



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2018/0420/F	Target Date: <add date>
Proposal: Erection of 10 dwellings (6 Detached and 4 semi detached)	Location: Immediately to the rear of and adjacent to Nos 12 14 18 and 20 Mullaghteige Road Bush Dungannon
Applicant Name and Address: BOA Island Developments 54 Scotch Street Armagh	Agent name and Address: McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road, Banbridge Co. Down BT32 3QD
Summary of Issues: No representations have been received in relation to the amended scheme that is currently being considered. This revised scheme was received on 18 November 2019, it was advertised on 17 December 2019 and neighbour notifications were issued on 4 December 2019. The original scheme attracted representations from number 16a and 18 Mullateighe Road. Concerns raised by no.16a include; - Loss of natural light -Over bearing effect -Increased traffice Concerns raised by no.18 include; - overlooking -seperation distances -no levels shown -loss of light -out of keeping with the area -cannot achieve the required sight visibility splays	

Summary of Consultee Responses:

NI Water – standard response, capacity in Coalisland WWTW,
 Environmental Health – no objections raised
 NIEA – no concerns raised
 DFI Roads – will adopt the roads, access and layout to be as shown on drawing 31 Rev 1
 DFI Rivers Agency – no details of discharge point for storm water

Characteristics of the Site and Area:

The site comprises a square portion in the Northern corner of a larger agricultural field, located to the rear of numbers 12, 16a, 18 and 20 Mullateighe Road, Bush. The site rises gradually from the North to the South and is accessed off the Mullateighe Road via a small gap in the road frontage between houses no. 16a and 18. The northern boundary of the site includes the rear boundaries of the existing houses and is comprised of a 1 metre high timber fence adjacent to number 12 and 16a, a 1.5 metre wall along number 18 and an evergreen hedgerow approx 2.5 metres high along the rear of number 20. The south and west boundaries remain undefined and the Western boundary is made up of a low cropped hedgerow along the lane side.

The site lies within the settlement limits of Bush as depicted within the Dungannon area plan 2010. It is situated toward the north end of the settlement limits, and is just a short distance to the North East of Dungannon and to the North of the M1 Motorway. The area is predominantly residential, however, there is a primary school to the west, as well as a mechanics, a shop and a factory to the south.

Description of Proposal

The proposal seeks full planning permission for the erection of 10 dwellings (6 Detached and 4 semi detached) and 2 detached garages. There are 5 house types proposed for the development:

- House Type A, 2 no detached bungalows with upstairs accommodation and detached single storey garages. The dwellings will have 4 bedrooms have a gate lodge appearance in a cruciform layout, natural slate pitched roofs with velux roof lights and render walls and the garages will be matching. Each dwelling will have one upstairs gable window facing towards the Mullaghteghe Road.
- House Type B, 1 no 2 storey, 4 bedroom detached dwelling with natural slate roof, red brick walls and flat roofed porch
- House Type C, 4 no 2 storey, 3 bedroom semi detached dwellings with natural slate roof, red brick walls and single storey flat roofed outshot to the front
- House Type D, 1 no 2 storey, 4 bedroom detached dwelling with a natural slate hipped roof, render walls and single story flat roofed porch.
- House Type E, 2 no 4 bedroom bungalows with upstairs accommodation, these will have natural slate roofs, with velux rooflights, the walls will be red brick and the dwellings will have gable fronts to the road and single storey pitched roof storm porch to the front.

The access road into the development will be tree lined and grassed, it is proposed to provide a landscaped belt between the proposed dwellings and the existing houses fronting Mullaghteghe Road. Other landscaping proposed is hedging and selective planting to the front gardens, rear space will be separated by 1.8m high wooden screen fencing and some of this will be on top of low retaining walls.

Deferred Consideration:

This application was deferred at the Planning Committee meeting on 5th March 2019 as the applicant wished to submit a new scheme for consideration. A new scheme was submitted on 18 November 2019 this was advertised in the local press and had neighbour notification carried out in accordance with the statutory requirements. There were no new representations received.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Relevant Planning Policy
 SPPS Strategic Planning Policy Statement
 PPS7 Quality Residential Environments
 PPS3 Access, Movement and Parking
 PPS8 Open Space, Sport and Outdoor Recreation
 PPS15 (Revised) Planning and Flood Risk
 PPS2 Natural Heritage

The SPPS does not make any material changes to existing planning policy in relation to the assessment of this application. The existing area plan and current planning policies will take precedent until such times when weight can be afforded to new policies contained within the new area plan.

The proposal will be assessed against policy QD1 Quality in New Residential Environments of PPS7.

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;

The Bush has a mix of house types, styles and finishes and as such there is no one style that dominates the village. Brick is in the immediate area with a one and ½ storey dwelling opposite. While there are bungalows to the front of this site, this is not the defining character of the overall village and as such I consider the proposed houses would not be out of character with the village. The site is relatively flat to the rear the existing bungalows and the proposed development tries to maintain these levels as much as possible with some cutting in as the site begins to rise, however I consider the proposal is generally using the topography of the site. The proposed layout keeps the lower houses to the frontage, behind the existing bungalows and the larger houses set further back from the road. The 2 storey hipped roof dwelling, at the end of the tree lined access road provides an attractive focal point at this junction. As such I do not consider the proposed development out of character with the village.

(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 where possible.

(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 proposal provides landscaped and treed areas flanking the avenue into the development. QD1 only refers to an appropriate level of open space for this scale of development and I consider this is an attractive vista which frames the development. Private amenity space is well provided for with gardens that have no less than 10m depth. Where the proposed development backs onto the existing houses, the gardens are even longer, so that, whilst the existing properties do not have 10m rear gardens the spacing between them and the proposed is still 20ms, with a good landscaped belt in between them as well. I consider the proposal meets this criteria.

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

The site is located within the village of The Bush which is served by a mix of local services. A development of this size and location does not require its own neighbourhood facilities and while there is no village shop, the village is close to Dungannon and Coalisland to serve the need. I do not consider it appropriate to require a development of this scale to provide further 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 links this development into the wider public footpath network of The Bush. DFI Roads have been consulted with the layout and have not considered it necessary to provide any speed restrictions within the development. Existing speed cushions in the village are being repositioned to facilitate the development. No rights of way will suffer detriment from this proposal. DFI Roads raise no objection in relation to road safety or parking provision, subject to planning conditions being attached to any permission including adequate splays being put in place along with appropriate PSD works. I find these conditions to be acceptable. Access to public transport is located within the village, not far from the development site.

(f) adequate and appropriate provision is made for parking;
Every property has in-curtilage parking for at least 2 cars clear of the public road. The development road is capable of accommodating visitor parking and as such I consider the proposal meets this criteria.

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

As already identified in criteria (a) the village does not have any particular style, however the design has created a manor house feel to its approach with the tree lined vista stopped by the hipped roof house at the focal point. I consider the proposal is of a quality design with a high standard of finishes.

(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 proposed development has, in my opinion, taken into account the existing bungalows with restricted garden depths to the front of the site. The development keeps the houses behind these as low elevation with at a good spacing away from the from the existing houses. The development maintains a 20m separation back to back with a landscaped belt between the proposed and the existing houses, I consider this along with the careful location of windows and use of velux rooflights, should reduce the potential for overlooking or overshadowing. I do not consider the proposal will have an adverse impact on the amenity of the existing properties due to overlooking or overshadowing. The proposed development also provides good front to front spacing within the development, the minimum spacing is 16m between the fronts of the 2 gatelodges which have low elevations and no upstairs opposing windows. Again the careful location of windows in the other properties within the proposed also prevents or reduces the potential for overlooking and overshadowing. Unfortunately, as with any new development there may be noise or other nuisance during construction and from the new occupants and traffic coming and going, however this is unlikely to be any more than in any other residential development within a zoned village setting.

(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 space areas are overlooked by nearby dwellings, which front onto the open space areas and provide passive surveillance of these areas. No back alleyways are proposed or areas that may promote antisocial behaviour (such as areas where people can congregate out-of-sight). 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 (Revised) Planning and Flood Risk

Under Policy FLD3 there is also an onus on the developer to provide a Drainage Assessment for applications of 10 dwelling units or more. A Drainage Assessment has been provided that states the development will attenuate storm water from the site through a hydro brake and oversized pipes and that it will discharge into a water course to the North West of the site. DFI Rivers have asked for further information and Consent to Discharge. The attenuation can be provided on site to meet the levels of discharge that DFI Rivers seek, alternatively NI Water have advised there is a storm sewer but it does not have at capacity to serve the proposed development, however they would allow the developer to upgrade the storm sewer at the developers expense. The developer has given an indication of how they will attenuate the storm water from this site and it is a matter for them to reach an agreement with DFI Rivers or NI Water to discharge into one r

others infrastructure. I consider a condition requiring the developer to submit a copy of an agreement with NI Water or DFI Rivers for the storm water discharge and to provide the infrastructure as agreed prior to the commencement of any development on the site will adequately address this issue.

Taking into account all of the above and the proposed conditions attached, I recommend to the committee that this application is approved.

Conditions

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

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

2. The vehicular access, including visibility splays of 2.4 metres by 70.0metres in both directions at the junction of the proposed main access with the public road shall be provided in accordance with Drawing No 31 Rev 1 bearing the date stamp 10th July 2020, prior to the commencement of any other works or other development, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. 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.

5. 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

6. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be provided in accordance with detailed shown on drawing No. 32 date stamp received 3rd August 2020, unless otherwise agreed by Council.

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

7. Prior to the occupation of more than 6 dwellings hereby approved the developer shall provide the proposed public open space as indicated on drawing No. 32 date stamp received 30th July 2020.

Reason: To ensure that the public open space and all proposed landscaping is completed in An orderly manner in the interests of visual amenity.

8. The open space areas referred to in condition No. 7 shall be managed and maintained, in perpetuity, in accordance with a landscape management and maintenance plan to be agreed with the Council prior to the occupation of any dwelling hereby approved.

Reason: In the interests of visual and residential amenity.

9. No dwelling hereby approved shall be occupied until Council has received and agreed in writing, that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in the interests of visual and residential amenity.

10. The existing mature trees along the south boundary of the site shall be permanently retained, unless otherwise agreed by Mid Ulster Council in writing.

Reason: To protect existing trees.

11. Prior to the commencement of any development on the site, the tree protection fencing as shown on drawing No 32 date stamp received 30th July 2020, shall be provided as shown and no storage of any materials, soil, rubble or equipment or any other interference with the ground levels shall take place within the fenced area. The fence shall be maintained until the properties on sites 4 and 5 have been occupied.

Reason; To protect the mature trees on the site.

12. 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.

13. Prior to the commencement of any development hereby approved, the developer shall submit to Mid Ulster Council a copy of an agreement with either NI Water or DFI Rivers for the discharge of the storm water from this site. The scheme as agreed shall be provided prior to the occupation of any of the houses on this site.

Reason: To prevent flooding.

Private Street Conditions

PSD01. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 31 Rev 1 bearing the date stamp 10th July 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.

PSD02. 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 footway crossing points) of a public road have been completed in accordance with the details outlined blue on Drawing Number 31 Rev 1 bearing the date stamp 10th July 2020.

The Department for Infrastructure has attached 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.

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. Council will require the submission of a signed legal agreement between the developer and the maintenance company prior to the occupation of any dwelling hereby approved.
3. The applicant must apply to the DfI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.
4. Your attention is drawn to the comments received from NIWater, DfI Rivers, DfI Roads and NIEA which are available to view on the Planning Portal at www.planningni.gov.uk.



Comhairle Ceantair
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Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0420/F	Target Date:
Proposal: Erection of 10 dwellings (6 Detached and 4 semi detached)	Location: Immediately to the rear of and adjacent to Nos 12 14 18 and 20 Mullaghteige Road Bush Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: BOA Island Developments 54 Scotch Street Armagh	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received

Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Summary of Issues</p> <p>Two representations have been received from number 16a and 18 Mullateighe Road.</p> <p>Concerns raised by no.16a include;</p> <ul style="list-style-type: none"> - Loss of natural light -Over bearing effect -Increased traffic <p>Concerns raised by no.18 include;</p> <ul style="list-style-type: none"> - oVERLOOKING -sEPARATION DISTANCES -nO LEVELS SHOWN -LOSS OF LIGHT -oUT OF KEEPING WITH THE AREA -cANNOT ACHEIVE THE REQUIRED VISIBILITY SPLAYS. 		
<p>Characteristics of the Site and Area</p> <p>The site comprises a square portion in the Northern corner of a larger agricultural field, located t other rear of numbers 12,16a,18 and 20 Mullaghteighe Road, Bush. The site rises gradually from the North to the South and is accessed off the Mullaghteighe Road via a small gap in the road frontage between houses no.16a and 18. The northern boundary of the site includes the rear boundaries of the exiting houses and is comprised of a 1 metre high timber fence adjacent to number 12 and 16a, a 1.5 metre wall along number 18 and an evergreen hedgerow approx 2.5 metres high along the rear of number 20. The south and west boundaries remain undefined and the Western boundary is made up of a low cropped hedgerow along the lane side.</p> <p>The site lies within the settlement limits of Bush as depicted within the Dungannon area plan 2010. It is situated toward the north end of the settlement limits, and is just a short distance to the North East of Dungannon and to the North of the M1 Motorway. The area is predominantly residential, however, there is a primary school to the west, as well as a mechanics, a shop and a factory to the south.</p>		
Description of Proposal		

The proposal seeks full planning permission for the erection of 10 dwellings (6 Detached and 4 semi detached)

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 3 – Access, Movement and Parking.
- PPS 7: Quality Residential Environments

Representations

Neighbours were notified and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party representations have been received.

Planning History

M/2003/1254/F – Approval for two sites and access road.

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within the development limits of The Bush which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no specific designations or zonings within the area plan associated with this site.

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

PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development are expected to comply with the criteria set out in Policy QD1.

In addition to the policy contained within PPS 7, the addendum to PPS 7 'Safeguarding the Character of Established Residential Areas' (APPS 7) will also be a material consideration. APPS 7 was introduced in August 2010 and provides additional planning policy on the protection of local character, environmental quality, and residential amenity within established residential areas, villages and smaller settlements.

This proposal includes the erection of 10 dwellings (6 Detached and 4 semi detached).

I have considered the design and layout of the proposal and am not content that the properties will remain respectful to the surrounding area and may not be appropriate for their setting.

House types

House 1- after a number of amendments house type one is a small single storey dual front dwelling with a hip roof.

House 2, 3, 9, 10 – These house types include two pair of two storey semi detached dwellings with a hipped roof, smooth render walls and a clay brick detailing.

House type 4 & 5 – These dwellings are detached, two storey and finished in a clay brick with a peaked roof.

House types 6 & 8- These dwellings are detached, two storey and finished in a smooth render with clay brick detailing, a peaked roof and a small front porch.

House type 7 - This dwelling is a large detached two storey building, finished in a smooth render with a clay brick detailing, with a peaked roof.

The impact of the proposal on the amenity of local residential properties will be considered in detail under policy considerations below:-

The planning context is provided by Planning Policy Statement 7 - Quality Residential Environments (PPS7) and its Addendum Safeguarding the character of established Residential Areas. The guidance contained in Creating Places and Development Control Advice Note 8: Housing in Existing Urban Areas (DCAN8) is also applicable. The planning history of this site is also material to consideration of this proposal.

PPS7 – Quality Residential Development

Policy QD1 sets out criteria which proposals for residential development must conform to. I have referred to the relevant sections of the policy as set out below:

Criteria (a) it is my opinion that the proposal does not respect the character of the surrounding area. The proposed dwellings are not typical in terms of scale and design to the adjoining row of small bungalows which are located along the roadside. In my opinion these larger two storey dwellings will be over bearing and appear out of keeping in terms of massing and proportions with the adjoining bungalows.

Criteria (b) there are no archaeological or built heritage issues associated with the site. The choice of materials represents the local vernacular style which are sympathetic to the surrounding properties in the surrounding area.

Criteria (c) The proposed housing development is served by an adequate level of private rear and side amenity space in excess of the 70m sq as recommended in Creating Places para 5.19. The application proposes boundary treatment, which will act as a buffer between town limits and countryside. This will help soften the visual impact on the surrounding rural area and create a clear definition of the site boundaries.

Criteria (d) Policy QD1 refers to adequate provision of footpaths and links to existing footpaths. This causes no concerns.

Criteria (f) the scheme has an adequate level of space for parking and the manoeuvring and will not impact on the existing pedestrian and cycle routes.

Criteria (g) the design of the dwelling accords with this criterion and materials will be conditioned to ensure they are sympathetic to the building materials of the surrounding area.

Criteria (h) it is the group opinion that the design and layout of the scheme will create an adverse impact on residential amenity.

The position of house type 1 on the entrance to the site would not respect the existing street frontage, and would also have a separation distance of less than 8 Meters at the closet point from number 18, which would result in a detrimental impact on the private amenity afford to the existing dwelling. In my view this is not an adequate separation distance to ensure that issues of overlooking are not so detrimental as to warrant a refusal in this case. The agent was asked on numerous occasion to remove this unit, however, each amended proposal involved a redesign of the unit instead.

House type 10, which is a two storey dwelling will have a gable facing number 18, with a separation distance of approx. 11 metres and a window on the first floor, this would result in overlooking, loss of light and further detrimental impact on the rear private amenity afforded to number 18.

Finally house type 2 would have a gable facing number 16A, with a separation distance of approx. 12 metres and a window on the first floor, this would result in overlooking, loss of light and further detrimental impact on the rear private amenity afforded to number 18. In addition the ground level for houses 2-10 is higher than the row of existing house further contributing to the concerns regarding overlooking/loss of privacy. In addition there is no proposed landscaping/buffer to the rear of number 18, therefore I am of the opinion that there will be an adverse residential amenity impacts on occupants adjacent to the site.

Criteria (I) I am content that the proposal will not give rise to crime or antisocial behaviour

To conclude, it is my opinion that there will be a significant level of impact on the residential amenity enjoyed by the existing dwellings by way of overlooking, loss of privacy or light and the overbearing design and therefore is considered not to be acceptable.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposed development is contrary to PPS 7 Policy QD1 in that if permitted it would result in over development of the site in a manner out of keeping with the character of the area, resulting in an obtrusive feature in the street scene.
2. The proposed development is contrary to PPS 7 Policy QD1 in that it would, if permitted, harm the living conditions of residents in numbers 16A and 18 Mullaghtieighe Road by reason of; overshadowing, overlooking and consequent lack of privacy.

Signature(s)

Date:

ANNEX	
Date Valid	26th March 2018
Date First Advertised	12th April 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Hawthorn Grove Bush Tyrone The Owner/Occupier, 12 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 12 Mullaghteige Road,Dungannon,Tyrone,BT71 6QU, The Owner/Occupier, 14 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 16 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 16a Mullaghteige Road Dungannon James & Olive Falloon 16a, Mullaghteige Road, Dungannon, Tyrone, Northern Ireland, BT71 6QU The Owner/Occupier, 17 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 18 Mullaghteige Road Dungannon Tyrone Bobbie & Alison Falloon 18, Mullaghteige Road, Dungannon, Tyrone, Northern Ireland, BT71 6QU The Owner/Occupier, 18a Mullaghteige Road Dungannon The Owner/Occupier, 19 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 19a ,Mullaghteige Road,Dungannon,Tyrone,BT71 6QU, The Owner/Occupier, 2 Hawthorn Grove Bush Tyrone The Owner/Occupier, 20 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 3 Hawthorn Grove Bush Tyrone The Owner/Occupier, 4 Hawthorn Grove Bush Tyrone The Owner/Occupier, 5 Hawthorn Grove Bush Tyrone The Owner/Occupier, 6 Hawthorn Grove Bush Tyrone	

The Owner/Occupier, Bush Nurseries 22 Mullaghteige Road Dungannon The Owner/Occupier, Bush Primary School 21 Mullaghteige Road Dungannon	
Date of Last Neighbour Notification	11th April 2018
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2018/0420/F
 Proposal: Erection of 10 dwellings (6 Detached and 4 semi detached)
 Address: Immediately to the rear of and adjacent to Nos 12, 14, 18 and 20 Mullaghteige Road, Bush, Dungannon,
 Decision:
 Decision Date:

Ref ID: M/1979/0838
 Proposal: 1 NO BUNGALOW
 Address: MULLAGHATEIGUE, BUSH, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1993/0334
 Proposal: Replacement Farm Dwelling
 Address: 16 MULLAGHTEIGE ROAD BUSH DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/2001/0390/Q
 Proposal: Proposed housing for private single storey dwellings and garages
 Address: Mullaghteige Road The Bush Dungannon
 Decision:
 Decision Date: 25.09.2001

Ref ID: M/2003/1254/F
 Proposal: Proposed Dwellings Site 1 & 2 and Access Road
 Address: Land to Rear of No 12 Mullaghtiege Road, Bush, Dungannon
 Decision:
 Decision Date: 21.06.2006

Ref ID: M/2002/0199/F
 Proposal: Proposed dwelling site 4 and access (development) Road
 Address: Land to the rear of No. 12 Mullaghtiege Road, The Bush, Dungannon
 Decision:
 Decision Date: 30.04.2003

Ref ID: M/1979/083801
Proposal: TIMBER-FRAME BUNGALOW
Address: MULLAGHTEIGE, BUSH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1981/0424
Proposal: BUNGALOW
Address: MULLAGHTEIGE ROAD, BUSH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1981/042401
Proposal: PROPOSED BUNGALOW
Address: MULLAGHTEAGUE, BUSH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1992/0540
Proposal: Site for Dwelling
Address: ADJACENT TO 18 MULLAGHTEIGE ROAD BUSH DUNGANNON
Decision:
Decision Date:

Ref ID: LA08/2016/1328/F
Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision: PG
Decision Date:

Ref ID: LA08/2018/0156/DC
Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2017/1352/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

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

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

Decision: AL

Decision Date:

Ref ID: LA08/2017/1619/DC

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

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

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/0155/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Summary of Consultee Responses

Env Health have been consulted and responded with no objection subject to conditions
TNI were consulted and responded with a request for amendments and drawings to be submitted for private streets determination.
DAERA – WMU have been consulted and responded with no objections subject to conditons.

Drawing Numbers and Title

Drawing No. 10
Type: Road Access 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. 09
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 08
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 11
Type: Roads Details
Status: Submitted

Drawing No. 06
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 05
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 04
Type: Site & Detailed Drawings
Status: Submitted

Drawing No. 03
Type: Site Levels
Status: Submitted

Drawing No. 12
Type: Landscaping Plan
Status: Submitted

Drawing No. 07
Type: Elevations and Floor Plans
Status: Submitted



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2018/0765/O	Target Date: <add date>
Proposal: Proposed dwelling and garage (amended description)	Location: To the rear of 13 Fairhill Road Cookstown.
Applicant Name and Address: Mr Paul Quinn 13 Fairhill Road Cookstown	Agent name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Summary of Issues: Backland development contrary to Policy PPS7 and DES2.	
Summary of Consultee Responses: No objections	
<p>Characteristics of the Site and Area: Proposal to site a dwelling and domestic garage in the rear portion of an elevated long rear garden plot in the middle of a long established row of semi-detached 2st dwellings located from No .1 to No 27 Fairhill Road, Cookstown.</p> <p>This rear garden area associated with No 13 is slightly wider than neighbouring garden areas but of a similar depth. Adjoining private gardens largely separated by low neat hedging with evidence of some use of neighbouring gardens at their northern-most part also.</p> <p>Means of access will be via side entrance with existing s/s garage to be removed to facilitate new driveway to dwelling which tightly follows the western boundary of the garden.</p>	

Description of Proposal

Proposed dwelling and garage

Deferred Consideration:

This application was deferred for an office meeting which took place on the 12th Sept 2019. the meeting was attended by myself, E. McCullagh (Team Lead), Les Ross, Don Sonner (agent) and Mr Quinn (applicant)

We agreed that the key focus is relating to the backland nature of this proposal. it was reinforced that the issue of neighbouring amenity remained significant and there remained potential not only from a new dwelling but its outdoor space, means of access etc.

The precise degree of private space used by adjoining properties was disputed, for example the orchard area, and that due to the position of the proposed dwelling behind the street frontage that there would be little perception of negative impacts on the residential settlement pattern of the area.

Other examples of similar forms of development were argued and a map presented showing these locations. It was maintained that Cookstown had an established form of tandem development.

It was concluded that the arguments made would be considered and that a change to the submitted layout may follow to attempt to overcome the issues.

On the 3rd Oct 2019 an informal (for info only) proposal was submitted by the agent. These showed a more single storey house, windows to a higher level, driveway altered and garage re-positioned. Existing and proposed planting are promoted to soften impact on neighbouring property.

On the 2nd Dec 2019, and having considered the supporting arguments presented as well as having examined the informally submitted alternative proposal with Dr Boomer, i advised the agent that the Councils position remained unchanged. I have looked at the locations of other examples presented. Each case must be determined on its own individual merits but i do not dispute that one will find backland development elsewhere in Cookstown. The very close proximity to adjoining private gardens, narrow plots, difference in levels and means of access with this case are however quite significant.

I invited the agent on the 2 Dec that if he sought a decision from the Council on the amended proposal that full detailed plans should be submitted. This has not occurred. The decision to be made remains on the proposal as originally submitted and before the Committee.

As a brief Policy reminder, The 2010 Cookstown Area Plan in Policy SETT 1 gives favourable consideration to development proposal within settlement limits. A number of criteria qualify this assurance including detrimental effect on amenity, development being sensitive to the size and character of the settlement in terms of scale, form design etc. Development proposal are required to be designed and implemented in accordance with prevailing regional planning policies. Detailed consideration has been given to the regional policies in my earlier report along with my consideration of some detailed local objection.

In considering the above matters I have already expressed concerns about the form, character of the development and in particular about the potential impact on privacy and other neighbouring amenity impacts. I have also agreed that boundary vegetation is not overly strong to an extent that would screen neighbouring garden areas from view. I do not accept that roof dormers would however directly look into liveable/ occupied rooms of adjoining property. In relation to the potential for tree damage, this could be further examined were there a recommendation to approve, but I do attach some weight to Mr Quinn's comments in relation to this matter. Mr Quinn's offer to provide more screening, whilst often an means suggested to overcome either poor integration or address privacy, whilst acknowledged, cannot in the short term satisfactorily deal with an otherwise poor level of existing hedge boundary. I also accept Mr Quinn's point in relation to other examples of this backland type of development in the town and agree on this. I have however looked at the particular localised residential of this area and have observed that the proposed development would be out of keeping with this residential area.

On balance and having given very careful consideration to a number of potential options in developing the rear of No 13 Fairhill I have concluded that a dwelling would be out of keeping with the established residential context of the surrounding area and further, be detrimental to the levels of amenity currently enjoyed by adjoining property by way of loss of privacy and general disturbance.

Refusal Reason

1. The proposal is contrary to the Cookstown Area Plan, the SPPS, Policy QD1 of PPS7 and Policy LC1 of the Addendum to PPS7 as well as Policy DES2 of the PSRNI in that if approved it would create a form of tandem residential development out of keeping with the established character of the immediate area therefore also impacting detrimentally on the amenity currently enjoyed by neighbouring property by way of loss of privacy, overbearing effects and general disturbance.

Signature(s): M.Bowman

Date: 13th March 2020



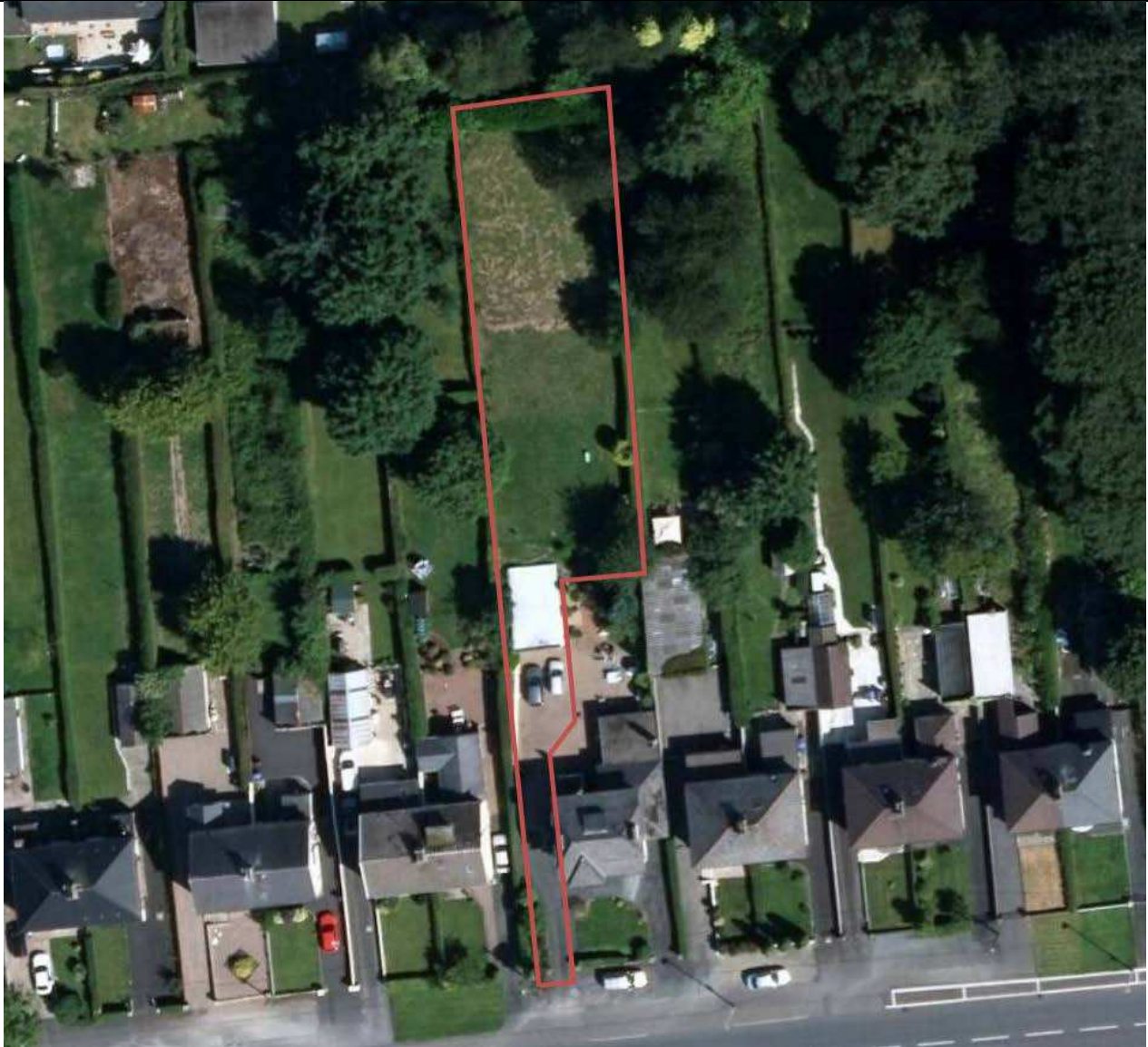
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0765/O	Target Date:
Proposal: Proposed dwelling and garage	Location: To the rear of 13 Fairhill Road Cookstown.
Referral Route: Refusal.	
Recommendation: Refusal	
Applicant Name and Address: Mr Paul Quinn 13 Fairhill Road Cookstown	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Executive Summary: Backland development contrary to PPS7	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

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

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

Characteristics of the Site and Area.

Proposal to site a dwelling and domestic garage in the rear portion of an elevated long rear garden plot in the middle of a long established row of semi-detached 2st dwellings located from No .1 to No 27 Fairhill Road, Cookstown.

This rear garden area associated with No 13 is slightly wider than neighbouring garden areas but of a similar depth. Adjoining private gardens largely separated by low neat hedging with evidence of some use of neighbouring gardens at their northern-most part also.

Means of access will be via side entrance with existing s/s garage to be removed to facilitate new driveway to dwelling which tightly follows the western boundary of the garden.

Description of Proposal

Proposed dwelling and garage

Planning Assessment of Policy and Other Material Considerations.

This is classic backland development within an urban context. Such development always requires very careful analysis of matters primarily relating to neighbouring amenity and townscape character.

There have been no objections raised by Consultees to the proposal.

Neighbouring objections have been received and I regard the following to be the main policy and other material considerations:

As an initial starting point I can confirm that, without prejudice, the scheme was amended to depart from its original 2st proposal with an amended site plan also being sought, without prejudice, to determine how far removed from neighbouring private gardens any dwelling and its curtilage could be located.

The 2010 Cookstown Area Plan in Policy SETT 1 gives favourable consideration to development proposal within settlement limits. A number of criteria qualify this assurance including detrimental effect on amenity, development being sensitive to the size and character of the settlement in terms of scale, form design etc. Development proposal are required to be designed and implemented in accordance with prevailing regional planning policies. I will therefore further examine the proposed development in light of these policies.

SPPS

Housing in Settlements

Par 6.133. of the SPPS states, Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development.

Regional Strategic Policy

6.136 The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

There is clearly a presumption in favour of the principle of the proposed development, albeit in its single unit form.

PPS7

1.4 The promotion of more housing in urban areas should not be allowed to result in town cramming or damage to areas of distinctive townscape character. In established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD 1 Quality in New Residential Development

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

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 areas;
- (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;
- (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;
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (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;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws 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; and
- (i) the development is designed to deter crime and promote personal safety. Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

The proposal, representing a form of tandem development can be argued as being out of keeping with the surrounding context, albeit the degree of public interest gives the sites relatively remote location to the rear of all the dwellings on Fairhill is acknowledged. There is therefore some concerns that Criteria a of QD1 is not met.

I have commented further below on the potential for the proposal to impact upon neighbouring amenity and in that regard criteria (h) is not met.

Addendum to PPS7

Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density¹ is not significantly higher than that found in the established residential area;

- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in

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

- i. the extent of the surrounding area and the relevant development plan context;
- ii. context of site and surroundings, including: • existing densities and layouts; • plot sizes; • ratios of built form to garden area; • spacing between buildings; • scale, height, and massing of buildings; • architectural styles and materials; • landscaping and boundary treatments; and • potential impacts on non-residential uses e.g. schools, open space, etc.
- iii. the potential impacts of proposals on the street scene including main views, distance from boundaries of adjoining properties, overlooking, loss of light, overshadowing, refuse and recycling storage, noise or other general disturbance;
- iv. the impact of parking provision on street scene, and the ratio of hard landscaping to soft landscaping / garden areas; and where appropriate,
- v. the size, form, function and existing character of villages and smaller settlements.

Policy DES2 (PSRNI)

To require development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

Development

The physical appearance of new development will have an effect on the townscape of a settlement now and in the future. It should therefore be of sufficient quality to make a positive contribution to the townscape.

A new development will normally be required to be appropriate in use and sensitive in siting, scale, layout, design and materials both in itself and in relation to adjoining buildings, spaces and views. The main concern is to ensure that development proposals neither conflict with or detract from the character, amenity and design of an area.

Amenity

New development should provide reasonable standards of amenity both in terms of the environment which the development creates and in terms of the effect it has on neighbouring properties. Where there is an inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused.

Housing

Proposals for large residential developments are unsuitable in rural settlements and should be broken down into small discrete and separate areas. Layout designs will have to take account of "traffic calming" techniques where the requirements of the car will be

subordinate to those of the residents. Further guidance is given in the Department's Design Guide for the Layout of Housing Roads.

Houses with large back gardens are a common feature in many towns and villages. Sometimes it may be acceptable to develop back gardens for new housing provided it is in keeping with the character and quality of the local environment. Where development of back gardens or back land is considered acceptable, it will be subject to strict planning criteria defined in the development plan. There must be a proper means of access, convenient and safe for drivers and pedestrians, and adequate provision for car parking.

'Tandem' development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house at the front.

Having visited the location to assess the proposals impacts on townscape and amenity I have reached the following conclusions.

Clearly the initial submission, seeking permission for a full 2nd dwelling, was never going to be acceptable here given the above policy guidance and inability to avoid any detrimental impact on neighbouring privacy given the very close relationship between the garden and rear gardens of Nos 11 and 15 in particular. What is notable is the relative lack of any public perception beyond the front of No 13 that a new dwelling would have any presence or otherwise detract from any sense of townscape. To that extent I accept that, whilst the pattern of development is alien to this particular row of dwellings as a result of tandem development, its overall measurable harm on the street scene is minimal. Of course permitting the development could lead to a demand for other similar types of backland / tandem development once an initial first application is granted elsewhere to the rear of Fairhill, this in time leading to a potential change to the overall character of the residential area.

I did invite an amended site plan, without prejudice to any future outcome of the application, to assess how far removed development could be sited from adjoining properties. One must also be mindful of the need to impose a vehicular access to the rear of the garden, the general comings and goings associated with a normal family dwelling and how this all can have a detrimental impact on neighbouring amenity. It was also pointed out that the proposal still referred to a 2nd dwelling, again this was amended to allow me to assess the impacts of a bungalow / chalet type dwelling.

It appears evident from my site visit, and the content of objections, that despite choosing to the development the northern-most portion of the garden, that neighbouring garden areas are also used at this extremities well away from the immediate rear of adjoining properties. This must be given consideration in assessing the weight afforded to the usability of these areas and the likelihood of a loss of privacy to these areas. Whilst garden boundaries are established by vegetation, there are notable gaps.

Whilst an on-line comment of support has been received from No 11 Fairhill which simply states 'support this application', in re-notifying adjoining properties of these changes 2 written objections were received from the occupants of No 15 Fairhill which I have summarised as follows:

1. That a 2st dwelling and garage will have a detrimental impact on our quality of life
2. The proposal is completely out of keeping with surrounding street pattern, context and character of the area.
3. The proposal is an unneighbourly development which will overbear adjoining property
4. Our garden is at a lower elevation and will be towered over by the proposal.
5. Impact on a large horse chestnut tree, drainage and ground stability.

Following the amendment to remove references to a 2st dwelling a further letter was received setting out the following concerns:

1. The proposal remains contrary to PPS7 in terms of character, enjoyment of privacy, no other dwellings have driveways constructed into their back gardens, the development will be loss of seclusion.
2. We've had 28 years of an expectation that our rear garden would remain quiet and private
3. Even not if 2st, a dwelling will sit elevated with garage and driveway running horizontally along the full length of the back garden. PPS7 also warns against this.
4. The existing laurel hedge has been maintained by us for 28 years. This isn't a thick coniferous hedge which would offer more privacy. Traffic moving along the hedge would be an unthinkable prospect invading our privacy.
5. We've enjoyed an orchard for 28 years in the back section of our garden.
6. Dormer windows will look into our backyard and kitchen window
7. Light pollution from new driveway and traffic fumes.
8. The scale of any excavation will have a catastrophic effect on the 50 year old horse chestnut tree which is on the boundary. This itself promotes biodiversity and enriches our environment.

Mr Quinn, the applicant, has responded to the above concerns as follows on the 6th Aug 2019.

The objector has mentioned a few points;

- 1) The chestnut tree. The tree is located on his land and below the ground level of our garden and therefore any development of the lands should not affect the tree nor the roots system and can easily be avoided.
- 2) Privacy and quiet enjoyment. There is ample vegetation for both parties to ensure that privacy is not affected. Screening can easily be increased if necessary to provide additional privacy for both parties. Only one family has access/use of our garden and this will continue to be the case in the event of a successful application. As the property at number 13 will not have any garden.
- 3) Back land development in Cookstown and other towns is very common. I can send you a list of addresses of this type of development if required, however you should be able to verify this from your records.

In considering the above matters I have already expressed concerns about the form, character of the development and in particular about the potential impact on privacy and other neighbouring amenity impacts. I have also agreed that boundary vegetation is not overly strong to an extent that would screen neighbouring garden areas from view. I do not accept that roof dormers would however directly look into liveable/ occupied rooms of adjoining property. In relation to the potential for tree damage, this could be further examined were there a recommendation to approve, but I do attach some weight to Mr Quinn's comments in relation to this matter. Mr Quinn's offer to provide more screening, whilst often an means suggested to overcome either poor integration or address privacy, whilst acknowledged, cannot in the short term satisfactorily deal with an otherwise poor level of existing hedge boundary. I also accept Mr Quinn's point in relation to other examples of this backland type of development in the town and agree on this. I have however looked at the particular localised residential of this area and have observed that the proposed development would be out of keeping with this residential area.

Having given very careful consideration to a number of options in developing the rear of No 13 Fairhill I have on balance concluded that a dwelling would be out of keeping with the established residential context of the surrounding area and further, be detrimental to the levels of amenity currently enjoyed by adjoining property by way of loss of privacy and general disturbance.

Summary of Recommendation: Refusal.

Reason for Refusal:

1. The proposal is contrary to the Cookstown Area Plan, the SPPS, Policy QD1 of PPS7 and Policy LC1 of the Addendum to PPS7 as well as Policy DES2 of the PSRNI in that if approved it would create a form of tandem residential development out of keeping with the established character of the immediate area therefore also impacting detrimentally on the amenity currently enjoyed by neighbouring property by way of loss of privacy, overbearing effects and general disturbance.

Signature(s) M.Bowman

Date: 21st Aug 2019

ANNEX	
Date Valid	1st June 2018
Date First Advertised	14th June 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) Ray Quinn 11 Fairhill Road Cookstown Tyrone The Owner/Occupier, 15 Fairhill Road Cookstown Tyrone Gerard And Patricia Maynes 15 Fairhill Road, Cookstown,BT80 8AG Gerard & Patricia Maynes 15, Fairhill Road, Cookstown, Tyrone, Northern Ireland, BT80 8AG The Owner/Occupier, 5 Central Avenue COOKSTOWN BT80 8AJ The Owner/Occupier, 7 Central Avenue,COOKSTOWN,BT80 8AJ	
Date of Last Neighbour Notification	1st July 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0765/O Proposal: Proposed 2 storey dwelling and garage Address: To the rear of 13 Fairhill Road, Cookstown., Decision: Decision Date: Ref ID: I/1978/0156 Proposal: IMPROVEMENTS TO DWELLING Address: 15 FAIRHILL ROAD, COOKSTOWN Decision: Decision Date: Ref ID: I/1993/0093 Proposal: Extension to dwelling. Address: 15 FAIRHILL ROAD, COOKSTOWN. Decision:	

Decision Date:

Ref ID: I/2000/0212/F

Proposal: Domestic Garage, (Retrospective permission)

Address: 13 Fairhill Road, Cookstown

Decision:

Decision Date: 01.06.2000

Ref ID: I/1979/0210

Proposal: IMPROVEMENTS TO DWELLING

Address: 11 FAIRHILL ROAD, COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status:

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2018/1569/F	Target Date:
Proposal: Erection of 35 No two storey houses (7 detached and 28 semi-detached) landscaping, access and associated site works, accessed through Woodland Heights onto Derrynoid Road (amended description and plans)	Location: Lands to the South West of 12 14 15 16 & 18 Woodland Grove with access through Woodland Heights on to Derrynoyd Road Draperstown
Applicant Name and Address: Michael Boyle 17B Sixtowns Road Draperstown BT45 7BA	Agent name and Address: Gerard McPeake Architectural Ltd 31a Main Street Limavady BT49 0EP
Summary of Issues: A number of representations have been received during the course of the process. These have fully considered and addressed in this and previous case officer reports. The scheme has been reduced and DFI Roads have provided conditions.	
Summary of Consultee Responses: All consultees responded positively and with relevant conditions.	
Characteristics of the Site and Area: The site comprises a large field set back 200m off the Derrynoyd Road and accessed via Woodland Grove which is a development of 2 storey detached, semi-detached and terraced dwellings. The site comprises a large flat field with an agricultural access off the Sixtowns Road. The site is a large flat field surrounded by mature hedgerows on the north, south and eastern boundaries.	

Description of Proposal

Erection of 35 No two storey houses (7 detached and 28 semi-detached) landscaping, access and associated site works, accessed through Woodland Heights onto Derrynoid Road.

Deferred Consideration:

This application was initially presented as an approval in July 2019 but it was agreed by Committee to be deferred for DFI Roads to further consider information from objectors. It was then brought back to Committee following DFI's positive response on 18th July 2019, with a recommendation to approve in Sept 2019.

It was deferred a second time to clarify the fall-back position and ownership, and access off Sixtowns Roads was also to be considered.

Firstly in relation to the fall back position;

Planning permission H/2006/0494/F granted approval for 147 units on 18th August 2009. Condition 6 of this permission was removed and conditions 3 and 4 were varied under H/2013/0066/f, 2013/A0025. This original approval included the current site within its red line.

The agent stated that he provided the visibility splays in accordance with condition 4 which involved removing a telegraph pole and part of a wall. The wall was removed on 21st June 2014. This was the only pre-commencement condition.

Building Control provided a letter on 4th Sept 2019, to state that an application for Building Control Approval was received for the erection of a dwelling at site 7, Sixtowns road and was approved by the Council on 3rd September 2014. Work commenced on the site on 23 June 2014 and inspections had been made at the various stages as the work proceeded. From their records it would appear there were no contraventions under Building Regulations. Notes from Building Control state 'foundation commenced in firm red sandy clay, Work on site is not yet completed', dated 23rd June 2014.

It was then stated by the agent that Mr.Boyle had part of the foundation for site 7 built by P. Bradley Contracts on 4th July 2014, therefore the work was carried out before the expiry date of 18th August 2018.

Sworn affidavits and a statement has been provided signed by Michael Boyle and Mr. Bradley confirming work was carried out on the dates stated above.

Having carried out a site visit and taking into account submitted evidence, MUDC are content that development has commenced on the site and the previous approval was started in line with the granted permission H/2006/0494/F, and this addresses the issue of the fall-back position.

In terms of the ownership issue, a revised P1 shows the applicant is now Michael Boyle and there was a submitted letter from Augusta Homes confirming they agree with this. The remainder of the site is owned by Mr Boyle and this land is included in blue onto Sixtowns Road.

Neighbours were re-notified of this on 11.02.2020.

A further objection was received on 9th September 2019 raising DFI issues.

On 12th Sept 2019, DFI Roads carried out a review of all previous assessments relating to this site from a roads perspective. The one issue they felt needed further consideration was the intensification of the Woodland Heights junction with Derrynoyd Road i.e. 65 dwellings (an additional 40) are now proposed to access from this junction. DCAN 15 guidance would indicate that a RTL should be considered for access serving more than 50 dwellings, but the applicant does not appear to have submitted information to demonstrate that a RTL is not required in this instance.

In response to this on 17 Sept 2019, the agent countered the request for this information and a meeting was held with DFI Roads and Planning on 2nd Oct to further discuss this matter.

17 Further objections were received in Nov 2019. The main issues raised included;
Increased traffic at Woodlands,
Traffic speed, cars cruising, anti-social behaviour,
Health and safety issues, danger with children playing, pedestrians in danger,
Loss of property values,
Sewage issues,
Construction traffic accessing Woodlands.

All these concerns have been raised before and have been fully addressed in this and the previous case officer's reports.

Following discussions with DFI Roads and the agent, amended plans and P1 form were forwarded on 17 Jan 2020, along with a revised traffic report which was forwarded in Dec 2019. DFI were re-consulted and replied on 14th Feb 2020 requesting additional information relating to the PSD's.

The scheme was reduced to 39 units, 35 units with access through Woodland Grove onto the Derrynoyd Road, with 4 units to be accessed onto the Sixtowns road.

A revised P1 which also changed the applicant was also received then.

Re-advertisement took place 11.02.2020 and statutory expiry ended on 25.02.2020.

Neighbours were re-notified on 29.01.2020 and the expiry date ended on 12.02.2020

A further 5 objections were received in Feb 2020 raising the issue of construction traffic entering via Derrynoyd Road and Woodlands and concerns regarding health and safety.

Further amended plans were received on 16th March 2020. Neighbours were re-notified on 15.05.2020 on all new information and 3 objections were received following this.

DFI were re-consulted and asked for further amends in April 2020.

Amended plans and a new P1 form were received on 15th and 17th July respectively. These further reduced the scheme to 'Erection of 35 No two storey houses (7 detached and 28 semi-detached) landscaping, access and associated site works, accessed through Woodland Heights onto Derrynoid Road'.

Neighbours were re-notified on 29-7-2020. Following this 3 more objections were received. These related to access through Woodlands and issues of health and safety. DFI replied on 10th August with no objection and provided conditions and informatives.

All objector comments have been fully considered from a Planning and DFI Roads point of view, and both departments are now satisfied that an acceptable solution has been reached in terms of road safety and planning policy considerations. The number of objections and amount of issues raised has been greatly reduced, following the reduction of the number of units and the issue of construction traffic coming through woodlands being addressed by the developer who stated he will be using Sixtowns Roads to accommodate these vehicles at construction stage.

Due to reduction in the number of units, there are no issues with amenity or any impact on existing/proposed dwellings. All other planning considerations have been dealt with the previous case officer reports and remain relevant. The issues for which the proposal was deferred, have been satisfactory addressed and an approval with conditions is therefore recommended.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020.

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

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 management and maintenance of all trees and shrubs shall be carried out in accordance with the stamped approved 'Memorandum and Articles of Association' received 28th June 2019 and the 'Maintenance Specification Schedule' received on XXXXX and shall continue to be maintained in accordance for a period of not less than 20 years or as may subsequently be agreed in writing with the Council.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance to achieve a quality residential development consistent with Planning Policy Statement 7.

3. All hard and soft landscape works as indicated on stamped approved drawing no. 27 date stamped 5th June 2019, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following commencement of the development.

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

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

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

5. The existing hedgerows along the northern, eastern and western boundaries of the site shall be retained at a minimum height of 4 metres and the existing trees along the northern, eastern and western boundaries shall be retained at a mature height.

Reason: To ensure the maintenance of screening to the site.

6. No retained tree or hedge shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.

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

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of water (NI) Order 1999.

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

8. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

9. The temporary vehicular access, including visibility splays of 2.4m x 70m NW and 2.4x 45m SE at the junction of the proposed access road with the Sixtowns Road, and any forward sight distance, shall be provided 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.

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

10. The 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. 23/4 bearing the date stamp 15 July 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.

11. 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

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

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

13. Notwithstanding the provisions of the Planning (General Development Procedure (NI) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

14. Notwithstanding the provisions of the Planning (General Development Procedure) (NI) Order 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip

15. Construction traffic shall only access the site via the previously approved Sixtowns Roads access.

Reason: In the interests of road safety and amenity of residents.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2018/1569/F	Target Date:
Proposal: Erection of 40 two storey houses (6 detached and 34 semi-detached) landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F, H/2013/0066/F (Amended address)	Location: Lands to the South West of 12 14 15 16 and 18 Woodland Grove with access through Woodland Grove Derrynoyd Road Draperstown
Applicant Name and Address: Augusta Homes Ltd Unit 1 Workspace Tobermore Road Draperstown	Agent name and Address: Gerard McPeake Architectural Ltd 31a Main Street Limavady BT49 0EP
Summary of Issues: A number of representations have been received in respect of this application and relate to the following issues:- <ul style="list-style-type: none">• Impact on traffic safety due to the increase in traffic;• The existing road system within Woodlands cannot accommodate the through traffic generated by the proposed development, where there has already been accidents;• Access for the proposed site should be from the Sixtowns Road;• Right-of Way and through route from Sixtowns Road to Derrynoyd Road creating a rat run;• Impact of construction traffic;• Adverse impact on the character of the neighbourhood; The above issues have been addressed in the main report below.	

Additional issues raised in the representations:-

- No safe play area within Woodlands;

There is an area of public open space with the centre of Woodlands Grove. While the access to the proposed site passes this area, there is a speed control bend immediately adjacent to the northern corner of the play area with a 'T' junction 60m to the south west. Both of these junctions should provide a sufficient degree of pedestrian safety.

- Sewage problems;

NI Water did not raise issues regarding available capacity at the Waste Water Treatment Works.

- Impact of privacy;

It is noted that traffic already passes two sides of the objectors dwelling at No.2 Woodlands Heights. While an approval of this development would increase the levels of traffic passing the dwelling, it does not lessen the degree of privacy and therefore it is not accepted that there will be any detrimental impact on privacy to that property.

- Maintenance of the open space area in Woodlands;

The maintenance and management of the open space within Woodlands was a condition of the relevant planning approval. The proposed development would also be conditional upon the maintenance and management of all areas of public open space within that respective site.

- Only 5 properties were neighbour notified;

The Statutory Neighbour Notification process requires that the occupier of premises within a 90m radius of the site to be notified, provided they directly adjoin the application site. As only 5 dwellings adjoin the proposed site these were the only properties notified.

- Increase in noise and air pollution and the right to peaceful enjoyment;

Environmental Health did not raise any issues of concern regarding noise or air pollution.

- Protection of the countryside and the ecosystems in it;

NIEA: NED requested a Preliminary Ecological Assessment and accepted that this provided sufficient assurance that the proposal is unlikely to have a significant impact on any species or habitat protected by national/international legislation currently in place.

- Other alternatives should be considered;

The applicant is not obliged to consider other alternatives and has sought a determination on this proposed development as presented.

- Potential for further developments;

It is acknowledged that there is the potential for future development within the overall housing zoning. However, as discussed above, the applicant has the fallback position of the extant approval H/2006/0494/F.

- Depreciation of existing property;

No evidence has been provided to sustain claims that the proposed development would cause depreciation of any existing properties.

- Is there any need for additional dwellings;

The need for further dwellings is market led.

Summary of Consultee Responses:

All consultees have responded positively.

Characteristics of the Site and Area:

The site comprises a large field set back 200m off the Derrynoyd Road and accessed via Woodland Grove which is a development of 2 storey detached, semi-detached and terraced dwellings. The site comprises a large flat field with an agricultural access off the Sixtowns Road. The site is a large flat field surrounded by mature hedgerows on the north, south and eastern boundaries. The hedgerow along the eastern boundary would require augmentation to the rear of 12, 14, 15, 16 and 18 Woodland Grove to prevent overlooking from the existing dwellings in Woodland Grove.

Description of Proposal

Erection of 40 two storey houses (6 detached and 34 semi-detached) landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F, H/2013/0066/F (Amended address)

Deferred Consideration:

This application was presented to Planning Committee in July 2019 as an approval, but was agreed to be deferred for DFI Roads to consider further information submitted by objectors.

The agent also forwarded details to counter the objector's points.

DFI Roads were re-consulted and replied on 18th July, taking all information into account and fully considering the objection raised. They go on to state in their response;

1. DFI roads are aware of the radius at Woodland Grove. This development is maintained and adopted by DFI roads and for 65 dwellings this radii will be accepted. The application for 40 dwellings will have the appropriate speed reducing methods to control road speeds within the development in addition to the existing measures in place.
2. The speed bends are acceptable in DFI Roads opinion for this proposed Development, bearing in mind the anticipated design target speeds associated within the development.

A further objection was submitted challenging the land ownership and the Certificate which was signed.

The agent responded to this on 9th July that the sale is in progress and land registry are working to 20-24 week turnaround time on applications. It is unlikely it will appear on the system in 2020. In an effort to resolve this, certificate C was served on the relevant land owner. Therefore it was required to wait 21 days to make any decision until the time period has ended. This date has now ended and no further correspondence was received regarding this matter.

All other issues have been dealt with in the original case officer report and all remain relevant. Approval has been recommended.

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.

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 management and maintenance of all trees and shrubs shall be carried out in accordance with the stamped approved 'Memorandum and Articles of Association' received 28th June 2019 and the 'Maintenance Specification Schedule' received on 2 August 2019 and shall continue to be maintained in accordance for a period of not less than 20 years or as may subsequently be agreed in writing with the Department.

Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance to achieve a quality residential development consistent with Planning Policy Statement 7.

3. All hard and soft landscape works as indicated on stamped approved drawing no. 27 date stamped 5th June 2019, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following commencement of the development.

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

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

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

5. The existing hedgerows along the northern, eastern and western boundaries of the site shall be retained at a minimum height of 4 metres and the existing trees along the northern, eastern and western boundaries shall be retained at a mature height.

Reason: To ensure the maintenance of screening to the site.

6. No retained tree or hedge shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.

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

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of water (NI) Order 1999.

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

8. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

9. 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. 23/2 bearing the date stamp 26 April 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.

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

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

11. No dwelling(s) shall be occupied until that part of the service road which provide 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.

Informatives

1. This approval notice relates to Drawing No's. 01 which were received on
2. 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 Mid Ulster District Council or other statutory authority.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent property for the removal of or building on the party wall or boundary whether or not defined.
4. 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.
5. 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.
6. This application is included within previous site approved under H/2006/0494/F and H/2013/0066/F. Under these planning applications a PAC decision determined that no more than 50 dwellings are occupied before a right turning lane is provided at Sixtowns Road.
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.
7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

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

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);

- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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

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

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

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

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

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

18. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal.

There are wild animals such as foxes/ rabbits/ frogs etc present on site. To avoid any breach of the Act through entombment

or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org

19. 1. The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.
3. Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit for Water Order (1999) consent for an 'emergency overflow'.
4. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.
5. The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk/>)
6. The applicant should comply with all the relevant Pollution Prevention Guidance (PPG's) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:
PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices
New GPP 02 - Above ground oil storage tanks.
PPG 04 Treatment and disposal of sewage where no foul sewer is available.
New GPP 05 - Works and maintenance in or near water.
PPG 06 - Working at construction and demolition sites.
7. Compliance with the advice in GPP 05 and PPG06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be accessed by visiting the NetRegs website at <http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>
8. Should any culverting or piping of watercourses be required, the applicant will be required to adhere to the guidance detailed in Standing Advice Culverting. Our standing advice can be found by following the link: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>
9. General advice and guidance on private water supplies can be obtained from the DWI' information leaflet 'Is your private water supply safe?' <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supply-safe-2015.pdf>. More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>
10. Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/>
11. Environment Agency (EA) Guidance on Rainwater Harvesting Guidance can be obtained from: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/geho1110bten-e-e.pdf> (PDF 767KB)
12. 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.

13. An application form for consent to discharge under the Water (NI) Order 1999 can be obtained by contacting NIEA Water Management Unit at:
17 Antrim Road, Tonagh,
Lisburn.
BT28 3AL

Or by visiting our website: <https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

14. It is an offence under the section 47 of the Fisheries Act (Northern Ireland) 1966 (as amended) to cause pollution which is subsequently shown to have a deleterious effect on fish stocks.

20. Under the terms of Schedule 6 of the drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge to storm water etc. requires the written consent of DfI. This should be obtained from Water Service's Armagh office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE.

21. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

22. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

23. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

24. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

25. It is the Environmental Health Departments view that the proposed means of effluent disposal is designed and constructed in such a manner so as to enable adoption of the facility by Northern Ireland Water.

26. The combined noise level from construction activities within the permitted site shall not exceed the noise limits as stipulated within 'Table 1: Construction noise limits' at any residential property. Measurements between 07.00 and 23.00 hours shall be undertaken at the boundary of any residential property's curtilage nearest to the construction activity. Measurements between 23.00 and 07.00 hours shall be undertaken 1 metre from the façade of any residential dwelling. If access to any residential property is not forthcoming or measurement is not feasible, a measurement location and concomitant noise level shall be agreed with Mid Ulster District Council's Environmental Health Department.

Table 1: Construction noise limits

Day of week	Time	LAeq,1hour	LAmx
Monday to Friday	07.00 – 18.00	65 dB Curtilage	-
	18.00 – 23.00	55 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB
Saturday	07.00 – 13.00	65 dB Curtilage	-
	13.00 – 23.00	55 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB
Sunday	07.00 – 23.00	45 dB Curtilage	-
	23.00 – 07.00	45 dB Façade	60 dB

27. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1569/F	Target Date:
Proposal: Erection of 40 two storey houses (6 detached and 34 semi-detached) landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F, H/2013/0066/F (Amended address)	Location: Lands to the South West of 12 14 15 16 and 18 Woodland Grove with access through Woodland Grove Derrynoyd Road Draperstown
Referral Route: This application is being presented to Committee as it has attracted a number of objections.	
Recommendation:	APPROVAL
Applicant Name and Address: Augusta Homes Ltd Unit 1 Workspace Tobermore Road Draperstown	Agent Name and Address: Gerard McPeake Architectural Ltd 31a Main Street Limavady BT49 0EP
Executive Summary:	
Signature(s):	

For committee view



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NI Water - Multi Units West - Planning Consultations	

Non Statutory	NIEA	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	45
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 representations have been received in respect of this application and relate to the following issues:-

- Impact on traffic safety due to the increase in traffic;
 - The existing road system within Woodlands cannot accommodate the through traffic generated by the proposed development, where there has already been accidents;
 - Access for the proposed site should be from the Sixtowns Road;
 - Right-of Way and through route from Sixtowns Road to Derrynoyd Road creating a rat run;
 - Impact of construction traffic;
 - Adverse impact on the character of the neighbourhood;
- The above issues have been addressed in the main report below.

Additional issues raised in the representations:-

- No safe play area within Woodlands;

There is an area of public open space with the centre of Woodlands Grove. While the access to the proposed site passes this area, there is a speed control bend immediately adjacent to the northern corner of the play area with a 'T' junction 60m to the south west. Both of these junctions should provide a sufficient degree of pedestrian safety.

- Sewage problems;

NI Water did not raise issues regarding available capacity at the Waste Water Treatment Works.

- Impact of privacy;

It is noted that traffic already passes two sides of the objectors dwelling at No.2 Woodlands Heights. While an approval of this development would increase the levels of traffic passing the dwelling, it does not lessen the degree of privacy and therefore it is not accepted that there will be any detrimental impact on privacy to that property.

- Maintenance of the open space area in Woodlands;

The maintenance and management of the open space within Woodlands was a condition of the relevant planning approval. The proposed development would also be conditional upon the maintenance and management of all areas of public open space within that respective site.

- Only 5 properties were neighbour notified;

The Statutory Neighbour Notification process requires that the occupier of premises within a 90m radius of the site to be notified, provided they directly adjoin the application site. As only 5 dwelling adjoin the proposed site these were the only properties notified.

- Increase in noise and air pollution and the right to peaceful enjoyment;

Environmental Health did not raise any issues of concern regarding noise or air pollution.

- Protection of the countryside and the ecosystems in it;

NIEA: NED requested a Preliminary Ecological Assessment and accepted that this provided sufficient assurance that the proposal is unlikely to have a significant impact on any species or habitat protected by national/international legislation currently in place.

- Other alternatives should be considered;

The applicant is not obliged to consider other alternatives and has sought a determination on this proposed development as presented.

- Potential for further developments;

It is acknowledged that there is the potential for future development within the overall housing zoning. However, as discussed above, the applicant has the fallback position of the extant approval H/2006/0494/F.

- Depreciation of existing property;

No evidence has been provided to sustain claims that the proposed development would cause depreciation of any existing properties.

- Is there any need for additional dwellings;

The need for further dwellings is market led.

Description of proposal

This application is for the erection of 40 two storey houses (6 detached and 34 semi-detached) landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F, H/2013/0066/F).

Characteristics of the site and area

The site comprises a large field set back 200m off the Derrynoyd Road and accessed via Woodland Grove which is a development of 2 storey detached, semi-detached and terraced dwellings. The site comprises a large flat field with an agricultural access off the Sixtowns Road. The site is a large flat field surrounded by mature hedgerows on the north, south and eastern boundaries. The hedgerow along the eastern boundary would require augmentation to the rear of 12, 14, 15, 16 and 18 Woodland Grove to prevent overlooking from the existing dwellings in Woodland Grove.

Planning Assessment of Policy and other Material Considerations

Include Development Plan and planning history

The site has had previous planning approval granted under H/2006/0494/F and an amendment to that approval under H/2013/0066/F in relation to the negative conditions regarding the access arrangements.

H/2006/0494/F - Proposed housing development comprising of 57 Apartments 90 Dwellings with a mix of Detached, Semi-Detached and Townhouses with associated road layout and parking facilities – Approved 17.08.2009, and

H/2013/0066/F - Variation of conditions 3, 4 and 6 of planning permission H/2006/0494/F – Approved on appeal 09.09.2013.

The proposal is in accordance with the Magherafelt Area Plan 2015 insofar as the dwellings are located within an area zoned for housing under designation DN 03/1. As the site was a committed site at the time of the Area Plan Adoption no Key Site Requirements were stipulated for this site.

PPS 7 Quality Residential Environments – Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area.

Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

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

(a) The proposed layout meets the first of these criteria in that it respects the surrounding context in terms of layout; The layout is of a higher density (22.2/ha) and scale as the adjacent

development at Woodland Grove. However it is of a lower density than the previous approved development at 30.0/ha.

(b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site;

(c) As the development is for 40 detached dwellings, there is a need to provide at least 10% of the site area for public amenity space; An area of 0.39ha has been set aside for public open space and is located centrally within the site, therefore is accessible for all dwellings;

(d) As the site is close to and within walking distance of the town centre, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site is close to the Derrynoyd Road and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision is made for parking of vehicles off street with all sites having in-curtilage parking areas;

(g) The design of the development is acceptable in terms of form, materials and detailing;

(h) The proposal does not have the potential to create a conflict with adjacent land uses as it is adjacent to existing housing developments at Woodland Grove and a new development currently under construction at Derrynoyd Road and which backs onto the south east corner of the site;

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

PPS 3 – Access, Movement and Parking.

Regarding the issues raised by objectors, it should be noted that the previous planning approval H/2006/0494/F, which was for the entire zoned area DN 03/1, granted approval for 147 dwelling units using the same road layout as is now proposed, with access taken off both Sixtowns Road and through the Woodlands development. That planning approval was commenced with the partial construction of a dwelling on site 7. This has been verified by way of Building Control records. Therefore the applicant has a fallback position in that the development previously approved under H/2006/0494/F can be completed without the need for any further approvals.

As the adopted road through Woodlands is a public road, construction traffic is entitled to use it to access the proposed site.

DfI Roads did not raise any concerns regarding a history of accidents within the Woodlands development, nor were any issues raised regarding the creation of a through route from Sixtowns Road to Derrynoyd Road. It should also be noted that this through route will incorporate speed control bends and raised junction tables to control road speeds through the development.

DfI Roads advised that amendments were required to the PSD drawings. Following receipt of these, Roads advised that the layout was acceptable and provided suggested conditions.

NIEA: NED requested the submission of a preliminary ecological assessment due to the presence of mature hedgerows around the site and the potential to have an unacceptable adverse impact on priority species. When this was provided NED advised that they had no further concerns subject to suggested conditions.

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

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

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

Recommendation

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

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve subject to the conditions listed below:-	
Conditions/Reasons for Refusal:	
<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 management and maintenance of all trees and shrubs shall be carried out in accordance with the stamped approved 'Memorandum and Articles of Association' received XXXX and the 'Maintenance Specification Schedule' received on XXXXX and shall continue to be maintained in accordance for a period of not less than 20 years or as may subsequently be agreed in writing with the Department.</p> <p>Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance to achieve a quality residential development consistent with Planning Policy Statement 7.</p> <p>3. All hard and soft landscape works as indicated on stamped approved drawing no. 27 date stamped 5th June 2019, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following commencement of the development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of 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.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5. The existing hedgerows along the northern, eastern and western boundaries of the site shall be retained at a minimum height of 4 metres and the existing trees along the northern, eastern and western boundaries shall be retained at a mature height.</p> <p>Reason: To ensure the maintenance of screening to the site.</p> <p>6. No retained tree or hedge shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.</p>	

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

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of water (NI) Order 1999.

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

8. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

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

9. 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. 23/2 bearing the date stamp 26 April 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.

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

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

11. No dwelling(s) shall be occupied until that part of the service road which provide 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	27th November 2018
Date First Advertised	13th December 2018
Date Last Advertised	3rd January 2019
Details of Neighbour Notification (all addresses) Sharon Mc Eldowney 1 Woodland Grove Draperstown Londonderry Willie MCGILLIAN 1 Woodland Grove Draperstown Londonderry Catherine Lagan 1 Woodland Heights Draperstown Londonderry Sheila Lagan 1 Woodland Heights Draperstown Londonderry Martin McVey 1 Woodland Heights Draperstown Londonderry Brenda McGillian 1 Woodland Heights Draperstown Londonderry Martin Mc Eldowney 10 Woodland Grove Draperstown Londonderry Lucy Murray 10 Woodland Heights Draperstown Londonderry EUNAN MURRAY 10 Woodland Heights Draperstown Londonderry Maresa Heron 11 Woodland Grove Draperstown Londonderry Colm HERON 11 Woodland Grove Draperstown Londonderry SHARON MCCALLION 12 Woodland Grove Draperstown Londonderry SIOBHAN MCDAID 14 Woodland Grove Draperstown Londonderry The Owner/Occupier, 15 Woodland Grove Draperstown Londonderry The Owner/Occupier, 16 Woodland Grove, Draperstown, Londonderry, BT45 7DJ The Owner/Occupier, 18 Woodland Grove, Draperstown, Londonderry, BT45 7DJ Niall Hassan 2 Woodland Grove Draperstown Londonderry Derek McGeehan 2 Woodland Heights Draperstown Londonderry Leah Mcgeehan 2 Woodland Heights Draperstown Londonderry Bernie McGeehan 2 Woodland Heights Draperstown Londonderry	

Ryan McGeehan
 2 Woodland Heights Draperstown Londonderry
 Mark McGeehan
 2 Woodland Heights Draperstown Londonderry
 Michelle Doyle
 3 Woodland Grove Draperstown Londonderry
 Francis McNally
 3 Woodland Heights Draperstown Londonderry
 Carol McNally
 3 Woodland Heights Draperstown Londonderry
 Shannon McGuigan
 3 Woodland Heights Draperstown Londonderry
 Joanne Bradley
 3 Woodland Heights Draperstown Londonderry
 Paul McGuigan
 38 St. Patricks Street Draperstown Londonderry
 Laura jane Meyler
 4 Woodland Grove Draperstown Londonderry
 Catherine McGuigan
 4 Woodland Grove Draperstown Londonderry
 Keith Meyler
 4 Woodland Grove Draperstown Londonderry
 Nuala McDaid
 4 Woodland Heights Draperstown Londonderry
 James McDaid
 4 Woodland Heights Draperstown Londonderry
 Oliveen Kelly
 42 Derrynoyd Road Draperstown
 Jonathan Phillips
 6 Woodland Heights Draperstown Londonderry
 Frances Mcguigan
 6 Woodland Heights Draperstown Londonderry
 Michael Bradley
 6 Woodland Road Draperstown Londonderry
 Mary Bradley
 6 Woodland Road Draperstown Londonderry
 Willie MCGILLIAN
 7 Woodland Grove Draperstown Londonderry
 Brenda McGillian
 7 Woodland Grove Draperstown Londonderry
 Steven Higgins
 7 Woodland Grove Draperstown Londonderry
 ROISIN HIGGINS
 7 Woodland Grove Draperstown Londonderry
 Noeleen McVey
 7 Woodland Heights Draperstown Londonderry
 Kathleen Mc Nally
 8 Woodland Grove Draperstown Londonderry
 Charlie McNally
 8 Woodland Grove Draperstown Londonderry

Ciara McNally
 8 Woodland Grove Draperstown Londonderry
 Cynthia Drennan
 9 Woodland Grove Draperstown Londonderry
 Jonathan Kelly
 Derrynoyd Road Draperstown Londonderry

Date of Last Neighbour Notification	13 th December 2018
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Date of EIA Determination	13th December 2018
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ES Requested	No
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Planning History

Ref ID: LA09/2018/1569/F

Proposal: Erection of 40 two storey houses (6 detached and 34 semi-detached) landscaping and associated site works (Amendment to part of development approved under H/2006/0494/F , H/2013/0066/F

Address: Lands 200m West of 4 Woodland Road Derrynoyd Road Draperstown,

Decision:

Decision Date:

Ref ID: LA09/2017/0127/DC

Proposal: Discharge of Planning Condition No 2 of Planning Approval LA09/2015/1192/F (Provision of a Landscape Management and Maintenance Plan)

Address: Lands at Derrynoyd Road, Draperstown,

Decision: AL

Decision Date:

Ref ID: LA09/2017/0296/DC

Proposal: Condition no 6 - implementation of programme of archaeological works (LA09/2015/1192/F)

Address: Derrynoyd Road, Draperstown,

Decision: AL

Decision Date:

Ref ID: LA09/2015/1192/F

Proposal: Retention of existing as built new vehicular access, internal road layout and sub station in accordance with previous planning approval H/2007/0732/F and H/2005/1294/F. New residential development to have change of house types on previous approved H/2007/0732/F with a reduction in density to provide 48 no dwellings (mix of semi-detached and detached with garages)

Address: Derrynoyd Road, Draperstown, Co Derry,

Decision:

Decision Date: 22.09.2016

Ref ID: LA09/2017/0417/F

Proposal: Amendments to previously approved application LA09/2015/1192/F change of house types on previously approved plots 20-23, plots 31-35 and plots 45 and 48

(ie.11No dwellings changed) with no increase in density of development plus retention of approved access and internal roads layout

Address: Derrynoyd Road, Draperstown,

Decision: PG

Decision Date: 08.02.2018

Ref ID: H/2003/0246/F

Proposal: Change of house types

Address: Sites 8, 9 & 18 Woodlands, Derrynoyd Road, Draperstown.

Decision:

Decision Date: 10.06.2003

Ref ID: H/2000/0561/F

Proposal: Housing Development (25 dwellings and garages)

Address: Rear of 38 Derrynoyd Road, Draperstown

Decision:

Decision Date: 23.03.2001

Ref ID: H/2007/0732/F

Proposal: Amendment to previously approved application Ref. H/2005/1294. Change of house types on previously approved sites 15-44 (Proposed 15-60), incorporating 16 no. additional dwelling units.

Address: Derrynoyd Road, Draperstown

Decision:

Decision Date: 26.06.2008

Ref ID: H/2003/1026/O

Proposal: Housing development.

Address: Adjacent to no. 20 Derrynoyd Road, Draperstown.

Decision:

Decision Date: 11.01.2005

Ref ID: H/2005/1294/F

Proposal: Erection of 69 number Dwelling Houses - Mix of detached, semi - detached, townhouses & apartments with detached garages.

Address: Derrynoyd Road, Draperstown, Co. Londonderry BT45 7DN

Decision:

Decision Date: 13.06.2007

Ref ID: H/2009/0405/Q

Proposal: Proposed 2no temporary double mobile classrooms

Address: Gaelscoil na Speirini, Derrynoyd Road, Draperstown

Decision:

Decision Date:

Ref ID: H/2006/0494/F

Proposal: Proposed housing development comprising of 57 Apartments 90 Dwellings with a mix of Detached, Semi-Detached and Townhouses with associated road layout and parking facilities

Address: Land North West of 1-19 Sixtowns Road & 35-6 St Patrick's Street, Draperstown BT45 7BA

Decision:

Decision Date: 19.08.2009

Ref ID: H/2000/0006/F

Proposal: Erection of 25 dwellings

Address: Land To The Rear Of 38 Derrynoyd Road, Moykeeran, Draperstown

Decision:

Decision Date: 09.08.2000

Ref ID: H/2002/0183/F

Proposal: Change of house types and removal of approved wall

Address: Land to Rear of 38 Derrynoid Rd, Draperstown

Decision:

Decision Date: 24.05.2002

Ref ID: H/2000/0602/O

Proposal: Site Of Residential Development

Address: Lands To The Rear Of 41 - 65 St. Patrick's Street and 1 - 17 Sixtowns Road, Draperstown

Decision:

Decision Date: 12.06.2001

Ref ID: H/2005/0916/O

Proposal: Site of Proposed Residential Development

Address: North West of 1 - 19 Sixtowns Road & No.35-6 St Patrick St, Draperstown.

Decision:

Decision Date: 08.08.2006

Ref ID: H/2001/1000/Q

Proposal: Housing Development

Address: Housing Development at Rear of 41-65 St Patrick's Street & 1-17 Sixtowns Road, Draperstown

Decision:

Decision Date:

Ref ID: H/2013/0066/F

Proposal: Variation of conditions 3, 4 and 6 of planning permission H/2006/0494/F

Address: Land north of 13 - 17 Sixtowns Road and south of 12 - 18 Woodland Grove, Draperstown,

Decision:

Decision Date:

Ref ID: H/2003/0469/F

Proposal: Housing development - 70 Units

Address: Lands to the rear of 41-65 St. Patrick's Street, Draperstown.

Decision:

Decision Date: 21.03.2007

Ref ID: H/2003/1474/LDP

Proposal: Sun room.

Address: Derrynoyd Road, Draperstown.

Decision:

Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 27

Type: Landscaping Plan

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 26

Type: Roads Details

Status: Submitted

Drawing No. 24

Type: Roads Details

Status: Submitted

Drawing No. 20/1

Type: Roads Details

Status: Submitted

Drawing No. 22/1

Type: Roads Details

Status: Submitted

Drawing No. 21/1

Type: Roads Details

Status: Submitted

Drawing No. 23/1

Type: Roads Details

Status: Submitted

Drawing No. 25

Type: Roads Details

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 19
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 18
Type: Proposed Elevations
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 11
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 06
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 04
Type: Photograph
Status: Submitted

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

Drawing No. 17
Type: Proposed Elevations
Status: Submitted

Drawing No. 16
Type: Proposed Elevations
Status: Submitted

Drawing No. 15
Type: Proposed Elevations
Status: Submitted

Drawing No. 14
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0633/O	Target Date: <add date>
Proposal: Proposed site for a dwelling and garage. Based on Policy CTY 2a (cluster). (amended access)	Location: 25m North-East of No 59 Ferry Road Coalisland BT71 4QU.
Applicant Name and Address: Mr Patrick McNiece 59 Ferry Road Coalisland BT71 4QU	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Whether the proposed site meets the criteria for a dwelling in a cluster. Office meeting held with the Planning Manager and a virtual meeting held with Linda Dillon MLA and Cllr Cathal Mallaghan.	
Summary of Consultee Responses: DFI Roads were consulted and initially responded stating the site location plan needed to be amended to either provide a new access onto the public road or change the red line to show access at the junction with the public road with visibility splays of 2.4m x 70m. The applicant subsequently amended the red line to show an access at the junction with the public road. Northern Ireland Water were consulted as this proposal is for a new dwelling. NI Water replied with no objections. NIEA were consulted as the site is within a Ramsar site and responded with no objections.	

Characteristics of the Site and Area:

The site is located in the rural countryside and is 4.98km east of the settlement limit of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

The application site is located along a laneway with a number of detached dwellings on either side of the public road. The site has a roadside frontage along the public road and will access from the existing laneway. The site is a square shaped agricultural field with a flat topography. There are established trees along the eastern boundary and a small gorse hedgerow along the boundary with the public road. Along the western boundary with the laneway is a post and wire fence.

Description of Proposal

The application is for a site for a dwelling and a garage, within a rural cluster.

Deferred Consideration:

Members are advised this application was deferred at the Planning Committee in October 2019 and an office meeting was held with the Planning Manager on 10 October 2019 to discuss focal points. A virtual meeting was held on 3 July 2020 to further discuss focal points associated with the application and medical information in relation to personal circumstances.

Members are aware that Planning Policy CTY2A sets out the circumstances where planning permission will be granted for a dwelling in an existing cluster of development. The policy sets out 6 criteria that should be met, however the PAC have accepted in some cases where all the criteria do not have to be met.

Fig 1 below shows the application site outlined in red. It is clear there are more than 4 buildings here with 6 dwellings to the west and south of the proposed site, including the new dwelling under construction immediately to the south, as well as a number of outbuildings associated with the existing dwellings. From Ferry Road this development is readily visible in the local area as a visual entity as can be seen in Photo 1. The applicant has advised they propose a modest bungalow sited in the south east part of the site, as indicated in yellow on Photo 1. A dwelling, as proposed on the site would be visible from Ferry Road for a short stretch to the north east, however in that location would have the existing bungalow and its associated outbuildings on its south and west sides. I consider the existing development and the backdrop of vegetation would provide a suitable degree of enclosure and envelop the proposed dwelling. I consider a modest dwelling would be capable of being integrated into the existing development. A dwelling sited as proposed would have limited impact on residential amenity of any of the existing properties, the nearest property is the applicants mothers house and the proposed dwelling sited to the side of it would be screened by the existing garage.

The final criteria requires the proposed development to be associated with a focal point or at a cross roads. Members will be aware Policy CTY2A does not define what a focal point is, merely it sets out that it can be a social/community facility/building. Information has

been presented that sets out a number of different focal points the applicant feels should be considered and are close to the proposed site:

- 1- opposite and to the north is a quay onto Lough Neagh which the agent explains was a focal point and one of the reasons houses developed within the area as fishermen used the quay. The quay is 450m from the public road and as such is well removed from the proposed site and is not visible from the road as such I do not consider this site can be associated with the quay.
- 2- crossroads to the north, the north and south spurs off the alleged crossroads are private lanes and not adopted roads, as these are not roads this cannot be considered to be a crossroads for the purposes of the policy
- 3- east of the site is a gun club, this is approx. 550m away and is not readily visible given its location back off the road and down a private lane, the proposed site is not associated with the gun club
- 4- south east is village of Maghery and is linked to the area by a pedestrian and cycle bridge over the River Blackwater, Maghery is a village in ABC Council area approx. 1.2kms away, a village cannot be considered as a rural focal point and while a bridge may be a focal point it is too far removed from the site to be considered.
- 5- to the south the agent is stating there is a riding school, McCanns riding school, approx. 150m south of the application site, the riding school is off the rampart and there are 5 affidavits submitted from J Curran, G Toner, N Fox, A McKillen and S Donnelly to state they have sent their children to McCanns riding school, the earliest of these indicates the school was operating in 2011. A statement was also received from Linda Dillon MLA that indicates this is a riding school used by her relations. The agent has indicated that a riding school has been considered by this committee, under application LA09/2017/0496/O, Mullaghboy Road, Bellaghy, as being a focal point. Members are advised that discussions at the time on that application did not accept the riding school as a focal point but that development could be allowed in that case due to rounding off. Whilst the affidavits are helpful they do not establish this is a riding school for the purposes of planning, this can only be established through a planning permission or a Certificate of Lawful Use or Development, neither of which is in place for this development. No information has been presented from the alleged riding school to demonstrate that it has been fulfilling other obligations, outside of planning control, that a riding school would be expected to have in place to operate. Therefore Members I do not consider it appropriate to rely on the information currently at hand to establish a focal point at this location.

I do not consider the application has met all the criteria for a dwelling within a cluster as required by Policy CTY2A.

The applicant has also presented information about personal circumstances in relation to the role he provides for his mother, who occupies the existing dwelling at number 589 Ferry Road. I am sympathetic to the circumstances that have been presented whereby her Mr McNeice is the only one of 3 siblings who can provide the level of care that is necessary. However, I do not consider it has been clearly demonstrated that a new dwelling is a necessary response and that an extension to the existing dwelling would not be able to cater for the needs.

Members, I have fully considered all the issues that have been submitted for this case and I do not consider the application fully meets the criteria for a dwelling in CTY2A or

in CTY9. That said, it is quite clear to me that if a modest dwelling were to be located in the south east corner of the site and of a similar size, scale and orientation to the applicant mothers house, such a dwelling could be viewed as rounding off the development here and would not, in my opinion alter the character of this area. This would be in the spirit of policy CTY2A and as such would be an exception to the policy. I also consider it would be of some comfort to the applicants mother, knowing that there is a family member is close by to assist when needed. In light of this members, I recommend that planning permission is granted for a dwelling here and that this is based on the merits of the case and the site specific features and that no precedent may be taken from this permission and used in other applications.

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at **10am on the 25th March** and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at **5pm on 24th September 2020**. In light of this the draft plan cannot currently be given any determining weight..



Fig 1 site outlined in red



Photo 1 – site indicated in yellow

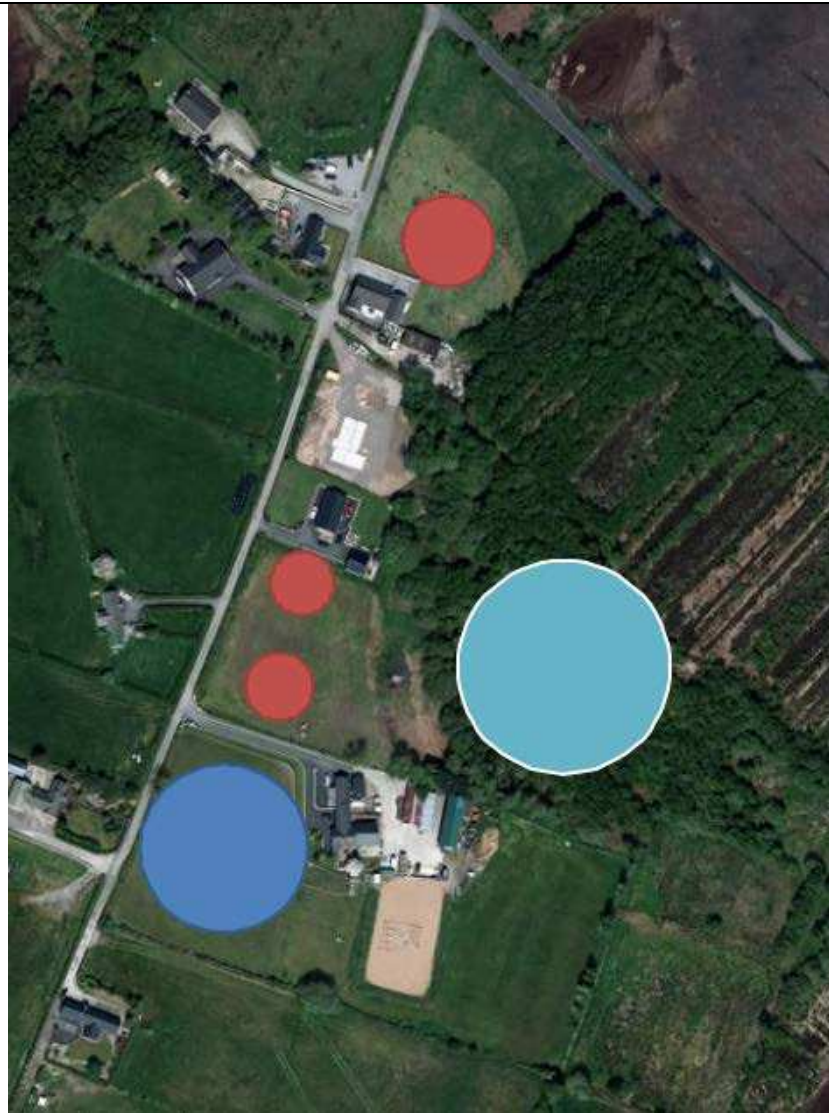


Fig 2 recent aerial photograph
 small red dots indicate approved houses
 large red dot indicates the site
 darker blue dot is location of riding school

Conditions:

1. Approval of the details of the siting, design and external appearance of the buildings, site levels, 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.

2. 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.

3. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure resident's privacy is not adversely affected.

4. The proposed dwelling shall have a ridge height not exceeding 5.0m above finished floor level and the underbuild shall not exceed 0.35m above existing ground level.

Reason: In the interests of visual amenity and rural character.

5. The proposed dwelling shall be sited in and its curtilage, except for the access, shall not extend outside the area shaded green on drawing No 01 Rev1 bearing the stamp dated 18 JUN 2019. The remainder of the field identified within the red line shall be retained for agricultural purposes.

Reason: To prevent urban sprawl.

6. Prior to the commencement of any development visibility splays of 2.4m x 70.0m shall be provided where the existing lane meets Ferry Road in accordance with details to be submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

7. All hard and soft landscape works shall be carried out in accordance with the plans as may be approved at Reserved Matters stage and the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out within 6 months of the date of occupation of the development hereby approved and any tree shrub or plant dying within 5 years of planting shall be replaced in the same position with a similar size, species and type.

REASON: In the interests of visual amenity and biodiversity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0633/O	Target Date:
Proposal: Proposed site for a dwelling and garage. Based on Policy CTY 2a (cluster). (amended access)	Location: 25m North-East of No 59 Ferry Road Coalisland BT71 4QU
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 2a of Planning Policy Statement 21 - Sustainable Development in the Countryside in that the cluster is not located at a crossroads or focal point; and development of the site cannot be absorbed into the existing cluster through rounding off.2. Contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted add to a ribbon of development.	
Recommendation: Refusal	
Applicant Name and Address: Mr Patrick McNiece 59 Ferry Road Coalisland BT71 4QU	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	NIEA	Error
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside and is 4.98km east of the settlement limit of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

The application site is located along a laneway with a number of detached dwellings on either side of the public road. The site has a roadside frontage along the public road and will access from the existing laneway. The site is a square shaped agricultural field with a flat topography. There are established trees along the eastern boundary and a small gorse hedgerow along the boundary with the public road. Along the western boundary with the laneway is a post and wire fence.

Description of Proposal

This is an outline application for a proposed dwelling and garage based on policy CTY 2a – dwellings in a cluster.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no recent planning history at the application site.

Consultees

DFI Roads were consulted and initially responded stating the site location plan needed to be amended to either provide a new access onto the public road or change the red line to show access at the junction with the public road with visibility splays of 2.4m x 70m. The applicant subsequently amended the red line to show an access at the junction with the public road.

Northern Ireland Water were consulted as this proposal is for a new dwelling. NI Water replied with no objections.

NIEA were consulted as the site is within a Ramsar site and responded with no objections.

Representations

Four (4) neighbouring properties were notified and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no letters of representation have been received.

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010:

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a new dwelling in an existing cluster and as a result, the development must be considered under CTY 2a of PPS 21.

Policy CTY 2a – New Dwellings in Existing Clusters

I am content the proposal sits within a cluster of development outside of a farm and consists of four or more buildings of which at least three are dwellings. There are dwellings at No. 57, No.59, No. 61 and No. 61a.

I consider the cluster appears as a visual entity in the landscape. The dwellings are all located in close proximity to each other and when travelling either direction along Ferry Road, visually read as a cluster of development.

I do not consider the cluster is associated with a focal point or is located at a crossroads. There is no focal point such as a church or community building at the site. In addition, the site is not located at a crossroads as the road to the north is a lane that travelled to a dead-end at the quay. The road to the south is a dead-end laneway and as such is not considered a public road.

I am content the application site has a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The site is bounded on the western side by No. 61 and on the southern side by No. 59.

I do not consider the proposal at this site can easily be absorbed into the existing cluster. The site is located at the northern end of the line of 3 other dwellings and is adding to a ribbon of development. I do consider the proposed dwelling will significantly alter the existing character of the cluster and visually intrude into the open countryside.

I am content the proposal would not adversely affect the residential amenity of the neighbouring properties. However, if the site were located in front of No. 59 additional planting would assist in integrating the site and avoiding overlooking.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.

I am content the dwelling will not be a prominent feature in the landscape, as the proposal will sit on a site, which is at the same level as the public road. The proposed dwelling will have a roadside frontage onto the public road but will have a backdrop of other dwellings at No. 59, No. 61 and No. 57. There are no critical views in the easterly direction as there are established trees along the southeast boundary of the site and a section of the roadside boundary has established trees. There are critical views in the northwest direction as the site is more open here due to a lack of vegetation.

There are established trees along the southeast boundary and a 1m hedgerow along the northern roadside boundary. Along the western boundary is a post and wire fence. There is a dwelling and shed at No. 59, which would provide a backdrop for the proposal and a degree of enclosure. I am satisfied that while the site is a roadside location and an open site a new dwelling would integrate into the landscape.

I am content the site will not primarily rely on the use of new landscaping for integration.

The proposal will use an existing access along the laneway at the junction with Ferry Road. As no new access is being created, I am content the proposal integrate with the site and surrounding area.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. However as the majority of the dwellings in this cluster are single storey, I would recommend a height restriction of 6m.

The proposal has a backdrop of a dwelling and shed at No. 59 and other dwelling across the lane at No. 61 and No.57.

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

I am content that the proposal is capable of complying with CTY 13.

I consulted the agent by telephone and email to confirm if there was a farming case at the site to ascertain if the proposal may meet the criteria in CTY 10 in PPS 21. No response has been received at the time of writing.

CTY 14 – Rural Character

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

As mentioned, the site does benefit from established trees on the southeast boundary and will be sited to cluster with existing dwellings along the road. I am content that this dwelling will not be a prominent feature in the landscape. As there are already dwellings along this road and they are sited within a small cluster I am satisfied that the development will not result in a suburban style build-up of development. I am of the opinion that the proposal is able to respect the traditional pattern of development as the site can accommodate a one-storey dwelling, which would be in scale and form with other dwellings in the area. I consider the site would add to a ribbon of development and the proposal is located at the northern end of a line of three other dwellings on this side of the laneway. I am content the

use of an existing laneway as an access will not damage the rural character of the immediate area.

PPS 3 – Access, Movement and Parking

In the site location plan submitted with the application the access was located adjacent and to the south of No.59 Ferry Road. DFI Roads were consulted and asked for the access to be amended. Subsequently, a new site location plan Drawing No 01 Rev 1 date stamped 18th June 2019 was submitted with the access at the junction with the public road.

I have no ecological, built heritage, flooding or residential amenity concerns.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not meet the policy in CTY2a and Policy CTY14 in Planning Policy Statement 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

the cluster is not located at a cross-roads or focal point; and development of the site cannot be absorbed into the existing cluster through rounding off.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the building would, if permitted add to a ribbon of development

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1045/O	Target Date:
Proposal: Dwelling & domestic garage/store. Based on Policy CTY10 - dwelling on a farm	Location: 130m NW of 27 Tirnaskea Road Pomeroy
Applicant Name and Address: Mr Mick Mallon 27 Tirnaskea Road Pomeroy BT70 3EF	Agent name and Address: CMI Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This proposal had failed to comply with CTY 1 and CTY 10 of PPS 21 in that it had been not been demonstrated that the farm business had been established for the required 6 year period. Following a deferral additional farm information was submitted to overcome this issue.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: The application site is an agricultural field located approx. 130m NW of number 27 Tirnaskea Road, Pomeroy. The site lies outside the development limits of any settlement as designated within the Magherafelt Area Plan 2010. The site occupies a roadside position and slopes gently in a North Westerly direction from the level of the Tirnaskea	

Road. The site boundaries are defined by semi mature gorse hedgerow. At the opposite side of the Tirnaskea Road is a clustering of dwellings and outbuildings.

This area is rural in character, has an undulating topography and a dispersed settlement pattern. There is no evidence of flooding in the area.

Description of Proposa

The applicant is seeking an outline application for a dwelling & domestic garage/store based on policy CTY 10 - Dwelling on a Farm.

Deferred Consideration:

This application was presented as a refusal for the following reason ;' The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been established for at least six years', and subsequently was deferred for an office meeting which was held on 12th March 2020.

Following the meeting, additional farm information was submitted to support the farm case, which included a new P1C form. DAERA were re-consulted and confirmed the farm business ID provided has been in existence for at least 6 years and was allocated in 2005. This matches the details provided at the deferred office meeting, stating the owner of the farm, Mrs Quinn, died in 2005 and a new farm business ID was then given that same year to her son Eugene Quinn. The applicant, Mr Mallon, is a brother in law of Eugene Quinn and the P1c form shows the applicant and land owner have both signed and are both aware the Farm Bus ID is being used for this application.

As requested by the Planning Manager, a solicitor's letter was also submitted to confirm there had been no land disputes in relation to the land.

Approval is now recommended as all the criteria of CTY10 has been met.

Conditions

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

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

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

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

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

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

4. A scale plan 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.

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

Reason: In the interests of visual amenity.

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

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

8. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

Informatives

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

2. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Gerard Lynch	
Application ID: LA09/2019/1045/O	Target Date: 18/11/2019
Proposal: Dwelling & domestic garage/store. Based on Policy CTY10 - dwelling on a farm	Location: 130m NW of 27 Tirnaskea Road Pomeroy
Applicant Name and Address: Mr Mick Mallon 27 Tirnaskea Road Pomeroy, BT70 3EF	Agent name and Address: CMI Planners 38B Airfield Road The Creagh, Toomebridge, BT41 3SQ
Summary of Issues: This proposal fails to comply with CTY 1 and CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for the required 6 year period.	
Summary of Consultee Responses: Site for a dwelling & domestic garage. Based on Policy CTY10 - dwelling on a farm. The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.	
Characteristics of the Site and Area: The application site is an agricultural field located approx. 130m NW of number 27 Tirnaskea Road, Pomeroy. The site lies outside the development limits of any settlement as designated	

within the Magherafelt Area Plan 2010. The site occupies a roadside position and slopes gently in a North Westerly direction from the level of the Tirnaskea Road. The site boundaries are defined by semi mature gorse hedgerow. At the opposite side of the Tirnaskea Road is a clustering of dwellings and outbuildings. This area is rural in character, has an undulating topography and a dispersed settlement pattern. There is no evidence of flooding in the area.

Description of Proposal

The applicant is seeking an outline application for a dwelling & domestic garage/store based on policy CTY 10 - Dwelling on a Farm.

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

Deferred Consideration:

The application was first presented as a refusal to Planning Committee on 4th February 2020 and subsequently deferred for 14 days to allow the agent to allow outstanding information to established the farm is active and established will be submitted within 14 days. No information was received and on this basis the application is referred to MUDC Planning Committee as a refusal.

1. The proposal is contrary to policies CTY1 and CTY10 of Planning Policy Statement, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established for at least six years.

DAERA in their initial consultation response confirmed the applicant did not hold a business ID number and further stated a business ID was found which links to the application Ref on DAERA print on back of P1C, which relates to a business which closed in 2005. The only remaining member in this business left to form a New Business in 2005.

No grants or subsidies were claimed prior to that year. On the basis of this response it has not been demonstrated in line with paragraph 5.38 that the farm business has been established for at least 6 years.

The applicant completed Certificate C of the P1 form as being the personal representative of Claire Quinn. The P1C forms states the applicant is Mickey Mallon of 27 Tirnaskea Road. The P1C states Claire Quinn (Deceased) of 27 Tirnaskea Road is the registered land owner and that no business ID number exists and no claims have been submitted.

The case officer has emailed the agent on several occasions requesting information in order to determine the application (dates 5/09/2019, 19/09/2019, 11/12/2019, and 13/01/2020). The agent emailed the case officer on 10/12/2019 to say he would get information in – to date no information has been received.

It is noted that under a previous application LA09/2019/0380/O; the applicant submitted the following evidence in support of farming involvement;

16/02/2013 - hedge trimming; 10/03/2014 – hedge cutting; 24/04/2014 – fertilizers and slurry on land; 27/02/2015 – general maintenance; 20/08/2015 – purchase 2 gate posts; 31/03/2016 – slurry put on land; 08/08/2017 – Repairs to cattle crush; 23/03/2018 – hedge trimming; 28/04/2017 -

general maintenance; 30/05/2018 hedge cutting; and 31/05/2018 silage baling.

The test posed by Criterion (a) is not whether the applicant is an active farmer but whether the farm business is active and established. There is no farm business ID and therefore I am not satisfied the applicant's farm business has been established in line with paragraph 5.38 that the farm business has been established for at least 6 years.

The recommendation to refuse the application has not changed and the refusal reasons remain as previously.

Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business has been established for at least six years.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/12/2019	Item Number:
Application ID: LA09/2019/1045/O	Target Date: 18/11/2019
Proposal: Dwelling & domestic garage/store. Based on Policy CTY10 - dwelling on a farm	Location: 130m NW of 27 Tirnaskea Road Pomeroy
Referral Route: Refusal recommended	
Recommendation:	
Applicant Name and Address: Mr Mick Mallon 27 Tirnaskea Road Pomeroy BT70 3EF	Agent Name and Address: CMI Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: This proposal fails to comply with CTY 1 and CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for the required 6 year period	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 26 August 2019 (publication 27 August 2019). Five (5) neighbouring properties were notified on 12 August 2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

Characteristics of the Site and Area

The application site is an agricultural field located approx. 130m NW of number 27 Tirnaskea Road, Pomeroy. The site lies outside the development limits of any settlement as designated within the Cookstown Area Plan 2010. The site occupies a roadside position and slopes gently in a North Westerly direction from the level of the Tirnaskea Road. The site boundaries are defined by semi mature gorse hedgerow. At the opposite side of the Tirnaskea Road is a clustering of dwellings and outbuildings.

This area is rural in character, has an undulating topography and a dispersed settlement pattern. There is no evidence of flooding in the area.

Description of Proposal

The applicant is seeking an outline application for a dwelling & domestic garage/store based on policy CTY 10 - Dwelling on a Farm.

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

Planning Assessment of Policy and Other Material Considerations

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Constraints:

DFI Roads no objection apply standard conditions;
DAERA

Relevant Site Histories:

LA09/2019/0380/O - 130m NW of 27 Tirnaskea Road, Pomeroy for proposed dwelling on a farm. Planning permission refused.

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

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

The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. The MAP 2010 offers no other specific policy or guidance in respect of the proposed development.

The draft Mid Ulster District Council Local Development Plan 2030.

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.

- Cookstown Area Plan 2010
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 – Access, Movement and Parking
- PPS21 – Sustainable Development in the Countryside

Cookstown Area Plan 2010

The site lies outside any settlement limit defined in the Cookstown Area Plan 2010. It is not subject to any Area Plan designations. As such, existing rural planning policy will be applied (i.e.) PPS 21

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS gives provision for development in the countryside subject to a number policy provisions, including policy for dwellings on Farms. It does not present any change in policy direction therefore existing rural policy applies (i.e.) CTY 10 of PPS 21.

PPS 3 – Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the construction of a new access onto the Tirnaskea Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 45m splays in both directions. This will involve the removal of hedgerow.

PPS21 – Sustainable Development in the Countryside.

Policy CTY 10 – Dwellings on Farms.

The applicant (Mr Mick Mallon) on the P1 form is described (Certificate C) as the personal representative of Claire Quinn (Deceased) of 27 Tirnaskea Road. The P1C does not provide a business number and states that no claims are submitted. DAERA have been consulted with this P1C form and have confirmed that a Business ID was found through an application reference but that it was closed in 2005. The only remaining member of the business formed a new business in 2005, however this was also closed. No grants or subsidies were claimed prior to that year. On the basis of this response it has not been demonstrated in line with paragraph 5.38 that the farm business has been established for at least 6 years. The agent has been asked by the case officer to submit evidence to demonstrate the applicant is actively farming.

No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.

No farm map has been submitted with this application.

The proposed dwelling is visually linked or sited to cluster with an established group of buildings on the farm.

The address of the farm business is 27 Tirnaskea Road, located opposite the site. It includes a dwelling and outbuilding. Number 25, which includes a dwelling and outbuildings is also shown to be in the applicant's control. A dwelling located close to the roadside boundary of the application will cluster and be visually linked to these dwellings and outbuildings.

Policy CTY 13 – Integration and Design

When travelling in a Southern direction along the Tirnaskea Road, this site appears elevated due to the topography of the land. A single storey dwelling however would not appear overly prominent but the site definitely could not take a dwelling with a ridge height in excess of 5.5m. All boundaries of the site are defined with semi mature hedgerow which will aid integration but new planting will be required along the roadside boundary which will have to be removed to provide adequate splays. Design is not under consideration as this is an outline application.

Policy CTY 14 – Rural Character.

I am of the view that a single storey dwelling on this site would not be unduly prominent. I have no concerns with build-up. If a dwelling was approved on this site it would create a potential infill opportunity between the site and number 28 Tirnaskea Road. This should be avoided however there is no specific policy provision to use to refuse an application in this instance.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

This proposal fails to comply with CTY 1 and CTY 10 of PPS 21 in that it has not been demonstrated that the farm business has been established for the required 6 year period.

Refusal Reason:

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

Signature(s)**Date:**

ANNEX	
Date Valid	5th August 2019
Date First Advertised	27th August 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Tirnaskea Road,Pomeroy,Tyrone,BT70 3EF The Owner/Occupier, 27 Tirnaskea Road,Pomeroy,Tyrone,BT70 3EF The Owner/Occupier, 28 Tirnaskea Road Pomeroy Tyrone The Owner/Occupier, 29 Tirnaskea Road,Pomeroy,Tyrone,BT70 3EF The Owner/Occupier, 31 Tirnaskea Road,Pomeroy,Tyrone,BT70 3EF	
Date of Last Neighbour Notification	12th August 2019
Date of EIA Determination	
ES Requested	N/A
Planning History Ref ID: LA09/2019/1045/O Proposal: Dwelling & domestic garage/store. Based on Policy CTY10 - dwelling on a farm Address: 130m NW of 27 Tirnaskea Road, Pomeroy, Decision: Decision Date: Ref ID: I/2002/0168/RM Proposal: Proposed Single Storey Dwelling & Garage Address: Approximately 30 Metres South East of 25 Tirnaskea Road, Pomeroy Decision: Decision Date: 31.10.2002 Ref ID: LA10/2018/1475/PAD Proposal: Heart of Ancient Ulster Landscape Partnership 2019-2024 Address: Lands on Carrickmore Plateau and the Pomeroy Hills, Co Tyrone, Decision: Decision Date:	

Summary of Consultee Responses

Dfi Roads – No objections
DAERA – Advice issued

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: