



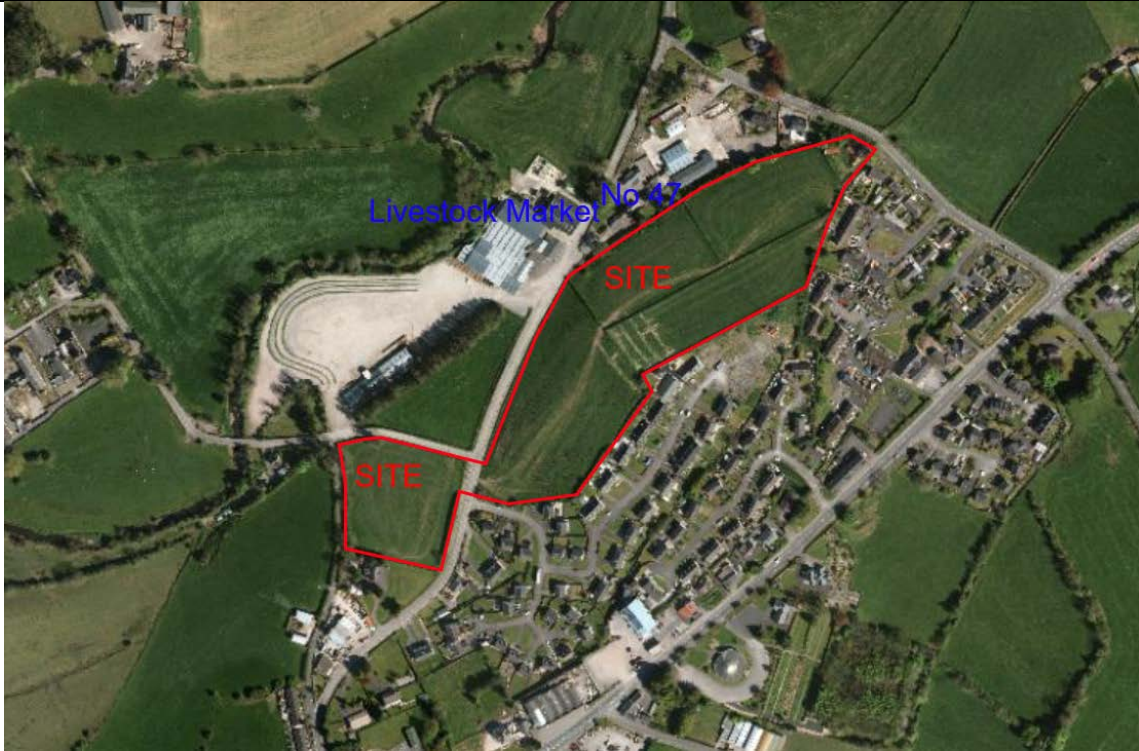
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1226/F	Target Date:
Proposal: Proposed residential housing development consisting of 76 no units	Location: Adjacent to Junction of Station Road & Tullybroom Road Clogher
Referral Route: This is a Major planning application	
Recommendation:	APPROVE
Applicant Name and Address: T & H Mills 122 Aghintain Road Fivemiletown BT75 0RW	Agent Name and Address: Neil Irvine Design Ltd Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Non Statutory	Environmental Health Mid Ulster Council	Consulted in Error
Non Statutory	Shared Environmental Services	Substantive Response Received

Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Content
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	Historic Environment Division (HED)	
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
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	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Representations have been received from press notice or neighbourhood notification. For assessment of representations see below.

During the processing of this application, representation has been received from two sources of the public.

1. The occupiers of no 47 Station Road, a listed building dwelling located adjacent to the Station Road and to the north west of the larger development land and
2. Objection on behalf of Clogher Valley Livestock Producers Co. who operate an animal sales yard on the opposite side of Station Road.

The objections relate to the following;

- Pre application consultation process.
- Lack of cross sections. Finished floor levels
- Negative impact on listed building in terms of overlooking, overshadowing, safety of children and loss of privacy;
- Treatment of archaeological features.
- Validity and description of the application.
- Traffic implications on existing situation,
- Risk of flooding from storm water,
- Concern in relation to the design of dwellings as well as plot sizes, proposed public footpath encouraging anti-social behaviour adding to loss of privacy
- Density of development.
- Dominant retaining structures inadequate separation distances garden sizes open space layout and usability.
- Development plan context
- Does not respect ATC as required by plan
- Reinforce local identity informed and guided by etc.
- Noncompliance with Planning Policy Statement 7 (PPS 7): Quality Residential Environments.
- Non compliance with Creating Places
- Distances between existing properties.
- Contrary to PPS 8 policy OS2

All of these objection have been considered and I would comment;

- The pre application consultation process was called into question in relation to direct contact with neighbouring property however, the Pre Application Community Consultation Report has adhered to the requirements of The Planning (Development Management) Regulations (Northern Ireland) 2015. Evidence supplied advises that a leaflet drop took place on Friday 21 July 2017, which included properties on Station Road as well as the requisite press notice in local papers.
- During the processing of the application additional information was requested in order to fully assess the proposal. That information included details in relation to site cross sections and finished floor levels.
- An objection was raised in relation to the negative impact that the proposed development would have on the adjacent listed building in terms of overlooking, overshadowing, safety of children and loss of privacy. The applicant has amended the layout to allow for significant separation from the listed building to the nearest south eastern dwelling and incorporated landscaping as well as open space I therefore do not consider that the matters raised are so significant as to recommend refusal for the development. A public footpath within the development has been proposed on a natural desire line and it is my opinion that the open space provision around the footpath as well as landscaping and supervision from both the layout and dwelling designs provide a suitable degree of casual supervision. Consultation took place with Historic Environment Division of the Department for Communities. Initially concern was expressed in relation to the

impact of the proposal on the listed building however, amendments to the scheme gained consent. In addition, satisfactory comment was made in respect of the archaeological features impacted by the development and suitable conditions attached (see below).

- The validity of the application was questioned in respect of the site address, certificate of ownership and the site's identification; other matters included lack of information and policy compliance.
- I consider that application address is suitable, the site in question does not have a specific address and the road junction is a local identifiable location. In addition, the description of the proposal would advise the reader of the size of the site. *Residential housing development consisting 80 no units...*in addition I consider the location plan submitted to be in accordance with The Planning (General Development Procedure) Order (Northern Ireland) 2015. Examination of the submitted plans provides further detailed information including retaining structures, adjoining dwelling levels etc.
- An objection was raised in relation the completion of the ownership certificate, certificate A having been completed. On examination of the information submitted, in support of this assertion I consider that the correct certificate has been completed and that all parties with a possible interest in the land are aware of the proposal.
- Specific concern has been raised in relation to the impact that the proposed development would have on the existing situation in respect of traffic at the local mart. As stated above Department for Infrastructure- Roads (DfI Roads) were consulted in relation to this matter. Their comment included the following.
- That the use of a previous Traffic Assessment Form (TAF) for the Pre Application Discussion (PAD) was considered and that the removal of industrial land use from the proposal meant that those traffic figures were no longer relevant and therefore would reduce the traffic impact from that stated in the form.
- DfI Roads notes that the TAF does recognize that parking restrictions applies to the Station Road and Tullybroom Road therefore properties with direct access to Station Road will have double the in curtilage parking so that there is no additional strain placed on on-street parking by visitors.
- DfI Roads acknowledge that the TAF could have given greater recognition to the mart. However it is DfI Roads opinion that the main peak period associated with this proposal occurs during the am weekday period, outside peak period associated with the mart and therefore the increased traffic in this peak period would be minimal.
- The main road issues cited in the letter (objection) relates to congestion/parking in the local vicinity.

- It is the Department's opinion that these are traffic enforcement related matters and should be dealt with by the appropriate authorities and as previously indicated the traffic generated by the development during the hours of the mart are not likely to be significant.
- DfI Roads are aware of the parking issues in the vicinity of the Clogher Mart and have introduced parking restrictions in the form of carriageway lining and signage. DfI continuously review this situation as and when required.
- DfI Roads would advise that the submitted design is in compliance with DCAN15 / Creating Places and the infrastructure fronting the site complies with DMRB.
- Additionally it should be noted that parking restrictions exist along the eastern side of the Station Road and both sides of the Tullybroom Road. The restriction relates to Saturdays from 8.30 am until 6.00pm.
- Consultations included Department for Infrastructure- Roads and Rivers and Northern Ireland Water Service. These consultees did not object subject to conditions and informatives, which are attached below.
- Concern has been raised in relation to the design of dwellings, plot sizes and proposed public footpath encouraging anti-social behaviour adding to loss of privacy. The designs of the proposed dwellings vary and include single, two and three storey proposals; these are representative of both dwellings within the immediate area as well as building form within the settlement. The plot sizes proposed vary in size and conform to guidance. Within the development, public footpaths are proposed, some within the landscaped areas. These footpaths are in my opinion located in suitable areas, are casually supervised from within the development and provide for desire line connections. The plots are protected by suitable boundary fencing as well as areas of landscape therefore loss of privacy is not considered to be an issue.
- In addition the density of the proposed development was considered to be inappropriate, by objectors. Currently the Dungannon and South Tyrone Area Plan 2010 (DAP) is the relevant plan for the area. That plan identified the site as being within the settlement limits for Clogher and the plan advises that housing developments will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. The proposed site has a density of circa 15 houses per hectare other densities of developments within the immediate area are
 - Primrose Hill circa 17 houses per hectare,
 - Ferndale circa 24 houses per hectare,
 - McCrea Park circa 30 houses per hectare and
 - Crossowen gardens circa 27 houses per hectare.

Although none of the above sites are directly comparable in terms of topography I consider the density of this proposal to be acceptable.

- Objection has been raised in relation to dominant retaining structures, inadequate separation distances, garden sizes, open space layout and usability. Initial layout design did not take sufficient recognition of the topography of the site and a number of attempts have been made, by the agent to address issues raised by both Mid Ulster Council and objectors. These amendments did achieve a considerable betterment for the layout design and reduction in retaining structures. Back to back, plot sizes now comply as well as recommended distances from dwelling to existing developments. In my opinion, public open space provision is suitable for the size of the development and has sufficient usable open space for the location.
- Concern has been expressed by objectors in relation to compliance with the development plan and adherence to comment in respect of the Area of Townscape Character, as well as local identity issues. I am aware of such plan comment, which is a material consideration. I would comment that significant development has taken place within the settlement limits over the life of the plan and to my mind the layout, building design and finishes is in keeping with the existing residential developments and the overall appearance of the settlement. The area of townscape character has various designs and finishes within it. One, two and three storey dwellings with stone and smooth plaster finishes. Even closer development such as Primrose Hill has frontages with brick finishes, Ferndale has brick dwellings and the old station accessed from Station Road is brick built. These elements, to my mind provide a variety of finishes from which to draw example.
- Objections have been raised in relation to the non compliance with Planning Policy Statement 7 (PPS7): Quality Residential Environments, Policy QD 1. Sections (a), (b), (c), (d), (h) and (i) being highlighted.

Characteristics of the Site and Area

The site is located approximately 300 metres north west of Saint Patricks RC Church Clogher and opposite to Clogher Valley Mart. The site is large and occupies land on both sides of the Station Road. Lands to the east of Station Road have a proposed access from Station Road and lands to the west of Station Road have a proposed access from the Tullybroom Road.

The western part of the site encompasses one large field, which is elevated above both Station and Tullybroom Roads, which partially define the site boundaries. Good hedge lines define the field within the landscape. The eastern part of the site is made up of four fields of varying acreages. Again, this part of the site is elevated above the Station Road.

Land uses beyond the site are as follows;

The western part of the site;

To the north and on the opposite side of Tullybroom Road a small triangular shaped field and the access point for a car park associated with Clogher Mart. The main mart buildings lie some 145 metres to the north of Tullybroom Road. To the east and on the

opposite side of Station Road are residential units. To the west and on the opposite side of a narrow laneway lie agricultural land. To the south and adjacent a residential unit with garden beyond that an agricultural suppliers yard.

The eastern part of the site;

To the north, residential and commercial. To the east, residential. To the west, Clogher Mart on the opposite, side of Station Road. To the south, residential.

Description of Proposal

Proposed housing development with the limit of development for Clogher in compliance with Planning Policy Statement 7 (PPS7) Quality Residential Environments.

Planning Assessment of Policy and Other Material Considerations

The main policy under which the proposed development is to be considered is Planning Policy Statement 7 (PPS 7): Quality Residential Environments where Policy QD 1 sets out the main criteria which the proposal has to meet. Note that other policy considerations is required, see below.

Policy QD 1 of PPS 7 states that all proposals for residential development will be expected to conform to stated criteria:

It is my opinion that the proposal respects the surrounding context in terms of design and density and is suitable solution for the character and topography of the site of the site. The proposed site has a density of circa 15 houses per hectare other densities of developments within the immediate area are;
Primrose Hill circa 17 houses per hectare, Ferndale circa 24 houses per hectare, McCrea Park circa 30 houses per hectare and Crossowen gardens circa 27 houses per hectare.

Within the site, archaeological features have been identified and the layout has been designed to avoid same. With the developer, having identified and recorded any evidence found, Attached conditions will safeguard the identified archaeological items.

The layout has a variety of house types and each has been provided with, what I consider to be a sufficient amount of private open space (mainly rear gardens). The size of each plot varies and few of the rear gardens fall below the recommended size however it my opinion that the recommended average garden size, of 70sqm has been achieved. Public open space provision has been located throughout the development and takes the form of passive open space, which I believe is suitable for the topography of the site. Landscaped areas have also been provided which help provide a suitable degree of privacy to the rear gardens and help subdivide the development.

Public open space has been provided by the developer as an integral part of the development and conditioned to be managed, retained and maintained. I do not consider it reasonable to require any further neighbourhood facility.

The proposed development delivers not only roads with associated footpaths, which has been approved by the Department for Infrastructure – Roads but also provides for

separate pedestrian linkages through the open space provision, connecting to the local road network.

The car parking provision is provided in the form of in plot spaces and the parking provision meets the required standard, which has been confirmed by Department for Infrastructure – Roads.

I consider that the proposals presented provide designs and details that take example from local development in the settlement and are therefore suitable.

Some plots will have more impact on adjoining proposed plots. However these areas are in my opinion acceptable given the significant variation in levels across the site and the location of such sites. Any negative impact on existing development I consider to have been addressed by way of proposed rear garden depth as well as provision of fencing, landscaping and tiering of the land form. Noise issues generally arise during the construction phase of a development, these can be controlled by means of other legislation.

This development has been designed in such a manner as to provide casual supervision from within the site, from footpaths, roads and dwellings. The dwellings have supervision over their own plots and suitable landscaping has been proposed to protect the rear of properties.

In addition to PPS7 the publication Creating Places - achieving quality in residential developments provides guidance in assessing housing proposals.

The publication advises flexibility when assessing applications whereby a balance will have to be struck between competing objectives. In addition the guide advises;

Prescriptive requirements in the guide have been kept to a minimum to give developers as much scope as possible to produce high quality designs. Scope for flexibility is implicit in those requirements cited as being 'around' a specified numerical value.

The guide also advises;

The Department will consider each development on its individual merits and developers should not therefore assume that a relaxation given for one development will be applied to another.

With regards to an assessment of the application under PPS 7 listed criteria I consider the following:

(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 areas;

- It is my opinion that the proposal respects the surrounding context in terms of design and density and is suitable solution for the character and topography of

the site of the site. The proposed site has a density of circa 15 houses per hectare other densities of developments within the immediate area are: Primrose Hill circa 17 houses per hectare, Ferndale circa 24 houses per hectare, McCrea Park circa 30 houses per hectare and Crossowen Gardens circa 27 houses per hectare.

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

- Within the site, archaeological features have been identified and the layout has been designed to avoid same. With the developer, having identified and recorded any evidence found, Attached conditions will safeguard the identified archaeological items.

(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 layout has a variety for house types and each has been provided with, what I consider to be a sufficient amount of private open space (mainly rear gardens). The size of each plot varies and few of the rear gardens fall below the recommended size and the recommended average garden size of 70sqm has been achieved. Public open space provision has been located throughout the development and takes the form of passive open space which I believe is suitable for the topography of the site. Landscaped areas have also been provided which help provide a suitable degree of privacy to the rear gardens and help subdivide the development.

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

- In this instance public open space has been provided by the developer as an integral part of the development and conditioned to be managed, retained and maintained. I do not consider it reasonable to require any further neighbourhood facility.

(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;

- Some plots will have more impact on adjoining proposed plots. However these areas are in my opinion acceptable given the significant variation in levels across the site and the location of such sites. Any negative impact on existing development I consider to have been addressed by way of proposed rear garden depth as well as provision of fencing, landscaping and tiering of the land form.

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

- This development has been designed in such a manner as to provide casual supervision from within the site, from footpaths, roads and dwellings. The dwellings have supervision over their own plots and in certain areas suitable landscaping is proposed to protect the rear of properties.

Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation

Objection has been raised in respect of garden sizes, back to back distances (both proposed and with existing developments). It is my opinion that the design and plot sizes proposed within this development are suitable for this urban location. Back to back distances of 20 metres have been provided on the proposed layout and to my mind the proposed new properties are sufficiently located away from the common boundary with existing properties.

A range private open space is provided throughout the development, and the developer has provided an index of private open space per unit. The developer's private open space provision has been calculated including rear of building line garden plus areas to the front of garages. One should bear in mind that the private open space provision criteria is generated from the publication Creating Places, which is supplementary planning advice and provides guidelines and not prescriptive rules for residential development.

Compliance with Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation was called into question. Specifically in relation to Policy OS 2 Public Open Space in New Residential Development

Compliance with Planning Policy Statement 8, policy OS2 requires the developer to provide public open space as an integral part of the development. Exceptions are provided for; however, they do not exist in this case. The open space required for each development is a matter of negotiation with the developer, taking into consideration the specific characteristics of the development, the site and its context. A normal expectation will be at least 10% of the total site area. Due to the topography of the site, the provision of active public open space would be hard to deliver and active public open space does have its drawbacks adjacent to or in close proximity to residential properties. I consider the open space provision provided within this development to be satisfactory considering the site-specific characteristics of the site.

The open space provided in this development is in my opinion provided as an integral part of the development, has passive recreational and amenity value, it provides safe and easy access, the amenity of nearby residents is catered for by way of the passive nature of the open space, people with disabilities can access it and the important heritage features within the site will be retained and protected.

Within the application a landscape management and maintenance plan has been submitted which I consider to be suitable for its purpose. In addition, a negative condition has been attached to ensure that an appropriate management company is in place prior to the occupation of any dwelling within the development.

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

Within the site lies an area of archaeological interest, which the developer has identified and protected by placing same within an area of public open space. In addition, the site lies adjacent to a listed building, the old railway station. Consultation with Historic Environment Division of the Department for Communities has resulted in a positive reply on both items subject to condition and the requirements of Planning Policy Statement 6 (PPS 6): Planning, Archaeology and The Built Heritage are therefore considered to be met.

During the processing of the application, additional/amended information has been requested and submitted, that information included layout, cross sections and other details. It is my opinion that sufficient information is present to allow for the processing and determination of this application.

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

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies, however the policy provisions of Planning Policy Statement 7: Quality Residential Environments, Planning Policy Statement 7 (PPS 7) (Addendum): Safeguarding the Character of Established Residential Areas and Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

Planning application LA09/2018/0484/F: is an application submitted by the same applicant for a

“Proposed Waste Water Treatment Works including 3m security fencing with 4m and 1m wide gates ,associated underground uPVC sewer pipe, concrete range well, 6m security light, 3m telemetry antenna,2No GRP kiosks hard standing area for vehicular access with associated visibility splays, vehicle turning area and Kingspan BN biodisc RBC unit to service housing development LA09/2017/1226/F”

This application awaits a decision on this current application as waste water treatment is not available from Northern Ireland Water for this proposal and a separate developer constructed works is required.

It is my opinion that the proposed development meets policy criteria and therefore I recommend approval.

Recommendation:

I recommend that planning permission be granted subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below.

Conditions

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

Reason: Time Limit.

2. During the first available planting season after the occupation of any more than 50% of any of the residential units on plots 1 - 16 hereby approved, the developer shall construct, layout and plant all landscaped and open space areas in the part of the site accessed via Tullybroom Road in accordance the submitted landscaping scheme in drawing no 34/11 (Landscape scheme).

During the first available planting season after the occupation of any more than 50% of any of the residential units on plots 17 – 36, 45, 46 and 48 – 81, hereby approved, the developer shall construct, layout and plant all landscaped and open space areas in the part of the site accessed via Station Road in accordance the submitted landscaping scheme in drawing no 16 (Landscape scheme).

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. All retaining structures shall be constructed in accordance with the detailed drawings, hereby approved including site sections, site layouts, elevations and wall finishes.

Reason: To ensure that the retaining structures are built in accordance with the heights proposed.

4. The open space and landscape areas as identified and agreed in accordance with condition no.2 shall be maintained in accordance with the submitted Landscape Management and Maintenance Plan, dated received 21/10/19.

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

5. No dwelling unit hereby approved shall be occupied until the Department 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 public open space and landscaping (excepting adopted road/footpath) and referred to in condition 2 above. These areas shall be permanently retained as landscape/open space. (See informative 2.)

Reason: To ensure that open space is provided, maintained and managed in accordance with the Departments Policy Statements, PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

6. The Window System and Ventilations Systems to each of the dwelling and windows are as follows:

House ID	Required Sound Reduction dB RTra to be provided by Both Window Systems and Ventilation Systems
37, 38, 39 & 40 Front	22dB RTra
46 Front	22dB RTra
37, 38, 39 & 40 Rear	22dB RTra
10, 11 & 12 Front	22dB RTra
10, 11 & 12 Rear	22dB RTra

7. The windows to each of the dwellings shall be constructed of a material to ensure there is no degradation in the performance of the glass to be fitted within the frame.

Reason: To protect the amenity of the residents of the dwellings hereby approved.

8. No dwelling hereby approved shall be occupied until the Waste Water Treatment works, approved under LA09/2018/0484/F has been constructed and operational or other suitable method of sewage treatment has been provided.

Reason: to ensure that a satisfactory means of sewage disposal is provided for the development.

9. External materials in respect of house numbers 45 & 46 shall be as follows:

- a. Roof: natural grey/ black slate;
- b. Walls: Red rustic brick with textured finish (i.e. not smooth);
- c. Windows, doors and rainwater goods: dark coloured frames.

No road lighting shall be installed to the access road adjacent to the two single storey dwellings (House No.45 & 46);

The ridge heights of houses No.45 & 46 shall not exceed 85.0m and 86.0m respectively, as indicated on site section C-C, drawing No.43 Rev 6 (agent's ref: 001-34 revised 21.11.19).

The site shall be augmented on all sides with dense native hedge planting/ semi-mature trees as indicated on landscaped drawings No.34 Rev.11 and No.53 Rev.9 (agent's ref: 001-28 and 001-28a revised 21.11.19).

Reason: to protect the character of the setting to the listed buildings, in compliance with BH11 (a) and (b):

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

10. 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.

11. No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with the Historic Environment Division: Historic Monuments. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or

rubbish, no bonfires, nor any use, turning or parking of plant or machinery. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

12. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Council 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.

13. There shall be no site clearance or development activity within 25 metres of the badger sett on site, as identified within Figure 4 of the ecology report, date stamped 27th November 2017, until badgers have been excluded and the sett has been closed under the terms of a licence issued by the Northern Ireland Environment Agency.

Reason: To protect badgers and their setts.

14. All mature ash trees along the western boundary of the site assessed as having bat roost potential within the ecology report, date stamped 27th November 2017, shall be retained.

Reason: To ensure roosting bats are not impacted by the proposed development.

15. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 38/8 & 39/8 bearing the date stamp 19th February 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

16. 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.

17. 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.

18. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Mid Ulster Council/Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No's. 38/8 & 39/8 bearing the date stamp 19th February 2020.

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.

19. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be occupied until the works necessary for the improvement (including provision of footways / carriageway widening) of a public road have been completed in accordance with the details outlined blue on Drawing Number 38/8 & 39/8 bearing the date stamp 19th February 2020.

The Council 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.

20. The visibility splays of
- 4.5 metres by 120.0 metres in both directions at the junction of the proposed main access with the (Station Road) public road
 - 2.4 metres by 120.0 metres in both direction at the junction of the proposed minor accesses (numbers 37 – 40) with the Station Road public road,
 - 4.5 metres by 70.0 metres to the west direction & 4.5 metres by 35.0 metres to the east direction at the junction of the proposed main access with the (Tullybroom Road) public road.
- shall be provided in accordance with Drawing No. 38/8 L & 39/8 bearing the date stamp 19th February 2020, prior to the commencement of any other works or other development.

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	12th September 2017
Date First Advertised	28th September 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Primrose Hill Clogher Tyrone The Owner/Occupier, 10 Primrose Hill Clogher Tyrone The Owner/Occupier, 11 Crossowen Gardens Clogher Tyrone The Owner/Occupier, 11 Primrose Hill Clogher Tyrone The Owner/Occupier, 12 Mccrea Park Clogher Tyrone The Owner/Occupier, 12 Primrose Hill Clogher Tyrone The Owner/Occupier, 13 Crossowen Gardens Clogher Tyrone The Owner/Occupier, 13 Mccrea Park Clogher Tyrone The Owner/Occupier, 14 Mccrea Park Clogher Tyrone The Owner/Occupier, 14 Primrose Hill Clogher Tyrone The Owner/Occupier, 15 Crossowen Gardens Clogher Tyrone The Owner/Occupier, 15 Mccrea Park Clogher Tyrone The Owner/Occupier, 15 Primrose Hill Clogher Tyrone The Owner/Occupier, 16 Mccrea Park Clogher Tyrone The Owner/Occupier, 16 Primrose Hill Clogher Tyrone The Owner/Occupier, 17 Mccrea Park Clogher Tyrone The Owner/Occupier, 17 Primrose Hill Clogher Tyrone The Owner/Occupier, 18 Mccrea Park Clogher Tyrone The Owner/Occupier, 18 Primrose Hill Clogher Tyrone The Owner/Occupier, 19 Mccrea Park Clogher Tyrone	

The Owner/Occupier,
19 Primrose Hill Clogher Tyrone
The Owner/Occupier,
20 Mccrea Park Clogher Tyrone
The Owner/Occupier,
20 Primrose Hill Clogher Tyrone
The Owner/Occupier,
21 Primrose Hill Clogher Tyrone
The Owner/Occupier,
22 Primrose Hill Clogher Tyrone
The Owner/Occupier,
23 Primrose Hill Clogher Tyrone
The Owner/Occupier,
24 Primrose Hill Clogher Tyrone
The Owner/Occupier,
25 Primrose Hill Clogher Tyrone
The Owner/Occupier,
26 Primrose Hill Clogher Tyrone
The Owner/Occupier,
27 Primrose Hill Clogher Tyrone
The Owner/Occupier,
28 Primrose Hill Clogher Tyrone
The Owner/Occupier,
29 Primrose Hill Clogher Tyrone
Gavyn Smyth
2nd Floor, 7 Exchange Place, Belfast, BT1 2NA,
The Owner/Occupier,
30 Primrose Hill Clogher Tyrone
The Owner/Occupier,
31 Primrose Hill Clogher Tyrone
The Owner/Occupier,
34 Station Road,Clogher,Tyrone,BT76
The Owner/Occupier,
36 Station Road,Clogher,Tyrone,BT76 0AQ
The Owner/Occupier,
37 Station Road Clogher Tyrone
The Owner/Occupier,
39 Station Road Clogher Tyrone
The Owner/Occupier,
4 Tullybroom Road Clogher Tyrone
The Owner/Occupier,
41 Station Road Clogher Tyrone
The Owner/Occupier,
43 Station Road Clogher Tyrone
The Owner/Occupier,
47 Station Road Clogher Tyrone
Stewart
47, Station Road, Clogher, Tyrone, Northern Ireland, BT76 0AQ
The Owner/Occupier,
5 Primrose Hill Clogher Tyrone

Rachel Taylor
 5, Oxford Street, Belfast, Antrim, Northern Ireland, BT1 3LA
 The Owner/Occupier,
 55 Station Road, Clogher, Tyrone, BT76 0AQ,
 The Owner/Occupier,
 57b Mckeown Sawmill Station Road Clogher
 The Owner/Occupier,
 58 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 59 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 6 Ballymagowan Road Clogher Tyrone
 The Owner/Occupier,
 6 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 7 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 8 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 9 Primrose Hill Clogher Tyrone
 The Owner/Occupier,
 Clogher Valley Livestock Producers Co 44 Station Road, Clogher, Tyrone, BT76 0AQ,
 Gavyn Smyth
 Clyde Shanks, 2nd Floor, 7 Exchange Place, Belfast, BT1 2NA
 Gavyn Smyth
 Clyde Shanks, 5 Oxford Street, Belfast, BT1 3LA
 Rachel Taylor
 Clyde Shanks, 5 Oxford Street, Belfast, BT1 3LA
 . Clyde Shanks
 Second Floor, 7 Exchange Place, Belfast, BT1 2NA
 G SMYTH

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Ref ID: LA09/2015/1245/PAD Proposal: Residential and Commercial Development Address: Adjacent to Station Road and Tullybroom Road Junction, Clogher, Decision: Decision Date:	
Ref ID: LA09/2017/0751/PAN	

Proposal: Residential Development

Address: Junction of Station Road and Tullybroom Road, Clogher,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/0056/F

Proposal: Change of house types to No's 22-25 Primrose Hill from a terrace block a 4 two storey dwellings to 2 pairs of semi-detached 3 bedroom houses resulting in a total of 4 dwellings. These dwellings were granted permission under Planning Application M/2005/1141/F

Address: 22-25 Primrose Hill, Clogher,

Decision: PG

Decision Date: 28.02.2017

Ref ID: M/2013/0008/LBC

Proposal: Proposed alterations and improvements to existing dwelling

Address: 47 Station Road, Clogher, Co Tyrone,

Decision: CG

Decision Date: 08.07.2013

Ref ID: M/2007/0953/F

Proposal: Residential housing development consisting of 34 no. semi-detached dwellings, 4 detached dwellings and 39 no. townhouses with associated landscaping and car parking

Address: Lands to the West of 32 Station Road, Clogher

Decision:

Decision Date: 26.02.2009

Ref ID: M/2004/2141/F

Proposal: Residential housing development consisting of 109 dwellings

Address: Lands to west of 32 Station Road, Clogher

Decision:

Decision Date: 20.07.2007

Ref ID: M/2005/1141/F

Proposal: Alterations to Previously Approved Layout Ref No: M/1996/0444 To Provide 5 No. Additional Dwelling (Sites 60 - 64) and Change of House Type to 22 No. Dwellings on Sites 11 - 32 Inclusive

Address: Sites 11 - 32 Inclusive and Sites 60 - 64 Inclusive, Primrose Hill, Clogher Tenements, Clogher

Decision:

Decision Date: 09.01.2006

Ref ID: M/2011/0216/F

Proposal: Retention of Domestic Garage to rear of property and Retention of Timber Slatted Fencing around property

Address: 10 Primrosehill, Clogher, Co. Tyrone, BT76 0AF,

Decision:

Decision Date: 24.08.2011

Ref ID: LA09/2017/1226/F

Proposal: Residential housing development consisting 88no units. Comprising detached, semi detached, terraced 2 storey and 1.5 storey dwellings with associated domestic garages, landscaping, car parking, roads and services

Address: Adjacent to Junction of Station Road, & Tullybroom Road, Clogher,

Decision:

Decision Date:

Summary of Consultee Responses

Consultation with Department for Infrastructure; Roads, Department of Agriculture, Environment and Rural Affairs, Department for Communities – Historic Environment Division, Northern Ireland Water, Department for Infrastructure; Rivers, Environmental Health Department and Shared Environmental Services has raised no concerns subject to conditions and informatives.

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 54/8
Type: Detailed Drawing Plans
Status: Approved

Drawing No. 43/7
Type: Cross Sections
Status: Approved

Drawing No. 66/4
Type: Cross Sections
Status: Approved

Drawing No. 52/5
Type: Detailed Drawing Plans
Status: Approved

Drawing No. 53/10
Type: Landscaping Plan
Status: Approved

Drawing No. 34/12
Type: Landscaping Plan
Status: Approved

Drawing No. 55/8
Type: Detailed Drawing Plans
Status: Approved

Drawing No. 67/3
Type: Cross Sections
Status: Approved

Drawing No. 39/8
Type: Road Access Plan
Status: Approved

Drawing No. 38/8
Type: Road Access Plan
Status: Approved

Drawing No. 68/1

Type: Cross Sections
Status: Approved

Drawing No. 44/6
Type: Cross Sections
Status: Approved

Drawing No. 74/2
Type: Cross Sections
Status: Approved

Drawing No. 45/6
Type: Cross Sections
Status: Approved

Drawing No. 75
Type: Cross Sections
Status: Approved

Drawing No. 73
Type: Floor Plans
Status: Approved

Drawing No. 72
Type: Proposed Elevations
Status: Approved

Drawing No. 71
Type: Floor Plans
Status: Approved

Drawing No. 69
Type: Floor Plans
Status: Approved

Drawing No. 65/1
Type: Detailed Drawing Plans
Status: Approved

Drawing No. 70
Type: Proposed Elevations
Status: Approved

Drawing No. 02/2
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 64/2
Type: Proposed Elevations
Status: Approved

Drawing No. 63/2
Type: Proposed Elevations
Status: Approved

Drawing No. 40/2
Type: Road Access Plan
Status: Approved

Drawing No. 41/2
Type: Road Access Plan
Status: Approved

Drawing No. 56/1
Type: Roads Details
Status: Approved

Drawing No. 58
Type: Proposed Elevations
Status: Approved

Drawing No. 29/2
Type: Proposed Floor Plans
Status: Approved

Drawing No. 60
Type: Proposed Elevations
Status: Approved

Drawing No. 30/2
Type: Proposed Elevations
Status: Approved

Drawing No. 59
Type: Floor Plans
Status: Approved

Drawing No. 62
Type: Floor Plans
Status: Approved

Drawing No. 61
Type: Floor Plans
Status: Approved

Drawing No. 57
Type: Floor Plans
Status: Approved

Drawing No. 46/1

Type: Roads Details
Status: Submitted

Drawing No. 47/1
Type: Roads Details
Status: Submitted

Drawing No. 17/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 20/1
Type: Proposed Elevations
Status: Approved

Drawing No. 21/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 22/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 23/1
Type: Proposed Elevations
Status: Approved

Drawing No. 24/1
Type: Proposed Elevations
Status: Approved

Drawing No. 26/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 27/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 28/1
Type: Proposed Elevations
Status: Approved

Drawing No. 16/1
Type: Proposed Elevations
Status: Approved

Drawing No. 15/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 14/1
Type: Proposed Elevations
Status: Approved

Drawing No. 13/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 12/1
Type: Proposed Elevations
Status: Approved

Drawing No. 11/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 10/1
Type: Proposed Elevations
Status: Approved

Drawing No. 09/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 08/1
Type: Proposed Elevations
Status: Approved

Drawing No. 07/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 25/1
Type: Proposed Floor Plans
Status: Approved

Drawing No. 51
Type: Proposed Elevations
Status: Approved

Drawing No. 50
Type: Floor Plans
Status: Approved

Drawing No. 49
Type: Proposed Elevations
Status: Approved

Drawing No. 48

Type: Floor Plans
Status: Approved

Drawing No. 33/2
Type: Further Particulars
Status: Submitted

Drawing No. 32/1
Type: Garage Plans
Status: Approved

Drawing No. 42
Type: Road Access Plan
Status: Submitted

Drawing No. 18
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 37
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 03
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 31
Type: Proposed Elevations
Status: Submitted

Drawing No. 19
Type: Proposed Elevations
Status: Submitted

Drawing No. 36
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 35
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 06
Type: Further Particulars
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

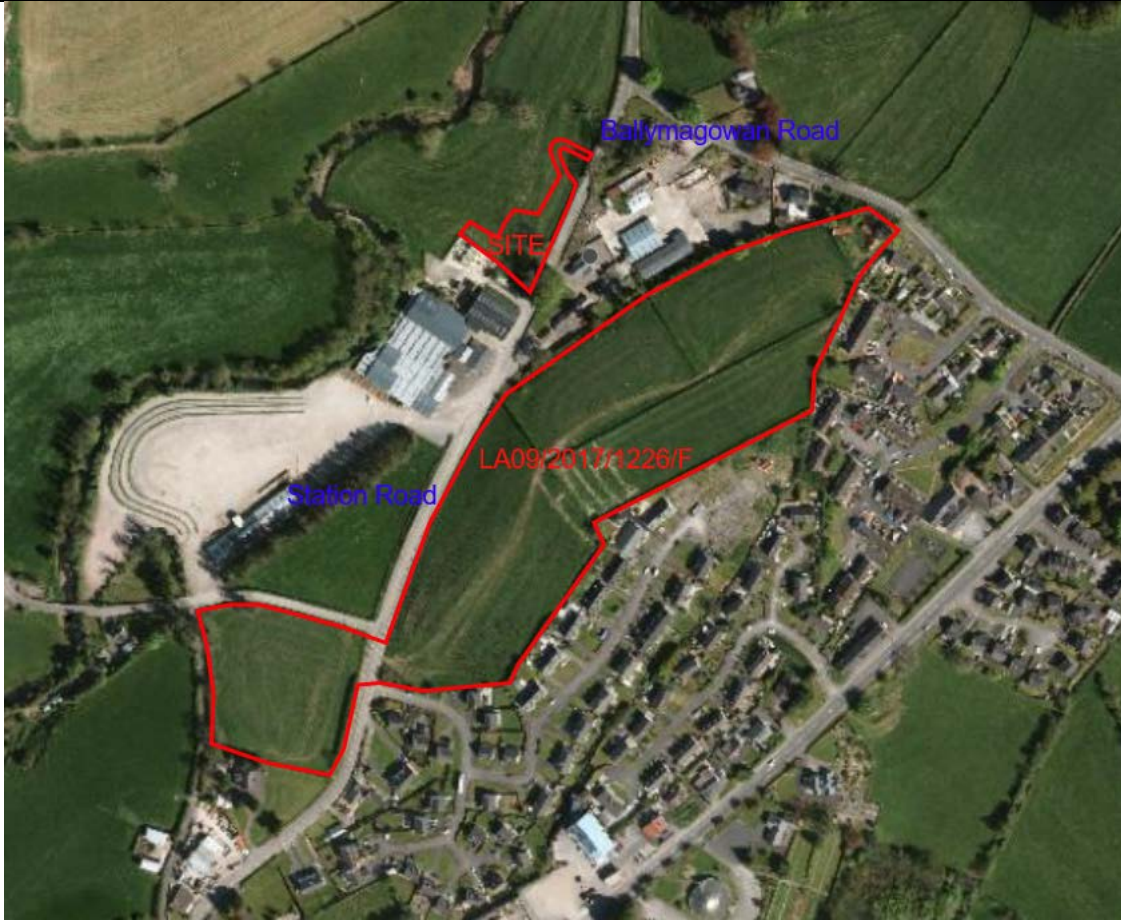


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0484/F	Target Date:
Proposal: Proposed Waste Water Treatment Works including 3m security fencing with 4m and 1m wide gates, associated underground uPVC sewer pipe, concrete range well, 6m security light, 3m telemetry antenna, 2 No GRP kiosks hard standing area for vehicular access with associated visibility splays, vehicle turning area and Kingspan BN biodisc RBC unit to service housing development LA09/2017/1226/F	Location: Approx 43m west of 57b Station Road Clogher and adjacent to existing NI Water waste water treatment works
Referral Route: This is an application to serve a Major planning application and is being recommended to Planning Committee for consideration.	
Recommendation:	
Applicant Name and Address: T and H Mills 122 Aghrintian Road Fivemiletown	Agent Name and Address: Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Characteristics of the Site and Area</p> <p>The site is located close to the junction of the Station Road and Ballymagowan Road, Clogher. The site is immediately north of and adjacent to the existing WWTW in Clogher. The site is also in close proximity to the proposed housing development LA09/2017/1226/F which it proposed to serve.</p> <p>The site is mostly flat but it does fall away slightly in a northerly direction. The site will be accessed further to the north off the Station Road. Land uses within the vicinity of the site include the existing WWTW and Clogher Mart to the south of the site. Single dwellings and a proposed residential development which comprises agricultural fields.</p>		
<p>Description of Proposal</p> <p>Proposed Waste Water Treatment Works including 3m security fencing with 4m and 1m wide gates, associated underground uPVC sewer pipe, concrete range well, 6m security light, 3m telemetry antenna, 2 No GRP kiosks hard standing area for vehicular access with associated visibility splays, vehicle turning area and Kingspan BN biodisc RBC unit to service housing development LA09/2017/1226/F</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Dungannon and South Tyrone Area Plan 2010 Regional Development Strategy 2035 Strategic Planning Policy Statement Planning Policy Statement 11 - Planning and Waste Management Planning Policy Statement 21 - Sustainable Development in the Countryside.</p> <p>The site is located outside the development limits of Clogher as identified in the Area Plan, albeit it is on the edge of the settlement limit.</p> <p>The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. The provisions of the SPPS are material to all decisions on individual planning applications and appeals. The SPPS states that objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS</p>		

contains policies specific to waste management however these do not represent any change in policy direction from existing planning policies which have been retained, including PPS 11, therefore existing policies will form the basis of this assessment.

Policy WM 2 – Waste Collection and Treatment Facilities of PPS 11 states that a need must be demonstrated for a WWTW. Policy WM2 recognises that waste water is not controlled waste and therefore waste management strategies and plans do not apply to proposals for WWTW's and related facilities. The receiving WWTW in Clogher do not have any capacity for additional loads and therefore the applicant this application. There is no conflict with the proposal and PPS 21. The visual impact of the proposal is acceptable at this location. There are no concerns with regards to residential amenity, subject to the conditions suggested by EHO following consideration of the odour sampling report. The applicant submitted a Preliminary Ecological Assessment for the application which has been accepted by NIEA and there are no natural heritage concerns.

I recommend an approval of the application subject to the conditions listed below.

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

Summary of Recommendation:

Approve subject to conditions.

Conditions

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of (2.4m x 90.0m), and any forward sight distance shall be provided in accordance with Drawing No. 03 (Rev.01) bearing the date stamp 21/05/18, 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 odour concentration associated with the waste water treatment unit must not exceed 3_{ouE}/m³ at 5 m distance from the unit.

Reason: In the interests of amenity.

4. Within 4 weeks of a written request by the Planning Department, following a reasonable odour complaint the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of odour emissions from the unit. If the unit exceeds $3_{ouE}/m^3$ at 5 metres suitable corrective action should be carried out to reduce the odour to below this level.

Reason: In the interests of amenity.

Signature(s)

Date:

ANNEX	
Date Valid	9th April 2018
Date First Advertised	26th April 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Primrose Hill Clogher Tyrone The Owner/Occupier, 2 Primrose Hill Clogher Tyrone The Owner/Occupier, 3 Primrose Hill Clogher Tyrone The Owner/Occupier, 37 Station Road Clogher Tyrone The Owner/Occupier, 39 Station Road Clogher Tyrone The Owner/Occupier, 41 Station Road Clogher Tyrone The Owner/Occupier, 43 Station Road Clogher Tyrone The Owner/Occupier, 47 Station Road Clogher Tyrone The Owner/Occupier, 5 Primrose Hill Clogher Tyrone The Owner/Occupier, 56 Primrose Hill Clogher Tyrone The Owner/Occupier, 57 Primrose Hill Clogher Tyrone The Owner/Occupier, 57 Station Road Clogher Tyrone The Owner/Occupier, 57b Mckeown Sawmill Station Road Clogher The Owner/Occupier, 58 Primrose Hill Clogher Tyrone The Owner/Occupier, 59 Primrose Hill Clogher Tyrone The Owner/Occupier, 6 Ballymagowan Road Clogher Tyrone The Owner/Occupier, 7 Ballymagowan Road Clogher Tyrone The Owner/Occupier, 8 Ballymagowan Road Clogher Tyrone The Owner/Occupier, 8a Ballymagowan Road Clogher The Owner/Occupier, Clogher Valley Livestock Producers Co Ltd 44 Station Road Clogher	

The Owner/Occupier, Mckeown Saw Mills 55 Station Road Clogher The Owner/Occupier, Mckeown Saw Mills,55 Station Road,Clogher,Tyrone,BT76 0AQ,	
Date of Last Neighbour Notification	20th April 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2008/1287/Q Proposal: Temporary Sites for Clogher Valley Integrated Primary School Address: Clogher Sites Decision: Decision Date: Ref ID: LA09/2018/0484/F Proposal: Proposed Waste Water Treatment Works including 3m security fencing with 4m and 1m wide gates ,associated underground uPVC sewer pipe, concrete range well, 6m security light, 3m telemetry antenna,2No GRP kiosks hard standing area for vehicular access with associated visibility splays, vehicle turning area and Kingspan BN biodisc RBC unit to service housing development LA09/2017/1226/F Address: Approx 43m west of 57b Station Road, Clogher and adjacent to existing NI water waste water treatment works, Decision: Decision Date:	
Summary of Consultee Responses <u>DfI Roads:</u> DfI Roads initially requested the submission of an amended drawing to show existing utility poles, access drainage measures and the insertion of road notes. They have accepted a reduced Y distance and have suggested a condition should planning permission be granted. <u>NIEA: NED</u> NED requested the submission of a Preliminary Ecological Assessment in order to assess any potential impact on protected or priority species or habitat. From aerial photos the application site contains hedgerows that are to be removed. Hedgerows are	

priority habitats, and may contain badger setts, badgers and their places of refuge are protected under the Wildlife (NI) Order 1985 (as amended).

The applicant subsequently submitted a Preliminary Ecological Assessment and following re-consultation with NED they returned a consultation stating they are content that the proposed development is unlikely to significantly impact protected or priority species or habitat. No conditions have been suggested, only informatives.

NIEA: Drainage and Water:

Drainage and Water has considered the proposal and is content subject to conditions and informatives set out in Standing Advice.

EHO:

EHO have examined the odour dispersion model provided for the intended waste water treatment works. EHO have no objections to the proposed development subject to a number of suggested conditions.

NIW:

NIW have not objected to the proposal. They have commented the proposed facility will serve the proposed housing development under planning reference LA09/2017/1226/F and it will discharge to the River Blackwater.

Drawing Numbers and Title

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

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Drawing No. 03 REV 01
Type: Site Layout or Block Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1302/O	Target Date:
Proposal: Proposed Housing Development	Location: Immediately East of 5 to 11 Cavehill Drive on Kilmascally Road Ardboe Cookstown.
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: M Mallon 5 Windermere Close Belfast BT8 6XF	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



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

Objections have been received from some residents in Cavehill Drive and from the GAA Club.

Issues raised include;

- detrimental impact on residential amenity through overlooking, loss of sunlight, lack of separation distance,
- loss of existing open space/children's play park;
- increased traffic impacts. Requirement for traffic humps along Kilmasally Road due to increase in traffic and HGV's over the years. Dangerous traffic speeds on Kilmasally Road. Unwise to allow further development onto Kilmasally Road until Transport NI assess the traffic, classification and speed of vehicles using the road and review its continuing poor maintenance.
- insufficient sewage capacity within Ardboe and potential noise and odour impacts from the proposed temporary sewage treatment plant;
- The proposal will have a detrimental impact on an area where a Priority Species has been identified on NIEA/DAERA natural Heritage Maps online.
- it would appear from poor uptake of existing new housing developments in the area that there is little appetite for any further development within the area;
- that a 6m wide road and 2m wide footpath has not been shown along the entire frontage of the GAA pavilion. This will have a detrimental impact on pedestrian safety and road users.

Characteristics of the Site and Area

This site is located within the development limits of Ardboe, adjacent and west to the O'Donovan Rossa GAA Grounds with proposed access from Kilmascally Road. Access is proposed through a roadside agricultural field and will run parallel and adjacent to the GAA grounds. This access will serve the proposed housing development which is proposed to the rear of the existing roadside field. Along the eastern boundary of the site is a mix of fencing which also marks the boundary of the GAA Club. The SW boundary of the site is not clearly defined and open to the remainder of a larger field. Boundaries to the west of the site are shared with dwellings that back onto the site within Cluntoe View/Cavehill Drive to the West and are defined by a mix of fencing. There is a footpath running along the roadside boundary and a post and wire fence securing the road side field. A tree lined hedge runs through the site marking the boundary between the roadside field and the site.

A mix of Industrial and commercial units are found to the east of the site within the disused airfield. Agricultural land is located to the south of the site. Shops, retail, hot food, restaurants, services, school, church and residential development is located to the west and NW of the site within the village of Ardboe.

Description of Proposal

This is an outline planning application for a proposed housing development within the limits of Ardboe.

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

Cookstown Area Plan 2010: within village limits of Ardboe. The area plan states the demand for housing is likely to be high within Ardboe but that the lack of sewage infrastructure is likely to be a constraint on development. The plan also states that Comprehensive development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential developments in excess of thirty units will not normally be permitted.

At the roadside entrance to this site it is indicated in the area plan to protect access for back land development at this point.

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

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

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

Relevant Planning Policy

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

Planning History

A PAD was submitted prior to submission of this proposal to see if the principle of access via the adjacent GAA Club was acceptable as access to back land development land seemed to be landlocked. An access was agreed in principle, subject to the provision of PPS8 being respected in terms of the loss of open space.

The access of this site also runs along the eastern boundary of planning application LA09/2018/1695/O which is adjacent and north to the proposal and is also an outline application for housing.

3rd party objections

Objections have been received from some residents in Cavehill Drive and from the GAA Club.

Issues raised include;

- detrimental impact on residential amenity through overlooking, loss of sunlight, lack of separation distance,
- loss of existing open space/children's play park;
- increased traffic impacts. Requirement for traffic humps along Kilmascally Road due to increase in traffic and HGV's over the years. Dangerous traffic speeds on Kilmascally Road. Unwise to allow further development onto Kilmascally Road until Transport NI assess the traffic, classification and speed of vehicles using the road and review its continuing poor maintenance.
- insufficient sewage capacity within Ardboe and potential noise and odour impacts from the proposed temporary sewage treatment plant;
- The proposal will have a detrimental impact on an area where a Priority Species has been identified on NIEA/DAERA natural Heritage Maps online.
- it would appear from poor uptake of existing new housing developments in the area that there is little appetite for any further development within the area;
- that a 6m wide road and 2m wide footpath has not been shown along the entire frontage of the GAA pavilion. This will have a detrimental impact on pedestrian safety and road users.

Consideration

Initially the access to this development was proposed through the adjacent GAA Grounds. However, after an arranged office meeting between the applicant and the owner of the field to the NW of the site, also the subject of a current planning application (LA09/2018/1695/O), the access was amended to access through the existing roadside field. I suspect the proposed PAD for access through the GAA grounds was a means of bringing the landowner to the north west of the site to the negotiating table. Both application layouts now respect each other and share a proposed access, which is a better solution in planning terms and in the interest of road safety. This revised site (drawing No. 01 rev1) will be the subject of this assessment. There is no listed agent for this proposal with only the applicant listed on the P1 form.

This proposal will be assessed under the policy criteria of QD1 of PPS7 Quality Residential Environments and addendum to PPS7 which was introduced in 2010 called Safeguarding the Character of Established Residential Area. 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;

This is an outline planning application. Layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas can be assessed at Reserved Matters stage.

The applicant has provided a Concept Plan (02 rev1) which shows 6 dwellings on the application site. The principle of 6 dwellings on this site is acceptable, however, layout and distances between properties will need to be looked at in more detail at reserved matters stage. A planning condition to the effect that facing first floor windows shall have a separation distance of at least 20m. This will ensure there is enough separation between properties and that privacy will be respected.

This site is relatively flat with no significant excavation requirements or the need for retaining structures.

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 or built heritage features on this site or the immediate vicinity of this site. There is a tree lined hedgerow separating part of this site from the roadside field to the north. Part of this hedgerow will be removed to provide access to the site, and the remainder can be protected by condition for retention.

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

A temporary private treatment plant is proposed. The area surrounding this plant can be landscaped and grassed, and act as an area of passive landscaping. In my view this is sufficient for a site of this size.

Should future proposals to develop land for housing beyond this site, additional thought will be given to more formal and integrated areas of open space. Landscaping provision can be assessed at RM stage. In my view, landscaping is very important to increase biodiversity within a development while also softening the impact of the development and providing a quality residential environment.

In terms of private amenity; in my view this can be assessed at RM stage. There is advice contained within Creating Places for private rear amenity provision of 70m² and a separation distance between the rear building line of proposed dwellings and rear boundary of 10m. In my view, the site can be developed in a manner that can broadly respect these figures and respect surrounding private amenity, which will be assessed at RM stage.

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

In my view there is no requirement to provide local neighbourhood facilities for a development of this size. Plus, the development will link into an existing public footpath network and road network, which will provide access to local village shops and services, which are close to the site and adequate to address the needs of residents.

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

DfI Roads were consulted on this proposal and rise no objections to this access subject to conditions. Detailed footpath and road provision will be provided at RM stage, with road safety standards assessed and agreed with DfI Roads. I am satisfied there will be sufficient provision for all road users including walking, cycling, people whose access are impaired, and all other road users.

Traffic calming measures can be assessed at RM stage.

DfI Roads did state the requirement for a footway across the frontage of Ardboe GAA grounds. Mid Ulster Council considered this request, however are satisfied with current footpath provision to the GAA grounds within Ardboe Village. Plus, there is a sufficient road verge for pedestrians to walk in from the public road. A footpath from the site to the opposite side of the GAA frontage will not link into any other footway. Therefore it is the view of Council that this footpath provision along the entire frontage falls outside the remit of this proposal, and will not result in any significant road safety improvements beyond the current arrangements.

f) adequate and appropriate provision is made for parking;

This can be considered at RM stage.

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

This can be considered at RM stage.

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

This can be considered at RM stage. I am satisfied that an acceptable layout can be achieved that will respect existing and proposed amenity.

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

This can be assessed at RM stage. It is likely that this dwelling and development can be provided with secure boundaries to deter crime and promote personal safety.

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)).

(a) the proposed density is not significantly higher than that found in the established residential area;

This can be addressed at RM stage.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

This can be addressed at RM stage.

and (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

This can be addressed at RM stage.

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 on this proposal and are content that a safe and satisfactory access can be achieved subject to planning conditions. Internal road layout arrangements can be assessed at RM stage. In one response, DfI Roads require a footpath link across the entire frontage of the existing GAA grounds. In my view there is no requirement for a new footpath across the entire frontage of the GAA grounds, as it will not link into any other footpath network on this site of the road. Plus, there is a generous layby in place where pedestrians can walk in off the public road to access the GAA grounds through an existing pedestrian access point. It is the view of Mid Ulster District Council Planning Department that the existing footpath arrangements to the front of Ardboe GAA pitch are sufficient to cater for existing and proposed footfall, that this development will not increase footfall significantly to warrant a footpath upgrade at present. The GAA Club also stated a requirement for this footpath provision, which in my view are not required for the reasons stated. The objectors concerns in this regard are not determining.

In my view the policy provisions of AMP2 Access to Public Roads has been met.

PPS2 Natural Heritage

I consulted NIEA and Shared Environmental Services on this proposal. The applicant carried out a Biodiversity Checklist and Preliminary Ecological Assessment. No objections have been raised by these consultees in terms of impacts on the environment or protected species or habitats. In my view it has been demonstrated that the proposal i will not have a detrimental impact on the environment and the objectors concerns in this regard are not determining.

Other Considerations

Objections have been raised by residents of adjacent properties that this proposal would have a detrimental impact on their residential amenity. These objections are based on the applicant's 'Concept Drawing'. As stated above, this concept will not be stamped up as being acceptable and impacts on residential amenity can be considered at RM stage.

Neighbour Notification will be carried out along with advertisement of any future planning application on this site and people will be afforded a chance to comment on more detailed proposals at this stage.

This site is not subject to flooding.

NIW indicate that there is insufficient sewage capacity for connection to the public sewer. In response to this the applicant has demonstrated the position of the proposed private treatment plant, along with the make, capacity, noise and odour calculations. Environmental Health were consulted on this proposal and recommend that they are content with these arrangements subject to planning conditions. I consider it acceptable to attach these conditions at this stage. Should a different private treatment plant be proposed under a full or RM application, then a fresh assessment of its impacts will have to be considered at this stage.

There are no land contamination concerns with this site.

I consider that all objections have been satisfactorily considered and the public will have the opportunity to comment on more detailed plans should a full or RM application be provided in future.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted subject to the following conditions.

Conditions

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

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

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

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

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

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

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

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

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

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

3. This permission shall be for not more than 6 dwellings.

Reason: To ensure a quality residential environment, and in the interest of character and amenity.

4. There shall be a 20m separation between any facing first floor window of any dwelling hereby approved and any first floor window of any dwelling in Cavehill, unless otherwise agreed in writing by Mid Ulster District Council.

Reason: In the interests of privacy and amenity.

5. Full details of all curtilage boundary treatments shall be provided at Reserved Matters stage for approval. All agreed curtilage boundary treatments shall be put in place prior to the occupation of that dwelling approved at Reserved Matters stage.

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

6. Details of existing and proposed levels and cross-sections within the site, and levels along the roadside shall be submitted at Reserved Matters stage.

Reason: To ensure that existing and proposed privacy and amenity are safeguarded.

7. A detailed Landscape Scheme shall be provided for approval at Reserved Matters stage to indicate existing landscaping to be retained and to show proposed landscaping. The existing natural boundary, indicated in yellow on drawing No. 01 rev1 date received 28 Oct 2019 shall be permanently retained. All agreed proposed landscaping shall be carried out within the first planting season after commencement of development of the reserved matters permission and permanently retained thereafter. Should any shrub, tree or hedge die or become seriously damaged or defective another tree, shrub or hedge as that previously planted shall be planted in its place.

Reason: In the interest of amenity.

8. Areas of open space provision, to be agreed at Reserved Matters stage, shall be accompanied by a landscape management plan to be agreed by Council at Reserved Matters Stage. All landscaping and public open space provision as agreed shall put in place prior to the occupation of any dwelling hereby approved.

Reason: In the interest of visual amenity and biodiversity and to ensure a quality residential environment.

9. The areas of public open space shall be managed in perpetuity by a Landscape Management Company, details of which, including signed contracts, shall be provided to Council for agreement prior to the occupation of any dwelling hereby approved.

Reason: To ensure the long term up keep of areas of public open space and for the provision of a quality residential environment.

10. The sewerage treatment plant shall be located as per Drawing No. 01 rev1 date stamped 28th October 2018 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved, unless otherwise agreed at Reserved Matters stage.

Reason: To safeguard existing and proposed residential amenity.

11. The odour concentration associated with the Biodisc treatment plant shall not exceed 5 ouE/m³ directly above the unit and not more than 3 ouE/m³ at 5 metres from the unit, unless otherwise agreed at Reserved Matters stage.

Reason: To safeguard existing and proposed residential amenity.

12. The noise level associated with the Biodisc treatment plant shall not exceed 5dB (A) below any background level measured at the nearest sensitive dwelling, unless otherwise agreed at Reserved Matters stage.

Reason: To safeguard existing and proposed residential amenity.

13. An adequate maintenance programme for the sewage package treatment plant, along with a signed contract of those that will be responsible

for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved.

Reason: To safeguard existing and proposed residential amenity.

14. The agreed maintenance programme shall be carried out for the lifetime of the sewerage treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To safeguard existing and proposed residential amenity.

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

Reason: To safeguard existing and proposed residential amenity.

16. Any works required to resolve noise and/or odour issues shall be carried out by an approved operator of the temporary sewage plant and shall comply with the requirements of conditions 9 and/or 10 above. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To safeguard existing and proposed residential amenity.

17. The visibility splays of 2.4 metres by 90 metres at the junction of the proposed access road with the Kilmasally Road shall be indicated on a block plan of scale 1:500 for approval at Reserved Matters stage. The approved access and shall be provided prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

18. PRIVATE STREETS CONDITION

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

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

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Street.

Informatives

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

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

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

4. The Concept Plan (drawing No. 02 rev1 date received 17-FEB-2020) showing 6 dwellings is broadly acceptable but may require some amends to siting and layout at Reserved Matters Stage so that existing and proposed private residential amenity can be respected.

5. DfI Roads have advised that;
Where there is access onto the main development road there should be sufficient lands to the rear of the footway to protect 2 x 33 metre sightlines. This may require provision of a grass verge between footway and road edge.

- Driveways of minimum dimension 12 m x 3.2 metres should be provided clear of footway/sightlines.
- Speed control ramp should be located clear from driveways.

6.All areas that include the provision of public open space shall be accompanied with a detailed landscape plan in addition to details of how this will be managed in perpetuity, including details of the proposed Management Company along with any signed contracts.

Signature(s)**Date:**

ANNEX	
Date Valid	4th October 2018
Date First Advertised	18th October 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Cave Hill Drive Dungannon Tyrone The Owner/Occupier, 11 Cave Hill Drive Ardboe Dungannon The Owner/Occupier, 5 Cave Hill Drive Ardboe Dungannon Martin O'Hagan 5 Cave Hill Drive, Ardboe, Dungannon. BT71 5BT Julie O'Hagan 5 Cave Hill Drive, Ardboe, Dungannon. BT71 5BT The Owner/Occupier, 6 Cave Hill Drive Ardboe Dungannon The Owner/Occupier, 7 Cave Hill Drive Ardboe Dungannon The Owner/Occupier, 8 Cave Hill Drive Ardboe Dungannon The Owner/Occupier, 9 Cave Hill Drive Ardboe Dungannon The Owner/Occupier, Ardboe GFC, Kilmascally Road, Ardboe. Denis Bradley Email The Owner/Occupier, Email	
Date of Last Neighbour Notification	
Date of EIA Determination	7/5/2020
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: LA09/2019/0313/F	Target Date: 24/06/2019
Proposal: 5 no detached dwellings & 12 no semi-detached dwellings, detached garage, carparking, landscaping and retaining walls and all other associated site works including temporary treatment works (drainage assessment and revised plans)	Location: Lands to the NE of 3 Old Omagh Road Ballygawley
Referral Route: 3 rd party objections received	
Recommendation:	Approve
Applicant Name and Address: Dr J Gormley 49 Kilmore Road Lurgan BT67 9HT	Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helen's Bay BT19 1UB
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

-the manner in which a number of small planning applications are being made on this land, instead of one large application, suggests the entire project is being sought by stealth;

-concerns over the temporary waste water treatment plant and potential associated issues such as noise, smell, vermin, breakdown or malfunction;

-approval of a private treatment plant would mean 'the can would get kicked down the road' in relation to mains sewage upgrade, meaning the temporary treatment plant would become permanent.

-will there be a need for a right hand turning lane for this development to ensure no traffic build up on Old Omagh Road_

-2 GP's will leave Ballygawley this year and two primary schools are at full capacity. Ballygawley currently does not have the structures in place to cater for the 30-odd families which, if approved, this development would facilitate.

Description of proposal

This is a full planning application for 5 no detached dwellings & 12 no semi-detached dwellings, detached garage, carparking, landscaping and retaining walls and all other associated site works including temporary treatment works (17 units total).

Characteristics of site and area

The site is an irregular shaped plot cut from the northern portion of a larger agricultural field which is located within the settlement limits of Ballygawley, with access from Old Omagh Road. Access is proposed to the north east of No 15 Old Ballygawley Road with the proposed development site set back from roadside by approx.. 300m. This part of the site is elevated from roadside with the boundaries to the E, NE and NW being defined by mature tree lined hedgerows. The southern boundary of the site to the north is not clearly defined. The roadside boundary is defined by a 2m wide footway, grass verge, hedgerow and fencing and an agricultural field gate. The boundary to the west of the proposed access road for most part is shared with the curtilage boundary of No. 15 which is defined by a post and wire fence beyond which is a row of mature leyandii approx. 5-6m high. To the east of the proposed access road the boundary is not currently defined and is open to the remainder of the field.

To the east of the site is Richmond Primary School and 1no single detached 2 storey dwelling. Part of the field to the east, within blue land, has the following planning history;

-M/2015/0162/O- Proposed residential development comprising of 7 no. detached dwellings with detached garages, car parking, landscaping and all associated site works, permission granted 20.10.2015.

-LA09/2016/0887/RM- Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, granted 08.06.2018

-LA09/2019/0247/F- Erection of 4 semi detached dwellings with 3 detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, permission granted 25.11.2019.

Adjacent and SW of the subject site there is another proposal for housing under consideration, which will use part of the same access road that form part of this proposal;

LA09/2019/0317/F 2 detached bungalows and 2 semi-detached dwellings, detached garages, carparking, landscaping and all other associated site works including temporary treatment works (decision pending).

Development has not commenced on the above developments..

Land rises from the public road to the north of the site. There are panoramic views of the surrounding countryside at the north of this site.

South of the site are 2 dwellings, which are horse-shoed by the agricultural field of which this application site forms part.

Opposite the site are some roadside plots with single dwellings, and there is a Church of Ireland to the SE. A new housing development is under construction to the SE (LA09/2017/0293/F), with the Village centre of Ballygawley lying further to the east, and Richmond Park to the west.

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- within development limits of Ballygawley, no zoning. In the plan it states that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

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

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

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

3rd Part Objections

One 3rd party objection was made and the following concerns raised;

- the manner in which a number of small planning applications are being made on this land, instead of one large application, suggests the entire project is being sought by stealth;
- concerns over the temporary waste water treatment plant and potential associated issues such as noise, smell, vermin, breakdown or malfunction;
- approval of a private treatment plant would mean 'the can would get kicked down the road' in relation to mains sewage upgrade, meaning the temporary treatment plant would become permanent.
- will there be a need for a right hand turning lane for this development to ensure no traffic build up on Old Omagh Road_
- 2 GP's will leave Ballygawley this year and two primary schools are at full capacity. Ballygawley currently does not have the structures in place to cater for the 30-odd families which, if approved, this development would facilitate.

Relevant Planning History

M/2015/0162/O- Proposed residential development comprising of 7 no. detached dwellings with detached garages, car parking, landscaping and all associated site works, permission granted 20.10.2015.

LA09/2016/0887/RM- Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, granted 08.06.2018

LA09/2019/0247/F- Erection of 4 semi detached dwellings with 3 detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, permission granted 25.11.2019.

LA09/2019/0317/F- 2 detached bungalows and 2 semi-detached dwellings, detached garages, car parking, landscaping and all other associated site works including temporary treatment works (Live application, decision pending)

The residential proposal lies within the settlement limit of Ballygawley and therefore PPS 7, Quality Residential Environments is the relevant policy consideration. The SPPS makes no material change to this policy.

PPS 7 policy QD1 states;

(a) the development should respect the surrounding context and be 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;

It is my opinion that the proposal layout respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas. The proposal will match the design of buildings permitted under LA09/2016/0887/RM and LA09/2019/0247/F, are of similar plot size, private rear amenity size, with in curtilage parking for vehicles. The proposed dwellings will not have a detrimental impact on the amenity of dwellings granted under LA09/2016/0887/RM and LA09/2019/0247/F, in that there will be no overlooking or overshadowing of proposed private rear amenity. Access to the development, which will also serve permissions LA09/2016/0887/RM and LA09/2019/0247/F, will be close to the eastern curtilage boundary of numbers 13 and 15 Old Ballygawley Road.

Proposed 2 storey dwellings will be on land to the north of these properties on higher ground, which may cause concern for over dominance or overlooking of private amenity space, or glare of headlights from cars. There is a good separation between existing and proposed amenity, plus there is an open space buffer proposed between the proposed access and existing private amenity. An existing landscape buffer of mature leylandi hedgerows of between 10ft to over 30ft high also envelopes the curtilage of these two existing properties which provides excellent protection for existing amenity. There is sufficient separation distance between existing and proposed dwellings. Orientation of dwellings on this development means they will either be gable on or rearing onto the existing properties. For these reasons it is my view that there will be no detrimental impact to existing or proposed private residential amenity and the residential character of the area will be protected.

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

No features of the archaeological /built heritage have been identified in the application site. Existing mature trees along the boundaries of the site have been identified and will be retained as part of the overall development. Levels are steep at certain points within the site, and some low retaining walls are proposed. As the retaining walls are low, with earth grading (see drawings 19 rev2 and 21 rev2), the impact of cutting into the hill for development is not dominated by large retaining wall structures which can have a detrimental impact on the overall amenity and environmental quality of an area. In this case, the retaining wall structures are acceptable.

(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;

An acceptable landscape drawing has been presented (see 19 rev2), where existing vegetation will be retained and protected where possible and additional planting of trees carried out. An area of open space is proposed along the western side of the proposed access road, along with an area of open space located to the south of site No. 25 (indicated on drawing No. 19 rev2) has been proposed. On viewing cross-sections (drawing 21 rev2) it is clear that the proposed area of open space to the south of site No. 25 is relatively flat and will be usable. Sometimes, remaining areas within a development that are steeply sloping and are not suitable for development are

designated as open space areas. These steeply sloping areas of open space are not readily usable by new residents, but this is not that case in this instance.

In my view there are acceptable private rear garden areas. In Creating Places, there is a recommendation for new housing development to have private rear garden areas of at least 70m². All proposed dwellings within this development meet this recommended standard.

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

The site is close to the village of Ballygawley. A development of this size does not require its own neighbourhood facilities and there is sufficient neighbourhood facilities within Ballygawley to cater for a development of this size.

(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 runs along site frontage towards Ballygawley village. Footpaths are provided for under this proposal which will connect to the wider public footpath network. This will support walking and cycling. Sharp corners are proposed within this development which will slow down traffic, and a speed bump will also reduce vehicle speeds within this development. No rights of way will suffer detriment from this proposal. DfI Roads raise no objection subject to adequate splays being put in place along with appropriate PSD works, which can be controlled by condition. Access to public transport is located within the village, not far from the development.

(f) adequate and appropriate provision is made for parking;
DfI Roads are content in this regard. All parking is in-curtilage which is in keeping with the character of surrounding development in the area.

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

The design of the dwellings are similar to what has been granted previously, and are reflective of building design found in the area, with a mix of symmetrical and hipped roof pitches and traditional building materials. In my view the design is of a high quality.

(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 surrounding land uses are residential and a primary school. This residential development will not conflict with those land uses with careful consideration given to dwellings behind 15 Old Omagh Road to avoid any loss of amenity/overlooking. The proposal will not have a detrimental impact on the amenity of dwellings granted permission to the south and south-east of the site. There is sufficient separation between dwellings, sufficient private amenity space, no unacceptable loss of privacy and/or amenity, no overlooking or over dominance. With the primary school adjacent there will be noise from children at break times during term time. This will not be continuous and will only be at certain times of the day. Purchasers of the dwellings will be aware of this existing land use when buying the property.

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

The development would appear to be designed to deter crime and promote personal safety in that open areas are 'policed' in that nearby dwellings will front said areas. No back alley ways exist or pathways that are poorly lit or not overlooked exist in this development. These types of areas that seem to promote anti-social behaviour do not exist within this development. Private rear amenity areas are also protected by secure fencing/boundary walls.

PPS15 Planning and Flood Risk

A Drainage Assessment was provided by the agent. Rivers Agency are content with its findings subject to drainage measured being carried out and maintained in accordance with details contained within the Drainage Assessment date stamp received 20 MAY 2019.

Other considerations

The objector raised concern that permission for housing on this wider piece of land was being divided up so that permission would be gained through stealth. To ensure that this was the case I requested an overall concept plan to show development of the wider site. Through discussion with senior officers it was felt that this approach was acceptable, and that each proposal could be a stand alone quality development, regardless of which phase was built first, that there was enough protections built into the conditions of each application to ensure a quality residential environment with appropriate Drainage, sewage provision, safe and satisfactory access to the public road and footpath provision, and adequate public open space provision.

In terms of the temporary waste water treatment plant, it has been demonstrated by the applicant/agent that the proposed plant will have an acceptable noise and odour output that will not have any detriment on existing or proposed residential amenity. Environmental Health raise no concern in this regard. Separate permissions will have to be applied for to operate and maintain this private treatment plant to an adequate standard either through NIEA or NIW. A planning condition(s) can be attached to ensure adequate permissions are in place prior to the occupation of any dwelling hereby approved being occupied, with the plant removed and the development connected to mains sewage line when the necessary improvements are made to Ballygawley WwTW. The objectors concerns in relation to detrimental impact of the private plant to residential amenity are not determining in this instance.

The objector also raised concern that the introduction of this private treatment plant would delay the upgrade of Ballygawley WwTW. I am not aware of where Ballygawley sits in relation to capital grants for sewage infrastructure improvements. The main issue of concern for me in assessing this application is that the agent can demonstrate a suitable form of sewage provision that will not have a detrimental impact on existing or proposed amenity. This has been satisfactorily demonstrated in my view.

A right hand turning lane for this development was also requested by the applicant/agent for this proposal. DfI Roads were consulted on this proposal and are aware of the surrounding planning history which also proposes to access from this proposed access point onto the Old Ballygawley Road. DfI Roads do not raise any need for a right-hand-turning-lane at this time. I am satisfied that acceptable road safety can be achieved in this case. This stretch of road is relatively flat and straight with good forward sight distance and visibility when travelling in both directions leaving safe braking distances, especially when leaving Ballygawley Village towards the application site. I am satisfied that a turning lane is not required in this instance.

Concern is also raised by the objector that an additional potential 30 new families will put pressure on an existing GP service and that there is insufficient capacity at existing primary schools in the area to cater for any more children. GP provision per head of population within this catchment is not something that can be delivered by either approving or refusing this application and can only be controlled by the health service. In my view the size and scale of this development does not require inclusion of any more community facilities or local services. People with children have to apply to a primary school before sending their children. If there is no room at the nearest school then arrangements are made for them to attend a school that has sufficient space. The fact that a primary school is at capacity should not be a reason to refuse permission for a development of this size and scale. The objectors concerns in this regard are

not determining in this regard. It is also important to not that an expanding population is important to sustain and expand existing local services, especially in small villages where some services and schools are under threat from closure.

NIW have indicated that sewage capacity within Ballygawley waste water treatment plant is not capable of accepting waste from this development. As detailed above, the agent has demonstrated that satisfactory alternative arrangements can be met for dealing with sewage. Environmental Health have provided comment on the package treatment plant and raise no objection subject to certain noise and odour levels being maintained, which I find reasonable to attach as planning conditions so as to protect existing and proposed amenity in this area.

A Preliminary Ecological Appraisal was carried on this site and NIEA requested further badger info which was supplied by the agent. NIEA now have no further concern with the impacts of this proposal on the environment.

Shared Environmental Services are satisfied that this proposal will not have a detrimental impact on any designated European designated site or its selection habitat features.

No issues of land contamination or risk to human health have been raised by any consultees.

Beyond the site to the east, and adjacent and north of Richmond Primary School, is land that is included within the development limits of Ballygawley. To ensure that this parcel of land is not landlocked from future potential development Council asked the applicant/agent to demonstrate suitable access to this land. The agent has demonstrated that because of recent expansions to the Primary School that there is no reasonable prospect of accessing this land through the application site as the access would be outside development limits. Plus, the agent has also demonstrated that an alternative can be achieved via an existing right of way between the School and Hall on Old Ballygawley Road. It may also be the case that the School could further extend into this parcel of land in the future. Council are content to proceed on this basis.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

That planning permission is granted subject to the following conditions.

Conditions

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 each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawings No. 18 date stamp received 11/03/2019 and 19 rev2 date received 27/09/2019, 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. All hard and soft landscaping within the curtilage of each boundary, indicated on drawing No. 19 rev2 date received 27/09/2019, shall be put in place prior to the occupation of the dwelling within that curtilage, unless otherwise agreed in writing with Mid Ulster district Council.

Reason: To provide a quality residential environment.

4. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide the proposed public open space as indicated on the approved plan drawing No. 19 rev2 date stamp received 27/09/2019, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure that the public open space and planting provision is provided in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible.

5. During the first available planting season after the commencement of development on site, all trees indicated in drawing No 31 date stamp received 14/10/2019, shall be planted as shown and be permanently retained thereafter.

Reason: In the interest of visual amenity.

6. The existing natural screenings of this site, as indicated on drawing No 31 date stamp received 14/10/19, shall be permanently retained, otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity.

7. A maintenance plan and legal agreement for all areas of open space shall be submitted to 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.

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

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

9. All drainage mitigation measures and maintenance proposals shall be carried out in accordance with details indicated in Doc1: Drainage Assessment date stamp received 20/05/19 and shall be permanently retained and maintained thereafter in accordance with that assessment.

Reason: To ensure that the site will not flood and to prevent flooding elsewhere.

10. No dwelling hereby approved shall be occupied until the waste water treatment plant as shown on drawing no. 19 rev2 date stamp received 27/09/2019 is installed and is fully operational. The developer shall satisfy him/herself that all necessary agreements are in place for the private treatment plant and that it is management and maintained to an acceptable standard.

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

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

11. Noise from the private sewage package treatment plant shall not exceed 53 dB(A) LAeq, when measured 5 metres from source.

Reason: To safeguard existing and proposed residential amenity.

12. The vehicular access, including visibility splay of 2.4 metres by 90.0 metres in both directions, shall be provided in accordance with Drawing No 22 rev3 date stamp received 4/12/19 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.

13. 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.

14. 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.

15. Private Street Conditions
The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 22 rev3 date stamp received 4/12/19.

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.

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No 22 rev3 date stamp received 4/12/19.

The Department for Infrastructure 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.

17. No dwelling hereby approved shall not be occupied until the road works (including widening of the existing footway) as indicated on Drawing No. 22 rev3 date stamp received 4/12/19 have been fully completed in accordance with the approved plans.

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	11th March 2019
Date First Advertised	28th March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 ,Old Omagh Road,Ballygawley,Tyrone,BT70 2AA The Owner/Occupier, 15 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA The Owner/Occupier, 2 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA Francis Kelly 3 Old Omagh Road Ballygawley Tyrone The Owner/Occupier, 4 Old Omagh Road Ballygawley Tyrone The Owner/Occupier, Richmond Primary School, 1 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA	
Date of Last Neighbour Notification	30th May 2019
Date of EIA Determination	14/01/20
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7th April 2020	Item Number:
Application ID: LA09/2019/0317/F	Target Date:
Proposal: 2 detached bungalows and 2 semi-detached dwellings, detached garages, carparking, landscaping and all other associated site works including temporary treatment works (Drainage Assessment and revised plans)	Location: Lands to the NE of 3 & 15 Old Omagh Road Ballygawley
Referral Route: Objections	
Recommendation:	Approve
Applicant Name and Address: Dr J Gormley 49 Kilmore Road Lurgan BT67 9HT	Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helen's Bay BT19 1UB
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

One 3rd party objection was made and the following concerns raised;

- the manner in which a number of small planning applications are being made on this land, instead of one large application, suggests the entire project is being sought by stealth;
- concerns over the temporary waste water treatment plant and potential associated issues such as noise, smell, vermin, breakdown or malfunction;
- approval of a private treatment plant would mean 'the can would get kicked down the road' in relation to mains sewage upgrade, meaning the temporary treatment plant would become permanent.
- will there be a need for a right hand turning lane for this development to ensure no traffic build up on Old Omagh Road_

-2 GP's will leave Ballygawley this year and two primary schools are at full capacity. Ballygawley currently does not have the structures in place to cater for the 30-odd families which, if approved, this development would facilitate.

Description of proposal

This is a full planning application for 2 detached bungalows and 2 semi-detached dwellings, detached garages, carparking, landscaping and all other associated site works including temporary treatment works.

Characteristics of site and area

The site is an irregular shaped plot cut from the western portion of a larger agricultural field which is located within the settlement limits of Ballygawley, with access from Old Omagh Road. Access is proposed to the east of No 15 Old Ballygawley Road, which will wrap around the existing curtilage boundary of No. 15, with the proposed development site set to the west. This part of the larger field is low lying, and slightly below the level of roadside. The boundaries to the N, W and S benefit from natural hedge rows and trees. The southern boundary of the site to the west is also adjacent to roadside, while the roadside boundary to the east is defined by a 2m wide footway, grass verge, hedgerow and fencing and an agricultural field gate. The boundary to the SE is shared with an existing business (now called Zebra Salvage) and is defined as 2m high concrete post and wire fence security boundary.

This site wraps around an existing business and dwelling curtilage. Further to the east of the site is a Richmond Primary School and 1 no single detached 2 storey dwelling. The remaining part of the field, indicated within blue land, has the following planning history; -M/2015/0162/O- Proposed residential development comprising of 7 no. detached dwellings with detached garages, car parking, landscaping and all associated site works, permission granted 20.10.2015.

-LA09/2016/0887/RM- Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, granted 08.06.2018

-LA09/2019/0247/F- Erection of 4 semi detached dwellings with 3 detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, permission granted 25.11.2019.

Adjacent and NE of the subject site there is another proposal for housing under consideration, which will use part of the same access road that forms part of this proposal;

LA09/2019/0313/F application for 5 no detached dwellings & 12 no semi-detached dwellings, detached garage, carparking, landscaping and retaining walls and all other associated site works including temporary treatment works (17 units total- decision pending).

Development has not commenced on the above developments.

Opposite the site are some roadside plots with single dwellings, and there is a Church of Ireland to the SE. A new housing development is under construction to the SE (LA09/2017/0293/F), with the Village centre of Ballygawley lying further to the east, and Richmond Park to the west with a single dwelling adjacent to the NW of the site.

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- within development limits of Ballygawley, no zoning. In the plan it states that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

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

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

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

3rd Part Objections

One 3rd party objection was made and the following concerns raised;

- the manner in which a number of small planning applications are being made on this land, instead of one large application, suggests the entire project is being sought by stealth;
- concerns over the temporary waste water treatment plant and potential associated issues such as noise, smell, vermin, breakdown or malfunction;
- approval of a private treatment plant would mean 'the can would get kicked down the road' in relation to mains sewage upgrade, meaning the temporary treatment plant would become permanent.
- will there be a need for a right hand turning lane for this development to ensure no traffic build up on Old Omagh Road_
- 2 GP's will leave Ballygawley this year and two primary schools are at full capacity. Ballygawley currently does not have the structures in place to cater for the 30-odd families which, if approved, this development would facilitate.

Relevant Planning History

M/2015/0162/O- Proposed residential development comprising of 7 no. detached dwellings with detached garages, car parking, landscaping and all associated site works, permission granted 20.10.2015.

LA09/2016/0887/RM- Erection of 5 detached dwellings with detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, granted 08.06.2018

LA09/2019/0313/F- 5 no detached dwellings & 12 no semi-detached dwellings, detached garage, carparking, landscaping and retaining walls and all other associated site works including temporary treatment works (decision pending).

LA09/2019/0247/F- Erection of 4 semi detached dwellings with 3 detached garages, car parking, landscaping and retaining walls and all other associated site works including temporary treatment works, permission granted 25.11.2019.

The residential proposal lies within the settlement limit of Ballygawley and therefore PPS 7, Quality Residential Environments is the relevant policy consideration.

There remains a presumption in favour of development within the settlement limit subject to satisfying a number of criteria. The proposal is for 4 no. dwellings (2 detached bungalows and one set of semi-detached 2 storey dwellings) on spacious plots.

PPS 7 states;

(a) the development should respect the surrounding context and be 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;

It is my opinion that the proposal layout respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas. The proposal will match the design of buildings permitted under surrounding permissions, are of similar plot size, private rear amenity size, with in curtilage parking for vehicles. The proposed dwellings will not have a detrimental impact on existing or proposed amenity, in that there will be no overlooking or overshadowing of existing or proposed private rear amenity. Although these dwellings are hipped roof in design, they are low lying in the landscape and this site is well screened from public views. This design will not have a detrimental impact on the character of this area or on any features of archaeological or built heritage.

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

No features of the archaeological /built heritage have been identified in the application site. Existing mature trees along the eastern boundary have been identified and will be retained as part of the overall development. Levels are relatively flat and low lying within the 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;

An acceptable landscape drawing has been presented, where existing vegetation will be retained and protected where possible and additional planting of trees carried out. A significant area of open space has been identified to the south of the site, with its maintenance to be agreed in writing at a later stage, before any dwelling is occupied. This area of open space is overlooked by the proposed dwellings and its provision and maintenance can be controlled by planning condition, in a timely manner.

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

The site is close to the village of Ballygawley and will be connected through the public footpath network. A development of this size does not require its own neighbourhood facilities.

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

A footpath runs along site frontage towards Ballygawley village, this connects to one annotated on the concept plan in to the heart of the development. No rights of way are shown on site location plan. DfI Roads raise no objection subject to adequate splays being put in place along with appropriate private street works, its provision can be controlled by condition.

(f) adequate and appropriate provision is made for parking;
DfI Roads are content in this regard.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;
The design of the dwellings are similar to what has been granted previously. In my view the design is of a high quality and respects local traditions and will not have a detrimental impact on the local character of this area.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;
The surrounding land uses are residential, primary school and business. This residential development will not conflict with those land uses with careful consideration given to surrounding properties to avoid any loss of amenity/overlooking, given the levels through the site. The proposal will not have a detrimental impact on the amenity of dwellings granted permission north east of the site.

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

The development would appear to be designed to deter crime and promote personal safety in that open areas are `policed?', in that nearby dwellings all front said areas and provide no alley ways or other areas for congregation and potential crime. Rear boundaries are also protected by secure fencing/boundary walls.

PPS15 Planning and Flood Risk

While this policy does not require a Drainage Assessment, due to the size of the development, I felt it important that drainage requirement for this site were fully explored, given that this is one of 4 piecemeal developments submitted on this larger field, each connecting into the other, giving a total of 30 units. The site is also relatively flat and low lying so I felt it important to consider the impacts of one part of the development on the other, and on surrounding land. The agent provided a Drainage Assessment for the overall development, and Rivers Agency are content with its findings. Drainage for this site can be controlled through a planning condition.

Other considerations

The objector raised concern that permission for housing on this wider piece of land was being divided up so that permission would be gained through stealth. To ensure that this was the case I requested an overall concept plan to show development of the wider site. Through discussion with senior officers it was felt that this approach was acceptable, and that each proposal could be a stand alone quality development, regardless of which phase was built first, that there was enough protections built into the conditions of each application to ensure a quality residential environment with appropriate Drainage, sewage provision, safe and satisfactory access to the public road and footpath provision, and adequate public open space provision.

In terms of the temporary waste water treatment plant, it has been demonstrated by the applicant/agent that the proposed plant will have an acceptable noise and odour output that will not have any detriment on existing or proposed residential amenity.

Environmental Health raise no concern in this regard. Separate permits/licences will have to be sought to operate and maintain this private treatment plant to an adequate standard either through NIEA or NIW. A planning condition(s) can be attached to ensure adequate maintenance agreements are in place prior to the occupation of any dwelling hereby approved. The plant can be removed and the development connected to mains sewage line when the necessary improvements are made to Ballygawley WwTW. The objectors concerns in relation to detrimental impact of the private plant to residential amenity are not determining in this instance.

The objector also raised concern that the introduction of this private treatment plant would delay the upgrade of Ballygawley WwTW. I am not aware of where Ballygawley sits in relation to capital grants for sewage infrastructure improvements. The main issue of concern for me in assessing this application is that the agent can demonstrate a suitable form of sewage provision that will not have a detrimental impact on existing or proposed amenity. This has been satisfactorily demonstrated in my view.

A requirement for a right hand turning lane for this development was also requested by the objector, as a number of other planning applications will potentially access from the same proposed access point. DfI Roads were consulted on this proposal and are aware of the surrounding planning history. DfI Roads do not raise any need for a right-hand-turning-lane at this time. I am satisfied that acceptable road safety can be achieved in this case. This stretch of road is relatively flat and straight with good forward sight distance and visibility when travelling in both directions leaving safe braking distances, especially when leaving Ballygawley Village towards the application site. I am satisfied that a right hand turning lane is not required in this instance.

Concern is also raised by the objector that an additional potential 30 new families will put pressure on an existing GP service and that there is insufficient capacity at existing primary schools in the area to cater for any more children. GP provision per head of population within this catchment is not something that can be delivered by either approving or refusing this application and can only be controlled by the health service. In my view the size and scale of this development does not require inclusion of any more community facilities or local services. People with children have to apply to a primary school before sending their children. If there is no room at the nearest school then arrangements are made for them to attend a school that has sufficient space. The objectors concerns in this regard are not determining. It is also important to note that an

expanding population is important to sustain and expand existing local services, especially in small villages where some services and schools are under threat from closure.

NIW have indicated that sewage capacity within Ballygawley waste water treatment plant is not capable of accepting waste from this development. As detailed above, the agent has demonstrated that satisfactory alternative arrangements can be met for dealing with sewage. Environmental Health have provided comment on the package treatment plant and raise no objection subject to certain noise and odour levels being maintained, which I find reasonable to attach as planning conditions so as to protect existing and proposed amenity in this area.

A Preliminary Ecological Appraisal was carried on this site and NIEA requested further badger info which was supplied by the agent. NIEA now have no further concern with the impacts of this proposal on the environment.

SES are satisfied that this proposal will not have a detrimental impact on any designated European designated site or its selection habitat features.

No issues of land contamination or risk to human health have been raised by any consultees.

Beyond the site to the north is an existing agricultural field that is included within the development limits of Ballygawley. To ensure that this parcel of land is not landlocked from future potential development Council asked the applicant/agent to demonstrate suitable access to this land. The agent provided an indicative plan to show where future potential access to this land could be provided to this land through this proposed development. I consulted DfI Roads for their opinion on this potential access point to ensure it could be delivered if access was required in the future. DfI Roads indicated that a future access could be accommodated at the location shown. In my view this proposed access point would (if ever developed) have limited impact to existing or proposed residential amenity or on open space provision. I am content that potential future access to future development land has been demonstrated satisfactorily and that this development will not land lock potential development land within Ballygawley. Council are content to proceed on this basis. DfI Roads did indicate that should this land to the north be accessed via this point, that there may be some requirement in the future for a right hand turning lane. Council will assess this requirement based on any future proposals on a case by case basis.

Neighbour Notification Checked

No

Summary of Recommendation:

That planning permission is granted subject to the following conditions.

Conditions

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 each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawing No. 24 date stamp received 14/10/2019, 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. All hard and soft landscaping within the curtilage of each boundary, indicated on drawing No. 24 date stamp received 14/10/2019, shall be put in place prior to the occupation of the dwelling within that curtilage, unless otherwise agreed in writing with Mid Ulster district Council.

Reason: To provide a quality residential environment.

4. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide the proposed public open space as indicated on the approved plan drawing No. 24 date stamp received 14/10/2019, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure that the public open space and planting provision is provided in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible.

5. During the first available planting season after the commencement of development on site, all trees indicated in drawing No. 24 date stamp received 14/10/2019, shall be planted as shown and be permanently retained thereafter.

Reason: In the interest of visual amenity.

6. The existing natural screenings of this site, as indicated on drawing No 03 rev1 date stamp received 27/09/19, shall be permanently retained, otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity.

7. A maintenance plan and legal agreement for all areas of open space shall be submitted to 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.

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

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

9. All drainage mitigation measures and maintenance proposals shall be carried out in accordance with details indicated in Doc1: Drainage Assessment date stamp received 20/05/19 and shall be permanently retained and maintained thereafter in accordance with that assessment.

Reason: To ensure that the site will not flood and to prevent flooding elsewhere.

10. No dwelling hereby approved shall be occupied until the waste water treatment plant as shown on drawings no. 02 rev1 date stamp received 27/09/2019, No. 24 date stamp received 14/10/2019, and, 17 and 18 date stamp received 11/03/2019 is installed and is fully operational. The developer shall satisfy him/herself that all necessary agreements are in place for the private treatment plant and that it is management and maintained to an acceptable standard.

The private treatment plant shall remain in place until such times as the necessary improvements are made to Ballygawley Waste Water Treatment Works, at which point the development hereby approved shall be connected to the public sewerage system and the private sewage treatment plant shall be decommissioned and removed from the

site within 3 months of successful connection and adoption to the public sewerage system.

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

11. Noise from the private sewage package treatment plant shall not exceed 53 dB(A) LAeq, when measured 5 metres from source.

Reason: To safeguard existing and proposed residential amenity.

12. The vehicular access, including visibility splay of 2.4 metres by 90.0 metres in both directions, shall be provided in accordance with Drawing No 16 Rev 3 stamp date 4 December 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.

13. 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.

14. 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.

Private Street Conditions

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

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 16 Rev 3 stamp date 4 December 2019.

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

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No 16 Rev 3 stamp date 4 December 2019.

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

17. The Department for Infrastructure 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.

18. No dwelling hereby approved shall be occupied until the road works (including widening of the existing footway) as indicated on Drawing No 16 Rev 3 stamp date 4 December 2019 have been fully completed in accordance with the approved plans.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)**Date:****ANNEX**

Date Valid	11th March 2019
Date First Advertised	28th March 2019
Date Last Advertised	

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
13 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA

The Owner/Occupier,
14 Old Omagh Road Ballygawley Tyrone

The Owner/Occupier,
15 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA

The Owner/Occupier,
2 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA

The Owner/Occupier,
23 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA

Francis Kelly
3 Old Omagh Road Ballygawley Tyrone

The Owner/Occupier,
3 Richmond Manor, Ballygawley, Tyrone, BT70 2ES

The Owner/Occupier,
4 Old Omagh Road Ballygawley Tyrone

The Owner/Occupier,
4 Richmond Manor, Ballygawley, Tyrone, BT70 2ES

The Owner/Occupier,
Richmond Primary School, 1 Old Omagh Road, Ballygawley, Tyrone, BT70 2AA

The Owner/Occupier, Zebra Salvage, Old Omagh Road, Ballygawley, Tyrone, BT70 2AA -	
Date of Last Neighbour Notification	4th June 2019
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: LA09/2019/0456/O	Target Date:
Proposal: 2no. Dwellings to the rear of No. 32 and associated works.	Location: 32 The Square Stewartstown Co Tyrone.
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Kevin Campbell 112 Lisacclare Road Stewartstown BT71 5QH	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Content
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 was received from the owner of the adjoining property. The objector has submitted a land registry map which he claims shows an overlap in the area within the red line of the application site and the area within the objectors control. He suggests that were the correct red line be submitted the site would be too restricted.

Characteristics of the Site and Area

The site comprises a square shaped plot of land located to the rear of the main square in Stewartstown. It is located immediately to the rear of number 32 The Square, Stewartstown. The site includes the rear yard to existing commercial buildings which were previously a licenced premises. Within the site there are a number of outbuildings and small stores, as well as a paved area which at the time of site visit was run down and overgrown with weeds. The southern and western boundary are defined by a 3 metre high palisade fence, the northern boundary is the wall between the site and number 31 and to the east is the boundary wall of the existing commercial building.

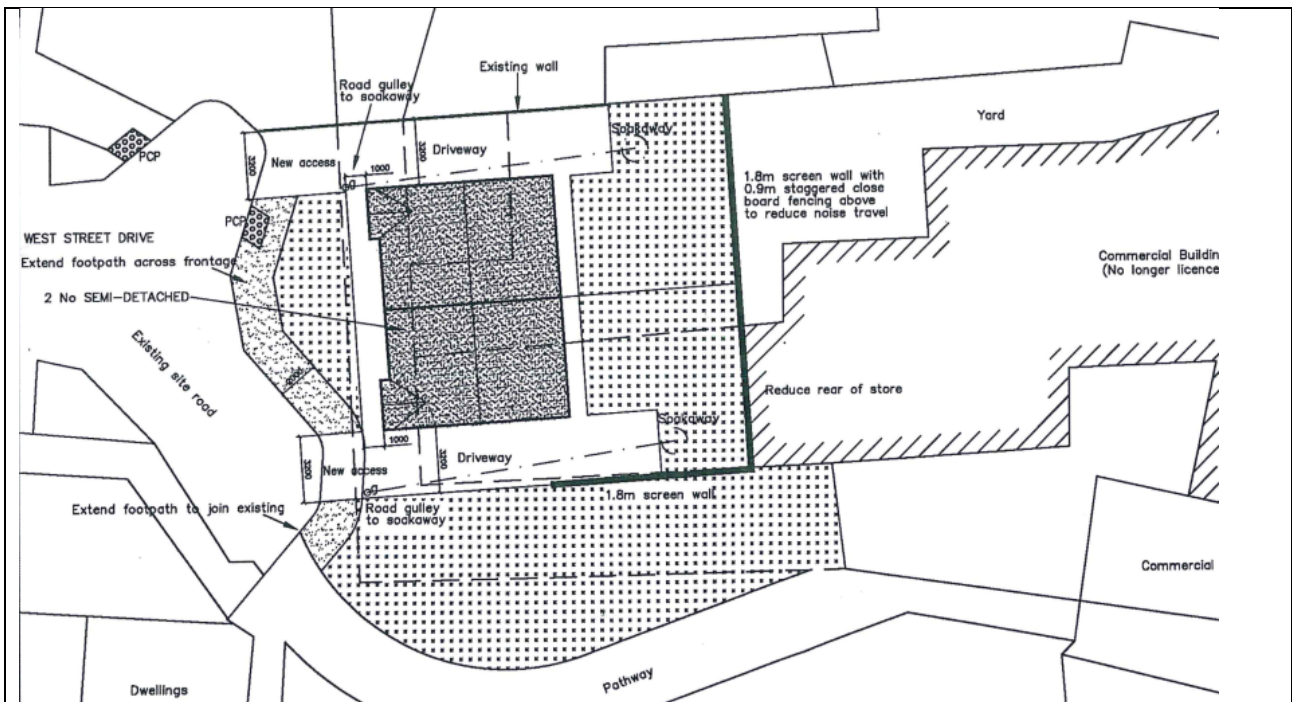


The site lies within the settlement limits of Stewartstown, with the proposed frontage of the site facing into the existing Westfield drive development, which comprise two rows of terraced two storey dwellings, there is a footway and a grassed area to the south and to the north the site is enclosed by the rears of number 31 and 32 the Square. The site itself can be accessed off the Main Square via an existing archway.



Description of Proposal

The proposal seeks outline planning permission for a site for two dwellings to face onto and become part of the existing Westfield Drive development.



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 - No land zoning on this site, located within the development limits of Stewartstown.

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

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

Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020.

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

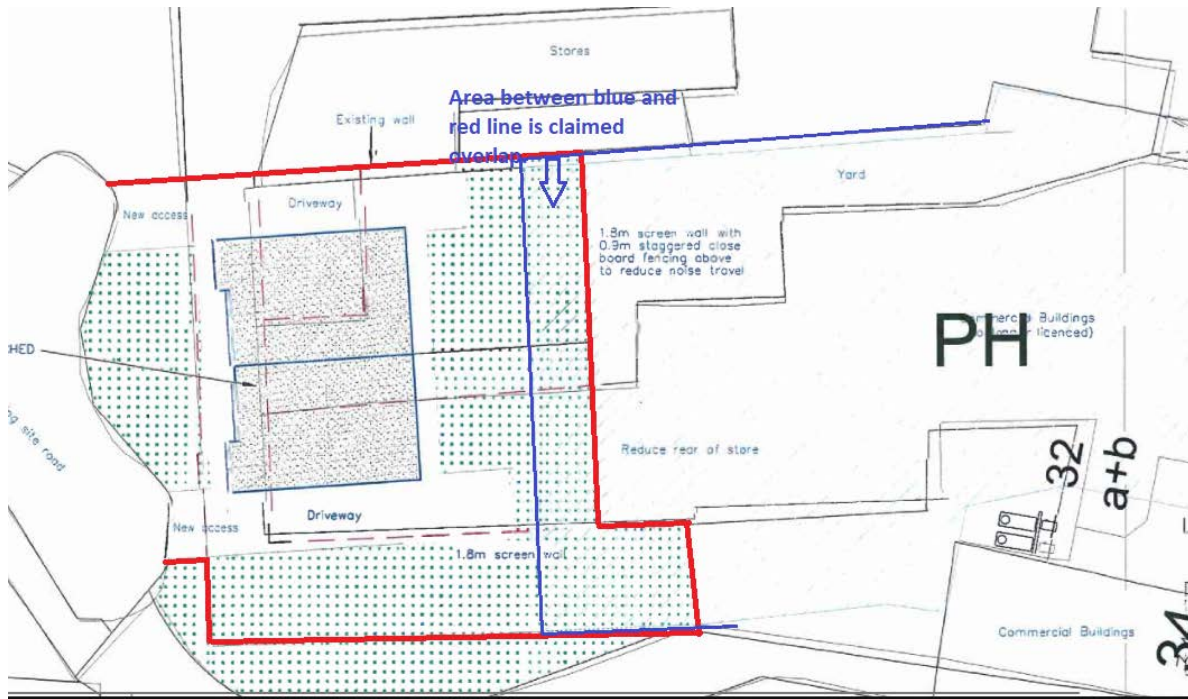
Planning History

I/2007/0590/F – 6 apartments – Withdrawn whilst facing refusal.

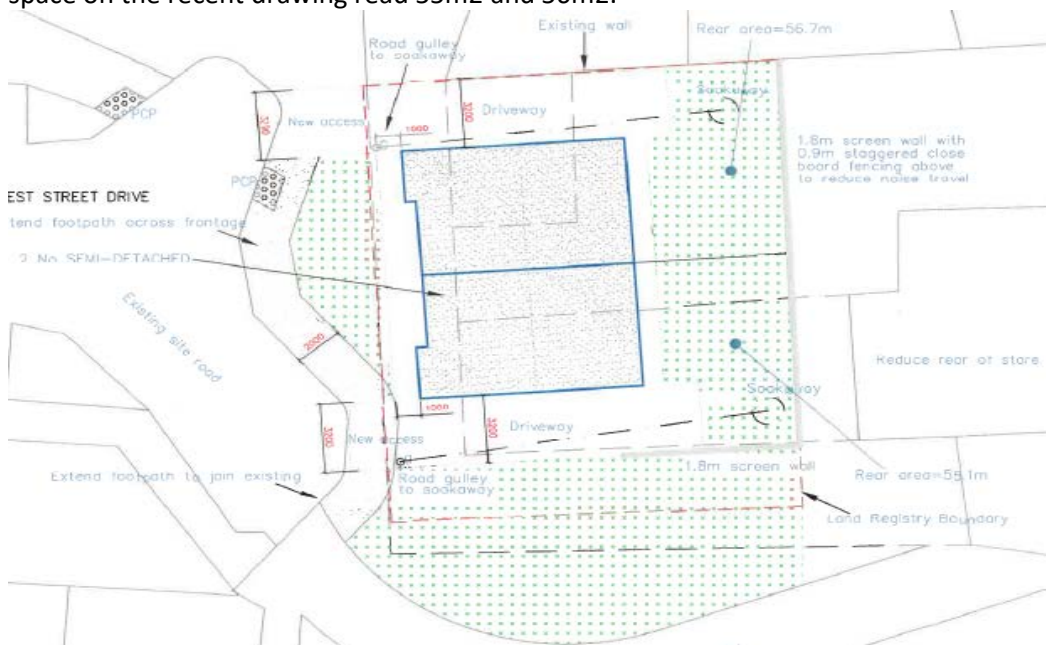
I/2009/0270/O – 2 Dwellings – Withdrawn whilst facing refusal.

Representations

One objection was received from the owner of the adjoining property. The objector has submitted a land registry map which shows an overlap in the area within the red line of the application site and the area within the objectors control. He suggests that were the correct red line be submitted the site would be to restricted.



The agent has rebutted this objection and has stated that the objectors overlays have been done incorrectly and has submitted his own overlays to show there is adequate amenity space remaining, he did however, agree that the original red line was to be reduced at the rear. Subsequently, a new site location and site layout was submitted with a reduced red line. As seen below, the remaining amenity space on the recent drawing read 55m² and 56m².



As both the applicant and the agent are aware, planning permission does not confer title and it is the responsibility of the developer to satisfy himself that the red line of the site is correct.

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

Improving the Quality of Housing Layouts in Northern Ireland

DCAN 8 - Housing in Existing Urban Areas

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Consideration

PPS7 - Quality in New Residential Developments

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

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

This is an outline application and as a result I am unable to determine the development in terms of scale, massing etc. this would be an issue for a reserved matters applications if approval was granted. However, the indicative plan would suggest the layout and character is similar to that found in the wider residential area of this relatively newly built development which it faces, this proposal involves adding a pair of semi detached dwellings to an existing cul de sac and in my opinion this does respect this pattern in the area.

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 or landscaped features on this site, or 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.

A development of this size and scale does not need to make provision for public open space, there is however a small playground within the near vicinity of the site. There is a small green area to the south of the site which can be used by the existing residents, the proposal would not result in a detrimental loss of this open space.

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

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

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

A footpath is provided and the location of this site within the village of Stewartstown enables convenient access to public services and transport.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for each dwelling proposed. Transport NI were consulted and responded with no objections to the proposal subject to planning conditions.

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

This is an outline application therefore no design has been submitted however if approved it will be conditioned that the design will draw upon the best local traditions of form, materials and detailing.

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 does take into consideration other existing dwellings in the immediate vicinity of the site. The dwellings will not overlook, contribute to loss of light, overshadow, or create noise or other disturbance between themselves or other properties. The addition of these 2 proposed dwellings does not create a conflict nor have an adverse effect on the amenities enjoyed by the existing residents.

However, one objection was received from the owner of the adjoining property. The objector has submitted a land registry map which shows an overlap in the area within the red line of the application site and the area within the objectors control. He suggests that were the correct red line be submitted the site would be too restricted. The adjoining land use to the rear is a disused commercial premise, Environmental health were consulted and responded with no objections in terms of noise or other disturbance. The back to back distance is minimal however, the proposed dwellings would be backing onto the rear wall of the existing commercial premise.

In relation to residential amenity, taking into account the land registry maps from the objector, the actual private rear amenity space would be reduced to 36m² and 27m² respectively and would in that case not be considered acceptable in planning terms. However, according to the amended drawings received

there is approx. 56m² private rear amenity space to proposed dwelling no.1 and 55m² for proposed dwelling no.2. This would be acceptable in planning terms.

The agent has rebutted this objection and has stated that the objectors overlays have been done incorrectly and has submitted his own overlays to show there is adequate amenity space remaining, he did however, agree that the original red line was to be reduced at the rear. Subsequently the remaining amenity space on the recent drawing read 55m² and 56m².

As both the applicant and the agent are aware, planning permission does not confer title and it is the responsibility of the developer to satisfy himself that the red line of the site is correct.

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

No issues or concerns 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. 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 area is varied. 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 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 after various amended drawings they have responded with no objections.

Recommendation; considering all of the above it is my opinion that the proposal would not result in an unacceptable damage to local character, environmental quality or residential amenity of these areas.

The proposal will in actual fact improve the visual amenity of the exiting area in that, at present what is an unsightly disused waste ground to a redundant commercial premise surrounded by a palisade fence will be replaced with a pair of semi detached dwellings. This will in my opinion round off the end of the existing development approving the appearance of the area.

Therefore approval is recommended

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

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

4.The proposed dwelling shall have a ridge height of less than 8 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape with regards to the adjacent residential dwellings.

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	4th April 2019
Date First Advertised	18th April 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 West Street Drive Stewartstown Tyrone The Owner/Occupier, 10 West Street, Stewartstown, Tyrone, BT71 5HT The Owner/Occupier, 11 West Street Drive Stewartstown Tyrone The Owner/Occupier, 12 West Street, Stewartstown, Tyrone, BT71 5HT The Owner/Occupier, 14 West Street, Stewartstown, Tyrone, BT71 5HT The Owner/Occupier, 15 Ard Stewart Stewartstown Tyrone The Owner/Occupier, 15 West Street Drive Stewartstown Tyrone The Owner/Occupier, 16 West Street, Stewartstown, Tyrone, BT71 5HT The Owner/Occupier, 17 Ard Stewart Stewartstown Tyrone The Owner/Occupier, 17 West Street Drive Stewartstown Tyrone The Owner/Occupier, 19 Ard Stewart Stewartstown Tyrone The Owner/Occupier, 19 West Street Drive Stewartstown Tyrone The Owner/Occupier, 1st Floor Flat, 32a, The Square, Stewartstown, Tyrone, BT71 5HX The Owner/Occupier, 1st Floor Flat, 32b, The Square, Stewartstown, Tyrone, BT71 5HX The Owner/Occupier, 2 West Street Drive Stewartstown Tyrone The Owner/Occupier, 2 West Street, Stewartstown, Tyrone, BT71 5HT The Owner/Occupier, 21 Ard Stewart Stewartstown Tyrone The Owner/Occupier, 21 West Street Drive Stewartstown Tyrone The Owner/Occupier, 23 West Street Drive Stewartstown Tyrone The Owner/Occupier, 25 West Street Drive Stewartstown Tyrone	

The Owner/Occupier,
27 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
29 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
3 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
30 The Square Stewartstown Tyrone
The Owner/Occupier,
30 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
31 The Square Stewartstown Tyrone
The Owner/Occupier,
31 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
31a ,The Square,Stewartstown,Tyrone,BT71 5HX
The Owner/Occupier,
31b ,The Square,Stewartstown,Tyrone,BT71 5HX
The Owner/Occupier,
31c ,The Square,Stewartstown,Tyrone,BT71 5HX
The Owner/Occupier,
32 The Square Stewartstown Tyrone
The Owner/Occupier,
32 The Square,Stewartstown,Tyrone,BT71 5HX
The Owner/Occupier,
33 The Square Stewartstown Tyrone
The Owner/Occupier,
33a ,The Square,Stewartstown,Tyrone,BT71 5HX
The Owner/Occupier,
34 The Square Stewartstown Tyrone
The Owner/Occupier,
34 West Street Drive,Stewartstown,Tyrone,BT71 5HL
The Owner/Occupier,
35 The Square Stewartstown Tyrone
The Owner/Occupier,
4 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
4 West Street,Stewartstown,Tyrone,BT71 5HT
The Owner/Occupier,
5 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
6 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
6 West Street,Stewartstown,Tyrone,BT71 5HT
The Owner/Occupier,
6a ,West Street,Stewartstown,Tyrone,
The Owner/Occupier,
7 West Street Drive Stewartstown Tyrone
The Owner/Occupier,
8 West Street Drive Stewartstown Tyrone

The Owner/Occupier,
 9 West Street Drive Stewartstown Tyrone
 Peter Mulgrew
 96 Lisaclare Road, Stewartstown,Dungannon,BT71 5QJ
 The Owner/Occupier,
 Caravan,31 The Square,Stewartstown,Tyrone,BT71 5HX
 The Owner/Occupier,
 Gnd,32a ,The Square,Stewartstown,Tyrone,BT71 5HX
 The Owner/Occupier,
 Gnd,32b ,The Square,Stewartstown,Tyrone,BT71 5HX

Date of Last Neighbour Notification

15th April 2019

Date of EIA Determination**ES Requested**

No

Planning History

Ref ID: LA09/2019/0456/O

Proposal: 2no. Dwellings to the rear of No. 32 and associated works.

Address: 32 The Square, Stewartstown, Co Tyrone.,

Decision:

Decision Date:

Ref ID: I/2008/0291/F

Proposal: Proposed two storey dwelling house (Amended Drawings)

Address: 35m west of the Square, Stewartstown, Dungannon

Decision:

Decision Date: 23.09.2008

Ref ID: I/2001/0398/F

Proposal: Proposed housing development

Address: Adjacent to St Mary's Primary School 22 West Street Stewartstown

Decision:

Decision Date: 18.12.2002

Ref ID: I/1999/0031

Proposal: Proposed Housing Development

Address: ADJACENT TO ST. MARY'S PRIMARY SCHOOL 22 WEST STREET
STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/2001/0249/Q

Proposal: Housing Development

Address: West Street Stewartstown

Decision:

Decision Date:

Ref ID: I/2009/0170/O

Proposal: Demolition of existing store and construction of 2 no dwellings and associated site works

Address: Lands immediately to the rear of 32 The Square, Stewartstown, Co Tyrone

Decision:

Decision Date: 30.09.2009

Ref ID: I/1978/0458

Proposal: CHANGE OF USE OF EXISTING STORAGE AREA TO EXTENSION TO LICENSED PREMISES

Address: THE SQUARE, STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/2007/0590/F

Proposal: Demolition of existing store and construction of 6no. apartments and associated site works

Address: Lands immediately to the rear of 32 The Square, Stewartstown

Decision:

Decision Date: 28.03.2008

Ref ID: I/1993/0009

Proposal: Extension to public house and conversion of vacant property to office accommodation

Address: 32 THE SQUARE STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/1974/0115

Proposal: LOUNGE BAR ACCOMMODATION

Address: THE SQUARE, STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0534

Proposal: Temporary Health Centre

Address: ADJACENT TO 34 THE SQUARE, STEWARTSTOWN

Decision:

Decision Date:

Ref ID: I/2013/0005/F

Proposal: Retention of change of use from single first floor flat into two individual first floor flat units.

Address: 32-33 The Square, Boyds Farm, Stewartstown, Dungannon Co Tyrone,

Decision: PG

Decision Date: 29.05.2013

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0766/F	Target Date:
Proposal: Erection of cafe	Location: Site 20m East of unit 7-11 Kilcronagh Business Park Cookstown
Referral Route: This application is being presented to Committee as it has attracted objections.	
Recommendation:	APPROVE
Applicant Name and Address: K E Holdings 79 Tulnacross Road Cookstown	Agent Name and Address: C Q Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

One objection has been received in respect of this application and relates to the following issues:-

- The proposal will have a detrimental impact on the objectors cafe;
Competition between similar businesses is not a planning issue;
- The proposed building is to be contained within a building which has been approved for industry and mixed business use under LA09/2018/0119/F;
This is a stand-alone building which has been purposely designed as a cafe and is not located within a building used as an industrial nor mixed business use;
- The proposed cafe has a capacity of at least 80 patrons and should be described as a restaurant;
There is no set limit on the number of seats which a cafe can have. The main difference between a cafe and a restaurant is primarily, a cafe remains a place to be served different types of coffee while a restaurant is a commercial establishment where meals are served.
The proposed development is described as a cafe and is being assessed as such.
- Contrary to the area plan zoning and the SPPS and will prejudice the orderly development of an area zoned for industrial and mixed business use;
This has been discussed in the main body of the case officers report below.
- Restaurants are sui-generis and do not fall within any specific planning use class. There is no relevant regional planning policy but they should be treated as a form of leisure and entertainment therefore the SPPS is applicable. Retailing includes the sale of food;
Use for the sale of food or drink for consumption on the premises is excluded from any class specified in the Planning (Use Classes) Order (Northern Ireland) 2015 and the use for the retail sale of hot food is explicitly excluded from Class 1 (Shops) of the Schedule to the Order. Although retailing may include the sale of food, as detailed by DCAN 4 – Restaurants,
Cafes and Fast Food Outlets, in terms of their uses, restaurants, cafes and fast food outlets are therefore quite distinct from retail shops and are Sui Generis.
- Contrary to the claim that the existing coffee bar sets a precedent, the objectors existing coffee bar was approved to be ancillary to the main fireplace shop. It is dependent on that business and is not capable of operating on its own;
The existing coffee bar is not being used as a precedent is the assessment of this application.
- The proposed use will operate as an independent retail facility some distance from the town centre and retail core;
As discussed above, the proposed use is Sui Generis and is not regarded as a retail facility.
- Weight must be attached to the Cookstown Area Plan 2010 and the supporting statement does not justify departure from the current zoning.
This is discussed in the main body of the case officers report below.

Characteristics of the site and environs

The application site is a 0.6 hectare parcel of undeveloped land located just East and North-East of units A19 and A1 Kilcronagh Business Park, Cookstown respectively. It is within the development limits of Cookstown as defined in the Cookstown Area Plan 2010 and is zoned for Industry and Mixed Business in the Plan (I1). Access to the site is obtained via an existing estate Road, which is utilised by several other businesses. The site is flat and is void of any established boundary treatment, with the exception of a band of semi mature trees along a section of the Western boundary.

The units approved under LA09/2018/1119/F are currently under construction with the site having been cleared and the foundations in place, with the exception of the subject site.

This area is characterised primarily by a mix of industrial and Mixed Business and Office uses. The following businesses are located within Kilcronagh Business Park ? Cookstown Cycles, Century Electrical Wholesale, NI Fire and Rescue, AES Global, Tanks and Skinnys, Country Stoves, My Lovely Stoves, Mid Ulster Rotating Electrics, O2 Hair and Beauty, Lumina, RE Sure Intelligence Ltd, Quinns Gelato, Geon, Surface Form, Cross-Fit Cookstown, R and M Greenkeepers, TES NI Ltd, CDE Global. There is also one residential property located within the Business Park. The Fairy Burn Watercourse flows some 90m to the West of the site, adjacent to existing business units.

Description of Proposal

The proposal was originally submitted as a proposed amendment to previously approved application LA09/2018/1119/F to change use of 1 unit from industrial and business use to a cafe along with 24msq increase to floor area. However, as the building as previously approved did not exist, the proposal was amended to the erection of a cafe.

The proposed cafe has a circular footprint with a small side annex providing an entrance lobby and toilets. The gross external floor area extends to approximately 149m². The floor plan indicates notional seating for approximately 80 persons. The building has a low set flat roof set at 3.2m above ground level. The external finishes are blue brickwork with a concrete band around the roofline and with dark grey aluminium doors and windows.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

LA09/2018/1119/F – Proposed Provision of 10 No. Units (Mix of B1: Business, B2 Light Industrial and B4: Storage and Distribution) including associated landscaping and vehicular parking – Approved 03.04.2019.

Development Plan and key policy considerations

The main policy considerations in the assessment of this proposal are:

Strategic Planning Policy Statement;

Cookstown Area Plan 2010;

PPS 4 – Planning and Economic Development;

DCAN 4 – Restaurants, Cafes and Fast Food Outlets;

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 use as a cafe, which by nature, is a place for the sale of food or drink on the premises and therefore it is a sui generis use in that it doesn't fall within a prescribed use class. The site lies within the settlement development limit of Cookstown in an area zoned for industry/mixed business use as identified within the Cookstown Area Plan 2010.

PPS 4 – Planning and Economic Development advises that 'the policy approach and associated guidance contained within this document may be useful in assessing proposals for other sui generis employment uses'. However, as the proposal is for a cafe and although that use is a sui generis use, it will provide only limited employment, as the P1 states that only 2 persons will be employed, in that sense and therefore in my opinion, PPS 4 is of limited material consideration.

DCAN 4 – Restaurants, Cafes and Fast Food Outlets applies throughout Northern Ireland to development proposals (including new buildings and changes of use) for the sale of food for consumption on the premises or of hot food for consumption off the premises. Such uses are excluded from any class specified in the Planning (Use Classes) Order (Northern Ireland) 1989, and use for the retail sale of hot food is explicitly excluded from Class 1 (Shops) of the Schedule to the Order. In terms of their uses, restaurants, cafes and fast food outlets are therefore quite distinct from retail shops. In its broadest sense, retailing refers to the sale of goods individually, or in small quantities to consumers, and it would therefore include the sale of food for consumption on the premises, or of hot food for consumption off the premises.

The purpose of Development Control Advice Note 4 is to provide supplementary planning guidance in accordance with Planning Policy Statement 5 – Retailing and Town Centres, and to support development plan policies relating to the location of restaurants, cafes and fast food outlets. However, as PPS 5 has been cancelled by the introduction of the SPPS, DCAN 4 now provides support for the SPPS.

DCAN 4 advises that the preferable locations for cafes include:

- town centres;
- district centres and local centres; and

that any planning application received for a cafe, which is not in any of the above locations, will be determined on its particular merits, in accordance with broader rural policy, relevant development plans and other material considerations.

Applications for restaurants, cafes or fast food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining

or surrounding area will be an important concern when determining applications. In assessing this impact, a number of factors need to be taken into account i.e. noise disturbance, smells and fumes, refuse and litter, traffic considerations/car parking and provision for people with disabilities.

In the absence of a specific policy relating to cafes, restaurants or hot food outlets, the overarching criteria for a proposal for a cafe use on land which is zoned as industrial land is therefore the SPPS.

Policy PED 7 – Retention of Zoned Land and Economic Development Uses; advises that development which would result in the loss of land or buildings which are zoned for economic use, to another use will not be permitted unless the zoned land has been substantially developed for alternative uses but an exception can be made for a sui generis use subject to the compatibility, scale and nature of the use and provided it will not lead to the diminution of the industrial/employment level. In my view, this use would be compatible as the existing uses within the industrial site include a number of retail units, a gym and another cafe. The scale of the building is reasonable given the proposal is very similar in design and size to the extant approved building and also taking into consideration the size of the adjacent industrial premises. The site is within the ownership of the adjacent industrial premises, currently under construction and as it is being provided on a green field site, it will not displace jobs or industrial activity and it will result in additional employment, albeit limited. The proposed site occupies 0.66ha within an overall zoned area of 26.72ha. While some of the zoned land has already been developed, the remainder of the zoning can still be utilised as industrial land.

Notwithstanding what is discussed above in relation to the limited use of PPS 4 in assessing this proposal in terms of it being a sui generis use, in assessing the proposed use under Policy PED 9 – General Criteria for Economic Development the proposal satisfies all the criteria of this policy and therefore is not considered to be contrary to PPS 4.

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

As this is a sui generis use located within the settlement limits, the application can be considered on its merits. Although PED 9 does not strictly apply, it does provide a framework against which to assess the merits/impact of the proposal, which has been undertaken below:-

- It is considered to be compatible with the surrounding landuses which are mainly industrial/office/retail uses. The site is within an area of existing industry as identified within the Cookstown Area Plan 2010.
- There is one dwelling located close to the proposed site. That dwelling is located at 9 Kilcronagh Road and is approximately 70m to the south west. The dwelling is bounded by tall mature hedgerows, with an access road between the site and the dwelling leading to existing business units within Kilcronagh Business Park. The dwelling is not visible from the proposed site. Therefore it is not anticipated that the proposed cafe will have a detrimental effect on the amenity of the dwelling. Environmental Health have not raised any issues regarding impact on residential amenity.

- The proposed development will not have any adverse affect on natural or built heritage nor will it be at risk from, nor cause flooding.
- The proposed development will not create a noise nuisance and this has not been raised by Environmental Health.
- The proposed development will not result in the discharge of any emissions or effluent and Environmental Health have not raised any issues of concern.
- Likewise, Transport NI have not raised any concerns regarding the increase of traffic nor the proposed access and parking arrangements.
- Although the site is located on the edge of the settlement it has good access via public footpaths and is accessible by foot or by cycling.
- The proposal layout and the building design are of an acceptable quality.
- The site is currently secured by existing security fencing and a new hawthorn hedge is to be provided around the site boundary in the first planting season following the commencement of the building works on the construction of the units approved under LA09/2018/1119/F.
- In general, the proposal will deter crime and promote personal safety.

The Committee may also wish to note that Transport NI and Environmental Health have been consulted and have advised that they have no objections to the proposal.

Recommendation

The SPPS (Town Centres and Retailing) makes no reference to sui-generis uses generally or places for the consumption of food and drink on the premises specifically and although the list of 'main town centre uses' is not exhaustive, there is no reason to assume that the likes of a cafe should be subject to the 'town centre first' approach. However, this is where the majority of cafes are located and where one would expect to find such a use. Notwithstanding this, it should be noted that there is an existing coffee shop approved and currently operating within Kilcronagh Business Park. That approval, LA09/2017/0791/F, granted permission for the use to operate as ancillary to the main use of the premies, Country Stoves. Although the coffee shop is conditioned to remain as ancillary, it has its own access and toilet facilities which can be used without the need for customers to enter Country Stoves or to be customers of that business and therefore in essence, the coffee shop can operate independently of the main use.

In my opinion, the proposed use will predominantly serve the immediate area within the Kilcronagh Business Park and it unlikely that customers shopping in Cookstown Town Centre will leave the town centre to drive to this location for the purpose of having something to eat, especially when there are a number of quality cafes within the town centre. On consideration of the above, it is my opinion that 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. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. All proposed planting as indicated on the stamped approved drawing no. 02/2 stamped received May 2020 shall be undertaken during the first available planting season following occupation of the dwelling hereby approved.

Reason: In the interests of visual amenity.

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 Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

Reason: In the interests of visual amenity.

Signature(s)

Date:

ANNEX	
Date Valid	5th June 2019
Date First Advertised	20th June 2019
Date Last Advertised	25th February 2020
<p>Details of Neighbour Notification (all addresses)</p> <p>Carol Gourley C Mcllvar Ltd, Unit 7 Derryloran Industrial Estate, Sandholes Road, Cookstown, BT80 9LU C. Mcllvar Ltd Chartered Planning Consultants, Unit 7, Cookstown Enterprise Centre, Sandholes Road, Cookstown, BT80 9LU C. Mcllvar Ltd Chartered Planning Consultants, Unit 7, Cookstown Enterprise Centre, Sandholes Road, Cookstown, BT80 9LU The Owner/Occupier, Cross Fit, Kilcronagh Business Park, Cookstown, Tyrone, BT80 9DG The Owner/Occupier, Unit 1 Kilcronagh Business Park, Cookstown, Tyrone, BT80 9DG The Owner/Occupier, Unit A19, Kilcronagh Business Park, Cookstown, Tyrone, BT80 9DG</p>	
Date of Last Neighbour Notification	4th October 2019
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2018/1371/NMC Proposal: Reduction in verge width from 3m to 1m adjacent to main carriageway on one side Address: Kilcronagh Business Park, Sandholes Road, Cookstown, Decision: CG Decision Date:</p> <p>Ref ID: LA09/2017/0912/PAD Proposal: Extension to Industrial Lands Address: Kilcronagh Business Park, Cookstown, Decision: Decision Date:</p> <p>Ref ID: LA09/2018/1119/F</p>	

Proposal: Proposed Provision of 10 No. Units (Mix of B1: Business, B2 Light Industrial and B4: Storage and Distribution) including associated landscaping and vehicular parking

Address: Site 20M East of Unit 7 - 11 Kilcronagh Business Park,

Decision: PG

Decision Date: 03.04.2019

Ref ID: LA09/2019/0766/F

Proposal: Proposed amendment to previously approved application LA09/2018/1119/F to change use of 1 unit from industrial and business use to a cafe along with 24msq increase to floor area (Amended description)

Address: Site 20m East of unit 7-11 Kilcronagh Business Park, Cookstown,

Decision:

Decision Date:

Ref ID: LA09/2019/0566/F

Proposal: Proposed provision of 3no. units (2no. B2: Light Industrial and 1no. B4: Storage and distribution all with associated B1: Offices) Landscaping and vehicular parking.

Address: Site 50m West of entrance to G1 Kilcronagh Business Park, Cookstown, BT80 9HJ.,

Decision:

Decision Date:

Ref ID: I/2004/1101/O

Proposal: Development of land for industrial use.

Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road and Fairy Burn river

Decision:

Decision Date: 29.06.2005

Ref ID: I/2007/0611/RM

Proposal: Proposed light industrial workshop inc. ancillary offices at ground and mezzanine level, landscaping, car parking and associated site works (Amended plans).

Address: Site 14, Kilcronagh Business Park, Sandholes Road, Cookstown, Co. Tyrone

Decision:

Decision Date: 22.04.2008

Ref ID: I/2006/0806/F

Proposal: Proposed light industrial workshop inc. ancillary offices at ground and mezzanine level, landscaping, car parking and associated siteworks.

Address: Site 14, Kilcronagh Business Park, Sandholes, Cookstown

Decision:

Decision Date: 16.01.2007

Ref ID: I/2005/0959/F

Proposal: Proposed 2 no. light industrial units to be further sub-divided into 6 separate internal units, with combined mezzanine floors and provision of car parking, new service road access inclusive of site works and landscaping.

Address: Kilcronagh Business Park at Sandholes Road, Kilcronagh Road & Fairy Burn River.

Decision:

Decision Date: 25.09.2006

Ref ID: I/2006/1227/RM

Proposal: Proposed 1830 sq/m Industrial unit to be sub-divided into 5 no. units and 2 no. Storage Units to be sub-divided into 8 units with carparking and associated siteworks, including carparking.

Address: Kilcronagh Business Park @ Sandholes Road, Kilcronagh Road & Fairy Burn River. Site approx 100m North West of 9 Kilcronagh Road, Cookstown

Decision:

Decision Date: 28.08.2007

Ref ID: I/2004/1190/F

Proposal: New access (service road) and earthworks and land levelling to facilitate the development of industrial land (amended plans)

Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road, and Fairy Burn river.

Decision:

Decision Date: 29.06.2005

Ref ID: I/2003/1169/Q

Proposal: Development for Industrial Complex

Address: Sandholes Road, Cookstown

Decision:

Decision Date:

Ref ID: I/2008/0095/F

Proposal: Single storey vehicle maintenance workshop/store

Address: Site 14, Kilcronagh Business Park, Sandholes Road, Cookstown

Decision:

Decision Date: 19.08.2008

Ref ID: I/2007/0629/A

Proposal: Freestanding Waymarking Signage.

Address: Kilcronagh business park, Sandholes Road, Cookstown

Decision:

Decision Date: 22.11.2007

Ref ID: I/2006/0856/F

Proposal: Day Care Nursery.

Address: Site 11, Kilcronagh Business Park, Sandholes Road, Cookstown

Decision:

Decision Date: 25.07.2007

Ref ID: I/2007/0052/F

Proposal: Proposed 2 storey high technology office building and ancillary siteworks inc. Landscaping and carparking.

Address: Site 12, Kilcronagh Business Park, Sandholes Road, Cookstown, Co.Tyrone.

<p>Decision: Decision Date: 26.06.2007</p> <p>Ref ID: I/2009/0207/F Proposal: Proposed amendments to road layout from turning circle, as approved under previous application ref no I/2004/1190/F, to round-a-bout with junctions off Address: Kilcronagh Business Park @Sandholes Road, Kilcronagh Road, & Fairy Burn River, BT80 9HG Decision: Decision Date: 22.09.2009</p>
<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 03/1 Type: Floor Plans Status: Submitted</p> <p>Drawing No. 04/1 Type: Elevations and Floor Plans Status: Submitted</p> <p>Drawing No. 02/1 Type: Block/Site Survey Plans Status: Submitted</p> <p>Drawing No. 01/1 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0823/F	Target Date: 26/09/2019
Proposal: Residential development consisting of 13 no dwellings (9 detached & 4 semi-detached) & 5 no garages & associated siteworks	Location: 6 Tullyodonnell Road, Rock
Referral Route: 2 no. objections received	
Recommendation: Approve	
Applicant Name and Address: F P Dev Ltd 6A Tullyodonnell Road Rock Cookstown	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary: This development complies with all relevant planning policy and the Cookstown Area Plan 2010. 2 no. objections have been received. Both objections to the proposal have been fully considered and the issues raised do not merit the refusal of the application. Approval is recommended.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	14
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

All relevant neighbours have been notified of this application and it has been advertised in local press. To date, 2 letters of objection and 14 letters of support have been received in respect of the proposal.

The issues raised by the objectors are summarised and considered below.

1. Occupant of number 5 Tullyodonnell Road

- Lack of management of surface water/drainage discharge onto public road
- The proposal will increase surface run off which will impact objectors property
- This inadequate drainage can lead to traffic accidents on public road as well as exacerbating flooding experienced at objectors property.

2. Occupant of number 101 Rockdale Road

- No research into the need for new housing carried out
- The site is a green field site
- Impact on the village of Rock
- Impact on the village from the new GAA facility
- Resistance to the use of the adjacent laneway
- Flooding and sewage concerns

Consideration:

Issues have been raised about flooding, drainage and sewage capacity. NIW have been consulted and have confirmed that there is existing WWTW capacity in the village to accommodate this development of 13 dwellings. Following consultation with Rivers Agency and according to the Rivers Agency Strategic Flood Maps it has been determined that this site is not in a fluvial flood Plain. A Drainage Assessment was submitted with the application and Rivers Agency do not disagree with its conclusions from a drainage or flood risk perspective. The Drainage Assessment states that the storm water system will be designed to NIW water standards and it will be the responsibility of NIW to ensure this is the case. DFI Roads have also been consulted and have raised no concerns about road safety.

In terms of a need for housing being established, this is not a planning policy requirement for this type of development within the development limits of a settlement. The objector refers to this site as being a green field site. This is factually incorrect. The site is within the development limits of Rock village. Whilst it is not zoned for housing, it is what is referred to as white land (ie) unzoned land that can be developed for a variety of uses. Concern has been raised about the impact of the proposal on the village. The impact of the proposal on local character will be considered further in this report. The GAA facility is not a material consideration in this assessment. This proposal does not include or incorporate the use of the adjacent laneway.

Members are advised that in considering all material planning issues raised by the objectors it is my opinion that they do not merit the refusal of this application. The 14 letters of support for the development have been duly noted.

Characteristics of the Site and Area

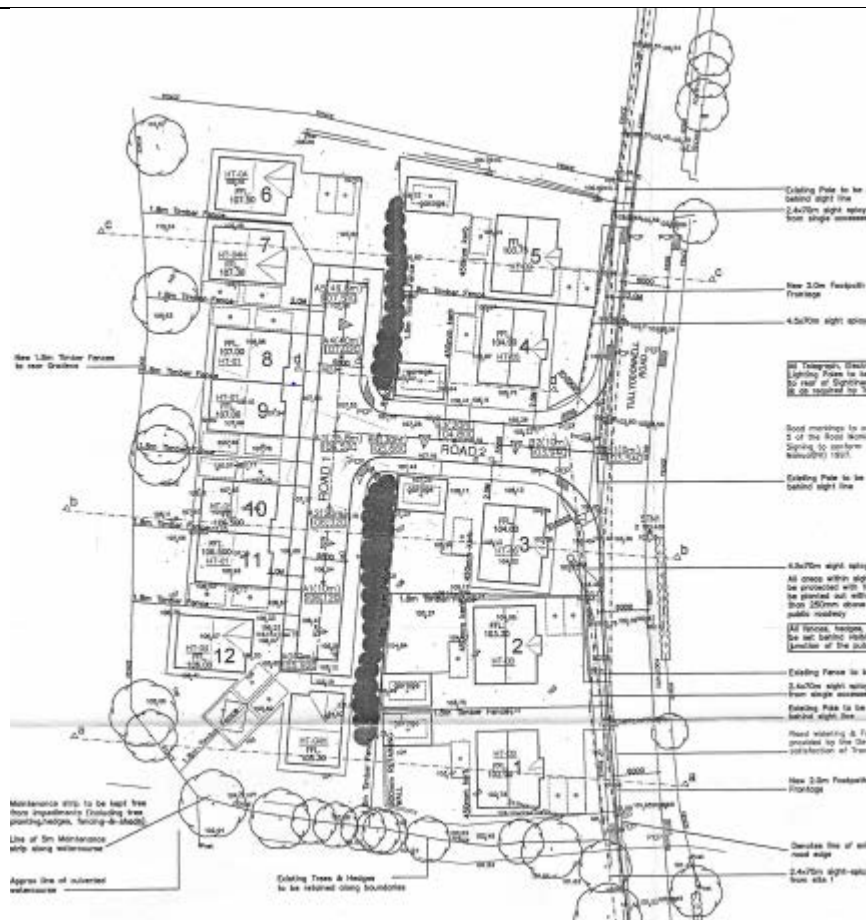
The application site takes in a 0.5 hectare plot of land located at 6 Tullyodonnell Road, Rock Cookstown. It is the site of the Old Parochial House in Rock. The site is within the development limits of Rock village as defined in the Cookstown Area Plan 2010. The two storey Parochial House still dominates the site but is currently in the process of being demolished. The site rises quite steeply from the level of the public road, with the dwelling occupying the highest point of the site. The roadside boundary with the Tullyodonnell Road is defined by a wooden post fence and a grass verge. The Southern boundary of the site is defined by a thick band of mature vegetation. The Western boundary is defined by a wire and post fence and the Northern boundary is defined by a high domestic leylandii hedgerow. There is a detached dwelling located to the immediate North of the site, another to the SW of the site and another the SE of the site.

The Rock is located at a crossroads approximately 7km SW of Cookstown. It is a small rural village with a dispersed settlement pattern. The application site is located approx. 2 miles North of the village centre. This area is recognised as being an area of archaeological importance (TYR 038:039)



Description of Proposal

This is a full application for a housing development of 9 detached dwellings and 4 semi detached dwellings. 5 of the detached dwellings which are closest to and front onto the Tullyodonnell Road have detached garages.



Planning Assessment of Policy and Other Material Considerations

Planning History

There are no relevant planning histories on or adjacent to this site to be considered in this assessment.

The following policies will be considered in this assessment

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 15 - Planning and Flood Risk
- Creating Places (Guidance)
- Parking Standards

Strategic Planning Policy Statement (SPPS)

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.

Paragraph 4.12 of the SPSS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Compliance with the Cookstown Area Plan 2010 will be discussed further in this report. Design considerations and the impact on residential amenity will be considered further in this report. Consultation with NIW has confirmed that there are no WWTW Capacity issues currently in Rock therefore a Temporary Treatment Plant is not required to facilitate this development. The applicant submitted a Drainage Assessment with this application and following consultation with Rivers Agency, no concern has been raised about drainage. Environmental Health have been consulted and they have advised that they have no objection in principle to the proposal. They have recommended an informative to be attached to any decision to advise that noise during the construction period should be expected and that plant/equipment should be operated in accordance with the principals of BS5228:2009

The SPSS 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.

Cookstown Area Plan 2010

This site is located within the development limits of The Rock as defined in the Cookstown Area Plan 2010. It is not zoned for any specific use and as such is not subject to any key site requirements. The Area Plan states that the capacity of the sewage treatment works in the village is an overriding constraint on growth in the settlement. I have consulted with NIW who have advised that there are currently no capacity issues in the settlement and as such, there is no requirement for a temporary treatment plant to be incorporated into the development.

The Area Plan goes on to state that comprehensive development within the village will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential development in excess of 10 units will not normally be permitted. This application is for 13 units. This is in excess of the 10 units recommended in the Area Plan. However it is noted that the plan states "normally", so this allows some degree of flexibility with regards to density. In this particular case it is my opinion that 13 units is acceptable. Only 100m to the South of the site is a development on 12 units, so this proposal would not be out of character in this part of the village. The layout is such that there are 5 detached dwellings fronting onto the Tullyodonnell Road. This replicates the pattern of development along this

road. The density increases to the rear of the site where visual impact will be to a lesser extent.

The Area Plan makes reference to the Area of Townscape Character and Local Landscape Policy Area designated in the village. This site sits outside both of these designations. The site is not subject to any other Plan designation.

I am satisfied that this development is not at conflict with the Cookstown Area Plan 2010.

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

The relevant Draft Plan Strategy Policies in this assessment are (ie) GP1 - General Principles Policy and HOU 2 - Quality Residential Development. This proposal is not at conflict with either GP 1 or HOU 2. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March 2020 for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Planning Policy Statement 3 - Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the alteration of an existing access along with the construction of 3 new domestic accesses onto the Tullyodonnell Road. DFI Roads have been consulted and following the submission of revised plans are now satisfied with the proposal from a roads perspective. PSD's have been agreed and signed and Roads have recommended several standard PSD conditions to be attached to any decision. Each dwelling unit provides in-curtilage parking for 2 cars and this is in line with Parking Standards.

PPS 6 - Planning, Archaeology and Built Heritage

This site is located in an area of archaeological importance (TYR 038:039). Historic Environment Division (HED) have been consulted and have no objections to this proposal on archaeology grounds.

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, low density and is located in a village location where there are varied densities of residential development. The site is also outside the designated Area of Townscape Character. I am therefore content that the proposal will not impact negatively on the existing character of the area. The proposed layout is generally acceptable. The dwellings to the front of the development are detached dwellings, with adequate private amenity space and in-curtilage parking. The dwellings to

the rear of the site comprise a mix of detached and semi's. All have adequate private amenity space and in-curtilage parking. The site rises from the level of the Tullyodonnell Road in a Westerly direction. The dwellings to the rear of the site (units 6-13) will have finished floor levels approximately 3m higher than the dwellings closest to the road (units 1-5). There is a separation distance of approx 25m between units 6-13 and units 1-5. This is acceptable on a sloping site like this. The scale, proportions, massing and appearance of all 13 dwellings are acceptable for this rural settlement. The Western boundary of the site forms the edge of the settlement limit, where it is normally expected to be planted up with buffer of planting approximately 8-10m in width. This buffer has not been provided in this layout. Instead, existing trees are shown to be retained without any augmentation. In other cases I would insist on this buffer being implemented however given the limited visibility of this boundary from any public vantage point I would not object to its omission in this instance.

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 in an area of archaeological importance (TYR 038:039). HED have been consulted and have no objections to the proposal from an archaeological perspective. There are no Listed Buildings close to the site. There is a mature boundary of thick vegetation along the Southern boundary of the site which can be conditions to be retained. 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 - Each dwelling has adequate private amenity space in excess of the 40m² recommended in Creating Places. This scheme is for 13 units which is below the threshold for providing an area of public open space as part of the overall scheme. Existing vegetation along site boundaries will be conditioned to be retained to help soften the visual impact of the development in the local landscape.

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 The Rock and there are existing neighbourhood facilities already available in the locality (eg) shops, School etc. The small scale of the development does not merit the provision of any new standalone facilities.

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 a small rural settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be fairly low and would be travelling at a low speed. DFI Roads have been consulted and have no objections to the proposal in terms of road safety

Adequate and appropriate provision is made for parking - Each dwelling has in-curtilage parking for 2 cars. This is in line with Parking Standards Guidance.

The design of the development must draw upon the best local traditions of form, materials and detailing - The design and finish of each dwelling does not give me any cause for concern and are reflective of the type of design found in settlements throughout the District

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 - There is a detached dwelling to the immediate North of this site. Units 5 and 6 will be the closest dwellings to this property. The presence of a domestic leylandi hedge and the fact that new dwellings will be gabled onto this existing dwelling will ensure there are no issues with privacy/overlooking. The existing dwellings to the SE and SW of the site are sited far enough away from the site to ensure they won't be impacted upon by overlooking, overshadowing or loss of light. Within the proposed development there will be at least a 25m separation distance between units 1-5 and units 6-13, along with a buffer of planting. This will ensure an acceptable degree of privacy will be achieved in the rear gardens of units 1-5. Generally, residential developments do not generate any unacceptable noise, odours or emissions.

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 will be provided and street lighting will be provided.

Planning Policy Statement 15 - Planning and Flood Risk

This site is not within a recognised flood plain. A Drainage Assessment was submitted with this application as the proposal is for more than 10 dwelling units. Rivers Agency have been consulted with this DA and have advised that they do not object to the conclusions of this Assessment. I am therefore content that the proposal is in keeping with FLD 3 of PPS 15.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to standard conditions and informatives

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 11rev1 bearing the date stamp 05 March 2020

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.

3. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number No 11rev1 bearing the date stamp 05 March 2020. The Council 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.

4. No other development hereby permitted shall be commenced until the road works comprising generally road widening and footway provision as indicated on Drawing No 11rev1 bearing the date stamp 05 March 2020 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time.

5. The visibility splays of 4.5 x 70 metres at the junction of the proposed development access road with the public road, shall be provided in accordance with Drawing No. 11rev 1 bearing the date stamp 05 March 2020, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The visibility splays of 2.4 x 70 metres at the junctions of the private accesses to sites 1,2 and 5 with the public road, shall be provided in accordance with Drawing No. 11rev 1 bearing the date stamp 05 March 2020, prior to the commencement of any other works or other development.. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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.

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

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

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

Reason: In the interests of visual amenity and to ensure the protection of residential amenity

10. The existing vegetation along the site boundaries 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.

Informatives

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any street as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until

such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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 DfI Roads for which separate permissions and arrangements are required.

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

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.

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to DfI Roads Network Services through the relevant Division.

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

2.The Drainage Assessment indicates the storm water system will be designed to NIW standards, therefore NIW will be responsible for checking design calculations, adoption and maintenance of the system.

Consequently DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

3.No plant or equipment used in the construction of these properties should be operated in a manner so as to cause disturbance to the occupants of surrounding properties. Any noisy work should be undertaken in accordance with the principals of BS5228: 2009.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Tullyodonnell Road Dungannon Tyrone George Watson 101 Rockdale Road,Rock,Dungannon,BT70 3JD KIERAN MULLAN 4 Rockdale Close Dungannon Tyrone The Owner/Occupier, 4 Tullyodonnell Road Dungannon Tyrone The Owner/Occupier, 5 Tullyodonnell Road Dungannon Tyrone The Owner/Occupier, 5 Tullyodonnell Road, Dungannon, Tyrone, BT70 3JE Tim Bursby 5, Tullyodonnell Road, Dungannon, Tyrone, Northern Ireland, BT70 3JE The Owner/Occupier, 6 Tullyodonnell Road Dungannon Tyrone Michaela Kilpatrick 6a Tullyodonnell Road Dungannon Peter Kilpatrick 6a Tullyodonnell Road, Dungannon, Tyrone, Northern Ireland, BT70 3JE The Owner/Occupier, 8 Tullyodonnell Road Dungannon Tyrone Clerkin Cathal 8 Tullyodonnell Road, Dungannon, Tyrone, Northern Ireland, BT70 3JE Sarah Kolbohm Email Address Cara Hayden Email Address Cait Cunningham Email Address Karl Kolbohm Email Address Ronan Lagan Email Address Donna Cotter Email Address Rita Mullan Email Address Gary Clerkin Email Address	

Donna Cotter Email Address Megan McKenna Email Address	
Date of Last Neighbour Notification	22nd November 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0823/F Proposal: Residential development consisting of 13 no dwellings (9 detached & 4 semi-detached) & 5 no garages & associated siteworks Address: 6 Tullydonnell Road, Rock, Decision: Decision Date: Ref ID: I/1990/0120B Proposal: Dwelling and Garage Address: BETWEEN NO6 AND NO8, TULLYDONNELL ROAD, ROCK, COOKSTOWN. Decision: Decision Date: Ref ID: I/1990/0120 Proposal: Dwelling and Garage Address: BETWEEN 6 & 8 TULLYDONNELL ROAD ROCK COOKSTOWN Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - No objections EH - No objections Rivers - No objections NIW - No issues	
Drawing Numbers and Title	

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

Drawing No. 09
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 03 rev 4
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Longitudinal Sections
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. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 10 rev 1
Type: Proposed Plans
Status: Submitted

Drawing No. 11 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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2nd June 2020	Item Number:
Application ID: LA09/2019/0994/F	Target Date:
Proposal: Proposed development of 39 units consisting of 2 storey detached and semi detached dwellings with open space and temporary waste water treatment works	Location: North of 3 Coolreaghs Road, Cookstown
Referral Route: 14 no. objections received	
Recommendation: Approve	
Applicant Name and Address: J and A Developments Ltd 55 Coagh Road Stewartstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown, BT80 9LU
Executive Summary: This proposal for a housing development of 39 dwellings is located on zoned phase 1 housing land in Cookstown. It meets all the key site requirements set out in the Cookstown Area Plan in respect of this zoning. It also complies with all relevant planning policy - the SPPS, PPS 3, PPS 7, PPS 8 and PPS 15. There has been 14 letters of objection submitted. All material planning issues have been fully considered and do not merit the refusal of this application. Approval is recommended subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	NIEA	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	14	
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. To date there have been 14 no. objections		

received. The material planning issues raised in each objection are summarised and addressed below:

No. 4 Coolreaghs Road, dated 15th August 2019

- Failure to be notified - NN letter issued on receipt on this objection.
- Application is a Major Development - This is not correct. This is a Local Application and does not meet any of thresholds set out in the Planning (Development Management) Regulations 2015 for Major Development.
- Density - This is considered further in this report in my policy consideration
- Impact on Character of area - This is considered further in this report in my policy consideration
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Storm and Wastewater Drainage System - Temporary treatment plant being implemented. EH, NIEA and NIW all consulted and have not objections in terms of capacity or drainage.
- Lack of detail in respect of Temporary Treatment Works - Detail was submitted during the processing on the application and all relevant neighbours notified of this.
- Japanese Knotweed on the site - NIEA have been consulted and have provided advice in terms of removal.
- Request for an audit to ascertain demand for housing in this area - This is not normal practice
- Request that the Planning Committee meet with local residents to discuss their concerns - This is not normal practice

No. 17b Lissan Road, dated 19th August 2019

- Use of outdated maps - Maps submitted give a proper indication of location of site. I am aware, following a site visit or all adjacent development
- Danger from increased traffic - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Electricity and drainage protected - This will be the responsibility of the developer during construction phase.
- Additional planting provided - This has been requested where necessary.
- Connection to Moneymore Road - This development will not provide a vehicular connection to the Moneymore Road. It will provide an option of a pedestrian link.
- Density and character - will be considered further in my report
- Need - This is phase 1 Housing Land, zoned in the Area Plan for Housing. The applicant is not required to demonstrate a need.

No. 12 Coolreaghs Road, dated 15th August 2019 (Submitted same letter twice)

- Failure to be notified - NN letter issued on receipt on this objection.
- Application is a Major Development - This is not correct. This is a Local Application and does not meet any of thresholds set out in the Planning (Development Management) Regulations 2015 for Major Development.
- Density - This is considered further in this report in my policy consideration

- Impact on Character of area - This is considered further in this report in my policy consideration
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Storm and Wastewater Drainage System - Temporary treatment plant being implemented. EH, NIEA and NIW all consulted and have no objections in terms of capacity or drainage.
- Lack of detail in respect of Temporary Treatment Works - Detail was submitted during the processing on the application and all relevant neighbours notified of this.
- Japanese Knotweed on the site - NIEA have been consulted and have provided advice in terms of removal.
- Request for an audit to ascertain demand for housing in this area - This is not normal practice
- Request that the Planning Committee meet with local residents to discuss their concerns - This is not normal practice

Date received 19th August 2019

- Lack of Community Consultation - This is not a Major Planning Application and as such there is no statutory duty on the applicant to consult with the local community.
- Flooding and Strain on sewers - This site is not in a flood plain. A temporary treatment plant is proposed to deal with capacity issues.
- Impact of Temporary Treatment Plant on Health - EH have been consulted and have raised no concern in this regard
- Running Sand - NIEA and EH have been consulted and have raised no concerns about running sand.
- No. 10 Claggan Lane, dated 16th August 2019
- Failure to be notified - This property doesn't meet the criteria for NN
- Appropriate maps not submitted - I am satisfied that adequate plans have been submitted at an appropriate scale
- Impact on character - This will be considered further in my report
- Inappropriate design - This will be considered further in my report
- Density - This will be considered further in my report
- Query of adjacent approvals - Not material to this application
- Layout concerns - This will be considered further in my report
- Impact of Temporary Treatment Plant - Details have been provided. EH and NIEA have been consulted and have no objections
- Impact from Traffic - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Future development of the remainder of the site - There is nothing in legislation to prevent the applicant applying in a phased approach.
- Presence of Japanese Knotweed - NIEA have been consulted and have provided advice in terms of removal.
- Request for the protection of trees on site boundaries - This was considered by the Councils tree officer who has said there is no merit in placing a TPO on any of the boundary trees
- Flooding and Strain on sewers - This site is not in a flood plain. A temporary treatment plant is proposed to deal with capacity issues.

No. 29 Coolreaghs Road, dated 19th August 2019

- Failure to be notified - NN letter issued on receipt on this objection.
- Application is a Major Development - This is not correct. This is a Local Application and does not meet any of thresholds set out in the Planning (Development Management) Regulations 2015 for Major Development.
- Density - This is considered further in this report in my policy consideration
- Impact on Character of area - This is considered further in this report in my policy consideration
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Storm and Wastewater Drainage System - Temporary treatment plant being implemented. EH, NIEA and NIW all consulted and have no objections in terms of capacity or drainage.
- Lack of detail in respect of Temporary Treatment Works - Detail was submitted during the processing on the application and all relevant neighbours notified of this.
- Japanese Knotweed on the site - NIEA have been consulted and have provided advice in terms of removal.
- Request for an audit to ascertain demand for housing in this area - This is not normal practice
- Request that the Planning Committee meet with local residents to discuss their concerns - This is not normal practice

No. 3 Coolreaghs Road, dated 23rd August 2019

- Density and Design - These matters are considered further in this report in my policy consideration
- Impact on Privacy - Original layout of development and house types were revised during the processing of this application and I now have no concerns about impact on the privacy of these occupants.
- Impact of Temporary Treatment Plant - EH have been consulted and have raised no concern in this regard. Visually this plant will have minimal impact as it will be submerged.
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Noise - EH have no objections on the basis of unacceptable noise levels

No. 14 Coolreaghs Road, dated 17th August 2019

- Failure to be notified - NN letter issued on receipt on this objection.
- Density - This will be considered further in my report
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Presence of Japanese Knotweed - NIEA have been consulted and have provided advice in terms of removal.
- Impact of Temporary Treatment Plant - Details have been provided. EH and NIEA have been consulted and have no objections
- Running Sand - NIEA and EH have been consulted and have raised no concerns about running sand.

No. 14 Coolreaghs Road, dated 12th September 2019

Flooding and Drainage concerns - NIW, NIEA and Rivers Agency have been consulted and have no objections to the proposal on these grounds.

No. 10 Coolreaghs Road, dated 2th September 2019

- Failure to be notified - NN letter issued on receipt on this objection.
- Impact on character - This will be considered further in my report
- Traffic Impact - DFI have been made aware of the objection and have no objections to the proposal in terms of roads safety
- Impact of Temporary Treatment Plant - Details have been provided. EH and NIEA have been consulted and have no objections
- Noise - EH have no objections on the basis of unacceptable noise levels

No. 16 Coolreaghs Road, dated 9th September 2019

- Capacity and flooding issues - Relevant consultees notified and no objections or concerns raised

2 no. objections dated 16th September 2019 9 (no name or address provided)

- Impact on character and road safety - These will be considered further in my report.
- Request for TPO on existing trees - matter passed to the Councils Tree Officer, who has determined that the existing trees do not require a TPO.

Having considered all the material planning issues raised in these objection letters, Members are advised that it is my opinion that the matters raised do not merit the refusal of this application.

Characteristics of the Site and Area

The application site comprises 1.4 hectares of a larger 2.62 hectare plot of undeveloped Phase 1 Housing Land (H03), located just North of Number 3 Coolreaghs Road, Cookstown. It is within the development limits of Cookstown as defined in the Cookstown Area Plan 2010, but outside the Town Centre Boundary. The overall site is relatively flat but the host field sweeps gently towards its Northern section where it meets Claggan Lane. The Southern boundary of the site abuts number 3 Coolreaghs Road, which is a two storey semi-detached dwelling. The boundary treatment here is defined in part by a domestic wall and in part by a low level domestic hedgerow. The remaining Southern boundary is defined by thick native species hedgerow. The SE boundary runs adjacent to Weavers Care Home and is also defined by thick native species hedgerow. The Northern boundary cuts through the middle of the host field and is undefined on the ground. In the extreme East of the site, where it abuts Claggan Park, the boundary is defined by thick native hedgerow and a mature tree. The red line boundary of the site encroaches into the extreme NW portion of the host field. Here the roadside boundary is defined by low level maintained hedgerow. This hedgerow runs along the Western boundary, which is parallel

to the Coolreaghs Road. There is a footpath running along this boundary and a small electricity sub-station situated half way along it. An overhead 3 phase electricity line cuts through the Northern portion of the host field.

This area is characterised primarily by residential development of different densities. Along the Coolreaghs Road there are a mix of detached and semi-detached dwellings fronting onto the public road. These are two storey or chalet type dwellings. Claggan Lane has mainly larger detached dwellings fronting onto the public road. Further along Claggan Lane is Claggan Park which is comprised of a mix of semi detached 2 storey chalets and detached dwellings. Further to the North of the site is Coolmount Development which is comprised of detached and semi-detached two storey dwellings and further to the North West is The Ash which is primarily detached bungalows. Weavers Care Home, a large 3 storey building and an adjacent housing development comprised of a mix of detached, semis and town houses are located to the SE of the site. As referred to above, this site is part of a larger Phase 1 House Zoning. A designated walkway and cycle route is zoned along the SE boundary of the site but this no longer exists on the ground. Along this route there is a designated access point to be protected.

Description of Proposal

This is full application for a housing development of 39 units consisting of 2 storey detached and semi detached dwellings with open space and temporary waste water treatment works.

Planning Assessment of Policy and Other Material Considerations

Planning History

There are no relevant planning histories on this site or adjacent to this site to be considered in this assessment.

Policy Consideration

The following policies will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 15 - Planning and Flood Risk
- Creating Places

Strategic Planning Policy Statement (SPPS)

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.

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. Following the submission of amended plans I am satisfied that this proposal, its layout and house designs will not have an adverse impact on residential amenity. This will be discussed in detail further in this report.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

Design Considerations and the impact on residential amenity will be considered further in this report. Consultation with NIW has confirmed that there are no WWTW Capacity issues currently in Cookstown however a Temporary Treatment Plant has been proposed to facilitate this development. The applicant submitted a Drainage Assessment with this application and following consultation with Rivers Agency, no concern has been raised about drainage.

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.

This development is located on Zoned Housing Land as set out in the Cookstown Area Plan 2010 and a proposal for housing is acceptable in principle subject to all key site requirements being met. These will be considered further in this report.

Cookstown Area Plan 2010

This site is located within the development limits of Cookstown in what is a predominantly residential area of the Town. The site itself is zoned for Phase 1 Housing (H03 ? Land East of Coolreaghs Road and South of Claggan Lane). This zoning encompasses the whole 2.62 hectare host field. It benefits from trees and hedgerows along the NE and SW boundaries. Access is available from both Coolreaghs Road and Claggan Lane. The plan

sets down 6 key site requirements for development on this zoning. This proposal complies with all 6.

A full tree condition survey should be carried out and mature trees and hedgerows on the boundaries should be retained.

The Council's Tree Officer has considered the condition of the existing trees along the site boundaries, of which there are a very limited number. It has been deemed that they do not merit the protection of a Tree Preservation Order. Existing hedgerow and trees are shown to be retained on the Landscape Plan and their retention will be a condition of approval.

The layout should be designed to ensure that houses do not back onto Claggan Lane or Coolreaghs Road.

No dwellings back onto Coolreaghs Road. This application does not include any dwellings that directly abut Claggan Lane. It is envisaged these will be incorporated in a second phase and this key site requirement will be applied at that time.

At least 0.25 hectares of open space for children's play provision should be provided

Adequate useable open space is being provided as part of this proposal

Pedestrian Access to link with Claggan Park, and pedestrian/cycle access to the lane to the South of the site, should be provided.

The red line of this application does not allow for a pedestrian link to Claggan Park to be considered under this application. A pedestrian/cycle link to connect the site to the Moneymore Road has been provided for within the red line of this application. The lane to the South referred to in this key site requirement is no longer in existence and has been integrated into the Curtilage of Weavers Care Home.

If access is constructed from Claggan Lane, a footway will be required to link the access to the existing public footway network.

Access from Claggan Lane does not form part of this proposal.

Access, including provision of public transport and pedestrian/cycle access should be made available to link Coolreaghs Road or Claggan Lane through H03 to neighbouring housing land to the East H04

DFI Roads have advised that there is no strategic benefit in providing a public transport link from H03 through to H04. I would agree with this given the short distance it would take to travel the existing route. An opportunity has been provided to develop a pedestrian/cycle link between both sites (between units 24 and 25). It is unlikely that this will ever be completed due to a parcel of third party land between both sites.

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

The relevant Draft Plan Strategy Policies in this assessment are (ie) GP1 - General Principles Policy and HOU 2 - Quality Residential Development. This proposal is not at conflict with either GP 1 or HOU 2. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Planning Policy Statement 3 - Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the creation of a new access onto the Coolreaghs Road. DFI Roads have been consulted and following the submission of a Traffic Survey and revised plans are now satisfied with the proposal from a roads perspective. PSD's have been agreed and signed and Roads have recommended several standard PSD conditions to be attached to any decision. Each dwelling unit provides in-curtilage parking for 2 cars and this is in line with Parking Standards.

It is noted that objectors to the application raised road safety concerns which could be caused by this development. These objections have been fully considered by DFI Roads in their response to MUDC.

Planning Policy Statement 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 sited on phase 1 zoned housing land within the development limits of Cookstown. It is surrounded by residential developments of varying densities - detached dwellings along Coolreaghs Road and Claggan Lane, Semis in Claggan Park and three storey town houses adjacent to Weavers Nursing home. On this basis I have no concerns about the impact of this development in terms of the residential character of this area. It is a medium density development comprised of detached dwellings along the site frontage and semis in the remainder of the site. There is a slight slope within the site, rising gently in a Northern direction towards Claggan Park, but it is minimal and does not result in the need for any retaining structures. The layout has been amended during the processing of the application which has resulted in the reduction of the number of units. It has also ensured that the front of the development comprises large feature detached dwellings which makes it a more attractive scheme. The scale, proportion and massing of each dwelling is acceptable and not over dominant. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking. The development is also softened by the provision of a central area of open space which most dwellings look towards. All units have acceptable levels of private amenity space, in excess of the minimum 40m² recommended in Creating Places. Phase 2 will have to ensure acceptable back to back separation distances where it will abut units 27-

38. I am however content that most of the dwellings have just short of the 10m required in Creating Places.

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'd trees within the site to be retained or protected. There are a few mature trees which will be conditioned to be retained.

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.

Each dwelling has adequate private amenity space in excess of the 40m² recommended in Creating Places. This scheme is for 39 units and should incorporate an area of public open space with equates to 10% of the site area in line with PPS 8. An area of an appropriate size is being provided in a central location within the development. A detailed Landscape Plan has also been submitted which shows how the development will be landscaped in order to soften its visual impact.

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 Cookstown and there are existing neighbourhood facilities already available in the locality (eg) shops, Schools etc. The scale of the development does not merit the provision of its own stand alone facilities.

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. Traffic calming measures by way of speed ramps have been incorporated into the estate road. DFI Roads have been consulted and have no objections to the proposal.

Adequate and appropriate provision is made for parking

Each dwelling has in-curtilage parking for 2 cars. This is in line with Parking Standards Guidance.

The design of the development must draw upon the best local traditions of form, materials and detailing

The design and finish of each dwelling does not give me any cause for concern and are reflective of the type of design found in urban developments throughout the District.

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

This proposal is residential in nature and is surrounded by residential developments. As such I have no concerns about conflict with adjacent landuses. There is 1 property, which in my opinion had the potential to be impacted the most by this development - number 3 Coolreaghs Road, which is a two storey semi detached dwelling situated along the Southern boundary of the site. The occupants of this dwelling have objected to the proposal. The initial layout, which included a chalet type bungalow fronting directly into the Kitchen of number 3, has been amended to reduce the impact on the privacy of the occupants of this property. The dwelling on this site is now a two storey dwelling fronting onto the Coolreaghs Road (see drawing below). There are no first floor windows on the gable of this dwelling which prevent any overlooking into number 3. There is a sunroom on the ground floor which has a window fronting onto the Coolreaghs Road rather than on the gable. This is an acceptable design solution in order to reduced any impact on their privacy. Whist the sun room runs quite close to the gable of number 3, it is single storey and is not of the dimensions or location which will result in a loss of light, cause over shadowing or appear over dominant on number 3. There is also patio doors on the ground floor gable of the proposed dwelling. These sit further back than the sun room and have an acceptable separation distance from number 3. I do appreciate that the occupants of this dwelling have for years experienced open and uninterrupted views across this host field however there is no legal entitlement to views and the loss of views cannot be a material consideration in assessing the proposal in terms of residential amenity. I do consider that the amendments made to the layout will ensure that there will be minimal impact on the residential amenity of number 3 Coolreaghs Road and that the refusal of the application on the basis of its impact on number 3 would not be justified I policy terms.



Generally, residential developments do not generate any unacceptable noise, odours or emissions which would impact on residential amenity. This development does incorporate a temporary treatment plant. The details of this plant have been forwarded to EH who have advised that they have no concerns in respect of noise or odours coming from this plant-which is submerged.

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 will be provided and street lighting exists along the adjacent public roads and footpaths.

Planning Policy Statement 15 - Planning and Flood Risk

This site is not within a recognised flood plain. A Drainage Assessment was submitted with this application as the proposal is for more than 10 dwelling units. Rivers Agency have been consulted and have advised that Chapter 4.2 of the Drainage Assessment states: This section details measures which have been incorporated into the proposal submitted in support of the planning application, and to be further developed in any detailed design or variation post-determination of the planning application. Prior to the commencement of any of the approved development on site a final detailed drainage design, based on the discharge rate from NI Water should be submitted to the Planning Authority for their consideration and satisfaction. I am content to deal with this by way of applying a condition to any decision. This will safeguard against any potential flood risk.

Approval subject to conditions is recommended	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>This proposal for a housing development of 39 dwellings is located on zoned phase 1 housing land in Cookstown. It meets all the key site requirements set out in the Cookstown Area Plan in respect of this zoning. It also complies with all relevant planning policy - the SPPS, PPS 3, PPS 7, PPS 8 and PPS 15. There has been 14 letters of objections submitted. All material planning issues have been fully considered and do not merit the refusal of this application. Approval is recommended subject to conditions.</p>	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 22 rev 2 bearing the date stamp 06 May 2020</p> <p>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.</p> <p>3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road including footway improvements along the Coolreaghs Road have been completed in accordance with the details outlined blue on Drawing No 22 rev 2 bearing the date stamp 06 May 2020</p> <p>The Council 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).</p> <p>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.</p> <p>4. The visibility splays of 4.5 metres by 90 metres to the north and 2.4 x 72 metres to the south at the junction of the proposed residential access road with the Coolreaghs Road, shall be provided in accordance with Drawing No</p>	

22 rev 2 bearing the date stamp 06 May 2020, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The vehicular access from Site 1 to Coolreaghs Road including visibility splays shall be provided in accordance with Drawing No 22 rev 2 bearing the date stamp 06 May 2020 prior to the commencement of any other development associated with Site 1 hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

8. Should adoption of the proposed temporary treatment plant not be feasible by Northern Ireland Water (NI Water), then an adequate and effective maintenance programme shall be put in place for a period not less than 20 years. The programme should be submitted and agreed for approval prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure the protection of residential amenity

9. Prior to the commencement of any of the approved development on site a final detailed drainage design, based on the discharge rate from NI Water should be submitted to the Planning Authority for their consideration and satisfaction.

Reason: To safeguard against flood risk.

10. The existing trees and vegetation along the entire site boundaries 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.

11. All planting and boundary treatment comprised on drawing number 19 rev 4, bearing date stamp 6th May 2020 shall be carried out prior to the occupation of any of the dwellings hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the dwellings, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to ensure the protection of residential amenity.

12. No dwelling hereby approved shall be occupied until Mid Ulster Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for the central area of public open space identified on drawing No. 19 rev 4, bearing date stamp 6th May 2020. This area shall be permanently retained as landscape/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with PPS 7 - Quality Residential Environments and PPS8 - Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

13. A 3m strip of land between units 24 and 25 and running to the rear of unit 24, as shown in green on drawing no 18 rev 5 bearing date stamp 6th May 2020 shall not be developed nor included in the domestic curtilage of unit 24 or 25.

Reason: To provide and retain an opportunity for a footway/cycle path onto the Moneymore Road in line with the key site requirement detailed in the Cookstown Area Plan 2010

Informatives

1. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern

Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any street as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.

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

It is a DfI Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

Geotechnical activities which require Geotechnical Certification shall be submitted to Engineering Policy and Parking Services through the relevant Division. Geotechnical Certification shall be in accordance with the Department for Infrastructures Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges

2.The package sewage treatment plant shall be constructed to a standard capable of adoption by Northern Ireland Water (NI Water) and whose effluent discharge quality meets with the satisfaction of the Water Management Unit within the Northern Ireland Environment Agency. Such an arrangement will require a consent to discharge as issued under the requirements of the Water (NI) Order 1999.

3.With regards to the Running Sand concern, Water Management Unit would advise that when assessing soakaways the main criteria is whether or not the percolation rate of the ground is suitable. This can only be determined when all the necessary documentation has been submitted along with an application for discharge consent from NIEA

Water Management Unit would advise that if there are noted pollution incidents, the NIEA Emergency pollution Hotline 0800 80 70 60 should be contacted for further investigation.

The applicant should refer and adhere to all relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance.

Water Management Unit recommends that the applicant refer to DAERA Standing Advice on Sustainable Drainage Systems for advice on the use of Sustainable Drainage Systems.

The applicant should refer and adhere to all relevant precepts in DAERA Standing Advice on Discharges to the Water Environment.

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.

Signature(s)

Date:

ANNEX	
Date Valid	22nd July 2019
Date First Advertised	8th August 2019
Date Last Advertised	26th November 2019
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Coolreaghs Road Cookstown Tyrone The Owner/Occupier, 10 Claggan Lane Cookstown Tyrone David Murray 10 Claggan Lane, Cookstown, Tyrone, Northern Ireland, BT80 8PX The Owner/Occupier, 10 Coolreaghs Road Cookstown Tyrone Samuel Colvin 10 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8EP The Owner/Occupier, 11a Lissan Road, Cookstown, Tyrone, Northern Ireland, BT80 8EP The Owner/Occupier, 12 Claggan Lane Cookstown Tyrone The Owner/Occupier, 12 Coolreaghs Road Cookstown Tyrone Harold Farrell, Maureen Farrell and George Farrell 12 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8EP Harold & Maureen Farrell 12 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8EP The Owner/Occupier, 14 Claggan Lane Cookstown Tyrone The Owner/Occupier, 14 Coolreaghs Road Cookstown Tyrone Joan Kempton 14 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8ER Joan Kempton 14 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8ER The Owner/Occupier, 16 Claggan Lane Cookstown Tyrone Stephen Donaghy 16 Coolreaghs Road, Cookstown, BT80 8ER Stephen Donaghy 16 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8ER The Owner/Occupier, 16 Coolreaghs Road, Cookstown, Tyrone, BT80 8EP The Owner/Occupier, 17 Lissan Road Cookstown Tyrone The Owner/Occupier, 17B Lissan Road, Cookstown, Tyrone, BT80 8EN	

Thomas Dripps 17b Lissan Road, Cookstown, Tyrone, Northern Ireland, BT80 8EN The Owner/Occupier, 18 Claggan Lane Cookstown Tyrone The Owner/Occupier, 18 Coolreaghs Road, Cookstown, Tyrone, BT80 8EP The Owner/Occupier, 19 Claggan Park Cookstown Tyrone The Owner/Occupier, 19 Lissan Road Cookstown Tyrone The Owner/Occupier, 2 Coolreaghs Road Cookstown Tyrone The Owner/Occupier, 21 Claggan Park Cookstown Tyrone The Owner/Occupier, 23 Claggan Park Cookstown Tyrone Phillip and Margaret Brisbane 29 COOLREAGHS ROAD, COOKSTOWN, TYRONE, Northern Ireland, BT80 8ER The Owner/Occupier, 29 Coolreaghs Road Cookstown Tyrone The Owner/Occupier, 3 Coolreaghs Road Cookstown Tyrone N Cahoon 3 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8EP The Owner/Occupier, 4 Coolreaghs Road Cookstown Tyrone William G. Shaw and Moira E. Shaw 4 Coolreaghs Road, Cookstown, Co Tyrone, BT80 8EP The Owner/Occupier, 40 Moneymore Road Cookstown Tyrone The Owner/Occupier, 42 Claggan Park Cookstown Tyrone The Owner/Occupier, 45 Coolreaghs Road, Cookstown, Tyrone, BT80 8EP The Owner/Occupier, 6 Coolreaghs Road Cookstown Tyrone The Owner/Occupier, 8 Coolreaghs Road Cookstown Tyrone The Owner/Occupier, No Address Supplied Unknown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0994/F

Proposal: Proposed development of 41 units consisting of 2 storey detached and semi detached dwellings with open space and temporary waste water treatment works

Address: North of 3 Coolreaghs Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/1977/0204

Proposal: ERECTION OF PRIMARY SCHOOL NURSERY UNIT, SCHOOL MEALS KITCHEN TOGETHER

Address: COOLREAGHS ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0109

Proposal: 4 no.semi-detached dwellings with garages

Address: REAR OF 17 LISSAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0086

Proposal: Proposed 2 No. Dwellings and Garage

Address: TO THE REAR OF 17 LISSAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1997/0414

Proposal: Site for Dwelling

Address: REAR OF 17 LISSAN ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2006/0979/F

Proposal: Proposed Sun Room

Address: 42 Claggan Park, Cookstown

Decision:

Decision Date: 16.02.2007

Ref ID: I/1987/0181

Proposal: DWELLING WITH GARAGE

Address: SITE NO 22A CLAGGAN PARK, COOKSTOWN

Summary of Consultee Responses

DFI Roads - No objections
EH - No objections
NIW - No issues
Rivers - No objections
NIEA - No objections

Drawing Numbers and Title

Drawings No's - 01, 02, 03, 04, 05, 06 rev 1, 07 rev 1, 08 rev 2, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18 rev 5, 19 rev 4, 20, 21, 22 rev 2

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: LA09/2019/1276/F	Target Date:
Proposal: Proposed partial removal of roof of drive thru lane.	Location: KFC 45 Killymoon Street Cookstown BT80 8JZ.
Referral Route: Approval – Objection received	
Recommendation:	Approval
Applicant Name and Address: Kirk & Bryson Co. Limited 605 Lisburn Road Belfast BT9 7GS	Agent Name and Address: Coogan & Co. Architects Ltd. 122 Upper Lisburn Road Finaghy Belfast BT10 0BD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

There was one objection received in relation to this proposal. The main issues raised in this objection included: noise, fumes, nuisance and light disturbance. The objection will be discussed in more detail later in the report.

Characteristics of the Site and Area

The application site is located at 45 Killymoon Road, Cookstown. The current use of the site is for a restaurant, namely 'KFC'. From the site visit it was evident that the building was vacant and this use was no longer in operation at present. The building is single storey in height and the exterior consists mainly of a flat roof design. There is existing car parking available within the site also. The building is located beside residential buildings to the northern and western boundaries and beyond this there is a mix of other uses found within the Cookstown Settlement Limit. There is a McDonalds restaurant with a drive thru facility adjacent and to the south of the site. Other nearby uses include ASDA shop and filling station, Tyre Safety Centre and Toymaster amongst many others.

Description of Proposal

Full planning permission is sought for the proposed partial removal of roof of drive thru lane.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 1 Sweep Road, 43 Killymoon Street, 72 and 74 Gortlowry Park. At the time of writing, one third party representation has been received from No. 72 Gortlowry Park, one of the properties which bound the site to the North West. The exact same objection from the same address was received via email and via post, it was only uploaded once to the system. The main points raised in this objection were:

- Noise and disturbance to their property
- Exhaust fumes
- Light Pollution

Planning History

There is quite an extensive history associated with this site, the history which I feel is relevant to this application includes:

I/2013/0121/F - 45 Killymoon Street, Cookstown - Erection of Restaurant - PERMISSION GRANTED

I/2013/0377/F - 45 Killymoon Street, Cookstown, Erection of restaurant with drive thru - PERMISSION GRANTED

I/2013/0378/F - 45 Killymoon Street, Cookstown, BT80 8JZ - Refurbishment and conversion of existing building to accommodate new restaurant with drive thru (Amended Plans, Supporting Statement and Noise Impact Assessment) - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Regional Development Strategy 2035
- Strategic Planning Policy Statement (SPPS)

- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
- DCAN 4 - Restaurants, Cafes and Fast Food Outlets

Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

The Cookstown Area Plan 2010 identify the site as being within Cookstown Settlement Limit. It has no other zonings or designations within the Plan.

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

The proposal is for the partial removal of the existing drive thru lane. This removal would include the western section and some of the northern section of the existing drive thru structure. The roof was deemed necessary to protect adjacent residential amenity as part of the previous application (I/2013/0377/F) and was conditioned as part of the previous planning approval (Condition 6). Therefore, for this application it was deemed necessary to consult with Environmental Health given the history on the site and as they are the competent professional body who deal with the main issues which were raised within the objection letter.

Following Environmental Health's initial response dated 29th November 2019, a noise impact assessment was subsequently received from the applicant/agent on 9th December 2019 and the neighbours were re-consulted on 20th December 2019. No further objections or representations were received from the objector or any other of the neighbouring properties in light of the additional information received. Environmental Health provided a further response dated 6th February 2020 with comment on the Noise Impact Assessment. The applicant/agent followed this by submitting a rebuttal statement for Environmental Health's consideration.

In Environmental Health's most recent responses dated 24th March 2020 and 2nd April 2020, they have noted conditions which they feel would be appropriate to attach to any forthcoming approval should planning be granted. There was a very slight change in the wording from the conditions provided from Environmental Health and the conditions which have been attached below. These changes were conversed via email with the case officer, Environmental Health and the agent. Section 45 of the Act gives us the power to impose such conditions 'as we think fit.' Given that the changes are minor and given that I have already liaised with EHD regarding the wording and it appears that they have no objection to the subtle amendments suggested, I am content that we do not need to re-consult with them again in this instance.

It is considered that given the information provided from Environmental Health, the proposed partial removal of the existing drive thru is unlikely to impact the amenity of nearby receptors however they noted that the proposal may remove some of the

additional protection afforded to nearby receptors. They noted that the assessment carried out by RPS on behalf of the agent/applicant complied with the noise levels set out within World Health Organisation and British Standard 8233: 2014 guidance.

There are no proposed changes to the existing parking on site or the existing access arrangement and therefore it was not felt necessary to consult with DfI Roads on this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended, subject to conditions.

Conditions/Reasons for Refusal:

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 business or operations shall take place outside the hours of 08:00 hours to 23:00 hours each day.

Reason: To protect residential amenity.

3. No deliveries shall be taken or dispatched from the site outside the hours of 08:00 to 18:00, nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenity.

4. Within 4 weeks of a written request by the Council following a reasonable noise or odour complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of noise or odour from the development. Details of any noise or odour monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise or odour monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 12 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity.

Signature(s)
Date:

ANNEX	
Date Valid	27th September 2019
Date First Advertised	8th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Sweep Road, Cookstown, Tyrone, BT80 8JW The Owner/Occupier, 43 Killymoon Street, Cookstown, Tyrone, BT80 8JZ Agnes Corrigan 72 Gortalowry Park, Cookstown, Tyrone, BT80 8JJ Agnes Corrigan 72, Gortalowry Park, Cookstown, Tyrone, Northern Ireland, BT80 8JJ The Owner/Occupier, 74 Gortalowry Park, Cookstown, Tyrone, BT80 8JJ	
Date of Last Neighbour Notification	3rd January 2020
Date of EIA Determination	N/A
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1276/F Proposal: Proposed partial removal of roof of drive thru lane. Address: KFC, 45 Killymoon Street, Cookstown, BT80 8JZ., Decision: Decision Date: Ref ID: LA09/2016/0643/NMC Proposal: Minor Alterations to Previously Approved Housing Development I/2008/0773/F Address: Adjacent to Castle Road and to the Rear of 1-13 Castle Road and 6-12 Dungannon Road, Cookstown, Decision: CG Decision Date:	

Ref ID: I/2013/0377/F

Proposal: Erection of restaurant with drive thru

Address: 45 Killymoon Street, Cookstown,

Decision: PG

Decision Date: 10.07.2014

Ref ID: I/2006/0586/A

Proposal: Fascia, Entrance Feature, Pylon & Flags

Address: 45 Killymoon Street Cookstown

Decision:

Decision Date: 11.09.2006

Ref ID: I/1993/0028

Proposal: 3 No Flag Signs, 2 No Fascia Signs and 1 No Pylon Sign

Address: 45 KILLYMOON STREET COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2008/0404/F

Proposal: Single storey extension to accommodate a disabled bedroom to rear of dwelling and alteration to front porch

Address: 43 Killymoon Street, Cookstown

Decision:

Decision Date: 19.08.2008

Ref ID: I/2013/0378/F

Proposal: Refurbishment and conversion of existing building to accommodate new restaurant with drive thru (Amended Plans, Supporting Statement and Noise Impact Assessment)

Address: 45 Killymoon Street, Cookstown, BT80 8JZ,

Decision: WITHDR

Decision Date: 09.07.2014

Ref ID: I/2001/0703/A

Proposal: Proposed entrance awning, pole sign

Address: 45 Killymoon Street, Cookstown, Co. Tyrone

Decision:

Decision Date: 25.07.2002

Ref ID: I/1982/0374

Proposal: EXTENSION TO CAR SHOWROOM AND WORKSHOP

Address: 45 KILLYMOON STREET, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2013/0121/F
Proposal: Erection of Restaurant
Address: 45 Killymoon Street, Cookstown,
Decision: PG
Decision Date: 26.11.2013

Ref ID: I/1995/0328C
Proposal: Retail Stores
Address: SWEEP ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2008/0773/F
Proposal: Proposed residential development comprising detached dwellings, semi detached dwellings and townhouses, associated landscaping, site works and upgrading of Castle Road (as per previous approval I/2001/0862/F) (total 67 units).
Address: Site adjacent to Castle Road, Cookstown and to the rear of 1-13 Castle Road and 6-12 Dungannon Road
Decision: PG
Decision Date: 23.10.2014

Ref ID: I/2014/0262/A
Proposal: Totem sign
Address: 45 Killymoon Street, Cookstown BT80 8JZ,
Decision: CG
Decision Date: 07.10.2014

Ref ID: I/2014/0388/A
Proposal: Totem sign
Address: 45 Killymoon Street, Cookstown BT80 8JZ,
Decision: CG
Decision Date: 08.12.2015

Ref ID: I/2014/0387/A
Proposal: 7 no wall mounted and 2 no roof mounted signs
Address: 45 Killymoon Street, Cookstown BT80 8JZ,
Decision: CG
Decision Date: 09.03.2015

Ref ID: I/2015/0010/F
Proposal: Car hardstanding to front of dwelling
Address: 1, Sweep Road, Cookstown,
Decision: PG
Decision Date: 31.03.2015

Ref ID: LA09/2015/1259/NMC

Proposal: Amendment to extent of area coloured red on private streets determination (PSD) drawing stamped approved drawing No98 (Lisbane consultants reference Dwg No 12-012-H10c)

Address: Site adjacent to Castle Road, Cookstown and to the rear of 1-13 Castle Road and 6-12 Dungannon Road, Cookstown,

Decision: CG

Decision Date:

Ref ID: LA09/2015/1030/F

Proposal: Provision of a car hardstanding and ramped access to front of the dwelling with a footpath crossing over verge

Address: 1 Sweep Road, Gortallowery, Cookstown,

Decision: PG

Decision Date: 08.12.2015

Summary of Consultee Responses

Env Health: Content subject to conditions.

Drawing Numbers and Title

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 05

Type: Existing Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1285/F	Target Date:
Proposal: Dwelling, garage and associated site works (change of house type)	Location: 86m NW of 81 Killyliss Road Dungannon
Referral Route: Objections	
Recommendation:	APPROVE
Applicant Name and Address: Mr Gary Mc Cann 75 Killyliss Road Dungannon	Agent Name and Address: Black Architecture 164 Tirnascobe Road Richhill BT61 9RF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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 objections were received from a Joe Hughes, who resides at 65 Killybracken Road a short distance to the East of the site.

The objectors main concern was the need for a dwelling as the applicant has previous approvals.

Characteristics of the Site and Area

The application site is located approx. 86 metres NW of 81 Killyliss Road, Dungannon, approximately 1.65km north west of the village of Eglis. It is in an area which is largely characterised by agricultural land, farm holdings and dispersed settlement. The site to the direct north comprises 2 no two storey semi-detached dwellings. The two dwellings occupy an L shaped plan, with one orientated to face

northwards and the other fronting the road to the east. This site access has been put in place with two block pillars formed at the roadside with an agricultural gate across. The foundations of the previous approval are in place however, the area has been overgrown with weeds and vegetation. Site boundaries are marked to the North, west and east by existing hedgerows. To the south the site boundary is defined by a post and wire fence with the shell of a large agricultural building also under construction.

Description of Proposal

The proposal seeks full planning permission for a dwelling, garage and associated site works (change of house type)

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy
Dungannon Area Plan (CAP) 2010

PPS1

PPS3

PPS21

-Policy CTY 1 - Development in the Countryside

-Policy CTY 13 - Integration and Design

-Policy CTY 14 - Rural character

Strategic Planning Policy Statement (SPPS)

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

Objections / comment received from 3rd Parties;

Two objections have been received from a Joe Hughes, who resides at 65 Killybracken Road a short distance to the East of the site.

The objectors main concern was the need for a dwelling as the applicant has previous approvals. In addition he has raised concerns over the access, traffic flow and overpopulation.

RELEVANT PLANNING HISTORY

M/2009/0417/RM - 75 Killyliss Road, Dungannon - Proposed replacement dwelling and new access to the Killyliss Road, including domestic garage - Permission Granted 16/09/09

M/2006/2062/O - 75 Killyliss Road, Dungannon - Proposed replacement dwelling with new access to Killyliss Road - Permission Granted 20/03/07

M/2014/0295/F - 75 Killyliss Road, Dungannon - Construction of two 2 storey dwellings with detached garages and associated site works-change of previously approved house types - Permission Granted 29/07/14

This site access has been put in place with two block pillars formed at the roadside with an agricultural gate across and sight splays have been cleared. The foundations of the previous approval are in place however, the area has been overgrown with weeds and vegetation. I am satisfied that the previous development has commenced.

Assessment of design

In this case the applicant has proposed a change of house type which involves moving the footprint of the dwelling a few metres to the North, with the switch in position of the garage from the North to the South of the main body of the dwelling, making it more central on the site. The proposal also seeks the same access, however, the overall size of the dwelling proposed is slightly smaller than previously approved. The proposed ridge height and dwelling width remain the same, the two storey element has remained, the dwelling footprint has been slightly reduced by approximately 35m².

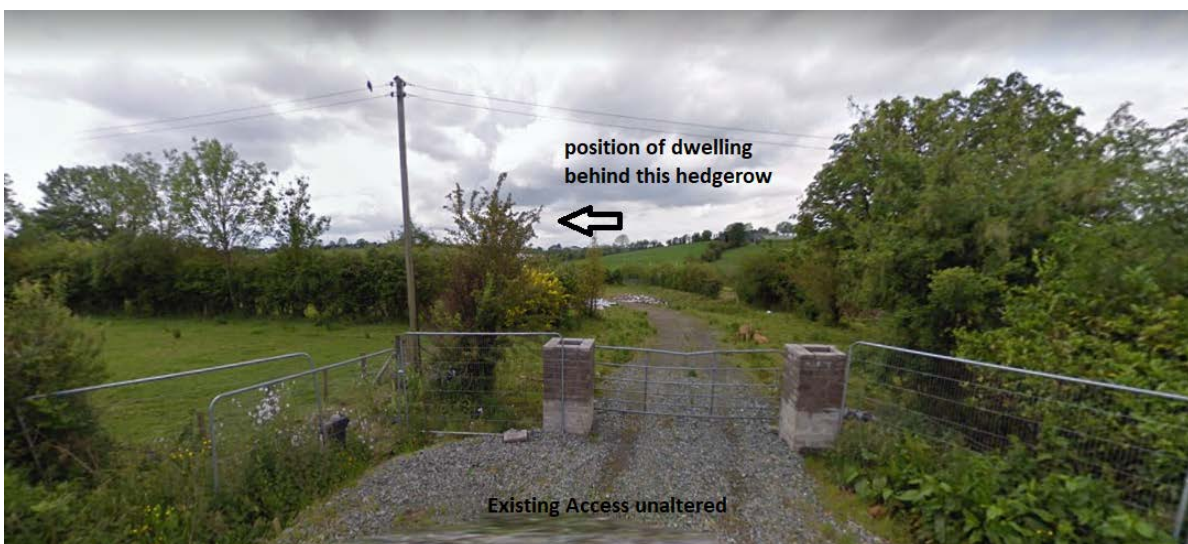


Proposed elevations



Approved elevations –M/2014/0295/F

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 with the size of the dwelling, it would blend in successfully with its immediate and wider surroundings and is comparable to other buildings in the vicinity. Furthermore as the site has decent boundary vegetation, and the proposal includes a landscaping plan, therefore it is considered that the site has the capacity to absorb a dwelling of this size and scale. There are limited views onto the site due to the mature vegetation and the position of the dwelling to the North and the silo and further buildings to the south. I have no concerns regarding integration.



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. In this case it is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable

size and scale, as this proposal is slightly smaller than the previous approval I see no issues. The design was discussed at group and it was agreed that the proposal is suitable for this site.

Access Considerations

The application confirms that the access point is the same as that previously approved in the recent change of access application. I am content that the existing parking provision on the site can adequately accommodate the proposed development. The proposal will not prejudice road safety nor will it inconvenience the flow of traffic. It therefore accords with the SPPS, PPS 3 and Parking Standards.

With regards to the points raised by the objectors, it is not our responsibility to consider the need for a dwelling when the application complies with the policy context and planning permission is not dependant on the amount of properties or planning approvals the applicant may already have. With regards to the impact on traffic flow and the access point, the application seeks no alteration to the existing approved access and no intensification is sought therefore we have no issues.

Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020.

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

Recommendation - Approval.

Neighbour Notification Checked

Yes

Conditions

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

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

2.Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 80m shall be provided in accordance with the approved drawing No.02A bearing date stamp 22 JAN 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

3. All existing trees and hedgerows within the site and on the site boundaries shall be permanently retained intact and no lopping, topping, felling or removal shall be carried out without the prior written approval of the Mid Ulster Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within one week of the work being carried out.

All new landscaping as indicated on drawing 02A date received 22 JAN 2020 shall be carried out in the first planting season following the commencement of any of the development hereby

approved and any trees or shrubs that die within 5 years of planting shall be replaced in the next planting season with others of similar size and species.

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

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	30th September 2019
Date First Advertised	15th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Joe Hughes 65 Killybracken Road,Dungannon,Tyrone,BT70 1NU Joe Hughes 65 Killybracken Road,Dungannon,Tyrone,BT70 1NU The Owner/Occupier, 65 Killyliss Road Dungannon Tyrone The Owner/Occupier, 73 Killyliss Road,Dungannon,Tyrone,BT70 1NX The Owner/Occupier, 75 Killyliss Road,Dungannon,Tyrone,BT70 1NX The Owner/Occupier, 75 Killyliss Road,Dungannon,Tyrone,BT70 1NX The Owner/Occupier, 75a, Killyliss Road,Dungannon,Tyrone,BT70 1NX The Owner/Occupier, 81 Killyliss Road Dungannon Tyrone	
Date of Last Neighbour Notification	4th October 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1285/F Proposal: Proposed dwelling and garage and associated site works change of house type Address: 86m NW of 81 Killyliss Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2018/0346/F Proposal: Retention of dwelling in substitution for dwelling approved under M/2006/0855 and retention of dwelling on applicant's farm holding Address: 120m NW of 81 Killyliss Road, Dungannon, Decision: PG Decision Date: 08.11.2018	

Ref ID: LA09/2019/0369/NMC

Proposal: Increase the approved farm building from 5.5m to 6.5m

Address: 40m N.W. of 81 Killyliss Road, Cookstown,

Decision: CG

Decision Date:

Ref ID: LA09/2017/1423/F

Proposal: Retention of two dwellings - first dwelling in substitution for previous planning permission M/2006/0855 and second as a dwelling on a farm.

Address: 75 Killyliss Road, Dungannon,

Decision: PR

Decision Date: 19.01.2018

Ref ID: LA09/2016/1034/F

Proposal: Change of house type from previously approved 2 Storey Dwelling and Storey and a Half Garage (Ref M/2014/0295/F) to 2 no Semi-Detached Units within same curtilage, footprint and same scale/massing (Retrospective Application)

Address: 75 Killyliss Road, Dungannon,

Decision: PR

Decision Date: 12.06.2017

Ref ID: M/2014/0295/F

Proposal: Construction of two 2 storey dwellings with detached garages and associated siteworks-change of previously approved house types

Address: 75 Killyliss Road, Dungannon,

Decision: PG

Decision Date: 29.07.2014

Ref ID: LA09/2017/1532/F

Proposal: Proposed farm building

Address: 40m N.W. of 81 Killyliss Road, Dungannon,

Decision: PG

Decision Date: 27.02.2019

Ref ID: M/2009/0417/RM

Proposal: Proposed replacement dwelling and new access to the Killyliss Road, including domestic garage

Address: 75 Killyliss Road, Dungannon

Decision:

Decision Date: 16.09.2009

Ref ID: M/2006/2062/O

Proposal: Proposed replacement dwelling with new access to Killyliss Road

Address: 75 Killyliss Road, Dungannon

Decision:

Decision Date: 20.03.2007

Ref ID: M/2006/0182/O

Proposal: Proposed two storey dwelling and garage

Address: 50m North West of 75 Killyliss Road, Dungannon

Decision:

Decision Date: 03.05.2006

Ref ID: M/1994/4030

Proposal: Repairs to dwelling

Address: 75 KILLYLISS ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0416

Proposal: Alterations to dwelling

Address: 75 KILLYLISS ROAD DERRYGORTREVEY DUNGANNON

Decision:

Decision Date:

Ref ID: M/2006/0581/O

Proposal: Proposed site for new dwelling & garage

Address: Adjacent to 75 Killyliss Road, Derrygortrevy, Dungannon

Decision:

Decision Date: 27.09.2006

Drawing Numbers and Title

Drawing No. 06

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05A

Type: Garage Plans

Status: Submitted

Drawing No. 04A

Type: Proposed Elevations

Status: Submitted

Drawing No. 02A

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03A

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1322/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm).	Location: Approx 30m South of No 4 Killyneese Road Castledawson
Referral Route: 1 objection received.	
Recommendation:	APPROVAL
Applicant Name and Address: Mr Brendan McKenna 11 Carraloan Road Magherafelt BT46 6NW	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

A number of issues were raised in one objection received which are addressed in this report.

Characteristics of the Site and Area

The site is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is situated just outside the settlement limits of Magherafelt. The application site is situated up a private laneway just off the main Killyneese Road. The levels of the site are uneven and the site forms part of a larger agricultural field. The north-eastern and north western boundaries of the site are defined by wire and post fencing. As the site is a part of a larger agricultural field, the southern boundaries remain undefined. The proposed access onto the site is shown as from the existing private laneway. The site shares a boundary with no. 4 Killyneese Road.

The immediate surrounding are is largely defined by residential uses as well as some agricultural uses.

Description of Proposal

The applicant seeks outline planning approval for a dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm).

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no relevant planning history on the site.

Neighbour Notification

2 neighbours were notified of this planning application including nos. 4 & 8 Killyneese Road, Magherafelt.

One letter of objection was received on this application. The objection raises a number of issues including the objector stating that the farm business associated with this application is not an active business and the objection raised that the applicant gained a planning approval with the same business ID number under planning application reference H/2013/0268/O. The objector also raises the fact that this site does not cluster with a group of agricultural buildings.

These issues will be addressed throughout this report.

Development Plan and Key Policy Consideration

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.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. The initial consultation period has recently ended giving rise to a number of objections to policies contained within the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (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. Policies CTY1, CTY10, CTY13 and CTY14 are applicable.

CTY1 of PPS21 states that planning permission will be granted for a dwelling on a farm in accordance with CTY10.

CTY10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria have been met:

Criteria (a) the farm business is currently active and has been established for at least 6 years. Following consultation with DAERA it can be confirmed that this farm has been established for more than 6 years and has been in business since 1991.

Criteria (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this planning application. There was a previous planning application approval under reference H/2013/0268/O. After raising the issue with the agent, it was stated that the applicant was unable to obtain a mortgage on the site and the application did not progress any further than the outline stage. I am content that this application complies with criteria (b) of CTY10.

Criteria (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm where practicable, access to the dwelling should be obtained from an existing lane. There is one agricultural building located at the north-eastern boundary of the site. Although the building is not within the applicant's blue land, the agent submitted a letter from the owner of the building stating that he gave permission for the applicant to use this building for his application.

I am content that the proposal complies with CTY10 if PPS21.

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 note that this is only an outline application therefore, no design details have been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape ? as the site is of a higher level, I will condition the siting of the dwelling at the end of this report. A detailed landscaping plan should also be submitted at the Reserved Matters stage of this application. Finally, due to the existing dwelling at no. 4 Killyneese Road and the existing landform, I will condition a ridge height of 6m here. From this, I am content that this proposal complies with CTY13.

Rural Character

CTY14 states that planning permission will be only granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of the area. As noted, an appropriately designed dwelling will not appear prominently in the landscape wherein it will be 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 CTY14.

<u>Other Material Considerations</u>	
I am content that this proposal will not cause a detrimental impact on third party amenity. DfI Roads were consulted on the application and are content, subject to condition.	
Neighbour Notification Checked	Yes
Summary of Recommendation: Approval, subject to condition.	
Conditions	
<p>1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <ul style="list-style-type: none"> 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. <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.</p> <p>Reason: To enable Mid Ulster District Council to consider in detail the proposed development of the site.</p> <p>3. The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'</p> <p>Reason: To ensure that the proposal is in keeping with the character of the area.</p> <p>4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.</p> <p>Reason: In the interest of visual amenity.</p> <p>5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster District Council.</p> <p>Reason: To ensure the dwelling integrates into the landform.</p> <p>6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.</p> <p>Reason: In the interests of visual amenity.</p>	

7. The proposed dwelling shall be sited in the area shaded orange on the approved plan 01 which was received on 10th October 2019.

Reason: To ensure that the development is integrated into the landscape.

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

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

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	10th October 2019
Date First Advertised	22nd October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Killyneese Road Castledawson Londonderry Boal Anderson & Co Solicitors 56, High Street, Ballymena, Antrim, Northern Ireland, BT43 6UH The Owner/Occupier, 8 Killyneese Road Castledawson Londonderry	
Date of Last Neighbour Notification	16th October 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1322/O Proposal: Proposed site for a dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm). Address: Approx 30m South of No 4 Killyneese Road, Castledawson, Decision: Decision Date: Ref ID: H/1999/0541 Proposal: ALTS. & ADDS. TO DWELLING Address: 4 KILLYNEESE ROAD CASTLEDAWSON Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:


Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0069/F	Target Date:
Proposal: Replacement dwelling and garage	Location: Site adjacent to No.42 Dreenan Road Drummuck Upperlands Maghera BT46 5TZ
Referral Route: 2 objections received.	
Recommendation:	APPROVAL
Applicant Name and Address: Mr & Mrs Adam & Catherine Morgan 42 Dreenan Road Upperlands Maghera BT46 4TZ	Agent Name and Address: Mark Bloomer 38 Ballygowan Road Hillsborough BT26 6EJ
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	1	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
2 objections received which have been summarised in this report. The proposal complies with SPPS and PPS21.		
Characteristics of the Site and Area		
<p>The site is located within the open countryside and there are no further designations on the site, as designated by the Magherafelt Area Plan 2015. The site is located adjacent to no. 42 Dreenan Road. All boundaries of the site are currently defined by mature hedging / trees and there is currently an existing access located at the south-eastern boundary of the site - it appears to be an agricultural access here. Located on the site is the dwelling which is to be replaced and an outbuilding. There is a large mature tree located on the site at present and what appears to be amenity space to the eastern portion of the site.</p> <p>The building which is to be replaced is currently partly used as a domestic garage by the occupants of no. 42 Dreenan Road. It is evident that the building has not been lived in for a considerable amount of time.</p> <p>The immediate surrounding area is currently characterised by single dwellings and a number of agricultural uses.</p>		
Description of Proposal		
Full planning permission is sought for a replacement dwelling and garage.		

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no relevant planning history on the site.

Neighbour Notification

1 neighbour was notified of this planning application which was no. 42 Dreenan Road.

2 letters of objection were received on the application and 1 letter of support.

The letter of objection received on 31st January 2020 raised the following issues:

- 1) The applicant has a relative who works in Mid Ulster District Council and this was not stated on the P1 application form.
- 2) No.42 Dreenan Road was a replacement building for those buildings already.
- 3) Concerns were raised about the height / massing of the house and how it may look out of character on the Dreenan Road.
- 4) The Dreenan Road wouldn't withstand heavy machinery during construction.
- 5) Concerns were raised about the wildlife within the local area.

The letter of objection which was received on 12th February raised the following issues:

- 1) The applicants do not reside at no. 42 Dreenan Road - if they did this should be a householder application.
- 2) The architect is not local and does not appreciate the beauty of the location.
- 3) The building was never used as a dwelling ? only sheds and outbuildings.
- 4) There is no existing access to a public road.
- 5) The applicant's parents / grandparents own the adjoining lands.
- 6) The application relates to a dwelling on a farm as the site was and is used as sheds / stables for animals.
- 7) The applicant has a relative who works at Mid Ulster District Council and this was not stated on the P1 form.
- 8) The applicants are not in possession of all the lands as it is owned by their parents.
- 9) No other neighbours were notified except for no.42 Dreenan Road.

In relation to concerns raised about a relative working in Mid Ulster District Council, this issue has been resolved and an amended P1 was received on 11/03/2020. As the objections received were anonymous, the objectors could not be informed that such information was received.

In terms of the scale, massing and design of the dwelling, this will be assessed under policies CTY13 and CTY14 of PPS21 throughout this report.

With regards to the previous use of the building which is to be replaced this will be assessed under policy CTY3 of PPS21 in this report.

This proposal will not cause impact on wildlife as none are present on the site.

The application does not relate to a dwelling on a farm and will not be assessed as such.

A householder planning application relates to applications for extensions and alterations of existing dwellings therefore this application does not relate to householder development.

An existing access to the site does exist at the south-eastern boundary of the site.

With regards to the applicant not being in full ownership of the lands to which the application relates to, I have been in contact with the agent who stated that the lands have been transferred to the applicant legally and it is currently with land registry to be mapped. This conversation was via email on 20/03/2020.

One letter of support was received on 05th February 2020 which stated that they had no objection to this planning application.

Development Plan and Key Policy Consideration

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.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight at this time.

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (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. Policies CTY1, CTY3, CTY13 and CTY14 are applicable.

Policy CTY1 of PPS21 states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

I am content that the building which is to be replaced was previously used as dwelling. It is currently used as a domestic garage by the occupants however upon an internal inspection of the building, it is evident that chimneys did once exist inside the building. Window openings have been filled in with bricks currently and a new roof has been placed on the building. All original external walls are substantially intact.

I am content that this proposal complies with CTY3 of PPS21.

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.

The proposed dwelling is to have a ridge height of approx. 7.2m. I am content that this ridge height is considered acceptable due to the existing landform and boundary definition already present on the site.

The proposed external materials are smooth white render to the external walls with feature cladding to be blue/grey slate and the roof to be black slate / tile. I am content that these materials are considered acceptable within the setting of the site and within the open countryside.

The proposed landscaping plan submitted indicates that the site is not only already well integrated by existing hedging but that this hedging is also going to be retained. The site benefits from an abundance of mature hedging which is approx. 2m high therefore I am content that a new dwelling here will integrate well into the site.

On a whole I am content that this proposal complies with CTY13.

Rural Character

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. I am content that this proposal will not be unduly prominent in the landscape as it is a replacement dwelling. This proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings and I am content that it respects the traditional pattern of settlement exhibited in the area. This proposal does not create or add to a ribbon of development and the impact of ancillary works will not damage the rural character.

Other Material Considerations

I am content that this proposal will not have an impact on any third party amenity. DfI Roads were consulted in error as the proposal is to use an existing access to the property.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

Approval, 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. The scheme of planting hereby approved shall be carried out in accordance with drawing no. 03 date stamped 16.01.2020 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

3. The existing building coloured green on the approved 1:2500 scale site location plan, Drawing No.01, date stamp received 16/01/2020, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

Informatives

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

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

3. The DRD's Roads Service has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Signature(s)

Date:

ANNEX	
Date Valid	16th January 2020
Date First Advertised	28th January 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 42 Dreenan Road Upperlands Londonderry Seamus Henry 42, Dreenan Road, Upperlands, Londonderry, Northern Ireland, BT46 5TZ Unknown Unknown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0069/F Proposal: Replacement dwelling and garage Address: Site adjacent to No.42 Dreenan RoadDrummuckUpperlandsMagheraBT46 5TZ, Decision: Decision Date: Ref ID: H/1981/0088 Proposal: BUNGALOW WITH GARAGE Address: DREENAN ROAD, UPPERLANDS, MAGHERA Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No. 6
Type: Proposed Elevations
Status: Submitted

Drawing No. 7
Type: Proposed Elevations
Status: Submitted

Drawing No. 4
Type: Existing Elevations
Status: Submitted

Drawing No. 3
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 08
Type: Existing Elevations
Status: Submitted

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

Drawing No. 5
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2020/0106/O	Target Date:
Proposal: Proposed dwelling house within existing rural cluster	Location: Adjacent to / north of 44A Glencrew Road Aughnacloy
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Enda McGarrity 19 Glassdrummond Road Aughnacloy BT69 6DE	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
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Description of Proposal

This is an outline application for a dwelling to be located on lands adjacent to / north of 44A Glencrew Road Aughnacloy.

Characteristics of the Site and Area

The site which comprises a relatively rectangular shaped field is located in the rural countryside as defined by the Dungannon and South Tyrone Area Plan approx. 1½ miles north east of Aughnacloy. It sits immediately adjacent and in the southeast corner of the Glencrew Road and Rehaghey Road crossroads.

The site's western roadside boundary (onto Glencrew Road), northern boundary (onto Rehaghey Road) and southern boundary are all defined by post and wire fencing with the eastern boundary defined by a mix of mature trees and hedgerow vegetation.

The landform within the site and wider vicinity rises in a north to south direction as such a relatively new 1 ½ storey dwelling of bungalow appearance bounding the site to the south (no. 44a Glencrew Rd) is located on lands just above the level of the site.

Critical views of this site are over a short distance on the southern and western approach to the crossroads and when passing along both roadside frontages of the site. Views of the dwelling are limited on the northern approach and western approach to the site due to its location to the south of no. 44a Glencrew Road and the existing vegetation along the eastern boundary of the site respectively which will screen it.

This area of countryside is typically rural in nature consisting by enlarge of agricultural land interspersed by single dwellings. That said it has come under development pressure in recent years with a number of dwellings clustered circularly around the Glencrew and Reahaghey crossroads immediately north of the site including a relatively recently constructed dwelling located on a small triangular field immediately west/southwest of the site no. 44b Glencrew Road.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

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

Development Control Advice Note (DCAN) 15: Vehicular Standards

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside

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

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. It is currently going through a further consultation period which commenced on 25th March 2020. Due to the COVID19 Pandemic there is currently no end date or Timetable for public events in relation to this re-consultation. During the initial consultation period, a number of objections to Policies contained in the Plan were received. In light of this, the Draft Plan cannot be given any determining weight at this time.

Planning History

- M/2006/0935/O – Dwelling and private garage – Reahaghy Rd Aughnacloy 100m south east of junction with Glencrew Rd – Refused 4th April 2007 (Gained outline approval at appeal)
- M/2013/0039/RM – Dwelling and private garage – Reahaghy Rd Aughnacloy 100m south east of junction with Glencrew Road – Granted 16th April 2013

The above applications related to a dwelling approved to be constructed on lands immediately to the rear/east of no. 44A Glencrew Rd.

Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

Dungannon and South Tyrone Area Plan - The site is located in the rural countryside outside any designated settlement.

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

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside - PPS 21 is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance which I am of the opinion this proposal falls under is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

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

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

I believe the site lies within a small cluster of development lying outside of a farm and consisting of four or more buildings of which more than three are dwellings. It comprises 7 dwellings clustered circularly around the Glencrew and Rehaghey crossroads immediately north of the site. 3 located to the north side of the rehaghey road and 4 located to the south side.

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

I believe the cluster appears as a visual entity in the local landscape when viewed both on the approaches to and panoramically from the Glencrew and Rehaghey crossroads.

- 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 the Glencrew / Rehaghey crossroads to the north 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 afforded an adequate degree of enclosure by a mix of mature tree and hedgerow vegetation running along its eastern boundary and it is bound on two sides by existing residential development in the form of a large two storey dwelling (44b Glencrew

Road) located immediately to its west and a 1 ½ storey dwelling of bungalow appearance (44A Glencrew Road) located immediately to its east.

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

Due to the enclosed nature of the site and location towards the centre of existing residential 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.

As this is an outline application the details of the siting, size, scale and design of the dwelling and garage can be considered further under any subsequent reserved matter application. However I believe subject to a 5.5 metre ridge height a suitably designed dwelling on this site should not have any unreasonable impact on the neighbouring properties in terms of over looking or overshadowing. I believe adequate separation distances can be retained between the proposed dwelling and existing properties including no. 44a Glencrew Road to its south side. A planting scheme can be conditioned and planting along the southern boundary of the site with no. 44a considered further at this reserved matters stage alongside the design.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection had been received from Simon and Loretta Edwards the owner / occupiers of no. 44a Glencrew Road the dwelling immediately adjacent the southern boundary of the site.

The objectors requested the planning application be refused on the grounds that:

- As the site is less than ½ an acre a dwelling on it would be very close to their property and as a result would overlooking them which would have a massive impact on their privacy both inside and outside their home. They noted their master bedroom and en suite windows will face the dwelling and that the private and peaceful enjoyment of their garden would be taken away by this proposal.
- The area is getting overcrowded and becoming more urban than rural

The objection above has been taken into consideration in the assessment of this proposal but the opinion has not changed.

In relation to bullet point 1 above, the site is considered to be an adequate size to accommodate a suitably designed 6m ridge height dwelling that should not have any unreasonable impact on neighbouring property no.44a Glencrew in terms of over looking or overshadowing. That subject to a suitable designed dwelling and scheme coming forward for further consideration under any subsequent reserved matters application adequate separation distances can be retained between the proposed dwelling and the objectors property. Noted the master bedroom and ensuite windows referred to are located at ground floor as detailed above a planting scheme can be conditioned to be provided under any outline approval hereby granted. A planting scheme would enable

planting along the southern boundary of the site adjacent no. 44a to be considered further under any subsequent reserved matters application in the interests of protecting the private amenity space to the rear of no. 44a enjoyed by the occupiers.

In relation to bullet point 2, above whilst it is noted this area has come under development pressure in recent years with a number of dwellings clustered circularly around the Glencrew and Rehaghey crossroads immediately north of the site this proposal has been assessed against and complies with the relevant policy tests for a dwelling in the countryside namely.

Other Policy and Material Considerations

Flood Maps NI indicate the site is not subject to flooding.

The site is not located within an area of known natural or built heritage significance.

Recommendation

Approve

Neighbour Notification Checked:

Yes

Summary of Recommendation:

Approve

Conditions

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

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

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

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

3. Full particulars, detailed plans, sections 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 have a ridge height of no greater than 6 metres above finished floor level.

Reason: In the interest of visual amenity

5. 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.

6. 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.

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

Reason: In the interests of visual amenity.

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

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

9. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m x 45m to the south ensuring no blind spots exist where access is on the inside of a bend and 2.4m to the junction to the north; 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.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. 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.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0111/F	Target Date:
Proposal: Provision of single storey rear extension and single storey side carport to improve access and comfort for a disabled child	Location: 10 Ballyheifer Road Magherafelt BT45 5EQ
Referral Route: Objection received.	
Recommendation:	APPROVAL
Applicant Name and Address: Shauna Wright 10 Ballyheifer Road Magherafelt BT45 6EQ	Agent Name and Address: Gerard Scullion Architects Ltd 23 Hawthorne Road Maghera BT46 5FN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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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 was received and will be addressed throughout this report. The proposal complies with SPPS and Addendum to PPS7 - Residential Extensions and Alterations.

Characteristics of the Site and Area

The site is located within the settlement limits of Magherafelt and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located at no. 10 Ballyheifer Road, Magherafelt. Located on the site is a small single storey, detached dwelling finished in dash render. There is a substantial amount of amenity space to the front and rear of the property. The boundaries of the site are defined by wooden fencing which is approx. 1m in height. Mature hedging defines the northern boundary. Car parking is currently available within the curtilage of the property. The immediate surrounding area is predominantly characterised by dwellings.

Description of Proposal

Full planning permission is sought for the provision of single storey rear extension and single storey side carport to improve access and comfort for a disabled child.

Planning Assessment of Policy and Other Material Considerations

Planning History

H/2011/0205/F - Proposed single storey extension to side of dwelling - Permission Granted 07/06/2011.

Neighbour Notification

One neighbour was notified of this planning application including 8a Ballyheifer Road. One letter of objection was received and one non-committal letter was received on the application.

The letter of objection received on the 17th February 2020 raised 2 issues which related to the ownership of the property:

- 1) The planning application has been submitted under the name of Mr & Mrs Wright who have no legal entitlement to this property.
- 2) The objector states that they are a joint owner of this property and have neither been advised on renovation work nor have they given it their approval.

I am of the opinion that the issues raised relate to a civil matter and are not material to the planning process of this application. The co-owner of the dwelling has not been prejudiced and has had a chance to comment on the application.

The applicant submitted a non-committal letter on this application which stated that the issues raised by the objector are civil issues and not a planning matter. The letter goes on to state that the applicant obtained planning permission for a single storey extension under planning application reference H/2011/0205/F. The objector did not object to this application therefore cannot understand why this is now an issue.

Again, I am of the opinion that all issues raised above are a civil matter and are not material to this planning application.

Development Plan and Key Policy Consideration

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Addendum to PPS7 - Residential Extensions and Alterations
- PPS3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. The initial consultation period has recently ended giving rise to a number of objections to policies contained within the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

The application is seeking consent for an extension to an existing dwelling and as such the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7 - Residential Extensions and Alterations. Policy EXT1 is the relevant planning policy to this application.

Policy EXT1 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials of the proposal. The proposal is single storey and is considered subordinate to the existing dwelling, therefore I am content that the massing and scale of the proposal is . appropriate. The proposed external materials are to match the existing dwelling therefore are considered acceptable.

(b) The proposal does not unduly affect the privacy or amenity of neighbouring residents. As previously mentioned, the proposal is considered subordinate to the existing dwelling therefore will not appear prominent in the landscape, nor will it dominate any existing properties. Although 8a sits adjacent to the host property, I am content that there is a considerable distance between the two dwellings and the proposed extension will not cause detrimental harm to the amenity of the dwelling.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features. No trees will be lost / damaged as a result of this proposal.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. A small portion of amenity space will be taken from the rear of the property however the proposal includes a carport which is where the car will be parked. Sufficient amenity space remains.

Other Material Considerations

I am content that this proposal will not cause any detrimental impact on third party amenity. No consultations were required for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval.

Conditions

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

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

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	27th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Ballyheifer Road, Magherafelt, BT45 5EQ The Owner/Occupier, 11A Ballyheifer Road, Magherafelt, BT45 5EQ The Owner/Occupier, 2 Ballyheifer Road, Magherafelt, BT45 5EQ May Hancock 21 Grange Road, Magherafelt, BT45 5EL The Owner/Occupier, 4 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 6 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 7 Ballyheifer Road, Magherafelt, BT45 5EQ The Owner/Occupier, 8 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 8a Ballyheifer Road Magherafelt The Owner/Occupier, 9 Ballyheifer Road, Magherafelt, BT45 5EQ Shauna Wright Email	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2020/0111/F

Proposal: Provision of single storey rear extension and single storey side carport to improve access and comfort for a disabled child

Address: 10 Ballyheifer Road, Magherafelt, BT45 5EQ,

Decision:

Decision Date:

Ref ID: LA09/2018/1670/F

Proposal: New hedgerow and fencing to field boundary and new gates to existing laneway

Address: Lands 250m SE of 16 Ballyheifer Road, Magherafelt,

Decision: PG

Decision Date: 15.05.2019

Ref ID: H/1977/0270

Proposal: SITE OF DWELLING

Address: BALLYHEIFER ROAD, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1978/0360

Proposal: SITE OF DWELLING

Address: BALLYHEIFER, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2011/0205/F

Proposal: Proposed single storey extension to side of dwelling

Address: 10 Ballyheifer Road, Magherafelt,

Decision:

Decision Date: 08.06.2011

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: