no strict rules in terms of property design and/or materials used. Plus, the site does not command an important vantage point in the landscape or street scape therefore in such a context there is more scope for alternative design and/or materials within this town centre urban environment, subject to surrounding amenities and land uses being protected and respected.

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 archaeological, built heritage, or landscape features in the immediate vicinity of this site to be considered for protection and integration into this development. Concern was raised by objectors that the proposal would result in tree loss, hedgerows and would have a detrimental impact on bio-diversity on this site. I requested further information from the agent to address these concerns and on receipt of this information I consulted NIEA. On 30.04.2019 NIEA provided a response and raised no concern or objection to tree and/or hedge loss given that the area in question was overgrown shrub area with low biodiversity value. Given the size and scale of development within this existing urban environment it is my view that impacts on biodiversity will be negligible.

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.

Due to the size and scale of development, there is no requirement for provision of public open space.

In terms of private amenity; the proposed private amenity space is located to the west and north of the development and is calculated at approximately 100 square metres. Creating places suggest that in the case of apartment development on small urban infill sites should range from a minimum of 10 sq m to around 30 sq m. As there are 2 one bedroom apartments (2 x 20 sq m) and 2 two bed apartments (2 x 30 sq m) it is my view there is ample amenity space provided for this town centre development. On top of this there is also bin storage provided to the side of the development which does not encroach on the private communal space.

There is no provision of landscaping, however there is landscaping opposite the site which helps to soften the development, and it was found acceptable under the previous permission to proceed without landscaping provision.

It is noted that this development also uses up existing private rear amenity space to No. 58 and 60 Union Place. The remaining private amenity is measured at approximately 63 sq m and 60 sq m respectively. Creating places has a guide of 70 sq m of private rear amenity for dwellings, however this is just a guide and houses with smaller areas will be more appropriate for houses with 1 or 2 bedrooms. While it is not known how many bedrooms these dwellings have, given their town centre location and proximity to areas of open space, it is my view that these private amenity spaces are acceptable for these dwellings in this instance.

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

There is no requirement to provide local neighbourhood facilities as part of this application for 4 residential units, as there is adequate provision within walking distance from this town centre location.

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;

There is access to an existing footpath and road network which supports a variety patterns of movement, meeting the need of all who use it.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for this development. DfI Roads were consulted on this proposal and no objection has been raised over parking provision.

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

The proposed materials were assessed to be acceptable under M/2008/0412/F and planning policy has not changed from this point. While the design, form, materials and detailing are not the same as surrounding housing development, it is my view that the proposal is acceptable for its context and will not have a detrimental impact on the residential character of this area given the site and context.

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;

It was determined under M/2008/0412/F that this exact proposal was acceptable in terms of impacts on neighbouring amenity.

Dwellings in Union Place will back onto the development and will be at a higher level. The separation distance between properties on Union Place and the proposed development is approximately 9 metres, however this will be to the gable wall of the new apartments. The southern gable of the proposed apartment block defines the rear garden boundary of No. 60 and part of the boundary to No. 58. Given that the apartment block has a FFL of approx. 2 metres below the garden level of both 58 and 60, in essence you are left with a 4m high rear boundary wall to No. 60 and part of 58. While this arrangement is not usually considered acceptable in terms of quality design it is my view that it is on the limits of acceptability for the following reasons;

- The garden level is 2 m above ffl of the apartment FFL;
- the orientation of these gardens means that they will not suffer loss of sunlight from the development;
- the south side of these gardens are on higher ground as they slope down towards the proposed development;

therefore the entire garden space is usable and the existing development will not suffer from overshadowing.

The apartments will back onto the rear garden of N. 56, and there is a separation distance of just over 2 metres between the two. Levels are approximately similar. While this separation between a 2 storey building and the private amenity of an adjacent dwelling is considered not to be acceptable given that the rear garden area of No. 56 is very generous for this urban area (approx 155 sq m) and that only a small corner to the garden area will be blocked out by morning sun for a short period, with the remaining amenity not being impacted, it is my view that this relationship is acceptable in this case. In terms of overall daylight provision for the proposed development, I am satisfied that the apartment units will receive enough light to allow for a pleasant internal living environment.

Properties to the north will not be impacted due to separation between properties. No. 62 to the north will have limited impacts on existing amenity space as there is a domestic building to the rear of No. 62 that will shield/screen any impacts of overshadowing/overlooking/over dominance from the proposed development.

A 1.8m high close boarded fence to the western and southern boundaries will also protect existing and proposed amenity space and this can be conditioned prior to the occupation of any unit hereby permitted.

The windows on ground level will not overlook adjacent private amenity space. The first floor windows to the eastern elevation look towards land to the east which is disused shrub land and will not overlook any amenity. There is a high level window to the first floor of the southern elevation which provides natural light to the kitchen area of a 1 bed apartment. The bottom of this window is 1.5m above floor level within this apartment therefore does not lend itself to overlooking, therefore in my view is acceptable.

There are 2 windows with potential overlooking of private amenity space at first floor level on the western elevation. One of these windows serves a landing area to a first floor 2 bed apartment, and the bottom of this window is 1.5m above internal floor level of this apartment which does not lend itself to overlooking as it will be just above eye level. Another window in this elevation serves a bedroom. While adjacent amenity space will be clearly visible from this window, it will overlook only part of the rear amenity of No. 56, with the remainder of amenity remaining private.

It is my view that objector's concern in relation to these amenity have been addressed and are not determining in this instance.

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

Objectors raise concern that this development will increase anti-social behaviour along this alleyway. I contend that anti-social behaviour will decrease with this proposal. A lot of shrub land will be cleared along with a disused garage, and the new development will provide surveillance over this area of laneway. Plus, vehicles will now be using part of this access way which will be widened thus increasing exposure to this area and walkway. In my opinion people will feel safer walking along this area than the current situation.

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 (criteria (a), (b) and (c)).

However, Annex E to this Addendum states that in recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will not apply to;

- designated city centres, and designated town centres within large towns.

As this proposal is located within the designated town centre of Dungannon, policy LC 1 is not applicable to this proposal. In saying that I feel that the density is not significantly greater than what currently exists, that the proposal increases the diversity of housing types in the area to cater for people with varying needs, and, is broadly in keeping with the character of the area, while achieving greater densities within town centres without creating town cramming.

It is noted that the apartment sizes fall just below Space Standards contained within Annex A to the addendum and this was raised by an objector. However given that this proposal is in a town centre location, these space standards are not applicable in this instance. The objectors concern in this regard are not determining in this instance.

The objector makes reference to a planning appeal. This appeal relates to a different site, within a different town, different context and is outside of a town centre boundary. Therefore, I do not see both sites as directly comparable and limited weight can be applied from this judgement to this particular case. Each case will be assessed individually on the basis of its own merits.

PPS 3 Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessment, protection of transport routes and parking. Objectors have raised concerns about access arrangements in terms of road safety. DfL Roads were consulted on this proposal and have not raised any such concerns, and with all things considered are recommending approval subject to conditions.

Other Considerations

This site is not subject to flooding. No concern was raised by Environmental Health over land contamination. NIW raise no concern over sewage capacity, plus with a previous permission on site this would have been taken into consideration in NIW capacity calculations as committed development. NIW also indicate that the proposal is under Article 161 agreement.

One objector raised concern that development of this site would decrease their property value. Property values are not a material consideration in determining planning applications, rather attention is paid to impact on amenity and adjoining land uses.

One objector states that their human rights not being respected by this proposal; The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The specific Articles of the ECHR relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

These human rights are inbuilt in the planning process in that issues relating to amenity are explicitly considered, everyone has the right to express a view and that view is taken into account in determining an application. If there is dissatisfaction, there is ability to defer to the Courts.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is granted subject to the following conditions.

Conditions

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

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

2. Prior to the occupation of 50% of the apartments hereby approved, the developer shall construct, layout and plant all landscaped and open space areas (including garden area) as indicated on the approved plan drawing no. 01 date received 14th November 2018.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

3. No dwelling unit/apartment hereby approved shall be occupied until the Planning Authority agrees in writing that an acceptable Management and Maintenance Agreement has been signed and put in place with an appropriate management company for all areas of open space and landscaping as identified in condition no.02 .

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 any unit of accommodation hereby approved all boundary treatments shall be in place in accordance with details indicated on drawing No. 02 date stamp received 14th November 2018 unless otherwise agreed in writing by Mid Ulster Council.

Reason: In the interest of safeguarding private amenity.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 01 date stamp 14 November 2018 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The existing private access shall be widened to 4.8 metres for the first 10.0 metres.

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

7. 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.

Signature(s)

Date:

ANNEX	
Date Valid	27th November 2018
Date First Advertised	13th December 2018
Date Last Advertised	20th December 2018
Details of Neighbour Notification (all addresses) Oonagh Given 10 Carnan Park, Strathroy, Omagh, BT79 7XA The Owner/Occupier, 18 Woodlawn Park Dungannon Tyrone The Owner/Occupier, 18a Woodlawn Park, Dungannon, Tyrone, BT70 1AH The Owner/Occupier, 54 Union Place Dungannon Tyrone P P Donnelly 54 Union Place, Dungannon, Tyrone, Northern Ireland, BT70 1DL The Owner/Occupier, 56 Union Place Dungannon Tyrone Ann McNaney 56, Union Place, Dungannon, Tyrone, Northern Ireland, BT70 1DL The Owner/Occupier, 58 Union Place Dungannon Tyrone Mark Steenson 58 Union Place, Dungannon, Tyrone, BT70 1DL The Owner/Occupier, 60 Union Place, Dungannon, Tyrone, BT70 1DL The Owner/Occupier, 62 Union Place Dungannon Tyrone The Owner/Occupier, 64 Union Place Dungannon Tyrone The Owner/Occupier, 64a Union Place, Dungannon, Tyrone, BT70 1DL	
Date of Last Neighbour Notification	5th December 2018
Date of EIA Determination	NA site only 0.3 ha



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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1650/F	Target Date:
Proposal: Extension to retail unit for storage	Location: Unit 1 Castlefields Thomas Street Dungannon
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Nano Developments Ltd 47 Castle Road Cookstown	Agent Name and Address: APS Architects LLP Unit 4 Mid Ulster Business Park Derryloran Ind Estate Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice

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

3 objections have been received these will be detailed within the report.

Characteristics of the Site and Area

The proposal is sited on Castlefields, Thomas Street, Dungannon, Co. Tyrone. The area plan highlights that this site is within the town centre area of Dungannon and within an area zoned as Protected Housing. It is noted that the town provides a convenient and compact centre but would benefit from an increase in the range of shops and provision of larger units.

The site itself is situated at Unit 1, Castlefields, Thomas Street, Dungannon within an existing retail building. There are two other retail units within the building (Social Security Agency Medical Examination Centre and Karolina Shop). Unit 1 appears to have recently, been subdivided into 2 retail units: unit 1a and 1b both of which were

unoccupied on the date of site inspection. With the subdivision of Unit 1 all four units within the retail building are of similar size.

The surrounding area exhibits a mix of retail, residential, government and community uses with housing development bounding the site on its southern and eastern sides. The application is close to the Circular Road Roundabout which is immediately north of the site and acts as one of the key transport nodes in the town.

Description of Proposal

The proposal seeks planning consent for an extension to an existing retail unit for storage purposes. The existing unit is located at Unit 1 Castlefields, Thomas Street, Dungannon. The retail unit to be extended, unit 1 is the west end unit in a block of 3. This unit has recently been granted planning permission to be subdivided into 2 retail units, unit 1a and 1b.

The extension which is single storey has a simple rectangular floor plan and gentle mono pitch roof construction. It measures approx. 13.4m (gable width) x 5.9m (frontage length) x 3.9m (ridge height) will be located to the western gable of unit 1a offset to its rear / southern gable. Finishes to the extension include render to the walls painted white and black door frames all to match the existing units on site.

Access to the extension from unit 1a is to be provided internally through double doors proposed in what would have been the gable of unit 1. Externally two single doors in the extension, one to the front elevation and the other in the gable elevation provide emergency exits to onto what is currently a small existing open grassed area to the side of the property.

It is noted that all loading and unloading for the proposed storage area is to be carried out at the front of unit 1a. And a 1m high wall is to be erected along the outside of the adjoining grassed area to enclose it and the extension located on it.

Planning Assessment of Policy and Other Material Considerations

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

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland
Dungannon and South Tyrone Area Plan 2010.

Planning Policy Statement (PPS) 3 – Access, Movement and Parking.

Planning Policy Statement (PPS) 6 – Planning, Archaeology and The Built Heritage

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
published February 2019

Most Recent Planning History

- LA09/2018/1042/F - Proposed change of use from vacant retail unit to facilitate a new funeral parlour, viewing rooms and chapel including alterations to the shop front and all other associated plant and site works (additional information on parking) - Unit 1B Castlefields, Dungannon, - Withdrawn 05.12.2018
- LA09/2017/0359/F - Proposed division of existing retail unit into 2 retail units with separate entrances - Unit 1 Castlefields, Thomas Street, Dungannon – granted 19.05.2017
- M/2012/0039/F - Planning application for installation of additional windows to the side elevation, sunpipes to be installed where currently there are roof lights within the roof, and AC condensor units on the rear elevation - Unit 3, Castlefields, Dungannon. BT17 6DZ - 22.03.2012
- M/2011/0628/F - Change of Use from former pool / snooker hall to D1 Usage (Medical Examinations Centre) - Unit 3 Castlefields Dungannon BT71 6DZ - 16.01.2012
- M/2007/0864/F - Over 18's gaming room within a previously approved snooker hall approved under application M/02/1435/F - Unit 3 Castlefields, Dungannon - 12.09.2007
- M/2003/0515/F - Change of use from clothes shop to sandwich bar (amended scheme) (Re-advertisement) - Unit 2 Castlefields, Thomas Street, Dungannon - 01.04.2004

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 3 letters of objection in relation to this proposal have been received. 2 from Ms McCaughan the owner / occupier of no. 2 Castlefields located immediately adjacent the site to the south, received on the 25th and 30th January 2019; and One from Ms McElroy the owner/occupier of no. 6 Castlefields received 29th January 2019. A summary of the objections and issues raised are detailed below.

- Ms McCaughan in her letters objected to the size and scale of the proposal and its door opening unto the Castlefields Rd which she states has enough traffic obstruction problems due to inadequate parking. That this is due to patients attending a dental clinic to the front of the existing retail units. And that vehicles unloading on the Castlefields road would worsen the situation by blocking this road into Castlefields, which needs to be kept clear for residents and visitors including domestic help at all times. Mrs McCaughan also raised concern about the height of the proposed building, its proximity to her property and its potential to obstruct views of those exiting Castlefields and the existing carpark to the front of the retail units.
- Ms McElroy in her letter asked: Why a storage area needs 3 separate accesses? Would it not be safer to access it through the existing retail unit? With delivery

vehicles driving through the car park to the rear of the building as per existing units. If planting alongside this extension who will maintain it? How does the proposal accommodate the existing expensive metal gate indicating that Castlefields is a private road insitu for over 30 years, financed and maintained by residents. (I note that there is limited planting proposed (beech tree) with this scheme and its maintenance will be an issue for the landowner. And that the existing gate should not be impacted by this proposal as wall enclosing the site will sit to its rear.)

Ms McElroy went on to outline in her letter that she objected for the following reasons:

- It will increase existing difficulties with traffic emerging from the car park in front of units.
- As no footpath on Castlefields increased traffic will increase pedestrian residents and visitors safety.
- Castlefields is a private road that residents maintain therefore unfair to inflict more traffic and cost on them.
- There is no turning area on Castlefields except on residents' driveways with such manoeuvres causing damage to property. Delivery drivers seeking a quick getaway use this road often at speed and increased traffic to the store will make the situation worse.
- A dentist surgery with inadequate parking provision is located close to the extension with its clients often parking alongside the extension blocking Castlefields residents' access. This proposal will cause more blockages.
- Several Castlefields residents have carers' whose access is often blocked by existing thoughtless parking. The emergency vehicles being impeded by even more delivery traffic cause these residents added anxiety.

The objections raised above related primarily to the impact of the proposal on the access, movement and parking arrangements and the safety thereof **Transport NI** were consulted and responded on the 14th February with the following advice:

- Having reviewed the objection letters it is DfI Roads opinion that servicing of this proposed building should not be accommodated from the private road.
- Parking Standards stipulates that 1 car parking space per 250m² is required to support Class Use - Class B4 Storage. The proposed storage extension comprises of only 72.6m² additional floor space therefore if Council considers it necessary to request one additional space to support this application, a drawing detailing this parking space should be submitted.

Further to the above clarification of how the building was to be serviced was sought. Amended drawings subsequently received show all loading and unloading to be carried out at the front of unit 1a. A 1m high wall was also requested be erected to enclose the site and the extension on it from Castlefields.

Whilst TNI highlighted the Parking Standards stipulates a requirement for 1 parking space per 250m² to support Storage Use, this is guidance and in this instance as the extension is modest in size I am content that existing parking provision, should not be significantly impacted by this proposal as no intensification of vehicles visiting the site

has been indicated by the submitted P1 Form. And, therefore as access arrangements involve utilising an existing unaltered access to the public road; there should be no significant intensification of the site; no loading/unloading on the Cattlefields Rd; and TNI have raised no concerns in relation to the proposal obstructing views I am content that in terms of it accessing and serving arrangement it is acceptable. That it should not have any significantly detrimental impact on safety and neighbouring amenity.

In relation to Ms McCaughan's concerns regarding its size, scale and height I believe it to be subordinate to the existing building, appropriate for the site and locality. It has a low ridge height and sits on a lower ground level to the dwellings at Ms McCaughan's property at no.2 as such I believe it should have no significant impact in terms of overshadowing or overlooking as it has no windows.

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1 – General Principles, PPS 5 – Retailing and Town Centres and PPS 9. The policy provision within PPS 3 and PPS 6 has been retained under transitional arrangements.

The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

It is my opinion the proposed extension which is off set to the rear of the retail unit, is subordinate to the existing building and unit it will extend. And by reason of its modest size, scale and design with finishes to match the existing units it should not have a significant effect on the external appearance of the existing building or character of the area. Whilst this proposal is for an extension to an existing retail unit I note that this is for storage purposes only, as such, I am satisfied there should be no intensification of the use of the site that would result in a negative impact on the amenity of surrounding residential dwellings or other properties. The proposed changes will also not impede upon the ability of the building to continue its use as a retail unit.

I therefore conclude that the proposal is satisfactory in terms of the provision of the SPPS.

Dungannon and South Tyrone Area Plan 2010

The site is situated within the town centre of the town and within an area designated as protected town centre housing. The area plan highlights that in order to protect the vitality of the town centre, a number of measures and proposals are adopted to retain and improve its attractiveness, accessibility and amenity. These include protected town centre housing areas where existing housing is protected from pressure for non-residential uses. I believe the extension is of an appropriate size, scale and design for the site and locality. It has a low ridge height and sits on a lower ground level to the dwellings at Castlefield located to its rear including no. 2 immediately adjacent and should not have any significant impact on the integrity or amenity of the surrounding

residential area in terms of overshadow or overlooking. This proposal is for storage purposes only and no intensification of vehicles visiting the site has been indicated. The access arrangements involve utilising an existing unaltered access to the public road I am content further to an amended drawing received from the agent to show all loading and unloading for the proposed storage area to be carried out at the front of unit 1a. And a 1m high wall is to be erected along the outside of the adjoining grassed area to enclose it and the extension located on it.

Conclusion

The proposal is deemed to comply with the policy provision outlined above and approval is recommended.

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. There shall be no external storage in the yard area.

Reason: To protect the amenity of residents and in the interests of visual amenity

Informatives

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

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

3.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0059/F	Target Date:
Proposal: Detached garage to rear of main dwelling house	Location: 5 Drumconvis Road Coagh
Referral Route: This application is being presented to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Robert Hosseini 5 Drumconvis Road Coagh BT80 0HD	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
-------------------	-----------	----------

Representations:

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

Summary of issues including representations

One representation has been received in respect of this application and relates to the following:-
 The size of the proposed garage is excessive for the neighbourhood;
 The proposed access is close to a large Oak tree and no information is available as to the level of work required to provide the access and whether this would impact on the boundary hedge and the Oak tree.

Description of proposal

The proposal is for the erection of a domestic garage measuring 7.6m x 6.6m externally with a ridge height of 5.0m. The external finishes are to match the existing dwelling. It is to be located at the rear south western corner of the site.

Characteristics of the site and area

The site is located on the periphery of the settlement of Coagh and on the main spine road out of Coagh towards the south east. The character of the area is predominantly residential with a long ribbon of dwellings extending along the same side of the Drumconvis Road. There is a small housing development on the opposite side of the road.

Planning Assessment of Policy and other Material Considerations

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

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

Planning History

There is no relevant planning history associated with this site.

Policy Context

The following policy and legislation was considered in the assessment of this application:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to Planning Policy Statement 7: Residential Alterations and Extensions.

Magherafelt Area Plan 2015

The site is located within the settlement development limits of Coagh as defined in the Area Plan. It has no other zonings or designations within the Plan.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Addendum to Planning Policy Statement 7: Residential Alterations and Extensions

Policy EXT1 within the addendum to PPS7 is the relevant policy to be considered in assessing this proposal.

Planning permission will be granted for an extension or alteration to a residential property where it meets the following criteria:

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

The proposal is for a domestic garage. The size of the proposal is considered to be acceptable in that it is subordinate in scale to the existing residential property. The garage will appear visually linked with the dwelling and is located to the rear which will effectively screen the development from public view. The materials proposed are to match the existing dwelling and therefore it is not considered that the proposal would detract from the appearance and character of the surrounding area. Many of the neighbouring properties have existing ancillary buildings within their site curtilages. Overall the design of the proposal is considered to be acceptable.

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

There is only one windows proposed as part of the proposal which looks towards the rear of the applicants dwelling. Therefore privacy issues are avoided. Due to the size and scale of the proposal it is not considered that there will be any amenity issues for neighbouring residents in terms of loss of light, overshadowing or dominance.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; The issue raised by the objector in relation to the Oak tree is not accepted. The tree is in fact a sycamore tree, it is not protected and neither the driveway nor the garage should affect the retention of the tree; The proposal complies with this part of the policy.

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

The space within the curtilage of the property for recreational and domestic purposes and the space for the parking and manoeuvring of vehicles will be unaffected by this proposed and therefore is considered to be acceptable.

The proposal is considered to comply with the criteria set out in Policy EXT 1 – Residential Extensions and Alterations of Addendum to Planning Policy Statement 7 (PPS7): Residential Extensions and Alterations because it would not detract from the character or appearance of the property or the surrounding area, it would not unduly affect the privacy or amenity of neighbours and it would retain adequate amenity space.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the condition 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.

Signature(s)

Date:

ANNEX	
Date Valid	15th January 2019
Date First Advertised	31st January 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Wellbourne Crescent Coagh Tyrone The Owner/Occupier, 3a Drumconvis Road Coagh The Owner/Occupier, 7 Drumconvis Road Coagh Tyrone D Wilson 7 Drumconvis Road, Coagh, Tyrone, Northern Ireland, BT80 0HD	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0059/F Proposal: Detached garage to rear of main dwelling house Address: 5 Drumconvis Road, Coagh, Decision: Decision Date: Ref ID: I/2003/0358/F Proposal: Extension and alterations to bungalow Address: 7 Drumconvis Road, Coagh, Cookstown Decision: Decision Date: 11.06.2003 Ref ID: I/1974/0095 Proposal: ERECTION OF SUBSIDY BUNGALOW Address: COAGH, COUNTY TYRONE Decision: Decision Date: Ref ID: I/1982/0235 Proposal: ERECTION OF BUNGALOW Address: SESSIA, COAGH, COOKSTOWN	

<p>Summary of Consultee Responses</p> <p>All Consultees responded positively</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Approved</p> <p>Drawing No. 03 Type: Proposed Plans Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



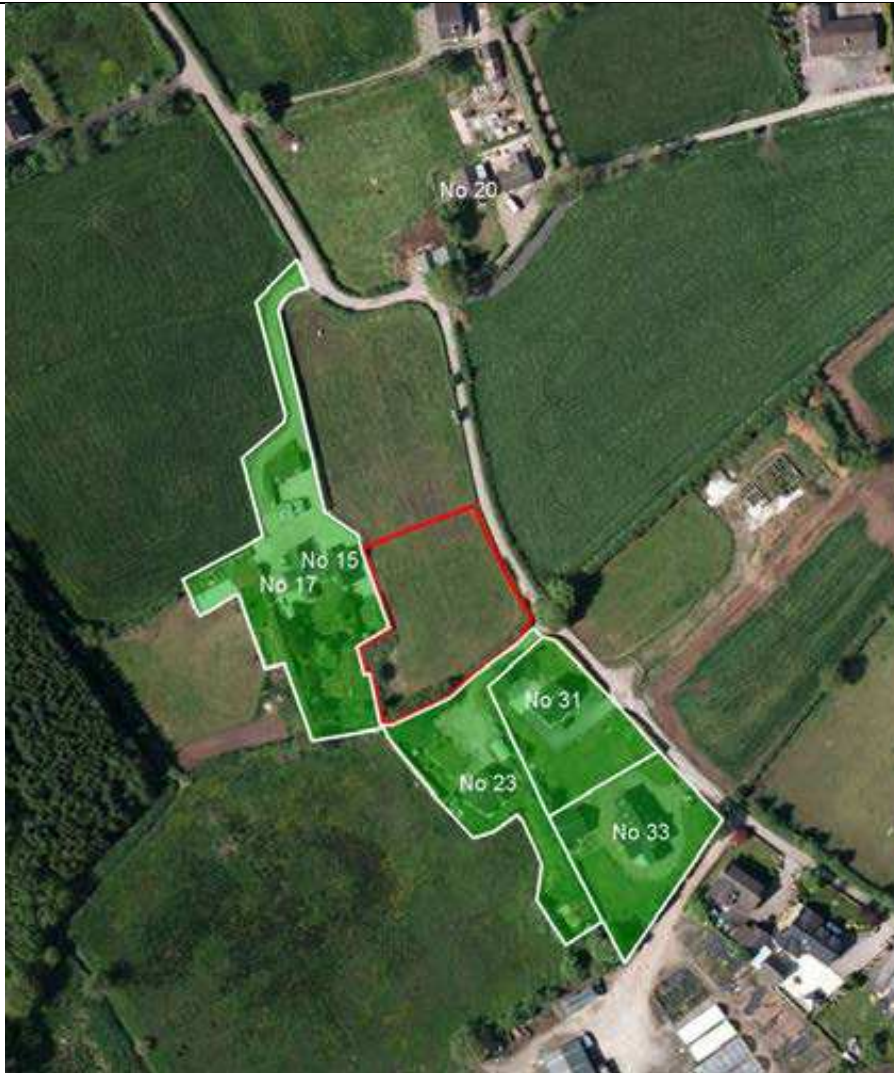
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0064/O	Target Date:
Proposal: Proposed infill dwelling using access as approved under application H/2012/0118/F	Location: Site 40m South East of 15 Lough Road Ballymagaigan
Referral Route: Contrary to CTY 1, 8, & 14 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Patrick McKenna 37 Killynease Road Castledawson	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues – None**Characteristics of the Site and Area**

The site is located approximately 375m northeast of one of the three clusters of development that make up the settlement of Ballymaguigan in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 50m northwest of No 31 Lough Road and consists of a cut out portion of a linear agricultural field. The access to the site will be via a new access, which will run parallel with an existing laneway and will open onto the Lough Road. The Lough Road is also a dead-end road that merges with the laneway. The south and west boundaries of the site are defined by 1.5m hawthorn hedge and trees, the eastern boundary is defined by a post and wire fence and the northern boundary is undefined. The site slopes gently down from east to west.

The surrounding area is characterised by an undulating landscape and located approximately 700m to the east is the shore of Lough Neagh. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings visible in the locality.

Description of Proposal

The application seeks outline planning permission for a proposed infill dwelling using the access as approved under H/2012/0118/F

Planning Assessment of Policy and Other Material Considerations**Relevant Site History:**

H/2012/0118/F - Realignment and widening of part access laneway to existing dwelling and relocation of field gates. Approved 10th September 2012

Representations:

5 neighbour's notification letters were sent to the occupiers of Nos 15, 17, 20, 23 and 31 Lough Road, Ballymaguigan.

No letters of representation have been received

Development Plan and Key Policy Consideration:

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

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

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside CTY1, CTY8, CTY13 & CTY14 are applicable. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

This policy states that planning permission will be refused for a building, which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposal site comprises of a cut out portion of an agricultural bound by a private laneway along its eastern boundary. With the exception of the semi-detached dwellings located at No 15 & No 17, there is no other building(s) north of the proposal site. The curtilages of No 15 & No 17 are set back and separated from the laneway by an agricultural field accessed via a separated and cannot be considered to form part of a substantial and continuously built up frontage. To the southeast of the site, there is an existing ribbon of development stretching 225m, comprising of 6 No dwellings and associated garages/outbuildings. There is no question that all of these buildings form part of a substantial and continuously built up frontage along the laneway. However, in the absence of at least one building to the north of the proposal site with a frontage onto the laneway, a new dwelling would extend the existing ribbon of development and therefore run contrary to CTY8.

I have determined that the site not to be within a substantial and continuously built up frontage, therefore no infill opportunity arises and issues regarding plot size, frontage size and development pattern are not relevant.

Integration

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied that a single storey dwelling with a ridge height of not more than 5.7m would satisfactorily integrate due to the existing screening and enclosure provided by the existing development and vegetation along the southern and western boundaries of the site.

Impact on Character and Appearance of the Area

Policy CTY14 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. It also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of

development. A new dwelling would visually link with the dwellings at Nos 23 and 31 located south of the site and with the dwellings at Nos 15 & 17 located to the northwest of the site. I have already determined that the proposal would add to a ribbon of development, which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. The proposal is contrary to criteria (b) and (d) of Policy CTY 14. In applying, the guidance set out in Building on Traditions is a supplement guideline for rural Northern Ireland it can be considered that protecting this field to guard against ribboning and maintaining an important visual gap.

Other Matters

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No other evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

Other Material Consideration.

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking as the proposed access will make use of a previously approved access under ref No H/2012/0118/F.

Furthermore, I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, however this will be further considered at RM stage if approval is forthcoming.

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 are applicable to this application.

The proposal fails to comply with the third criterion of CT1 in that the proposed site does not respect rural character and will add to ribbon development.

The proposal fails comply with Policy CT2 part (b) in that the gap is not located between three or more buildings, each fronting onto a road or laneway.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

Neighbour Notification Checked: Yes

Summary of Recommendation: Contrary to CTY 1, 8, 14 of PPS 21

Refusal Reasons

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

2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site

in a substantial and continuously built up frontage and would, if permitted, result in the extension of ribbon development along this stretch of laneway/Lough Road.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted extend a ribbon of development at this stretch of laneway/Lough Road and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	16th January 2019
Date First Advertised	31st January 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Lough Road, Magherafelt, Londonderry, BT45 6LN The Owner/Occupier, 17 Lough Road Magherafelt Londonderry The Owner/Occupier, 20 Lough Road Magherafelt Londonderry The Owner/Occupier, 23 Lough Road Magherafelt Londonderry The Owner/Occupier, 31 Lough Road Magherafelt Londonderry	
Date of Last Neighbour Notification	25th January 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2009/0727/F Proposal: Re-alignment of part access lane to existing dwelling and re-location of existing field gate Address: 14 Lough Road, Magherafelt Decision: Decision Date: 01.02.2010 Ref ID: H/2003/0981/O Proposal: Site of dwelling and detached garage. Address: To rear of 18 Lough Road, Ballymaguigan, Magherafelt. Decision: Decision Date: 25.02.2004 Ref ID: H/2004/0793/RM Proposal: Site of Dwelling and Detached Garage. Address: To Rear of 18 Lough Road, Ballymaguigan, Magherafelt. Decision: Decision Date: 09.12.2004 Ref ID: H/2012/0118/F	

Proposal: Realignment and widening of part access laneway to existing dwelling and relocation of field gates

Address: Laneway to South of 20 Lough Road, Magherafelt,

Decision: PG

Decision Date: 12.09.2012

Ref ID: LA09/2019/0065/O

Proposal: Proposed infill dwelling using access as approved under H/2012/0118/F

Address: Site between 20 and 22 Lough Road and 50m south of 14 Lough Road, Ballymaguigan,

Decision:

Decision Date:

Ref ID: H/2000/0461/F

Proposal: Replacement Dwelling

Address: 23 Lough Road, Ballymaguigan, Magherafelt, Northern Ireland, BT45 6LN

Decision:

Decision Date: 21.08.2000

Ref ID: LA09/2019/0064/O

Proposal: Proposed infill dwelling using access as approved under application H/2012/0118/F

Address: Site 40m South East of 15 Lough Road, Ballymaguigan,

Decision:

Decision Date:

Ref ID: H/2006/0243/O

Proposal: Site of Dwelling & Garage

Address: Land Adjacent to 20 Lough Road, Ballymaguigan

Decision:

Decision Date: 12.11.2010

Ref ID: H/2006/0444/F

Proposal: Replacement Dwelling

Address: 180m South West of 28 Lough Road, Ballymaguigan

Decision:

Decision Date: 20.01.2009

Ref ID: H/2001/0193/RM

Proposal: Dwelling and garage

Address: Adjacent to 28 Lough Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 07.08.2001

Ref ID: H/1999/0772/O

Proposal: Site of dwelling and garage

Address: Adjacent To 28 Lough Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 27.11.2000

Ref ID: H/2004/0116/F

Proposal: Proposed dwelling and garage.
 Address: Opposite 31 Lough Road, Ballymaguigan, Magherafelt.
 Decision:
 Decision Date: 21.12.2004

Ref ID: LA09/2017/1159/LDE

Proposal: This application relates to the material start made on site as per approved planning Ref. H/2012/0118/F. It is to seek formal recognition from the council that commencement of works began within the date specified on the aforementioned planning approval
 Address: 14 Lough Road, Magherafelt,
 Decision:
 Decision Date:

Ref ID: H/1998/0638

Proposal: RENOVATION OF DWELLING
 Address: 15 LOUGH ROAD BALLYMAGUIGAN
 Decision:
 Decision Date:

Ref ID: H/2014/0011/F

Proposal: Erection of replacement dwelling (change of house type from that previously approved under extant planning ref. H/2006/0444/F) and detached domestic garage
 Address: 180m south west of 28 Lough Road, Ballymaguigan, Magherafelt,
 Decision: PG
 Decision Date: 04.06.2014

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0109/F	Target Date:
Proposal: Temporary use of existing garage as a self - contained living accommodation.	Location: 14 Culbane Road Portglenone BT44 8NZ.
Referral Route: To Committee - Approval - Exception to CTY 9 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr P McTaggart 14 Culbane Road Portglenone Bt44 8NZ	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee - Approval - Exception to CTY 9 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 0.4km east of the development limits of Ballynease and as such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 14 Culbane Road, Portglenone and on the site sits a detached single storey dwelling with a detached garage and small garden shed, there is a small

drive off the Culbane Road leading to the garage with the remainder of the site being that of garden area. The surrounding area is characterised by primarily agricultural land uses, interspersed with single dwellings.

Relevant planning history

H/2011/0209/F – Proposed dwelling and garage for residential purposes – Approved 26.07.2011

LA09/2018/0059/CA – Unauthorised conversion of domestic garage to a dwelling – Ongoing

Representations

Two neighbour notifications were sent out however no representations were received on this application.

Description of Proposal

This is a full application for the temporary use of existing garage as a self - contained living accommodation. It is noted that this application has come off the back of recent enforcement action and is to be used for a 2 year period until the construction of H/2011/0209/F.

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 9 – Residential Caravans and Mobile Homes

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 are acceptable in the countryside. In this instance the application is for temporary modular accommodation and as a result it must be considered under CTY 9 of PPS 21.

Policy CTY 9 states planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

1. the provision of temporary residential accommodation pending the development of a permanent dwelling; or
2. where there are compelling ad site-specific reasons related to personal or domestic circumstances (see policy CTY 6)

All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case.

The siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view.

The proposed application intends to create temporary residential accommodation for the pending development of a permanent dwelling in line with the first criteria. The permanent dwelling pending development is H/2011/0209/F which as per the site visit and discussions with Building Control the dwelling has lawfully commenced but is yet to be completed. It is noted that the conversion of the garage to create a separate residential unit does not strictly comply under this policy however during group discussions it has been agreed that this can be seen as an exception to policy. In that, the dwelling being built is to the rear of the garage, it is only acceptable on a temporary basis and the garage will be converted back upon the expiry of the two years and it does not give rise to any adverse visual impact. For these reasons I can recommend approval but only a temporary basis.

The proposed application must also comply with CTY 13 and 14 of PPS 21 as it is still subject to the same planning and environmental considerations as that of a permanent dwelling. With regards to CTY 13, due to the fact the existing garage is being converted and it is predominately internal changes I note that there is no external visual changes therefore will still visually integrate as a result. In addition there will be no change to the character of the area and on a whole complies under CTY 13 and 14.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT5 – Temporary/Residential Caravans/Mobile Homes. With regards to CT1 I am content on balance that a dwelling in this site is able consolidate with a group of existing buildings. I note that this is the change of use of an existing garage from which I am content that the building will still be able to group with other existing buildings and still respect the rural character. As this is the change of use of an existing building I am content that it mar the distinction between the countryside and settlement nor create urban sprawl. Finally I note that there are no external changes to the garage with the changes being all internal from which the design is still acceptable, all of which the application complies under CT1.

In terms of CT5, I note that the garage is only to be used for a 2 year temporary period until the completion of the dwelling previously approved under H/2011/0209/F. From which I acknowledge that whilst this is does not strictly comply under CT5 insofar that it

is not for a caravan or mobile home but it was acknowledged that a temporary change of use of the garage could be seen as an exception to policy in that it reduces the number of new buildings within the countryside. From this I am content that the application would comply under the Draft Strategy however I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

PPS 3 – Access, Movement and Parking

DfI Roads were consulted and stated that additional information is required regarding on the number of extra vehicles expected due to the proposal in order to access parking and turning, sightline requirements, etc. Subsequently a statement came in from the agent to confirm that there would be no additional traffic created through this application as it is the clients son who will be temporarily living in the garage and from this it was agreed at group discussions that this argument can be accepted and there was no need to consult DFI Roads again.

A consultation was also sent to NI Water who responded to confirm that they had no objections subject to conditions.

I have no flooding, ecological or residential amenity concerns.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval.

Conditions:

1. The permission hereby granted shall be for a limited period of 2 years only.

Reason: This type of temporary accommodation is only permitted to provide a temporary solution to meet exceptional personal circumstances.

2. The residential unit, hereby permitted, shall be reverted back to its former use in accordance with Drawing No. 04 bearing the date stamp 15th May 2019 within 2 years from the date of this permission.

Reason: This type of temporary accommodation is only permitted to provide a temporary solution to meet exceptional personal circumstances.

Informatives

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

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

3.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Department or other statutory authority. 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.

Signature(s)

Date:

ANNEX	
Date Valid	24th January 2019
Date First Advertised	6th February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12b Culbane Road Portglenone The Owner/Occupier, 14a Culbane Road Portglenone	
Date of Last Neighbour Notification	5th February 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0109/F Proposal: Temporary use of existing garage as a self - contained living accommodation. Address: 14 Culbane Road, Portglenone, BT44 8NZ., Decision: Decision Date: Ref ID: H/2011/0209/F Proposal: Proposed dwelling and garage for residential purposes Address: To the rear of 14 Culbane Road Portglenone, Decision: Decision Date: 26.07.2011 Ref ID: H/2005/1084 Proposal: Site of Domestic Dwelling and Domestic Garage Address: Rear of No.14 Culbane Road, Ballynease, Portglenone, BT44 8NZ Decision: Decision Date: 01.11.2005 Ref ID: H/2004/0168/O Proposal: Site of dwelling. Address: Approx 180m West of No.14 Culbane Road, Portglenone.	

Decision:
Decision Date: 18.11.2005

Ref ID: H/2003/1384/O
Proposal: Site of dwelling and garage.
Address: 80m South West of 14 Culbane Road, Portglenone.
Decision:
Decision Date: 01.11.2005

Ref ID: H/2003/0646/F
Proposal: Dwelling and garage.
Address: 130m West of no.14 Culbane Road, Portglenone.
Decision:
Decision Date: 10.02.2004

Ref ID: H/1979/0106
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW
Address: 14 CULBANE ROAD, PORTGLENONE
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0141/F	Target Date:
Proposal: Proposed Agricultural Shed with Steel box Profile Facade.	Location: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE
Referral Route: This application is being presented to Committee as it is being recommended for Refusal	
Recommendation:	Refuse
Applicant Name and Address: Mr Eugene Bradley 110 Boveedy Road Kilrea Coleraine BT51 5TZ	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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 including Representations

No representations have been received in respect of this proposed development.

Description of proposal

The proposal is for the erection of an agricultural shed with a steel box profile façade. The shed measures 10.0m x 6.0m with an eaves height of 4.0m and a ridge height of 4.8m. There is a roller shutter door in one gable end with a pedestrian door in one side.

The shed is to be located in the south eastern corner of an agricultural field with an access directly onto an existing laneway which serves a number of dwellings in addition to farm lands.

Characteristics of the site and area

The site is located along a private laneway, shared laneway. The boundaries of the site are post and wire fencing to the north-east (laneway) and a 2.4m high hedgerow along the south eastern boundary. The remaining boundaries are undefined. There is a similar size shed located at the northern corner of the field. That shed is contained within a compound which is enclosed by a

2.1m high close-boarded fence. The existing compound is used for storing builders materials such as scaffolding, security fencing, paving bricks, concrete wall copings and kerbs, roof and ridge tiles, various sizes of drainage pipes, a block grab, inspection chamber cover and timbers. The existing shed is sited immediately adjacent to a chalet bungalow with a large rear private amenity space and a domestic garage/outbuilding of a similar size to the shed. The existing shed/compound is separated from the chalet dwelling by a low concrete wall with a metal railing on top. The compound is accessed from the laneway via a pair of gates in the close-boarded fence.

The laneway provides access to and can be utilised by 5 dwellings with 2 more dwellings under construction, an engineering business, the builders storage compound, a farmyard in addition to the farm lands. As the laneway can be used by the aforementioned dwellings and businesses, there is a public interest along the laneway. Therefore there are critical views of the proposed site from the laneway on approach from both the north-west and south-east.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

There is one planning history on this site as follows:-

H/2005/0612/O – Site of Dwelling for Mr E Bradley. This application was determined as being invalid on 27.07.2005.

Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

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

- is necessary for the businesses efficient use;

Although the applicant has provided a supporting statement, it is not accepted that there is any justification for the new shed. The existing shed, whilst it is not accepted that this is currently used for agricultural purposes, could be reduced in size and adapted to make it suitable for the proposed use.

- it is appropriate in terms of character and scale;

The proposed shed is not appropriate in terms of character. A shed erected at the proposed site would inevitably open up further infill opportunities between the proposed building and the existing dwelling at No.21. Such an arrangement would harm the rural character of the area by extending a ribbon of development along the laneway.

- it visually integrates;

The proposed site only has one sufficient boundary which has a low hedgerow. All other boundaries are either undefined or have a post and wire fence. Consequently the proposed site cannot provide a suitable sense of enclosure for the building and it would therefore suffer from a lack of integration.

- there will be no adverse impact on natural or built heritage; and

There will be no adverse impact on natural or built heritage.

- there will be no detrimental impact on residential amenity;

The proposed building is located on a site and would be less than 40m from a neighbouring dwelling. Although the building would not be directly in front of that dwelling it will be closer than it will be to the existing dwelling at No.21.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

Originally no farm details were provided, however, on request a P1C form was submitted along with a planning statement to justify the proposed shed. The P1C states the name of the applicant but states the name of the farm business owner as N/A. Other than to state that the applicant does not have a farm business ID no. and that they do not submit a Single Farm Payment or other farm subsidy claim, the only other information provided is to state that this proposed shed is to replace one shed with another. Therefore it is apparent that the applicant does not have a farm business registered with DAERA and they are not an active farmer. Finally, the P1C has been signed by the agent and not the applicant as required. Therefore the P1C is invalid and does not provide any support for this proposed development.

A subsequent planning statement was provided to justify the proposed development and includes the following:-

- The proposal described in this application is the taking down of one agricultural shed and its substitution with a smaller one.

This is incorrect as the description on the P1 states, 'Proposed agricultural shed with steel box profile façade'. There is no mention of taking down the existing shed, or its substitution, although it is acknowledged that the location map indicates the 'Existing shed to be removed'. The removal of the existing shed does not require planning approval and it can therefore be removed at any time.

- There is no doubt that the subject lands have been maintained in a state making it suitable for grazing, which by itself satisfies the EU definition of active farming, and by extension satisfies the definitions used by the SPPS.

Although the subject lands may have been maintained in good agricultural condition, there is nothing within this application nor the supporting statement to suggest or to demonstrate that this has been by the applicant, who has continuously failed to provide any evidence of his agricultural business.

- Policy CTY 12 in PPS 21 is a material consideration. The drafting of this policy clearly envisages proposals for new, additional buildings. It does not make reference to substitution, or replacement.

Whilst CTY 12 does not mention substitutions or replacements, this is because a building which is a substitution, or replacement is still a new building and is therefore still assessed under this policy.

- The justification and amplification text speaks of a preference for redevelopment.

Although redevelopment might mean fixing up older buildings, it might also mean taking down a building and replacing it with a new one.'

This is incorrect, as the policy wording is implicit in requiring the applicant to satisfactorily demonstrate that 'renovation, alteration or redevelopment opportunities do not exist.' The applicant has not explored the option of renovating or altering the existing shed which could be reduced in length to a size which has a similar footprint to the proposed shed. Additionally, redevelopment would not be considered as being applicable to the erection of a new shed on an alternative site.

- The shed to be replaced is a modern form, quite large in scale by comparison with the adjacent dwelling. The proposed shed is more modest in scale.....allowing it to nestle against the field boundaries.

The existing shed has a similar size footprint to the garage of the adjacent dwelling and is considered acceptable on that site. With regards to the field boundaries, it should be noted that the only boundary with any vegetation is a low hedge along the south eastern boundary.

Therefore the proposed shed would not be acceptable on that site as it would suffer from a lack of integration and would also be out of character with the surrounding area.

- The holding has the benefit of an existing shed.....it is necessary to have shelter for fodder and machinery..... so we seek permission to replace that with a smaller unit.

Whilst there is an existing shed within the field, there is no existing farm business. In this case no verifiable evidence has been provided to satisfactorily demonstrate that the applicant has any connection with farming other than to own one field. Furthermore, no verifiable evidence has

been provided to show what fodder needs to be stored or indeed that the applicant makes any or what machinery they need to store there. Additionally there is no mention of the applicant having any livestock, so the question is asked, what is the need for fodder. Whilst the applicant is seeking to replace the existing shed with a smaller one, it would be much easier and quicker to provide such a shed on the existing site.

- The proposal reduces the scale of buildings and is sympathetic to its rural context.

It is not accepted that the proposal is sympathetic to the rural context as the proposed site suffers from a lack of integration and will have a detrimental impact on rural character.

- the location chosen achieves those aims better than the existing site. (residential amenity and integration);

It is not accepted that the proposed site improves the amenity of the existing dwelling or achieves an acceptable degree of integration. While the proposed shed would be further from the existing dwelling it is not accepted that the existing shed has an unacceptable impact on the amenity of the occupants of that dwelling. The compound is separated from the dwelling's curtilage by a concrete wall and railing. This boundary could easily be made more substantial by continuing the close-boarded fence along this boundary, thereby reducing any issue of overlooking or inter-visibility. Alternatively a hedge could be planted along the side of the existing wall. With regards integration, the existing shed integrates into the landscape with the help of the existing dwelling and associated garage, whereas the proposed shed only has one low hedgerow to provide any degree of integration, which is not sufficient in this case when viewed from the critical view points on the shared laneway.

- the two realistic possible locations for the shed are to either side of the land's frontage to the laneway. The location of the existing shed is too close to the adjacent house.....but the separation distance to a neighbouring dwelling is greater than the current situation. Betterment is offered.

The fact that the proposed shed is further from a neighbouring third-party dwelling is not sufficient justification for relocating it to an unacceptable location.

- The existing building is larger than necessary.....in terms of reduced visual impact...

If the existing building is too large then the applicant can simply reduce the size of that building which would not only be less expensive but would be more acceptable in planning terms as that site does have the same visual impact as the proposed site in terms of its potential to integrate into the landscape.

- Because of amenity concerns, and excess size, the existing building is not suitable.

The issue of amenity concerns was not an issue when the existing shed was erected by the applicant adjacent to his own dwelling. The issue of excess size has been discussed above.

- The proposed design is sympathetic to the locality and to the adjacent buildings.

Although the design of the proposed building may be traditional for a farm building, it is not sympathetic to the locality due to the inappropriate form of development at this location in terms of suffering from a lack of integration and erosion of rural character.

- Assuming that approval is granted, there will be no other buildings on the holding for the proposed building to site alongside.

This statement proves beyond doubt that the proposed building will suffer from a lack of integration as the site is unable to provide a suitable degree of enclosure. The proposed building will be seen as a stand-alone building, whereas the existing building is sited to cluster with the existing dwelling and garage and is much more acceptable in that respect.

- We propose a smaller building to replace a larger building, in the same field

Although the propose building is within the same field as the existing building, it is not on the same site. The proposed building is 40m away from the existing building and on a less favourable site.

CTY 8 – Ribbon Development – The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial

and built up frontage “includes a line of 3 or more buildings along a road frontage without accompanying development to the rear”. The proposed building is located 40m south-east of the existing shed with no additional buildings on the same side of the shared laneway beyond the site. Therefore the site is not considered to be a gap site and is not an acceptable exception to this policy. If the existing shed were to be removed following the proposed shed being erected this would create a gap of 65m to No.21, which in effect would create a valid opportunity for an infill dwelling or possibly two dwellings. Such a scenario, is clearly contrary to policy in that it would extend a ribbon of development by as much as 50m in a south-easterly direction.

CTY 13 – Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. The proposed building fails this test due to the lack of sufficient boundary vegetation to provide a sense of enclosure. As the site only has the benefit of a single hedgerow along the south-eastern boundary, the proposed building will appear as a prominent feature in the landscape. The building would therefore rely heavily on new landscaping to achieve an acceptable degree of integration.

CTY 14 – Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. The proposed building will appear prominent in the landscape due to the lack of sufficient boundary vegetation to provide a sense of enclosure. On approach along the shared laneway, the building will be viewed in connection with the ribbon of development to the north-west and the dwelling and garage to the east. The result of this is to extend the ribbon of development further in a south-easterly direction which is contrary to this policy. Any building on the proposed site would rely heavily on proposed planting which would take a considerable time to mature and in the interim will not mitigate the impact of the building. Consequently the proposal is considered to be contrary to this policy.

Other policy and material considerations

Although the proposed building is described as an agricultural shed and does not elaborate on what its purpose is, the supporting statement states that it is required for fodder and machinery storage. Therefore it was not thought necessary to formally consult Environmental Health with regards the potential to have a detrimental impact on the residential amenity of No.21A. However, if the shed were to be approved it would be pertinent to attach a condition that the shed cannot be used for the purpose of livestock housing so as to protect the amenity of the neighbouring dwelling.

Recommendations

That planning approval be refused for the proposed development for the reasons listed below:-

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

Summary of Recommendation:

The application should be refused for the reasons stated below:-

Refusal Reasons

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not considered to be a gap site, it would create further development opportunities for infill sites and would, if permitted, result in the extension of a ribbon of development along the shared lane.

3. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that;
 It is essential for the efficient functioning of the agricultural holding;
 the proposed building fails to satisfactorily integrate into the local landscape;
 there are no suitable existing buildings on the holding or enterprise that can be used;
 the proposal is sited beside existing farm or forestry buildings;
 there are no alternative sites available at another group of buildings on the holding;
 that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and
 the applicant has failed to satisfactorily demonstrate that the farm business is active and established.

4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 the proposed building would, if permitted, be a prominent feature in the landscape;
 the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 the proposed building would, if permitted, rely primarily on the use of new landscaping for integration;

5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 the building would, if permitted, be unduly prominent in the landscape;
 the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 the building would, if permitted add to a ribbon of development;
 and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX

Date Valid	31st January 2019
Date First Advertised	14th February 2019
Date Last Advertised	

Details of Neighbour Notification (all addresses) The Owner/Occupier, 19a ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 19b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 21 School Lane Gulladuff Londonderry The Owner/Occupier, 21a School Lane Gulladuff The Owner/Occupier, 21b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 96 Gulladuff Road,Gulladuff,Londonderry,BT45 8QB	
Date of Last Neighbour Notification	20th February 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2005/0183/O Proposal: Site of Single Storey Bungalow With Garage Address: 210M South East Of 21 School Lane, Knockloughrim, Magherafelt. Decision: Decision Date: 03.07.2006 Ref ID: H/2004/1020/RM Proposal: Proposed Dwelling Address: 320 Metres South East Of 15 School Lane, Gulladuff, Magherafelt Decision: Decision Date: 22.12.2004 Ref ID: H/2003/0970/O Proposal: Site of single storey bungalow. Address: 320m South East of 15 School Lane, Gulladuff, Knockloughrim, Magherafelt. Decision: Decision Date: 23.03.2004 Ref ID: H/1974/0254 Proposal: BUNGALOW Address: MAYOGALL, MAGHERAFELT Decision: Decision Date: Ref ID: H/2006/0480/F Proposal: Proposed dwelling amended to provide additional accommodation from previously approved dwelling H/2003/1493 Address: 140m E of 19 School Lane, Gulladuff	

Decision:
Decision Date: 21.03.2007

Ref ID: H/1997/0085
Proposal: ERECTION OF DWELLING & GARAGE
Address: 120M. WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA
Decision:
Decision Date:

Ref ID: H/1996/0493
Proposal: SITE OF DWELLING AND GARAGE
Address: 70M WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA
Decision:
Decision Date:

Ref ID: H/2003/1493/F
Proposal: Proposed change of house type. (Ref:H/1998/0544).
Address: 140m East of 19 School Lane, Gulladuff.
Decision:
Decision Date: 22.06.2004

Ref ID: H/1997/0362
Proposal: SITE OF DWELLING
Address: 150M EAST OF 19 SCHOOL LANE MAYOGALL MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1998/0544
Proposal: DWELLING
Address: 140M EAST OF 19 SCHOOL LANE GULLADUFF
Decision:
Decision Date:

Ref ID: H/1998/0458
Proposal: DWELLING
Address: 140M EAST OF 19 SCHOOL LANE MAYOGALL
Decision:
Decision Date:

Ref ID: H/2007/0197/O
Proposal: Site of single dwelling and garage.
Address: Adjacent to No. 21 School Lane, Gulladuff
Decision:
Decision Date: 22.09.2010

Ref ID: H/2001/1052/F
Proposal: Roof Space Conversion & Alterations To Dwelling
Address: 21 School Lane, Mayogall Road, Gulladuff, Maghera
Decision:
Decision Date: 14.03.2002

Ref ID: H/2000/0588/F

Proposal: Double garage

Address: Rear of 21 School Lane, Gulladuff

Decision:

Decision Date: 18.10.2000

Ref ID: LA09/2019/0141/F

Proposal: Proposed Agricultural Shed with Steel box Profile Facade.

Address: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE,

Decision:

Decision Date:

Ref ID: H/2009/0594/F

Proposal: Attic conversion to dwelling and new sunroom

Address: 21b School Lane, Knockloughrim

Decision:

Decision Date: 13.01.2010

Ref ID: H/2008/0122/RM

Proposal: Site of single storey dwelling with double garage

Address: 210m South East of 21 School Lane, Knockloughrim

Decision:

Decision Date: 11.07.2008

Summary of Consultee Responses

Roads Service raised no issues of objection.

DAERA were not consulted as the applicant failed to provide any farm business details including the Farm business ID number.

Environmental Health were not consulted as it is not proposed to use the shed for animal housing.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0155/F	Target Date:
Proposal: Infill dwelling and garage	Location: Adjacent to Timageeragh Cottages Tirgarvil Road Upperlands
Referral Route: To Committee - Approval – Objections Received.	
Recommendation:	
Applicant Name and Address: A Mc Kee Esq 46a Glenmaquill Road Curran Magherafelt	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary: Approval.	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Contrary to CTY 1, 8 and 14 of PPS 21 and four objections received. Summary of objection:

- All four objectors raised concerns over the use of the laneway, insofar that it is not fit for purpose to take any additional traffic an additional dwelling would lead to further damage through heavy plant and machinery using the laneway.

- One objector raised concerns that a two storey dwelling would result in loss of privacy, light to the sunroom and result in overshadowing.

Characteristics of the Site and Area

The site is located approximately 0.66km south east of the development limits of Upperlands and is situated within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as adjacent to Timageeragh Cottages, Tirgarvil Road, Upperlands wherein the red line covers a portion of a yard area with the remainder being an agricultural field. The site proposes access off an existing laneway off the Tirgarvil Road which already is used by a number of residential properties. I note that there are a number of residential properties to the south east of the site accessed via the shared laneway with one detached dwelling to the north of the site which has a separate access onto the Tirgarvil Road. The immediate and surrounding area is defined by a mix of residential and agricultural land uses.

Relevant planning history

H/2007/0739/O - Site of Dwelling – Permission Granted 19.02.2010

Representations

Nine neighbour notifications were sent out however four objections were received.

Description of Proposal

This is a full application for an infill dwelling and garage, the site is identified as adjacent to Timageeragh Cottages, Tirgarvil Road, Upperlands.

The proposed site is a two storey dwelling with a frontage of 10m with a gable depth of 8.9m with a ridge height of 8.1m. The proposed dwelling will have a white K-Rend finish to the walls with Scott's slemish blue/grey roofing tiles.

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 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 application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster'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'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

I first must note that that there was a previous approval for a site for a dwelling approved on the site under H/2007/0739/O in 22.02.2010. It was unclear as to how in which the site was approved but it is noted that the approval has since expired and this application will be considered under the current policies.

With regards to the continuous and built up frontage I noted during the site visit that there were a number of residential properties along the shared laneway to the south west of the site known as Tirnageeragh Cottages, which in my opinion front onto the shared laneway rather than the Tigarvil Road. However that whilst I note there is a detached dwelling (No. 68 Tigarvil Road) to the north of the site I note that it has a separate access onto the Tigarvil Road and in fact actually fronts onto the Tigarvil Road. From this I am of opinion that No. 68 Tigarvil Road and the dwellings known as Tirnagerragh Cottages have separate frontages and from this I cannot determine the proposed site is therefore within a gap along a continuous and built up frontage. However after discussions with the Planning Manager, it has been agreed that due to the level of built up within the area, acknowledging the history of the site, that whilst it does not strictly comply under CTY 8 that a house in this location would not adversely impact rural character and that this can be deemed as exception to the policy.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. To start and after group discussions it has been agreed that the proposed design is deemed as acceptable within this rural location and from this I am content that it will not appear as a prominent feature in the landscape. It has been agreed that due to the existing and proposed landscaping of the site that the dwelling would be able to successfully integrate into the landscape. From this I am content that the application is able to comply with CTY 13 on balance.

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 I am already content that the proposed dwelling will not appear as unduly prominent in the landscape. I note that the immediate area has already an element of suburban development and from this I am content that the dwelling will not unduly change or erode the rural character of the area. As noted the application has been deemed and an exception under CTY 8 in that it that it will not lead to additional dwellings through infilling. On which it complies under CTY 14.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT2 – Dwellings in the Countryside.

With regards to CT1 I am content that the proposed application is capable of visually integrating whilst respecting rural character and will not result in urban sprawl nor mar the distinction between a settlement and countryside and it is of appropriate design. Furthermore I am content that the proposed dwelling would be able cluster with existing surrounding buildings and from this it complies under CT1.

In terms of CT2, the application is to be considered under dwelling infilling in a small gap, in which I am content that the site is in a small gap capable of accommodating up to one dwelling, in that only one dwelling has been applied. Although I am not content that the gap is located between three or more buildings, each fronting onto a road, wherein I note that No. 68 Tigarvil Road and the dwellings known as Tirnageeragh Cottages have separate frontages and for this reason would fail under the CT 2. From this I am of the opinion that the application would fail under the Draft Strategy however I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

PPS 3 - Access, Movement and Parking;

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

To respond to the comments raised by the objectors, it was noted that the laneway was not fit for purpose however after consultations with DFI Roads they have confirmed that the access is acceptable and did not raise any issues over the laneway. With regards to any potential damage caused by heavy plant and machinery I note that this would be a civil matter and not for planning control. Finally, with regards to the objector raising issue that the dwelling would result in a loss of light, overshadowing and privacy, after group discussions it has been agreed that the proposed dwelling in its position and design is unlikely to have an adverse impact on neighbouring amenity.

I have no ecological, flooding or residential amenity concerns. For the above reasons I consider the application to comply as an exception under policy CTY, 8 of PPS 21 and must recommend approval.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approval	
<p>Conditions:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 04 date stamped 05th February 2019 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.</p> <p>Reason: To ensure the development integrates into the countryside.</p> <p>3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.</p> <p>Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.</p> <p>5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p> <p>6. The minimum visibility splays of 2.4 metres by 70 metres at the junction of the proposed access lane with the Tigarvil Road, shall be provided prior to the commencement of any other works or other development hereby permitted.</p>	

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

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission 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 Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is DfI Roads and Rivers, 49 Tullywiggan Road, Cookstown, Co. Tyrone 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	
Date Valid	5th February 2019
Date First Advertised	21st February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 129 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 130 Ternageeragh Cottages, Maghera, Londonderry, BT46 5UP William Young 282 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 282 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 283 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP David Rowe 284 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 284 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP Georgina Wilson 285 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 285 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 286 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 287 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP Mr P Rodgers and Mrs K Rodgers 68 Tirgarvil Road, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UW The Owner/Occupier, 68 Tirgarvil Road, Maghera, Londonderry, BT46 5UW	
Date of Last Neighbour Notification	7th February 2019
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2019/0155/F

Proposal: Infill dwelling and garage

Address: Adjacent to Tirnageeragh Cottages, Tirgarvil Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2008/0574/F

Proposal: Retrospective extension to existing car repair workshop.

Address: 284 Tirnageeragh Cottages, Upperlands, Maghera.

Decision:

Decision Date: 21.10.2009

Ref ID: H/2008/0509/F

Proposal: Retention of an existing workshop and proposed extension to workshop

Address: 283 Tirnageeragh Cottages, Upperlands, Maghera.

Decision:

Decision Date: 21.10.2009

Ref ID: H/2007/0740/O

Proposal: Site of 4No Dwellings

Address: 35m West of 84 Tirgarvil Road, Tirnageeragh Cottages, Upperlands

Decision:

Decision Date: 20.11.2007

Ref ID: H/2007/0739/O

Proposal: Site of Dwelling.

Address: 10m North-West of 84 Tirnageeragh Cottages, Tirgarvil Road, Upperlands

Decision:

Decision Date: 22.02.2010

Ref ID: H/2007/0695/F

Proposal: Retention of new entrance to dwelling and garage - previously approved.

Address: 35m North-West of 84 Tirgarvil Road, Upperlands

Decision:

Decision Date: 22.01.2008

Ref ID: H/2007/0171/F

Proposal: Proposed replacement 2 storey dwelling and garage

Address: 'Tirnageeragh Cottages' 72 Tirgarvil Road, Upperlands

Decision:

Decision Date: 28.09.2010

Ref ID: H/2006/0097/RM
Proposal: Dwelling and Garage
Address: Adjacent to 287 Ternageeragh Cottages, Upperlands, Maghera
Decision:
Decision Date: 30.06.2006

Ref ID: H/2003/1023/O
Proposal: Site of dwelling and garage.
Address: Adjacent to no.287 Ternageeragh Cottages, Upperlands, Maghera.
Decision:
Decision Date: 04.08.2004

Ref ID: H/2003/0524/O
Proposal: Site of dwelling.
Address: Adjacent to 72 Tirnageeragh Cottages, Tirgarvil Road, Upperlands.
Decision:
Decision Date: 29.06.2005

Ref ID: H/2000/0047/O
Proposal: Site of Dwelling
Address: Tirgarvil Road, Upperlands(adjacent to Tirnageeragh cottages)
Decision:
Decision Date: 14.02.2001

Ref ID: H/1999/0103
Proposal: EXTENSION AND ALTERATIONS TO DWELLING
Address: 282 TERNAGEERAGH COTTAGES UPPERLANDS
Decision:
Decision Date:

Ref ID: H/1999/0017
Proposal: EXTENSION TO DWELLING
Address: 283 TERNAGEERAGH COTTAGES UPPERLANDS
Decision:
Decision Date:

Ref ID: H/1998/4030
Proposal: EXTENSION TO DWELLING
Address: 284 TERNAGEERAGH COTTAGES UPPERLANDS
Decision:
Decision Date:

Ref ID: H/1995/6031

Proposal: REPLACEMENT DWELLING 129 TIRNAGEERAGH COTTAGES
UPPERLANDS

Address: 129 TIRNAGEERAGH COTTAGES

Decision:

Decision Date:

Ref ID: H/1994/4025

Proposal: ALTS TO DWELLING

Address: 285 TIRNAGEERAGH COTTAGES UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1984/0015

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW

Address: 130 TIRGARVIL ROAD, UPPERLANDS

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Garage Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0166/F	Target Date:
Proposal: Change of House Type as approved under M/2008/1206/F.	Location: Sites 34 36 38 40 42
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: TG Developers Ltd 4 Stilogo Eglish Dungannon BT71 7DW	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
-------------------	-----------	----------

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 letter of objection has been received from the owner of the adjacent dwelling at number 28. The main concern is the impact on their habitability due to the close proximity of the proposed.

Characteristics of the Site and Area

The site comprises an irregular shaped plot of land to the rear of Aughanree Manor, Sydney Street, Aughnacloy. The site includes 4 dwellings nearing completion and the foundations for another two dwellings. The site is currently a building site, at the time of visit there were machinery, building materials and equipment laid all round the site. The four dwellings nearing completion were roofed and had windows with scaffolding all around. They were two storey semi detached dwellings with small front storm porches. Sites number 34 and 36 were at sub floor level. The site is accessed via a long laneway off Sydney street, the site is bounded to the rear by a row of mature trees and a bank, the east boundary is defined by a fence along the rear of numbers 26 and 28 and the front of the site remains open.

The site lies within the settlement limits of Aughnacloy to the rear of the Main street (Moore st). The filling station and Church grounds are only a small distance to the North West and there is a car sales show room to the East, right opposite the access point. The surrounding area however is predominantly residential, this new development of Aughanree Manor is made up of a mix of semi detached dwellings and townhouses.

Description of Proposal

The proposal seeks a change of House Type to sites 34, 36, 38, 40, 42 and 44 as approved under M/2008/1206/F. The changes involve reduction from three storey to two and some small variations to the layout.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbours were notified and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party representation has been received.

Planning History

M/2005/1953/RM. - Housing development: 34 no. semi-detached dwellings

M/2008/1206/F - was approved allowing a change of house type on 26 sites from that approved under M/2005/1953/RM.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within the development limits of Aughnacloy which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no specific designations or zonings within the area plan associated with this site. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development are expected to comply with the criteria set out in Policy QD 1.

This proposal includes the erection of three sets of semi-detached properties to provide 6 dwellings. This involves changes to the drawings which were accepted in the previous approval,

Amenity space and parking/turning provision for vehicles for each of the dwellings remains much the same, however, the layout of the dwellings have slightly changed, also the dwelling design has changed significantly, with a reduction in ridge height from 11 metres and a three storey element to that of a two storey dwelling with a ridge of 8.5metres.

I have considered the design of the proposal and am content that the properties will remain respectful to the surrounding area and are appropriate for their urban setting. The finishes proposed are typical of those found in similar localities.

Regarding the issues such as overlooking, loss of light or privacy concerns I would conclude that whilst the separation distances between the proposed dwelling at number 34 and the rear of numbers 28 and 32 have been reduced, the impact will be less through the reduction in the ridge height of the proposed dwelling.

The previous approval had living and dining rooms at first floor level, with balcony on the front elevation. In the new design the balconies have been removed and the habitable space is now on the ground floor.

We would also acknowledge the reduction in the separation distance from the gable of the proposed number 34 and the rear of number 28. This distance would be on the limit of what is acceptable, however, considering that the applicant has permission to build a three storey dwelling with a 2.5 metre higher ridge height than the proposed I feel that there will be no greater impact on this neighbour.

Adequate provision has been made for parking and turning of vehicles. To conclude, the changes proposed would have a potentially less significant impact on the neighbouring residents and therefore is considered to be acceptable.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

POLICY HOU2 - QUALITY RESIDENTIAL DEVELOPMENT applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

Approval Recommended

Neighbour Notification Checked

Yes

Conditions

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

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

Informatives

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

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	7th February 2019
Date First Advertised	21st February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 1 Derrycush Lane Aughnacloy Tyrone The Owner/Occupier, 1 Sydney Crescent Aughnacloy Tyrone The Owner/Occupier, 10 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 11 Aughnaree Manor Aughnacloy Tyrone Gregory Dale 11, Millbrooke, Lisbellaw, Fermanagh, Northern Ireland, BT94 5PQ The Owner/Occupier, 12 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 12 Moore Street Aughnacloy Tyrone The Owner/Occupier, 14 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 14 Moore Street Aughnacloy Tyrone The Owner/Occupier, 15 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 15-21 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE The Owner/Occupier, 16 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 16 Moore Street Aughnacloy Tyrone The Owner/Occupier, 17 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 18 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 18 Moore Street Aughnacloy Tyrone The Owner/Occupier, 19 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 2 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 2 Derrycush Lane Aughnacloy Tyrone	

The Owner/Occupier,
 2 Tramline Way Aughnacloy Tyrone
 The Owner/Occupier,
 20 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 20 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 21 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 22 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 22 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 23 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 24 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 24 Moore Street, Aughnacloy, Tyrone, BT69 6AX
 The Owner/Occupier,
 25 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 26 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 26 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 28 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 28 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 3 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 3 Derrycush Lane Aughnacloy Tyrone
 The Owner/Occupier,
 30 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 30 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 31 Sydney Street Aughnacloy Tyrone
 The Owner/Occupier,
 32 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 32 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 34 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 34 Sydney Street Aughnacloy Tyrone
 The Owner/Occupier,
 34a Sydney Street Aughnacloy
 The Owner/Occupier,
 36 Moore Street Aughnacloy Tyrone

The Owner/Occupier,
 38 Moore Street Aughnacloy Tyrone
 The Owner/Occupier,
 4 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 4 Derrycush Lane Aughnacloy Tyrone
 The Owner/Occupier,
 44a Sydney Street Aughnacloy
 The Owner/Occupier,
 44b ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE
 The Owner/Occupier,
 44e ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE
 The Owner/Occupier,
 5 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 5 Derrycush Lane Aughnacloy Tyrone
 The Owner/Occupier,
 6 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 7 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 7-9 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE
 The Owner/Occupier,
 8 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 9 Aughnaree Manor Aughnacloy Tyrone
 The Owner/Occupier,
 9-11 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE
 The Owner/Occupier,
 Masonic House,Sydney Street,Aughnacloy,Tyrone,BT69 6AE
 The Owner/Occupier,
 Scout Hall,46 Sydney Street,Aughnacloy,Tyrone,BT69 6AE

Date of Last Neighbour Notification

14th February 2019

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2019/0166/F

Proposal: Change of House Type as approved under M/2008/1206/F.

Address: Sites 34, 36, 38, 40, 42, & 44 Aughnaree Manor, Aughnacloy.,

Decision:

Decision Date:

Ref ID: M/1992/0045

Proposal: Site for Dwelling

Address: DERRYCUSH AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1999/6013

Proposal: Proposed land for housing Land behind Moore Street Aughnacloy

Address: Land behind Moore Street Aughnacloy

Decision:

Decision Date:

Ref ID: M/2001/0339/Q

Proposal: Housing Development

Address: Adjacent to and North of 34-36 Sydney Street Aughnacloy

Decision:

Decision Date: 10.01.2003

Ref ID: M/2002/1441/O

Proposal: Housing Development

Address: Adjacent to and North of 34-36 Sydney Street, Aughnacloy

Decision:

Decision Date: 28.04.2004

Ref ID: M/2001/0842

Proposal: Housing Development

Address: Land Adjacent to and North of 34, 36 Sydney Street, Aughnacloy

Decision:

Decision Date: 12.12.2001

Ref ID: M/2008/0088/F

Proposal: Amendment of previously approved road layout (M/2005/1953/RM) to increase road width.

Address: Adjacent and North of 34-36 Sydney Street, Aughnacloy

Decision:

Decision Date: 15.01.2009

Ref ID: M/2008/1206/F

Proposal: Change of house type on 26 sites and pair of additional semi detached houses, including alteration of road layout.

Address: Adjacent to and north of 34-36 Sydney Street Aughnacloy

Decision:

Decision Date: 22.07.2009

Ref ID: M/2002/1442/F

Proposal: Erection of Industrial Units

Address: Adjacent to & North of 34, 36 Sydney Street, Aughnacloy

Decision:

Decision Date: 05.02.2004

Ref ID: M/1984/0456

Proposal: EXTENSION TO CONCRETE MANUFACTURING WORKS

Address: 1 SYDNEY STREET, AUGHNACLOY

Decision:
Decision Date:

Ref ID: M/1976/0139
Proposal: IMPROVEMENTS AND REPAIRS TO DWELLING
Address: SYDNEY STREET, AUGHNACLOY
Decision:
Decision Date:

Ref ID: M/2005/1953/RM
Proposal: Housing development: 34 no. semi-detached dwellings
Address: Adjacent to and North of 34-36 Sydney Street, Aughnacloy
Decision:
Decision Date: 29.10.2007

Summary of Consultee Responses

No consultees necessary

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0186/F	Target Date: 24/05/2019
Proposal: Retention of mobile home for temporary accommodation under CTY9.	Location: 98a Gortlenaghan Road Dungannon Co Tyrone.
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Tony McElduff 98a Gortglenaghan Road Dungannon BT70 3AS	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Description of proposal

This is a full planning application for the retention of mobile home for temporary accommodation under CTY9.

Characteristics of Site and Area

The site comprises an agricultural field to the east and part of another field to the west. Access appears to be via an agricultural field gate at roadside where a 'beware of the dogs' sign hangs on a gate post. I did not enter the site due to potential health and safety risks. There is a mobile home visible from the roadside, located in the NW corner of the site. There does not appear to be any laneway leading to the site or area where the mobile home is situated, just a worn track in the field.

Agricultural land is the predominant land use in the area, with dispersed single dwellings and farm holdings. There is evidence of dwelling foundations to both the east and west of the site, finished to sub floor. Cappagh village lies approx. 3km to the north with Cabragh and the A4 dual carriageway approx. 3km to the south.

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 in open countryside on unzoned land. Until such times as an up to date area plan has been adopted, the policy provisions of SPPS and PPS21 apply.

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 CT5 - Temporary Caravans and Mobile Homes are applicable to this application. In my opinion the proposal is not in compliance with CT1 in that the temporary mobile home will not cluster or consolidate and group with existing buildings. The site is however acceptable in terms of integration and rural character. However, design is not acceptable in that it is of a temporary nature within a rural context, however should the proposal only be retained for a temporary period then I would have no objections. I have no concerns with urban sprawl.

The proposal also fails to comply with Policy CT5 in that it has not been demonstrated that the temporary mobile home is to accommodate the development of a permanent dwelling or that there are compelling and site specific reasons related to personal and domestic circumstances.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

Relevant planning history

There is an enforcement notice on this site for the removal of the mobile home. Enforcement action is ongoing but is paused pending the outcome of this subject planning application.

There is previous enforcement on this site, where an enforcement notice required the removal of unauthorised mobile buildings from the site and other materials and structures. These have been removed.

Key Planning Policy

The proposal is for the retention of a mobile home on a site in the countryside for a temporary period. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including residential caravans and mobile homes in accordance with policy CTY9.

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS21 are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

Policy CTY9 states that permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances including;

- pending the development of a permanent dwelling; or
- where there are compelling site specific reasons related to personal or domestic circumstances.

A firm proposal for a dwelling for the applicant (Mr Tony McElduff) does not exist and there is no planning history on this site to support this.

To the east of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

- M/2003/0005/O- outline approval for dwelling for Francis Rafferty, granted 24/03/2003;
- M/2003/1233/RM- reserved matters permission for dwelling and garage for Mr Gerry Small, granted 30/12/2003.

To the west of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

- M/2001/1187/O- outline approval for a dwelling for Mr S McAleer, granted 31/12/2001
- M/2003/1231/RM- reserved matters approval for dwelling and garage for Mr Gerry Small

In terms of compelling site specific reasons relating to personal or domestic circumstances, some information has been provided (material of a sensitive nature and Members may want to discuss within closed session) in support of this but it is not clear why the applicant has to live at this particular site and could not live within a town or settlement.

A letter of support has been provided by an MLA and a Statement of Support by the Agent, but in my view this is not sufficient to warrant accommodation of a temporary nature in this mobile home. There are no compelling personal and domestic circumstances why this person has to live on this site for a temporary period or that genuine hardship would be caused if planning permission were refused therefore I advise Members that planning permission should not be granted.

The applicant/agent has also provided utility bills to show that electricity has been paid at this site for a period of over 5 years. In some cases development becomes immune from enforcement action if it has been in place for a period of over 5 years. This is not the case in this instance, as previous and current enforcement history on the site clearly demonstrates. Enforcement action is on going and a live enforcement notice exists on this site for the removal of the subject mobile home. In the past the applicant lived on a mobile home which was subsequently removed from the site. Since then a new mobile home has been brought onto the site (not sure of exact dates but some time after 07/06/2013 and before 12/05/2016 as evident from Ortho Maps).

The agent has also states in his written statement of support that the applicant grows potatoes on his land and sells these in the locality. Some hand written receipts have been provided from 2012 to 2017 which show sale of potatoes, signed by the applicant. There has been no P1C provided or verification from DAERA that this applicant is a bonafide farmer. Plus, there is no application submitted by the applicant for a dwelling on a farm therefore at present there does not seem to be any intention by the applicant to live on the land on a permanent basis. There is insufficient evidence to demonstrate that the applicant upkeeps the land in a good agricultural state. Plus the proposal is not sited to cluster with an existing group of buildings on the farm. In my view the applicant falls short in demonstrating that the temporary mobile home is a response to a farming need. No information has been proffered as to the applicants current domestic circumstances and that not living on this site would cause genuine hardship. In my view insufficient evidence has been provided to demonstrate a genuine case of need in this instance.

In terms of integration, the mobile home is well integrated onto the site and is not clearly visible when driving along this stretch of road. However, as the proposal is of a temporary nature, the design is not something that is seen as suitable for the countryside on a permanent basis. Should permission ever be granted, then the structure on site should be conditioned for removal after a specified period.

This proposal does not add or create a ribbon of development nor does it add or create or add to an unacceptable build up of development that would cause harm to the character of this area of countryside, therefore policies CTY8 and CTY10 are not offended.

Other considerations

No letters of objection have been received on this proposal.

There are no residential amenity concerns with this proposal.

The site is not subject to flooding and there are no contamination, human health or ecology issues to consider.

DfI Roads advise splays of 2.4m by 45m in both directions. In the event that Members agree this proposal I advise that these splays are put in place within 1 month from the date of the permission and permanently retained until such times as the mobile is removed from the

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons.

Refusal Reasons

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

2. The proposal is contrary to Policy CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-it has not been demonstrated that the proposal is for the provision of temporary residential accommodation pending the development of a permanent dwelling;

-the applicant has not provided compelling and site specific evidence that a residential caravan/mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 th June 2019	Item Number:
Application ID: LA09/2019/0238/F	Target Date: 7 th June 2019
Proposal: Proposed farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O	Location: 250m South of 23 Macknagh Lane Upperlands (Previously site of 17 Macknagh Lane now demolished)
Referral Route: The applicant is a son-in-law of a member of Planning Department in MUDC. As such, the application does not meet the scheme of delegation.	
Recommendation: Approve	
Applicant Name and Address: Anthony McGuckin 1 Granaghan Park Swatragh BT46 5DY	Agent Name and Address: McGurk Architects 33 King Street Magherafelt BT45 6AR
Executive Summary: The proposal complies with CTY 10, 13 and 14 of PPS 21.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. There are no neighbouring properties to be notified of the proposal. To date there have been no objections received. There have been no objections to this proposal from any consultee.

Characteristics of the Site and Area

The application site is a 0.3 hectare parcel of land located approx. 250m South of 23 Macknagh Lane, Upperlands. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015 (MAP). There was previously a dwelling on this site (number 17 Macknagh Lane) but it has since been demolished. What remains is a concrete yard and two agricultural outbuildings. The existing yard and outbuildings are set back approx. 60m from the public road and are accessed via a tree-lined laneway. The laneway rises slightly from the level of the public road and falls gently again towards the yard, which sits at a similar level to the public road. The roadside boundary is defined by a low level gorse hedgerow. Mature trees line the NW boundary of the site, running along the existing laneway. A band of mature trees also runs along the front of the existing yard and agricultural buildings. The NE and SE boundaries are undefined on the ground.

This area is rural in character with a dispersed settlement pattern and gently undulating topography. The predominant form of development in the immediate area are single dwellings and agricultural buildings. The area is not subject to any Area Plan zonings or designations.

Description of Proposal

This is a full application for a farm dwelling and garage in substitution of a dwelling approved under LA09/2017/0632/O.

Planning Assessment of Policy and Other Material Considerations

Planning History

H/2014/0117/O – 250m South of 23 Macknagh Lane. Farm dwelling and garage, approved on the 20th May 2014.

LA09/2017/0632/O – 250m South of 23 Macknagh Lane. Farm dwelling and garage, approved on the 30th June 2017.

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

- Magherafelt Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Draft Plan Strategy
- PPS 3 – Access, Movement and Parking
- PPS21 – Sustainable Development in the Countryside

Magherafelt Area Plan 2015

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. It is not subject to any Area Plan designations. As such, existing rural planning policy will be applied (ie) PPS 21

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS gives provision for development in the countryside subject to a number policy provisions, including policy for dwellings on Farms. It does not present any change in policy direction therefore existing rural policy applies (ie) CTY 10 of PPS 21

Mid Ulster District Council Draft Plan Strategy 2030

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 are applicable to this application.

In my opinion the proposal is in compliance with all criteria contained in Policy GP1. It is in compliance with policy CT1 in that a dwelling on this site clusters, consolidates and groups with existing buildings. The site is acceptable in terms of integration and rural character. I have no concerns with urban sprawl. The proposal also complies with Policy CT2 part (e). This policy does not introduce any change in policy direction from that contained within Policy CTY 10 of PPS 21.

It is however acknowledged that no determining weight can be given to this document as it is only at early 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 alteration of an existing access on to Macknagh Lane. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 60m splays. This can be dealt with by planning condition.

PPS21 – Sustainable Development in the Countryside

Policy CTY 10 – Dwellings on Farms

The farm business is currently active and established for at least 6 years.

DAERA have been consulted with the applicants farm details and have confirmed that the Farm Business ID has not been in existence for the required 6 year period. It was only issued on the 19th May 2016. They have also confirmed that the applicant has not made any claims and that the site is located on land associated with another farm business.

The applicant has provided further detail on his P1C form which explains that he bought this existing farm business in 2014 and then applied for his own Business ID in 2016. The farm business has been continued as a complete entity and has not been sub-divided. He does not hold any entitlements and therefore cannot submit a BSP claim.

An application for a farm dwelling was approved on this site in 2014 based on the original farm business. It was accepted at that time that the farm business was active and established for the required 6 year period. An in-time renewal of H/2014/0117/O was also

approved on the 30th June 2017 under LA09/2017/0632/O and remains live. Given that this is a substitution for an unfettered permission, this application can be looked on favourably.

No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.

I have carried out a planning history search of the farm holding (based on the previous landowners farm map. The applicant does not have his own farm maps as he makes no claims). I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off.

The new building is visually linked or sited to cluster with an established group of buildings on the farm.

There are two small existing agricultural outbuildings on this holding. This proposal involves the removal of one of these outbuildings, with the second being retained. The proposed dwelling will be both visually linked and sited to cluster with the remaining outbuilding.

Policy CTY 13 – Integration and Design

The proposal is for a very large two storey detached dwelling with a single storey annex to the LHS and two storey annex to the RHS. It also includes a two storey triple garage, linked to the dwelling by a covered carport/walkway. Windows are generally small and vertical in proportion and there is an ornate single storey flat roof porch extending from the front elevation. The main body of the dwelling, except for the carport, is finished in dark grey locally sourced natural stone. There are brick surrounds, quoins and chimneys. The rear return and carport are finished in a smooth plaster and the roof in natural slate. There is also an element of timber cladding on the rear elevation of the garage.

Although the scale and massing of this dwelling is excessive, it is set back approx. 75m of the public road and will be well screened by a band of existing mature vegetation which will be conditioned to be retained. It also sits to the rear of an existing outbuilding which will help screen the proposed dwelling. Any critical views of the dwelling will be short term, filtered and primarily of the gables. On the basis of the quality of the screening and its set back position on a site that is similar in level to that of the public road, it is my opinion that it will not be overly prominent in the local landscape. New landscaping is proposed but will not be primarily relied upon for integration.

In terms of design, the proposed dwelling does keep a simple form. The porch however is overly ornate and is not a typically rural design feature. It would not normally be acceptable in a rural location, however in this instance it is acceptable given the integration quality of the site and the lack of any critical views. The same can also be said for the red brick surrounds, quoins and chimney's, however their visual impact will be minimal when viewed along with the dark grey natural stone on the main body of the dwelling.

It is acknowledged that the previous approvals on the site were for a single storey dwelling to be located to the front of the existing vegetation closer to the public road. A condition would have to be attached to ensure the substitution of the original dwelling.

Policy CTY 14 – Rural Character

For the reasons noted above I am of the view that this dwelling would not be unduly prominent subject to all existing vegetation being conditioned to be retained. I have no concerns with build-up or ribbon development in this particular area. I therefore am satisfied that this dwelling, if approved, will not erode the rural character of this area.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

Approve – Proposal complies with CTY 10, 13 and 14 of PPS 21

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 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 15th May 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3.The existing mature trees as indicated in green on drawing number 02 rev 2, bearing date stamp 15th May 2019, shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the 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.

4.This approval is being granted in substitution of LA09/2017/0632/O and only one dwelling shall be erected within the red line boundary as indicated on drawing number 01 revision 1 bearing date stamp 8th April 2019.

Reason: To prevent accumulation of dwellings on the site and to protect the rural character of the area

5.The vehicular access including visibility splays of 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 15th May 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Informatives

1.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	
Date Valid	22nd February 2019
Date First Advertised	7th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2019/0238/F Proposal: Proposed farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O Address: 250m South of 23 Macknagh Lane, Upperlands (Previously site of 17 Macknagh Lane, now demolished), Decision: Decision Date:	
Ref ID: H/2014/0117/O Proposal: Proposed new farm dwelling and garage Address: Site Approx 250m South of 23 Macknagh Lane, Upperlands, Maghera, BT46 5SL, Decision: PG Decision Date: 21.05.2014	
Ref ID: LA09/2017/0632/O Proposal: Proposed new farm dwelling and garage Address: Approx 250m South of 23 Macknagh Lane, Upperlands, Decision: PG Decision Date: 03.07.2017	

Summary of Consultee Responses
DAERA – No Objections
DFI Roads – No Objections
Drawing Numbers and Title
Drawing No. 03 Type: Proposed Plans Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant)
Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0263/O	Target Date:
Proposal: Proposed erection of infill dwelling and garage	Location: Land adjacent and rear of 23 Grange Road Moy
Referral Route: Objection Received	
Recommendation: APPROVE	
Applicant Name and Address: Mr Sam Smith 15 Grange Road Moy	Agent Name and Address: Sheila Curtin 47 Lough Fea Road Cookstown BT80 9QL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	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 received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy

Characteristics of the Site and Area

The site comprises a small portion of a larger agricultural field located adjacent to and to the rear of number 23 Grange Road, Dungannon. The site boundaries are undefined on the ground to the south and east, with a low cropped hedgerow and post and wire fence along the roadside North boundary and a mature hedgerow along the west. The site is relatively flat and currently used for agricultural grazing. There is a bungalow at number 23 Grange road to the west and another dwelling to the east at no.27.

The site lies within the open countryside outside all other areas of control. The site lies a short distance to the south of the M1 motorway and the settlement limits of Dungannon. The area is predominantly agricultural in nature with the immediate surrounding area characterised by agricultural fields and a scattering of single dwellings and farm holdings. There is also a small Quaker meeting hall located to the north at the T junction.

Description of Proposal

The application seeks outline planning permission for an infill dwelling.

Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles
PPS 3 Access, Movement and Parking
PPS 21 Sustainable Development in the Countryside
SPPS

CTY 1 - Development in the Countryside
CTY 8 - Ribbon Development
CTY 13 - Integration and Design of Buildings in the Countryside
CTY 14 - Rural Character

Between number 23 and 27 Grange Road, there is a gap of approx. 150 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the western portion of this gap, approx. 50m wide. The site lies in the middle of 3 dwellings, and 2 out buildings. In my opinion this row constitutes the definition of a substantially built up frontage. The gap between the frontages of development is approx 100 metres and is therefore sufficient to accommodate no more than 2 dwellings when taking into account existing plots sizes of between 55m and 65m and the roadside frontage size of surrounding dwellings. The proposal complies with policy CTY8 of PPS21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 7 metres ridge.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height and siting restriction to the application site. 7 metres.

One objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy.

With regards to the objectors concerns the application site is considered an infill opportunity, as it does not lengthen a row of existing dwellings it is not adding to or creating a ribbon of development but instead filling a gap site. The proposed dwelling would not be detrimental to the character, appearance or amenity of the countryside as it nestles in amongst a row of houses and outbuildings. The land is slightly more elevated than the ground level at the objectors dwelling, however the separation distances, combined with conditioning the ridge height of the dwelling and boundary treatment will result in any over looking or loss of privacy will be at a minimum.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy CT2 - Dwellings in the countryside (B – Dwelling infilling a small gap site) applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

The application was advertised on 14th March 2019 and Neighbour Notifications were issued on 11th March 2019.

Neighbour Notification Checked

Yes

Conditions

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

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

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

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

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

3.The proposed dwelling shall have a ridge height of less than 7 metres above finished floor level.

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

4.The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5.The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 28 FEB 2019.

Reason: To preserve the amenity and privacy of the adjoining dwellings.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in pink on the approved plan no.01 date stamped 28th FEB 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: To preserve the amenity and privacy of the adjoining dwellings. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

7.Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 70.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

Informatives

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

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

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any

other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	28th February 2019
Date First Advertised	14th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Dreemore Road Dungannon Tyrone The Owner/Occupier, 22 Dreemore Road Dungannon Tyrone The Owner/Occupier, 23 Grange Road Dungannon Tyrone The Owner/Occupier, 26 Grange Road Dungannon Tyrone The Owner/Occupier, 27 Grange Road Dungannon Tyrone Pauline Barbour 27 Grange Road, Dungannon, Tyrone,BT71 7EJ The Owner/Occupier, 29 Grange Road Dungannon Tyrone The Owner/Occupier, 31 Grange Road Dungannon Tyrone The Owner/Occupier, The Chandleloft 33 Grange Road Dungannon	
Date of Last Neighbour Notification	11th March 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0263/O Proposal: Proposed erection of infill dwelling and garage Address: Land adjacent and rear of 23 Grange Road, Moy, Decision: Decision Date: Ref ID: M/1982/0130 Proposal: ERECTION OF DWELLING HOUSE Address: 25 GRANGE ROAD, GRANGE, DUNGANNON Decision: Decision Date:	

Summary of Consultee Responses

DFI Roads were consulted and responded with no objections subject to conditions.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0264/O	Target Date:
Proposal: Proposed erection of infill dwelling and garage	Location: Lands adjacent and immediately West of 27 Grange Road Moy
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr Sam Smith 15 Grange Road Moy	Agent Name and Address: Sheila Curtin 47 Lough Fea Road Cookstown BT80 9QL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	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 received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy

Characteristics of the Site and Area

The site comprises a small portion of a larger agricultural field located adjacent to and to the rear of number 23 Grange Road, Dungannon. The site boundaries are undefined on the ground to the south and east, with a low cropped hedgerow and post and wire fence along the roadside North boundary and a mature hedgerow along the west. The site is relatively flat and currently used for agricultural grazing. There is a bungalow at number 23 Grange road to the west and another dwelling to the east at no.27.

The site lies within the open countryside outside all other areas of control. The site lies a short distance to the south of the M1 motorway and the settlement limits of Dungannon. The area is predominantly agricultural in nature with the immediate surrounding area characterised by agricultural fields and a scattering of single dwellings and farm holdings. There is also a small Quaker meeting hall located to the north at the T junction.

Description of Proposal

Proposed erection of infill dwelling and garage

Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles
PPS 3 Access, Movement and Parking
PPS 21 Sustainable Development in the Countryside
SPPS

CTY 1 - Development in the Countryside
CTY 8 - Ribbon Development
CTY 13 - Integration and Design of Buildings in the Countryside
CTY 14 - Rural Character

Between number 23 and 27 Grange Road, there is a gap of approx. 150 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the Eastern portion of this gap, approx. 50m wide. The site lies in the middle of 3 dwellings, and 2 out buildings. In my opinion this row constitutes the definition of a substantially built up frontage. The gap between the frontages of development is approx 100 metres and is therefore sufficient to accommodate no more than 2 dwellings when taking into account existing plots sizes of between 55m and 65m and the roadside frontage size of surrounding dwellings. The proposal complies with policy CTY8 of PPS21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 7 metres ridge.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a

dwelling of a suitable size and scale. I would recommend imposing a height and siting restriction to the application site. 7 metres.

One objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy.

With regards to the objectors concerns the application site is considered an infill opportunity, as it does not lengthen a row of existing dwellings it is not adding to or creating a ribbon of development but instead filling a gap site. The proposed dwelling would not be detrimental to the character, appearance or amenity of the countryside as it nestles in amongst a row of houses and outbuildings. The land is slightly more elevated than the ground level at the objectors dwelling, however the separation distances, combined with conditioning the ridge height of the dwelling and a planting scheme to the eastern boundary will result in any over looking or loss of privacy will be at a minimum.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy CT2 - Dwellings in the countryside (B – Dwelling infilling a small gap site) applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

The application was advertised on 14th March 2019 and Neighbour Notifications were issued on 11th March 2019.

Recommend Approve.

Neighbour Notification Checked

Yes

Conditions

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

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

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

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

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

3.The proposed dwelling shall have a ridge height of less than 7 metres above finished floor level.

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

4.The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5.The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 28 FEB 2019.

Reason: To preserve the amenity and privacy of the adjoining dwellings.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in pink on the approved plan no.01 date stamped 28th FEB 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: To preserve the amenity and privacy of the adjoining dwellings.During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

7.Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 70.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

Informatives

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

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

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

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the

Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon.

A monetary deposit will be required to cover works on the public road.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	28th February 2019
Date First Advertised	14th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Dreemore Road Dungannon Tyrone The Owner/Occupier, 22 Dreemore Road Dungannon Tyrone The Owner/Occupier, 23 Grange Road Dungannon Tyrone The Owner/Occupier, 26 Grange Road Dungannon Tyrone The Owner/Occupier, 27 Grange Road Dungannon Tyrone Pauline Barbour 27 Grange Road, Dungannon, Tyrone,BT71 7EJ The Owner/Occupier, 29 Grange Road Dungannon Tyrone The Owner/Occupier, 31 Grange Road Dungannon Tyrone The Owner/Occupier, The Chandleloft 33 Grange Road Dungannon	
Date of Last Neighbour Notification	11th March 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0264/O Proposal: Proposed erection of infill dwelling and garage Address: Lands adjacent and immediately West of 27 Grange Road, Moy, Decision: Decision Date: Ref ID: LA09/2017/0218/PAD Proposal: Dwelling Address: East of 23 Grange Road, Moy, Decision: Decision Date:	

Ref ID: LA09/2016/1305/PAD

Proposal: Proposed dwelling in an existing cluster, would appear to be consistent with CTY 2A in that there are more than 4 dwellings, A Quaker Meeting House + Hall

Address: Lands to west of 23 Grange Road, Dungannon BT71 7EJ,

Decision:

Decision Date:

Ref ID: M/1995/0279

Proposal: Extension to dwelling

Address: 27 GRANGE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2008/0648/F

Proposal: Proposed 2 storey extension to side of dwelling

Address: 27 Grange Road, Dungannon. BT71 7EJ

Decision:

Decision Date: 22.10.2008

Ref ID: M/1978/0835

Proposal: EXTENSION AND IMPROVEMENTS TO DWELLING

Address: 27 GRANGE ROAD, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads consulted with no objections subject to conditions

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0272/O	Target Date:
Proposal: New single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage.	Location: Land approx. 90 metres North West of 4 Dunronan Road Moneymore Magherafelt BT45 7SU.
Referral Route: To Committee - Refusal - Does not meet any cases for residential development stated in CTY 1 of PPS 21	
Recommendation:	
Applicant Name and Address: Michael J Wilson 97 Loup Road Moneymore Magherafelt BT45 7ST	Agent Name and Address:
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	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 - Does not meet any cases for residential development stated in CTY 1 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 0.3km NW of the development limits The Loup and is situated within the open countryside as per the Cookstown Area Plan 2010. The site is identified as land approx. 90 metres North West of 4 Dunronan Road, Moneymore in which the site is located within a portion of a much larger agricultural field in which the northern section of the site is covered by mature tree. The proposed site intends to create a new access onto the Dunronan Road with access going over an existing waterway that is to be piped. The agricultural field is bounded on all boundaries by mature line of hedging, it is noted that the south eastern of the site remains undefined.

The immediate and surrounding area is defined by a mix of residential and agricultural land uses.

Representations

Four neighbour notifications were sent out however one objection was received.

Description of Proposal

This is an outline application for a new single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage. The site is identified as land approx. 90 metres North West of 4 Dunronan Road, Moneymore.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

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 the application has been submitted with no supporting statement to confirm under which policy under PPS 21 the applicant wants this to be considered. A letter was sent to applicant gain confirmation of this and the applicant rang to confirm that the application was to be considered under CTY 13 and 14. The applicant was then told that the application must be considered under one of the relevant policies for residential development stated in CTY 1, wherein the applicant confirmed that it may be considered under a farm case. However I note that no additional information or farm information was subsequently submitted therefore the application is to be considered as per submitted.

As there is no clear indication on how the applicant wants this application to be considered it will be broadly considered under all policies of PPS 21. CTY 1 of PPS 21

states that planning permission will be granted for an individual dwelling under a number of cases; taking each policy separately are as below:

CTY 2 – the application is not located within the a Dispersed Rural Community

CTY 2a – Site not considered as cluster, does not appear as a visual entity, there is not four or more buildings, no focal point and it is not bounded on two sides.

CTY 3 – Cannot be considered as a replacement as no buildings within the site.

CTY 4 – As noted no buildings on the site that could be converted

CTY 5 – this is single dwelling and not for social or affordable housing

CTY 6 – No personal or domestic circumstances have been submitted

CTY 7 – No information that the dwelling is for a non-agricultural business enterprise

CTY 8 – There is no line of continuous and built up frontage, in that the site is not located within a gap between buildings.

CTY 9 – Application is not for a residential caravan or mobile home

CTY 10 – No Farm case has been submitted.

From the above it is clear that the site has not complied with any relevant criteria under which CTY 1 allows for a dwelling and therefore I must recommend refusal.

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. It is noted that this is an outline application therefore the exact siting and design details have not been submitted, however an indicative position has been submitted which I acknowledge could visually integrate into the landscape. From this I am content that an appropriately designed dwelling will not appear as prominent in the landscape. Additional landscaping would be necessary for the new boundaries with the retention of as much of the existing landscaping as possible. A landscaping scheme would therefore be necessary in any reserved matters application. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that an appropriately designed dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

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

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT2 – Dwellings in the Countryside.

With regards to CT1 I am content that the proposed application is capable of visually integrating whilst respecting rural character and will not result in urban sprawl nor mar the distinction between a settlement and countryside. As this is only an outline application there has been no design submitted however only an appropriately designed will be accepted in this location. Furthermore I am not content that the proposed dwelling would be able cluster with existing surrounding buildings due to the separation distance and intervening landscaping and from this does not fully comply under CT1.

In terms of CT2, as noted no case has been put forward and upon review of the policies under CT2 I note that the application would not comply under any of these. From this I am of the opinion that the application would fail under CT2 and ultimately would not comply under the Draft Strategy. However I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

As the application has failed to demonstrate its compliance with any of the relevant policies under PPS 21 as stated under CTY 1 therefore I must recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

Signature(s)

Date:

ANNEX	
Date Valid	1st March 2019
Date First Advertised	14th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0272/O Proposal: New single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage. Address: Land approx. 90 metres North West of 4 Dunronan Road, Moneymore, Magherafelt, BT45 7SU., Townland: Ballynenagh, Decision: Decision Date:	
Ref ID: I/2003/0473/O Proposal: Site for new dwelling and garage Address: site 400m North of Ballynenagh Primary School, Ballyronan, Maherafelt Decision: Decision Date: 27.08.2003	
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

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	
Committee Meeting Date: 4th June 2019	Item Number:
Application ID: LA09/2019/0276/RM	Target Date: 11th June 2019
Proposal: Proposed 1 No. chalet house	Location: Site to rear of Nos 93 and 93a Granville Road Dungannon
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Mr Kevin McVeigh 106 Granville Road Dungannon	Agent Name and Address: Daly, O'Neill and Associates Ltd 23 William Street Portadown BT67 9FD
Executive Summary: Contacted via email 10th April 2019 by Rosemary Barton MLA Office requesting a site meeting on account of an objection from the neighbouring property. Responded 11th April 2019 to advise Planning was unable to agree to a request for a site meeting as this was not part of Mid Ulster Planning Protocol. However, a site visit had been carried out and all concerns raised in the objection letters on file would be taken into account and considered as part of the planning assessment. And the application would go to the next available Planning Committee Meeting which would be held in June and in accordance with Mid Ulster Planning Protocol speaking rights can be requested at this time.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	2
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

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 LA09/2017/1693/O.

The site comprises a long rectangular shaped plot of land including a set of semi detached dwellings located at the front portion of the site. The site is located to the rear of number 93 and 93A Granville Road, Dungannon. The dwellings are finished in red brick with dormer windows and a small storm porch on the front elevation. They have a small front lawn and a shared tarred drive which is enclosed by a timber d-rail fence. To the rear of the site there is a much larger shared garden area which rises gently away from the dwellings. It is enclosed to the rear and

side (North and West) by a row of mature trees and to the other side (East) by a low cropped hedgerow.

The site lies within the settlement limits of Granville. The rear of the site bounds the existing industry and business zone, hence the existence of the industrial estate and associated factories. Granville itself is located just a short distance to the South West of Dungannon.

Description of Proposal

This is a reserved matters application for a dwelling be located on lands to the rear of numbers 93 and 93a Granville Road, Granville. This proposal gained outline approval under outline application LA09/2017/1693/O.

LA09/2017/1693/O granted permission for a chalet type dwelling on the 6th December 2018, therefore the principle of this development has already been established on site subject to a number of conditions set out under the outline application.

This current application seeks consent for matters reserved under the outline application.

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 (DSTAP)
Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 3 Access, Movement and Parking
Planning Policy Statement 7 Quality Residential Environments
Planning Policy Statement 7 (addendum) Safeguarding the character of Residential Environments
Creating Places
DCAN 8 Housing in Existing Urban Areas

The Mid Ulster District Council Local Development Plan 2030 - Draft Strategy published February 2019

Planning History

- LA09/2017/1693/O - Proposed 1No. Chalet house - site to the rear of 93 and 93A Granville Road, Dungannon – Approval granted 13th December 2018
- M/2001/0767/F - Erection of 2 no. two storey semi-detached dwellings - 93 Granville Road, Dungannon – permission granted 14th February 2002
- M/2000/1060/O - Replacement dwelling - 93 Granville Road Dungannon – permission granted 20th November 2000

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within the development limits of Granville which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no specific designations or zonings within the area plan.

The Strategic Planning Statement published September 2015 retained a number of existing policies, of which Planning Policy Statement 7 was one and the relevant policy in this assessment of this application proposal. As detailed above the principle of a dwelling on this site has already been established under the outline approval on site LA09/2017/1693/O. A number of conditions were attached to this approval including:

- a time restriction for the submission of the reserved matters application;
- an under build restriction that the proposed dwelling has a FFL no greater than 0.3m above existing ground level;
- a site plan be submitted as part of the reserved matters application to show visibility splays of 2.4m x 90m; and
- a landscaping scheme.

All these conditions have been met. Matters reserved under the outline application for further consideration include the siting, design and external appearance of the building and landscaping of the site.

PPS 7 – Quality Residential Environments - all proposals for residential development will be expected to conform to certain criteria outlined in Policy QD1 of PPS 7: Quality in New Residential Development and I am content that in this instance and in terms of its siting, design and external appearance, means of access thereto and landscaping this proposal does.

The dwelling which is 1 ½ storey (6.5m ridge height) but of bungalow appearance has a simple rectangular floor plan and pitched roof construction. It has 2 upper floor bedroom windows one in either gable and 3 small velux windows in the roof, one to the front offset to the west side of a small recessed front porch and 2 to its rear to provide light to a bedroom and landing. Finishes to the dwelling are as follows:

Walls: brick

Roof: blue/black tiles

Windows: white uovc

Gutters and Downpipes: white upvc

The siting of the dwelling to the rear of Nos, 93 and 93a Granville Road has already been considered under the outline application on site and deemed acceptable (see drawing 2A of outline application).

Whilst this proposal involves the erection of a dwelling to the rear of existing dwellings which would normally be considered back land development and not acceptable, in instance it was as there were already a number of back land dwellings built to the North East and as such the precedent set. In terms of amenity issues it was considered that the rear double garage of the existing dwellings Nos. 93 and 93a would protect them and vice versa the proposed dwelling from overlooking, acting as a screen. And that the position of the two garages to the east and west of the site would be in the direct line of sight of the proposed dwelling therefore screening the neighbouring properties (to the NE and SW) private amenity area to their immediate rear . And that as such it should have an unacceptable adverse impact on the neighbouring dwellings.

I am content that the siting of the dwelling is acceptable and that subject to a condition that the upper floor window in its north eastern gable being opaque it should have no significantly detrimental impact on the residential amenity of the neighbouring properties in terms of overlooking or overshadowing. This is due to existing separation distances and its design and orientation fronting unto existing garages to the rear of and protecting the amenity of 93 and 93a Granville Road. There are no upper floor windows looking towards nos.93 and 93a. Nor or there

any ground floor windows in the gable elevation facing northeast towards nos. 91b and 91a Granville Road therefore subject to the upper floor window in this gable being opaque there should be no overlooking to these or other properties to the north east. Whilst there is a bathroom window in the other gable of the proposed property the private amenity of nos. 95 and 93a Granville Road should not be significantly impacted as this is not a main serving window and if through existing vegetation along the site boundary to this side there was any overlooking it would be over the very rear of their gardens.

With regard to the size, orientation and design (including finishes) of the dwelling (note there was no ridge height restriction attached to the outline application). I am content that it is proportionate to the site and existing dwellings in the vicinity. I am content that the design of the dwelling draws upon the best local traditions of form, materials and detailing and is generally in keeping with the design and finishes of dwellings in the vicinity.

Private amenity space is provide to the rear of the property in excess 70m2 recommended.

Planting is proposed to the northeast, northwest and southeast boundaries further enclosing the site and protecting the proposed dwelling and adjacent properties amenity.

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the proposed design of the building is generally in keeping with the existing character of the area and the unit size is not less than recommended in Annex A of this policy.

PPS 3 – Access, Movement and Parking

The site is proposed to be accessed off the Granville Road via a shared access with Nos. 93 and 93a Granville Road. DFI Roads have been consulted and have no objections to the access arrangements proposed off the Granville Road including visibility splays of 2.4m x 90m in both directions as stipulated under the outline. And I am content in-curtilage parking for 2 vehicles is accommodated within the site.

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched Feb 2019. The principle policy consideration would be Policy GP1 – General Principles Planning Policy, Policy HOU2 – Quality Residential Development, and TRAN4 Access onto Protected Routes and Other Route Ways, which are applicable to this application. This proposal is in keeping with these policies and as such the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as at this early stage.

Representations

Two letters of objection in relation to this proposal have been received. One on the 20th March 2019 from Mrs Avril Gillespie the owner/occupier of No. 91B Granville Road the property immediately adjacent and east of the site. The other on the 25th March 2019 from Mrs Patricia Davies the owner/occupier of No. 91A Granville Road the property adjoining 91B Granville Road to its east.

The issues raised by Mrs Gillespie are as follows:

- Siting - Stated the dwelling would not be in line with any other houses on Granville Rd and thus not in keeping with the character of the area.

- Privacy / amenity - Stated the dwelling would be 6.5m high with an upper floor windows in its gable elevation which would overlook/overshadow rear garden.
- Property value - Stated the dwelling would impact value of property.

The issues raised by Mrs Patricia Davies were similar to Mrs Gillespie's above that the siting would not be consistent with existing houses on the road and that it would overlook and thus impact her privacy / amenity. Mrs Davies also stated the proposal would result in overcrowding and extra noise.

The issues raised above have been taken into consideration in the assessment of this proposal and the opinion has not changed. The dwelling meets the conditions of the outline approval. The siting was agreed under the outline as the precedent was set by other backland development in the immediate area e.g. no. 87a Granville Rd adjacent Mrs Davies property to the east. I believe the design of the dwelling should not impact the objectors private amenity space to any unreasonable degree subject to the gable window in its northeastern gable being opaque glass. I agree that in the absence of opaque glass it would overlook their rear gardens to an unreasonable degree. No other windows look unto their properties. In terms of overshadowing I am content that as the sun rises in the east and sets in the west this should not significantly impact Mrs Gillespie's garden. The impact of the proposal on property value is not a planning matter. And I do not believe one dwelling in this residential area on a site with the capacity to absorb it should create any significant noise issues.

Additional Considerations

Flood Maps NI indicate the site to be developed is not subject to flooding.

NIEA and HED online map views highlight no natural environment areas of interest or built heritage interests on site.

The site is in close proximity to an existing meat processing plant. Environmental Health were consulted under the outline application and raised no objection to this proposal subject to a standard informative that this be brought to the attention of the applicant.

Taking all of the above into consideration case officer recommendation is to approve.

Neighbour Notification Checked

Yes

Summary of Recommendation: Approve

Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- The expiration of a period of 5 years from the grant of outline planning permission; or
- 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. 02, bearing the date stamp received 4 MAR 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 and to ensure the maintenance of screening to the site.

3. The window in the first floor north eastern gable elevation of the dwelling hereby approved shall be opaque glass.

Reasons: In the interests of residential amenity.

4. The vehicular access, including visibility splays of 2.4m x 90m in both directions and forward sight distance shall be provided in accordance with Drawing No. 02, bearing the date stamp received 4 MAR 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 uses.

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 Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Signature(s)

Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0300/O	Target Date:
Proposal: Site for a new dwelling and garage	Location: Between 34 & 36 Coagh Road Cookstown
Referral Route: Refusal – doesn't comply with policy requirements of CTY 8 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: William & Heather Hutchinson 106 Old Coagh Road Cookstown BT80 8RQ	Agent Name and Address: Rodney Henry 2 Liscoole Cookstown BT80 8RG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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

Not considered to be in compliance with CTY 8 of PPS 21.

Characteristics of the Site and Area

The site is located at lands between 34 and 36 Coagh Road, Cookstown. The site is located within the countryside as designated within the Cookstown Area Plan 2010. The red line of the site includes a roadside agricultural field which is generally quite flat throughout. The boundaries of the site vary between hedging along the northern boundary and fencing providing the boundary from the site to neighbouring properties. The existing access which serves the properties to the west runs along the south of the application site. The surrounding land uses are predominantly rural with dispersed dwellings.

Description of Proposal

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

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 30a, 32, 33, 34, 35, 36 and 38 Coagh Road. At the time of writing, no representations were received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

- Cookstown 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 Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits, located East of Cookstown 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. At present, the proposal is in line with the policies held within this document, more specifically Policy CT1 and criterion (b) of Policy CT2 however it must be noted that Draft Plan Strategy holds no determining weight as it is only at early consultation stage.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the

policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site does not meet the policy test in that there isn't a continuous built up frontage along this stretch of Coagh Road. At present, there are two dwellings directly west of the site with accompanying outbuildings located north of each of these dwellings. To the east is another dwelling with associated garage to the rear of it. It is considered that neither of the dwellings located to the west have a frontage with the road and therefore cannot be considered under this policy. Taking into considered what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal fails this policy requirement. It is considered that the gap shown within the red line would be sufficient to accommodate no more than two dwellings when taking into account existing plot sizes along this road.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Whilst a dwelling would not be prominent due to the topography, the site lacks any defined boundary to aid with integration. 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. Adding an additional dwelling on this important visual break would in my view result in a suburban build-up of dwellings.

DfI Roads were consulted and have no objection to the proposal subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is considered the proposal is not in compliance with the relevant planning policy and thus refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development along this stretch of Coagh Road.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would if permitted not respect the traditional pattern of settlement exhibited in that area, and would, if permitted create a ribbon of development at that part of the Coagh Road and therefore result in detrimental change to the rural character of the countryside.

Signature(s)

Date:

NNEX	
Date Valid	8th March 2019
Date First Advertised	21st March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30a Coagh Road Cookstown The Owner/Occupier, 32 Coagh Road Cookstown Tyrone The Owner/Occupier, 33 Coagh Road Cookstown Londonderry The Owner/Occupier, 34 Coagh Road Cookstown Tyrone The Owner/Occupier, 35 Coagh Road Cookstown Tyrone The Owner/Occupier, 36 Coagh Road Cookstown Tyrone The Owner/Occupier, 38 Coagh Road, Cookstown, Tyrone, BT80 8TB	
Date of Last Neighbour Notification	20th March 2019
Date of EIA Determination	

ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2019/0300/O Proposal: Site for a new dwelling and garage Address: Between 34 & 36 Coagh Road, Cookstown, Decision: Decision Date:</p> <p>Ref ID: I/1993/0453 Proposal: Dwelling and Garage Address: 32 COAGH ROAD DRUMCRAW COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/1993/0453B Proposal: Dwelling & garage Address: 32 COAGH ROAD DRUMCRAW COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/1979/0265 Proposal: PETROL FILLING STATION AND KIOSK/SHOP Address: DRUMCRAW, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/1979/0109 Proposal: PETROL FILLING STATION AND BODY REPAIR WORKSHOP Address: DRUMCRAW, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/2004/0328/O Proposal: Dwelling and garage Address: Adjacent to 38 Coagh Road, Cookstown Decision: Decision Date: 19.09.2006</p> <p>Ref ID: I/1993/0103 Proposal: Retirement Dwelling Address: OPPOSITE 35 COAGH ROAD DRUMCRAW COOKSTOWN Decision: Decision Date:</p>	

Ref ID: I/1999/0286
 Proposal: Dwelling and Garage
 Address: Opposite 35 Coagh Road Cookstown
 Decision:
 Decision Date: 09.11.2000

Ref ID: I/2003/0246/RM
 Proposal: Retirement farm Dwelling
 Address: 100m approx west of 33 Coagh road, Cookstown
 Decision:
 Decision Date: 06.06.2003

Ref ID: I/2003/0373/A41
 Proposal: Proposed sun room and utility room extension
 Address: Coagh Road, Drumcraw, Cookstown
 Decision:
 Decision Date:

Ref ID: I/2001/0382/O
 Proposal: Retirement Dwelling
 Address: Opposite 35 Coagh Road, Cookstown
 Decision:
 Decision Date: 30.12.2002

Summary of Consultee Responses

No issue.

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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0344/O	Target Date: 27th June 2019
Proposal: Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work.	Location: Site adjacently south of 63 Anneeter Road Cookstown Co Tyrone BT80 0HZ.
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Oliver Conlon 36 Pairc Na Mona Ardboe Road Cookstown BT80 0HT	Agent Name and Address: Paul Quinn 61c Anneeter Road Cookstown BT80 0HZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	2
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, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 1 mile north east of Moortown and only approx. 100 metres west of Lough Neagh and a Commercial Fishing Quay.

The site which is a relatively flat, square shaped plot comprising the back corner of a much larger agricultural field is set back approx. 150 metres from the Anneeter Road which it is proposed to be accessed off via an existing concrete lane serving 2 existing dwellings and the Fishing Quay to its east.

The site nestles in a corner created by the curtilage of the 2 existing dwellings on the lane, nos. 63 and 63a Anneeter Road. The party boundary of the site with no. 63, is defined by a mature hedge approx. 1.2m high. The party boundary with no. 63a is defined by a mix of hedgerow

vegetation. The western (front) and southern boundaries are undefined and open unto the larger field from which the site is cut. The lane proposed to serve the site is bound to its south side by a hedgerow and north side by mature trees. The site is proposed to be accessed off this lane along the front of no. 63's curtilage.

There will be no views of the site on the northern approach due to the existing mature trees/vegetation running along the proposed access lane to the site. And limited views on the southern approach largely until passing along the accesses to No.59a Anneeter Rd and the site, due the topography of the area and its location set back from the road screened by existing roadside development located around the bend in the road and Fish Processing Plant to its south west, existing vegetation in the area.

The immediate area surrounding the site is rural in character, located on the shore of the Lough. However, it has come under considerable development pressure in recent times with a number of single dwellings with ancillary buildings and shed clustered around the Fishing Quay to the east. This development extends south west to a bend in the Anneeter Road and includes a Fish Processing Plant just 100m to the south west.

Description of Proposal

This is an outline application for a dwelling and garage on lands adjacently south of 63 Anneeter Road Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

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

Planning Policy Statement 21: Sustainable Development in the Countryside

CTY1 - Development in the Countryside

CTY2a - New Dwellings in Existing Clusters

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

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

The Mid Ulster Local Development Plan 2030 – Draft Strategy published February 2019

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objections were received both from the owner / occupier of no 65 Anneeter Road, the dwelling located immediately adjacent and north of the proposed access to the site off Anneeter Road, Mr J McLernon.

1. Mr McLernon's initial objection received 4th April 2019 was objecting to the sight lines and to anything else encroaching on his property boundary fence /hedge.
2. Mr McLernon's second follow on objection received 8th April 2019 outlined the applicant had completed Certificate A that they are in actual possession of all lands connected with the application. Mr McLernon however states the applicant is not, that the proposed sightlines encroach on this land and as such he should have been notified.

As the site location plan submitted shows the sightlines encroaching onto McLernon's land the Planning Department contacted the applicant's agent on the 30th April 2019 and requested an amended P2 Certificate (certificate of ownership) to address the above P2 Challenge received and to consider his proposal further. The applicant subsequently submitted an update P2 Certificate, Certificate C serving notice on the relevant parties and I am content as any planning permission granted will not confer title. It will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

History on Site

- I/2004/0083/O - Site for Dwelling - 50 M South of 63 Anneeter Road, Moortown, Coagh, Cookstown - 16.04.2004
- I/2006/1231/RM - Domestic dwelling - Proposed dwelling @ 50 metres south of 63 Anneeter Rd, Coagh, Cookstown, Co.Tyrone - 10.05.2007

The above applications relate to an approval to the south side of the site. Historical orthos show footings on this site. On the day of site inspection these were overgrown.

- I/2006/0970/F - Private Access Lane Lighting - 63 Aneeter Road, Coagh, Cookstown - 06.12.2007

The above application relates to the access lane proposed to access the site.

Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside, the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

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

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

This is a cluster of development lying outside of a farm and consisting well in excess of four or more buildings of which more than three are dwellings.

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

The cluster of development (as detailed in the 'Characteristics of the Site and Area' above) which around the Fishing Quay and extending southwest, does appear as a visual entity in the local landscape when viewed from and travelling along the Anneeter Rd on both the northern and southern approach to the site. In particular on the more open and elevated northern approach to the site's access from the bend in the Anneeter Road to the south west just before and passing the Fish Processing Plant.

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

The site is associated with a Commercial Fishing Quay and Fish Processing Plant on the shores of Lough Neagh approx. 100m to the east of the site.

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

The site is nestled next to two existing properties no.63 and 63a and their curtilage (as detailed in the 'Characteristics of the Site and Area' above) which bound it on two sides. I consider these properties and existing vegetation on their party boundaries with the site provides both a backdrop and a suitable degree of enclosure that both will aid the integration of a dwelling.

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

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

- Development would not adversely impact on residential amenity.

I'm of the opinion that subject to a 5.5m ridge height restriction, a dwelling and garage of an appropriate size, scale, design and layout to be considered further under any subsequent reserved matters application could be absorbed onto this site without significant adverse impact on the residential amenity of neighbouring properties. A block plan was submitted with this application for information purposes and I am content adequate separation distances between the proposed property and existing / potential (see 'History on Site' above) could be readily achieved. Augmenting the existing boundaries has also been indicated on the block plan as part of the potential landscaping proposed which would further minimise any potential adverse impacts in terms of overlooking to any unreasonable degree.

Other Policy and Material Considerations

Flood Maps NI indicate no flooding on site.

Environmental Health were not considered necessary as whilst the site is located close to a Fish Processing Plant to its south west it is no closer than existing properties as such I had no concerns

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there

are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However I am content that as this site is on improved grassland, in relatively built up area within a cluster of existing dwellings this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species. And 'DAERA Environmental Advice for Planning - Standing Advice - Priority species' – which is advice for planning officers to inform decision making and applicants seeking planning permission for development of land which may impact on priority species, can be attached to any decision notice as an informative. It has 'Specific Advice for Some Species', breeding waders being one. For wintering waders and waterbirds at coastal sites - Lapwing, Golden Plover, Knot, Dunlin, Black-tailed Godwit, Whimbrel, Curlew, Redshank, ducks, geese, gulls:

- retain intertidal habitats
- avoid disturbance to traditional high-tide roost sites
- no works in feeding habitat between 1st November and 28th/29th February

The proposal will be conditioned to be under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar.

Recommend: Approval

Neighbour Notification Checked

Yes

Summary of Recommendation: Approve subject to standard conditions and informatives

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 elevations of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The proposed dwelling shall be sited as indicated on approved Drawing No. 02 bearing the date stamp received 14 MAR 2019.

Reason: In the interests of visual amenity.

5. The proposed dwelling shall have a ridge height of no greater than 5.5 metres above finished floor level.

Reason: In the interest of visual and residential amenity

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

7. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: In the interest of visual amenity.

8. The existing natural screenings of this site as indicated in pink on Drawing No. 02 bearing the date stamp received 14 MAR 2019, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

Reason: To ensure the maintenance of screening to the site.

9. 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 along all new boundaries as identified in yellow on Drawing No. 01 bearing the date stamp received 14 MAR 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 and residential amenity.

10. 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 and shall include sight splays of 2.4m x 45m in both directions onto the public road and a forward sight distance of 45m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved and the area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Informatives

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 determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
6. A Consent to Discharge Sewage Effluent should be obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.
7. Any new or existing septic tank unit should be a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
8. A legal agreement should be obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required.
9. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
10. Please see DAERA Environmental Advice for Planning - Standing Advice - Priority Species available at <https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>.

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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0547/F	Target Date:
Proposal: Proposed amendment to previously approved application LA09/2018/1148/F (proposed construction of a new Vehicular Access onto Old Eglish Road). To provide a one way system from Dungannon United Youth Sports Hub ensuring no vehicle shall exist onto black line , which includes reducing the exit road to 4m wide.	Location: Dungannon United Youth Black Lane Mullaghanagh Dungannon
Referral Route: Mid Ulster District Council have an interest in the land.	
Recommendation:	Approve
Applicant Name and Address: Dungannon United Youth c/o Joe McAree Black Lane Mullaghanagh Dungannon BT71 7AY	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposed new vehicular access to approved site, existing access cannot be improved to the required standard.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Approve with conditions

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

Revised details for access.

Characteristics of the Site and Area

Dungannon United Youth is an existing sports facility located at the corner of Black Lane and Old Eglisk Road, Dungannon. The site contains an existing building which is finished with brown brick walls and a low pitch blue clad roof with a car park to the north side of it. The existing building sits approx. 5m above the level of Old Eglisk Road and contains an indoor football pitch and a number of temporary buildings along its east

elevation used for changing facilities and a coffee dock/meeting room. The site also has a new building under construction to the east, as approved under M/2014/0299/F and a full size football pitch at a higher level to the east. Access to the site is by an existing lane off Black Lane.

There are detached and semi-detached private dwellings between the application site and Black Lane. Windmill Integrated Primary School is to the south, on Old Eglish Road and it has a MUGA pitch between the school car park and the application site.

Description of Proposal

The proposal is for the construction of a new access onto Old Eglish Road which requires the provision of retaining structures and landscaping. The proposal is an amendment to the access onto Old Eglish Road, previously approved under file ref LA09/2018/1148/F. The amendments are to reduce the width of the approved access road to 4.0m and incorporate a one way traffic management system so that traffic enters the site from Backs Lane and exits through this new access onto Old Eglish Road. The new vehicular access onto Old Eglish Road is between the existing building and the Old Eglish Road and this will require retaining walls to be constructed on both sides of the road, to retain the existing building and to retain the proposed road. The retaining structures are up to 3.5 metres in height with a grassed bank and vehicle restraint system and fence on top. It is proposed to provide landscaping between the existing road and the new access road.

Planning Assessment of Policy and Other Material Considerations

Members are advised the application site is owned by Mid Ulster Council, planning permission M/2014/0299/F was granted on 3 December 2015 for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area and a new access was approved on 09 November 2018.

There is a separate application, LA09/2019/0549/F, to vary condition 2 of Planning Permission M/2014/0299/F which required improvements to the access onto Blacks Lane following the occupation of the new sports hub.

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

PPS3 – Access, Movement & Parking

Mid Ulster District Council, Local Development Plan 2030 – Draft Plan Strategy

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan.

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 District Council published its Local Development Plan 2030, Draft Plan Strategy on 22nd February 2019. There are a number of policies within the draft plan strategy that would be relevant to the consideration of this application. GP1 – General Principles Policy, OS3 – Outdoor Sport and Recreation, OS4 – Indoor Sport and Intensive Outdoor Sports Facilities and TRAN4 – Access onto Protected Routes and Other Route Ways. I consider the proposed development would meet the new policies, with conditions attached to ensure access onto Blacks Lane is restricted. That said the policies are at draft stage with the initial consultation period recently expired, as such I do not recommend the draft policies are relied upon to approve or refuse development and refer the members to the existing policy context.

The site is within the settlement limit for Dungannon as defined by SETT1 of the Dungannon & South Tyrone Area Plan, SETT1 allows this development within settlements provided it does not result in a loss of amenity, conservation interests and it is sensitive in scale and character. As the application is for a new access that is ancillary to the existing sports facility I consider the appropriate policy for consideration is policy AMP2 of PPS3 – Access, Movement & Parking. Roads engineers have assessed the proposal and have not raised any concerns, they are content that the development may proceed with appropriate conditions in relation to the provision of the access.

The proposed access and retaining structures will be visible from the Old Eglish Road on approach from the south. There will be 3 retaining structures proposed with the development, a 48.5m gabion wall (stone filled cages) with a maximum height of 3.5m between the proposed road and the existing building to the school side of the frontage and 2no. 28m long concrete retaining structures either side of the proposed road with a maximum height of 0.95m on the upper slope beside the existing car park. There is a 16m long metal vehicle restraint barrier which is less than 1 m in height at the car park that ties into the concrete wall and a fence up to 1.5m in height along the path. The walls and fences will not, in my opinion have a significant visual impact on the appearance of the area, especially as the gabion walls can give the appearance of stone finished walls if care is taken in the construction. A landscaping scheme proposes 25 trees to be planted in clusters between the new road and the existing road. I consider these trees will assist in softening the impact of the hard structures in the local area and that it is reasonable to attach conditions requiring the provision of the landscaping and for its long term maintenance.

This application relates to an already approved scheme for a larger development, albeit with a revised vehicle access plan. Roads engineers have not raised any concerns with the development and recommended a number of generic conditions are attached to any decision if the Council should approve the development.

I recommend this proposal is approved with the conditions specified below for the reasons stated.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions:

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

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

2. Prior to the vehicular access hereby approved becoming operational, visibility splays of 2.4m x 60.0m and forward sight line shall be provided in accordance with drawing no 02 bearing the stamp dated 18 APR 2019. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

5. Prior to the access hereby approved becoming operational, all signage, road markings and the traffic flow plates as identified on drawing No 02 bearing the stamp dated 18 APR 2019 shall be provided as detailed. The signage, road markings and traffic flow plates as provided shall be permanently retained.

REASON: In the interests of road safety and the convenience of road user.

6. All hard and soft landscape works shall be carried out in accordance with drawing no 02 bearing the stamp dated 18 APR 2019 and the appropriate British Standard or other recognised Codes of Practise. All trees planted shall be a minimum of 3 metres in height. The works shall be carried out within the first planting season following the commencement of the use of the access hereby approved. Any tree, shrub or other

plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Signature(s)

Date:

ANNEX

Date Valid	18th April 2019
Date First Advertised	2nd May 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 24 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 25 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB 27 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB The Owner/Occupier, 28 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 29 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB The Owner/Occupier, Avoca 30 Black Lane Mullaghanagh The Owner/Occupier, Glengary 26 Black Lane Mullaghanagh The Owner/Occupier, Windmill Integrated Primary School,30 Old Eglish Road, Dungannon,BT71 7BE	
Date of Last Neighbour Notification	30th April 2019
Date of EIA Determination	N/A
ES Requested	N/A

Planning History

Ref ID: LA09/2018/1149/F

Proposal: Proposed Community and sports hub seeking Planning Permission to develop lands without complying with condition 2 (seeking removal of visibility splay condition)

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 04.10.2018

Ref ID: LA09/2018/1148/F

Proposal: Proposed construction of new vehicular access onto Old Eglish Road

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 09.11.2018

Ref ID: M/2014/0306/F

Proposal: Development of 1 no. permanent modular unit to be used as a classroom

Address: Windmill Integrated Primary School, 30, Old Eglish Road, Dungannon,

Decision: PG

Decision Date: 22.08.2014

Ref ID: M/2014/0299/F

Proposal: Proposed community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 03.12.2015

Ref ID: M/1995/6085

Proposal: Temporary Site for school Mullaghanagh playing fields adjacent to Old Eglish Road Dungannon

Address: Mullaghanagh playing fields adjacent to Old Eglish Road

Decision:

Decision Date:

Ref ID: M/1984/0326

Proposal: HOUSING DEVELOPMENT

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0375

Proposal: HOUSING DEVELOPMENT

Address: BLACK LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1986/0465

Proposal: DOMESTIC GARAGE

Address: BLACK LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0690

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1985/0306

Proposal: HOUSING DEVELOPMENT (2 DWELLINGS)

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2005/0358/F

Proposal: Proposed minor revisions to formally approved application no M/2003/1646/F

Address: The junior stadium sports complex site, Blacks Lane, Mullaghanagh,
Dungannon

Decision:

Decision Date: 13.05.2005

Ref ID: M/1996/0170

Proposal: Additional Temporary Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/1646/F

Proposal: Proposed Multi Purpose Sports Hall

Address: The Junior Stadium Sports Complex Site, Black's Lane, Mullaghanagh,
Dungannon

Decision:

Decision Date: 02.03.2004

Ref ID: M/1997/0380

Proposal: Temporary School Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0424/O

Proposal: Community Youth Football Training Pavilion.

Address: Playing fields, Mullaghanagh Road, Dungannon

Decision:

Decision Date: 26.07.2000

Ref ID: M/1997/0371

Proposal: Temporary School Accommodation

Address: PLAYING FIELDS MULLAGHANAGH ROAD/OLD EGLISH ROAD
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0396

Proposal: Temporary Accommodation for new integrated college

Address: COUNCIL PLAYING FIELDS MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/1169/F

Proposal: Change of use of existing mobile classrooms to club house with changing facilities, including alterations and refurbishment.

Address: Playing fields, Mullaghanagh Road, Dungannon, Co Tyrone

Decision:

Decision Date: 15.04.2000

Ref ID: M/1975/0323

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON (SITE OUTLINED IN RED)

Decision:

Decision Date:

Ref ID: M/1976/0566

Proposal: PLAYING FIELDS, PLAY AREA, CAR PARK AND PAVILION

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/056601

Proposal: GRASS PITCH, ALL WEATHER PITCH, PLAY PARK, ENTRANCE, CAR PARK

Address: MULLAGHANAGH, DUNGANNON

Decision:
Decision Date:

Ref ID: M/1975/032301
Proposal: PRIVATE HOUSING DEVELOPMENT
Address: MULLAGHANAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/032302
Proposal: HOUSING DEVELOPMENT
Address: MULLAGHANAGH, DUNGANNON AREA OUTLINED IN GREEN
Decision:
Decision Date:

Ref ID: M/1998/0631
Proposal: Provision of new clubhouse, changing rooms and relaid pitch including floodlighting and fencing
Address: PLAYING FIELD AT MULLAGHANAGH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2004/0497/F
Proposal: Proposed new 8 classroom base primary school with separate nursery building and associated site works and car-parking.
Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon
Decision:
Decision Date: 07.10.2004

Ref ID: M/1997/0468
Proposal: Temporary School Mobile (Replacement)
Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1994/0726
Proposal: Extension to Temporary Classroom
Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1978/0689

Proposal: HOUSING DEVELOPMENT
Address: MULLAGHANAGH, OLD ENGLISH ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/1167/F
Proposal: Extension to Nursery School
Address: Windmill Integrated Primary School, Old Eglish Road, Dungannon
Decision:
Decision Date: 07.03.2000

Ref ID: M/1995/0242
Proposal: Temporary Classroom
Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/0284
Proposal: Erection of Temporary classroom
Address: WINDMILL INTEGRATED P.S, OLD EGLISH ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2004/0470/F
Proposal: Re-arrangement of layout of existing mobiles within boundary of site, hoarding and fencing to proposed school site and new security fencing.
Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon
Decision:
Decision Date: 15.06.2004

Ref ID: M/2004/1695/F
Proposal: Reorientation of Nursery Building to that approved in M/2004/0497/F
Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon
Decision:
Decision Date: 05.01.2005

Ref ID: M/1990/0354
Proposal: Relocation of Temporary Classrooms, Staff Rooms etc
Address: ADJACENT TO DUNCLARE HEIGHTS OLD EGLISH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1993/0427

<p>Proposal: Extension to Nursery Mobile Classroom Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses Roads – no objections</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 02 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0549/F	Target Date:
Proposal: Proposed variation of condition 2 of Planning Approval LA09/2018/1149/F to remove condition 2 to allow entrance from Black Lane to remain enabling a one way system to Dungannon United Youth Complex also preventing vehicles exiting from Dungannon United Youth Complex onto Black Lane	Location: Dungannon United Youth Black Lane Mullaghanagh Dungannon
Referral Route: Mid Ulster District Council have an interest in the land.	
Recommendation:	Approve
Applicant Name and Address: Dungannon United Youth c/o Mr Joe McAree Black Lane Mullaghanagh Dungannon BT71 7AY	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The condition requires access visibility to be improved before the building is occupied, it is now proposed to amend the access for the site to have a one way system in place and that vehicles do not exit the site through Black Lane entrance.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
-------------------	-----------	----------

Representations:

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

Summary of Issues

None raised.

Characteristics of the Site and Area

Dungannon United Youth is an existing sports facility located at the corner of Black Lane and Old Eglish Road, Dungannon. The site contains an existing building which is finished with brown brick walls and a low pitch blue clad roof with a car park to the north

side of it. The existing building sits approx. 5m above the level of Old Eglish Road and contains an indoor football pitch and a number of temporary buildings along its east elevation used for changing facilities and a coffee dock/meeting room. The site also has a new building under construction to the east, as approved under M/2014/0299/F and a full size football pitch at a higher level to the east. Access to the site is by an existing lane off Black Lane.

There are detached and semi-detached private dwellings between the application site and Black Lane. Windmill Integrated Primary School is to the south, on Old Eglish Road and it has a MUGA pitch between the school car park and the application site.

Description of Proposal

The proposal is to vary condition 2 of planning permission M/2004/0229/F for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area.

Condition 2 states 'Prior to the commencement of any of the development hereby permitted, the vehicular access, including visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and be kept clear thereafter.'

It is proposed to amend condition 2 to allow vehicles to enter the site through the existing access off Blacks Lane and that all traffic exiting the site shall do so through a new ramp onto Old Eglish Road, which is the subject of application LA09/2019/0547/F.

Planning Assessment of Policy and Other Material Considerations

Members are advised the application site is owned by Mid Ulster Council and that planning permission M/2014/0299/F was granted on 3 December 2015 for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area.

This application is to vary a condition of the previous planning permission on the site. An application to vary this condition has already been approved by the Committee, that application was in connection with a new entrance and exit for all vehicular traffic onto Old Eglish Road, the condition was varied to state:

'Prior to the occupation the development hereby approved either:

- the vehicular access, including visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015 or
- access shall be provided onto Old Eglish Road in accordance with a scheme that has been granted planning permission by the Council.

An additional condition was added that stated 'Upon occupation of the building hereby approved, the vehicular access onto Black Lane shall be closed to vehicular access until such times as the access has been improved to provide visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015.

This application is under Section 54 of the Planning Act (NI) 2011 and is solely to deal with the issue of varying condition 2 of Planning Permission M/20014/0299/F. Section 54 allows the Council to consider the variation of conditions of planning permission. The planning application was considered to result in the intensification of the use of a sub-standard access onto Blacks Lane in Dungannon. The improvements required 3rd party lands and the land owners were notified of the proposal. The developer has not been able to secure the additional lands and instead has proposed a one way system with access for all vehicle visiting the site through the existing access on Blacks Lane and all vehicles exiting the site through a new access onto Old Eglish Road (LA09/2019/0547/F).

Members are advised there is a lot of traffic that currently uses the access onto Black Lane, during the consideration of application M/2014/0299/F it could not be demonstrated the additional facilities would not intensify the use of the access, and this is still the case. The applicants have proposed a new access to the site and if this is acceptable to Roads engineers it will mean the development can be served by a new access. If agreement can be made to improve the Black Lane access, this is still available.

I consider the condition that was previously amended, under LA09/2018/1149/F is still relevant and does not require any further amendment, provided the revised access arrangements are approved by the Council.

The additional condition added under LA09/2018/1149/F required the access onto Black Lane to be closed up. It is now proposed to introduce a one way system which will mean vehicles are not exiting the site onto Blacks Lane. As there will not be any vehicles exiting the site onto Black Lane, I do not consider there is a need to improve the visibility splays. I recommend the condition is amended to state: 'Upon occupation of the building hereby approved, the vehicular access off Black Lane shall be used solely for the purposes of vehicles entering the site, until such times as the access has been improved to provide visibility splays of 2.0mx 33.0m and any forward sight distance in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015.

I consider this amended condition will ensure that road safety is not compromised.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval to amend the conditions

Signature(s)
Date:

ANNEX	
Date Valid	18th April 2019
Date First Advertised	2nd May 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 24 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 25 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, 27 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, 28 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 29 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, Avoca 30 Black Lane Mullaghanagh The Owner/Occupier, Glengary 26 Black Lane Mullaghanagh The Owner/Occupier, Windmill Integrated Primary School,30 Old Eglsih Road,Dungannon,27 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BE	
Date of Last Neighbour Notification	30th April 2019
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2018/1149/F Proposal: Proposed Community and sports hub seeking Planning Permission to develop lands without complying with condition 2 (seeking removal of visibility splay condition) Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon, Decision: PG Decision Date: 04.10.2018	

Ref ID: LA09/2018/1148/F

Proposal: Proposed construction of new vehicular access onto Old Eglish Road

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 09.11.2018

Ref ID: M/2014/0306/F

Proposal: Development of 1 no. permanent modular unit to be used as a classroom

Address: Windmill Integrated Primary School, 30, Old Eglish Road, Dungannon,

Decision: PG

Decision Date: 22.08.2014

Ref ID: M/2014/0299/F

Proposal: Proposed community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 03.12.2015

Ref ID: LA09/2015/0959/F

Proposal: Retention of extended covered stands (spectators) at existing 3G pitch for parents

Address: Dungannon United Youth, Black Lane, Dungannon,

Decision: PG

Decision Date: 11.07.2016

Ref ID: M/1995/6085

Proposal: Temporary Site for school Mullaghanagh playing fields adjacent to Old Eglish Road Dungannon

Address: Mullaghanagh playing fields adjacent to Old Eglish Road

Decision:

Decision Date:

Ref ID: M/1984/0326

Proposal: HOUSING DEVELOPMENT

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0375

Proposal: HOUSING DEVELOPMENT

Address: BLACK LANE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1986/0465
Proposal: DOMESTIC GARAGE
Address: BLACK LANE, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1978/0690
Proposal: HOUSING DEVELOPMENT
Address: MULLAGHANAGH, OLD EGLISH ROAD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1985/0306
Proposal: HOUSING DEVELOPMENT (2 DWELLINGS)
Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/2005/0358/F
Proposal: Proposed minor revisions to formally approved application no M/2003/1646/F
Address: The junior stadium sports complex site, Blacks Lane, Mullaghanagh,
Dungannon
Decision:
Decision Date: 13.05.2005

Ref ID: M/1996/0170
Proposal: Additional Temporary Accommodation
Address: MULLAGHANAGH ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2003/1646/F
Proposal: Proposed Multi Purpose Sports Hall
Address: The Junior Stadium Sports Complex Site, Black's Lane, Mullaghanagh,
Dungannon
Decision:
Decision Date: 02.03.2004

Ref ID: M/1997/0380

Proposal: Temporary School Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0424/O

Proposal: Community Youth Football Training Pavilion.

Address: Playing fields, Mullaghanagh Road, Dungannon

Decision:

Decision Date: 26.07.2000

Ref ID: M/1997/0371

Proposal: Temporary School Accommodation

Address: PLAYING FIELDS MULLAGHANAGH ROAD/OLD EGLISH ROAD
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0396

Proposal: Temporary Accommodation for new integrated college

Address: COUNCIL PLAYING FIELDS MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/1169/F

Proposal: Change of use of existing mobile classrooms to club house with changing facilities, including alterations and refurbishment.

Address: Playing fields, Mullaghanagh Road, Dungannon, Co Tyrone

Decision:

Decision Date: 15.04.2000

Ref ID: M/1975/0323

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON (SITE OUTLINED IN RED)

Decision:

Decision Date:

Ref ID: M/1976/0566

Proposal: PLAYING FIELDS, PLAY AREA, CAR PARK AND PAVILION

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/056601

Proposal: GRASS PITCH, ALL WEATHER PITCH, PLAY PARK, ENTRANCE, CAR PARK

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/032301

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/032302

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON AREA OUTLINED IN GREEN

Decision:

Decision Date:

Ref ID: M/1998/0631

Proposal: Provision of new clubhouse, changing rooms and relaid pitch including floodlighting and fencing

Address: PLAYING FIELD AT MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0497/F

Proposal: Proposed new 8 classroom base primary school with separate nursery building and associated site works and car-parking.

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 07.10.2004

Ref ID: M/1997/0468

Proposal: Temporary School Mobile (Replacement)

Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD DUNGANNON

Decision:
Decision Date:

Ref ID: M/1994/0726

Proposal: Extension to Temporary Classroom

Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD
DUNGANNON

Decision:
Decision Date:

Ref ID: M/1978/0689

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, OLD ENGLISH ROAD, DUNGANNON

Decision:
Decision Date:

Ref ID: M/1999/1167/F

Proposal: Extension to Nursery School

Address: Windmill Integrated Primary School, Old Eglish Road, Dungannon

Decision:
Decision Date: 07.03.2000

Ref ID: M/1991/0600

Proposal: Erection of Assembly/Dining Hall (Temporary Building)

Address: WINDMILL INTEGRATED SCHOOL OLD EGLISH ROAD DUNGANNON

Decision:
Decision Date:

Ref ID: M/2007/0286/F

Proposal: Proposed new Astro turf sports pitch and perimeter fencing. Proposed new 12 no floodlights to pitch and 1 no. temporary mobile accomodation.

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon.

Decision:
Decision Date: 21.05.2007

Ref ID: M/1995/0242

Proposal: Temporary Classroom

Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD,
DUNGANNON

Decision:
Decision Date:

Ref ID: M/1999/0284

Proposal: Erection of Temporary classroom

Address: WINDMILL INTEGRATED P.S, OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0470/F

Proposal: Re-arrangement of layout of existing mobiles within boundary of site, hoarding and fencing to proposed school site and new security fencing.

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 15.06.2004

Ref ID: M/2004/1695/F

Proposal: Reorientation of Nursery Building to that approved in M/2004/0497/F

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 05.01.2005

Ref ID: M/1990/0354

Proposal: Relocation of Temporary Classrooms, Staff Rooms etc

Address: ADJACENT TO DUNCLARE HEIGHTS OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0427

Proposal: Extension to Nursery Mobile Classroom

Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0205

Proposal: Temporary Classroom

Address: WINDMILL INTEGRATED PR. SCHOOL OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0461

Proposal: Temporary mobile classroom

Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD
DUNGANNON

Decision:

Decision Date:

Ref ID: M/2015/0011/F

Proposal: Development of 1 no permanent modular unit to be used as a classroom

Address: Windmill Integrated Primary School, 30 Old Eglish Road, Dungannon BT71
7BE,

Decision: PG

Decision Date: 10.03.2015

Summary of Consultee Responses

Roads – revised plans needed

Drawing Numbers and Title

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: