



04 June 2019

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 04 June 2019 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill  
Chief Executive

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## AGENDA

### OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

### Matters for Decision

### Development Management Decisions

4. Receive Planning Applications 7 - 314

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2016/0470/F	Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution at 111 Ballynakilly Road, Coalisland, for Mr James Devlin.	APPROVE
4.2.	LA09/2017/0232/F	Cow and calf unit over existing slurry tank at 62 Crossowen Road, Clogher, for Simon Campbell.	APPROVE
4.3.	LA09/2017/1258/F	Retention of building as a domestic garage at 18	REFUSE

		Cookstown Road, Dungannon, for Mr Barry O'Neill.	
4.4.	LA09/2018/0382/F	Rationalisation and continued extraction of minerals from Magheraglass sand and gravel quarry; a lateral westerly extension; phased development plans and holistic restoration at Magheraglass Sand and Gravel Pit, Knockaleery, Magheraglass Road, Cookstown, for Creagh Concrete Products Ltd.	APPROVE
4.5.	LA09/2018/0595/F	Free range poultry shed with 2 feed bins, a standby generator building and associated site works at land approx. 150m NW of 49 Gorey Road, dungannon, for Mr Weldon Hall.	APPROVE
4.6.	LA09/2018/0781/O	Dwelling at site immediately S of 59 Cahore Road, Draperstown, for the Reps of Mr Peter Bradley.	APPROVE
4.7.	LA09/2018/0799/F	Demolition of garage and provision of detached dwelling adjacent to 23 Beechland Road, Magherafelt, for Ashley Booth.	REFUSE
4.8.	LA09/2018/0924/F	Dwelling and garage 150m W of 35 Drumnafern Road, Donaghmore, for Leo Quinn.	APPROVE
4.9.	LA09/2018/1024/F	Demolition of existing dwelling houses and erection of 11 apartments at 100 Rainey Street, Magherafelt, for John J Donnelly.	APPROVE
4.10.	LA09/2018/1092/F	4 semi-detached dwellings to replace 2 previously approved semi-detached dwellings; septic tanks to serve sites 59 and 61 at lands S of 43-57 Lambfield Drive, Dungannon, for Countrywide Homes NI Ltd.	APPROVE
4.11.	LA09/2018/1171/F	Change of use of existing domestic shed and garden to visitors shed and garden; creation of new vehicular access to the Castledawson Road and associated development at 59 Castledawson Road, Magherafelt, for Mr Eamon Regan.	APPROVE



4.12.	LA09/2018/1207/F	Alternative vehicular access to that approved under M/2014/0331/F at 34-38 The Square, Coalisland, for Western Building Systems.	APPROVE
4.13.	LA09/2018/1296/O	Dwelling and garage at lands 75m S of 16 Ballyheifer Road, Magherafelt, for Glenbrook Stud.	APPROVE
4.14.	LA09/2018/1564/F	4 apartments with associated car parking (previous approval M/2008/0412/f) 10m to the rear of 60 Union Place, Dungannon, for Mr Brendan Cunningham.	APPROVE
4.15.	LA09/2018/1650/F	Extension to retail Unit 1 at Castlefields, Thomas Street, Dungannon, for Nano Developments Ltd.	APPROVE
4.16.	LA09/2019/0059/F	Detached garage to rear of dwelling at 5 Drumconvis Road, Coagh, for Robert Hosseini.	APPROVE
4.17.	LA09/2019/0064/O	Infill dwelling at site 40m SE of 15 Lough Road, Ballymaguigan, for Patrick McKenna.	REFUSE
4.18.	LA09/2019/0109/F	Temporary use of existing garage as self-contained living accommodation at 14 Culbane Road, Portglenone, for P McTaggart.	APPROVE
4.19.	LA09/2019/0141/F	Agricultural shed adjacent to 21 School Lane, Gulladuff, for Mr Eugene Bradley.	REFUSE
4.20.	LA09/2019/0155/F	Infill dwelling and garage adjacent to Timageeragh Cottages, Tirgarvil Road, Upperlands, for A McKee.	APPROVE
4.21.	LA09/2019/0166/F	Change of house type from approved (M/2008/1206/F) at sites 34, 36, 38, 40, 42 and 44 Aughnaree Manor, Aughnacloy, for TG Developers Ltd.	APPROVE
4.22.	LA09/2019/0186/F	Retention of mobile home for temporary accommodation at 98a Gortlenaghan Road, Dungannon, for Tony McElduff.	REFUSE
4.23.	LA09/2019/0238/F	Farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O at 250m S of 23 Macknagh Lane, Upperlands, for Anthony	APPROVE

		McGuckin.	
4.24.	LA09/2019/0263/O	Infill dwelling and garage at land adjacent to and rear of 23 Grange Road, Moy, for Mr Sam Smith.	APPROVE
4.25.	LA09/2019/0264/O	Infill dwelling and garage at lands adjacent and immediately W of 27 Grange Road, Moy, for Mr Sam Smith.	APPROVE
4.26.	LA09/2019/0272/O	Dwelling and detached dwelling at land approx. 90m NW of 4 Dunronan Road, Moneymore, for Michael J Wilson.	REFUSE
4.27.	LA09/2019/0276/RM	1 chalet house at site to rear of 93 and 93a Granville Road, Dungannon, for Mr Kevin McVeigh.	APPROVE
4.28.	LA09/2019/0300/O	Dwelling and garage between 34 and 36 Coagh Road, Cookstown, for William and Heather Hutchinson.	REFUSE
4.29.	LA09/2019/0344/O	Bungalow with separate domestic garage at site adjacently S of 63 Anneeter Road, Cookstown, for Oliver Conlan.	APPROVE
4.30.	LA09/2019/0547/F	Amendment to previous approval LA09/2018/1148/F to provide new vehicular access onto OldEglis Road; includes reducing the exit road to 4m at Black Lane, Mullaghanagh, Dungannon, for Dungannon United Youth.	APPROVE
4.31.	LA09/2019/0549/F	Variation of condition 2 of approval LA09/2018/1149/F to allow entrance from Black Lane to remain, also preventing vehicles exiting onto Black Lane at Mullaghanagh, Dungannon, for Dungannon United Youth.	APPROVE

5. Receive Deferred Applications

315 - 442

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2017/0126/F	Housing development with reduction to 37 units and alterations to house types from previous lapsed permission H/2008/0216/F at site at Magherafelt Road, Draperstown	APPROVE

		at junction with Drumard Road, for Rea Developments.	
5.2.	LA09/2017/1196/A	Business signage, including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt, for Mid Ulster Back Care and Physiotherapy.	REFUSE
5.3.	LA09/2018/0425/F	Relocation of dwelling from previous approval H/2008/0332/F at 45m S of 7a Crocknamohil Road, Draperstown, for D and A Developments.	APPROVE
5.4.	LA09/2018/0746/O	Dwelling and domestic garage 50m NE of 49 Fivemile Straight, Carnamoney, Draperstown, for Mr Connor McPeake.	APPROVE
5.5.	LA09/2018/1093/F	Dwelling and domestic garage/store approx. 70m ESE of 7 Gortinure Road, Tamnymullan, Maghera, for Mr Michael McEldowney.	REFUSE
5.6.	LA09/2018/1263/RM	Dwelling 20m S of 40 Derrygonigan Road, Cookstown, for Finbar Crawford.	APPROVE
5.7.	LA09/2018/1367/F	Retention of garage with part change of use to living accommodation at 10m N of 30 Loughdoo Road, Pomeroy, for Karl Heron.	REFUSE
5.8.	LA09/2018/1521/LBC	Business signage, including signage on S & W elevations and free standing sign in front of building at 15-17 Church Street, Magherafelt, for Mid Ulster Back Care and Physiotherapy.	REFUSE
5.9.	LA09/2018/1578/O	Dwelling and garage 25m E of 28 Drumkee Road, Dungannon, for Ms Claire Heron.	REFUSE
5.10.	LA09/2019/0128/F	Replacement dwelling and domestic garage adjacent to and NW of 51 Ballynahay Road, Ballygawley, for Mr Cathal O'Neill.	APPROVE

6. Receive Report on Consultation Response to Fermanagh and Omagh Council on LA10/2019/0508/F 443 - 452

7. Receive Consultation Response to DfE on Application for a Petroleum Licence 453 - 454

Matters for Information

- 8 Minutes of Planning Meeting held on Tuesday 2 April 2019 455 - 476
- 9 Receive Report on Consultation from DfI on ES Addendum to the A5 Western Transport Corridor 477 - 488
- 10 Receive Report on Heritage at Risk in Northern Ireland 489 - 588

**Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.**

Matters for Decision

11. Receive Report on Consultation Response to Fermanagh and Omagh DPs (Counter Reps)
12. Receive Enforcement Report

Matters for Information

13. Minutes of Confidential Business of Planning Committee held on Tuesday 2 April 2019
14. Receive Report on Development Plan Strategy Representations
15. Enforcement Live Case list
16. Enforcement Cases Opened
17. Enforcement Cases Closed



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

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

## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



#### Consultations:

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

<b>Representations:</b>	
Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> Noise Unauthorised development Asbestos on the site Buildings not fit for industrial use Buildings use shown differently on digester application	
<b>Characteristics of the Site and Area</b>  This application relates to the uses within 6 buildings on this site: <ul style="list-style-type: none"> <li>- 4 at the south west corner are linked together and have barrel roofs, these were former agricultural buildings and have openings on the west and east sides</li> <li>- the large shed in the middle of the site has an A line roof with grey walls and roof panels, it has 2 large roller doors that open towards the north east and one roller door to the north and south elevations</li> <li>- the building to the north of the site has grey cladding to the upper walls and roof, a roller door to the west and sliding doors to the south</li> </ul> The buildings are located inside the settlement limits for Ballynakilly and have an access onto Ballynakilly Road to the east and to the village to the west. There is a large yard area to the east, and north of the application site that is subject to a separate retention application, LA09/2016/1223/F, which has been approved. The buildings are currently used for a variety of industrial and storage purposes the industrial uses are not currently authorised.  There is a mature hedge to the north of the site, with an electricity sub station, a children's play park and residential development to the north of it. To the south is a lake which is surrounded by trees. Further south east is a spring manufacturing business and to the north west is Nethercotes tile and bathroom sales.	
<b>Description of Proposal</b> The proposal, as originally submitted was for the retention of a change of use from recycling and storage to general industrial uses. I noted on the site there are a number of uses within the different buildings, therefore as this is for the retention of the uses on the site the description of the development was amended to reflect the existing uses on the site. The amended description of the development was advertised in the local press on 8 <sup>th</sup> March 2019 and neighbours were notified about the amended description on 11 <sup>th</sup> March 2019 and the statutory notification period has expired without any further representations being received.	

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

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

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

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

PPS3 – Access, Movement & Parking

PPS4 – Planning & Economic Development

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve

**Conditions:**

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

Reason: This is a retrospective application.

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

Reason: To protect the amenity of neighbouring residents.

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

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

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

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

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

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

Reason: To protect the amenity of neighbouring residents.

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

Reason: To protect the amenity of neighbouring residents.

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

Reason: To protect the amenity of neighbouring residents.

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

Reason: To protect the amenity of neighbouring residents.

9. The barrier referred to in condition 8 shall be constructed of either masonry, timber panelling (Close lapped with no gaps) or of earth and shall have a minimum self-weight of 25 Kg/m<sup>2</sup>

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

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

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

**Table 1:**

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

Reason: To protect the amenity of neighbouring residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Signature(s)**

**Date:**

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

The Owner/Occupier, 5 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, 6 Cranebrook Crescent, Ballynakilly, Coalisland, Co Tyrone The Owner/Occupier, Email K Montgomery (Spokesperson) Email - Ballynakelly Residents Group	
<b>Date of Last Neighbour Notification</b>	11th March 2019
<b>Date of EIA Determination</b>	Re-screening 10th May 2019
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/1988/0515 Proposal: IMPROVEMENTS TO DWELLING Address: 18 COASH ROAD, BALLYNAKILLY, COALISLAND Decision: Decision Date:  Ref ID: M/2009/0102/F Proposal: 5no townhouses, two and three storey with private gardens and parking to rear of site and associated access Address: Lands to the rear of 20 Coash Road, Ballynakilly, Dungannon, BT716JE Decision: Decision Date: 22.12.2009  Ref ID: M/2006/0188/Q Proposal: Change of use from electrical goods store to an engineering building. Address: 30 Metres south west of 11 Annaghmore Road, Coalisland Decision: Decision Date:  Ref ID: M/2010/0348/F Proposal: Rebuilding of existing commercial premises due to fire damage. Address: Site 50m NE of 111 Ballynakelly Road, BallynaKelly, Dungannon. BT71 6JE Decision: Decision Date: 24.09.2010	



Ref ID: M/2006/1138/F

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

Address: Lands around 20 Coash Road, Ballynakilly

Decision:

Decision Date: 23.07.2007

Ref ID: M/2002/0063/F

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

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 19.04.2002

Ref ID: M/1980/0398

Proposal: AGRICULTURAL SHED

Address: 20 COASH ROAD, BALLYNAKELLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1571/F

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

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 14.08.2008

Ref ID: M/2003/0010/F

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

Address: 111 Ballynakilly Road, Coalisland

Decision:

Decision Date: 11.11.2003

Ref ID: M/2014/0340/F

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

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

Decision: PG

Decision Date: 17.11.2015

Ref ID: LA09/2016/0470/F

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

Address: 111 Ballynakilly Road, Coalisland,

Decision:

Decision Date:

**Summary of Consultee Responses**

DFI Roads – access to be provided and Private Streets Determination

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

EHO – noise conditions to be attached to any approval

NI Water – standard response

NIEA – content with impacts

**Drawing Numbers and Title**

Drawing No. 01 Rev1

Type:

Status: Submitted

Drawing No. 02 Rev 7

Type:

Status: Submitted

Drawing No. 03 Rev 1

Type:

Status: Submitted

Drawing No. 04

Type:

Status: Submitted

Drawing No. 05

Type:

Status: Submitted

Drawing No. 06 Rev6

Type:

Status: Submitted

Drawing No. 07 Rev 1

Type:

Status: Submitted

Drawing No. NOISE IMPACT ASSESSMENT

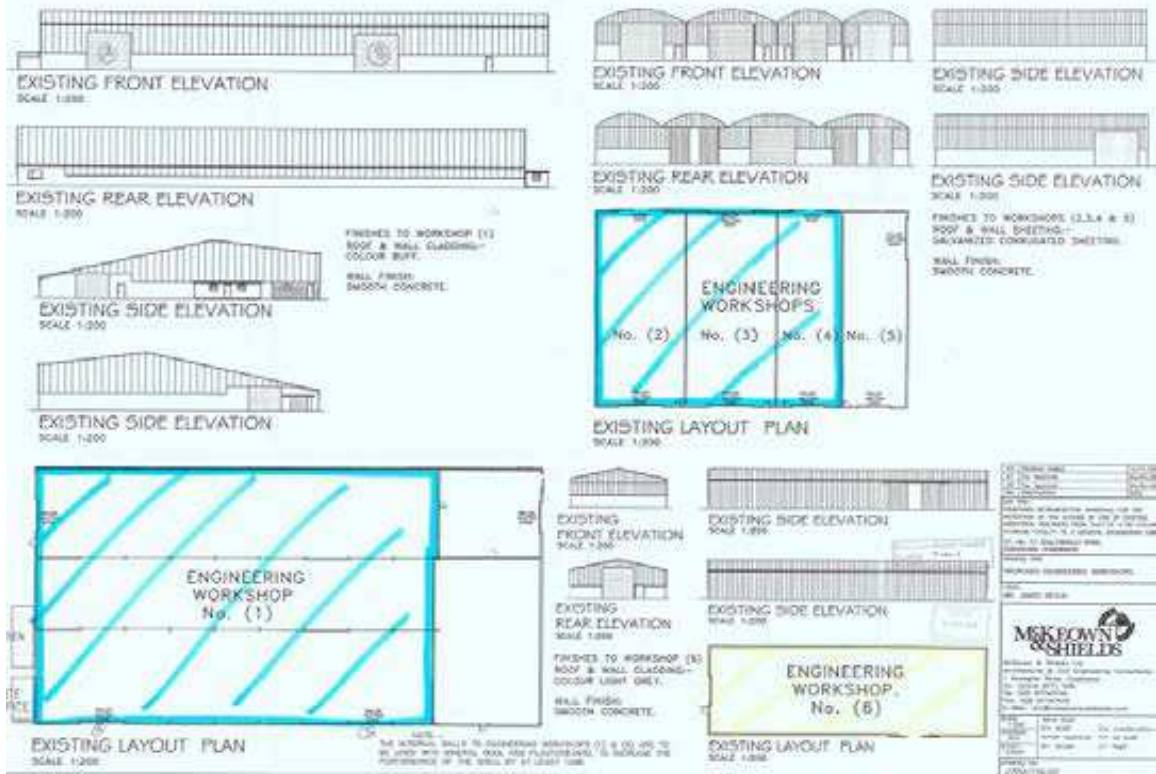
Type: Additional Environmental Information

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





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

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

### Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Consultations:

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

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

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- PPS 2: Natural Heritage
- Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy AFR1 agriculture and forestry development and development ancillary to commercial fishing would apply. At present, the proposal is in line with these policies however it must be noted that Draft Plan Strategy holds no determining weight as it is only at early consultation stage.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

The proposal is sited within an existing farm complex.

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

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

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approval is recommended, subject to conditions and informatives.

**Conditions/Reasons for Refusal:**

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

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

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

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

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

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

**Informatives**

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

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

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

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

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

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

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

**Signature(s)**

**Date:**

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

Decision:  
Decision Date:

Ref ID: M/1975/0322  
Proposal: 11KV O/H LINE  
Address: LISNAMAGHERY AND BALLYNAGURRAGH, DUNGANNON  
Decision:  
Decision Date:

### Summary of Consultee Responses

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

### Drawing Numbers and Title

Drawing No. 06  
Type: Farm Boundary Map  
Status: Submitted

Drawing No. 05  
Type: Photograph  
Status: Submitted

Drawing No. 04  
Type: Proposed Elevations  
Status: Submitted

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

Drawing No. 02  
Type: Block/Site Survey Plans  
Status: Submitted

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

### Notification to Department (if relevant)

Date of Notification to Department:  
Response of Department:



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

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

**Development Management Officer Report  
Committee Application**

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

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

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

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

### **Characteristics of the Site and Area**

The application site is located approximately 36 metres north-east of 18 Cookstown Road, Dungannon within the Dungannon Green Belt and outside any settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The application relates to the retention of one building on site, there is also a number of other buildings of a similar scale to the rear of the subject building. The immediate surrounding area is comparable to a small business park with a mixed use of retail, storage and industrial uses on site. The wider surrounding context is predominantly rural in character with green fields, as well as dispersed dwellings, farm holdings and industrial works in proximity. The site is accessed via the A29 protected route and located on elevated ground approximately 2 metres higher than the ground level of the road.

### **Description of Proposal**

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

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

#### **Planning Policy**

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Dungannon and South Tyrone Area Plan 2010 is the relevant, extant Development Plan for the site. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

Dungannon and South Tyrone Area Plan 2010: The Plan offers no specific guidance on this proposal.

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



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

PPS 3: Access, Movement and Parking: sets out the Department's planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

#### RELEVANT PLANNING HISTORY

2017/E0050 - Lands 10m west and 10m north of No. 18 Cookstown Road, Dungannon, specifically identified as units 4 and 11, Ross Beg, Dungannon - Unauthorised change of use of: unit 4 to a dance studio with associated gymnasium; and unit 11 to a vehicle repair business - Enforcement Notice Upheld 13/08/18

M/2006/1985/F - Approx. 60 metres East of 18 Cookstown Road, Derraghadoan, Dungannon, Bt71 4BG - Free Standing Hoarding - Permission Refused 19/02/07

M/2004/1534/F - Adjacent to 18 Cookstown Road, Dungannon - Proposed multi-purpose shed/store - Permission Granted 12/04/06

#### CONSULTATION

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

#### REPRESENTATION

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

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

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

#### ASSESSMENT OF PLANNING ISSUES/MATERIAL CONSIDERATIONS

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

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Proposals for a domestic garage or an outbuilding, or other built development ancillary to a residential property will also be considered under the provisions of the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). Annex B of PPS3 identifies the adjacent A29 road network as a protected route, therefore it is necessary to also consider Policy AMP2 and AMP 3 of PPS3.

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

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

#### Scale, Massing, Design and Appearance

The application seeks full planning permission for the retention of a building to be used as a domestic garage, approximately 36 metres northeast of 18 Cookstown Road, Dungannon. The triple garage is already constructed on site and measures 16.6 metres in length, with a width of 7.6 metres and a ridge height of 5.8 metres. The building is finished with grey dash external walls, grey cladding roof and three roller shutter doors coloured black. The materials reflect a commercial development and I do not consider the finishes are in keeping with the design of the associated dwelling. Annex A paragraph A11 states garages and associated outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The application originally sought planning permission for the retention of the subject building for agricultural use and the drawing still refers to a 'general purpose agricultural store'. The surrounding context reflects that of a small business park with numerous storage units of a similar scale and design on the site as illustrated on the Site Plan Drawing No.01 date stamped 01. The scale and massing of the building reflects that of a commercial building and in my opinion is excessive given the number of existing storage building on site. There are several existing storage units to the rear of No.18 Cookstown Road, two of which were subject to enforcement action and a subsequent appeal with

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

#### Neighbour Amenity

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

#### Impact on Trees and Environmental Quality of this Area

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

#### Amenity Space, Parking and Manoeuvring

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

#### Access to a protected route

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

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

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

#### CONCLUSION

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

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

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

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

14/02/2019

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

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

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

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

<b>Neighbour Notification Checked</b>
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<b>Yes</b>
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<b>Summary of Recommendation:</b>
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That permission should be refused for the following reasons.
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<b>Refusal Reasons</b>
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1.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the development would, if permitted, be inappropriate in scale, massing and design and would not appear subordinate or sympathetic with the existing property.
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2.The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be gained to the site from the public road, including visibility splays of 4.5m by 120.0m in both directions.
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<b>Signature(s)</b> <b>Date:</b>

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

## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Consultations:

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



Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	
Non Statutory	Shared Environmental Services	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> Noise, dust, priority habitat.		
<b>Characteristics of the Site and Area</b> There is an existing quarry, which is currently operational and this application seeks to extend the existing quarrying operations. The quarry is located c.7km west of Cookstown and c.9km northeast of the village of Pomeroy. Access is gained directly to the quarry from the Magheraglass Road via an existing haul route/access lane. The site is bounded to the south east by the Cloughfin Road and to the north east by another quarry. The remaining boundaries are characterised by open agricultural lands.		
<b>Description of Proposal</b> Rationalisation and continued extraction of minerals from Magheraglass sand and gravel quarry with a proposed lateral westerly extension, phased development plans and holistic restoration.		
<b>Planning Assessment of Policy and Other Material Considerations</b>  Regional Development Strategy 2035. Strategic Planning Policy Statement Cookstown Area Plan 2010 A Planning Strategy for Rural Northern Ireland Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 21 - Sustainable Development in the Countryside		

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

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

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

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

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

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

The regional strategic objectives for minerals development are to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

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

**Conditions**

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

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

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

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

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

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

Reason: To limit impacts to nearby waterways.

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

Reason: To limit impacts to nearby waterways.

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

Reason: To limit impacts to nearby waterways.

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

Reason: To limit impacts to nearby waterways.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

13. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 7, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of a written request of Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

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

Reason: In the interest of residential amenity.

16. The operator shall provide to Mid Ulster District Council the results, assessment and conclusions regarding the noise monitoring required by Condition 10 (immediately above). Such information shall be provided within 3 months of the date of a written request of Mid Ulster District Council unless otherwise extended in writing by Mid Ulster District Council.

Reason:

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

Reason:

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

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

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

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

**Signature(s)**

**Date:**

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

Ref ID: I/2004/0940/F

Proposal: Extension to existing active Sand & Gravel Pit

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

Decision:

Decision Date: 24.10.2005

Ref ID: I/2004/0159/F

Proposal: Proposed Gravel Extraction; Part Retrospective

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

Decision:

Decision Date: 24.10.2005

Ref ID: I/1996/0167

Proposal: Extension of site for Sand and Gravel Extraction

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

Decision:

Decision Date:

Ref ID: I/1980/0282

Proposal: EXTRACTION OF SAND AND STONE

Address: KNOCKALEERY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1990/6067

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

Address: Knockaleery Co. Tyrone

Decision:

Decision Date:

Ref ID: I/2013/0325/F

Proposal: Regularisation of existing washing plant site

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

Decision: PG

Decision Date: 12.10.2015

## **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Plans  
Status: Submitted

Drawing No. 07  
Type: Proposed Plans  
Status: Submitted

Drawing No. 08  
Type: Cross Sections  
Status: Submitted

Drawing No. 09  
Type: Landscaping Plan  
Status: Submitted

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

Date of Notification to Department:  
Response of Department:





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

## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



#### Consultations:

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

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

**Representations:**

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Characteristics of the Site and Area**

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

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

**Description of Proposal**

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

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

Relevant Planning Policy

The regional Development Strategy (RDS)

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

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

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

- Policy CTY 1 Development in the Countryside

- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

#### Consultation responses

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

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

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

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

Rivers Agency - No objections subject to informatives.

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

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

#### 3rd Party Objections

Three objections to this application have been received.

No.2 20, 26 and 47 Gorey Road.

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

#### Summary of concerns

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

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

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

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

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

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

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

-Health effects.

Relevant planning history

None

Key Policy Consideration

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

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

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

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

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

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

The surrounding area is rural in character. Although hen houses in general are large scale, these are agricultural buildings which are typical of the rural area. Given the nature of this proposal, and its purpose to house poultry, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.

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

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

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

There are no built heritage features on the site or adjacent to the site.

NIEA, Shared Environmental Services and Rivers Agency were consulted on this proposal. Various additional environmental reports were requested by these consultees in order to assess the full impact of this proposal on the natural environment, to ensure no significant impact would

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

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

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

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

-There are no suitable existing buildings;

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

-The design and materials are sympathetic to the locality;

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

-It is sited beside existing farm buildings.

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

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

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

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

The poultry house is agricultural in nature and will benefit from a back drop of mature native species hedgerow and also the existing farm holdings to the south. The character of this area will still remain rural and the proposal will not cause a detrimental change to the rural character of this area.

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

**Neighbour Notification Checked**

**Yes**

## Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To assist with integration.

## Informatives

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

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

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

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

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

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

#### 4. Environmental health informatives.

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

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

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

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

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

#### 5. NIEA Advice

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

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

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

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;
  - i. affect the local distribution or abundance of the species to which it belongs;
  - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
  - iii. Impair its ability to hibernate or migrate;
- iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- v. To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

**Signature(s)**

**Date:**

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

## Planning History

Ref ID: LA09/2018/0595/F

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

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

Decision:

Decision Date:

## Summary of Consultee Responses

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

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

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

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

Rivers Agency - No objections subject to informatives.

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

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

## Drawing Numbers and Title

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Development Management Officer Report  
Committee Application

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

## Case Officer Report

## Site Location Plan



## Consultations:

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

## Representations:

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

### Summary of Issues

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

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

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

### Description of proposal

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

### Characteristics of the site and area

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

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

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

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

### Planning Assessment of Policy and other Material Considerations

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

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



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

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

#### CTY 10 – Dwellings on Farms

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

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

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

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

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

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

#### CTY 14 – Rural Character

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

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

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

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

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

#### Recommendation

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

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

Approve subject to the conditions listed below:-

#### Conditions

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

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

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

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

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

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

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

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

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

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

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

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

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

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

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

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

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

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

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

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

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

Signature(s)

Date:

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

Ref ID: H/2004/0299/O

Proposal: Site of dwelling and garage.

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

Decision:

Decision Date: 19.06.2006

Ref ID: H/2011/0102/O

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

Address: Adjacent to no 59 Cahore Road Draperstown,

Decision:

Decision Date: 16.09.2011

Ref ID: H/2004/0180/O

Proposal: Site of dwelling and garage.

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

Decision:

Decision Date:

Ref ID: H/2005/1060/O

Proposal: Site of replacement dwelling and garage

Address: 61 Cahore Road, Draperstown.

Decision:

Decision Date: 19.06.2006

#### Summary of Consultee Responses

All consultees responded positively

#### Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

#### Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report  
Committee Application

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

## Case Officer Report

## Site Location Plan



## Consultations:

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

## Representations:

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



### Summary of Issues including representations

No representations have been received in respect of this application.

### Description of proposal

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

### Characteristics of the site and area

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

### Planning Assessment of Policy and other Material Considerations

Include Development Plan and planning history

There is no planning history on the site.

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

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

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

- (a) The proposed layout fails to meet the first of these criteria in that it does not respect the surrounding context in terms of layout and appearance. Overall, this is a small restricted site which does not allow for a layout similar in size and appearance to the existing dwellings along this part of Beechland Road in that it removes a side amenity area and also relies on dividing up the rear amenity space by erecting a 1.8m high timber fence along its entire length. This will create two long and very narrow rear amenity spaces, one of which is 2.5m wide. Access to the two rear amenity spaces is via a shared entry between the two dwellings.
- (b) There are no features of archaeological or built heritage.
- (c) As the development is for 1 dwelling, the provision of public amenity space is not a requirement. The proposal will allow the provision of two separate private amenity spaces of around 95m<sup>2</sup> and 100m<sup>2</sup>, however as discussed above the layout of these areas are impracticable and undesirable as the proposed dwelling has a poor relationship to its amenity space.
- (d) The proposal is for a single dwelling and therefore the provision of neighbourhood facilities are not deemed necessary within the site.

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

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

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

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

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

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

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

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

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

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

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

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

A Planning Strategy for Rural Northern Ireland

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

Recommendation

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below:-

Refusal Reasons

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

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

fail to make adequate provision for private amenity space;

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

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

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

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

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

Signature(s)

Date:

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

<p>Address: 21 Beechland Road, Magherafelt  Decision:  Decision Date: 14.04.2000</p> <p>Ref ID: H/2005/0817/F  Proposal: Extension &amp; Renovations To Dwelling  Address: 27 Aughrim Road, Magherafelt  Decision:  Decision Date: 30.05.2006</p> <p>Ref ID: H/1992/0572  Proposal: ALTS TO DWELLING  Address: 25 BEECHLAND RD MAGHERAFELT  Decision:  Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Roads Service provided suggested conditions if the proposed development were to be considered acceptable.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01  Type: Site Location Plan  Status: Submitted</p> <p>Drawing No. 02/1  Type: Site Layout or Block Plan  Status: Submitted</p> <p>Drawing No. 03/1  Type: Proposed Plans  Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:  Response of Department:</p>



## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



**Representations:** None Received

#### Description of proposal

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

#### Characteristics of Site and Area

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

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

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

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



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

### **Area Plan**

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application.

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

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

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

### **Key Planning Policy**

SPPS  
PPS21

### **Relevant Planning History**

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

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

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

### **3rd party representations**

No letters of objection have been received to date.

### **Consideration**

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

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

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

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

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

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

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

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

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

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

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

#### Other material considerations

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

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

That planning permission is granted subject to the following conditions.

#### Conditions

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

Reason: Time Limit.

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

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

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

Reason: To ensure the development integrates into the countryside.

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

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

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

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

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

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

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

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

#### Informatives

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

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

3. DfI Roads advise;

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

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

A monetary deposit will be required to cover works on the public road.

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

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

**Signature(s)**

**Date:**

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

## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	9
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received



## **Summary of Issues**

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified of the proposal. To date there have been 8 no. objections received. The issues raised in each objection are summarised below along with my consideration of each issue.

### **From the occupant of 85 Westland Road, Magherafelt:**

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

### **From the occupant of 87 Westland Road, Magherafelt:**

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

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

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

### **From the occupants of 2 Mullaghboy Cresent**

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

### **From a concerned resident (no address provided)**

Concern about traffic generation  
Blocking natural light  
Impact on sewers

### **From occupants of 1 Mullaghboy Cresent**

Block the skyline and natural light  
Impact of the existing sewers

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

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

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

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

Concern over available car parking in the immediate area

No consultation by the developer

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

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

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

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

No consultation by the developer

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

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

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

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

NIW have raised no concerns in respect of sewer capacity.

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

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

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

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

### **Characteristics of the Site and Area**

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

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

### **Description of Proposal**

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

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

#### **Relevant Planning History**

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

The relevant policies under consideration in this assessment are:

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

### **Magherafelt Area Plan 2015 (MAP)**

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

### **SPPS – Strategic Planning Policy Statement for Northern Ireland**

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

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

### **Mid Ulster District Council Draft Plan Strategy**

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

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. Vehicular access to these apartments will be via a one-way system – entering from Mullaghboy Crescent and existing from an adjacent laneway. DFI Roads have no objections to the access proposal subject to standard conditions and informatives. The scheme represents a shortfall of 1 parking space (as referred to earlier in the report). This shortfall, in my opinion, does not merit refusal of this application.

### **PPS 7 - Quality Residential Environments**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

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

#### **Conditions**

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

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

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

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

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

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

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

### **Informatives**

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

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

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

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

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

It is the responsibility of the developer to ensure that

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

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

**Signature(s)**

**Date:**



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

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

Ref ID: H/2006/0611/F

Proposal: Proposed multi element improvements to dwellings

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

Mullaghboy Crescent, Magherafelt

Decision:

Decision Date: 23.11.2006

### **Summary of Consultee Responses**

EH – No objections.

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

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

NIW – No objections

### **Drawing Numbers and Title**

Drawing No. 10 rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 09 rev 1

Type: Proposed Plans

Status: Submitted

Drawing No. 03 rev 2

Type: Floor Plans

Status: Submitted

Drawing No. 02 rev 1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01 rev 3

Type: Site Location Plan

Status: Submitted

Drawing No. 06

Type: Proposed Plans

Status: Submitted

Drawing No. 04 rev 1

Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

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

**Development Management Officer Report  
Committee Application**

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

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

See main body of report.

### Description of proposal

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

### Characteristics of Site and Area

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

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

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

### **Assessment of Policy/Other material considerations**

#### **Planning Act 2011**

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and Policy HOU2 Quality Residential Development are applicable to this application. This proposal is broadly in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

#### **Planning History**

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

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

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

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

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

### **Representations**

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

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

- increased traffic impacts;

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

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

### **Relevant Planning Policy**

Regional Development Strategy for Northern Ireland 2035 (RDS)

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

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

### **Design and Guidance**

Creating Places- Achieving Quality in Residential Developments

Improving the Quality of Housing Layouts in Northern Ireland

DCAN 8 - Housing in Existing Urban Areas

### **Consideration**

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

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

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



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

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

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

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

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

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

There are no archaeological features in the immediate vicinity of this site.

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

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

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

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

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

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

f) adequate and appropriate provision is made for parking;

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

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

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

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

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

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

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

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

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

The density of this proposal is suitable in this established residential area. Although the density of the Lambfield Lane development has increased slightly with the addition of two dwellings, I do not think it is incongruent with the surrounding area.

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

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

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

The sizes of the dwellings proposed although reduced in size from the initial approval, they still exceed the minimum recommended standards.

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

#### **Other Considerations**

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

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

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

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

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

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

That permission is granted subject to the following condition.

## Conditions

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

Reason: Time Limit.

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

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

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

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

4. Prior to the commencement of any of the dwellings hereby approved, the developer shall provide the proposed public open space and access in accordance with details indicated on the approved plan drawing No. 02 rev2 date stamp received 21st December 2018, unless otherwise agreed in writing by Mid Ulster Council.

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

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

The open space and landscape areas as identified in condition No. 4 shall be maintained in accordance with a maintenance plan to be submitted and agreed with Council prior to the occupation of any unit hereby approved unless otherwise agreed in writing by Mid Ulster Council.

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

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

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

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

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

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

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

**Signature(s)**

**Date:**

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

The Owner/Occupier, 55 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 57 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 64 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 7 Lambfield Drive Dungannon Tyrone The Owner/Occupier, 9 Lambfield Drive Dungannon Tyrone Francis and Anne McCullagh Email	
<b>Date of Last Neighbour Notification</b>	8th January 2019
<b>Date of EIA Determination</b>	<b>NA</b>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	



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

### Development Management Officer Report Committee Application

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



## Case Officer Report

### Site Location Plan



### Consultations:

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

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

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

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

In line with PPS21, all proposals must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **PPS15 - Planning & Flood Risk**

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

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

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

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

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

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

### **Size and scale**

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and CT1 & CT2 are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

### **REPRESENTATIONS**

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

- **Policy not being met**

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

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

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

- **Enforcement issues**

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

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

- **Impact on an existing Business**

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

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

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

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

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

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

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

• **DFI Roads issues**

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

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

• **Privacy and amenity**

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

• **Environmental health issues**

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

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

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

To address the points above;

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

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

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

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

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

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

**Three letters of support have also been received:**

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

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

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

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

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



**Conclusion:**

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

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

APPROVAL

**Conditions**

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

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

2. The vehicular access, including visibility splays of 4.5m x 120m in both directions, shall be in place, in accordance with Drawing No.02/01 bearing the date stamp 28th November 2018, prior to the commencement of any other works or other development hereby permitted.

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

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

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

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

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

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

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

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

<b>Date of EIA Determination</b>	<b>n/a</b>
<b>ES Requested</b>	<b>No</b>

## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

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

### Characteristics of the Site and Area

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

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

### **Description of Proposal**

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

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

#### Planning History

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

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

#### Representations

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

#### Assessment of Policy/Other material considerations

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

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

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

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

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

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

#### Representations

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

**Neighbour Notification Checked**

Yes

#### **Summary of Recommendation:**

Approval is recommended, subject to condition.

#### **Conditions:**

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

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



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

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

**Signature(s)**

**Date:**

### ANNEX

<b>Date Valid</b>	13th September 2018
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<b>Date First Advertised</b>	27th September 2018
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<b>Date Last Advertised</b>	
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**Details of Neighbour Notification** (all addresses)

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

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

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

**Date of Last Neighbour Notification**

26th September 2018

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

No

**Planning History**

Ref ID: LA09/2017/0151/NMC

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

Address: 34-38 The Square, Coalisland,

Decision: CR

Decision Date:

Ref ID: LA09/2017/0999/PAD

Proposal: Public realm scheme

Address: Town Centre, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2017/1242/PAN

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

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

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

Decision:

Decision Date:

Ref ID: LA09/2017/1442/PAD

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

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

Decision:

Decision Date:

Ref ID: LA09/2018/1207/F

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

Address: 34-38 The Square, Coalisland,

Decision:

Decision Date:

Ref ID: M/1973/0076

Proposal: ERECTION OF CHURCH WITH CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1973/007602

Proposal: ERECTION OF CHURCH AND CAR PARK

Address: MOUNTCAIRN HOUSE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0329

Proposal: EXTENSION TO SHOP

Address: 44 THE SQUARE, COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0042

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

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

Decision:

Decision Date:

Ref ID: M/1992/0211

Proposal: Extension and improvements to Dwelling

Address: 40 THE SQUARE COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0212

Proposal: Extension and improvements to Dwelling

Address: 42 THE SQUARE COALISLAND

Decision:

Decision Date:

Ref ID: M/1995/0388

Proposal: Landscaping scheme

Address: OPPOSITE 32-34 THE SQUARE COALISLAND

Decision:

Decision Date: 02.10.1995

Ref ID: M/1995/0760

Proposal: Alterations to Shop Front

Address: PLANTEC FURNITURE SYSTEMS DUNGANNON ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2005/1334/F

Proposal: Proposed alterations and improvements to premises

Address: 32 The Square, Coalisland

Decision:

Decision Date: 21.07.2005

Ref ID: M/2007/1456/F

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

Address: 34-38 The Square, Coalisland

Decision:

Decision Date: 10.02.2009

Ref ID: M/2014/0126/F

Proposal: Proposed covered smoking area at entrance to existing bar

Address: No 5 Barrack Square, Coalisland,

Decision: PG

Decision Date: 29.04.2014

Ref ID: M/2014/0331/F

Proposal: New apartments (5 no. one bedroom apartments, 5 no. two bedroom apartments)

Address: 34-38 The Square, Coalisland,

Decision: PG

Decision Date: 11.07.2016

### **Summary of Consultee Responses**

No issue with the proposal subject to compliance with their response/conditions.

### **Drawing Numbers and Title**

Drawing No. 1b

Type: amended drawing

Status: Submitted

Drawing No. 1a

Type: amended drawing

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:

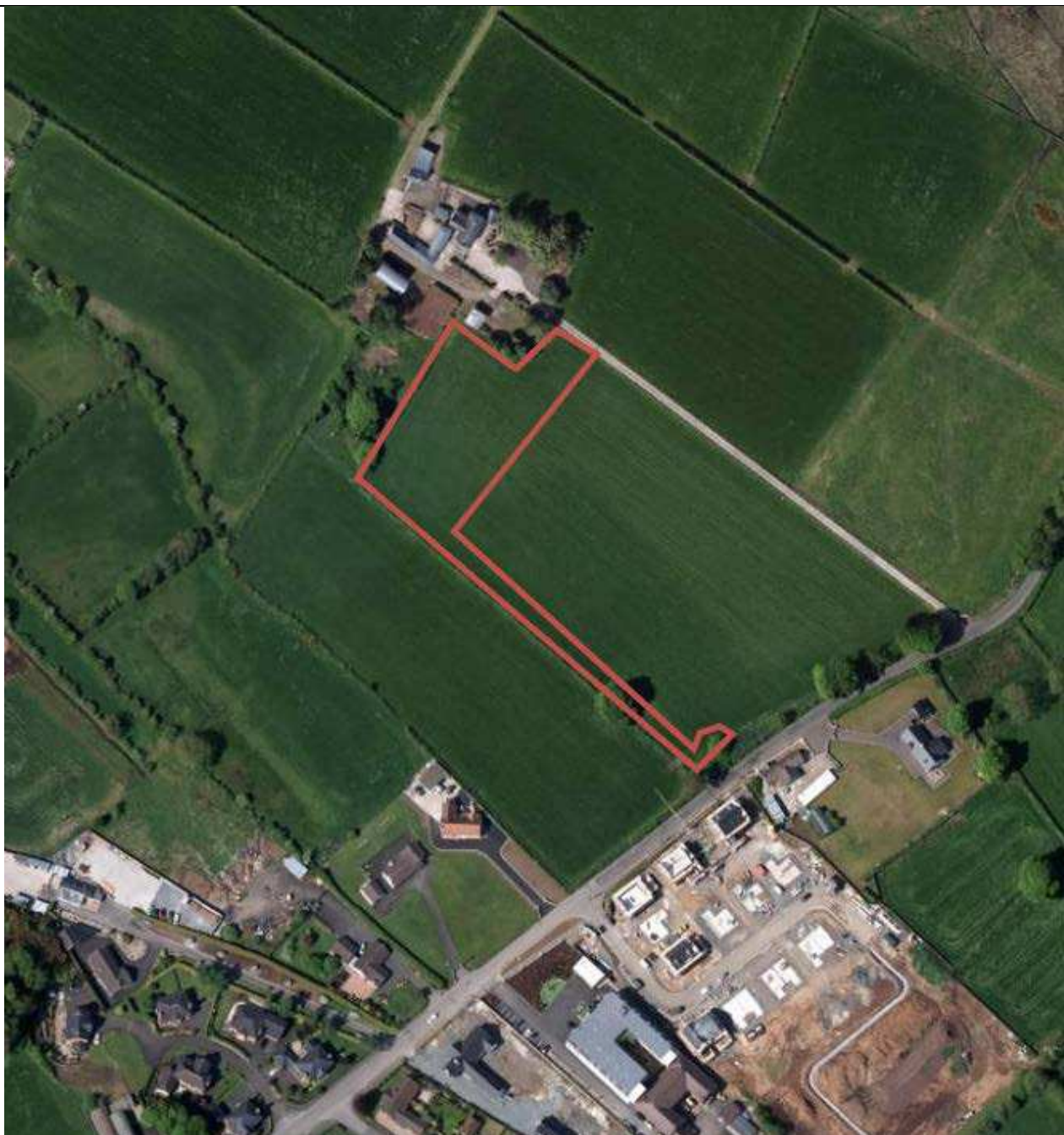


## Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



#### Consultations:

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



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

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

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

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

The agents supporting statement sets out the following case:

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

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

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

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

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

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

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

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

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application. In my opinion the proposal is in compliance with CT1 and CT2 9 (with the exception of e). The proposal is in compliance with GP1.

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

Approval is therefore recommended.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: Approval with conditions.**

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

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

**Signature(s) M.Bowman**

**Date: 16<sup>th</sup> May 2019**

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

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

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

### Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

See main body of report for consideration of objections.



**Description of proposal**

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

**Characteristics of Site and Area**

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

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

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

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

**Area Plan**

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and Policy HOU2 Quality Residential Development are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

**Relevant Planning Policy**

Regional Development Strategy for Northern Ireland 2035 (RDS)

Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

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

**Design and Guidance**

Creating Places- Achieving Quality in Residential Developments

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

**Planning History**

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

**3rd party objections**

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

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

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

**Consideration**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*f) adequate and appropriate provision is made for parking;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Other Considerations**

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

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

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

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

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

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That permission is granted subject to the following conditions.

### **Conditions**

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

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

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

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

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

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

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

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

Reason: In the interest of safeguarding private amenity.

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

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



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

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

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

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

**Signature(s)**

**Date:**

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



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

### Development Management Officer Report Committee Application

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

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

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

### Characteristics of the Site and Area

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

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

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

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

### **Description of Proposal**

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

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

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

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

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

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

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

Strategic Planning Policy Statement (SPPS) for Northern Ireland  
Dungannon and South Tyrone Area Plan 2010.

Planning Policy Statement (PPS) 3 – Access, Movement and Parking.

Planning Policy Statement (PPS) 6 – Planning, Archaeology and The Built Heritage

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy  
published February 2019

### **Most Recent Planning History**

- LA09/2018/1042/F - Proposed change of use from vacant retail unit to facilitate a new funeral parlour, viewing rooms and chapel including alterations to the shop front and all other associated plant and site works (additional information on parking) - Unit 1B Castlefields, Dungannon, - Withdrawn 05.12.2018
- LA09/2017/0359/F - Proposed division of existing retail unit into 2 retail units with separate entrances - Unit 1 Castlefields, Thomas Street, Dungannon – granted 19.05.2017
- M/2012/0039/F - Planning application for installation of additional windows to the side elevation, sunpipes to be installed where currently there are roof lights within the roof, and AC condensor units on the rear elevation - Unit 3, Castlefields, Dungannon. BT17 6DZ - 22.03.2012
- M/2011/0628/F - Change of Use from former pool / snooker hall to D1 Usage (Medical Examinations Centre) - Unit 3 Castlefields Dungannon BT71 6DZ - 16.01.2012
- M/2007/0864/F - Over 18's gaming room within a previously approved snooker hall approved under application M/02/1435/F - Unit 3 Castlefields, Dungannon - 12.09.2007
- M/2003/0515/F - Change of use from clothes shop to sandwich bar (amended scheme) (Re-advertisement) - Unit 2 Castlefields, Thomas Street, Dungannon - 01.04.2004

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 3 letters of objection in relation to this proposal have been received. 2 from Ms McCaughan the owner / occupier of no. 2 Castlefields located immediately adjacent the site to the south, received on the 25<sup>th</sup> and 30<sup>th</sup> January 2019; and One from Ms McElroy the owner/occupier of no. 6 Castlefields received 29<sup>th</sup> January 2019. A summary of the objections and issues raised are detailed below.

- Ms McCaughan in her letters objected to the size and scale of the proposal and its door opening unto the Castlefields Rd which she states has enough traffic obstruction problems due to inadequate parking. That this is due to patients attending a dental clinic to the front of the existing retail units. And that vehicles unloading on the Castlefields road would worsen the situation by blocking this road into Castlefields, which needs to be kept clear for residents and visitors including domestic help at all times. Mrs McCaughan also raised concern about the height of the proposed building, its proximity to her property and its potential to obstruct views of those exiting Castlefields and the existing carpark to the front of the retail units.
- Ms McElroy in her letter asked: Why a storage area needs 3 separate accesses? Would it not be safer to access it through the existing retail unit? With delivery

vehicles driving through the car park to the rear of the building as per existing units. If planting alongside this extension who will maintain it? How does the proposal accommodate the existing expensive metal gate indicating that Castlefields is a private road insitu for over 30 years, financed and maintained by residents. (I note that there is limited planting proposed (beech tree) with this scheme and its maintenance will be an issue for the landowner. And that the existing gate should not be impacted by this proposal as wall enclosing the site will sit to its rear.)

Ms McElroy went on to outline in her letter that she objected for the following reasons:

- It will increase existing difficulties with traffic emerging from the car park in front of units.
- As no footpath on Castlefields increased traffic will increase pedestrian residents and visitors safety.
- Castlefields is a private road that residents maintain therefore unfair to inflict more traffic and cost on them.
- There is no turning area on Castlefields except on residents' driveways with such manoeuvres causing damage to property. Delivery drivers seeking a quick getaway use this road often at speed and increased traffic to the store will make the situation worse.
- A dentist surgery with inadequate parking provision is located close to the extension with its clients often parking alongside the extension blocking Castlefields residents' access. This proposal will cause more blockages.
- Several Castlefields residents have carers' whose access is often blocked by existing thoughtless parking. The emergency vehicles being impeded by even more delivery traffic cause these residents added anxiety.

The objections raised above related primarily to the impact of the proposal on the access, movement and parking arrangements and the safety thereof **Transport NI** were consulted and responded on the 14<sup>th</sup> February with the following advice:

- Having reviewed the objection letters it is DfI Roads opinion that servicing of this proposed building should not be accommodated from the private road.
- Parking Standards stipulates that 1 car parking space per 250m<sup>2</sup> is required to support Class Use - Class B4 Storage. The proposed storage extension comprises of only 72.6m<sup>2</sup> additional floor space therefore if Council considers it necessary to request one additional space to support this application, a drawing detailing this parking space should be submitted.

Further to the above clarification of how the building was to be serviced was sought. Amended drawings subsequently received show all loading and unloading to be carried out at the front of unit 1a. A 1m high wall was also requested be erected to enclose the site and the extension on it from Castlefields.

Whilst TNI highlighted the Parking Standards stipulates a requirement for 1 parking space per 250m<sup>2</sup> to support Storage Use, this is guidance and in this instance as the extension is modest in size I am content that existing parking provision, should not be significantly impacted by this proposal as no intensification of vehicles visiting the site



has been indicated by the submitted P1 Form. And, therefore as access arrangements involve utilising an existing unaltered access to the public road; there should be no significant intensification of the site; no loading/unloading on the Cattlefields Rd; and TNI have raised no concerns in relation to the proposal obstructing views I am content that in terms of it accessing and serving arrangement it is acceptable. That it should not have any significantly detrimental impact on safety and neighbouring amenity.

In relation to Ms McCaughan's concerns regarding its size, scale and height I believe it to be subordinate to the existing building, appropriate for the site and locality. It has a low ridge height and sits on a lower ground level to the dwellings at Ms McCaughan's property at no.2 as such I believe it should have no significant impact in terms of overshadowing or overlooking as it has no windows.

### **Assessment**

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1 – General Principles, PPS 5 – Retailing and Town Centres and PPS 9. The policy provision within PPS 3 and PPS 6 has been retained under transitional arrangements.

The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

It is my opinion the proposed extension which is off set to the rear of the retail unit, is subordinate to the existing building and unit it will extend. And by reason of its modest size, scale and design with finishes to match the existing units it should not have a significant effect on the external appearance of the existing building or character of the area. Whilst this proposal is for an extension to an existing retail unit I note that this is for storage purposes only, as such, I am satisfied there should be no intensification of the use of the site that would result in a negative impact on the amenity of surrounding residential dwellings or other properties. The proposed changes will also not impede upon the ability of the building to continue its use as a retail unit.

I therefore conclude that the proposal is satisfactory in terms of the provision of the SPPS.

### Dungannon and South Tyrone Area Plan 2010

The site is situated within the town centre of the town and within an area designated as protected town centre housing. The area plan highlights that in order to protect the vitality of the town centre, a number of measures and proposals are adopted to retain and improve its attractiveness, accessibility and amenity. These include protected town centre housing areas where existing housing is protected from pressure for non-residential uses. I believe the extension is of an appropriate size, scale and design for the site and locality. It has a low ridge height and sits on a lower ground level to the dwellings at Castlefield located to its rear including no. 2 immediately adjacent and should not have any significant impact on the integrity or amenity of the surrounding

residential area in terms of overshadow or overlooking. This proposal is for storage purposes only and no intensification of vehicles visiting the site has been indicated. The access arrangements involve utilising an existing unaltered access to the public road I am content further to an amended drawing received from the agent to show all loading and unloading for the proposed storage area to be carried out at the front of unit 1a. And a 1m high wall is to be erected along the outside of the adjoining grassed area to enclose it and the extension located on it.

### **Conclusion**

The proposal is deemed to comply with the policy provision outlined above and approval is recommended.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

**Approve**

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. There shall be no external storage in the yard area.

Reason: To protect the amenity of residents and in the interests of visual amenity

### **Informatives**

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

### **Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0059/F	Target Date:
Proposal: Detached garage to rear of main dwelling house	Location: 5 Drumconvis Road Coagh
Referral Route:  This application is being presented to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Robert Hosseini 5 Drumconvis Road Coagh BT80 0HD	Agent Name and Address:
Executive Summary:	
Signature(s):	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
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#### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Summary of issues including representations

One representation has been received in respect of this application and relates to the following:-  
 The size of the proposed garage is excessive for the neighbourhood;  
 The proposed access is close to a large Oak tree and no information is available as to the level of work required to provide the access and whether this would impact on the boundary hedge and the Oak tree.

**Description of proposal**

The proposal is for the erection of a domestic garage measuring 7.6m x 6.6m externally with a ridge height of 5.0m. The external finishes are to match the existing dwelling. It is to be located at the rear south western corner of the site.

**Characteristics of the site and area**

The site is located on the periphery of the settlement of Coagh and on the main spine road out of Coagh towards the south east. The character of the area is predominantly residential with a long ribbon of dwellings extending along the same side of the Drumconvis Road. There is a small housing development on the opposite side of the road.

**Planning Assessment of Policy and other Material Considerations**

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

**Planning History**

There is no relevant planning history associated with this site.

**Policy Context**

The following policy and legislation was considered in the assessment of this application:

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to Planning Policy Statement 7: Residential Alterations and Extensions.

**Magherafelt Area Plan 2015**

The site is located within the settlement development limits of Coagh as defined in the Area Plan. It has no other zonings or designations within the Plan.

**Strategic Planning Policy Statement (SPPS)**

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

**Addendum to Planning Policy Statement 7: Residential Alterations and Extensions**

Policy EXT1 within the addendum to PPS7 is the relevant policy to be considered in assessing this proposal.

Planning permission will be granted for an extension or alteration to a residential property where it meets the following criteria:

(a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

The proposal is for a domestic garage. The size of the proposal is considered to be acceptable in that it is subordinate in scale to the existing residential property. The garage will appear visually linked with the dwelling and is located to the rear which will effectively screen the development from public view. The materials proposed are to match the existing dwelling and therefore it is not considered that the proposal would detract from the appearance and character of the surrounding area. Many of the neighbouring properties have existing ancillary buildings within their site curtilages. Overall the design of the proposal is considered to be acceptable.

(b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;

There is only one windows proposed as part of the proposal which looks towards the rear of the applicants dwelling. Therefore privacy issues are avoided. Due to the size and scale of the proposal it is not considered that there will be any amenity issues for neighbouring residents in terms of loss of light, overshadowing or dominance.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; The issue raised by the objector in relation to the Oak tree is not accepted. The tree is in fact a sycamore tree, it is not protected and neither the driveway nor the garage should affect the retention of the tree; The proposal complies with this part of the policy.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

The space within the curtilage of the property for recreational and domestic purposes and the space for the parking and manoeuvring of vehicles will be unaffected by this proposed and therefore is considered to be acceptable.

The proposal is considered to comply with the criteria set out in Policy EXT 1 – Residential Extensions and Alterations of Addendum to Planning Policy Statement 7 (PPS7): Residential Extensions and Alterations because it would not detract from the character or appearance of the property or the surrounding area, it would not unduly affect the privacy or amenity of neighbours and it would retain adequate amenity space.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the condition listed below:-

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

Signature(s)

Date:

ANNEX	
Date Valid	15th January 2019
Date First Advertised	31st January 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Wellbourne Crescent Coagh Tyrone The Owner/Occupier, 3a Drumconvis Road Coagh The Owner/Occupier, 7 Drumconvis Road Coagh Tyrone D Wilson 7 Drumconvis Road, Coagh, Tyrone, Northern Ireland, BT80 0HD	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: LA09/2019/0059/F Proposal: Detached garage to rear of main dwelling house Address: 5 Drumconvis Road, Coagh, Decision: Decision Date:  Ref ID: I/2003/0358/F Proposal: Extension and alterations to bungalow Address: 7 Drumconvis Road, Coagh, Cookstown Decision: Decision Date: 11.06.2003  Ref ID: I/1974/0095 Proposal: ERECTION OF SUBSIDY BUNGALOW Address: COAGH, COUNTY TYRONE Decision: Decision Date:  Ref ID: I/1982/0235 Proposal: ERECTION OF BUNGALOW Address: SESSIA, COAGH, COOKSTOWN	

<p>Summary of Consultee Responses</p> <p>All Consultees responded positively</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Approved</p> <p>Drawing No. 03 Type: Proposed Plans Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>





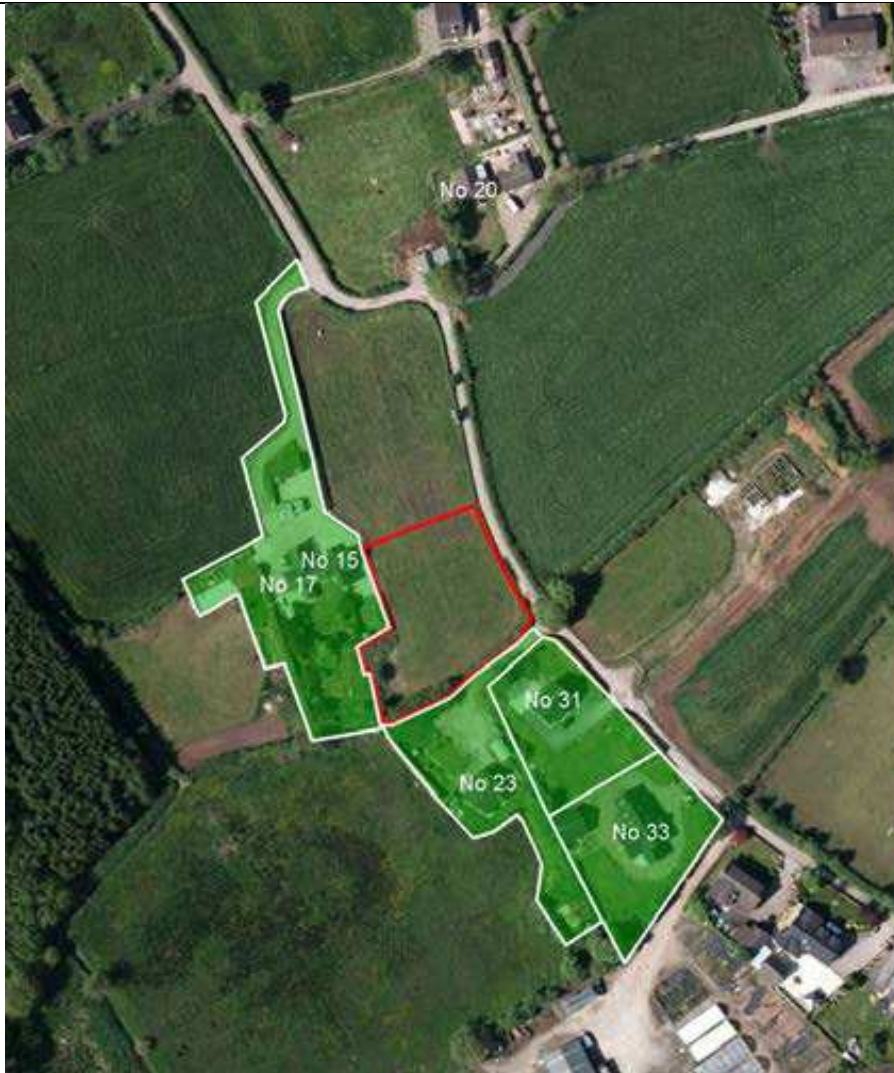
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0064/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill dwelling using access as approved under application H/2012/0118/F	<b>Location:</b> Site 40m South East of 15 Lough Road Ballymagaigan
<b>Referral Route: Contrary to CTY 1, 8, &amp; 14 of PPS 21</b>	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Patrick McKenna 37 Killynease Road Castledawson	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues – None****Characteristics of the Site and Area**

The site is located approximately 375m northeast of one of the three clusters of development that make up the settlement of Ballymaguigan in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 50m northwest of No 31 Lough Road and consists of a cut out portion of a linear agricultural field. The access to the site will be via a new access, which will run parallel with an existing laneway and will open onto the Lough Road. The Lough Road is also a dead-end road that merges with the laneway. The south and west boundaries of the site are defined by 1.5m hawthorn hedge and trees, the eastern boundary is defined by a post and wire fence and the northern boundary is undefined. The site slopes gently down from east to west.

The surrounding area is characterised by an undulating landscape and located approximately 700m to the east is the shore of Lough Neagh. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings visible in the locality.

**Description of Proposal**

The application seeks outline planning permission for a proposed infill dwelling using the access as approved under H/2012/0118/F

**Planning Assessment of Policy and Other Material Considerations****Relevant Site History:**

H/2012/0118/F - Realignment and widening of part access laneway to existing dwelling and relocation of field gates. Approved 10th September 2012

**Representations:**

5 neighbour's notification letters were sent to the occupiers of Nos 15, 17, 20, 23 and 31 Lough Road, Ballymaguigan.

No letters of representation have been received

**Development Plan and Key Policy Consideration:**

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside CTY1, CTY8, CTY13 & CTY14 are applicable. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

This policy states that planning permission will be refused for a building, which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposal site comprises of a cut out portion of an agricultural bound by a private laneway along its eastern boundary. With the exception of the semi-detached dwellings located at No 15 & No 17, there is no other building(s) north of the proposal site. The curtilages of No 15 & No 17 are set back and separated from the laneway by an agricultural field accessed via a separated and cannot be considered to form part of a substantial and continuously built up frontage. To the southeast of the site, there is an existing ribbon of development stretching 225m, comprising of 6 No dwellings and associated garages/outbuildings. There is no question that all of these buildings form part of a substantial and continuously built up frontage along the laneway. However, in the absence of at least one building to the north of the proposal site with a frontage onto the laneway, a new dwelling would extend the existing ribbon of development and therefore run contrary to CTY8.

I have determined that the site not to be within a substantial and continuously built up frontage, therefore no infill opportunity arises and issues regarding plot size, frontage size and development pattern are not relevant.

### **Integration**

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied that a single storey dwelling with a ridge height of not more than 5.7m would satisfactorily integrate due to the existing screening and enclosure provided by the existing development and vegetation along the southern and western boundaries of the site.

### **Impact on Character and Appearance of the Area**

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of

development. A new dwelling would visually link with the dwellings at Nos 23 and 31 located south of the site and with the dwellings at Nos 15 & 17 located to the northwest of the site. I have already determined that the proposal would add to a ribbon of development, which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. The proposal is contrary to criteria (b) and (d) of Policy CTY 14. In applying, the guidance set out in Building on Traditions is a supplement guideline for rural Northern Ireland it can be considered that protecting this field to guard against ribboning and maintaining an important visual gap.

### **Other Matters**

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No other evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

### **Other Material Consideration.**

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking as the proposed access will make use of a previously approved access under ref No H/2012/0118/F.

Furthermore, I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, however this will be further considered at RM stage if approval is forthcoming.

### **The Mid Ulster District Council Local Development Plan 2030.**

Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1 - General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application.

The proposal fails to comply with the third criterion of CT1 in that the proposed site does not respect rural character and will add to ribbon development.

The proposal fails comply with Policy CT2 part (b) in that the gap is not located between three or more buildings, each fronting onto a road or laneway.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

**Neighbour Notification Checked: Yes**

**Summary of Recommendation: Contrary to CTY 1, 8, 14 of PPS 21**

### **Refusal Reasons**

1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site

in a substantial and continuously built up frontage and would, if permitted, result in the extension of ribbon development along this stretch of laneway/Lough Road.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted extend a ribbon of development at this stretch of laneway/Lough Road and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th January 2019
<b>Date First Advertised</b>	31st January 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Lough Road, Magherafelt, Londonderry, BT45 6LN The Owner/Occupier, 17 Lough Road Magherafelt Londonderry The Owner/Occupier, 20 Lough Road Magherafelt Londonderry The Owner/Occupier, 23 Lough Road Magherafelt Londonderry The Owner/Occupier, 31 Lough Road Magherafelt Londonderry	
<b>Date of Last Neighbour Notification</b>	25th January 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2009/0727/F Proposal: Re-alignment of part access lane to existing dwelling and re-location of existing field gate Address: 14 Lough Road, Magherafelt Decision: Decision Date: 01.02.2010  Ref ID: H/2003/0981/O Proposal: Site of dwelling and detached garage. Address: To rear of 18 Lough Road, Ballymaguigan, Magherafelt. Decision: Decision Date: 25.02.2004  Ref ID: H/2004/0793/RM Proposal: Site of Dwelling and Detached Garage. Address: To Rear of 18 Lough Road, Ballymaguigan, Magherafelt. Decision: Decision Date: 09.12.2004  Ref ID: H/2012/0118/F	

Proposal: Realignment and widening of part access laneway to existing dwelling and relocation of field gates

Address: Laneway to South of 20 Lough Road, Magherafelt,

Decision: PG

Decision Date: 12.09.2012

Ref ID: LA09/2019/0065/O

Proposal: Proposed infill dwelling using access as approved under H/2012/0118/F

Address: Site between 20 and 22 Lough Road and 50m south of 14 Lough Road, Ballymaguigan,

Decision:

Decision Date:

Ref ID: H/2000/0461/F

Proposal: Replacement Dwelling

Address: 23 Lough Road, Ballymaguigan, Magherafelt, Northern Ireland, BT45 6LN

Decision:

Decision Date: 21.08.2000

Ref ID: LA09/2019/0064/O

Proposal: Proposed infill dwelling using access as approved under application H/2012/0118/F

Address: Site 40m South East of 15 Lough Road, Ballymaguigan,

Decision:

Decision Date:

Ref ID: H/2006/0243/O

Proposal: Site of Dwelling & Garage

Address: Land Adjacent to 20 Lough Road, Ballymaguigan

Decision:

Decision Date: 12.11.2010

Ref ID: H/2006/0444/F

Proposal: Replacement Dwelling

Address: 180m South West of 28 Lough Road, Ballymaguigan

Decision:

Decision Date: 20.01.2009

Ref ID: H/2001/0193/RM

Proposal: Dwelling and garage

Address: Adjacent to 28 Lough Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 07.08.2001

Ref ID: H/1999/0772/O

Proposal: Site of dwelling and garage

Address: Adjacent To 28 Lough Road, Ballymaguigan, Magherafelt

Decision:

Decision Date: 27.11.2000

Ref ID: H/2004/0116/F



Proposal: Proposed dwelling and garage.  
 Address: Opposite 31 Lough Road, Ballymaguigan, Magherafelt.  
 Decision:  
 Decision Date: 21.12.2004

Ref ID: LA09/2017/1159/LDE

Proposal: This application relates to the material start made on site as per approved planning Ref. H/2012/0118/F. It is to seek formal recognition from the council that commencement of works began within the date specified on the aforementioned planning approval  
 Address: 14 Lough Road, Magherafelt,  
 Decision:  
 Decision Date:

Ref ID: H/1998/0638

Proposal: RENOVATION OF DWELLING  
 Address: 15 LOUGH ROAD BALLYMAGUIGAN  
 Decision:  
 Decision Date:

Ref ID: H/2014/0011/F

Proposal: Erection of replacement dwelling (change of house type from that previously approved under extant planning ref. H/2006/0444/F) and detached domestic garage  
 Address: 180m south west of 28 Lough Road, Ballymaguigan, Magherafelt,  
 Decision: PG  
 Decision Date: 04.06.2014

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01  
 Type: Site Location Plan  
 Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0109/F	<b>Target Date:</b>
<b>Proposal:</b> Temporary use of existing garage as a self - contained living accommodation.	<b>Location:</b> 14 Culbane Road Portglenone BT44 8NZ.
<b>Referral Route:</b>  To Committee - Approval - Exception to CTY 9 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Mr P McTaggart 14 Culbane Road Portglenone Bt44 8NZ	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

To Committee - Approval - Exception to CTY 9 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 0.4km east of the development limits of Ballynease and as such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 14 Culbane Road, Portglenone and on the site sits a detached single storey dwelling with a detached garage and small garden shed, there is a small

drive off the Culbane Road leading to the garage with the remainder of the site being that of garden area. The surrounding area is characterised by primarily agricultural land uses, interspersed with single dwellings.

#### Relevant planning history

H/2011/0209/F – Proposed dwelling and garage for residential purposes – Approved 26.07.2011

LA09/2018/0059/CA – Unauthorised conversion of domestic garage to a dwelling – Ongoing

#### Representations

Two neighbour notifications were sent out however no representations were received on this application.

### Description of Proposal

This is a full application for the temporary use of existing garage as a self - contained living accommodation. It is noted that this application has come off the back of recent enforcement action and is to be used for a 2 year period until the construction of H/2011/0209/F.

### Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

#### Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 9 – Residential Caravans and Mobile Homes

PPS 3 – Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for temporary modular accommodation and as a result it must be considered under CTY 9 of PPS 21.

Policy CTY 9 states planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

1. the provision of temporary residential accommodation pending the development of a permanent dwelling; or
2. where there are compelling ad site-specific reasons related to personal or domestic circumstances (see policy CTY 6)

All permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case.

The siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view.

The proposed application intends to create temporary residential accommodation for the pending development of a permanent dwelling in line with the first criteria. The permanent dwelling pending development is H/2011/0209/F which as per the site visit and discussions with Building Control the dwelling has lawfully commenced but is yet to be completed. It is noted that the conversion of the garage to create a separate residential unit does not strictly comply under this policy however during group discussions it has been agreed that this can be seen as an exception to policy. In that, the dwelling being built is to the rear of the garage, it is only acceptable on a temporary basis and the garage will be converted back upon the expiry of the two years and it does not give rise to any adverse visual impact. For these reasons I can recommend approval but only a temporary basis.

The proposed application must also comply with CTY 13 and 14 of PPS 21 as it is still subject to the same planning and environmental considerations as that of a permanent dwelling. With regards to CTY 13, due to the fact the existing garage is being converted and it is predominately internal changes I note that there is no external visual changes therefore will still visually integrate as a result. In addition there will be no change to the character of the area and on a whole complies under CTY 13 and 14.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT5 – Temporary/Residential Caravans/Mobile Homes. With regards to CT1 I am content on balance that a dwelling in this site is able consolidate with a group of existing buildings. I note that this is the change of use of an existing garage from which I am content that the building will still be able to group with other existing buildings and still respect the rural character. As this is the change of use of an existing building I am content that it mar the distinction between the countryside and settlement nor create urban sprawl. Finally I note that there are no external changes to the garage with the changes being all internal from which the design is still acceptable, all of which the application complies under CT1.

In terms of CT5, I note that the garage is only to be used for a 2 year temporary period until the completion of the dwelling previously approved under H/2011/0209/F. From which I acknowledge that whilst this is does not strictly comply under CT5 insofar that it

is not for a caravan or mobile home but it was acknowledged that a temporary change of use of the garage could be seen as an exception to policy in that it reduces the number of new buildings within the countryside. From this I am content that the application would comply under the Draft Strategy however I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

#### PPS 3 – Access, Movement and Parking

DfI Roads were consulted and stated that additional information is required regarding on the number of extra vehicles expected due to the proposal in order to access parking and turning, sightline requirements, etc. Subsequently a statement came in from the agent to confirm that there would be no additional traffic created through this application as it is the clients son who will be temporarily living in the garage and from this it was agreed at group discussions that this argument can be accepted and there was no need to consult DFI Roads again.

A consultation was also sent to NI Water who responded to confirm that they had no objections subject to conditions.

I have no flooding, ecological or residential amenity concerns.

On basis on the information provided I must recommend approval for this application.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Approval.

#### Conditions:

1. The permission hereby granted shall be for a limited period of 2 years only.

Reason: This type of temporary accommodation is only permitted to provide a temporary solution to meet exceptional personal circumstances.

2. The residential unit, hereby permitted, shall be reverted back to its former use in accordance with Drawing No. 04 bearing the date stamp 15th May 2019 within 2 years from the date of this permission.

Reason: This type of temporary accommodation is only permitted to provide a temporary solution to meet exceptional personal circumstances.

#### Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Department or other statutory authority. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which has application to the development hereby granted planning permission.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	24th January 2019
<b>Date First Advertised</b>	6th February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 12b Culbane Road Portglenone The Owner/Occupier, 14a Culbane Road Portglenone	
<b>Date of Last Neighbour Notification</b>	5th February 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0109/F Proposal: Temporary use of existing garage as a self - contained living accommodation. Address: 14 Culbane Road, Portglenone, BT44 8NZ., Decision: Decision Date:  Ref ID: H/2011/0209/F Proposal: Proposed dwelling and garage for residential purposes Address: To the rear of 14 Culbane Road Portglenone, Decision: Decision Date: 26.07.2011  Ref ID: H/2005/1084 Proposal: Site of Domestic Dwelling and Domestic Garage Address: Rear of No.14 Culbane Road, Ballynease, Portglenone, BT44 8NZ Decision: Decision Date: 01.11.2005  Ref ID: H/2004/0168/O Proposal: Site of dwelling. Address: Approx 180m West of No.14 Culbane Road, Portglenone.	



Decision:  
Decision Date: 18.11.2005

Ref ID: H/2003/1384/O  
Proposal: Site of dwelling and garage.  
Address: 80m South West of 14 Culbane Road, Portglenone.  
Decision:  
Decision Date: 01.11.2005

Ref ID: H/2003/0646/F  
Proposal: Dwelling and garage.  
Address: 130m West of no.14 Culbane Road, Portglenone.  
Decision:  
Decision Date: 10.02.2004

Ref ID: H/1979/0106  
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Address: 14 CULBANE ROAD, PORTGLENONE  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0141/F	Target Date:
Proposal: Proposed Agricultural Shed with Steel box Profile Facade.	Location: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE
Referral Route: This application is being presented to Committee as it is being recommended for Refusal	
Recommendation:	Refuse
Applicant Name and Address: Mr Eugene Bradley 110 Boveedy Road Kilrea Coleraine BT51 5TZ	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues including Representations

No representations have been received in respect of this proposed development.

### Description of proposal

The proposal is for the erection of an agricultural shed with a steel box profile façade. The shed measures 10.0m x 6.0m with an eaves height of 4.0m and a ridge height of 4.8m. There is a roller shutter door in one gable end with a pedestrian door in one side.

The shed is to be located in the south eastern corner of an agricultural field with an access directly onto an existing laneway which serves a number of dwellings in addition to farm lands.

### Characteristics of the site and area

The site is located along a private laneway, shared laneway. The boundaries of the site are post and wire fencing to the north-east (laneway) and a 2.4m high hedgerow along the south eastern boundary. The remaining boundaries are undefined. There is a similar size shed located at the northern corner of the field. That shed is contained within a compound which is enclosed by a

2.1m high close-boarded fence. The existing compound is used for storing builders materials such as scaffolding, security fencing, paving bricks, concrete wall copings and kerbs, roof and ridge tiles, various sizes of drainage pipes, a block grab, inspection chamber cover and timbers. The existing shed is sited immediately adjacent to a chalet bungalow with a large rear private amenity space and a domestic garage/outbuilding of a similar size to the shed. The existing shed/compound is separated from the chalet dwelling by a low concrete wall with a metal railing on top. The compound is accessed from the laneway via a pair of gates in the close-boarded fence.

The laneway provides access to and can be utilised by 5 dwellings with 2 more dwellings under construction, an engineering business, the builders storage compound, a farmyard in addition to the farm lands. As the laneway can be used by the aforementioned dwellings and businesses, there is a public interest along the laneway. Therefore there are critical views of the proposed site from the laneway on approach from both the north-west and south-east.

#### Planning Assessment of Policy and Other Material Considerations

##### Relevant planning history

There is one planning history on this site as follows:-

H/2005/0612/O – Site of Dwelling for Mr E Bradley. This application was determined as being invalid on 27.07.2005.

##### Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the criteria below;

- is necessary for the businesses efficient use;

Although the applicant has provided a supporting statement, it is not accepted that there is any justification for the new shed. The existing shed, whilst it is not accepted that this is currently used for agricultural purposes, could be reduced in size and adapted to make it suitable for the proposed use.

- it is appropriate in terms of character and scale;

The proposed shed is not appropriate in terms of character. A shed erected at the proposed site would inevitably open up further infill opportunities between the proposed building and the existing dwelling at No.21. Such an arrangement would harm the rural character of the area by extending a ribbon of development along the laneway.

- it visually integrates;

The proposed site only has one sufficient boundary which has a low hedgerow. All other boundaries are either undefined or have a post and wire fence. Consequently the proposed site cannot provide a suitable sense of enclosure for the building and it would therefore suffer from a lack of integration.

- there will be no adverse impact on natural or built heritage; and

There will be no adverse impact on natural or built heritage.

- there will be no detrimental impact on residential amenity;

The proposed building is located on a site and would be less than 40m from a neighbouring dwelling. Although the building would not be directly in front of that dwelling it will be closer than it will be to the existing dwelling at No.21.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

Originally no farm details were provided, however, on request a P1C form was submitted along with a planning statement to justify the proposed shed. The P1C states the name of the applicant but states the name of the farm business owner as N/A. Other than to state that the applicant does not have a farm business ID no. and that they do not submit a Single Farm Payment or other farm subsidy claim, the only other information provided is to state that this proposed shed is to replace one shed with another. Therefore it is apparent that the applicant does not have a farm business registered with DAERA and they are not an active farmer. Finally, the P1C has been signed by the agent and not the applicant as required. Therefore the P1C is invalid and does not provide any support for this proposed development.

A subsequent planning statement was provided to justify the proposed development and includes the following:-

- The proposal described in this application is the taking down of one agricultural shed and its substitution with a smaller one.

This is incorrect as the description on the P1 states, 'Proposed agricultural shed with steel box profile façade'. There is no mention of taking down the existing shed, or its substitution, although it is acknowledged that the location map indicates the 'Existing shed to be removed'. The removal of the existing shed does not require planning approval and it can therefore be removed at any time.

- There is no doubt that the subject lands have been maintained in a state making it suitable for grazing, which by itself satisfies the EU definition of active farming, and by extension satisfies the definitions used by the SPPS.

Although the subject lands may have been maintained in good agricultural condition, there is nothing within this application nor the supporting statement to suggest or to demonstrate that this has been by the applicant, who has continuously failed to provide any evidence of his agricultural business.

- Policy CTY 12 in PPS 21 is a material consideration. The drafting of this policy clearly envisages proposals for new, additional buildings. It does not make reference to substitution, or replacement.

Whilst CTY 12 does not mention substitutions or replacements, this is because a building which is a substitution, or replacement is still a new building and is therefore still assessed under this policy.

- The justification and amplification text ..... speaks of a preference for redevelopment.

Although redevelopment might mean fixing up older buildings, it might also mean taking down a building and replacing it with a new one.'

This is incorrect, as the policy wording is implicit in requiring the applicant to satisfactorily demonstrate that 'renovation, alteration or redevelopment opportunities do not exist.' The applicant has not explored the option of renovating or altering the existing shed which could be reduced in length to a size which has a similar footprint to the proposed shed. Additionally, redevelopment would not be considered as being applicable to the erection of a new shed on an alternative site.

- The shed to be replaced is a modern form, quite large in scale by comparison with the adjacent dwelling. The proposed shed is more modest in scale.....allowing it to nestle against the field boundaries.

The existing shed has a similar size footprint to the garage of the adjacent dwelling and is considered acceptable on that site. With regards to the field boundaries, it should be noted that the only boundary with any vegetation is a low hedge along the south eastern boundary.

Therefore the proposed shed would not be acceptable on that site as it would suffer from a lack of integration and would also be out of character with the surrounding area.

- The holding has the benefit of an existing shed.....it is necessary to have shelter for fodder and machinery..... so we seek permission to replace that with a smaller unit.

Whilst there is an existing shed within the field, there is no existing farm business. In this case no verifiable evidence has been provided to satisfactorily demonstrate that the applicant has any connection with farming other than to own one field. Furthermore, no verifiable evidence has

been provided to show what fodder needs to be stored or indeed that the applicant makes any or what machinery they need to store there. Additionally there is no mention of the applicant having any livestock, so the question is asked, what is the need for fodder. Whilst the applicant is seeking to replace the existing shed with a smaller one, it would be much easier and quicker to provide such a shed on the existing site.

- The proposal reduces the scale of buildings and is sympathetic to its rural context.

It is not accepted that the proposal is sympathetic to the rural context as the proposed site suffers from a lack of integration and will have a detrimental impact on rural character.

- the location chosen achieves those aims better than the existing site. (residential amenity and integration);

It is not accepted that the proposed site improves the amenity of the existing dwelling or achieves an acceptable degree of integration. While the proposed shed would be further from the existing dwelling it is not accepted that the existing shed has an unacceptable impact on the amenity of the occupants of that dwelling. The compound is separated from the dwelling's curtilage by a concrete wall and railing. This boundary could easily be made more substantial by continuing the close-boarded fence along this boundary, thereby reducing any issue of overlooking or inter-visibility. Alternatively a hedge could be planted along the side of the existing wall. With regards integration, the existing shed integrates into the landscape with the help of the existing dwelling and associated garage, whereas the proposed shed only has one low hedgerow to provide any degree of integration, which is not sufficient in this case when viewed from the critical view points on the shared laneway.

- the two realistic possible locations for the shed are to either side of the land's frontage to the laneway. The location of the existing shed is too close to the adjacent house.....but the separation distance to a neighbouring dwelling is greater than the current situation. Betterment is offered.

The fact that the proposed shed is further from a neighbouring third-party dwelling is not sufficient justification for relocating it to an unacceptable location.

- The existing building is larger than necessary.....in terms of reduced visual impact...

If the existing building is too large then the applicant can simply reduce the size of that building which would not only be less expensive but would be more acceptable in planning terms as that site does have the same visual impact as the proposed site in terms of its potential to integrate into the landscape.

- Because of amenity concerns, and excess size, the existing building is not suitable.

The issue of amenity concerns was not an issue when the existing shed was erected by the applicant adjacent to his own dwelling. The issue of excess size has been discussed above.

- The proposed design is sympathetic to the locality and ..... to the adjacent buildings.

Although the design of the proposed building may be traditional for a farm building, it is not sympathetic to the locality due to the inappropriate form of development at this location in terms of suffering from a lack of integration and erosion of rural character.

- Assuming that approval is granted, there will be no other buildings on the holding for the proposed building to site alongside.

This statement proves beyond doubt that the proposed building will suffer from a lack of integration as the site is unable to provide a suitable degree of enclosure. The proposed building will be seen as a stand-alone building, whereas the existing building is sited to cluster with the existing dwelling and garage and is much more acceptable in that respect.

- We propose a smaller building to replace a larger building, in the same field .....

Although the propose building is within the same field as the existing building, it is not on the same site. The proposed building is 40m away from the existing building and on a less favourable site.

CTY 8 – Ribbon Development – The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial

and built up frontage “includes a line of 3 or more buildings along a road frontage without accompanying development to the rear”. The proposed building is located 40m south-east of the existing shed with no additional buildings on the same side of the shared laneway beyond the site. Therefore the site is not considered to be a gap site and is not an acceptable exception to this policy. If the existing shed were to be removed following the proposed shed being erected this would create a gap of 65m to No.21, which in effect would create a valid opportunity for an infill dwelling or possibly two dwellings. Such a scenario, is clearly contrary to policy in that it would extend a ribbon of development by as much as 50m in a south-easterly direction.

CTY 13 – Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. The proposed building fails this test due to the lack of sufficient boundary vegetation to provide a sense of enclosure. As the site only has the benefit of a single hedgerow along the south-eastern boundary, the proposed building will appear as a prominent feature in the landscape. The building would therefore rely heavily on new landscaping to achieve an acceptable degree of integration.

CTY 14 – Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. The proposed building will appear prominent in the landscape due to the lack of sufficient boundary vegetation to provide a sense of enclosure. On approach along the shared laneway, the building will be viewed in connection with the ribbon of development to the north-west and the dwelling and garage to the east. The result of this is to extend the ribbon of development further in a south-easterly direction which is contrary to this policy. Any building on the proposed site would rely heavily on proposed planting which would take a considerable time to mature and in the interim will not mitigate the impact of the building. Consequently the proposal is considered to be contrary to this policy.

#### Other policy and material considerations

Although the proposed building is described as an agricultural shed and does not elaborate on what its purpose is, the supporting statement states that it is required for fodder and machinery storage. Therefore it was not thought necessary to formally consult Environmental Health with regards the potential to have a detrimental impact on the residential amenity of No.21A. However, if the shed were to be approved it would be pertinent to attach a condition that the shed cannot be used for the purpose of livestock housing so as to protect the amenity of the neighbouring dwelling.

#### Recommendations

That planning approval be refused for the proposed development for the reasons listed below:-

Neighbour Notification Checked	Yes
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#### Summary of Recommendation:

The application should be refused for the reasons stated below:-

#### Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not considered to be a gap site, it would create further development opportunities for infill sites and would, if permitted, result in the extension of a ribbon of development along the shared lane.
3. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that;  
It is essential for the efficient functioning of the agricultural holding;  
the proposed building fails to satisfactorily integrate into the local landscape;  
there are no suitable existing buildings on the holding or enterprise that can be used;  
the proposal is sited beside existing farm or forestry buildings;  
there are no alternative sites available at another group of buildings on the holding;  
that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and  
the applicant has failed to satisfactorily demonstrate that the farm business is active and established.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:  
the proposed building would, if permitted, be a prominent feature in the landscape;  
the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;  
the proposed building would, if permitted, rely primarily on the use of new landscaping for integration;
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:  
the building would, if permitted, be unduly prominent in the landscape;  
the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;  
the building would, if permitted add to a ribbon of development;  
and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	31st January 2019
Date First Advertised	14th February 2019
Date Last Advertised	

Details of Neighbour Notification (all addresses) The Owner/Occupier, 19a ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 19b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 21 School Lane Gulladuff Londonderry The Owner/Occupier, 21a School Lane Gulladuff The Owner/Occupier, 21b ,School Lane,Gulladuff,Londonderry,BT45 8PE The Owner/Occupier, 96 Gulladuff Road,Gulladuff,Londonderry,BT45 8QB	
Date of Last Neighbour Notification	20th February 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: H/2005/0183/O Proposal: Site of Single Storey Bungalow With Garage Address: 210M South East Of 21 School Lane, Knockloughrim, Magherafelt. Decision: Decision Date: 03.07.2006  Ref ID: H/2004/1020/RM Proposal: Proposed Dwelling Address: 320 Metres South East Of 15 School Lane, Gulladuff, Magherafelt Decision: Decision Date: 22.12.2004  Ref ID: H/2003/0970/O Proposal: Site of single storey bungalow. Address: 320m South East of 15 School Lane, Gulladuff, Knockloughrim, Magherafelt. Decision: Decision Date: 23.03.2004  Ref ID: H/1974/0254 Proposal: BUNGALOW Address: MAYOGALL, MAGHERAFELT Decision: Decision Date:  Ref ID: H/2006/0480/F Proposal: Proposed dwelling amended to provide additional accommodation from previously approved dwelling H/2003/1493 Address: 140m E of 19 School Lane, Gulladuff	

Decision:  
Decision Date: 21.03.2007

Ref ID: H/1997/0085  
Proposal: ERECTION OF DWELLING & GARAGE  
Address: 120M. WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA  
Decision:  
Decision Date:

Ref ID: H/1996/0493  
Proposal: SITE OF DWELLING AND GARAGE  
Address: 70M WEST OF 19 SCHOOL LANE GULLADUFF MAGHERA  
Decision:  
Decision Date:

Ref ID: H/2003/1493/F  
Proposal: Proposed change of house type. (Ref:H/1998/0544).  
Address: 140m East of 19 School Lane, Gulladuff.  
Decision:  
Decision Date: 22.06.2004

Ref ID: H/1997/0362  
Proposal: SITE OF DWELLING  
Address: 150M EAST OF 19 SCHOOL LANE MAYOGALL MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1998/0544  
Proposal: DWELLING  
Address: 140M EAST OF 19 SCHOOL LANE GULLADUFF  
Decision:  
Decision Date:

Ref ID: H/1998/0458  
Proposal: DWELLING  
Address: 140M EAST OF 19 SCHOOL LANE MAYOGALL  
Decision:  
Decision Date:

Ref ID: H/2007/0197/O  
Proposal: Site of single dwelling and garage.  
Address: Adjacent to No. 21 School Lane, Gulladuff  
Decision:  
Decision Date: 22.09.2010

Ref ID: H/2001/1052/F  
Proposal: Roof Space Conversion & Alterations To Dwelling  
Address: 21 School Lane, Mayogall Road, Gulladuff, Maghera  
Decision:  
Decision Date: 14.03.2002

Ref ID: H/2000/0588/F

Proposal: Double garage

Address: Rear of 21 School Lane, Gulladuff

Decision:

Decision Date: 18.10.2000

Ref ID: LA09/2019/0141/F

Proposal: Proposed Agricultural Shed with Steel box Profile Facade.

Address: Adj to 21 School Lane Gulladuff Magherafelt BT45 8PE,

Decision:

Decision Date:

Ref ID: H/2009/0594/F

Proposal: Attic conversion to dwelling and new sunroom

Address: 21b School Lane, Knockloughrim

Decision:

Decision Date: 13.01.2010

Ref ID: H/2008/0122/RM

Proposal: Site of single storey dwelling with double garage

Address: 210m South East of 21 School Lane, Knockloughrim

Decision:

Decision Date: 11.07.2008

#### Summary of Consultee Responses

Roads Service raised no issues of objection.

DAERA were not consulted as the applicant failed to provide any farm business details including the Farm business ID number.

Environmental Health were not consulted as it is not proposed to use the shed for animal housing.

#### Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0155/F	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage	<b>Location:</b> Adjacent to Timageeragh Cottages Tirgarvil Road Upperlands
<b>Referral Route:</b>  To Committee - Approval – Objections Received.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> A Mc Kee Esq 46a Glenmaquill Road Curran Magherafelt	<b>Agent Name and Address:</b> Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
<b>Executive Summary: Approval.</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Contrary to CTY 1, 8 and 14 of PPS 21 and four objections received. Summary of objection:

- All four objectors raised concerns over the use of the laneway, insofar that it is not fit for purpose to take any additional traffic an additional dwelling would lead to further damage through heavy plant and machinery using the laneway.

- One objector raised concerns that a two storey dwelling would result in loss of privacy, light to the sunroom and result in overshadowing.

### **Characteristics of the Site and Area**

The site is located approximately 0.66km south east of the development limits of Upperlands and is situated within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as adjacent to Timageeragh Cottages, Tirgarvil Road, Upperlands wherein the red line covers a portion of a yard area with the remainder being an agricultural field. The site proposes access off an existing laneway off the Tirgarvil Road which already is used by a number of residential properties. I note that there are a number of residential properties to the south east of the site accessed via the shared laneway with one detached dwelling to the north of the site which has a separate access onto the Tirgarvil Road. The immediate and surrounding area is defined by a mix of residential and agricultural land uses.

#### **Relevant planning history**

H/2007/0739/O - Site of Dwelling – Permission Granted 19.02.2010

#### **Representations**

Nine neighbour notifications were sent out however four objections were received.

### **Description of Proposal**

This is a full application for an infill dwelling and garage, the site is identified as adjacent to Timageeragh Cottages, Tirgarvil Road, Upperlands.

The proposed site is a two storey dwelling with a frontage of 10m with a gable depth of 8.9m with a ridge height of 8.1m. The proposed dwelling will have a white K-Rend finish to the walls with Scott's slemish blue/grey roofing tiles.

### **Planning Assessment of Policy and Other Material Considerations**

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;



The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 – Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

I first must note that that there was a previous approval for a site for a dwelling approved on the site under H/2007/0739/O in 22.02.2010. It was unclear as to how in which the site was approved but it is noted that the approval has since expired and this application will be considered under the current policies.

With regards to the continuous and built up frontage I noted during the site visit that there were a number of residential properties along the shared laneway to the south west of the site known as Tirnageeragh Cottages, which in my opinion front onto the shared laneway rather than the Tigarvil Road. However that whilst I note there is a detached dwelling (No. 68 Tigarvil Road) to the north of the site I note that it has a separate access onto the Tigarvil Road and in fact actually fronts onto the Tigarvil Road. From this I am of opinion that No. 68 Tigarvil Road and the dwellings known as Tirnagerragh Cottages have separate frontages and from this I cannot determine the proposed site is therefore within a gap along a continuous and built up frontage. However after discussions with the Planning Manager, it has been agreed that due to the level of built up within the area, acknowledging the history of the site, that whilst it does not strictly comply under CTY 8 that a house in this location would not adversely impact rural character and that this can be deemed as exception to the policy.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. To start and after group discussions it has been agreed that the proposed design is deemed as acceptable within this rural location and from this I am content that it will not appear as a prominent feature in the landscape. It has been agreed that due to the existing and proposed landscaping of the site that the dwelling would be able to successfully integrate into the landscape. From this I am content that the application is able to comply with CTY 13 on balance.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As noted I am already content that the proposed dwelling will not appear as unduly prominent in the landscape. I note that the immediate area has already an element of suburban development and from this I am content that the dwelling will not unduly change or erode the rural character of the area. As noted the application has been deemed and an exception under CTY 8 in that it that it will not lead to additional dwellings through infilling. On which it complies under CTY 14.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT2 – Dwellings in the Countryside.

With regards to CT1 I am content that the proposed application is capable of visually integrating whilst respecting rural character and will not result in urban sprawl nor mar the distinction between a settlement and countryside and it is of appropriate design. Furthermore I am content that the proposed dwelling would be able cluster with existing surrounding buildings and from this it complies under CT1.

In terms of CT2, the application is to be considered under dwelling infilling in a small gap, in which I am content that the site is in a small gap capable of accommodating up to one dwelling, in that only one dwelling has been applied. Although I am not content that the gap is located between three or more buildings, each fronting onto a road, wherein I note that No. 68 Tirgarvil Road and the dwellings known as Tirnageeragh Cottages have separate frontages and for this reason would fail under the CT 2. From this I am of the opinion that the application would fail under the Draft Strategy however I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and confirmed that they had no objection to the proposal subject to conditions and informatives.

To respond to the comments raised by the objectors, it was noted that the laneway was not fit for purpose however after consultations with DFI Roads they have confirmed that the access is acceptable and did not raise any issues over the laneway. With regards to any potential damage caused by heavy plant and machinery I note that this would be a civil matter and not for planning control. Finally, with regards to the objector raising issue that the dwelling would result in a loss of light, overshadowing and privacy, after group discussions it has been agreed that the proposed dwelling in its position and design is unlikely to have an adverse impact on neighbouring amenity.

I have no ecological, flooding or residential amenity concerns. For the above reasons I consider the application to comply as an exception under policy CTY, 8 of PPS 21 and must recommend approval.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
Approval	
<p>Conditions:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 04 date stamped 05th February 2019 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.</p> <p>Reason: To ensure the development integrates into the countryside.</p> <p>3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.</p> <p>Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.</p> <p>5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p> <p>6. The minimum visibility splays of 2.4 metres by 70 metres at the junction of the proposed access lane with the Tigarvil Road, shall be provided prior to the commencement of any other works or other development hereby permitted.</p>	

Reason: To ensure there is satisfactory means of access in the interests of road safety and the convenience of road users.

7. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

#### Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is DfI Roads and Rivers, 49 Tullywiggan Road, Cookstown, Co. Tyrone BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	5th February 2019
<b>Date First Advertised</b>	21st February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 129 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 130 Ternageeragh Cottages, Maghera, Londonderry, BT46 5UP William Young 282 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 282 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 283 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP David Rowe 284 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 284 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP Georgina Wilson 285 Ternageeragh Cottages, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UP The Owner/Occupier, 285 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 286 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP The Owner/Occupier, 287 Ternageeragh Cottages, Upperlands, Maghera, Londonderry, BT46 5UP Mr P Rodgers and Mrs K Rodgers 68 Tirgarvil Road, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5UW The Owner/Occupier, 68 Tirgarvil Road, Maghera, Londonderry, BT46 5UW	
<b>Date of Last Neighbour Notification</b>	7th February 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No

## Planning History

Ref ID: LA09/2019/0155/F

Proposal: Infill dwelling and garage

Address: Adjacent to Tirnageeragh Cottages, Tirgarvil Road, Upperlands,

Decision:

Decision Date:

Ref ID: H/2008/0574/F

Proposal: Retrospective extension to existing car repair workshop.

Address: 284 Tirnageeragh Cottages, Upperlands, Maghera.

Decision:

Decision Date: 21.10.2009

Ref ID: H/2008/0509/F

Proposal: Retention of an existing workshop and proposed extension to workshop

Address: 283 Tirnageeragh Cottages, Upperlands, Maghera.

Decision:

Decision Date: 21.10.2009

Ref ID: H/2007/0740/O

Proposal: Site of 4No Dwellings

Address: 35m West of 84 Tirgarvil Road, Tirnageeragh Cottages, Upperlands

Decision:

Decision Date: 20.11.2007

Ref ID: H/2007/0739/O

Proposal: Site of Dwelling.

Address: 10m North-West of 84 Tirnageeragh Cottages, Tirgarvil Road, Upperlands

Decision:

Decision Date: 22.02.2010

Ref ID: H/2007/0695/F

Proposal: Retention of new entrance to dwelling and garage - previously approved.

Address: 35m North-West of 84 Tirgarvil Road, Upperlands

Decision:

Decision Date: 22.01.2008

Ref ID: H/2007/0171/F

Proposal: Proposed replacement 2 storey dwelling and garage

Address: 'Tirnageeragh Cottages' 72 Tirgarvil Road, Upperlands

Decision:

Decision Date: 28.09.2010

Ref ID: H/2006/0097/RM  
Proposal: Dwelling and Garage  
Address: Adjacent to 287 Ternageeragh Cottages, Upperlands, Maghera  
Decision:  
Decision Date: 30.06.2006

Ref ID: H/2003/1023/O  
Proposal: Site of dwelling and garage.  
Address: Adjacent to no.287 Ternageeragh Cottages, Upperlands, Maghera.  
Decision:  
Decision Date: 04.08.2004

Ref ID: H/2003/0524/O  
Proposal: Site of dwelling.  
Address: Adjacent to 72 Tirnageeragh Cottages, Tirgarvil Road, Upperlands.  
Decision:  
Decision Date: 29.06.2005

Ref ID: H/2000/0047/O  
Proposal: Site of Dwelling  
Address: Tirgarvil Road, Upperlands(adjacent to Tirnageeragh cottages)  
Decision:  
Decision Date: 14.02.2001

Ref ID: H/1999/0103  
Proposal: EXTENSION AND ALTERATIONS TO DWELLING  
Address: 282 TERNAGEERAGH COTTAGES UPPERLANDS  
Decision:  
Decision Date:

Ref ID: H/1999/0017  
Proposal: EXTENSION TO DWELLING  
Address: 283 TERNAGEERAGH COTTAGES UPPERLANDS  
Decision:  
Decision Date:

Ref ID: H/1998/4030  
Proposal: EXTENSION TO DWELLING  
Address: 284 TERNAGEERAGH COTTAGES UPPERLANDS  
Decision:  
Decision Date:

Ref ID: H/1995/6031

Proposal: REPLACEMENT DWELLING 129 TIRNAGEERAGH COTTAGES  
UPPERLANDS

Address: 129 TIRNAGEERAGH COTTAGES

Decision:

Decision Date:

Ref ID: H/1994/4025

Proposal: ALTS TO DWELLING

Address: 285 TIRNAGEERAGH COTTAGES UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1984/0015

Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW

Address: 130 TIRGARVIL ROAD, UPPERLANDS

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Garage Plans

Status: Submitted



**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0166/F	<b>Target Date:</b>
<b>Proposal:</b> Change of House Type as approved under M/2008/1206/F.	<b>Location:</b> Sites 34 36 38 40 42
<b>Referral Route:</b> <b>Objection received</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> TG Developers Ltd 4 Stilogo Eglish Dungannon BT71 7DW	<b>Agent Name and Address:</b> J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

One letter of objection has been received from the owner of the adjacent dwelling at number 28. The main concern is the impact on their habitability due to the close proximity of the proposed.

### Characteristics of the Site and Area

The site comprises an irregular shaped plot of land to the rear of Aughanree Manor, Sydney Street, Aughnacloy. The site includes 4 dwellings nearing completion and the foundations for another two dwellings. The site is currently a building site, at the time of visit there were machinery, building materials and equipment laid all round the site. The four dwellings nearing completion were roofed and had windows with scaffolding all around. They were two storey semi detached dwellings with small front storm porches. Sites number 34 and 36 were at sub floor level. The site is accessed via a long laneway off Sydney street, the site is bounded to the rear by a row of mature trees and a bank, the east boundary is defined by a fence along the rear of numbers 26 and 28 and the front of the site remains open.

The site lies within the settlement limits of Aughnacloy to the rear of the Main street (Moore st). The filling station and Church grounds are only a small distance to the North West and there is a car sales show room to the East, right opposite the access point. The surrounding area however is predominantly residential, this new development of Aughanree Manor is made up of a mix of semi detached dwellings and townhouses.

### **Description of Proposal**

The proposal seeks a change of House Type to sites 34, 36, 38, 40, 42 and 44 as approved under M/2008/1206/F. The changes involve reduction from three storey to two and some small variations to the layout.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Representations**

Neighbours were notified and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party representation has been received.

#### **Planning History**

M/2005/1953/RM. - Housing development: 34 no. semi-detached dwellings

M/2008/1206/F - was approved allowing a change of house type on 26 sites from that approved under M/2005/1953/RM.

#### **Planning Assessment of Policy and Other Material Considerations**

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within the development limits of Aughnacloy which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no specific designations or zonings within the area plan associated with this site. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development are expected to comply with the criteria set out in Policy QD 1.

This proposal includes the erection of three sets of semi-detached properties to provide 6 dwellings. This involves changes to the drawings which were accepted in the previous approval,

Amenity space and parking/turning provision for vehicles for each of the dwellings remains much the same, however, the layout of the dwellings have slightly changed, also the dwelling design has changed significantly, with a reduction in ridge height from 11 metres and a three storey element to that of a two storey dwelling with a ridge of 8.5metres.

I have considered the design of the proposal and am content that the properties will remain respectful to the surrounding area and are appropriate for their urban setting. The finishes proposed are typical of those found in similar localities.

Regarding the issues such as overlooking, loss of light or privacy concerns I would conclude that whilst the separation distances between the proposed dwelling at number 34 and the rear of numbers 28 and 32 have been reduced, the impact will be less through the reduction in the ridge height of the proposed dwelling.

The previous approval had living and dining rooms at first floor level, with balcony on the front elevation. In the new design the balconies have been removed and the habitable space is now on the ground floor.

We would also acknowledge the reduction in the separation distance from the gable of the proposed number 34 and the rear of number 28. This distance would be on the limit of what is acceptable, however, considering that the applicant has permission to build a three storey dwelling with a 2.5 metre higher ridge height than the proposed I feel that there will be no greater impact on this neighbour.

Adequate provision has been made for parking and turning of vehicles. To conclude, the changes proposed would have a potentially less significant impact on the neighbouring residents and therefore is considered to be acceptable.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

POLICY HOU2 - QUALITY RESIDENTIAL DEVELOPMENT applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

Approval Recommended

#### **Neighbour Notification Checked**

**Yes**

#### **Conditions**

1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

#### **Informatives**

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th February 2019
<b>Date First Advertised</b>	21st February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 1 Derrycush Lane Aughnacloy Tyrone The Owner/Occupier, 1 Sydney Crescent Aughnacloy Tyrone The Owner/Occupier, 10 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 11 Aughnaree Manor Aughnacloy Tyrone Gregory Dale 11, Millbrooke, Lisbellaw, Fermanagh, Northern Ireland, BT94 5PQ The Owner/Occupier, 12 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 12 Moore Street Aughnacloy Tyrone The Owner/Occupier, 14 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 14 Moore Street Aughnacloy Tyrone The Owner/Occupier, 15 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 15-21 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE The Owner/Occupier, 16 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 16 Moore Street Aughnacloy Tyrone The Owner/Occupier, 17 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 18 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 18 Moore Street Aughnacloy Tyrone The Owner/Occupier, 19 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 2 Aughnaree Manor Aughnacloy Tyrone The Owner/Occupier, 2 Derrycush Lane Aughnacloy Tyrone	

The Owner/Occupier,  
 2 Tramline Way Aughnacloy Tyrone  
 The Owner/Occupier,  
 20 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 20 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 21 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 22 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 22 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 23 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 24 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 24 Moore Street, Aughnacloy, Tyrone, BT69 6AX  
 The Owner/Occupier,  
 25 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 26 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 26 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 28 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 28 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 3 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 3 Derrycush Lane Aughnacloy Tyrone  
 The Owner/Occupier,  
 30 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 30 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 31 Sydney Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 32 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 32 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 34 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 34 Sydney Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 34a Sydney Street Aughnacloy  
 The Owner/Occupier,  
 36 Moore Street Aughnacloy Tyrone



The Owner/Occupier,  
 38 Moore Street Aughnacloy Tyrone  
 The Owner/Occupier,  
 4 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 4 Derrycush Lane Aughnacloy Tyrone  
 The Owner/Occupier,  
 44a Sydney Street Aughnacloy  
 The Owner/Occupier,  
 44b ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE  
 The Owner/Occupier,  
 44e ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE  
 The Owner/Occupier,  
 5 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 5 Derrycush Lane Aughnacloy Tyrone  
 The Owner/Occupier,  
 6 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 7 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 7-9 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE  
 The Owner/Occupier,  
 8 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 9 Aughnaree Manor Aughnacloy Tyrone  
 The Owner/Occupier,  
 9-11 ,Sydney Street,Aughnacloy,Tyrone,BT69 6AE  
 The Owner/Occupier,  
 Masonic House,Sydney Street,Aughnacloy,Tyrone,BT69 6AE  
 The Owner/Occupier,  
 Scout Hall,46 Sydney Street,Aughnacloy,Tyrone,BT69 6AE

**Date of Last Neighbour Notification**

14th February 2019

**Date of EIA Determination****ES Requested**

No

**Planning History**

Ref ID: LA09/2019/0166/F

Proposal: Change of House Type as approved under M/2008/1206/F.

Address: Sites 34, 36, 38, 40, 42, &amp; 44 Aughnaree Manor, Aughnacloy.,

Decision:

Decision Date:

Ref ID: M/1992/0045

Proposal: Site for Dwelling

Address: DERRYCUSH AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1999/6013

Proposal: Proposed land for housing Land behind Moore Street Aughnacloy

Address: Land behind Moore Street Aughnacloy

Decision:

Decision Date:

Ref ID: M/2001/0339/Q

Proposal: Housing Development

Address: Adjacent to and North of 34-36 Sydney Street Aughnacloy

Decision:

Decision Date: 10.01.2003

Ref ID: M/2002/1441/O

Proposal: Housing Development

Address: Adjacent to and North of 34-36 Sydney Street, Aughnacloy

Decision:

Decision Date: 28.04.2004

Ref ID: M/2001/0842

Proposal: Housing Development

Address: Land Adjacent to and North of 34, 36 Sydney Street, Aughnacloy

Decision:

Decision Date: 12.12.2001

Ref ID: M/2008/0088/F

Proposal: Amendment of previously approved road layout (M/2005/1953/RM) to increase road width.

Address: Adjacent and North of 34-36 Sydney Street, Aughnacloy

Decision:

Decision Date: 15.01.2009

Ref ID: M/2008/1206/F

Proposal: Change of house type on 26 sites and pair of additional semi detached houses, including alteration of road layout.

Address: Adjacent to and north of 34-36 Sydney Street Aughnacloy

Decision:

Decision Date: 22.07.2009

Ref ID: M/2002/1442/F

Proposal: Erection of Industrial Units

Address: Adjacent to & North of 34, 36 Sydney Street, Aughnacloy

Decision:

Decision Date: 05.02.2004

Ref ID: M/1984/0456

Proposal: EXTENSION TO CONCRETE MANUFACTURING WORKS

Address: 1 SYDNEY STREET, AUGHNACLOY

Decision:  
Decision Date:

Ref ID: M/1976/0139  
Proposal: IMPROVEMENTS AND REPAIRS TO DWELLING  
Address: SYDNEY STREET, AUGHNACLOY  
Decision:  
Decision Date:

Ref ID: M/2005/1953/RM  
Proposal: Housing development: 34 no. semi-detached dwellings  
Address: Adjacent to and North of 34-36 Sydney Street, Aughnacloy  
Decision:  
Decision Date: 29.10.2007

### **Summary of Consultee Responses**

No consultees necessary

### **Drawing Numbers and Title**

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0186/F	<b>Target Date:</b> 24/05/2019
<b>Proposal:</b> Retention of mobile home for temporary accommodation under CTY9.	<b>Location:</b> 98a Gortlenaghan Road Dungannon Co Tyrone.
<b>Referral Route: Recommendation to refuse</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Tony McElduff 98a Gortglenaghan Road Dungannon BT70 3AS	<b>Agent Name and Address:</b> Building Design Solutions 76 Main Street Pomeroy BT70 2QP
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Description of proposal

This is a full planning application for the retention of mobile home for temporary accommodation under CTY9.

#### Characteristics of Site and Area

The site comprises an agricultural field to the east and part of another field to the west. Access appears to be via an agricultural field gate at roadside where a 'beware of the dogs' sign hangs on a gate post. I did not enter the site due to potential health and safety risks. There is a mobile home visible from the roadside, located in the NW corner of the site. There does not appear to be any laneway leading to the site or area where the mobile home is situated, just a worn track in the field.

Agricultural land is the predominant land use in the area, with dispersed single dwellings and farm holdings. There is evidence of dwelling foundations to both the east and west of the site, finished to sub floor. Cappagh village lies approx. 3km to the north with Cabragh and the A4 dual carriageway approx. 3km to the south.

## **Planning Assessment of Policy and Other Material Considerations**

### **Planning Act 2011**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010- the site is located in open countryside on unzoned land. Until such times as an up to date area plan has been adopted, the policy provisions of SPPS and PPS21 apply.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, and Policy CT5 - Temporary Caravans and Mobile Homes are applicable to this application. In my opinion the proposal is not in compliance with CT1 in that the temporary mobile home will not cluster or consolidate and group with existing buildings. The site is however acceptable in terms of integration and rural character. However, design is not acceptable in that it is of a temporary nature within a rural context, however should the proposal only be retained for a temporary period then I would have no objections. I have no concerns with urban sprawl.

The proposal also fails to comply with Policy CT5 in that it has not been demonstrated that the temporary mobile home is to accommodate the development of a permanent dwelling or that there are compelling and site specific reasons related to personal and domestic circumstances.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

### **Relevant planning history**

There is an enforcement notice on this site for the removal of the mobile home. Enforcement action is ongoing but is paused pending the outcome of this subject planning application.

There is previous enforcement on this site, where an enforcement notice required the removal of unauthorised mobile buildings from the site and other materials and structures. These have been removed.

### **Key Planning Policy**

The proposal is for the retention of a mobile home on a site in the countryside for a temporary period. Planning Policy Statement 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including residential caravans and mobile homes in accordance with policy CTY9.

It is important to note that the newly published Strategic Planning Policy for Northern Ireland (SPPS) states that the policy provisions of PPS21 are retained until such times as a Plan Strategy for the whole of the council area has been adopted.

Policy CTY9 states that permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances including;

- pending the development of a permanent dwelling; or
- where there are compelling site specific reasons related to personal or domestic circumstances.

A firm proposal for a dwelling for the applicant (Mr Tony McElduff) does not exist and there is no planning history on this site to support this.

To the east of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

- M/2003/0005/O- outline approval for dwelling for Francis Rafferty, granted 24/03/2003;
- M/2003/1233/RM- reserved matters permission for dwelling and garage for Mr Gerry Small, granted 30/12/2003.

To the west of the site there is foundations of a dwelling finished to sub floor. The planning history for this site is;

- M/2001/1187/O- outline approval for a dwelling for Mr S McAleer, granted 31/12/2001
- M/2003/1231/RM- reserved matters approval for dwelling and garage for Mr Gerry Small

In terms of compelling site specific reasons relating to personal or domestic circumstances, some information has been provided (material of a sensitive nature and Members may want to discuss within closed session) in support of this but it is not clear why the applicant has to live at this particular site and could not live within a town or settlement.

A letter of support has been provided by an MLA and a Statement of Support by the Agent, but in my view this is not sufficient to warrant accommodation of a temporary nature in this mobile home. There are no compelling personal and domestic circumstances why this person has to live on this site for a temporary period or that genuine hardship would be caused if planning permission were refused therefore I advise Members that planning permission should not be granted.

The applicant/agent has also provided utility bills to show that electricity has been paid at this site for a period of over 5 years. In some cases development becomes immune from enforcement action if it has been in place for a period of over 5 years. This is not the case in this instance, as previous and current enforcement history on the site clearly demonstrates. Enforcement action is on going and a live enforcement notice exists on this site for the removal of the subject mobile home. In the past the applicant lived on a mobile home which was subsequently removed from the site. Since then a new mobile home has been brought onto the site (not sure of exact dates but some time after 07/06/2013 and before 12/05/2016 as evident from Ortho Maps).

The agent has also states in his written statement of support that the applicant grows potatoes on his land and sells these in the locality. Some hand written receipts have been provided from 2012 to 2017 which show sale of potatoes, signed by the applicant. There has been no P1C provided or verification from DAERA that this applicant is a bonafide farmer. Plus, there is no application submitted by the applicant for a dwelling on a farm therefore at present there does not seem to be any intention by the applicant to live on the land on a permanent basis. There is insufficient evidence to demonstrate that the applicant upkeeps the land in a good agricultural state. Plus the proposal is not sited to cluster with an existing group of buildings on the farm. In my view the applicant falls short in demonstrating that the temporary mobile home is a response to a farming need. No information has been proffered as to the applicants current domestic circumstances and that not living on this site would cause genuine hardship. In my view insufficient evidence has been provided to demonstrate a genuine case of need in this instance.

In terms of integration, the mobile home is well integrated onto the site and is not clearly visible when driving along this stretch of road. However, as the proposal is of a temporary nature, the design is not something that is seen as suitable for the countryside on a permanent basis. Should permission ever be granted, then the structure on site should be conditioned for removal after a specified period.

This proposal does not add or create a ribbon of development nor does it add or create or add to an unacceptable build up of development that would cause harm to the character of this area of countryside, therefore policies CTY8 and CTY10 are not offended.

**Other considerations**

No letters of objection have been received on this proposal.

There are no residential amenity concerns with this proposal.

The site is not subject to flooding and there are no contamination, human health or ecology issues to consider.

DfI Roads advise splays of 2.4m by 45m in both directions. In the event that Members agree this proposal I advise that these splays are put in place within 1 month from the date of the permission and permanently retained until such times as the mobile is removed from the

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That permission is refused for the following reasons.

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-it has not been demonstrated that the proposal is for the provision of temporary residential accommodation pending the development of a permanent dwelling;

-the applicant has not provided compelling and site specific evidence that a residential caravan/mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 <sup>th</sup> June 2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0238/F	<b>Target Date:</b> 7 <sup>th</sup> June 2019
<b>Proposal:</b> Proposed farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O	<b>Location:</b> 250m South of 23 Macknagh Lane Upperlands (Previously site of 17 Macknagh Lane now demolished)
<b>Referral Route:</b> The applicant is a son-in-law of a member of Planning Department in MUDC. As such, the application does not meet the scheme of delegation.	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Anthony McGuckin 1 Granaghan Park Swatragh BT46 5DY	<b>Agent Name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b> The proposal complies with CTY 10, 13 and 14 of PPS 21.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Coleraine Office	Error
Statutory	DAERA - Omagh	Advice
Statutory	DAERA - Coleraine	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. There are no neighbouring properties to be notified of the proposal. To date there have been no objections received. There have been no objections to this proposal from any consultee.

## Characteristics of the Site and Area

The application site is a 0.3 hectare parcel of land located approx. 250m South of 23 Macknagh Lane, Upperlands. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015 (MAP). There was previously a dwelling on this site (number 17 Macknagh Lane) but it has since been demolished. What remains is a concrete yard and two agricultural outbuildings. The existing yard and outbuildings are set back approx. 60m from the public road and are accessed via a tree-lined laneway. The laneway rises slightly from the level of the public road and falls gently again towards the yard, which sits at a similar level to the public road. The roadside boundary is defined by a low level gorse hedgerow. Mature trees line the NW boundary of the site, running along the existing laneway. A band of mature trees also runs along the front of the existing yard and agricultural buildings. The NE and SE boundaries are undefined on the ground.

This area is rural in character with a dispersed settlement pattern and gently undulating topography. The predominant form of development in the immediate area are single dwellings and agricultural buildings. The area is not subject to any Area Plan zonings or designations.

## Description of Proposal

This is a full application for a farm dwelling and garage in substitution of a dwelling approved under LA09/2017/0632/O.

## Planning Assessment of Policy and Other Material Considerations

### Planning History

H/2014/0117/O – 250m South of 23 Macknagh Lane. Farm dwelling and garage, approved on the 20th May 2014.

LA09/2017/0632/O – 250m South of 23 Macknagh Lane. Farm dwelling and garage, approved on the 30th June 2017.

The main policy considerations in the assessment of this application are:

- Magherafelt Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Draft Plan Strategy
- PPS 3 – Access, Movement and Parking
- PPS21 – Sustainable Development in the Countryside

### Magherafelt Area Plan 2015

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. It is not subject to any Area Plan designations. As such, existing rural planning policy will be applied (ie) PPS 21

## **SPPS – Strategic Planning Policy Statement for Northern Ireland**

The SPPS gives provision for development in the countryside subject to a number policy provisions, including policy for dwellings on Farms. It does not present any change in policy direction therefore existing rural policy applies (ie) CTY 10 of PPS 21

### **Mid Ulster District Council Draft Plan Strategy 2030**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application.

In my opinion the proposal is in compliance with all criteria contained in Policy GP1. It is in compliance with policy CT1 in that a dwelling on this site clusters, consolidates and groups with existing buildings. The site is acceptable in terms of integration and rural character. I have no concerns with urban sprawl. The proposal also complies with Policy CT2 part (e). This policy does not introduce any change in policy direction from that contained within Policy CTY 10 of PPS 21.

It is however acknowledged that no determining weight can be given to this document as it is only at early public consultation stage.

### **PPS 3 - Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves alteration of an existing access on to Macknagh Lane. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 60m splays. This can be dealt with by planning condition.

### **PPS21 – Sustainable Development in the Countryside**

#### **Policy CTY 10 – Dwellings on Farms**

**The farm business is currently active and established for at least 6 years.**

DAERA have been consulted with the applicants farm details and have confirmed that the Farm Business ID has not been in existence for the required 6 year period. It was only issued on the 19th May 2016. They have also confirmed that the applicant has not made any claims and that the site is located on land associated with another farm business.

The applicant has provided further detail on his P1C form which explains that he bought this existing farm business in 2014 and then applied for his own Business ID in 2016. The farm business has been continued as a complete entity and has not been sub-divided. He does not hold any entitlements and therefore cannot submit a BSP claim.

An application for a farm dwelling was approved on this site in 2014 based on the original farm business. It was accepted at that time that the farm business was active and established for the required 6 year period. An in-time renewal of H/2014/0117/O was also

approved on the 30th June 2017 under LA09/2017/0632/O and remains live. Given that this is a substitution for an unfettered permission, this application can be looked on favourably.

**No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.**

I have carried out a planning history search of the farm holding (based on the previous landowners farm map. The applicant does not have his own farm maps as he makes no claims). I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off.

**The new building is visually linked or sited to cluster with an established group of buildings on the farm.**

There are two small existing agricultural outbuildings on this holding. This proposal involves the removal of one of these outbuildings, with the second being retained. The proposed dwelling will be both visually linked and sited to cluster with the remaining outbuilding.

**Policy CTY 13 – Integration and Design**

The proposal is for a very large two storey detached dwelling with a single storey annex to the LHS and two storey annex to the RHS. It also includes a two storey triple garage, linked to the dwelling by a covered carport/walkway. Windows are generally small and vertical in proportion and there is an ornate single storey flat roof porch extending from the front elevation. The main body of the dwelling, except for the carport, is finished in dark grey locally sourced natural stone. There are brick surrounds, quoins and chimneys. The rear return and carport are finished in a smooth plaster and the roof in natural slate. There is also an element of timber cladding on the rear elevation of the garage.

Although the scale and massing of this dwelling is excessive, it is set back approx. 75m of the public road and will be well screened by a band of existing mature vegetation which will be conditioned to be retained. It also sits to the rear of an existing outbuilding which will help screen the proposed dwelling. Any critical views of the dwelling will be short term, filtered and primarily of the gables. On the basis of the quality of the screening and its set back position on a site that is similar in level to that of the public road, it is my opinion that it will not be overly prominent in the local landscape. New landscaping is proposed but will not be primarily relied upon for integration.

In terms of design, the proposed dwelling does keep a simple form. The porch however is overly ornate and is not a typically rural design feature. It would not normally be acceptable in a rural location, however in this instance it is acceptable given the integration quality of the site and the lack of any critical views. The same can also be said for the red brick surrounds, quoins and chimney's, however their visual impact will be minimal when viewed along with the dark grey natural stone on the main body of the dwelling.

It is acknowledged that the previous approvals on the site were for a single storey dwelling to be located to the front of the existing vegetation closer to the public road. A condition would have to be attached to ensure the substitution of the original dwelling.

**Policy CTY 14 – Rural Character**

For the reasons noted above I am of the view that this dwelling would not be unduly prominent subject to all existing vegetation being conditioned to be retained. I have no concerns with build-up or ribbon development in this particular area. I therefore am satisfied that this dwelling, if approved, will not erode the rural character of this area.

**Neighbour Notification Checked****Yes****Summary of Recommendation:**

Approve – Proposal complies with CTY 10, 13 and 14 of PPS 21

**Conditions**

1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2.The vehicular access including visibility splays of 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 15th May 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3.The existing mature trees as indicated in green on drawing number 02 rev 2, bearing date stamp 15th May 2019, shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

4.This approval is being granted in substitution of LA09/2017/0632/O and only one dwelling shall be erected within the red line boundary as indicated on drawing number 01 revision 1 bearing date stamp 8th April 2019.

Reason: To prevent accumulation of dwellings on the site and to protect the rural character of the area

5.The vehicular access including visibility splays of 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 15th May 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

### **Informatives**

1.Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	22nd February 2019
<b>Date First Advertised</b>	7th March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	<b>N/A</b>
<b>Planning History</b>  Ref ID: LA09/2019/0238/F Proposal: Proposed farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O Address: 250m South of 23 Macknagh Lane, Upperlands (Previously site of 17 Macknagh Lane, now demolished), Decision: Decision Date:	
Ref ID: H/2014/0117/O Proposal: Proposed new farm dwelling and garage Address: Site Approx 250m South of 23 Macknagh Lane, Upperlands, Maghera, BT46 5SL, Decision: PG Decision Date: 21.05.2014	
Ref ID: LA09/2017/0632/O Proposal: Proposed new farm dwelling and garage Address: Approx 250m South of 23 Macknagh Lane, Upperlands, Decision: PG Decision Date: 03.07.2017	



**Summary of Consultee Responses**

DAERA – No Objections

DFI Roads – No Objections

**Drawing Numbers and Title**

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0263/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed erection of infill dwelling and garage	<b>Location:</b> Land adjacent and rear of 23 Grange Road Moy
<b>Referral Route:</b> Objection Received	
<b>Recommendation:</b> APPROVE	
<b>Applicant Name and Address:</b> Mr Sam Smith 15 Grange Road Moy	<b>Agent Name and Address:</b> Sheila Curtin 47 Lough Fea Road Cookstown BT80 9QL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

one objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy

### **Characteristics of the Site and Area**

The site comprises a small portion of a larger agricultural field located adjacent to and to the rear of number 23 Grange Road, Dungannon. The site boundaries are undefined on the ground to the south and east, with a low cropped hedgerow and post and wire fence along the roadside North boundary and a mature hedgerow along the west. The site is relatively flat and currently used for agricultural grazing. There is a bungalow at number 23 Grange road to the west and another dwelling to the east at no.27.

The site lies within the open countryside outside all other areas of control. The site lies a short distance to the south of the M1 motorway and the settlement limits of Dungannon. The area is predominantly agricultural in nature with the immediate surrounding area characterised by agricultural fields and a scattering of single dwellings and farm holdings. There is also a small Quaker meeting hall located to the north at the T junction.

### **Description of Proposal**

The application seeks outline planning permission for an infill dwelling.

### **Planning Assessment of Policy and Other Material Considerations**

PPS 1 General Principles  
PPS 3 Access, Movement and Parking  
PPS 21 Sustainable Development in the Countryside  
SPPS

CTY 1 - Development in the Countryside  
CTY 8 - Ribbon Development  
CTY 13 - Integration and Design of Buildings in the Countryside  
CTY 14 - Rural Character

Between number 23 and 27 Grange Road, there is a gap of approx. 150 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the western portion of this gap, approx. 50m wide. The site lies in the middle of 3 dwellings, and 2 out buildings. In my opinion this row constitutes the definition of a substantially built up frontage. The gap between the frontages of development is approx 100 metres and is therefore sufficient to accommodate no more than 2 dwellings when taking into account existing plots sizes of between 55m and 65m and the roadside frontage size of surrounding dwellings. The proposal complies with policy CTY8 of PPS21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 7 metres ridge.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height and siting restriction to the application site. 7 metres.

One objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy.

With regards to the objectors concerns the application site is considered an infill opportunity, as it does not lengthen a row of existing dwellings it is not adding to or creating a ribbon of development but instead filling a gap site. The proposed dwelling would not be detrimental to the character, appearance or amenity of the countryside as it nestles in amongst a row of houses and outbuildings. The land is slightly more elevated than the ground level at the objectors dwelling, however the separation distances, combined with conditioning the ridge height of the dwelling and boundary treatment will result in any over looking or loss of privacy will be at a minimum.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy CT2 - Dwellings in the countryside (B – Dwelling infilling a small gap site) applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

The application was advertised on 14th March 2019 and Neighbour Notifications were issued on 11th March 2019.

#### **Neighbour Notification Checked**

**Yes**

#### **Conditions**

1.Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii.the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2.Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3.The proposed dwelling shall have a ridge height of less than 7 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

4.The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5.The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 28 FEB 2019.

Reason: To preserve the amenity and privacy of the adjoining dwellings.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in pink on the approved plan no.01 date stamped 28th FEB 2019. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: To preserve the amenity and privacy of the adjoining dwellings. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

7.Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 70.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

### **Informatives**

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any

other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th February 2019
<b>Date First Advertised</b>	14th March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 21 Dreemore Road Dungannon Tyrone The Owner/Occupier, 22 Dreemore Road Dungannon Tyrone The Owner/Occupier, 23 Grange Road Dungannon Tyrone The Owner/Occupier, 26 Grange Road Dungannon Tyrone The Owner/Occupier, 27 Grange Road Dungannon Tyrone Pauline Barbour 27 Grange Road, Dungannon, Tyrone,BT71 7EJ The Owner/Occupier, 29 Grange Road Dungannon Tyrone The Owner/Occupier, 31 Grange Road Dungannon Tyrone The Owner/Occupier, The Chandleloft 33 Grange Road Dungannon	
<b>Date of Last Neighbour Notification</b>	11th March 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0263/O Proposal: Proposed erection of infill dwelling and garage Address: Land adjacent and rear of 23 Grange Road, Moy, Decision: Decision Date:  Ref ID: M/1982/0130 Proposal: ERECTION OF DWELLING HOUSE Address: 25 GRANGE ROAD, GRANGE, DUNGANNON Decision: Decision Date:	



**Summary of Consultee Responses**

DFI Roads were consulted and responded with no objections subject to conditions.

**Drawing Numbers and Title**

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0264/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed erection of infill dwelling and garage	<b>Location:</b> Lands adjacent and immediately West of 27 Grange Road Moy
<b>Referral Route: Objections received</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Sam Smith 15 Grange Road Moy	<b>Agent Name and Address:</b> Sheila Curtin 47 Lough Fea Road Cookstown BT80 9QL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

#### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Summary of Issues

one objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy

## Characteristics of the Site and Area

The site comprises a small portion of a larger agricultural field located adjacent to and to the rear of number 23 Grange Road, Dungannon. The site boundaries are undefined on the ground to the south and east, with a low cropped hedgerow and post and wire fence along the roadside North boundary and a mature hedgerow along the west. The site is relatively flat and currently used for agricultural grazing. There is a bungalow at number 23 Grange road to the west and another dwelling to the east at no.27.

The site lies within the open countryside outside all other areas of control. The site lies a short distance to the south of the M1 motorway and the settlement limits of Dungannon. The area is predominantly agricultural in nature with the immediate surrounding area characterised by agricultural fields and a scattering of single dwellings and farm holdings. There is also a small Quaker meeting hall located to the north at the T junction.

## Description of Proposal

Proposed erection of infill dwelling and garage

## Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles  
PPS 3 Access, Movement and Parking  
PPS 21 Sustainable Development in the Countryside  
SPPS

CTY 1 - Development in the Countryside  
CTY 8 - Ribbon Development  
CTY 13 - Integration and Design of Buildings in the Countryside  
CTY 14 - Rural Character

Between number 23 and 27 Grange Road, there is a gap of approx. 150 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the Eastern portion of this gap, approx. 50m wide. The site lies in the middle of 3 dwellings, and 2 out buildings. In my opinion this row constitutes the definition of a substantially built up frontage. The gap between the frontages of development is approx 100 metres and is therefore sufficient to accommodate no more than 2 dwellings when taking into account existing plots sizes of between 55m and 65m and the roadside frontage size of surrounding dwellings. The proposal complies with policy CTY8 of PPS21.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 7 metres ridge.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a

dwelling of a suitable size and scale. I would recommend imposing a height and siting restriction to the application site. 7 metres.

One objection received from neighbour at number 27 Grange Road.

Concerns include; creating a ribbon of development, build up, lack of boundaries and higher ground result in overlooking, loss of privacy.

With regards to the objectors concerns the application site is considered an infill opportunity, as it does not lengthen a row of existing dwellings it is not adding to or creating a ribbon of development but instead filling a gap site. The proposed dwelling would not be detrimental to the character, appearance or amenity of the countryside as it nestles in amongst a row of houses and outbuildings. The land is slightly more elevated than the ground level at the objectors dwelling, however the separation distances, combined with conditioning the ridge height of the dwelling and a planting scheme to the eastern boundary will result in any over looking or loss of privacy will be at a minimum.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy CT2 - Dwellings in the countryside (B – Dwelling infilling a small gap site) applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

The application was advertised on 14th March 2019 and Neighbour Notifications were issued on 11th March 2019.

Recommend Approve.

#### **Neighbour Notification Checked**

**Yes**

#### **Conditions**

1.Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i.the expiration of 5 years from the date of this permission; or
- ii.the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2.Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3.The proposed dwelling shall have a ridge height of less than 7 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

4.The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5.The proposed dwelling shall be sited in the area shaded yellow on the approved plan date stamped 28 FEB 2019.

Reason: To preserve the amenity and privacy of the adjoining dwellings.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in pink on the approved plan no.01 date stamped 28th FEB 2019. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: To preserve the amenity and privacy of the adjoining dwellings.During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

7.Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 70.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

### **Informatives**

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the

Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road. Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road. Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th February 2019
<b>Date First Advertised</b>	14th March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 21 Dreemore Road Dungannon Tyrone The Owner/Occupier, 22 Dreemore Road Dungannon Tyrone The Owner/Occupier, 23 Grange Road Dungannon Tyrone The Owner/Occupier, 26 Grange Road Dungannon Tyrone The Owner/Occupier, 27 Grange Road Dungannon Tyrone Pauline Barbour 27 Grange Road, Dungannon, Tyrone,BT71 7EJ The Owner/Occupier, 29 Grange Road Dungannon Tyrone The Owner/Occupier, 31 Grange Road Dungannon Tyrone The Owner/Occupier, The Chandleloft 33 Grange Road Dungannon	
<b>Date of Last Neighbour Notification</b>	11th March 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0264/O Proposal: Proposed erection of infill dwelling and garage Address: Lands adjacent and immediately West of 27 Grange Road, Moy, Decision: Decision Date:  Ref ID: LA09/2017/0218/PAD Proposal: Dwelling Address: East of 23 Grange Road, Moy, Decision: Decision Date:	



Ref ID: LA09/2016/1305/PAD

Proposal: Proposed dwelling in an existing cluster, would appear to be consistent with CTY 2A in that there are more than 4 dwellings, A Quaker Meeting House + Hall

Address: Lands to west of 23 Grange Road, Dungannon BT71 7EJ,

Decision:

Decision Date:

Ref ID: M/1995/0279

Proposal: Extension to dwelling

Address: 27 GRANGE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2008/0648/F

Proposal: Proposed 2 storey extension to side of dwelling

Address: 27 Grange Road, Dungannon. BT71 7EJ

Decision:

Decision Date: 22.10.2008

Ref ID: M/1978/0835

Proposal: EXTENSION AND IMPROVEMENTS TO DWELLING

Address: 27 GRANGE ROAD, DUNGANNON

Decision:

Decision Date:

### **Summary of Consultee Responses**

DFI Roads consulted with no objections subject to conditions

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0272/O	<b>Target Date:</b>
<b>Proposal:</b> New single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage.	<b>Location:</b> Land approx. 90 metres North West of 4 Dunronan Road Moneymore Magherafelt BT45 7SU.
<b>Referral Route:</b>  To Committee - Refusal - Does not meet any cases for residential development stated in CTY 1 of PPS 21	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Michael J Wilson 97 Loup Road Moneymore Magherafelt BT45 7ST	<b>Agent Name and Address:</b>
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

To Committee – Refusal - Does not meet any cases for residential development stated in CTY 1 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 0.3km NW of the development limits The Loup and is situated within the open countryside as per the Cookstown Area Plan 2010. The site is identified as land approx. 90 metres North West of 4 Dunronan Road, Moneymore in which the site is located within a portion of a much larger agricultural field in which the northern section of the site is covered by mature tree. The proposed site intends to create a new access onto the Dunronan Road with access going over an existing waterway that is to be piped. The agricultural field is bounded on all boundaries by mature line of hedging, it is noted that the south eastern of the site remains undefined.

The immediate and surrounding area is defined by a mix of residential and agricultural land uses.

#### Representations

Four neighbour notifications were sent out however one objection was received.

### Description of Proposal

This is an outline application for a new single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage. The site is identified as land approx. 90 metres North West of 4 Dunronan Road, Moneymore.

### Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

I note the application has been submitted with no supporting statement to confirm under which policy under PPS 21 the applicant wants this to be considered. A letter was sent to applicant gain confirmation of this and the applicant rang to confirm that the application was to be considered under CTY 13 and 14. The applicant was then told that the application must be considered under one of the relevant policies for residential development stated in CTY 1, wherein the applicant confirmed that it may be considered under a farm case. However I note that no additional information or farm information was subsequently submitted therefore the application is to be considered as per submitted.

As there is no clear indication on how the applicant wants this application to be considered it will be broadly considered under all policies of PPS 21. CTY 1 of PPS 21

states that planning permission will be granted for an individual dwelling under a number of cases; taking each policy separately are as below:

CTY 2 – the application is not located within the a Dispersed Rural Community  
 CTY 2a – Site not considered as cluster, does not appear as a visual entity, there is not four or more buildings, no focal point and it is not bounded on two sides.  
 CTY 3 – Cannot be considered as a replacement as no buildings within the site.  
 CTY 4 – As noted no buildings on the site that could be converted  
 CTY 5 – this is single dwelling and not for social or affordable housing  
 CTY 6 – No personal or domestic circumstances have been submitted  
 CTY 7 – No information that the dwelling is for a non-agricultural business enterprise  
 CTY 8 – There is no line of continuous and built up frontage, in that the site is not located within a gap between buildings.  
 CTY 9 – Application is not for a residential caravan or mobile home  
 CTY 10 – No Farm case has been submitted.

From the above it is clear that the site has not complied with any relevant criteria under which CTY 1 allows for a dwelling and therefore I must recommend refusal.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is noted that this is an outline application therefore the exact siting and design details have not been submitted, however an indicative position has been submitted which I acknowledge could visually integrate into the landscape. From this I am content that an appropriately designed dwelling will not appear as prominent in the landscape. Additional landscaping would be necessary for the new boundaries with the retention of as much of the existing landscaping as possible. A landscaping scheme would therefore be necessary in any reserved matters application. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that an appropriately designed dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;  
 DFI Roads were consulted and confirmed that they had no objection to the proposal subject to conditions and informatives.

I note that the Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies CT1 – General Principles and CT2 – Dwellings in the Countryside.

With regards to CT1 I am content that the proposed application is capable of visually integrating whilst respecting rural character and will not result in urban sprawl nor mar the distinction between a settlement and countryside. As this is only an outline application there has been no design submitted however only an appropriately designed will be accepted in this location. Furthermore I am not content that the proposed dwelling would be able cluster with existing surrounding buildings due to the separation distance and intervening landscaping and from this does not fully comply under CT1.

In terms of CT2, as noted no case has been put forward and upon review of the policies under CT2 I note that the application would not comply under any of these. From this I am of the opinion that the application would fail under CT2 and ultimately would not comply under the Draft Strategy. However I note that the Draft Strategy is at the early consultation stage therefore there is no significant determining weight given at this stage.

As the application has failed to demonstrate its compliance with any of the relevant policies under PPS 21 as stated under CTY 1 therefore I must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st March 2019
<b>Date First Advertised</b>	14th March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0272/O Proposal: New single storey dwelling approximately 2500sq ft. to consist of approximately 4 bedrooms, 2 bathrooms, 1 open plan kitchen/living space and detached garage. Address: Land approx. 90 metres North West of 4 Dunronan Road, Moneymore, Magherafelt, BT45 7SU., Townland: Ballynenagh, Decision: Decision Date:	
Ref ID: I/2003/0473/O Proposal: Site for new dwelling and garage Address: site 400m North of Ballynenagh Primary School, Ballyronan, Maherafelt Decision: Decision Date: 27.08.2003	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 4th June 2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0276/RM	<b>Target Date:</b> 11th June 2019
<b>Proposal:</b> Proposed 1 No. chalet house	<b>Location:</b> Site to rear of Nos 93 and 93a Granville Road Dungannon
<b>Referral Route:</b> Objection	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Kevin McVeigh 106 Granville Road Dungannon	<b>Agent Name and Address:</b> Daly, O'Neill and Associates Ltd 23 William Street Portadown BT67 9FD
<p><b>Executive Summary:</b> Contacted via email 10th April 2019 by Rosemary Barton MLA Office requesting a site meeting on account of an objection from the neighbouring property.</p> <p>Responded 11th April 2019 to advise Planning was unable to agree to a request for a site meeting as this was not part of Mid Ulster Planning Protocol. However, a site visit had been carried out and all concerns raised in the objection letters on file would be taken into account and considered as part of the planning assessment. And the application would go to the next available Planning Committee Meeting which would be held in June and in accordance with Mid Ulster Planning Protocol speaking rights can be requested at this time.</p>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Characteristics of the Site and Area

There does not appear to be any significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area by enlarge remain as per LA09/2017/1693/O.

The site comprises a long rectangular shaped plot of land including a set of semi detached dwellings located at the front portion of the site. The site is located to the rear of number 93 and 93A Granville Road, Dungannon. The dwellings are finished in red brick with dormer windows and a small storm porch on the front elevation. They have a small front lawn and a shared tarred drive which is enclosed by a timber d-rail fence. To the rear of the site there is a much larger shared garden area which rises gently away from the dwellings. It is enclosed to the rear and

side (North and West) by a row of mature trees and to the other side (East) by a low cropped hedgerow.

The site lies within the settlement limits of Granville. The rear of the site bounds the existing industry and business zone, hence the existence of the industrial estate and associated factories. Granville itself is located just a short distance to the South West of Dungannon.

### **Description of Proposal**

This is a reserved matters application for a dwelling be located on lands to the rear of numbers 93 and 93a Granville Road, Granville. This proposal gained outline approval under outline application LA09/2017/1693/O.

LA09/2017/1693/O granted permission for a chalet type dwelling on the 6<sup>th</sup> December 2018, therefore the principle of this development has already been established on site subject to a number of conditions set out under the outline application.

This current application seeks consent for matters reserved under the outline application.

### **Planning Assessment of Policy and Other Material Considerations**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

#### **The following documents provide the primary policy context for the determination of this application:**

Regional Development Strategy 2030 (RDS)  
Dungannon and South Tyrone Area Plan 2010 (DSTAP)  
Strategic Planning Policy Statement for Northern Ireland (SPPS)  
Planning Policy Statement 3 Access, Movement and Parking  
Planning Policy Statement 7 Quality Residential Environments  
Planning Policy Statement 7 (addendum) Safeguarding the character of Residential Environments  
Creating Places  
DCAN 8 Housing in Existing Urban Areas

The Mid Ulster District Council Local Development Plan 2030 - Draft Strategy published February 2019

### **Planning History**

- LA09/2017/1693/O - Proposed 1No. Chalet house - site to the rear of 93 and 93A Granville Road, Dungannon – Approval granted 13th December 2018
- M/2001/0767/F - Erection of 2 no. two storey semi-detached dwellings - 93 Granville Road, Dungannon – permission granted 14th February 2002
- M/2000/1060/O - Replacement dwelling - 93 Granville Road Dungannon – permission granted 20th November 2000

**The Dungannon and South Tyrone Area Plan 2010** identify the site as being located within the development limits of Granville which gives favourable consideration to proposals subject to criteria outlined within the plan policy. There are no specific designations or zonings within the area plan.

**The Strategic Planning Statement** published September 2015 retained a number of existing policies, of which Planning Policy Statement 7 was one and the relevant policy in this assessment of this application proposal. As detailed above the principle of a dwelling on this site has already been established under the outline approval on site LA09/2017/1693/O. A number of conditions were attached to this approval including:

- a time restriction for the submission of the reserved matters application;
- an under build restriction that the proposed dwelling has a FFL no greater than 0.3m above existing ground level;
- a site plan be submitted as part of the reserved matters application to show visibility splays of 2.4m x 90m; and
- a landscaping scheme.

All these conditions have been met. Matters reserved under the outline application for further consideration include the siting, design and external appearance of the building and landscaping of the site.

**PPS 7 – Quality Residential Environments** - all proposals for residential development will be expected to conform to certain criteria outlined in Policy QD1 of PPS 7: Quality in New Residential Development and I am content that in this instance and in terms of its siting, design and external appearance, means of access thereto and landscaping this proposal does.

The dwelling which is 1 ½ storey (6.5m ridge height) but of bungalow appearance has a simple rectangular floor plan and pitched roof construction. It has 2 upper floor bedroom windows one in either gable and 3 small velux windows in the roof, one to the front offset to the west side of a small recessed front porch and 2 to its rear to provide light to a bedroom and landing. Finishes to the dwelling are as follows:

Walls: brick

Roof: blue/black tiles

Windows: white uovc

Gutters and Downpipes: white upvc

The siting of the dwelling to the rear of Nos, 93 and 93a Granville Road has already been considered under the outline application on site and deemed acceptable (see drawing 2A of outline application).

Whilst this proposal involves the erection of a dwelling to the rear of existing dwellings which would normally be considered back land development and not acceptable, in instance it was as there were already a number of back land dwellings built to the North East and as such the precedent set. In terms of amenity issues it was considered that the rear double garage of the existing dwellings Nos. 93 and 93a would protect them and vice versa the proposed dwelling from overlooking, acting as a screen. And that the position of the two garages to the east and west of the site would be in the direct line of sight of the proposed dwelling therefore screening the neighbouring properties (to the NE and SW) private amenity area to their immediate rear . And that as such it should have an unacceptable adverse impact on the neighbouring dwellings.

I am content that the siting of the dwelling is acceptable and that subject to a condition that the upper floor window in its north eastern gable being opaque it should have no significantly detrimental impact on the residential amenity of the neighbouring properties in terms of overlooking or overshadowing. This is due to existing separation distances and its design and orientation fronting unto existing garages to the rear of and protecting the amenity of 93 and 93a Granville Road. There are no upper floor windows looking towards nos.93 and 93a. Nor or there

any ground floor windows in the gable elevation facing northeast towards nos. 91b and 91a Granville Road therefore subject to the upper floor window in this gable being opaque there should be no overlooking to these or other properties to the north east. Whilst there is a bathroom window in the other gable of the proposed property the private amenity of nos. 95 and 93a Granville Road should not be significantly impacted as this is not a main serving window and if through existing vegetation along the site boundary to this side there was any overlooking it would be over the very rear of their gardens.

With regard to the size, orientation and design (including finishes) of the dwelling (note there was no ridge height restriction attached to the outline application). I am content that it is proportionate to the site and existing dwellings in the vicinity. I am content that the design of the dwelling draws upon the best local traditions of form, materials and detailing and is generally in keeping with the design and finishes of dwellings in the vicinity.

Private amenity space is provide to the rear of the property in excess 70m2 recommended.

Planting is proposed to the northeast, northwest and southeast boundaries further enclosing the site and protecting the proposed dwelling and adjacent properties amenity.

#### **PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas**

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the proposed design of the building is generally in keeping with the existing character of the area and the unit size is not less than recommended in Annex A of this policy.

#### **PPS 3 – Access, Movement and Parking**

The site is proposed to be accessed off the Granville Road via a shared access with Nos. 93 and 93a Granville Road. DFI Roads have been consulted and have no objections to the access arrangements proposed off the Granville Road including visibility splays of 2.4m x 90m in both directions as stipulated under the outline. And I am content in-curtilage parking for 2 vehicles is accommodated within the site.

**The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy** was launched Feb 2019. The principle policy consideration would be Policy GP1 – General Principles Planning Policy, Policy HOU2 – Quality Residential Development, and TRAN4 Access onto Protected Routes and Other Route Ways, which are applicable to this application. This proposal is in keeping with these policies and as such the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as at this early stage.

#### **Representations**

Two letters of objection in relation to this proposal have been received. One on the 20<sup>th</sup> March 2019 from Mrs Avril Gillespie the owner/occupier of No. 91B Granville Road the property immediately adjacent and east of the site. The other on the 25<sup>th</sup> March 2019 from Mrs Patricia Davies the owner/occupier of No. 91A Granville Road the property adjoining 91B Granville Road to its east.

The issues raised by Mrs Gillespie are as follows:

- Siting - Stated the dwelling would not be in line with any other houses on Granville Rd and thus not in keeping with the character of the area.

- Privacy / amenity - Stated the dwelling would be 6.5m high with an upper floor windows in its gable elevation which would overlook/overshadow rear garden.
- Property value - Stated the dwelling would impact value of property.

The issues raised by Mrs Patricia Davies were similar to Mrs Gillespie's above that the siting would not be consistent with existing houses on the road and that it would overlook and thus impact her privacy / amenity. Mrs Davies also stated the proposal would result in overcrowding and extra noise.

The issues raised above have been taken into consideration in the assessment of this proposal and the opinion has not changed. The dwelling meets the conditions of the outline approval. The siting was agreed under the outline as the precedent was set by other backland development in the immediate area e.g. no. 87a Granville Rd adjacent Mrs Davies property to the east. I believe the design of the dwelling should not impact the objectors private amenity space to any unreasonable degree subject to the gable window in its northeastern gable being opaque glass. I agree that in the absence of opaque glass it would overlook their rear gardens to an unreasonable degree. No other windows look unto their properties. In terms of overshadowing I am content that as the sun rises in the east and sets in the west this should not significantly impact Mrs Gillespie's garden. The impact of the proposal on property value is not a planning matter. And I do not believe one dwelling in this residential area on a site with the capacity to absorb it should create any significant noise issues.

#### **Additional Considerations**

Flood Maps NI indicate the site to be developed is not subject to flooding.

NIEA and HED online map views highlight no natural environment areas of interest or built heritage interests on site.

The site is in close proximity to an existing meat processing plant. Environmental Health were consulted under the outline application and raised no objection to this proposal subject to a standard informative that this be brought to the attention of the applicant.

**Taking all of the above into consideration case officer recommendation is to approve.**

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: Approve**

#### **Conditions**

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- The expiration of a period of 5 years from the grant of outline planning permission; or
- The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. All proposed landscaping as detailed on Drawing No. 02, bearing the date stamp received 4 MAR 2019, shall be carried out during the first available planting season following the occupation

of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the development integrates and to ensure the maintenance of screening to the site.

3. The window in the first floor north eastern gable elevation of the dwelling hereby approved shall be opaque glass.

Reasons: In the interests of residential amenity.

4. The vehicular access, including visibility splays of 2.4m x 90m in both directions and forward sight distance shall be provided in accordance with Drawing No. 02, bearing the date stamp received 4 MAR 2019 prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road uses.

#### Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This permission relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

5. Transport NI comments:

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- The developer should note that this planning approval does not give consent to discharge water into a DfI Transport NI drainage system.

Notwithstanding the terms and conditions of Mid Ulster District Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

**Signature(s)**

**Date:**



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0300/O	<b>Target Date:</b>
<b>Proposal:</b> Site for a new dwelling and garage	<b>Location:</b> Between 34 & 36 Coagh Road Cookstown
<b>Referral Route:</b> Refusal – doesn't comply with policy requirements of CTY 8 of PPS 21.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> William & Heather Hutchinson 106 Old Coagh Road Cookstown BT80 8RQ	<b>Agent Name and Address:</b> Rodney Henry 2 Liscoole Cookstown BT80 8RG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Not considered to be in compliance with CTY 8 of PPS 21.

### Characteristics of the Site and Area

The site is located at lands between 34 and 36 Coagh Road, Cookstown. The site is located within the countryside as designated within the Cookstown Area Plan 2010. The red line of the site includes a roadside agricultural field which is generally quite flat throughout. The boundaries of the site vary between hedging along the northern boundary and fencing providing the boundary from the site to neighbouring properties. The existing access which serves the properties to the west runs along the south of the application site. The surrounding land uses are predominantly rural with dispersed dwellings.

**Description of Proposal**

Outline planning permission is sought for a proposed dwelling and garage.

**Planning Assessment of Policy and Other Material Considerations**Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 30a, 32, 33, 34, 35, 36 and 38 Coagh Road. At the time of writing, no representations were received.

Planning History

There is not considered to be any relevant planning history associated with the site.

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy

The Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits, located East of Cookstown Settlement Limit. There are no other specific designations or zonings.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. At present, the proposal is in line with the policies held within this document, more specifically Policy CT1 and criterion (b) of Policy CT2 however it must be noted that Draft Plan Strategy holds no determining weight as it is only at early consultation stage.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the

policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site does not meet the policy test in that there isn't a continuous built up frontage along this stretch of Coagh Road. At present, there are two dwellings directly west of the site with accompanying outbuildings located north of each of these dwellings. To the east is another dwelling with associated garage to the rear of it. It is considered that neither of the dwellings located to the west have a frontage with the road and therefore cannot be considered under this policy. Taking into considered what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal fails this policy requirement. It is considered that the gap shown within the red line would be sufficient to accommodate no more than two dwellings when taking into account existing plot sizes along this road.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Whilst a dwelling would not be prominent due to the topography, the site lacks any defined boundary to aid with integration. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. Adding an additional dwelling on this important visual break would in my view result in a suburban build-up of dwellings.

DfI Roads were consulted and have no objection to the proposal subject to condition.

<b>Neighbour Notification Checked</b>	Yes
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#### **Summary of Recommendation:**

It is considered the proposal is not in compliance with the relevant planning policy and thus refusal is recommended.

#### **Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development along this stretch of Coagh Road.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would if permitted not respect the traditional pattern of settlement exhibited in that area, and would, if permitted create a ribbon of development at that part of the Coagh Road and therefore result in detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

NNEX	
<b>Date Valid</b>	8th March 2019
<b>Date First Advertised</b>	21st March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 30a Coagh Road Cookstown The Owner/Occupier, 32 Coagh Road Cookstown Tyrone The Owner/Occupier, 33 Coagh Road Cookstown Londonderry The Owner/Occupier, 34 Coagh Road Cookstown Tyrone The Owner/Occupier, 35 Coagh Road Cookstown Tyrone The Owner/Occupier, 36 Coagh Road Cookstown Tyrone The Owner/Occupier, 38 Coagh Road, Cookstown, Tyrone, BT80 8TB	
<b>Date of Last Neighbour Notification</b>	20th March 2019
<b>Date of EIA Determination</b>	

ES Requested	No
<p><b>Planning History</b></p> <p>Ref ID: LA09/2019/0300/O  Proposal: Site for a new dwelling and garage  Address: Between 34 &amp; 36 Coagh Road, Cookstown,  Decision:  Decision Date:</p> <p>Ref ID: I/1993/0453  Proposal: Dwelling and Garage  Address: 32 COAGH ROAD DRUMCRAW COOKSTOWN  Decision:  Decision Date:</p> <p>Ref ID: I/1993/0453B  Proposal: Dwelling &amp; garage  Address: 32 COAGH ROAD DRUMCRAW COOKSTOWN  Decision:  Decision Date:</p> <p>Ref ID: I/1979/0265  Proposal: PETROL FILLING STATION AND KIOSK/SHOP  Address: DRUMCRAW, COOKSTOWN  Decision:  Decision Date:</p> <p>Ref ID: I/1979/0109  Proposal: PETROL FILLING STATION AND BODY REPAIR WORKSHOP  Address: DRUMCRAW, COOKSTOWN  Decision:  Decision Date:</p> <p>Ref ID: I/2004/0328/O  Proposal: Dwelling and garage  Address: Adjacent to 38 Coagh Road, Cookstown  Decision:  Decision Date: 19.09.2006</p> <p>Ref ID: I/1993/0103  Proposal: Retirement Dwelling  Address: OPPOSITE 35 COAGH ROAD DRUMCRAW COOKSTOWN  Decision:  Decision Date:</p>	

Ref ID: I/1999/0286  
 Proposal: Dwelling and Garage  
 Address: Opposite 35 Coagh Road Cookstown  
 Decision:  
 Decision Date: 09.11.2000

Ref ID: I/2003/0246/RM  
 Proposal: Retirement farm Dwelling  
 Address: 100m approx west of 33 Coagh road, Cookstown  
 Decision:  
 Decision Date: 06.06.2003

Ref ID: I/2003/0373/A41  
 Proposal: Proposed sun room and utility room extension  
 Address: Coagh Road, Drumcraw, Cookstown  
 Decision:  
 Decision Date:

Ref ID: I/2001/0382/O  
 Proposal: Retirement Dwelling  
 Address: Opposite 35 Coagh Road, Cookstown  
 Decision:  
 Decision Date: 30.12.2002

### **Summary of Consultee Responses**

No issue.

### **Drawing Numbers and Title**

Drawing No. 01  
 Type: Site Location Plan  
 Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0344/O	<b>Target Date:</b> 27th June 2019
<b>Proposal:</b> Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work.	<b>Location:</b> Site adjacently south of 63 Anneeter Road Cookstown Co Tyrone BT80 0HZ.
<b>Referral Route:</b> Objection	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Oliver Conlon 36 Pairc Na Mona Ardboe Road Cookstown BT80 0HT	<b>Agent Name and Address:</b> Paul Quinn 61c Anneeter Road Cookstown BT80 0HZ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Characteristics of the Site and Area

The site, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 1 mile north east of Moortown and only approx. 100 metres west of Lough Neagh and a Commercial Fishing Quay.

The site which is a relatively flat, square shaped plot comprising the back corner of a much larger agricultural field is set back approx. 150 metres from the Anneeter Road which it is proposed to be accessed off via an existing concrete lane serving 2 existing dwellings and the Fishing Quay to its east.

The site nestles in a corner created by the curtilage of the 2 existing dwellings on the lane, nos. 63 and 63a Anneeter Road. The party boundary of the site with no. 63, is defined by a mature hedge approx. 1.2m high. The party boundary with no. 63a is defined by a mix of hedgerow

vegetation. The western (front) and southern boundaries are undefined and open unto the larger field from which the site is cut. The lane proposed to serve the site is bound to its south side by a hedgerow and north side by mature trees. The site is proposed to be accessed off this lane along the front of no. 63's curtilage.

There will be no views of the site on the northern approach due to the existing mature trees/vegetation running along the proposed access lane to the site. And limited views on the southern approach largely until passing along the accesses to No.59a Anneeter Rd and the site, due the topography of the area and its location set back from the road screened by existing roadside development located around the bend in the road and Fish Processing Plant to its south west, existing vegetation in the area.

The immediate area surrounding the site is rural in character, located on the shore of the Lough. However, it has come under considerable development pressure in recent times with a number of single dwellings with ancillary buildings and shed clustered around the Fishing Quay to the east. This development extends south west to a bend in the Anneeter Road and includes a Fish Processing Plant just 100m to the south west.

### **Description of Proposal**

This is an outline application for a dwelling and garage on lands adjacently south of 63 Anneeter Road Cookstown.

### **Planning Assessment of Policy and Other Material Considerations**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The following documents provide the primary policy context for the determination of this application

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 15 (Revised): Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

CTY1 - Development in the Countryside

CTY2a - New Dwellings in Existing Clusters

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster Local Development Plan 2030 – Draft Strategy published February 2019

### Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objections were received both from the owner / occupier of no 65 Anneeter Road, the dwelling located immediately adjacent and north of the proposed access to the site off Anneeter Road, Mr J McLernon.

1. Mr McLernon's initial objection received 4th April 2019 was objecting to the sight lines and to anything else encroaching on his property boundary fence /hedge.
2. Mr McLernon's second follow on objection received 8th April 2019 outlined the applicant had completed Certificate A that they are in actual possession of all lands connected with the application. Mr McLernon however states the applicant is not, that the proposed sightlines encroach on this land and as such he should have been notified.

As the site location plan submitted shows the sightlines encroaching onto McLernon's land the Planning Department contacted the applicant's agent on the 30th April 2019 and requested an amended P2 Certificate (certificate of ownership) to address the above P2 Challenge received and to consider his proposal further. The applicant subsequently submitted an update P2 Certificate, Certificate C serving notice on the relevant parties and I am content as any planning permission granted will not confer title. It will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

#### History on Site

- I/2004/0083/O - Site for Dwelling - 50 M South of 63 Anneeter Road, Moortown, Coagh, Cookstown - 16.04.2004
- I/2006/1231/RM - Domestic dwelling - Proposed dwelling @ 50 metres south of 63 Anneeter Rd, Coagh, Cookstown, Co.Tyrone - 10.05.2007

The above applications relate to an approval to the south side of the site. Historical orthos show footings on this site. On the day of site inspection these were overgrown.

- I/2006/0970/F - Private Access Lane Lighting - 63 Aneeter Road, Coagh, Cookstown - 06.12.2007

The above application relates to the access lane proposed to access the site.

#### Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

#### Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside, the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

This is a cluster of development lying outside of a farm and consisting well in excess of four or more buildings of which more than three are dwellings.

- The cluster appears as a visual entity in the local landscape.

The cluster of development (as detailed in the 'Characteristics of the Site and Area' above) which around the Fishing Quay and extending southwest, does appear as a visual entity in the local landscape when viewed from and travelling along the Anneeter Rd on both the northern and southern approach to the site. In particular on the more open and elevated northern approach to the site's access from the bend in the Anneeter Road to the south west just before and passing the Fish Processing Plant.

- The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.

The site is associated with a Commercial Fishing Quay and Fish Processing Plant on the shores of Lough Neagh approx. 100m to the east of the site.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

The site is nestled next to two existing properties no.63 and 63a and their curtilage (as detailed in the 'Characteristics of the Site and Area' above) which bound it on two sides. I consider these properties and existing vegetation on their party boundaries with the site provides both a backdrop and a suitable degree of enclosure that both will aid the integration of a dwelling.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

Due to the enclosed nature of the site and the existing development in the immediate vicinity a dwelling could be absorbed into the existing cluster through consolidation with no significant impact on the existing character, or visually intruding into the open countryside.

- Development would not adversely impact on residential amenity.

I'm of the opinion that subject to a 5.5m ridge height restriction, a dwelling and garage of an appropriate size, scale, design and layout to be considered further under any subsequent reserved matters application could be absorbed onto this site without significant adverse impact on the residential amenity of neighbouring properties. A block plan was submitted with this application for information purposes and I am content adequate separation distances between the proposed property and existing / potential (see 'History on Site' above) could be readily achieved. Augmenting the existing boundaries has also been indicated on the block plan as part of the potential landscaping proposed which would further minimise any potential adverse impacts in terms of overlooking to any unreasonable degree.

#### Other Policy and Material Considerations

Flood Maps NI indicate no flooding on site.

Environmental Health were not considered necessary as whilst the site is located close to a Fish Processing Plant to its south west it is no closer than existing properties as such I had no concerns

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there

are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However I am content that as this site is on improved grassland, in relatively built up area within a cluster of existing dwellings this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species. And 'DAERA Environmental Advice for Planning - Standing Advice - Priority species' – which is advice for planning officers to inform decision making and applicants seeking planning permission for development of land which may impact on priority species, can be attached to any decision notice as an informative. It has 'Specific Advice for Some Species', breeding waders being one. For wintering waders and waterbirds at coastal sites - Lapwing, Golden Plover, Knot, Dunlin, Black-tailed Godwit, Whimbrel, Curlew, Redshank, ducks, geese, gulls:

- retain intertidal habitats
- avoid disturbance to traditional high-tide roost sites
- no works in feeding habitat between 1st November and 28th/29th February

The proposal will be conditioned to be under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar.

**Recommend: Approval**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:** Approve subject to standard conditions and informatives

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and elevations of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The proposed dwelling shall be sited as indicated on approved Drawing No. 02 bearing the date stamp received 14 MAR 2019.

Reason: In the interests of visual amenity.

5. The proposed dwelling shall have a ridge height of no greater than 5.5 metres above finished floor level.

Reason: In the interest of visual and residential amenity

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

7. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: In the interest of visual amenity.

8. The existing natural screenings of this site as indicated in pink on Drawing No. 02 bearing the date stamp received 14 MAR 2019, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

Reason: To ensure the maintenance of screening to the site.

9. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; and details of a native species hedge to be planted along all new boundaries as identified in yellow on Drawing No. 01 bearing the date stamp received 14 MAR 2019. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual and residential amenity.

10. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m x 45m in both directions onto the public road and a forward sight distance of 45m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved and the area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

#### Informatives

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
6. A Consent to Discharge Sewage Effluent should be obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.
7. Any new or existing septic tank unit should be a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
8. A legal agreement should be obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required.
9. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
10. Please see DAERA Environmental Advice for Planning - Standing Advice - Priority Species available at <https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>.

**Signature(s)**

**Date:**

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0547/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed amendment to previously approved application LA09/2018/1148/F (proposed construction of a new Vehicular Access onto Old Eglish Road). To provide a one way system from Dungannon United Youth Sports Hub ensuring no vehicle shall exist onto black line , which includes reducing the exit road to 4m wide.	<b>Location:</b> Dungannon United Youth Black Lane Mullaghanagh Dungannon
<b>Referral Route:</b> Mid Ulster District Council have an interest in the land.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Dungannon United Youth c/o Joe McAree Black Lane Mullaghanagh Dungannon BT71 7AY	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> Proposed new vehicular access to approved site, existing access cannot be improved to the required standard.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Approve with conditions

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Revised details for access.

### Characteristics of the Site and Area

Dungannon United Youth is an existing sports facility located at the corner of Black Lane and Old Eglish Road, Dungannon. The site contains an existing building which is finished with brown brick walls and a low pitch blue clad roof with a car park to the north side of it. The existing building sits approx. 5m above the level of Old Eglish Road and contains an indoor football pitch and a number of temporary buildings along its east

elevation used for changing facilities and a coffee dock/meeting room. The site also has a new building under construction to the east, as approved under M/2014/0299/F and a full size football pitch at a higher level to the east. Access to the site is by an existing lane off Black Lane.

There are detached and semi-detached private dwellings between the application site and Black Lane. Windmill Integrated Primary School is to the south, on Old Eglish Road and it has a MUGA pitch between the school car park and the application site.

### **Description of Proposal**

The proposal is for the construction of a new access onto Old Eglish Road which requires the provision of retaining structures and landscaping. The proposal is an amendment to the access onto Old Eglish Road, previously approved under file ref LA09/2018/1148/F. The amendments are to reduce the width of the approved access road to 4.0m and incorporate a one way traffic management system so that traffic enters the site from Backs Lane and exits through this new access onto Old Eglish Road. The new vehicular access onto Old Eglish Road is between the existing building and the Old Eglish Road and this will require retaining walls to be constructed on both sides of the road, to retain the existing building and to retain the proposed road. The retaining structures are up to 3.5 metres in height with a grassed bank and vehicle restraint system and fence on top. It is proposed to provide landscaping between the existing road and the new access road.

### **Planning Assessment of Policy and Other Material Considerations**

Members are advised the application site is owned by Mid Ulster Council, planning permission M/2014/0299/F was granted on 3 December 2015 for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area and a new access was approved on 09 November 2018.

There is a separate application, LA09/2019/0549/F, to vary condition 2 of Planning Permission M/2014/0299/F which required improvements to the access onto Blacks Lane following the occupation of the new sports hub.

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

PPS3 – Access, Movement & Parking

Mid Ulster District Council, Local Development Plan 2030 – Draft Plan Strategy

The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan.

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Mid Ulster District Council published its Local Development Plan 2030, Draft Plan Strategy on 22<sup>nd</sup> February 2019. There are a number of policies within the draft plan strategy that would be relevant to the consideration of this application. GP1 – General Principles Policy, OS3 – Outdoor Sport and Recreation, OS4 – Indoor Sport and Intensive Outdoor Sports Facilities and TRAN4 – Access onto Protected Routes and Other Route Ways. I consider the proposed development would meet the new policies, with conditions attached to ensure access onto Blacks Lane is restricted. That said the policies are at draft stage with the initial consultation period recently expired, as such I do not recommend the draft policies are relied upon to approve or refuse development and refer the members to the existing policy context.

The site is within the settlement limit for Dungannon as defined by SETT1 of the Dungannon & South Tyrone Area Plan, SETT1 allows this development within settlements provided it does not result in a loss of amenity, conservation interests and it is sensitive in scale and character. As the application is for a new access that is ancillary to the existing sports facility I consider the appropriate policy for consideration is policy AMP2 of PPS3 – Access, Movement & Parking. Roads engineers have assessed the proposal and have not raised any concerns, they are content that the development may proceed with appropriate conditions in relation to the provision of the access.

The proposed access and retaining structures will be visible from the Old Eglish Road on approach from the south. There will be 3 retaining structures proposed with the development, a 48.5m gabion wall (stone filled cages) with a maximum height of 3.5m between the proposed road and the existing building to the school side of the frontage and 2no. 28m long concrete retaining structures either side of the proposed road with a maximum height of 0.95m on the upper slope beside the existing car park. There is a 16m long metal vehicle restraint barrier which is less than 1 m in height at the car park that ties into the concrete wall and a fence up to 1.5m in height along the path. The walls and fences will not, in my opinion have a significant visual impact on the appearance of the area, especially as the gabion walls can give the appearance of stone finished walls if care is taken in the construction. A landscaping scheme proposes 25 trees to be planted in clusters between the new road and the existing road. I consider these trees will assist in softening the impact of the hard structures in the local area and that it is reasonable to attach conditions requiring the provision of the landscaping and for its long term maintenance.

This application relates to an already approved scheme for a larger development, albeit with a revised vehicle access plan. Roads engineers have not raised any concerns with the development and recommended a number of generic conditions are attached to any decision if the Council should approve the development.

I recommend this proposal is approved with the conditions specified below for the reasons stated.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve with conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the vehicular access hereby approved becoming operational, visibility splays of 2.4m x 60.0m and forward sight line shall be provided in accordance with drawing no 02 bearing the stamp dated 18 APR 2019. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The (gradient of the access/gradients of the accesses) shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

5. Prior to the access hereby approved becoming operational, all signage, road markings and the traffic flow plates as identified on drawing No 02 bearing the stamp dated 18 APR 2019 shall be provided as detailed. The signage, road markings and traffic flow plates as provided shall be permanently retained.

REASON: In the interests of road safety and the convenience of road user.

6. All hard and soft landscape works shall be carried out in accordance with drawing no 02 bearing the stamp dated 18 APR 2019 and the appropriate British Standard or other recognised Codes of Practise. All trees planted shall be a minimum of 3 metres in height. The works shall be carried out within the first planting season following the commencement of the use of the access hereby approved. Any tree, shrub or other

plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscape.

**Signature(s)**

**Date:**

## ANNEX

<b>Date Valid</b>	18th April 2019
<b>Date First Advertised</b>	2nd May 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 22 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 24 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 25 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB 27 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB The Owner/Occupier, 28 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 29 GLENMONT PARK,MULLAGHANAGH, DUNGANNON,COUNTY TYRONE,BT71 7BB The Owner/Occupier, Avoca 30 Black Lane Mullaghanagh The Owner/Occupier, Glengary 26 Black Lane Mullaghanagh The Owner/Occupier, Windmill Integrated Primary School,30 Old Eglish Road, Dungannon,BT71 7BE	
<b>Date of Last Neighbour Notification</b>	30th April 2019
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	N/A

## Planning History

Ref ID: LA09/2018/1149/F

Proposal: Proposed Community and sports hub seeking Planning Permission to develop lands without complying with condition 2 (seeking removal of visibility splay condition)

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 04.10.2018

Ref ID: LA09/2018/1148/F

Proposal: Proposed construction of new vehicular access onto Old Eglish Road

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 09.11.2018

Ref ID: M/2014/0306/F

Proposal: Development of 1 no. permanent modular unit to be used as a classroom

Address: Windmill Integrated Primary School, 30, Old Eglish Road, Dungannon,

Decision: PG

Decision Date: 22.08.2014

Ref ID: M/2014/0299/F

Proposal: Proposed community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 03.12.2015

Ref ID: M/1995/6085

Proposal: Temporary Site for school Mullaghanagh playing fields adjacent to Old Eglish Road Dungannon

Address: Mullaghanagh playing fields adjacent to Old Eglish Road

Decision:

Decision Date:

Ref ID: M/1984/0326

Proposal: HOUSING DEVELOPMENT

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0375

Proposal: HOUSING DEVELOPMENT

Address: BLACK LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1986/0465

Proposal: DOMESTIC GARAGE

Address: BLACK LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0690

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1985/0306

Proposal: HOUSING DEVELOPMENT (2 DWELLINGS)

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2005/0358/F

Proposal: Proposed minor revisions to formally approved application no M/2003/1646/F

Address: The junior stadium sports complex site, Blacks Lane, Mullaghanagh,  
Dungannon

Decision:

Decision Date: 13.05.2005

Ref ID: M/1996/0170

Proposal: Additional Temporary Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/1646/F

Proposal: Proposed Multi Purpose Sports Hall

Address: The Junior Stadium Sports Complex Site, Black's Lane, Mullaghanagh,  
Dungannon

Decision:

Decision Date: 02.03.2004

Ref ID: M/1997/0380

Proposal: Temporary School Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0424/O

Proposal: Community Youth Football Training Pavilion.

Address: Playing fields, Mullaghanagh Road, Dungannon

Decision:

Decision Date: 26.07.2000

Ref ID: M/1997/0371

Proposal: Temporary School Accommodation

Address: PLAYING FIELDS MULLAGHANAGH ROAD/OLD EGLISH ROAD  
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0396

Proposal: Temporary Accommodation for new integrated college

Address: COUNCIL PLAYING FIELDS MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/1169/F

Proposal: Change of use of existing mobile classrooms to club house with changing facilities, including alterations and refurbishment.

Address: Playing fields, Mullaghanagh Road, Dungannon, Co Tyrone

Decision:

Decision Date: 15.04.2000

Ref ID: M/1975/0323

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON (SITE OUTLINED IN RED)

Decision:

Decision Date:

Ref ID: M/1976/0566

Proposal: PLAYING FIELDS, PLAY AREA, CAR PARK AND PAVILION

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/056601

Proposal: GRASS PITCH, ALL WEATHER PITCH, PLAY PARK, ENTRANCE, CAR PARK

Address: MULLAGHANAGH, DUNGANNON



Decision:  
Decision Date:

Ref ID: M/1975/032301  
Proposal: PRIVATE HOUSING DEVELOPMENT  
Address: MULLAGHANAGH, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1975/032302  
Proposal: HOUSING DEVELOPMENT  
Address: MULLAGHANAGH, DUNGANNON AREA OUTLINED IN GREEN  
Decision:  
Decision Date:

Ref ID: M/1998/0631  
Proposal: Provision of new clubhouse, changing rooms and relaid pitch including floodlighting and fencing  
Address: PLAYING FIELD AT MULLAGHANAGH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2004/0497/F  
Proposal: Proposed new 8 classroom base primary school with separate nursery building and associated site works and car-parking.  
Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon  
Decision:  
Decision Date: 07.10.2004

Ref ID: M/1997/0468  
Proposal: Temporary School Mobile (Replacement)  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1994/0726  
Proposal: Extension to Temporary Classroom  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1978/0689

Proposal: HOUSING DEVELOPMENT  
Address: MULLAGHANAGH, OLD ENGLISH ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1999/1167/F  
Proposal: Extension to Nursery School  
Address: Windmill Integrated Primary School, Old English Road, Dungannon  
Decision:  
Decision Date: 07.03.2000

Ref ID: M/1995/0242  
Proposal: Temporary Classroom  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD ENGLISH ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1999/0284  
Proposal: Erection of Temporary classroom  
Address: WINDMILL INTEGRATED P.S, OLD ENGLISH ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2004/0470/F  
Proposal: Re-arrangement of layout of existing mobiles within boundary of site, hoarding and fencing to proposed school site and new security fencing.  
Address: Windmill Integrated Primary School, 30-32 Old English Road, Dungannon  
Decision:  
Decision Date: 15.06.2004

Ref ID: M/2004/1695/F  
Proposal: Reorientation of Nursery Building to that approved in M/2004/0497/F  
Address: Windmill Integrated Primary School, 30-32 Old English Road, Dungannon  
Decision:  
Decision Date: 05.01.2005

Ref ID: M/1990/0354  
Proposal: Relocation of Temporary Classrooms, Staff Rooms etc  
Address: ADJACENT TO DUNCLARE HEIGHTS OLD ENGLISH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1993/0427

Proposal: Extension to Nursery Mobile Classroom  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD  
DUNGANNON  
Decision:  
Decision Date:

**Summary of Consultee Responses**

Roads – no objections

**Drawing Numbers and Title**

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0549/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed variation of condition 2 of Planning Approval LA09/2018/1149/F to remove condition 2 to allow entrance from Black Lane to remain enabling a one way system to Dungannon United Youth Complex also preventing vehicles exiting from Dungannon United Youth Complex onto Black Lane	<b>Location:</b> Dungannon United Youth Black Lane Mullaghanagh Dungannon
<b>Referral Route:</b> Mid Ulster District Council have an interest in the land.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Dungannon United Youth c/o Mr Joe McAree Black Lane Mullaghanagh Dungannon BT71 7AY	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b> The condition requires access visibility to be improved before the building is occupied, it is now proposed to amend the access for the site to have a one way system in place and that vehicles do not exit the site through Black Lane entrance.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
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#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Summary of Issues

None raised.

#### Characteristics of the Site and Area

Dungannon United Youth is an existing sports facility located at the corner of Black Lane and Old Eglish Road, Dungannon. The site contains an existing building which is finished with brown brick walls and a low pitch blue clad roof with a car park to the north

side of it. The existing building sits approx. 5m above the level of Old Eglish Road and contains an indoor football pitch and a number of temporary buildings along its east elevation used for changing facilities and a coffee dock/meeting room. The site also has a new building under construction to the east, as approved under M/2014/0299/F and a full size football pitch at a higher level to the east. Access to the site is by an existing lane off Black Lane.

There are detached and semi-detached private dwellings between the application site and Black Lane. Windmill Integrated Primary School is to the south, on Old Eglish Road and it has a MUGA pitch between the school car park and the application site.

### **Description of Proposal**

The proposal is to vary condition 2 of planning permission M/2004/0229/F for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area.

Condition 2 states 'Prior to the commencement of any of the development hereby permitted, the vehicular access, including visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and be kept clear thereafter.'

It is proposed to amend condition 2 to allow vehicles to enter the site through the existing access off Blacks Lane and that all traffic exiting the site shall do so through a new ramp onto Old Eglish Road, which is the subject of application LA09/2019/0547/F.

### **Planning Assessment of Policy and Other Material Considerations**

Members are advised the application site is owned by Mid Ulster Council and that planning permission M/2014/0299/F was granted on 3 December 2015 for a community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area.

This application is to vary a condition of the previous planning permission on the site. An application to vary this condition has already been approved by the Committee, that application was in connection with a new entrance and exit for all vehicular traffic onto Old Eglish Road, the condition was varied to state:

'Prior to the occupation the development hereby approved either:

- the vehicular access, including visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015 or
- access shall be provided onto Old Eglish Road in accordance with a scheme that has been granted planning permission by the Council.

An additional condition was added that stated 'Upon occupation of the building hereby approved, the vehicular access onto Black Lane shall be closed to vehicular access until such times as the access has been improved to provide visibility splays of 2.0mx 33.0m and any forward sight distance shall be provided in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015.

This application is under Section 54 of the Planning Act (NI) 2011 and is solely to deal with the issue of varying condition 2 of Planning Permission M/20014/0299/F. Section 54 allows the Council to consider the variation of conditions of planning permission. The planning application was considered to result in the intensification of the use of a sub-standard access onto Blacks Lane in Dungannon. The improvements required 3<sup>rd</sup> party lands and the land owners were notified of the proposal. The developer has not been able to secure the additional lands and instead has proposed a one way system with access for all vehicle visiting the site through the existing access on Blacks Lane and all vehicles exiting the site through a new access onto Old Eglish Road (LA09/2019/0547/F).

Members are advised there is a lot of traffic that currently uses the access onto Black Lane, during the consideration of application M/2014/0299/F it could not be demonstrated the additional facilities would not intensify the use of the access, and this is still the case. The applicants have proposed a new access to the site and if this is acceptable to Roads engineers it will mean the development can be served by a new access. If agreement can be made to improve the Black Lane access, this is still available.

I consider the condition that was previously amended, under LA09/2018/1149/F is still relevant and does not require any further amendment, provided the revised access arrangements are approved by the Council.

The additional condition added under LA09/2018/1149/F required the access onto Black Lane to be closed up. It is now proposed to introduce a one way system which will mean vehicles are not exiting the site onto Blacks Lane. As there will not be any vehicles exiting the site onto Black Lane, I do not consider there is a need to improve the visibility splays. I recommend the condition is amended to state: 'Upon occupation of the building hereby approved, the vehicular access off Black Lane shall be used solely for the purposes of vehicles entering the site, until such times as the access has been improved to provide visibility splays of 2.0mx 33.0m and any forward sight distance in accordance with drawing No 03 REV 1 bearing the stamp dated 19 AUG 2015.

I consider this amended condition will ensure that road safety is not compromised.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval to amend the conditions

<b>Signature(s)</b>
<b>Date:</b>



<b>ANNEX</b>	
<b>Date Valid</b>	18th April 2019
<b>Date First Advertised</b>	2nd May 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 22 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 24 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 25 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, 27 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, 28 Black Lane Mullaghanagh Dungannon The Owner/Occupier, 29 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BB The Owner/Occupier, Avoca 30 Black Lane Mullaghanagh The Owner/Occupier, Glengary 26 Black Lane Mullaghanagh The Owner/Occupier, Windmill Integrated Primary School,30 Old Eglsih Road,Dungannon,27 Glenmont Park,Mullaghanagh,Dungannon. BT71 7BE	
<b>Date of Last Neighbour Notification</b>	30th April 2019
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	N/A
<b>Planning History</b>  Ref ID: LA09/2018/1149/F Proposal: Proposed Community and sports hub seeking Planning Permission to develop lands without complying with condition 2 (seeking removal of visibility splay condition) Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon, Decision: PG Decision Date: 04.10.2018	

Ref ID: LA09/2018/1148/F

Proposal: Proposed construction of new vehicular access onto Old Eglish Road

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 09.11.2018

Ref ID: M/2014/0306/F

Proposal: Development of 1 no. permanent modular unit to be used as a classroom

Address: Windmill Integrated Primary School, 30, Old Eglish Road, Dungannon,

Decision: PG

Decision Date: 22.08.2014

Ref ID: M/2014/0299/F

Proposal: Proposed community and sports hub providing hall, fitness suite, creche and changing facilities to serve communities across the Dungannon area

Address: Dungannon United Youth, Black Lane, Mullaghanagh, Dungannon,

Decision: PG

Decision Date: 03.12.2015

Ref ID: LA09/2015/0959/F

Proposal: Retention of extended covered stands (spectators) at existing 3G pitch for parents

Address: Dungannon United Youth, Black Lane, Dungannon,

Decision: PG

Decision Date: 11.07.2016

Ref ID: M/1995/6085

Proposal: Temporary Site for school Mullaghanagh playing fields adjacent to Old Eglish Road Dungannon

Address: Mullaghanagh playing fields adjacent to Old Eglish Road

Decision:

Decision Date:

Ref ID: M/1984/0326

Proposal: HOUSING DEVELOPMENT

Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1978/0375

Proposal: HOUSING DEVELOPMENT

Address: BLACK LANE, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1986/0465  
Proposal: DOMESTIC GARAGE  
Address: BLACK LANE, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1978/0690  
Proposal: HOUSING DEVELOPMENT  
Address: MULLAGHANAGH, OLD EGLISH ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1985/0306  
Proposal: HOUSING DEVELOPMENT (2 DWELLINGS)  
Address: BLACK'S LANE, MULLAGHANAGH, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2005/0358/F  
Proposal: Proposed minor revisions to formally approved application no M/2003/1646/F  
Address: The junior stadium sports complex site, Blacks Lane, Mullaghanagh, Dungannon  
Decision:  
Decision Date: 13.05.2005

Ref ID: M/1996/0170  
Proposal: Additional Temporary Accommodation  
Address: MULLAGHANAGH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2003/1646/F  
Proposal: Proposed Multi Purpose Sports Hall  
Address: The Junior Stadium Sports Complex Site, Black's Lane, Mullaghanagh, Dungannon  
Decision:  
Decision Date: 02.03.2004

Ref ID: M/1997/0380

Proposal: Temporary School Accommodation

Address: MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2000/0424/O

Proposal: Community Youth Football Training Pavilion.

Address: Playing fields, Mullaghanagh Road, Dungannon

Decision:

Decision Date: 26.07.2000

Ref ID: M/1997/0371

Proposal: Temporary School Accommodation

Address: PLAYING FIELDS MULLAGHANAGH ROAD/OLD EGLISH ROAD  
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0396

Proposal: Temporary Accommodation for new integrated college

Address: COUNCIL PLAYING FIELDS MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/1169/F

Proposal: Change of use of existing mobile classrooms to club house with changing facilities, including alterations and refurbishment.

Address: Playing fields, Mullaghanagh Road, Dungannon, Co Tyrone

Decision:

Decision Date: 15.04.2000

Ref ID: M/1975/0323

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON (SITE OUTLINED IN RED)

Decision:

Decision Date:

Ref ID: M/1976/0566

Proposal: PLAYING FIELDS, PLAY AREA, CAR PARK AND PAVILION

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/056601

Proposal: GRASS PITCH, ALL WEATHER PITCH, PLAY PARK, ENTRANCE, CAR PARK

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/032301

Proposal: PRIVATE HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1975/032302

Proposal: HOUSING DEVELOPMENT

Address: MULLAGHANAGH, DUNGANNON AREA OUTLINED IN GREEN

Decision:

Decision Date:

Ref ID: M/1998/0631

Proposal: Provision of new clubhouse, changing rooms and relaid pitch including floodlighting and fencing

Address: PLAYING FIELD AT MULLAGHANAGH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0497/F

Proposal: Proposed new 8 classroom base primary school with separate nursery building and associated site works and car-parking.

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 07.10.2004

Ref ID: M/1997/0468

Proposal: Temporary School Mobile (Replacement)

Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD DUNGANNON

Decision:  
Decision Date:

Ref ID: M/1994/0726  
Proposal: Extension to Temporary Classroom  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD  
DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1978/0689  
Proposal: HOUSING DEVELOPMENT  
Address: MULLAGHANAGH, OLD ENGLISH ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1999/1167/F  
Proposal: Extension to Nursery School  
Address: Windmill Integrated Primary School, Old Eglish Road, Dungannon  
Decision:  
Decision Date: 07.03.2000

Ref ID: M/1991/0600  
Proposal: Erection of Assembly/Dining Hall (Temporary Building)  
Address: WINDMILL INTEGRATED SCHOOL OLD EGLISH ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2007/0286/F  
Proposal: Proposed new Astro turf sports pitch and perimeter fencing. Proposed new 12 no floodlights to pitch and 1 no. temporary mobile accomodation.  
Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon.  
Decision:  
Decision Date: 21.05.2007

Ref ID: M/1995/0242  
Proposal: Temporary Classroom  
Address: WINDMILL INTEGRATED PRIMARY SCHOOL, OLD EGLISH ROAD,  
DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1999/0284

Proposal: Erection of Temporary classroom

Address: WINDMILL INTEGRATED P.S, OLD EGLISH ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0470/F

Proposal: Re-arrangement of layout of existing mobiles within boundary of site, hoarding and fencing to proposed school site and new security fencing.

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 15.06.2004

Ref ID: M/2004/1695/F

Proposal: Reorientation of Nursery Building to that approved in M/2004/0497/F

Address: Windmill Integrated Primary School, 30-32 Old Eglish Road, Dungannon

Decision:

Decision Date: 05.01.2005

Ref ID: M/1990/0354

Proposal: Relocation of Temporary Classrooms, Staff Rooms etc

Address: ADJACENT TO DUNCLARE HEIGHTS OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0427

Proposal: Extension to Nursery Mobile Classroom

Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD  
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0205

Proposal: Temporary Classroom

Address: WINDMILL INTEGRATED PR. SCHOOL OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0461

Proposal: Temporary mobile classroom

<p>Address: WINDMILL INTEGRATED PRIMARY SCHOOL OLD EGLISH ROAD DUNGANNON</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: M/2015/0011/F</p> <p>Proposal: Development of 1 no permanent modular unit to be used as a classroom</p> <p>Address: Windmill Integrated Primary School, 30 Old Eglish Road, Dungannon BT71 7BE,</p> <p>Decision: PG</p> <p>Decision Date: 10.03.2015</p>
<p><b>Summary of Consultee Responses</b></p> <p>Roads – revised plans needed</p>
<p><b>Drawing Numbers and Title</b></p>    
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

### Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2017/0126/F	<b>Target Date:</b>
<b>Proposal:</b> Housing Development to include reduction of dwelling units to 37no units and alterations to house types from previous lapsed permission ref H/2008/0216/F	<b>Location:</b> Site at Magherafelt Road Draperstown at junction with Drumard Road
<b>Applicant Name and Address:</b> Rea Developments 57 Drum Road Cookstown BT80 8QS	<b>Agent name and Address:</b> Teague and Sally 3A Killycolp Road Cookstown BT80 9AD
<b>Recommendation:</b> Approval	

**Characteristics of the Site and Area:**

The site is located at the junction of Drumard Road and Magherafelt Road, Draperstown. The northern boundary is currently defined by a grass verge, post and wire fencing and sparse hedging. The Western boundary is defined by sparse trees and hedging, beyond the West of this boundary there is a large single storey building which is an industrial unit. The Southern boundary is defined by sparse trees and hedging. The Southern boundary which is adjacent to No 3 is defined by a conifer hedge. The southern half of the eastern boundary is defined by trees and hedging, whereas the Northern half of this boundary is defined by a post and wire fence. Due to the post and wire fencing along the eastern and northern boundaries the site is very open to the road when approaching the site in both directions along Magherafelt Road. The land within the site rises gently towards No 3 Drumard Road (a 2 storey dwelling), and also falls gradually from the North East corner towards the centre of the site.

**Description of Proposal**

Housing Development to include reduction of dwelling units to 37 units and alterations to house types from previous lapsed permission ref H/2008/0216/F

**Deferred Consideration:**

The application was due to be presented to Planning Committee as an Approval, on 2<sup>nd</sup> October 2018, but prior to the meeting the applicant requested it to be deferred to submit additional information so it was agreed to be deferred for this reason. This information was submitted (including a design concept statement) and the application was presented as an Approval to committee on 07.01.2019. At this meeting it was agreed it be deferred for an office meeting for each, the applicant and objector. Both these meetings took place on 16th Jan 2019.

At the applicants deferred meeting, the applicant advised they would submit amended plans to help address some of the objectors concerns. At the objectors meeting they presented an additional objection letter from BMK Steel and a letter of the objection to the Noise Impact Assessment. The objector also presented annual report 2017/18 from Work Space to support the argument that industrial space is required in this area. Although this is a material consideration it is not significant enough to merit the decision made by the PAC in relation to land being suitable to be zoned for housing.

BMK object to the site being approved for housing but are not opposed to appropriate commercial development. They are concerned the occupants of the proposed dwellings will suffer loss of amenity due to noise, odour, and dust from the industrial estate and there will be complaints against business, such as themselves.

Sperrin Switchgear, located to the west of the site, also object to this type of development as it is not appropriate or compatible with the Industrial estate and may result in complaints against their business and restrict their future operations.

The agent forwarded amended plans on 31<sup>st</sup> Jan 2019 and following re-neighbour notification, an objection was received on MBA Planning on 28<sup>th</sup> Feb 2019.

They note there is now a buffer between the proposed houses and the Industrial estate, however there are dwellings now proposed in SE corner of the site, and they are

concerned as they will be closer to Sperrin Galvanisers site, and so the concern of future occupants having amenity concerns still remains. They also contest the amended noise impact assessment in that it does not meet policy requirements.

The new plans show an amended configuration, with units moved further from the objector's site. There has been no increase in numbers. It has allowed for a larger landscape belt buffer zone with 2m high acoustic barrier along the entire western boundary with woodland screened area and provided open space. This is adequate in providing screening and separation distance for existing properties.

In terms of relevant policy PPS7, QD1 & QD2, the amended plans continue to meet the criteria for ensuring a Quality Residential Development. The surrounding area and neighbours have been taken into account and the design and layout respects the characteristics of the area.

On 27<sup>th</sup> Feb 2019 the agent sent in an amended Noise Impact Assessment and Env health were re-consulted, and the objector has also made comment on this report which EH were made aware of. They replied on 15<sup>th</sup> April 201, considering the amended noise report and the objector correspondence. They state that F. R. Mark have now assessed transport noise against ProPG: Planning and Noise \_ Professional Practice Guidance on Planning & Noise whilst tonality and impulsivity of noise from Sperrin Galvanisers has been considered within the report.

It is accepted that tables 3 and 4 of the report should indicate "significant adverse impact" due to the rating level being well in excess of +10 dB above background (+17 dB daytime and +22 dB night-time). However, F. R. Mark have addressed this within their assessment and recommended mitigation measures to protect the development from industrial/commercial noise.

Whilst it is accepted that the duration of noise monitoring does not reflect that required within BS 4142: 2014 and ProPG guidance; it should be noted that noise measurements were made prior to the issue of these updated documents. This should have been addressed within the uncertainty section of the BS 4142 assessment but it is our opinion (based on comparisons with the Envest Noise Impact Assessment for LA09/2017/1222/F) that the noise levels are unlikely to have changed significantly and the recommended mitigation measures should suffice to protect the development from both nearby industrial/commercial noise and road traffic noise.

They advise a number of conditions be attached to any planning approval and advise that should the recommended conditions not be attached as requested, that we would wish to register an objection to the proposed development. However Planning would be in agreement with the conditions so there is no conflict.

DFI Roads were re-consulted on amended plans and responded with no objections and Private Streets conditions will be added.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, and Policy HOU1 and HOU2 are applicable to this application.

This proposal is compliant with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains compliant with current planning policy.

### **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. Upon completion of the Right Turning Lane works on the Magherafelt Road, a stage 3 Safety Audit shall be carried out and completed to the approval of DFI Roads Authority in accordance with the Design Manual for Roads and Bridges, Standard GG119.

Reason: In the interest of road safety.

3. Pedestrian guardrail to be erected before occupation of dwellings. Location of guardrail to be at site frontage with connection to housing scheme in accordance with drawing 21.

Reason: In the interest of pedestrian safety.

4. A 5m high acoustic barrier (as specified within the F. R. Mark Noise Impact Assessment dated stamped 27<sup>th</sup> February 2019) shall be erected along the site's western boundary as presented on Drawing 11/2 dated 31<sup>st</sup> January 2019.

5. A 2m high acoustic barrier shall be erected to the rear garden boundaries of each dwelling. The barrier shall be constructed of either masonry, timber panelling (close lapped with no gaps) and shall have a minimum self-weight of 25Kg/m<sup>2</sup>

6. Glazing capable of providing a sound reduction of at least 28 dB R<sub>Tra</sub> with respect to the transmission of noise shall be provided to all habitable rooms facing onto the Magherafelt Road within dwellings No's 8, 9, 10, 11, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 & 37 as presented in submitted drawing number 11/2 dated 31<sup>st</sup> January 2019.

7. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 28dB R<sub>Tra</sub> when in the open position, shall be provided to all habitable rooms on the facades facing onto the Magherafelt Road within dwellings No's 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 as presented in submitted drawing number 11/2 dated 31<sup>st</sup> January 2019. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the

requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998."

8. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 34 dB  $R_{Tra}$  when in the open position, shall be provided to all bedrooms on the facades facing onto the Magherafelt Road within dwellings No's 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 as presented in submitted drawing number 11/2 dated 31<sup>st</sup> January 2019. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998."
9. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 34 dB  $R_{Tra}$  when in the open position, shall be provided to all bedrooms on the facades on the western boundary within dwellings No's 8, 9, 10, 11, 22, 23, 24, 25 as presented in submitted drawing number 'A02'. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998."
10. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 28 dB  $R_{Tra}$  when in the open position, shall be provided to all habitable rooms on the facades along the western boundary within dwellings No's 18, 19, 20, 21, 22, 23, 24, 25 & 26 as presented in submitted drawing number 11/2 dated 31<sup>st</sup> January 2019. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998."

**Reasons for 4-10: To protect residential amenity from noise due to road and industrial noise.**

11. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

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.

**THE PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980 AS AMENDED BY THE PRIVATE STREETS (AMENDMENT) (NORTHERN IRELAND) ORDER 1992.**

13. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 21 bearing the date stamp 27<sup>th</sup> Feb 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.

14. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 19/1 bearing the date stamp 25 June 2018 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

15. The visibility splays of 2.4 metres by 70 metres at the junction of the proposed access road with the Drumard Road, shall be provided in accordance with Drawing No 21 bearing the date stamp 27 February 2019, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

16. The development hereby permitted shall not be occupied until the street lighting infill scheme has been completed by the developer from the site to the existing street lighting network at Slievegallion Park in accordance with details to be submitted to and approved by DfI Roads. (This does not alleviate the developer of other street lighting requirements under the Private Streets Order).

Reason: To ensure the provision of a satisfactory street lighting system in the interest of road safety and the convenience of traffic and pedestrians

17. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

### **Informatives**

#### **1. THE PRIVATE STREETS (NORTHERN IRELAND) ORDER 1980 AND THE PRIVATE STREETS (AMENDMENT) (NORTHERN IRELAND) ORDER 1992.**

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service.

Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the DfI Roads for which separate permissions and arrangements are required.

2. 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.
3. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge 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.
4. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to DfI Roads Network Services through the relevant Division.
5. 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 roadside 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.
6. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency.
7. 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.
8. 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.
9. 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.

10. 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.

11. Measures, including acoustic glazing, passive and mechanical ventilation to reduce internal noise levels, have been provided to all habitable rooms/bedrooms on facades of properties facing the Magherafelt Road and also the western boundary. It is anticipated that these measures will have to be used and maintained to provide a suitable internal acoustic environment.

12. The developer and future residents should be made aware that they may be periodically suffer a 'Loss of amenity' due to fugitive dust emissions, noise and odour.

13. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp)

All services within the development should be laid underground.

None of the development hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans. None of the developments shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

14. 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.

15. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.

16. 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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0126/F	<b>Target Date:</b>
<b>Proposal:</b>  Housing Development to include reduction of dwelling units to 37no units and alterations to house types from previous lapsed permission ref H/2008/0216/F	<b>Location:</b> Site at Magherafelt Road Draperstown at junction with Drumard Road
<b>Referral Route:</b> Objections received	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Rea Developments 57 Drum Road Cookstown BT80 8QS	<b>Agent Name and Address:</b> Teague and Sally 3A Killycolp Road Cookstown BT80 9AD
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> Approval recommended		
<b>Characteristics of the Site and Area</b>  The site is located at the junction of Drumard Road and Magherafelt Road, Draperstown. The northern boundary is currently defined by a grass verge, post and wire fencing and sparse hedging. The Western boundary is defined by sparse trees and hedging, beyond the West of this boundary there is a large single storey building which is an industrial unit. The Southern boundary is defined by sparse trees and hedging. The Southern boundary which is adjacent to No 3 is defined by a conifer hedge. The southern half of the eastern boundary is defined by trees and hedging, whereas the Northern half of this boundary is defined by a post and wire fence. Due to the post and wire fencing along the eastern and northern boundaries the site is very open to the road when approaching the site in both directions along Magherafelt Road. The land within the site rises gently towards No 3 Drumard Road (a 2 storey dwelling), and also falls gradually from the North East corner towards the centre of the site.		
<b>Description of Proposal</b>  Housing Development to include reduction of dwelling units to 37 units and alterations to house types from previous lapsed permission ref H/2008/0216/F		
<b>Planning Assessment of Policy and Other Material Considerations</b>  I have assessed this proposal under the following:  SPSS Magherafelt Area Plan Creating Places Planning Policy Statement 3 - Access, Movement and Parking		



In response to the objectors points it should be noted again that Environmental Health and IPRI have been consulted and responded with no reasons for refusal but rather stated that although the occupants of the proposed development may periodically suffer a loss of amenity due to noise, odour and the deposition of dust with the addition of conditions relating to specialised ventilation and sound proofing measures these issues could be controlled. In addition Environmental Health stated 'the applicant should be aware that recent case law has found that in the event of a complaint being made concerning alleged noise nuisance, only noise which is due to a material change in process and is in excess of that produced at the time planning permission was granted (should such be the case in this instance) can be considered in any investigation A condition advising any future inhabitants should also be advised of the potential for nuisance from nearby existing industry.

In response to Ms Kellys' points I feel the separation distance between the proposed housing and the objectors boundary is acceptable and then rear fences have been shown along the boundary in the form of 2.0m high close boarded and lapped timber acoustic fence with no gaps and a mass of at least 25kg/m2 along with planting, all of which would further provide extra screening and noise reduction.

It is a material consideration that a housing development was previously approved on site in 2010, circumstances nor planning policy have changed since this previous approval and the site is question is zoned for housing within the Magherafelt Area Plan 2015.

According to policy 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.

It is my consideration that the proposed housing development is in keeping with the character and topography of the locality with all possible measures proposed to aid both neighbouring development and future residents. The proposal site does not have any impact on any neighbouring archaeological or built heritage features.

Ample provision has been given for both public and private open space and landscaped areas within the development proposal. An easy level of movement to and from the proposal site will be able to be achieved.

Parking levels are acceptable and have been confirmed with DfI. Although it has been recognised that at times there may be a loss of amenity for future residents from the neighbouring industrial land use the conditions presented by IRPI and Environmental Health address this potential in an acceptable manner.

The unit designs are of an acceptable design and mixed in style.

Having considered all of the above I feel this proposal should be recommended for approval.

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The application was deferred on behalf of the applicant at the Committee Meeting of 2 October 2018, in order that further information be submitted to be considered by the Council.

On the 6 November 2018 the agent submitted a Design Concept Statement, amended location plan, amended P1 and amended P2a form. Neighbours were re-notified on 9 November 2018.

PPS7, Policy QD2 states there is a requirement for the submission of a Design Concept Statement for all residential development. The document submitted on 23 October 2018 demonstrates how the proposed scheme takes account of the main features of the site and its context. It shows how the 37 dwellings have been designed sympathetically in terms of its layout and respects site and surrounding areas characteristics. The development meets the criteria shown in Policy QD1 therefore contributing to a quality residential development.

**Regulation of environmental impacts**

The relevant enforcing authority for the Sperrin Galvanisers operation with regard Pollution Prevention and Control Regulations (NI) 2013 (i.e. controls over emissions of odour, dust and noise) is the Northern Ireland Environment Agency – Industrial Pollution and Radiochemical Inspectorate (IPRI). Detailed expertise with regard to impacts on amenity from ferrous metal production and the acceptability of control measures incident upon the proposed development lies with IPRI as the regulator.

IPRI were re-consulted to comment specifically on the submitted objection letters and the most recent EHO response to ensure that all potential environmental impacts, which may have a detrimental effect on amenity have been adequately evaluated where necessary. On 6 December 2018 IPRI replied, that if permission was granted, domestic dwellings would be periodically likely to suffer a loss of amenity due to noise, air emissions such as dust and odour and other impacts associated with the industrial activities of the adjacent Industrial Estate. After a telephone conversation with the case officer from IPRI on 11/12/18, I was advised that since the move to Councils, IPRI are unable to give any specific recommendations on the outcome of the proposal and can only state their advice, as on their consultation responses. They did state they considered all objections in their response and would recommend an informative 'that future occupants of this development may periodically suffer a loss of amenity due to noise, odour, and deposition of dust due to the presence of the adjacent industrial estate and its associated activity'. However, they did not object in April 2009 to the original application decided at that time by the DOE.

In relation to objector comments regarding the amount of mitigation required to ensure the proposal is acceptable by Environmental Health, conditions will be provided to ensure this is carried out.

The objector also raises the issue that the application site has increased since the original submission, and now they are concerned it has gone above the 2 hectares threshold and should be treated as a major development. The red line had been amended for access purposes and the agent has now submitted an amended location plan 01Rev 2 dated 6 November 2018 reducing the red line to include the public road only where physical construction works are required. Other areas of the public road required but not involving any construction, eg. for visibility, are identified in blue.

They have also attached a revised P1 form that confirms the revised site area of 1.9 hectares, and confirms that notice has been served on DfI Roads.

Taking into account all relevant policy in PPS7, consultation responses, objector concerns and the history on the site, an approval is recommended with the conditions stated.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approval recommended



REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. Glazing capable of providing a sound reduction of at least 28dB R Tra with respect to the transmission of noise shall be provided to all habitable rooms and glazing capable of providing a sound reduction of at least 23 dB R Tra with respect to the transmission of noise shall be provided to all bedrooms facing onto the Magherafelt Road within dwellings No's 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 as presented in submitted drawing number 03/3 dated 28th March 2018.

Reason: In the interest of amenity

9. Glazing capable of providing a sound reduction of at least 28 dB R Tra with respect to the transmission of noise shall be provided to all habitable rooms and glazing capable of providing a sound reduction of at least 23 dB R Tra with respect to the transmission of noise shall be provided to all bedrooms on the western boundary of the site within dwellings No's 18, 19, 20, 21, 22, 23, 24, 25 as presented in submitted drawing number 03/3 dated 28th March 2017.

Reason: In the interest of amenity.

10. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 28dB R Tra when in the open position, shall be provided to all habitable rooms on the facades facing onto the Magherafelt Road within dwellings No's 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 as presented in submitted drawing number 03/3 dated 28th March 2018. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within. 'The Building Control Technical Booklet K - Ventilation 1998'.

Reason In the interest of amenity.

11. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 34 dB R Tra when in the open position, shall be provided to all bedrooms on the facades facing onto the Magherafelt Road within dwellings No's 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 as presented in drawing number 03/3. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, ' The Building Control Technical Booklet K - Ventilation 1998'.

Reason: In the interest of amenity.

12. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 34 dB R Tra when in the open position, shall be provided to all bedrooms on the facades on the western boundary within dwellings No's 118, 19, 20, 21, 22, 23, 24, 25 as presented in submitted drawing number 03/3. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30 dB(A), whilst providing a flow rate of at least 15 litres per second. All provided mechanical ventilators shall meet the requirements contained within, 'The Building Control Technical Booklet K - Ventilation 1998'.

Reason In the interest of amenity

13. Passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 28dB R Tra when in the open position, shall be provided



Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the DfI Roads for which separate permissions and arrangements are required.

2. 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.

3. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge 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.

4. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard may be necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to DfI Roads Network Services through the relevant Division.

5. 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 roadside 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.

6. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency.

7. 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.



None of the developments shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

15. 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.

16. This permission authorises only private domestic use of the proposed garage/premises and does not confer approval on the carrying out of trade or business there from.

17. 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:**

Ref ID: H/2000/0261/Q  
Proposal: Proposed Housing Development  
Address: Magherafelt Road, Draperstown  
Decision:  
Decision Date:

Ref ID: H/1995/0105  
Proposal: SERVICE ROAD TO INDUSTRIAL ESTATE  
Address: MAGHERAFELT ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1993/0134  
Proposal: SITE OF INDUSTRIAL DEVELOPMENT  
Address: MAGHERAFELT ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1992/0623  
Proposal: SITE OF INDUSTRIAL DEVELOPMENT  
Address: MAGHERAFELT RD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1995/0009  
Proposal: WORKSHOP AND OFFICES  
Address: MAGHERAFELT ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1977/0285  
Proposal: LIVESTOCK SALES YARD AND ANCILLARY BUILDINGS  
Address: GORTNASKEY, DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1992/6086  
Proposal: INDUSTRIAL SITE MAGHERAFELT RD DRAPERSTOWN  
Address: MAGHERAFELT RD  
Decision:  
Decision Date:

Ref ID: H/2000/0778/F  
Proposal: Proposed Store

<p>Ref ID: H/1990/0213          Proposal: PROPOSED RESIDENTIAL HOME FOR THE ELDERLY          Address: MAGHERAFELT ROAD/DRUMARD ROAD DRAPERSTOWN          Decision:          Decision Date:</p> <p>Ref ID: H/2002/0778/O          Proposal: Site for Housing Development          Address: Magherafelt Road/Drumard Road junction, Draperstown          Decision:          Decision Date: 24.11.2003</p>
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>

Status: Submitted

Drawing No. 13

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2017/1196/A	<b>Target Date:</b>
<b>Proposal:</b> Business signage; including signage on South & West Elevations and free standing sign in front of building	<b>Location:</b> 15-17 Church Street Magherafelt
<b>Applicant Name and Address:</b> Danny Mulholland Mid Ulster Back Care and Physiotherapy 15-17 Church Street Magherafelt	<b>Agent name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Summary of Consultee Responses:</b>  HED still object to the amended plans submitted.	
<b>Recommendation:</b> Refusal	
<b>Characteristics of the Site and Area:</b>  <p>The site is located within the development limits of Magherafelt as defined by the Magherafelt Area Plan 2015. The site is located at 15 - 17 Church Street Magherafelt and contains a large two storey building. The building is located at the end of terrace row with dual frontage onto both Church Street and King Street.</p> <p>The area is characterised by a mix of uses including retail, office and residential uses.</p>	

**Description of Proposal**

The site (existing building) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for retention of business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance. The telephone kiosk adjacent is Grade B2 listed.

**Deferred Consideration:**

This proposal was presented as a refusal to Planning Committee in Feb 2019 and was subsequently deferred for an office meeting with the Area Planning manager, Dr.Boomer which was held on 14<sup>th</sup> Feb 2019. The reasons for refusal were as follows;

1.The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2.The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018 would adversely affects the setting of a listed building.

Following the office meeting, the agent was asked to submit amended plans in an attempt to address the concerns of HED.

There is no issue with the signs to go on the walls of the building.

The free standing sign has been reduced from 3 legs to two, and instead of two boards it would be metal signal board which is double sided. The agent advised they could not reduce the board to one leg because of the structural stability and durability of the sign would be greatly reduced.

HED have re-considered the impact of the amended proposal on the building and on the basis of the information provided HED advises their views remain unchanged. The sign is inappropriate in scale and detrimental to the setting and style of the listed building. In the context of the street scene HED;HB further consider that it has a negative impact on the setting of the adjacent telephone kiosk (HB08/15/017) which has a grade B2 listing.

Mid Ulster Council would have the same concerns in relation to the free standing sign as HED and support the refusal on the same grounds. If MUDC were to go against the recommendation of HED, the application must then be deferred to The Department of Environment to be dealt with by them, in line with The Planning Act (NI) 2011.

The proposal remains contrary to policy AD1 of PPS17 in that it would, if approved, adversely impact upon the visual and residential amenity of the locality. The proposal is also contrary to policy BH11 of PPS6 in that it would, if approved, adversely affect the setting of a listed building and listed telephone kiosk.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, and policy HE11 – Adverts on a listed building or structure, are applicable to this application.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy.

**Refusal Reasons**

1. The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 02, which was received on 29<sup>th</sup> March 2019, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2. The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 2, which was received on 29<sup>th</sup> March 2019 would adversely affects the setting of a listed building and listed telephone kiosk.

**Signature(s):****Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

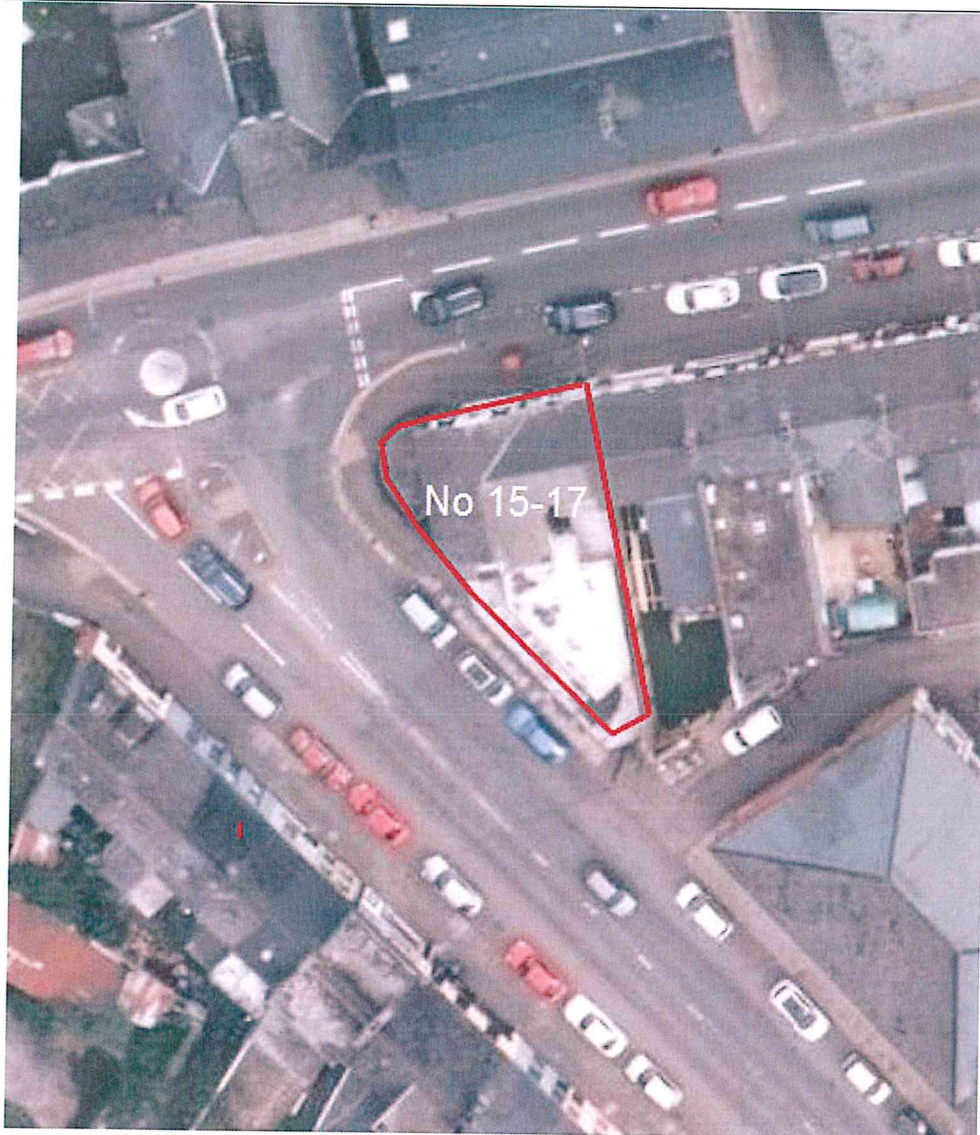
### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1196/A	<b>Target Date:</b>
<b>Proposal:</b> Business signage; including signage on South & West Elevations and free standing sign in front of building	<b>Location:</b> 15-17 Church Street Magherafelt
<b>Referral Route:</b> Contrary to AD 1 of PPS 17 and BH11 of PPS 6.	
<b>Recommendation:</b>	<b>Refuse</b>
<b>Applicant Name and Address:</b> Danny Mulholland Mid Ulster Back Care and Physiotherapy 15-17 Church Street Magherafelt	<b>Agent Name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

## Site Location Plan

**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	

**Representations:**

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received



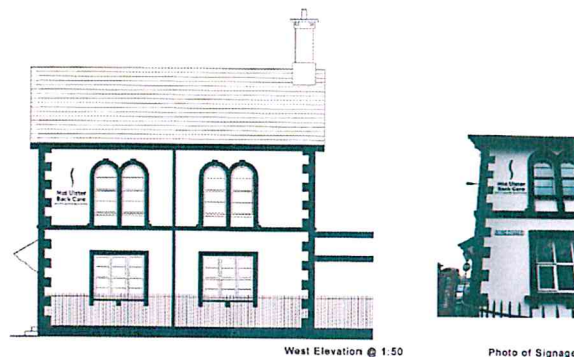
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues:</b> None	
<b>Characteristics of the Site and Area</b> The site is located within the development limits of Magherafelt as defined by the Magherafelt Area Plan 2015. The site is located at 15 - 17 Church Street Magherafelt and contains a large two storey building. The building is located at the end of terrace row with dual frontage onto both Church Street and King Street. The area is characterised by a mix of uses including retail, office and residential uses.	
<b>Description of Proposal</b> The site (existing building) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for retention of business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance.	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <b>Relevant Planning History</b> LA09/2016/0725/F - Proposed alterations to provide new residential apartment above existing commercial units at 15 - 17 Church Street Magherafelt. Approved 24th May 17. LA09/2017/0087/CA – An enforcement case for unauthorised signage is ongoing. Further action will depend on the outcome of subject planning application LA0/2017/1196/A and LA09/2018/1521/LBC.  <b>Representations:</b> No neighbours notified under an advertisement application No letter of representation have been received  <b>Development Plan, Legislation and Key Policy Consideration</b> The site (existing building) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance.  <b>Magherafelt Town Centre: Design Guide</b> – Section 7 deals with signage and advertisement, paragraph 7.1 state that signage and advertisements within the Town Centre the proportion of a sign must relate to the elevation on which it is placed. If a sign is too large it can disrupt the appearance of a building and also of the street scene in general while if too small it can be insignificant and ineffective.  <b>Legislation:</b> Section 130 of The Planning Act (Northern Ireland) 2011 refers to The Planning (Control of Outdoor Advertisements) Regulations (Northern Ireland) 2015 and Section 80 of the Planning Act (Northern Ireland) 2011 refers to The Planning (Listed Building) Regulations (Northern Ireland) 2015  <b>Planning Policy:</b> The primary policy context is provided by Policy AD 1 of Planning Policy Statement 17: Control of Outdoor Advertisement (PPS 17). Policy AD 1 of PPS 17 states that consent	

will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety. Policy BH9 of Planning Policy Statement 6 Planning Archaeology and the Built Heritage states that consent for advertisement or signs on a listed building where they are design and located to respect the architectural form and detailing of the building and Policy BH11 of Planning Policy Statement 6 Planning Archaeology and the Built Heritage states that development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

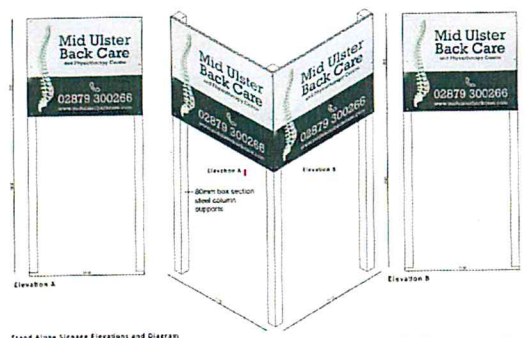
### Amenity and Impact on a Listed Building

**SIGN 1:** Is a small signage text with the wording 'Mid Ulster Back Care and Physiotherapy Centre' in small black lettering located on the first floor west elevation:-



It is my opinion that the small signage text on the west elevation respects the amenity of the local area and has been carefully designed and located to respect the architectural form and detailing of the building. Historic Buildings advise that they are also content with the small signage text.

**SIGN 2:** Is a freestanding sign located in a corner plot at the front of the premises sited between ornate cast iron railing and two ground floor windows. The sign is 1500mm above ground level and mounted on three 80mm box section steel poles supporting two 1110mm x 950 signs:-



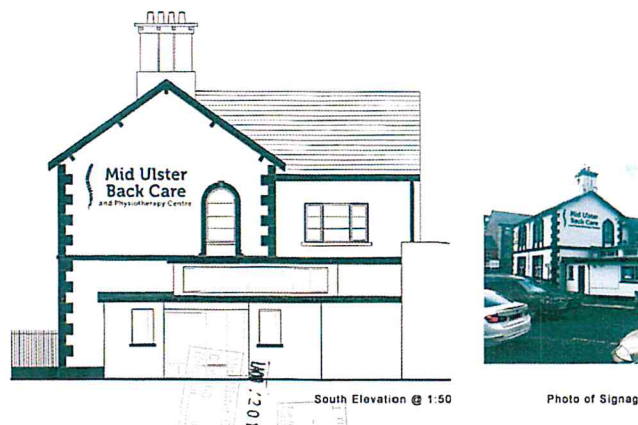


Historic Buildings advise that the large free standing at 2450mm high is a dominant feature and detracts from and obscures the listed building street frontage. The Council also supports Historic Buildings viewpoint and whilst their consultation response did not request that the sign be removed, given that the sign has already been erected the only way to move forward is for the sign to be removed from the proposal. The applicant was contacted on 1st November 2018 and advised to remove the free standing from the proposal. The applicant responded on the 5th November arguing that the historic architectural detailing of this building are at a very basic level and that the sign will not have an impact on important historic features which can still be viewed while moving around this corner of the property. It is acknowledged that the sign is not attached to the building, however the close proximity is such that a substantial element of the façade is masked. It is my opinion that the advertisement is contrary to policy AD1 of PPS 17 as it does not respect amenity, when assessed in the context of the general characteristics of the locality and as a result, the freestanding sign is contrary to BH 11 of PPS 6 in that it adversely affects the setting of a listed building.

However, as an alternative the Council will consider an appropriate hanging sign on the front facade similar to the image below. This type of traditional sign would help to complement the historic importance of the building and the area.



**SIGN 3:** Is a large signage text with the wording 'Mid Ulster Back Care and Physiotherapy Centre' in small black lettering located on south (gable) elevation:-



Historic Buildings has requested that the large signage text on the south elevation should be reduced in scale and size. However, the Council does not share Historic

Buildings viewpoint because the signage text on the gable façade replaced previous signage text albeit the lettering is slightly larger than the previous sign. In addition, the signage text is located on a less prominent elevation and as a result can only be viewed when travelling in a north-westerly direction along King Street towards the town centre. Therefore, it is my opinion that the large signage text on the west elevation respects the amenity of the local area and has been designed and located to respect the architectural form and detailing of the building.

### Deemed Consent

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 Schedule 3 Regulation 5 – Part 1 – Classes of Advertisement which may be displayed with deemed consent.

Class 5 - Advertisements (other than illuminated advertisements) on business premises is pertinent to **SIGN 1 & SIGN 3**, however both signs are not permitted by Class 5 for the following reasons:

1. the 'spinal cord symbol' on the wall is more than 0.3m in height - condition (c).
2. the sign is higher than the bottom of the first floor window on the wall on which the advertisement is displayed - condition (d).

Class 6 - An advertisement on a forecourt of business premises is pertinent to **SIGN 2**, however the sign is not permitted by Class 6 for the following reason:

1. the 'spinal cord symbol' on the wall is more than 0.3m in height - condition (c).

### Public Safety

Transport NI have responded with no objections to the proposal subject to a number of informatics, mainly in relation to the illuminated part of the proposed signage and therefore public safety is not considered an issue.

<b>Neighbour Notification Checked</b>	<b>N/A</b>
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**Summary of Recommendation:** The proposal is contrary to policy AD1 of PPS17 in that it would, if approved, adversely impact upon the visual and residential amenity of the locality. The proposal is also contrary to policy BH 11 of PPS 6 in that it would, if approved, adversely affect the setting of a listed building.

### Reasons for Refusal:

#### Refusal Reasons

1. The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2. The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the

Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018 would adversely affects the setting of a listed building.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	6th September 2017
<b>Date First Advertised</b>	
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/1196/A Proposal: Buisness signage on South and West elevations, banner on railings and free standing sign in front of building Address: 15-17 Church Street, Magherafelt, Decision: Decision Date:  Ref ID: H/2007/1100/F Proposal: Mixed use development incorporating ground floor retail units at nos 17 to 21, first floor office accommodation at nos 17 to 21 and apartment to rear of 17 to 21 Address: 17-21 Church Street, Magherafelt Decision: Decision Date: 26.02.2009  Ref ID: H/1993/0099 Proposal: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING(LBC) Address: 15-17 CHURCH STREET MAGHERAFELT Decision: Decision Date:  Ref ID: H/1993/0098 Proposal: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING WORKSHOP Address: 15-17 CHURCH STREET MAGHERAFELT Decision: Decision Date:  Ref ID: H/2007/0920/LB	

Proposal: Mixed used development incorporating ground floor retail units at 17-21, first floor office accommodation and apartment to rear of 17-21

Address: 17-21 Church Street, Magherafelt

Decision:

Decision Date: 26.02.2009

Ref ID: LA09/2016/0725/F

Proposal: Proposed alterations to provide new residential apartment above existing commercial units at 15 - 17 Church Street Magherafelt

Address: 15 - 17 Church Street Magherafelt,

Decision: PG

Decision Date: 30.05.2017

Ref ID: LA09/2016/0723/LBC

Proposal: New doorway to 15 Church Street to provide access to new apartment above No's 15 and 17. Amendment to existing stair to provide access to apartment. Removal of existing wall in No 17 and breaking through to create internal toilet area for the existing commercial unit

Address: 15-17 Church Street, Magherafelt,

Decision: CG

Decision Date: 24.05.2017

Ref ID: LA09/2015/0996/LBC

Proposal: Internal fit out of 19 with demolition and replacement of rear return for structural reasons

Address: 19-21 Church Street, Magherafelt, BT45 6AP,

Decision: CG

Decision Date: 03.06.2016

Ref ID: LA09/2015/0880/F

Proposal: Proposed new lounge and waiting area with external dining garden, associated toilets and serving area.

Address: 19-23 Church Street, Magherafelt, BT45 6AP,

Decision: PG

Decision Date: 03.06.2016

## Summary of Consultee Responses



**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Proposed Elevations

Status: Submitted

Drawing No. 03 Rev 1

Type: Sign Details

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/0425/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed relocation of dwelling from that on the previous approval H/2008/0322/F	<b>Location:</b> 45m South of 7a Crocknamohil Road Draperstown
<b>Applicant Name and Address:</b> D and A Developments 8 Grange Road Magherafelt	<b>Agent name and Address:</b> Lissan Design 45 Letteran Road Moneymore BT45 7UB
<b>Recommendation:</b> Approval	
<b>Characteristics of the Site and Area:</b>  <p>The proposal site is located within part of a large agricultural field on the roadside of Crocknamohill Road. The roadside half of the site is at the same level as the roadside while the rear portion drops considerably in levels. A previous approval for a dwelling and garage was approved under H/2008/0322/F which had the dwelling sited in the rear portion however this revised proposal has the dwelling sited in the roadside portion of the field.</p> <p>The site is bounded on all sides by a post and wire fence and mature hedging and vegetation. Due to the surrounding topography and vegetation there are no long distant critical views of the site. Immediately adjacent to the proposal site on the western side is a long established metal works firm while directly opposite the proposal site are several detached single storey dwellings. The development pattern is that of roadside single storey properties.</p>	

**Description of Proposal**

Full application for - relocation of dwelling previously approved under H/2008/0322/F.

**Deferred Consideration:**

he application was presented as a refusal to Planning Committee in March 2019 for the following reason;

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.

At Committee it was deferred for an office meeting which was held on 14th March 2019 with the agents and Area Manager, Dr.Boomer.

An argument for CTY2a was put forward and the site is to be re-assessed under this policy criteria.

History on the site shows there was a previous approval under H/2008/0322/F, granted on 17.09.2008. It had been determined that insufficient evidence existed to demonstrate that development had commenced on site and that there was no material start made in line with the approval. Although determining weight cannot be given to this, it is a material consideration that an approved dwelling would have been built if the pre-commencement conditions had been met.

The site was visited on 4th April 2019. In terms of CTY2a, the agent argued in relation to the cluster to take into account K-Scroll Business premises and an existing horse training facility.

Planning permission will only be granted for a dwelling at an existing cluster of development provided all the following criteria are met;

**The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;**

The site does lie outside of a farm and there are more than 4 buildings, of which at least 3 are dwellings.

**The cluster appears as a visual entity in the local landscape;**

The cluster can be seen as a visual entity.

**The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,**

There is no obvious focal point as described above, nor is the site located at a crossroads. The agent indicated K'Scroll, this is however a commercial business premises and therefore cannot be counted as part of the cluster. The Horse training school was

mentioned as a potential focal point. When at the site two horses were being ridden in the area identified, however it is far removed in terms of visual linkage with the site.

However the large industrial shed adjacent to the side could be viewed as a focal point, which is well known in the locale, and would visually link to a dwelling on the site. There is a 'sense of identity' at and surrounding the site.

**The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;**

There are no issues in relation to lack of integration and the proposed re-siting in general terms would be acceptable. The site is bounded on two sides with development in the cluster.

**Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and**

The site would not significantly alter the existing character of the area or visually intrude into the open countryside. There are a number of various types of developments in the locale and this site would not cause an issue in these terms.

**Development would not adversely impact on residential amenity.**

An objection was received in relation to loss of a view and loss of privacy. The right to a view is not a planning consideration.

In terms of loss of privacy there would be no significant impact, as the dwelling would be sited on the opposite side of the road.

It would be unlikely there would be any adverse impact on residential amenity.

A dwelling on the site would not have any significant visual impact on the existing character of the area, and there would be no detrimental impact on the locale due to its scale, size or siting. Design and finishes are acceptable.

On balance, taking into account the previous history, that it is within the spirit of CTY2a, and that there will be no significant alteration to the character of the area, approval is recommended.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 Dwellings in the Countryside are applicable to this application.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No. 02 bearing the date stamp 22nd March 2018, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The existing natural screenings of the site and those proposed, as shown on approved drawing ref: 02 date stamped received 27<sup>th</sup> March 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted 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.



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0425/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed relocation of dwelling from that on the previous approval H/2008/0322/F	<b>Location:</b> 45m South of 7a Crocknamohil Road Draperstown
<b>Referral Route:</b> Proposal contrary to CTY1 of PPS21. One objection received.	
<b>Recommendation:</b> <b>Refusal</b>	
<b>Applicant Name and Address:</b> D and A Developments 8 Grange Road Magherafelt	<b>Agent Name and Address:</b> Lissan Design 45 Letteran Road Moneymore BT45 7UB
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	



## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content

## Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received



**Summary of Issues**

One objection received from owner/occupier of 7a Crocknamohill Road, Draperstown.

**Characteristics of the Site and Area**

The proposal site is located within part of a large agricultural field on the roadside of Crocknamohill Road. The roadside half of the site is at the same level as the roadside while the rear portion drops considerably in levels. A previous approval for a dwelling and garage was approved under H/2008/0322/F which had the dwelling sited in the rear portion however this revised proposal has the dwelling sited in the roadside portion of the field.

The site is bounded on all sides by a post and wire fence and mature hedging and vegetation. Due to the surrounding topography and vegetation there are no long distant critical views of the site. Immediately adjacent to the proposal site on the western side is a long established metal works firm while directly opposite the proposal site are several detached single storey dwellings. The development pattern is that of roadside single storey properties.

**Description of Proposal**

Full application for - relocation of dwelling previously approved under H/2008/0322/F

**Planning Assessment of Policy and Other Material Considerations**

I have assessed this proposal under the following:

**SPSS**

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the countryside

Site History - H/2008/0322/F - approval granted for dwelling and garage, granted 17.09.2008

Consultees: - Environmental Health were asked to comment and responded on 02.05.2018 with no objections.

NI Water were asked to comment and responded on 20.04.2018 with no objections subject to advice.

Transportni were asked to comment and responded on 09.05.2018 with no objections subject to conditions and advice.

HED were asked to comment as the proposal site is within close proximity to an archaeological site and monument LDY: 041:015, they responded on 20.04.2018 with no objections to the proposal.

Neighbours: Owners/Occupiers of Nos. 5, 7, 7a, 7b, 9 \_ 9a Crocknamohill Road were notified of the proposal on 18.04.2018. One objection has been received from the owner/occupier of No. 7a Crocknamohill Road, Joanne Kelly. This objection was received on 15.05.2018 and the main points raised where:

- potential loss of view from the objectors residence
- potential overshadowing
- potential loss of privacy



- potential loss of character.

Having consideration of the objectors points it should be noted that the right to a view is not a planning consideration. Although it is my consideration that the proposed dwelling is for a modest single storey property and with it being sited on the opposite side of the road approx. 40metres from No 7a it is unlikely that there would an unacceptable level of overshadowing, loss of privacy or character caused.

This proposal is for the relocation of a dwelling previously approved under H/2008/0322/F. This was granted 17.09.2008. No evidence was submitted with the application to demonstrate that development had commenced for this previous approval thus I requested from the agent for this supporting information to be submitted by 1st October 2018. Additional information was submitted stating that Magherafelt District Council Building Control department had carried out a site inspection on 17.09.2013 and that excavations had commenced in firm sandy gravel. This was confirmed by Gerry McCann of the Building control department. However no supporting evidence has been submitted to indicate that pre-commencement conditions had been adhered to prior to the expiry of this previous approval, thus the excavations were carried out unlawfully and are not accepted as evidence that development has commenced on site.

This proposal is for the relocation of this previous approval pulling the siting of the dwelling to a roadside location rather than set in the back of the field as the development pattern within this locality is for roadside single storey properties this revised siting would be in keeping with the development pattern. In addition the prevailing house type is that of a single storey property which this proposal is in keeping with. A full and detailed landscaping plan has been included.

Upon consideration it appears that the previous approval has expired prior to any lawful development having taken place and as such a refusal should be recommended.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Refusal recommended

#### Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

#### Signature(s)

Date:

ANNEX	
<b>Date Valid</b>	26th March 2018
<b>Date First Advertised</b>	12th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Crocknamohil Road Desertmartin Londonderry The Owner/Occupier, 5 Crocknamohil Road Desertmartin Londonderry The Owner/Occupier, 7 Crocknamohil Road Desertmartin Londonderry The Owner/Occupier, 7a Crocknamohil Road Desertmartin The Owner/Occupier, 7b Crocknamohil Road Desertmartin The Owner/Occupier, 9 Crocknamohil Road Draperstown Londonderry The Owner/Occupier, 9a Crocknamohil Road Draperstown Joanne Kelly Email Address	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0425/F Proposal: Proposed relocation of dwelling from that on the previous approval H/2008/0322/F Address: 45m South of 7a Crocknamohil Road, Draperstown, Decision: Decision Date:  Ref ID: H/2009/0612/F Proposal: Proposed extension to existing workshop for storage purposes including the provision for carparking Address: Adjacent to no.10 Crocknamohill Road, Draperstown Decision: Decision Date: 05.03.2010	



Ref ID: H/1982/0357

Proposal: Alterations and additions to bungalow

Address: 10 Crocknamohill Road, Draperstown

Decision:

Decision Date:

Ref ID: H/1993/0408

Proposal: workshop/store

Address: beside 10 Crocknamohill Road, Draperstown

Decision:

Decision Date:

Ref ID: H/1998/0103

Proposal: site of dwelling

Address: opposite 7B Crocknamohill Road Desertmartin Magherafelt

Decision:

Decision Date:

Ref ID: H/2004/0475/O

Proposal: Site of 1 no Dwelling and garage

Address: 90m South of 7A Crocknamohill Road, Draperstown

Decision:

Decision Date: 27.04.2005

Ref ID: H/2008/0322/F

Proposal: Proposed 1½ storey dwelling (Ridge height 7.0 mts) & domestic garage

Address: 90m South of No. 7a Crocknamohill Road, Draperstown

Decision:

Decision Date: 19.09.2008

Ref ID: H/1998/0472

Proposal: site of dwelling

Address: opposite 7B Crocknamohill Road Desertmartin Magherafelt

Decision:

Decision Date:

Ref ID: H/2007/0576/F

Proposal: The removal of Condition 5 from outline planning permission Ref:

H/2004/0475/O (the depth of underbuilding between finish floor level and existing ground level shall not exceed 0.45m at any point).

Address: 90m South of 7A Crocknamohill Road, Draperstown

Decision:

Decision Date: 22.11.2007

**Summary of Consultee Responses**

**Drawing Numbers and Title**

Drawing No. 01  
Type: Site Location Plan  
Status: Approved

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Approved

Drawing No. 03  
Type: Proposed Floor Plans  
Status: Approved

Drawing No. 04  
Type: Proposed Elevations  
Status: Approved

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/0746/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> One dwelling house and domestic garage	<b>Location:</b> 50m North East of 49 Fivemile Straight Carnamoney Draperstown
<b>Applicant Name and Address:</b> Mr Connor McPeake 31a Spring Road Ballinderry Cookstown BT80 0BD	<b>Agent name and Address:</b> Architectural Services 5 Drumderg Road Draperstown BT45 7EU
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  <p>The site is located approximately 2 miles northwest of Moneyneany in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located on the Five Mile Straight between two dwellings, Nos 47a and 53b and consist of a cut out portion of a linear agricultural field. The site rises gradually from the road for approximately 140m, levels out for a short distance and falls away to the rear. The northeast boundary consists of existing mature hedgerow approximately 2-4m high and trees, the northwest and southwest boundaries are defined by post and wire fence and the southeast boundary is undefined.</p>	
<b>Description of Proposal</b>  <p>The application seeks outline planning permission for a proposed infill dwelling and garage.</p>	

**Deferred Consideration:**

This application was presented as a refusal to Planning Committee in September 2018 and deferred for an office meeting held on 18th September 2018 with the Area Planning manager.

The application had been presented as a refusal for the following reasons;

- 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity and would, if permitted, result in the creation of ribbon development along this stretch of the Fivemile Straight.
- 3.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed two dwelling would be a prominent feature in the landscape, lacks long established natural boundaries, is unable to provide a suitable degree of enclosure, relies primarily on the use of new landscaping for integration, fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
- 5.The proposed development would, if permitted, prejudice the safety and convenience of road users since it has not been demonstrated that the applicant can provide the necessary land within the application site to provide the north western visibility splay.

At the office meeting, it was agreed the agent would submit a farm case and a site visit would be carried out, and the proposal then re-considered.

A P1C form, farm map and receipts/supporting info were submitted on 14 Dec 2018, the applicant advised they have just applied for a farm Business ID (received 27March 22019-ref 66 42 12). The land is currently leased out to a neighbouring farmer (who has his own business number but has recently got approval for a dwelling using this). The land is

maintained in good agricultural condition and hedges trimmed regularly. Supporting information has been submitted to show that ploughing and re-seeding is done every 5 years, sowing fertiliser is done annually and slurry is added annually, and that this work has been carried out in excess of 6 years.

The owner of the land, and the name of the active farmer is Mary T Rafferty of 49 Fivemile Straight, her future son in law Conor McPeake is the applicant, who now have a young family and want to move close to family. No 47a and 51 are brothers of Mary Rafferty. Their father farmed the land until he died and Mary's husband, herself nor her brothers have not been involved in the farming of the land. Since 1983 when Marys moved there she has rented the farm land out in concacre.

Although there is no Bus ID, no has been applied showing the intention of farming in the future and after discussion with the Planning Manager it would appear to fall within the spirit of CTY10 policy, in terms of criteria (a) of the active and established farming criteria. In relation to part (B) no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Criteria (c) goes on the state the new dwelling should be visually linked or sited to cluster with an established group of buildings on the farm and access should be obtained from an existing laneway. An existing laneway is now being used shown by the amended plans.

There are no buildings indicated on the farm land`, however the applicants mother law and her 2 brothers live in dwellings to the west, with associated farm buildings. From a site visit was carried out on 15th October 2018. It would be visually linked with these from the site and if sited on the southern part of the site would cluster with existing development as per CTY10, although it would be on elevated land so a height restriction would be necessary. A low storey dwelling with a siting condition on this part of the site would not erode the existing rural character along this part of the road.

Dwellings No.53, 53a and 53b, which are low storey dwellings at the roadside, are unrelated to the applicant or owner of the farm holding.

There is a strong hedge boundary along the east, with a post and wire fence to the west. Along the roadside is post and wire fence. New planting would be required to the undefined boundaries to enclose the site and provide the needed integration. A detailed landscaping plan should be requested at RM stage to ensure integration for a dwelling with a low ridge height.

In terms of the Roads service issue, an amended plan showing the red line increased to include the existing laneway was submitted and DFI have replied with a condition and no objection.

Condition siting, ridge height of 6.5m, landscaping plan and DFI Rds condition.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and CT1 & CT2 are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

### **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. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level

Reason: To ensure that the development is not prominent in and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

5. The proposed dwelling shall be sited in the area hatched red on the approved plan 01/01 date stamped 14 December 2018

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

6. A detailed landscaping plan should be submitted at reserved matters stage to show all proposed and retained trees and hedgerows to ensure all undefined boundaries are planting out.

To ensure the provision, establishment and maintenance of a high standard of landscape.



7. 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.

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

**Signature(s):**

**Date**



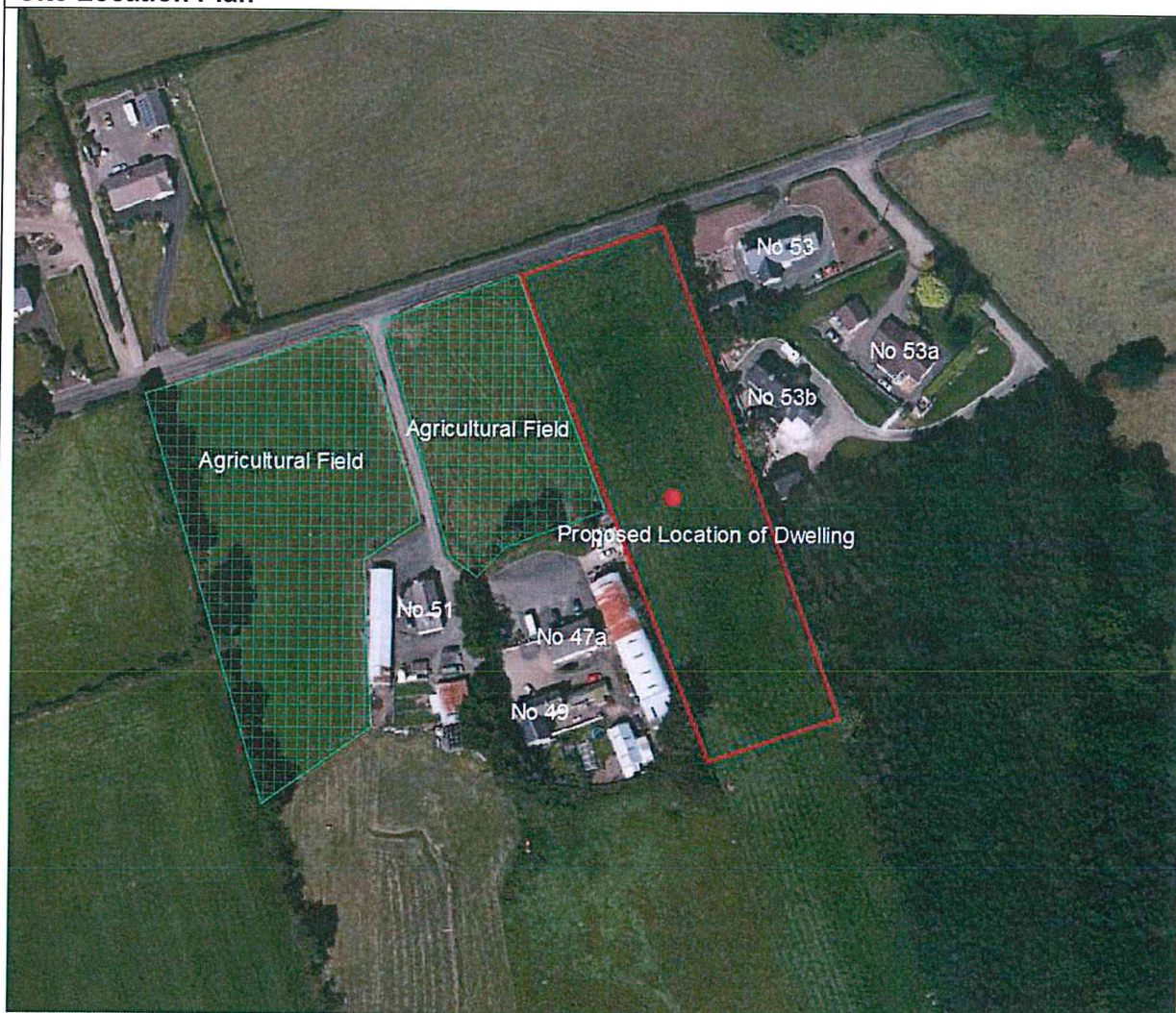
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0746/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site for one dwelling house and domestic garage	<b>Location:</b> 50m North East of 49 Fivemile Straight Carnamoney Draperstown
<b>Referral Route:</b> Contrary to CTY 1, 8, 13 &14 of PPS 21 and Contrary to AMP 2 of PPS 3	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Connor McPeake 31a Spring Road Ballinderry Cookstown BT80 0BD	<b>Agent Name and Address:</b> Architectural Services 5 Drumderg Road Draperstown BT45 7EU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues** No Issues



**Characteristics of the Site and Area**

The site is located approximately 2 miles northwest of Moneyneany in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located on the Five Mile Straight between two dwellings, Nos 47a and 53b and consist of a cut out portion of a linear agricultural field. The site rises gradually from the road for approximately 140m, levels out for a short distance and falls away to the rear. The northeast boundary consists of existing mature hedgerow approximately 2-4m high and trees, the northwest and southwest boundaries are defined by post and wire fence and the southeast boundary is undefined.

**Description of Proposal**

The application seeks outline planning permission for a proposed infill dwelling and garage.

**Planning Assessment of Policy and Other Material Considerations****Relevant Site History:**

No relevant history

**Representations:**

6 neighbour's notification letters were sent to Nos 47a, 49, 51, 53, 53a & 53b Five Mile Straight Draperstown

No letters of representation have been received.

**Development Plan and Key Policy Consideration:**

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

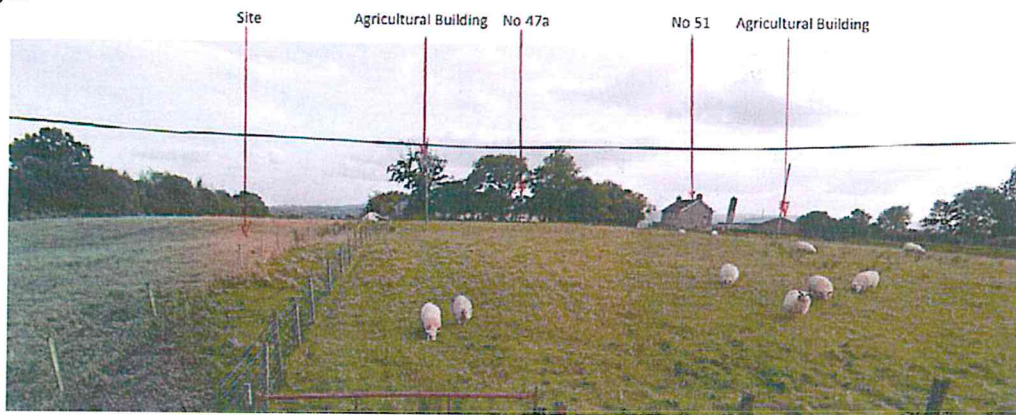
PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:

- The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;
- The gap site must be small;



- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

The site is a cut out portion of a linear agricultural field which has a 45m frontage onto Fivemile Straight. To the northeast of the site there are 3 residential properties, Nos 53, 53a and 53b. The dwelling and garage at No 53 both have a frontage onto the road. Whilst the dwellings at Nos 53a and 53b are located behind No 53 and therefore do not have road frontage. To the southwest of the site there are 3 residential properties, Nos 47a, 49 and 51 and a number of agricultural buildings which are set back approximately 150m from Fivemile Straight and are separated from the road by agricultural land. As a result, the properties at Nos 47a, 49 and 51 do not have a road frontage and therefore do not form part of a substantial and continuously built up frontage.



Ribbon development can occur even where development does not have frontage to a road. Paragraph 5.33 of PPS 21 states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they are visually linked. During the summer months the dwelling and agricultural building located at No 47a would be heavily screened by mature vegetation and trees along the northwest (front) boundary, however during the winter months as the trees and hedgerow lose their foliage both buildings would be visible. As a result, the site would be visually linked with the two dwellings at No 47a & 51 and two agricultural buildings and would add to a ribbon of development along this stretch of Fivemile Straight. The proposal is contrary to Policy CTY8.

### Integration

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. The indicative block plan shows the new dwelling set back 85m from the road and sited between two existing dwellings. The dwelling will be located on an elevated site and due to there being no boundary definition along the front and rear boundaries of the proposed curtilage a single storey dwelling would be a prominent feature in the landscape and read as skyline development. The site would be unable to provide a suitable degree of enclosure and would be heavily reliant on new planting to achieve integration. The proposal is contrary to criteria (a), (b), (c) and (f) of Policy CTY 13.

### Impact on Character and Appearance of the Area

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of development. I have already determined that the proposal would add to a ribbon of development which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. The proposal is contrary to criteria (b) and (d) of Policy CTY 14.



**Other Matter**

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

**Other Material Consideration.**

DFI Roads have confirmed that visibility splays of 2.4m x 110m are required in both direction and that the northeast (critical direction) visibility splay will require 1 BT pole set back and approximately 31m of hedge removed which appears to be outside of the applicant's control. Furthermore, the southeast visibility splay will require 2 BT poles set back and approximately 17m of hedge faced which also appears to be outside of the applicant's control. As the principle of an infill site has not been established under CTY8 the amendments required by DFI Roads have not been requested. Therefore, the applicant has failed to demonstrate that he has control of all the land necessary to provide safe access onto the public road and the proposal is contrary to AMP 2 part (a) of PPS 3 Access, Movement and Parking.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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**Summary of Recommendation: Refuse - Contrary to CTY 1, 8, 13 & 14 of PPS 21 and Contrary to AMP 2 of PPS 3.**

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity and would, if permitted, result in would add to a ribbon of development along this stretch of the Fivemile Straight.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed two dwelling would be a prominent feature in the landscape, lacks long established natural boundaries, is unable to provide a suitable degree of enclosure, relies primarily on the use of new landscaping for integration, fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would result in a suburban style build-up of development when viewed with existing buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode the rural character of the countryside.
5. The proposed development would, if permitted, prejudice the safety and convenience of road users since it has not been demonstrated that the applicant can provide the necessary land within the application site to provide visibility splays of 2.4m x 110m

**Signature(s)****Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th May 2018
<b>Date First Advertised</b>	14th June 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 47a Five Mile Straight Draperstown The Owner/Occupier, 51 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 52 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 53 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 53a Five Mile Straight Draperstown The Owner/Occupier, 53b Five Mile Straight Draperstown	
<b>Date of Last Neighbour Notification</b>	19th June 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0746/O Proposal: Infill site for one dwelling house and domestic garage Address: 50m North East of 49 Fivemile Straight, Carnamoney, Draperstown, Decision: Decision Date:  Ref ID: H/2003/0120/F Proposal: Extension To Dwelling Address: 49 Fivemile Straight, Draperstown. Decision: Decision Date: 10.04.2003  Ref ID: H/1979/0474 Proposal: SITE OF 4 BUNGALOW'S Address: FIVE MILE STRAIGHT, CARNAMONEY, DRAPERSTOWN, MAGHERAFELT Decision: Decision Date:  Ref ID: H/1992/0283 Proposal: ALTS + ADDS TO BUNGALOW Address: NEW BUNGALOW FIVE MILE STRAIGHT DRAPERSTOWN	

Decision:

Decision Date:

Ref ID: H/1979/0654

Proposal: SITE OF BUNGALOW

Address: FIVE MILE STRAIGHT, CARNMONEY, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2011/0490/RM

Proposal:

New one and a half storey farm dwelling and garage

Address: 24m West of 53A Fivemile Straight, Draperstown,

Decision:

Decision Date: 24.11.2011

Ref ID: H/1986/0128

Proposal: SITE OF DWELLING

Address: ADJACENT TO 53 FIVE MILE STRAIGHT, CARNMONEY, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1985/0477

Proposal: SITE OF HOUSE AND GARAGE

Address: ADJACENT TO 53 FIVEMILE STRAIGHT, CARNAMONEY, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2008/0111/F

Proposal: Replacement of existing two storey dwelling to proposed single storey dwelling

Address: 53 Five Mile Straight, Draperstown

Decision:

Decision Date: 19.08.2008

Ref ID: H/1984/0243

Proposal: SITE OF BUNGALOW

Address: FIVE MILE STRAIGHT, CARNAMONEY, DRAPERSTOWN

Decision:

Decision Date:

**Summary of Consultee Responses****Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted



**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/1093/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage/store	<b>Location:</b> Approx 70m East/S.East of 7 Gortinure Road Tamnymullan Maghera
<b>Applicant Name and Address:</b> Mr Michael Mc Eldowney 1 Hawthorn Drive Tamnymullan Maghera	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Recommendation:</b> Refusal	
<b>Characteristics of the Site and Area:</b>  The site is located approx. 2.5 miles north of Maghera in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 70m South East of 7 Gortinure Road, Maghera. The proposed site is a cut out portion of a large agricultural roadside field which slopes in a south easterly direction. The south-western, north-western and north-eastern boundaries are defined by mature vegetation, the remaining south-eastern boundary is undefined. A builder's yard abuts the site along the north-western albeit with a laneway located in between and on the opposite side of the road there is a single storey dwelling, No 6a.	



### **Description of Proposal**

Proposed dwelling and domestic garage/store

### **Deferred Consideration:**

The application was presented as a refusal to Committee in January 2019 under CTY13 & CTY14, and subsequently deferred for an office meeting which was held on 17th Jan 2019.

Amended plan showing levels and planting scheme was submitted. As well as a number of examples of dwellings in the surrounding area in an attempt to support the design of the proposal. Following a site visit of the most comparable of the properties submitted, it was still felt the hipped roof design and the size and scale of the proposed dwelling was out of keeping with the rural character of this area. The agent was made aware of this opinion and asked to make design amends, however none were submitted only more examples of dwellings roof designs in the locale.



### **PROPOSED FRONT ELEVATION**

The hipped roof dwelling on Moneysharvin Road (Example A) is a long established dwelling which would not have been assessed under current design policy, Example K sits in extensive gardens with a treed area between it and the main road limiting its visual impact. House example L is in a built up area and its design is more suitable due to its location, which is less rural feeling than the current site. These dwellings were those listed that were the closest to the site, however they are approx 1.5 miles from it so again are not a direct comparison, such as the adjacent dwelling, which is 2 storey but a more traditional rural design.

The amended planting plan appears generous in showing the existing mature trees along the roadside boundary, as it appears a lot more open at the actual site. However there are existing mature trees along where the proposed access will be located and with their retention and the proposed planting alongside either laneway boundary, there will be a limited visual impact of this suburban style driveway. Also it should be noted the adjacent dwelling, which is 2 storey and sits further back from the road, has a relatively suburban driveway from the road to the house.

The levels provided still do not justify a dwelling of this scale and design on the proposed siting as it will remain prominent and out of keeping.





A further meeting was held with the agent to discuss the possibility of an amended scheme, to address the scale and massing issue. The Area Manager has indicated to the case officer what he was willing to accept on the site, however the agent was unwilling to make any more changes and wishes the application to be decided as it currently stands, at planning Committee, on the basis of its siting and character of the surrounding area.

Refusal is recommended based on CTY13 and CTY14 of PPS21 in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape and is likely to result in undue prominence.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application. This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy of PPS 21.

**Refusal Reasons**

1. The proposal is contrary to Policies CTY13 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape and is likely to result in undue prominence.

**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

*Adrian*  
*17/12/18*

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1093/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage/store	<b>Location:</b> Approx 70m East/S.East of 7 Gortinure Road Tamnymullan Maghera
<b>Referral Route:</b> Contrary to CTY 13 of PPS 21	
<b>Recommendation:</b> <b>Refusal</b>	
<b>Applicant Name and Address:</b> Mr Michael Mc Eldowney 1 Hawthorn Drive Tamnymullan Maghera	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice

#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received



**Summary of Issues**

The proposed house and access design is inappropriate for the proposal site and cannot achieve visual integration.

**Characteristics of the Site and Area**

The site is located approx. 2.5 miles north of Maghera in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 70m South East of 7 Gortinure Road, Maghera. The proposed site is a cut out portion of a large agricultural roadside field which slopes in a south easterly direction. The south-western, north-western and north-eastern boundaries are defined by mature vegetation, the remaining south-eastern boundary is undefined. A builder's yard abuts the site along the north-western albeit with a laneway located in between and on the opposite side of the road there is a single storey dwelling, No 6a.

**Description of Proposal**

Proposed dwelling and domestic garage/store

**Planning Assessment of Policy and Other Material Considerations**

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21 - Sustainable development in the countryside

Site History - LA09/2017/0624/O - Approval for dwelling and garage under policy CTY 2a, granted 15.11.2017. Under this approval there were several specific conditions stipulated. One of which stated:

' The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.'

Consultees: - DfI were asked to comment and responded on 31.10.2018 seeking additional information and amended plans to be submitted.

Environmental Health were asked to comment and responded on 23.10.2018 with no objections subject to advice.

NI Water were asked to comment and responded on 03.10.2018 with no objections

Neighbours: - Owners/Occupiers of Nos. 3, 4, 4a, 6 & 7 Gortinure Road were notified of the proposal on 25.09.2018, no representations have been received to date.

In line with legislation the proposal was advertised on 30.08.2018, no objections have been received to date.

The principal of development on the site has already been established under approval LA09/2017/0624/O which was granted on 15.11.2017, however this current proposal has a larger red line indicated than that approved at outline stage. In addition this proposal does not adhere to all of the conditions stipulated under the outline approval.

This current proposal proposes a large detached hipped roof dwelling with a ridge height of just under 9metres in height and a detached double garage. The access is proposed to exit the site from the south eastern corner and shows a sweeping suburban style drive.

The outline conditions were given in order for a dwelling at this location to be visually integrated into the surrounding landscape and be of an appropriate design. It was considered at outline stage due to the surrounding landscape and existing development that a single storey property with a ridge height of no more than 5.5metres in height would be most appropriate, an observation which I would still agree with. This current proposal does not adhere to the conditions of the outline and the proposal does not achieve this visual integration.

The design of the building is inappropriate for the site and its locality in that the form, scale and massing are not suitable for the particular site and location and would make it dominant in the local landscape. In addition the proposed sweeping driveway would create a suburban emphasis and access arrangement and as such is not considered acceptable.

Following initial discussions with senior planners a complete redesign was sought on 21<sup>st</sup> November 2018. The agent was advised that the submitted house design was not considered acceptable at this location and considered thought should be given to the scale, materials, form and proposed ridge height. Amendments were received on 03.12.2018 whereby the finishes of the dwelling were changed from red brick to smooth render, the ridge height reduced by 1metre and the chimneys relocated. Despite these changes upon consideration the proposal is still unacceptable and does not go far enough to satisfy the requirements of policy.

Having considered all of the points above I feel the proposal does not meet the requirements of policy PPS21 CTY 13 and as such a recommendation to refuse should be given.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Refusal recommended

#### Reasons for Refusal:

1. The proposal is contrary to Policy CTY13 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape and is likely to result in undue prominence.
2. The proposal is contrary to Policy CTY 13 & CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed access arrangements are suburban in form and design and as a result will be obtrusive and will damage rural character.

#### Signature(s)

Date:



ANNEX	
<b>Date Valid</b>	14th August 2018
<b>Date First Advertised</b>	30th August 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 3 ,Gortinure Road,Maghera,Londonderry,BT46 5RB, The Owner/Occupier, 4 Gortinure Road Maghera Londonderry The Owner/Occupier, 4a Gortinure Road Maghera The Owner/Occupier, 6 Gortinure Road Maghera Londonderry The Owner/Occupier, 7 Gortinure Road Maghera Londonderry	
<b>Date of Last Neighbour Notification</b>	25th September 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes
<b>Planning History</b>  Ref ID: LA09/2018/1093/F Proposal: Proposed dwelling and domestic garage/store Address: Approx 70m East/S.East of 7 Gortinure Road, Tamnymullan, Maghera, Decision: Decision Date:  Ref ID: H/2005/0356/O Proposal: Site of dwelling Address: 50m North of No. 7 Gortinure Rd, Maghera (site 2) Decision: Decision Date:  Ref ID: H/2005/0357/O Proposal: Site of Dwelling Address: North of & Adjacent 7 Gortinure Road, Maghera (Site 1) Decision: Decision Date:	

Ref ID: H/1979/0105  
 Proposal: SITE OF BUNGALOW  
 Address: MONEYSHARVIN, MAGHERA  
 Decision:  
 Decision Date:

Ref ID: LA09/2017/0624/O  
 Proposal: Dwelling and garage under policy CTY2a  
 Address: 70m South East of 7 Gortinure Road, Maghera,  
 Decision: PG  
 Decision Date: 16.11.2017

### Summary of Consultee Responses

### Drawing Numbers and Title

Drawing No. 02  
 Type: Garage Plans  
 Status: Submitted

Drawing No. 03  
 Type: Site Layout or Block Plan  
 Status: Submitted

Drawing No. 01  
 Type: Site Location Plan  
 Status: Submitted

Drawing No.  
 Type:  
 Status: Submitted

Drawing No. 04  
 Type: Proposed Plans  
 Status: Submitted

### Notification to Department (if relevant)

Date of Notification to Department:  
 Response of Department:



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/1263/RM	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling house	<b>Location:</b> 20m's South of 40 Derrygonigan Road Cookstown BT80 8SU.
<b>Applicant Name and Address:</b> Finbar Crawford 40 Derrygonigan Road Cookstown BT80 8SU	<b>Agent name and Address:</b> Eamonn Moore Architects 18 Westbury Gardens Cookstown BT80 8WE
<b>Summary of Issues:</b>  Two objections were received in relation to the original proposal, amended plans came addressing the issues raised following the deferred meeting, and neighbours were re-notified. Neighbour notification expired on 12.04.2019 and the objector has not made any further objections.	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 2.6km east of Cookstown along the Derrygonigan road within the open countryside as defined by the Cookstown Area Plan 2010. The site is stated to be 20m south of 40 Derrygonigan Road, Cookstown, which the site appears to be the front portion of an agricultural field. The site does rise from the roadside towards the rear of the site with a line of mature hedging along the northern and southern boundaries, the western boundary remains undefined as stated this is a portion of a larger agricultural field. The eastern boundary, which is on along the roadside, has some hedging however there is an opening into the field. Directly north of the site is a single storey detached dwelling (no.40) with a garage to the rear, to the south east of the site sits another single storey detached dwelling (no.38) with an additional two single storey detached dwellings further south of no. 38 all along the roadside. The immediate locality is characterised by residential development, however the wider surrounding area is characterised by agricultural land uses predominantly.	

**Relevant planning history**

LA09/2017/0707/O – New Dwelling House – Permission Granted - 02nd May 2018

**Description of Proposal**

This is a Reserves Matters application for a new a dwelling house, the site is identified as 20m's South of 40 Derrygonigan Road, Cookstown. The proposed dwelling has a frontage of 16.6m with 5.7m ridge height from ground level and a gable depth of 8.5m with a total depth of 17.2m. The proposed wall finish is to be light grey dashed render with natural basalt locally sourced stone to the front porch with the roof to be non-profiled tiles blue/black.

**Deferred Consideration:**

The application was presented as a refusal to Planning Committee in March 2019 and deferred for an office meeting with Area Manager and both the applicant and objector. This meeting was held on 14 March 2019. Following discussion it was agreed the agent would forward amended plans to attempt to overcome the objector's issues. Amended plans were received on 22 March and neighbours were re-notified.

The proposed dwelling has moved further north, taking it away from the existing dwelling to the south.

The turning head at the front of the dwelling is reduced and stopped at front porch to allow for sufficient vehicular turning space.

Proposed hedge has moved further from the neighbour's property. It has been specified as semi-mature cherry laurel as requested by the third party, it is a more evergreen species but still native. This hedge will minimise overshadowing for the neighbour. Proposed dwelling floor level has been reduced by a further 200mm as agreed by all parties at the deferred meeting.

Bearing in mind, before these changes were made, the proposal had been recommended for approval, following these amends which have addressed a number of the objector concerns, an approval is again recommended with conditions as previous.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 Dwellings in the Countryside are applicable to this application.

This proposal is therefore in compliance with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains in compliance with current planning policy.

## Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission;
- or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/4 date stamped 22 March 2019 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

6. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place in accordance with Drawing No. 02/4 dated stamp 22 March 2019, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The access gradient(s) shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015, the window on the southern side elevation shall be obscured glass and no additional window openings, extensions or additions be added to the southern gable.

Reason: In the interests of neighbouring 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 does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway



- The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, Co. Tyrone, BT80 8SG, A monetary deposit will be required to cover works on the public road.

**Signature(s):**

**Date**

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1263/RM	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling house	<b>Location:</b> 20m's South of 40 Derrygonigan Road Cookstown BT80 8SU.
<b>Referral Route:</b>  To Committee - Approval - Two Objections	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Finbar Crawford 40 Derrygonigan Road Cookstown BT80 8SU	<b>Agent Name and Address:</b> Eamonn Moore Architects 18 Westbury Gardens Cookstown BT80 8WE
<b>Executive Summary: Approval</b>	
<b>Signature(s):</b> Peter Henry	

For committee decision



18/2/19

Condition  
Notwithstanding the provisions of the Planning  
(General Permitted Development) Order 2015, the window  
in the southern side elevation shall be obscured glass  
and no additional window openings, extensions or  
additions be added to the southern facade.  
Reason in the interests of neighbours  
amenity.

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Two objections were received, summary of the objections:

- Incorrect development description – outline only attained approval for a new dwelling however the reserved matters application has come in for a dwelling and garage and due to such should not be regarded as a reserved matters application.



- Incorrect visibility splays indicated on plans – the RS1 form noted that a visibility splay of 60 metres is required to the north of the access however only 45 metres has been shown and this does not comply with condition 8 of the outline.
- Provision and maintenance of visibility splays – third party lands are required on either side of the access to provide and maintain the splays. The applicant does not have the control nor the agreement to do so or will it be able to attain these. Therefore the site cannot legally commence without the provision and long term maintenance of the splays.
- Non-compliance with ridge height restriction – the outline permission required the ridge height to be no less than 5.7m above the lowest part of the existing ground level, as submitted the dwelling sits 5.7m from the finished floor level contrary to the condition. Excavation will be required to bring the position of the dwelling down the level of the lowest level of the site with the ridge height to be no more than 5.4m to allow for underbuild.
- Ownership – the certificate in which was signed notes the land to be in actual possession of the applicant, rather after a check it is in ownership of the applicant's father and the declaration is incorrect.
- Overlooking of adjoining private amenity space – notes that the proposed dwelling is located over a metre from the adjacent dwelling. Given that the proposed dwelling is only located 11-12 metres from the rear of this dwelling, the windows on the front elevation of the proposed dwelling at a higher level will result in direct overlooking of the neighbouring dwelling. Notes that from the approved site layout of the outline that there will be no windows along the gable wall, showing the concerns for the potential of overlooking. Although planting has been proposed along the eastern boundary of the site, this will take considerable time to establish and thus direct overlooking will occur in the meantime, in addition no type of plants have been provided which could mean that the landscaping would have little or no effect in the winter months when it sheds its foliage.
- Sewage Disposal – it is noted that the sewage disposal system is located to the front of the dwelling in close proximity to the neighbouring dwelling and the public road, and partially under the proposed driveway. Concerns raised that the location of this percolation area in close proximity to and at a higher level than the adjoining existing dwelling and public road which could result in a public health issue. Final note that laying percolation drains under driveways is not acceptable given the weight of vehicles repeatedly passing over them may result in their failure.

### **Characteristics of the Site and Area**

The site is located approximately 2.6km east of Cookstown along the Derrygonigan road within the open countryside as defined by the Cookstown Area Plan 2010. The site is stated to be 20m south of 40 Derrygonigan Road, Cookstown, which the site appears to be the front portion of an agricultural field. The site does rise from the roadside towards the rear of the site with a line of mature hedging along the northern and southern boundaries, the western boundary remains undefined as stated this is a portion of a larger agricultural field. The eastern boundary, which is on along the roadside, has some hedging however there is an opening into the field. Directly north of the site is a single storey detached dwelling (no.40) with a garage to the rear, to the south east of the site sits another single storey detached dwelling (no.38) with an additional two single storey detached dwellings further south of no. 38 all along the roadside. The immediate locality



is characterised by residential development, however the wider surrounding area is characterised by agricultural land uses predominantly.

#### Relevant planning history

LA09/2017/0707/O – New Dwelling House – Permission Granted - 02nd May 2018

#### Representations

There were five notification letters were sent out however two objections were received.

### Description of Proposal

This is a Reserves Matters application for a new a dwelling house, the site is identified as 20m's South of 40 Derrygonigan Road, Cookstown. The proposed dwelling has a frontage of 16.6m with 5.7m ridge height from ground level and a gable depth of 8.5m with a total depth of 17.2m. The proposed wall finish is to be light grey dashed render with natural basalt locally sourced stone to the front porch with the roof to be non-profiled tiles blue/black.

### Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Gap/Infill sites

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The SPPS introduced in September 2015 is a material planning consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and the proposal is for a dwelling and garage

Policy CTY 1 of PPS 21 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a new dwelling and the principle of development under CTY 8 has already been established through the approval of LA09/2017/0707/O. All that remains is for the proposal to be considered under Planning Policies CTY 13 and 14 which require that the building can be visually integrated into the surrounding landscape and it is of an appropriate design, and it does not cause detrimental change to, or further erode the rural character of an area. The outline approval LA09/2017/0707/O set out a number of conditions for the reserved matters to comply with. After the objection was received and application subsequently amended I note that the application has complied with all the outline conditions.



Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As noted there has been a general acceptance that the proposed application has able to comply on balance with the outline conditions, despite the issues over the ridge height from which I am content the dwelling will not be a prominent feature. In terms of the design, I note that it is quite a simple single storey dwelling and I am content this is acceptable in this rural context. Due to the landform and existing and proposed landscaping it has been agreed on balance that the dwelling would be able to successfully integrate into the landscape. From this I am content on balance that this application complies under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content on balance that the proposed dwelling will not appear as prominent in the landscape nor would it result in a suburban style build-up of development within the context of other buildings. The proposed development will respect the traditional pattern of settlement exhibited in the area and it will not create or add to a ribbon of development. On a whole I am content that the proposed development complies with CTY 14.

Other policy and material considerations:

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and initially responded requesting amendments, however in their final response they have confirmed the access arrangements are acceptable subject to conditions and Informatives.

With response to the comments raised in the objections, to start, in terms of the development description this has been subsequently amended to reflect that of the outline permission along with any drawings. In terms of the incorrect visibility splays shown, again the application was subsequently amended and DFI Roads confirmed that this is now acceptable in line with the outline. With regards to the provision and future maintenance of the splays I note that any agreements etc. is a civil matter between the applicant and relevant landowners and not for planning control, however the agent noted that the visibility splays have been kept within the existing verge. In terms of the breach of condition over ridge height, I note that this application was amended and it has now been accepted that the application is now acceptable in terms of height. I note that the application certificate has also been amended to reflect ownership in the applicant's father's name. With regards to the comments made over overlooking of the adjoining private amenity space it was agreed during the group discussions that whilst the dwelling may sit higher than the existing neighbouring dwelling but there is an existing boundary of hedging along with the proposed landscaping will reduce any concerns of overlooking. In addition with the introduction of opaque/frosted glass on the gable wall again reduces these concerns further whilst ensuring light into the proposed dwelling. On balance I am content that the proposed dwelling will not adversely impact upon residential amenity of the neighbouring dwelling. Finally in terms of sewage disposal the agent noted that this layout is very common and that a Consent to Discharge application will be applied for with NI Water Management Unit. I am content that this resolves this issue.

From all of this I recommend approval.	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
Approval.	
<p>Conditions:</p> <p>1. The development to which this approval relates must be begun by whichever is the later of the following dates:-</p> <p>i. The expiration of a period of 5 years from the grant of outline planning permission; or</p> <p>ii. The expiration of a period of 2 years from the date hereof.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/3 date stamped 07th December 2018 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.</p> <p>Reason: To ensure the development integrates into the countryside</p> <p>3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.</p> <p>Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.</p> <p>5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p>	



6. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place in accordance with Drawing No. 02/3 dated stamp 07th December 2018, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The access gradient(s) shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015, the window on the southern side elevation shall be obscured glass and no additional window openings, extensions or additions be added to the southern gable.

Reason: In the interests of neighbouring 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 does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

It is the responsibility of the developer to ensure that



- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, Co. Tyrone, BT80 8SG, A monetary deposit will be required to cover works on the public road.

Signature(s)



Date: 18/2/19.

<b>ANNEX</b>	
<b>Date Valid</b>	28th September 2018
<b>Date First Advertised</b>	11th October 2018
<b>Date Last Advertised</b>	10th January 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Killybearn Road Cookstown Londonderry The Owner/Occupier, 11a Killybearn Road Cookstown The Owner/Occupier, 34 Derrygonigan Road Cookstown Londonderry The Owner/Occupier, 36 Derrygonigan Road Cookstown Londonderry The Owner/Occupier, 38 Derrygonigan Road Cookstown Londonderry Toirleach Gourley Moveagh House, 35 Moveagh Road, Cookstown, BT80 9HE T A Gourley Moveagh House, 35 Moveagh Road, Cookstown, BT80 9HE	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/1263/RM Proposal: New Dwelling houses and garage. Address: 20m's South of 40 Derrygonigan Road, Cookstown, BT80 8SU., Decision: Decision Date:  Ref ID: LA09/2017/0707/O Proposal: New Dwelling house Address: 20m South of 40 Derrygonigan Road, Cookstown, Decision: PG Decision Date: 09.05.2018  Ref ID: I/2003/0500/O Proposal: Site for dwelling (Amended Site)	

(RE-ADVERTISEMENT)

Address: Between 38 & 40 Derrygonigan Road, Cookstown

Decision:

Decision Date: 07.05.2004

Ref ID: I/1995/0024

Proposal: Extension to dwelling

Address: 40 DERRYGONIGAN ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2000/0356/O

Proposal: Site for dwelling

Address: Rear of 36 Derrygonigan Road, Cookstown

Decision:

Decision Date: 29.03.2001

Ref ID: I/1994/0201

Proposal: Replacement Dwelling

Address: 38 DERRYGONIGAN ROAD KILLYBEARN COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/0376/LDP

Proposal: Proposed agricultural shed

Address: 11 Killybearn Road, Cookstown

Decision:

Decision Date:

Ref ID: I/2004/0272/F

Proposal: Proposed replacement dwelling and domestic garage

Address: 11 Killybearn Road, Cookstown

Decision:

Decision Date: 22.06.2004

Ref ID: I/1988/0461

Proposal: Improvements to Dwelling

Address: 40 DERRYGONIGAN ROAD KILLYBEARN COOKSTOWN

Decision:

Decision Date:

**Summary of Consultee Responses****Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02/3

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03/1

Type: Proposed Floor Plans

Status: Approved

Drawing No. 04/1

Type: Proposed Elevations

Status: Approved

Drawing No. 05/1

Type: Proposed Elevations

Status: Approved

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

## Deferred Consideration Report

<b>Summary</b>	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/1367/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of garage with part change of use to living accommodation	<b>Location:</b> 10m North of 30 Loughdoo Road Pomeroy. Tyrone BT80 9JG
<b>Applicant Name and Address:</b> Karl Heron 11 The Dales Cookstown	<b>Agent name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Pk Cookstown BT80 9LU
<b>Characteristics of the Site and Area:</b>  <p>The site is located approximately 1km North West of the development limits of Gortacladdy and is situated within the open countryside as per the Cookstown Area Plan 2010. The site is identified as No.30a Loughdoo Road, however it is noted that after discussions with Building Control there is no address of No. 30a. Rather the site appears to be the garage associated with No. 30 however the red line has not included No. 30. Within the red line sits a detached garage and small yard to the front. The site is accessed via an existing access directly off the Loughdoo road. The immediate and surrounding area is defined by predominately agricultural land uses with a scattering of residential dwellings.</p> <p>Relevant planning history  LA09/2016/0162/CA - Unauthorised change of use within a domestic garage as shown edged in red on the attached map to a separate unit of accommodation; without the grant of planning permission so required.</p> <p>Representations- one objection was received.</p>	
<b>Recommendation:</b> Refusal	
<b>Description of Proposal</b>  <p>This is a full application for the retention of garage with part change of use to living accommodation. The site was initially identified as 30A Loughdoo Road, Pomeroy but was</p>	

later amended to 10m north of 30 Loughdoo Road, Pomeroy as there was no evidence of 30a.

### **Deferred Consideration:**

This application is for Retention of garage with part change of use to living accommodation at 10m North of 30 Loughdoo Road Pomeroy.

The proposal was considered under PPS21. CTY1 states the criteria that allows for a dwelling in the countryside, and going through each of these, none are met in order to allow for this proposal. As it is not in compliance with any of these criteria and there is no reason why the garage should be considered a separate unit of why it should be converted into a dwelling, a refusal must therefore be recommended.

The application was presented as a refusal and subsequently deferred at March 2019 Planning Committee in order to clarify ownership details.

The agent confirmed with a Solicitors letter dated 20th March 2019, the site is currently registered in the 3 names - Karol Heron, Nichola Heron and Loretta McGowan. At the time of writing this report this remained the current status.

A P2 issue was raised with the agent and an amended Certificate was received, stating notice was served on Nichola Heron on 01-04-2019 and Loretta McGowan on 29-01-2019. The 21 days have now passed and no correspondence has been received in relation to same. This clarifies the issue raised at Committee.

The recommendation remains unchanged and the refusal reason is the same;

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. Or why the garage should be considered as a separate planning unit from the dwelling to which it is ancillary or why it should be converted to a separate dwelling.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 Dwellings in the Countryside are applicable to this application.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy.



**Reason for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. Or why the garage should be considered as a separate planning unit from the dwelling to which it is ancillary or why it should be converted to a separate dwelling.

**Signature(s):**

**Date**

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1367/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of garage with part change of use to living accommodation (amended location)	<b>Location:</b> 10m North of 30 Loughdoo Road Pomeroy. Tyrone BT80 9JG
<b>Referral Route:</b>  To Committee - Refusal - Contrary to CTY 1 of PPS 21.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Karl Heron 11 The Dales Cookstown	<b>Agent Name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Pk Cookstown BT80 9LU
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

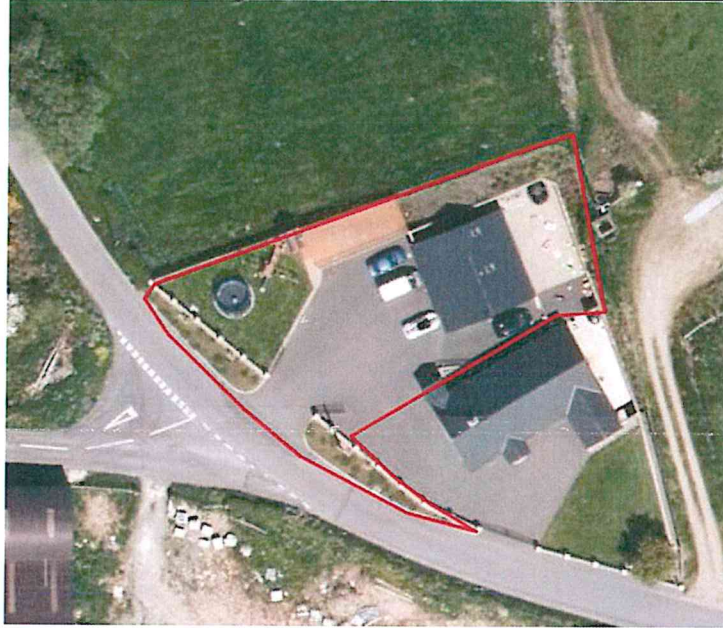
*For committee decision*





## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	

### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Does not meet any cases for residential development stated in CTY 1 of PPS 21 and one objection received. Summary of the objection is as follows;

- Raised issue that landownership certificate is incorrect.
- Stated that the proposal and the proposed plans do not match, stated that the plans indicate subdivision at 30 Loughdoo Road, the extent of the folio for 30 Loughdoo Road takes in the dwelling, associated garage (in part cited as 30a Loughdoo Road) and gardens. Stated that there is no address known as 30a Loughdoo Road, went on to say that if the intention was to retain the residential accommodation within the garage the

entire site of 30 Loughdoo Road would have been included. Instead there is a clear demarcation in the redline drawing of what is intended to be the curtilage of '30a.'

- Stated that CTY 1 of PPS 21 does not provide for this application, there is no policy for the approval of this application as presented.
- Concluded that the red line drawing of the site will be used by the applicant as the premise to subdivide the site. In that the objector's residential amenity has already been significantly impacted upon by a third party residing in our garage. The red line comes right up to the building line of No. 30 and if used to demarcate a separate residence will permit the erection of fences etc. and will cut us off from our access. The red line will also leave them no means of access to their right of way which leads to their farmlands.

### **Characteristics of the Site and Area**

The site is located approximately 1km North West of the development limits of Gortacladdy and is situated within the open countryside as per the Cookstown Area Plan 2010. The site is identified as No.30a Loughdoo Road, however it is noted that after discussions with Building Control there is no address of No. 30a. Rather the site appears to be the garage associated with No. 30 however the red line has not included No. 30. Within the red line sits a detached garage and small yard to the front. The site is accessed via an existing access directly off the Loughdoo road. The immediate and surrounding area is defined by predominately agricultural land uses with a scattering of residential dwellings.

#### **Relevant planning history**

LA09/2016/0162/CA - Unauthorised change of use within a domestic garage as shown edged in red on the attached map to a separate unit of accommodation; without the grant of planning permission so required.

#### **Representations**

One neighbour notification was sent out however one objection was received.

### **Description of Proposal**

This is a full application for the retention of garage with part change of use to living accommodation. The site was initially identified as 30A Loughdoo Road, Pomeroy but was later amended to 10m north of 30 Loughdoo Road, Pomeroy as there was no evidence of 30a.

### **Planning Assessment of Policy and Other Material Considerations**

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

#### **Cookstown Area Plan 2010**

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;



The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

To note that there was enforcement action taken on this site in which an enforcement notice was served however it was not appealed therefore it is considered that the use is not deemed as lawful. It is noted that there was no supporting statement to refer to which policy it is believed this application complies under however there were a number of supporting documents all referring to the address of No. 30a. However as stated that after discussions with Building Control there is no official address of 30a and after group discussions there is nothing in the supporting documents to argue that this has been used for an excess of five years. From this, as the application falls within the open countryside the development is controlled under PPS 21 for the provision of a separate residential unit.

This application is to be considered broadly under all policies of PPS 21. CTY 1 of PPS 21 states that planning permission will be granted for an individual dwelling under a number of cases; taking each policy separately are as below:

CTY 2 – the application is not located within the a Dispersed Rural Community

CTY 2a – Site not considered as cluster, does not appear as a visual entity, there is not four or more buildings, no focal point and it is not bounded on two sides.

CTY 3 – Cannot be considered as a replacement as the building is a garage not a dwelling.

CTY 4 – Policy does not give provision for a garage to be converted.

CTY 5 – this is single residential unity and not social or affordable housing

CTY 6 – No personal or domestic circumstances have been submitted

CTY 7 – No information that the dwelling is for a non-agricultural business enterprise

CTY 8 – There is no line of continuous and built up frontage plus the gap between buildings could accommodate more than two dwellings.

CTY 9 – Application is not for a residential caravan or mobile home

CTY 10 – No Farm case has been submitted, when asked the agent confirmed on the phone that they were not farmers.

From the above it is clear that the site has not complied with any relevant criteria under which CTY 1 allows for a dwelling and therefore I must recommend refusal.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is noted that as the building is existing and no design changes have been proposed that and the design has been accepted a garage only and not a single residential unit.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously the building is seen as existing garage only and that due to no external changes however the use has been deemed as unacceptable.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and confirmed that they had no objection to the proposal subject to conditions and informatives.

A consultation was also sent to Environmental Health who confirmed they had no objection in principle to the proposal subject to conditions.

To answer the queries raised by the objector, with regards to the ownership issues and the extent of the folio of 30 Loughdoo Road, after a land registry check it confirmed it was part owned by the applicant and his wife along with another person, therefore the certificate was subsequently amended. As confirmed with Building Control there is no address as 30a Loughdoo Road which has already been acknowledged and the address was subsequently amended. The above report has concluded that the application does not comply under CTY 1 of PPS 21. With regards the garage being used as a residential currently this is being dealt with by the Council's enforcement team. Any issues over right of ways raised is a civil matter and planning control has no powers over this.

As the application has failed to demonstrate its compliance with any of the relevant policies under PPS 21 as stated under CTY 1 therefore I must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. Or why the garage should be considered as a separate planning unit from the dwelling to which it is ancillary or why it should be converted to a separate dwelling.

**Signature(s)**



**Date:** 12/2/19.



ANNEX	
<b>Date Valid</b>	15th October 2018
<b>Date First Advertised</b>	1st November 2018
<b>Date Last Advertised</b>	14th February 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 30 Loughdoo Road Pomeroy Tyrone Lorretta McGowan Email	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/1122/F Proposal: Retention of dwelling and garage to include alterations from previously approved, (I/2012/0155/F). Address: 50m South of 30 Loughdoo Road, Pomeroy, Tyrone, BT80 9JG., Decision: Decision Date:  Ref ID: LA09/2018/1367/F Proposal: Retention of garage with part change of use to living accommodation Address: 30A Loughdoo Road, Pomeroy, Decision: Decision Date:  Ref ID: I/1973/0043 Proposal: ERECTION OF FARMHOUSE Address: NO 30, LOUGH DOO ROAD, COOKSTOWN Decision: Decision Date:  Ref ID: I/1992/0418 Proposal: Extension to dwelling Address: 30 LOUGHDOO ROAD KILLEENAN COOKSTOWN	

Decision:  
Decision Date:

**Summary of Consultee Responses**

**Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 01

Type: Site Location Plan  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 03  
Type: Garage Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





### Deferred Consideration Report

<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2018/1521/LBC	<b>Target Date:</b>
<b>Proposal:</b> Business signage; including signage on South & West Elevations and free standing sign in front of building	<b>Location:</b> 15-17 Church Street Magherafelt
<b>Applicant Name and Address:</b> Danny Mulholland Mid Ulster Back Care and Physiotherapy 15-17 Church Street Magherafelt	<b>Agent name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Summary of Consultee Responses:</b>  HED still object to the amended plans submitted.	
<b>Recommendation:</b> Refusal	
<b>Characteristics of the Site and Area:</b>  <p>The site is located within the development limits of Magherafelt as defined by the Magherafelt Area Plan 2015. The site is located at 15 - 17 Church Street Magherafelt and contains a large two storey building. The building is located at the end of terrace row with dual frontage onto both Church Street and King Street.</p> <p>The area is characterised by a mix of uses including retail, office and residential uses. Linked to application LA09/2017/1196/A.</p>	

**Description of Proposal**

The site (existing building) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for retention of business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance. The telephone kiosk adjacent is Grade B2 listed.

**Deferred Consideration:**

This proposal was presented as a refusal to Planning Committee in Feb 2019 and was subsequently deferred for an office meeting with the Area Planning manager, Dr.Boomer which was held on 14<sup>th</sup> Feb 2019. The reasons for refusal were as follows;

1.The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2.The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018 would adversely affects the setting of a listed building.

Following the office meeting, the agent was asked to submit amended plans in an attempt to address the concerns of HED.

There is no issue with the signs to go on the walls of the building.

The free standing sign has been reduced from 3 legs to two, and instead of two boards it would be metal signal board which is double sided. The agent advised they could not reduce the board to one leg because of the structural stability and durability of the sign would be greatly reduced.

HED have re-considered the impact of the amended proposal on the building and on the basis of the information provided HED advises their views remain unchanged. The sign is inappropriate in scale and detrimental to the setting and style of the listed building. In the context of the street scene HED;HB further consider that it has a negative impact on the setting of the adjacent telephone kiosk (HB08/15/017) which has a grade B2 listing.

Mid Ulster Council would have the same concerns in relation to the free standing sign as HED and support the refusal on the same grounds. If MUDC were to go against the recommendation of HED, the application must then be deferred to The Department of Environment to be dealt with by them, in line with The Planning Act (NI) 2011.

The proposal remains contrary to policy AD1 of PPS17 in that it would, if approved, adversely impact upon the visual and residential amenity of the locality. The proposal is also contrary to policy BH11 of PPS6 in that it would, if approved, adversely affect the setting of a listed building and listed telephone kiosk.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 – General Principles Planning Policy, and policy HE11 – Adverts on a listed building or structure, are applicable to this application.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy.

**Refusal Reasons**

1.The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 02, which was received on 29<sup>th</sup> March 2019, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2. The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 2, which was received on 29<sup>th</sup> March 2019 would adversely affects the setting of a listed building and listed telephone kiosk .

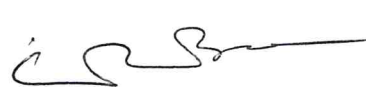
**Signature(s):****Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1521/LBC	<b>Target Date:</b>
<b>Proposal:</b> Business signage; including signage on South & West Elevations and free standing sign in front of building	<b>Location:</b> 15-17 Church Street Magherafelt
<b>Referral Route:</b> Contrary to AD 1 of PPS 17 and BH11 of PPS 6.	
<b>Recommendation:</b>	<b>Refuse</b>
<b>Applicant Name and Address:</b> Mid Ulster Back Care & Physiotherapy 15-17 Church Street Magherafelt BT45 6AP	<b>Agent Name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

For committee decision  


## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
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#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues:** None

#### Characteristics of the Site and Area

The site is located within the development limits of Magherafelt as defined by the Magherafelt Area Plan 2015. The site is located at 15 - 17 Church Street Magherafelt and contains a large two storey building. The building is located at the end of terrace row with dual frontage onto both Church Street and King Street.

The area is characterised by a mix of uses including retail, office and residential uses.



**Description of Proposal**

The site (existing building) is within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for retention of business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance

**Planning Assessment of Policy and Other Material Considerations****Relevant Planning History**

LA09/2016/0725/F - Proposed alterations to provide new residential apartment above existing commercial units at 15 - 17 Church Street Magherafelt. Approved 24th May 17.  
 LA09/2017/0087/CA – An enforcement case for unauthorised signage is ongoing.  
 Further action will depend on the outcome of subject planning application  
 LA0/2017/1196/A and LA09/2018/1521/LBC.

**Representations:**

No neighbours notified under an Advertisement Consent application  
 No letter of representation have been received

**Development Plan, Legislation and Key Policy Consideration**

The site (existing building) is within the Town Centre designations of Magherafelt in accordance with the Magherafelt Area Plan 2015. The application is for business signage on the south & west elevations and a freestanding sign in front of building No 17 Church Street, Magherafelt (Grade B1) which is of special architectural and historic importance.

**Magherafelt Town Centre: Design Guide** – Section 7 deals with signage and advertisement, paragraph 7.1 state that signage and advertisements within the Town Centre the proportion of a sign must relate to the elevation on which it is placed. If a sign is too large it can disrupt the appearance of a building and also of the street scene in general while if too small it can be insignificant and ineffective.

**Legislation:**

Section 130 of The Planning Act (Northern Ireland) 2011 refers to The Planning (Control of Outdoor Advertisements) Regulations (Northern Ireland) 2015 and Section 80 of the Planning Act (Northern Ireland) 2011 refers to The Planning (Listed Building) Regulations (Northern Ireland) 2015

**Planning Policy:**

The primary policy context is provided by Policy AD 1 of Planning Policy Statement 17: Control of Outdoor Advertisement (PPS 17). Policy AD 1 of PPS 17 states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety. Policy BH9 of Planning Policy Statement 6 Planning Archaeology and the Built Heritage states that consent for advertisement or signs on a listed building where they are design and located to respect the architectural form and detailing of the building and Policy BH11 of Planning Policy Statement 6 Planning Archaeology and the Built Heritage states that development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

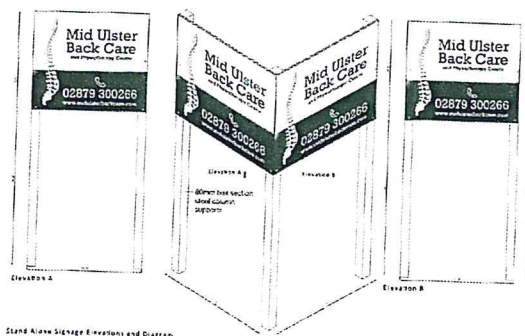
### Amenity and Impact on a Listed Building

**SIGN 1:** Is a small signage text with the wording 'Mid Ulster Back Care and Physiotherapy Centre' in small black lettering located on the first floor west elevation:-



It is my opinion that the small signage text on the west elevation respects the amenity of the local area and has been carefully designed and located to respect the architectural form and detailing of the building. Historic Buildings advise that they are also content with the small signage text.

**SIGN 2:** Is a freestanding sign located in a corner plot at the front of the premises sited between ornate cast iron railing and two ground floor windows. The sign is 1500mm above ground level and mounted on three 80mm box section steel poles supporting two 1110mm x 950 signs:-

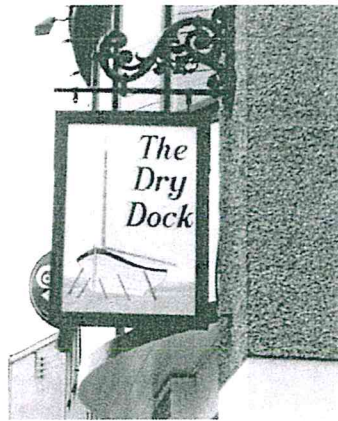


Historic Buildings advise that the large free standing at 2450mm high is a dominant feature and detracts from and obscures the listed building street frontage. The Council also supports Historic Buildings viewpoint and whilst their consultation response did not request that the sign be removed, given that the sign has already been erected the only way to move forward is for the sign to be removed from the proposal. The applicant was contacted on 1st November 2018 and advised to remove the free standing from the proposal. The applicant responded on the 5th November arguing that the historic

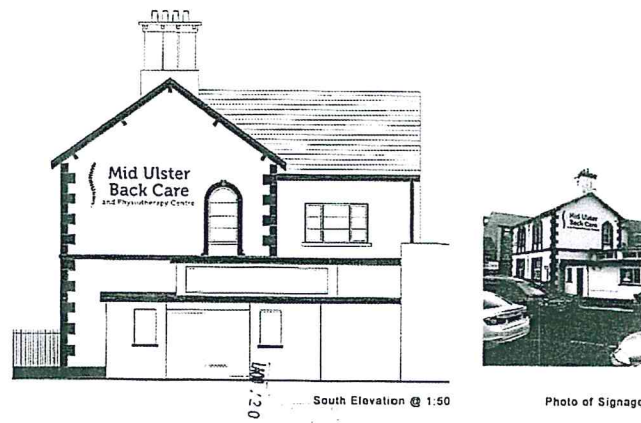


architectural detailing of this building are at a very basic level and that the sign will not have an impact on important historic features which can still be viewed while moving around this corner of the property. It is acknowledged that the sign is not attached to the building, however the close proximity is such that a substantial element of the façade is masked. It is my opinion that the advertisement is contrary to policy AD1 of PPS 17 as it does not respect amenity, when assessed in the context of the general characteristics of the locality and as a result, the freestanding sign is contrary to BH 11 of PPS 6 in that it adversely affects the setting of a listed building.

However, as an alternative the Council will consider an appropriate hanging sign on the front facade similar to the image below. This type of traditional sign would help to complement the historic importance of the building and the area.



**SIGN 3:** Is a large signage text with the wording 'Mid Ulster Back Care and Physiotherapy Centre' in small black lettering located on south (gable) elevation:-



Historic Buildings has requested that the large signage text on the south elevation should be reduced in scale and size. However, the Council does not share Historic Buildings viewpoint because the signage text on the gable façade replaced previous signage text albeit the lettering is slightly larger than the previous sign. In addition, the signage text is located on a less prominent elevation and as a result can only be viewed when travelling in a north-westerly direction along King Street towards the town centre. Therefore, it is my opinion that the large signage text on the west elevation respects the amenity of the local area and has been designed and located to respect the architectural form and detailing of the building.



**Deemed Consent**

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 Schedule 3 Regulation 5 – Part 1 – Classes of Advertisement which may be displayed with deemed consent.

Class 5 - Advertisements (other than illuminated advertisements) on business premises is pertinent to **SIGN 1** & **SIGN 3**, however both signs are not permitted by Class 5 for the following reasons:

1. the 'spinal cord symbol' on the wall is more than 0.3m in height - condition (c).
2. the sign is higher than the bottom of the first floor window on the wall on which the advertisement is displayed - condition (d).

Class 6 - An advertisement on a forecourt of business premises is pertinent to **SIGN 2**, however the sign is not permitted by Class 6 for the following reason:

1. the 'spinal cord symbol' on the wall is more than 0.3m in height - condition (c).

**Public Safety**

Transport NI have responded with no objections to the proposal subject to a number of informatives, mainly in relation to the illuminated part of the proposed signage and therefore public safety is not considered an issue.

**Neighbour Notification Checked**      **N/A**

**Summary of Recommendation:** The proposal is contrary to policy AD1 of PPS17 in that it would, if approved, adversely impact upon the visual and residential amenity of the locality. The proposal is also contrary to policy BH 11 of PPS 6 in that it would, if approved, adversely affect the setting of a listed building.

**Reasons for Refusal:****Refusal Reasons**

1. The proposal is contrary to Policy AD1 of Planning Policy Statement 17, Control of Outdoor Advertisements, in that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018, does not respect amenity, when assessed in the context of the general characteristics of the locality.

2. The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building is listed under Section 80 of the Planning Act (Northern Ireland) 2011 and that the freestanding as identified on drawing No 03 Rev 1, which was received on 14th November 2018 would adversely affects the setting of a listed building.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	14th November 2018
<b>Date First Advertised</b>	29th November 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/1521/LBC Proposal: Business signage; including signage on South & West Elevations and free standing sign in front of building Address: 15-17 Church Street, Magherafelt, Decision: Decision Date:  Ref ID: LA09/2017/1196/A Proposal: Business signage; including signage on South & West Elevations and free standing sign in front of building Address: 15-17 Church Street, Magherafelt, Decision: CG Decision Date:  Ref ID: H/2007/1100/F Proposal: Mixed use development incorporating ground floor retail units at nos 17 to 21, first floor office accommodation at nos 17 to 21 and apartment to rear of 17 to 21 Address: 17-21 Church Street, Magherafelt Decision: Decision Date: 26.02.2009  Ref ID: H/1993/0099 Proposal: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING(LBC) Address: 15-17 CHURCH STREET MAGHERAFELT Decision: Decision Date:  Ref ID: H/1993/0098 Proposal: CHANGE OF USE TO ART GALLERY AND PICTURE FRAMING	

**WORKSHOP**

Address: 15-17 CHURCH STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2007/0920/LB

Proposal: Mixed used development incorporating ground floor retail units at 17-21, first floor office accommodation and apartment to rear of 17-21

Address: 17-21 Church Street, Magherafelt

Decision:

Decision Date: 26.02.2009

Ref ID: LA09/2015/0996/LBC

Proposal: Internal fit out of 19 with demolition and replacement of rear return for structural reasons

Address: 19-21 Church Street, Magherafelt, BT45 6AP,

Decision: CG

Decision Date: 03.06.2016

Ref ID: LA09/2016/0725/F

Proposal: Proposed alterations to provide new residential apartment above existing commercial units at 15 - 17 Church Street Magherafelt

Address: 15 - 17 Church Street Magherafelt,

Decision: PG

Decision Date: 30.05.2017

Ref ID: LA09/2016/0723/LBC

Proposal: New doorway to 15 Church Street to provide access to new apartment above No's 15 and 17. Amendment to existing stair to provide access to apartment. Removal of existing wall in No 17 and breaking through to create internal toilet area for the existing commercial unit

Address: 15-17 Church Street, Magherafelt,

Decision: CG

Decision Date: 24.05.2017

**Summary of Consultee Responses****Drawing Numbers and Title**



Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

Drawing No. 02  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03 Rev 1  
Type: Proposed Elevations  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2018/1578/O	<b>Target Date:</b>
<b>Proposal:</b> Site for a dwelling and garage based on Policy CTY3 (replacement of a redundant non-residential buildings with a single dwelling)	<b>Location:</b> 25m East of No 28 Drumkee Road Dungannon
<b>Applicant Name and Address:</b> Ms Claire Heron 28 Drumkee Road Dungannon BT71 6JA	<b>Agent name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Summary of Issues:</b> Proposal does not represent a replacement / conversion opportunity and is therefore contrary to PPS21.  <b>Refusal is recommended</b>	
<b>Summary of Consultee Responses:</b> No objections	
<b>Characteristics of the Site and Area:</b>  <p>The red line of the site includes a square area of garden space to the East of number 28 Drumkee road, Dungannon. The site includes two poly tunnels (one covered and one not covered) and a glass greenhouse. The site is bounded by mature trees and hedgerow to the north south and east with the west boundary along the gable of the dwelling undefined on the ground.</p> <p>The site lies within the open countryside outside all other areas of control as depicted by the Dungannon Area Plan 2010. It lies a short distance to the North West of the settlement limits of Tamnamore and the M1 Motorway.</p> <p>The area is predominantly rural in make up and in my view retains a pleasing rural feel and character only on occasions being defined by scattered road side dwellings and farm complexes.</p>	

**Description of Proposal**

The proposal seeks outline planning permission for a site for a dwelling and garage based on Policy CTY3 (replacement of a redundant non-residential buildings with a single dwelling)

**Deferred Consideration:**

Members may recall that this case was deferred for a site visit at the Planning Committee held in March 2019.

I attended the site with Cllr Mark Glasgow on the 28<sup>th</sup> March 2019 at 10.00.

It was observed that the proposal intends to replace a polytunnel type structure with a permanent dwelling house. In examining Policy CTY3 of PPS21 at the site meeting I reminded Cllr Glasgow of the Policy requirements in this regard, namely:

‘Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ will include buildings previously used as dwellings’.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

It is my view that the fundamental issue with this case is that the structure to be replaced, whilst perhaps redundant, is such a building of ‘temporary construction’ more akin to an ancillary garden structure and should be ruled out as being of replacement merit in the same way that sheds and stores are above.

In terms of looking at Policy CTY4 of PPS21 (Conversion) I do not regard the structure as being capable of being converted and in any case the SPPS has introduced a policy requirement that any building to be converted in the open countryside should be able to be considered as ‘locally important’. This structure falls well short of any such definition in my opinion.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside, part (c) and (d)- Replacement Dwelling, are applicable to this application. The proposal as submitted also remains contrary to the LDP. In any case the LDP holds no determining weight as it is only at early consultation stage.

Having viewed the site I share the original case officer’s opinion on the proposal and have reached the same recommendation to refuse permission.

**Reasons for Refusal:**

1.The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2.The proposal is contrary to Policies CTY3 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure is considered to be of temporary construction and it has not been shown that the replacement would result in any significant environmental benefits, nor is the structure regarded as being locally important or being able to be converted to a dwelling.

**Signature(s): M.Bowman****Date 17<sup>th</sup> May 2019**





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Magherafelt  
BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1578/O	<b>Target Date:</b>
<b>Proposal:</b> Site for a dwelling and garage based on Policy CTY3 (replacement of a redundant non-residential buildings with a single dwelling)	<b>Location:</b> 25m East of No 28 Drumkee Road Dungannon
<b>Referral Route: objection received</b>	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Ms Claire Heron 28 Drumkee Road Dungannon BT71 6JA	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

#### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
<p><b>Summary of Issues</b></p> <p>One representation received from the owner of number 26 Drumkee road whom was concerned that they were not neighbour notified of the application. In response we detailed our statutory neighbour notification procedures and invited further objection if necessary. No further objections were forthcoming.</p>	
<p><b>Characteristics of the Site and Area</b></p> <p>The red line of the site includes a square area of garden space to the East of number 28 Drumkee road, Dungannon. The site includes two poly tunnels (one covered and one not covered) and a glass greenhouse. The site is bounded by mature trees and hedgerow to the north south and east with the west boundary along the gable of the dwelling undefined on the ground.</p> <p>The site lies within the open countryside outside all other areas of control as depicted by the Dungannon Area Plan 2010. It lies a short distance to the North West of the settlement limits of Tamnamore and the M1 Motorway. The area is predominantly rural in make up with moderate development pressure in the immediate vicinity, more so towards the west of the application site where there is a fair scattering of dwellings and farm holdings along the roadside.</p>	
<p><b>Description of Proposal</b></p> <p>The proposal seeks outline planning permission for a site for a dwelling and garage based on Policy CTY3 (replacement of a redundant non-residential buildings with a single dwelling)</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>PPS 1 General Principles  PPS 3 Access, Movement and Parking  PPS 21- Sustainable Development in the Countryside  Building on tradition: A sustainable design guide for the Northern Ireland countryside  Dungannon Area Plan 2010</p> <p>History  There are no relevant previous planning applications on the site.</p> <p>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.</p>	

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

The proposal seeks planning permission for a replacement of a redundant non-residential buildings with a single dwelling and given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

- Policy CTY1- Development in the Countryside;
- Policy CTY3- Replacement Dwellings;
- Policy CTY13- Integration and Design of Buildings in the Countryside; and
- Policy CTY14 - Rural Character.

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a replacement dwelling and therefore must be considered against Policy CTY3 of PPS21.

The applicant is applying for the replacement of a redundant non-residential buildings with a single dwelling and therefore Policy CTY 3 of PPS21 is relevant. Policy CTY 3 states that 'favourable consideration will be given to the replacement of a redundant non-residential buildings with a single dwelling, where the redevelopment proposed would bring significant environmental benefits'. The policy also states that buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however, be eligible for this policy.

It is clear from site inspection that the two 'buildings' to be replaced are of a temporary construction. The larger structure bares the frame of a poly tunnel, however, it has no covering and is open to the elements bar a small netted area around the base. The second structure is a smaller poly tunnel which in this case has covered sides and an open area to the front. In this case these temporary buildings will be ineligible for replacement under this policy.

In addition the buildings are set back from the roadside, are relatively low in height with a max height of the non-covered frame less than 4 metres and it has not been demonstrated that replacement with a dwelling would bring any let alone significant environmental benefits.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that in this case a small dwelling could possibly blend in successfully with its immediate and wider surroundings as the site is relatively low lying and there is decent boundary vegetation.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs may be suitable for absorbing a very small dwelling.

Transportni and Environmental health were consulted and have replied stating no objections.

The application was advertised on 13th December 2018 and Neighbour Notifications were issued on 11th December 2018 however no representations were received in respect to this application.

Refusal recommended.

**Neighbour Notification Checked      Yes**

#### Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building has been designed of a temporary construction and it has not been shown that the replacement would result in any significant environmental benefits.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	30th November 2018
<b>Date First Advertised</b>	13th December 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Robert Brown 26 Drumkee Road, Dungannon, Tyrone, Northern Ireland, BT71 6JA The Owner/Occupier, 26 Drumkee Road,Dungannon,Tyrone,BT71 6JA The Owner/Occupier, 28 Drumkee Road,Dungannon,Tyrone,BT71 6JA	
<b>Date of Last Neighbour Notification</b>	11th December 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/1558/O Proposal: Dwelling and Garage on a Farm Address: Land Approx. 50 NW of 32 Drumkee Road, Dungannon, Decision: Decision Date:  Ref ID: LA09/2018/1578/O Proposal: Site for a dwelling and garage based on Policy CTY3 (replacement of a redundant non-residential buildings with a single dwelling) Address: 25m East of No 28 Drumkee Road, Dungannon, Decision: Decision Date:  Ref ID: M/1981/0012 Proposal: DWELLING AND GARAGE Address: DRUMKEE ROAD, DUNGANNON Decision: Decision Date:  Ref ID: M/1981/001201 Proposal: BUNGALOW Address: DRUMKEE ROAD, DUNGANNON Decision: Decision Date:	

Ref ID: M/2007/0552/F

Proposal: 1 no. free range hen house and feed bin (amended siting)

Address: 32 Drumkee Road, Dungannon

Decision:

Decision Date: 18.12.2007

Ref ID: M/2010/0561/F

Proposal: Proposed Extension to Rear of Free Range Poultry Shed with extension to Egg Store and an Additional Feed Bin to Front

Address: 32 Drumkee Road, Dungannon

Decision:

Decision Date: 20.09.2010

Ref ID: M/2012/0412/O

Proposal: Proposed dwelling and garage on a farm

Address: Land approx 50m NW of 32 Drumkee Road, Dungannon,

Decision: PG

Decision Date: 05.10.2012

Ref ID: M/2006/0811/O

Proposal: Proposed dwelling house and garage

Address: 80m West of 32 Drumkee Road, Dungannon

Decision:

Decision Date: 21.03.2007

Ref ID: M/2004/0047/O

Proposal: 1 No.Dwelling House (Renewal of previously approved application no:- M/2001/0056/O)

Address: Adjacent to 26 Drumkee Road, Killyman, Dungannon.

Decision:

Decision Date: 03.03.2004

Ref ID: M/2011/0198/F

Proposal: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Address: Tamnamore Grid Substation Drumkee Road Dungannon and townlands of Drumkee, Drumnaspil, Cavan, Coash, Lederg and Keenaghan,

Decision:

Decision Date: 08.12.2011

Ref ID: LA09/2015/0910/O

Proposal: Proposed Dwelling on a farm

Address: Land approx. 50m NW of 32 Drumkee Road, Dungannon, (Renewal of planning permission),

Decision: PG

Decision Date: 26.01.2016



**Summary of Consultee Responses**

Transportni and Environmental health were consulted and have replied stating no objections.

**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:



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## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2019/0128/F	<b>Target Date:</b> 14 May 2019
<b>Proposal:</b> Proposed replacement dwelling and domestic garage	<b>Location:</b> Adjacent to and N.W. of 51 Ballynahaye Road Ballygawley Dungannon
<b>Applicant Name and Address:</b> Mr Cathal O'Neill 51 Ballynahaye Road Ballygawley Dungannon	<b>Agent name and Address:</b> Mc Keown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b> The design of the dwelling was not considered appropriate for the rural area, an amended design has been provide that is now appropriate	
<b>Summary of Consultee Responses:</b> DFI Roads – request a layby to be provided, have not raised any concerns about the safety of the access Environment Health – no objection in principle NI Water – no foul sewer available, public water supply available	
<b>Characteristics of the Site and Area:</b> The site is located approx. 4.49km north west of the settlement limit of Agfhinduff/Cabragh and is defined to be in the open countryside as per the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.  Adjacent to the application site sits a single storey dwelling and a vernacular dwelling to be replaced. An existing shared laneway off the Ballynahaye Road runs adjacent to the site. The site is bounded on the eastern boundary by post and wire fence and the north boundary has mature trees. To the southern boundary and along the roadside is hedging.	

**Description of Proposal**

This is a full application for a proposed replacement dwelling and domestic garage. The proposed dwelling is located to the front of the dwelling to be replaced, it has a hipped roof with a ridge height 8m above the finished floor level. The gable depth is 8.5m and there is a return. The dwelling dark roof tiles and smooth plaster walls with plaster bands to the ground floor. The dwelling has a Georgian appearance with a flat roofed porch over an arched entrance door. The garage is a finished similar to the house with a hipped roof and is for 2 cars.

**Deferred Consideration:**

Members are advised this application was presented with a recommendation to refuse at the Planning Committee in April 2019 (see attached report for policy considerations) where it was deferred following a request from the agent to discuss the design. A meeting was held with Dr Boomer and following that meeting a revised design was submitted. The revisions provided are:

- the ridge height being reduced by 0.5m to give the roof less of a top heavy appearance
- gable depth reduced by 2 metres which gives the appearance of less massive dwelling
- 2 storey rear return with single storey return

The revised design is now, in my opinion, more in keeping with rural house design in the area.

Roads engineers have asked for an amendment to the access detail, to provide a layby at the road entrance. This has been provided and as they have not raised any other issue with the access I consider a condition requiring the provision of the access prior to the commencement of any other development is appropriate.

I consider this application can be 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. Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved plan 01 Rev 3 date stamped 22 MAY 2019, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house.

REASON: To ensure that the proposed development does not result in the creation of an additional dwelling in the countryside.

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 60.0m in both directions shall be provided in

accordance with the details as shown on drawing No 01 Rev 3 date stamped 22 MAY 2019. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. All hard and soft landscape works as detailed on drawing no 01 Rev 3 bearing the stamp dated 22-MAY-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 within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: In the interests of visual amenity of the countryside.

5. The existing natural screenings of the site, as indicated in yellow and annotated 'Existing Tree Planting To Be Retained' on approved drawing no 01 Rev 3, date stamped received 22 MAY 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

**Signature(s):**

**Date**



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Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/04/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0128/F	<b>Target Date:</b> 14/05/2019
<b>Proposal:</b> Proposed replacement dwelling and domestic garage	<b>Location:</b> Adjacent to and N.W. of 51 Ballynahaye Road Ballygawley Dungannon
<b>Referral Route:</b>  The proposal is contrary to CTY 3, CTY 13 & CTY 14 of Planning Policy Statement 21 and NH 5 of Planning Policy Statement 2	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Mr Cathal O'Neill 51 Ballynahaye Road Ballygawley Dungannon	<b>Agent Name and Address:</b> Mc Keown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

#### Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

#### Summary of Issues

The application relates to a replacement dwelling with new access in the countryside. It is considered the application does not meet the policy tests for the replacement of a dwelling, integration and design of buildings in the countryside and rural character. No representations have been received and DfI Roads were consulted and responded with no objections subject to conditions. All prevailing policy and material considerations have been considered below.

### **Characteristics of the Site and Area**

The site is located approximately 4.49km north west of the settlement limit of Aghaginduff/Cabragh and is defined to be within the open countryside as per the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The surrounding context appears rural, characterized predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

Adjacent to the application site sits a single storey dwelling and a vernacular dwelling to be replaced. An existing shared laneway off the Ballynahaye Road runs adjacent to the site. The site is bounded on the eastern boundary by post and wire fence and the northern boundary has mature trees. To the southern boundary and along the roadside frontage is hedging.

### **Description of Proposal**

This is a full application for a proposed replacement dwelling and domestic garage. The proposed dwelling will have a ridge height of 9m and a frontage of 14m. The dwelling will be smooth render painted walls and blue/black slates.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Planning History**

M/2008/0718/F – Proposed retention of extension to dwelling – 51 Ballynahaye Road – Permission Granted 23/08/2008

M/2008/0078/F – Proposed domestic dwelling – 200m north of 51 Ballynahaye Road – Permission Granted 18/03/2008

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

#### **Dungannon and South Tyrone Area Plan 2010:**

The plan offers no specific policy relevant to this application.

#### **Mid Ulster Local Development Plan 2013 – Draft Plan Strategy**



The Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published during the processing of this application and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies GP1 – General Principles Planning Policy and CT1 – General Policy and CT2 – Dwellings in the Countryside. In terms of CT2 the application is to be considered under a replacement dwelling. In that I am of the opinion that the proposed dwelling to be replaced has all the essential characteristics of a dwelling and all the external walls are substantially intact. The proposal would not meet CT1 – General Policy as it is not an appropriate design in terms of height, size, scale, massing, architectural detail and finishes. No significant weight can be given as the Draft Plan Strategy is at early public consultation stage.

### **SPPS – Strategic Planning Policy Statement for Northern Ireland:**

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes replacement opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

### **Planning Policy Statement 21 – Sustainable Development in the Countryside**

#### **CTY 3 – Replacement Dwellings**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Upon review of the submitted plans and what was witnessed during the site visit I consider that the building to be replaced is a dwelling and complies this part of the policy. On the basis of Annex 2 in PPS21, the building to be replaced can be described as being vernacular.

The proposed dwelling is to be located in the agricultural field immediately west of the existing curtilage and I am content that the proposal is located here as the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. The dwelling proposed is a two storey and it will be replacing a single storey dwelling. I am not content that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and will have a visual impact significantly greater than the existing building. I

consider that the design of the proposed dwelling is not appropriate to the rural setting as it has a hipped roof which does not meet the Building on Tradition Rural Design Guide. Water will be piped to an existing drain and NI Water had no objections. The proposed new access will not prejudice road safety or significantly inconvenience the flow of traffic.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The proposed dwelling is greater in scale and will have a much greater impact than the existing dwelling. Failing to meet the integration tests because of its bulk in size, massing and external finishing and its siting. While there is existing vegetation to help blend the dwelling in, it will result in a loss of trees. I see no reason why a sensitive design and better sited dwelling could not achieve integration if positioned to retain the planting area and the massing is reduced and the form is simplified in line with a modern interpretation of a vernacular dwelling.

The proposed design is not acceptable as it has a hipped roof and this does not meet the Building on Tradition Rural Design Guide. The scale and massing of the dwelling is also unacceptable and will not integrate with what the surrounding dwellings at the site. There are other large 2 storey dwellings along the Ballynahaye Road but these do not have hipped roofs. From this I am not content that the application is able to comply with CTY 13.

### **CTY 14 – Rural Character**

There are minimal long term critical views of the site from the Ballynahaye Road but there is a lack of natural boundaries to provide integration. The design of the dwelling has a hipped roof and is of a large scale in form and massing which I consider is not sympathetic to the site and surrounding area. Overall I consider the dwelling will be prominent in the landscape. It will not create or add to build up or ribbon development or result in a suburban style build-up of development. The proposed dwelling does not respect the traditional pattern of development in the area as it has a hipped roof. Ancillary features will not damage rural character. From this I am not content that the application is able to comply with CTY 14.

### **NH 5 – Habitats, Species or Features of Natural Heritage Importance in PPS 2 – Natural Heritage**

NH 5 states that 'Other' natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long established woodland categories but are in themselves important for local biodiversity. I consider that the removal of established trees to the rear of the application site would not comply with NH5.

### **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 direct access onto the Ballynahaye Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from a new access subject to provision of splays of 2.4m x 60m in both directions. This can be dealt with by planning condition. They also advising the provision of a lay-by to allow one vehicle to wait of the carriageway which will involve the removal of the front hedging for the visibility splays.

I have no flooding, ecological or residential amenity concerns.

**Neighbour Notification Checked** Yes

**Summary of Recommendation:**

As the applicant has shown no willingness to re-examine the design and siting I have no alternative to recommend for refusal for the reasons outline below.

**Reasons for Refusal:**

The proposal is contrary to CTY 3 of Planning Policy Statement 21 in that the overall size of the new dwelling does not allow it to integrate into the surrounding landscape and will have a visual impact significantly greater than the existing building. The design of the replacement dwelling is not appropriate to the rural setting.

The proposal is contrary to CTY 13 of Planning Policy Statement 21 in that the new building will be a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Also it relies primarily on the use of new landscaping for integration and the design of the building is inappropriate for the site and locality.

The proposal is contrary to CTY 14 of Planning Policy Statement 21 in that the new building will be a prominent feature in the landscape and does not respect the traditional pattern of settlement exhibited in that area.

The proposal is contrary to NH 5 of Planning Policy Statement 2 in that it will lead to an unnecessary loss of trees and vegetation to the detriment of the rural character.

**Signature(s)**

**Date:**

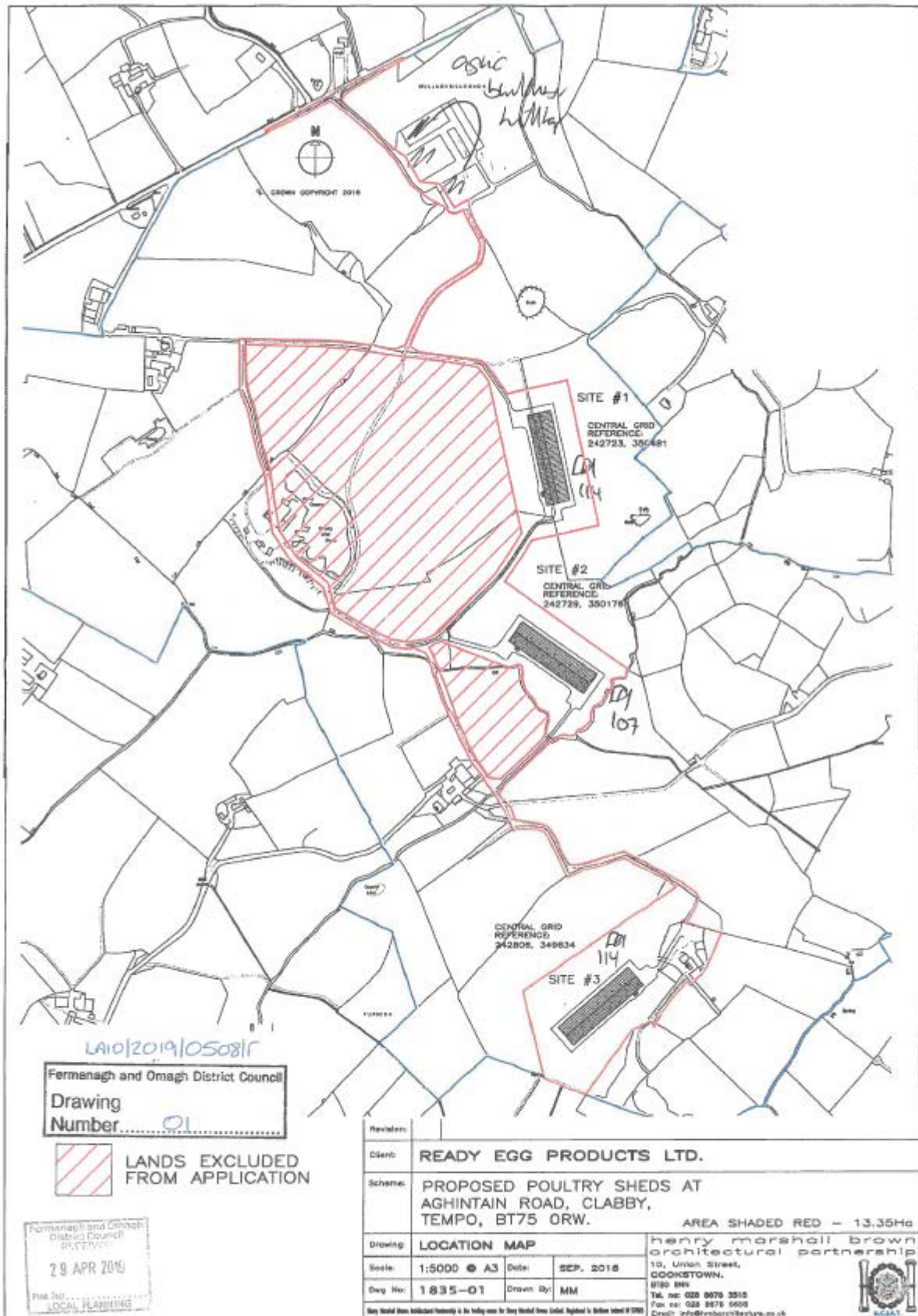
<b>Report on</b>	Mid Ulster District Council's response to a consultation request from Fermanagh & Omagh District Council for planning application LA10/2019/0508/F.
<b>Date of Meeting</b>	4 <sup>th</sup> June 2019
<b>Reporting Officer</b>	Phelim Marrion
<b>Contact Officer</b>	Dr Chris Boomer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

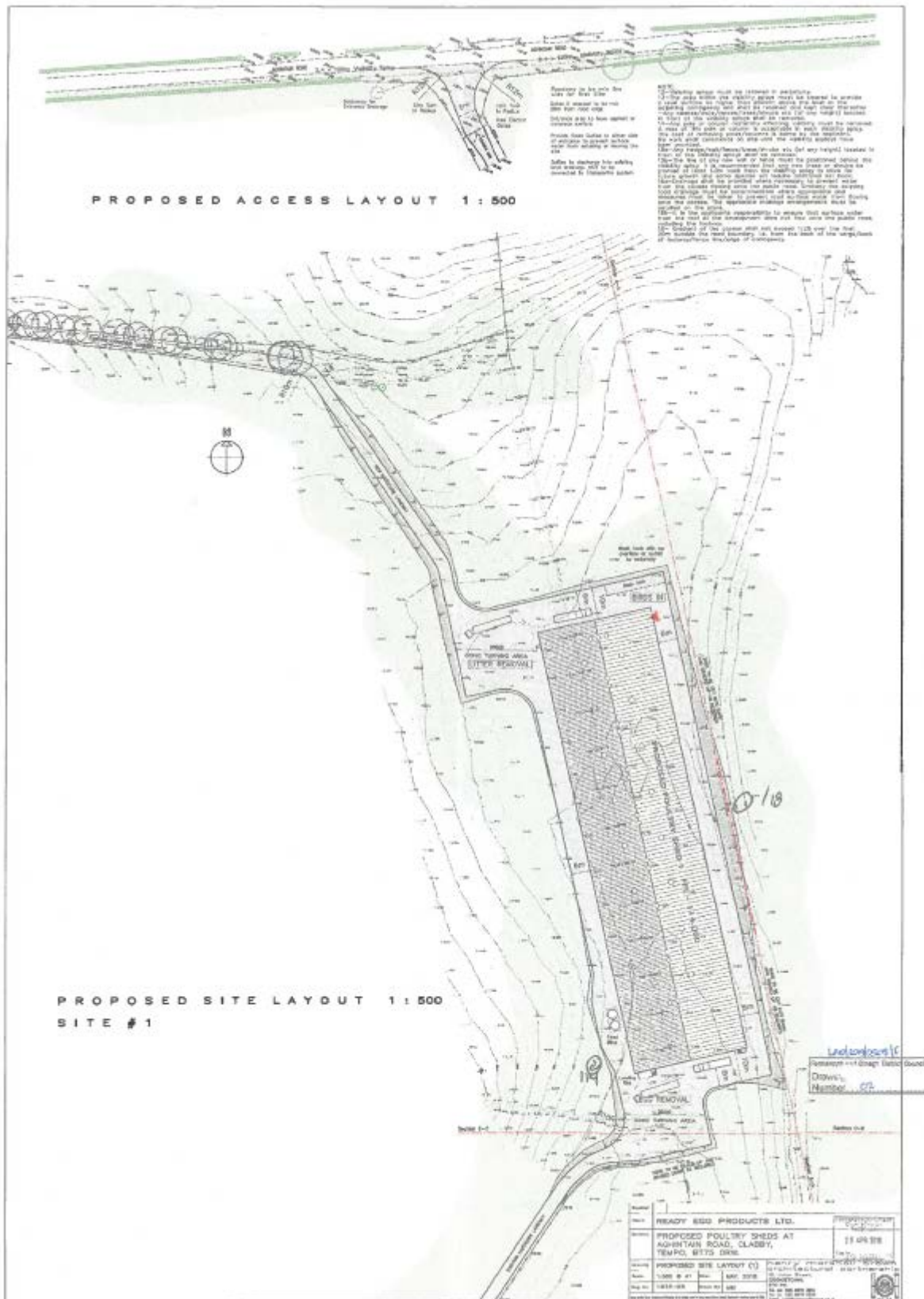
<b>1.0</b>	<b>Purpose of Report</b>
1.1	To seek members agreement to respond to a consultation on a planning application that Fermanagh & Omagh District Council) are considering.
<b>2.0</b>	<b>Background</b>
2.1	Fermanagh & Omagh District Council have consulted Mid Ulster District Council on planning application LA10/2019/0508/F for Proposed 3no. free range poultry houses with internal egg stores (to contain 62000 birds per house giving an overall site capacity of 186000 birds) with 6no. heat exchangers, 6no. feed bins, 3no. underground wash tanks, concrete hardstanding and turning areas, access and associated site works Lands circa 1.3km east of Clabby approx. 625m south east of 115 Aghintain Road approx. 270m north east of 99 Clabby Road and approx. 410m north of 87 Clabby Road townlands of Mullaghsilogagh and Furnish Clabby Tempo for Ready Egg Products Ltd..
2.2	This is a Major Application and is accompanied with an Environmental Statement, as it exceeds the threshold for intensive rearing of poultry as set out in Paragraph 17 of Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017 for EIA.
2.3	The proposal involves construction of 3 poultry house for keeping 62000 birds in each which has a total site capacity of 186000 birds. The buildings proposed are 142m long, 37m wide and 6.4m in height. The buildings are sited in 3 locations on this farm with access off an existing lane. The Environmental Statement sets out the information that Fermanagh & Omagh District Council should consider against the existing regional policy.

<b>3.0</b>	<b>Main Report</b>
3.1	Members are advised the application site is close to the border with Mid Ulster District Council with one of the buildings approx.. 270m from the Mid Ulster District Council Boundary and 670m from the closest dwelling within Mid Ulster District. This building is approx.. 1.6kms north west of Fivemiltown.
3.2	Issues that arise from this type of development relate to visual amenity, residential amenity and environmental impact due to the emmissions from the birds and associated waste. It is a matter for Fermanagh & Omagh District Council to consider the environmental impacts of the proposed development, in consultation with the statutory consultees.
3.3	The proposed buildings are sited in such a way that they will be well screened by the existing landform and roadside vegetation from public views in the Mid Ulster District. Any views, if achievable will be from higher ground to the north and at considerable distance.
3.4	The Environmental Health Department in Mid Ulster Council have been consulted with the proposal and they will provide advice on the impacts from the development ton the residents of Mid Ulster.
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: Not relevant
	Human: Noise, odour and other emissions may be an issue during operation, however this is a matter for FODC to consider in consultation with theirs and Mid Ulster Councils Environmental Health Officers.
	Risk Management: Unlikely to be any risk to Mid Ulster District Council
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: No implications anticipated
	Rural Needs Implications: No likely to be applicable

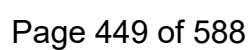
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	<p>That members agree to the following response to be issued to OFDC Planning Department:</p> <ol style="list-style-type: none"> <li><b>1. Mid Ulster District Council have no concerns in relation to the development provided FODC fully considers the proposal against the prevailing rural policy and impacts of the development on the environment and local residents.</b></li> </ol>
<b>6.0</b>	<b>Documents Attached &amp; References</b>
6.1	Location map/Proposed site plan/elevations





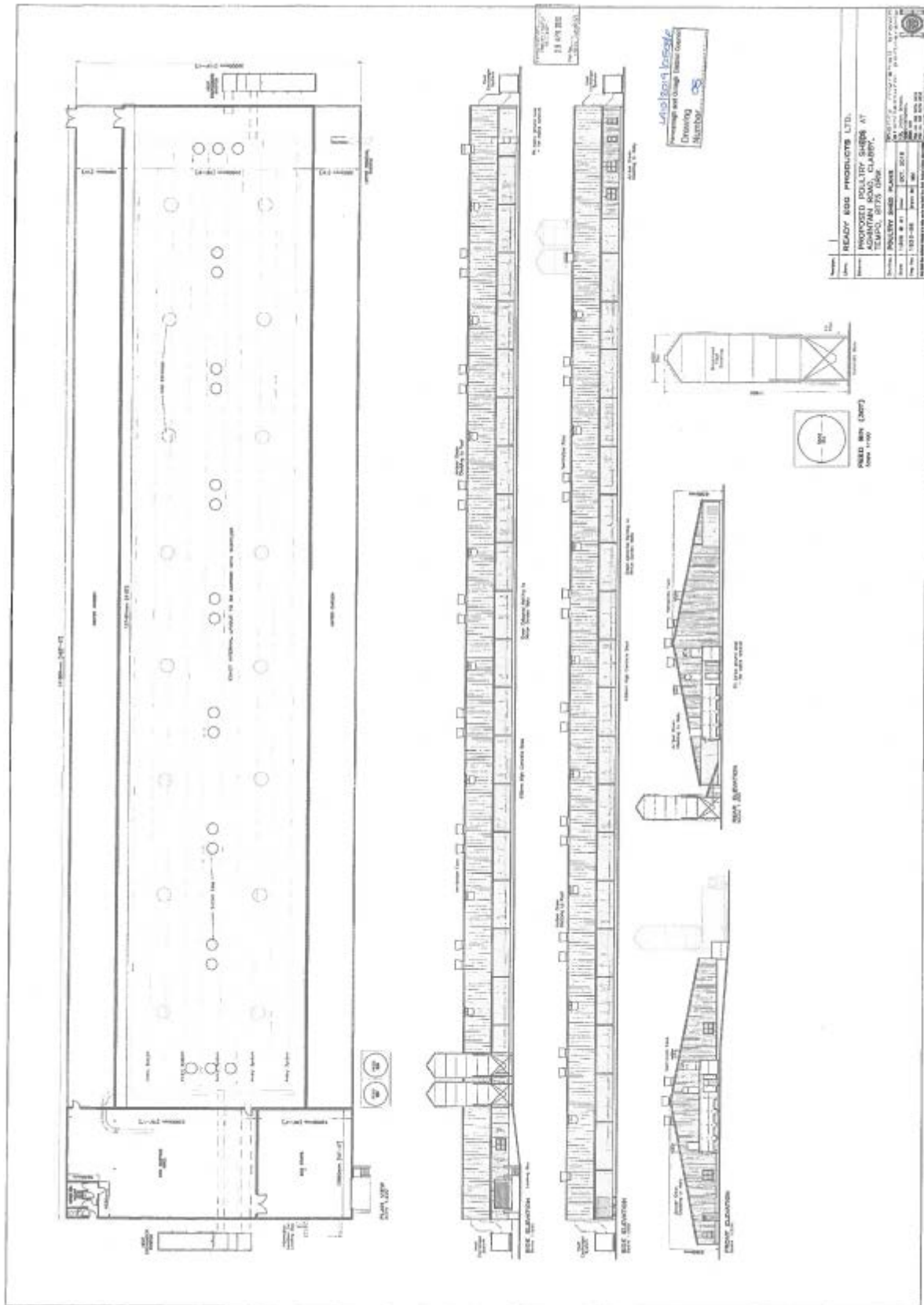














<b>Report on</b>	Consultation response to DfE on an application for a Petroleum licence to cover the area surrounding Lough Neagh
<b>Date of Meeting</b>	4 <sup>th</sup> June 2019
<b>Reporting Officer</b>	Chris Boomer
<b>Contact Officer</b>	Chris Boomer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The purpose of this report is to seek Members views on the application for a Petroleum licence to cover the area surrounding Lough Neagh.
<b>2.0</b>	<b>Background</b>
2.1	The Department for the Economy have consulted the Council on an application for a Petroleum Licence to cover the area surrounding Lough Neagh
<b>3.0</b>	<b>Main Report</b>
3.1	EHA Exploration Limited has applied to the Department of Economy for a Petroleum Licence. EHA are a Hydrocarbon Exploration Company who plan to investigate for potential hydrocarbon reserves which may be held deep underground. If awarded, the licence they will prospect in two stages. Firstly, they will examine soil to identify if there is microseepage of hydrocarbons from reservoirs deep below the earth surface. This will be with landowners agreement. Secondly, for a reduced area where potential has been identified, they will undertake seismic imaging to establish further what can be found below the surface.
3.2	The area which the licence would cover included parts of the district council area Antrim and Newtownabbey, Armagh Banbridge and Craigavon, Belfast, Lisburn and Castlereagh as well as Mid Ulster.
3.3	The area affected in Mid Ulster includes the locality of Ardboe, Coagh, Killymeal, Stewartstown, Aughnacloy, Coalisland, Lissan, The Loup, Ballysaggart, Moy, Washing Bay, Caledon, Donaghmore, Moygashel, Castlecaulfield, Killyman and Mullaghmore.
3.4	A second licence has been applied for in the Fermanagh and Omagh Council area for the South West Fermanagh Area by a company called Tamboran Resources



3.5	<p>Ltd. This licence is likely to be controversial as they are looking gas. That area has been linked to proposals for fracking.</p> <p>At present, the proposal is purely in relation to investigation and no details have been provided for extraction. If hydro carbons are located in commercial quantities, extraction would be subject to planning legislation for which an application would be needed.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	<p>Financial: None identified</p>
	<p>Human: None identified</p>
	<p>Risk Management: None identified</p>
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	<p>Equality &amp; Good Relations Implications: None identified</p>
	<p>Rural Needs Implications: None identified</p>
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	<p>That the Planning Manager be instructed to write to the Department of Economy advising that we note the application for the licence and would ask that they draw the applicant's attention to:-</p> <ul style="list-style-type: none"> <li>(1) The need to ensure landowners permission.</li> <li>(2) The need to notify the council prior to undertaking and excavation on drilling before exercising permitted development rights.</li> <li>(3) The permitted development rights are restricted on sensitive sites such areas of Special Scientific Interest and Archaeological sites.</li> <li>(4) That the council in line with regional planning policy opposes any extraction based on none conventional measure such as fracking.</li> </ul>
<b>6.0</b>	<b>Documents Attached &amp; References</b>

**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 April 2019 in Council Offices, Ballyronan Road, Magherafelt**

<b>Members Present</b>	Councillor Mallaghan, Chair  Councillors Bell, Clarke (7.14 pm), Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, D McPeake, S McPeake, Mullen, Robinson
<b>Officers in Attendance</b>	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Doyle, Senior Planning Officer Ms McCullagh, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Ms McNally, Council Solicitor Miss Thompson, Democratic Services Officer
<b>Others in Attendance</b>	Councillor G Shiels <b>Applicant Speakers</b> LA09/2018/1609/F Mr Small LA09/2019/0094/O Mr Cassidy LA09/2016/0848/O Mr Cassidy LA09/2018/1293/O Mr Cassidy

The meeting commenced at 7.06 pm

**P039/19      Apologies**

None.

**P040/19      Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor McAleer declared an interest in planning application LA09/2018/0209/O and requested to speak on same.

Councillor Glasgow stated he had received an email in relation to planning application LA09/2018/0868/F (Agenda Item 4.10) but had not responded to the email.

The Chair, Councillor Mallaghan also declared an interest in planning application LA09/2018/0868/F.

In response to Councillor Glasgow's comments, the Member was advised it was not necessary to declare an interest in planning application LA09/2018/0868/F.

## **P041/19      Chair's Business**

The Chair, Councillor Mallaghan stated that this was the last Planning Committee meeting of the Council term and thanked everyone for their contribution, in particular, ex councillors Bateson and Reid who had both been members of the Planning Committee and had retired from Council recently. The Chair also extended best wishes for the future to Councillors McEldowney and J Shiels who would not be returning to Council and wished all other candidates good luck for the upcoming elections.

The Chair, Councillor Mallaghan referred to discussion at March Council meeting in relation to whether material consideration should be given to the Local Development Plan – Draft Plan Strategy when processing planning applications.

The Planning Manager advised that once the Draft Local Development Plan is published then it becomes a material consideration but that the weight attached to that consideration is dependant upon where it is in the process. Once adopted it has primacy and applications should be determined in accordance with the plan unless material considerations indicate otherwise. At the moment the Plan is in draft form and subject to consultation and therefore considerable weight cannot be attributed to it. The Planning Manager stated that officers are currently referring to the Draft Local Development Plan within their reports on planning applications and that the weight being attributed to the Plan will change as the process continues.

Councillor S McPeake stated that at the March Council meeting there had also been discussion regarding the drop in sessions for the Local Development Plan and that Moneymore should be included within the list of venues.

The Planning Manager stated that the Local Development Plan was available in the three Council Offices and that drop in sessions had been planned for outreach communities. The Planning Manager stated that it was felt that Moneymore was well placed between Cookstown and Magherafelt and therefore a drop in session had not been planned for Moneymore. The Planning Manager stated that, in order to protect Members, the consultation period had now finished prior to the upcoming elections but that if anyone wanted to speak to officers regarding the Local Development Plan they could do so.

*Councillor Clarke entered the meeting at 7.14 pm.*

Councillor McKinney stated that a decision had been taken at the February Council meeting that Moneymore would be added to the list of drop in venues but that this decision did not seem to have been relayed from the meeting. Councillor McKinney added that other venues on the list had been as equally close to some of the Council offices as Moneymore.

Councillor S McPeake stated he had chaired the Council meeting and that at that meeting it had been decided that an additional venue would be accommodated, providing it could be dealt with legally.

The Planning Manager stated that no public meetings had been held in relation to the Local Development Plan consultation and that it would be out of order to hold a meeting

solely in Moneymore. The Planning Manager stated that what had been held were drop in sessions for people to view and discuss the draft Local Development Plan.

Councillor McKinney stated that what was being requested was for nothing different than what had been done in the other venues.

The Chair, Councillor Mallaghan stated that the decision taken at the Council meeting was not forwarded to the planning office and that there was no time to organise any further drop in sessions before the consultation closed.

The Chair, Councillor Mallaghan proposed a review of current Planning Committee Protocol and that a workshop take place regarding same. The Chair felt that a review of protocol would help to streamline the planning applications coming before the Committee.

The Planning Manager stated that he would welcome a review of the Planning Protocol and scheme of delegation, he advised that over the first three years of the Council term the Planning department was in the top three performing Councils, last year however the department was in the bottom three for various staffing reasons. The Planning Manager advised that approximately 25% of planning applications received were going to Committee and that if that number could be reduced it would help to meet targets.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

**Resolved** That it be recommended to Council that Planning Protocol and Scheme of Delegation be reviewed with Member workshop to be arranged on same.

The Planning Manager drew attention to paper circulated in relation to proposed windfarm at land approximately 12 km to the West of Draperstown, 2km to the north of Broughderg, adjacent to the B47 and highlighted that a pre-inquiry meeting will be held on 8 May 2019 which will outline the arrangements for the inquiry. The Planning Manager also advised that statements relating to the application should be submitted by 21 June 2019 and that the Head of Development Management and himself would work on a statement of case to put forward in that it was felt the application should be refused – In line with a previous decision of the Committee. It was advised that the inquiry will open on 4 September 2019.

Members were of the opinion that the address description of the application needed to be clarified.

The Planning Manager stated that the received application level had remained steady over the past four years and that Mid Ulster Planning Committee had transacted more business over the Council term than many of the other councils put together. The Planning Manager stated that the Committee had made some brave decisions which should be commended and that he hoped the vision would continue into the new Council term.

The Chair, Councillor Mallaghan referred to the below applications which were on the agenda for determination. The Chair sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 4.11 – LA09/2018/0925/O – Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell.

Agenda Item 4.23 – LA09/2019/0128/F – Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill.

The Chair also sought approval for the following applications to be deferred to allow for further information to be submitted –

Agenda Item 4.3 – LA09/2017/1011/F – Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney.

Agenda Item 4.6 – LA09/2018/0209/O – Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay.

Agenda Item 4.13 – LA09/2018/1209/F – Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft.

Agenda Item 4.14 - LA09/2018/1375/F – Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly.

The Chair further advised that the following applications had been withdrawn –

Agenda Item 4.1 – LA09/2016/0193/F – Rear single storey extension to Existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Agenda Item 4.2 – LA09/2016/0194/LBC – Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall.

Proposed by Councillor Bell  
Seconded by Councillor Gildernew and

**Resolved** That the planning applications listed above be deferred/withdrawn from tonight's list for consideration.

## **Matters for Decision**

### **P042/19 Planning Applications for Determination**

The Chair drew Members attention to the undernoted planning applications for determination.

**LA09/2016/0193/F Rear single storey extension to existing B1 listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall**

Application withdrawn.

**LA09/2016/0194/LBC Rear single storey extension to existing B1 listed Orange Hall at 2 Stonard Street, Moneymore for the Trustees of Moneymore Orange Hall**

Application withdrawn.

**LA09/2017/1011/F Conversion and new build to create 5 self catering units at Waterwall Bar, 187 Mayogall Road, Clady, Portglenone for Paddy Mooney**

Application agreed to be deferred for submission of additional information earlier in meeting.

**LA09/2017/1687/F Four dwellings with amended access to previously approved LA09/2016/0867/F at 60m N of 69 Lissan Road Cookstown for Oakleaf Contracts**

Members considered previously circulated report on planning application LA09/2017/1687/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/1687/F be approved subject to conditions as per the officer's report.

**LA09/2017/1708/F Housing development of 46 houses with associated site works and foul water treatment plant to the rear and W of 33 Bush Road, Dungannon for Farasha Properties Ltd**

Members considered previously circulated report on planning application LA09/2017/1708/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2017/1708/F be approved subject to conditions as per the officer's report.

**LA09/2018/0209/O Housing development N and adjacent to Ballygawley Playing Field with access onto Church Street, Ballygawley for Mr Winston Finlay**

Application agreed to be deferred for submission of additional information earlier in meeting.

**LA09/2018/0440/F Redevelopment of McGaws Petrol Filling Station and service garage to provide new PFS, convenience store, separate retail unit and residential apartment on first floor; new parking area to rear with associated modifications to access arrangements and ancillary development at 8-12 Hanover Square, Coagh for Solo Direct Ltd**

Members considered previously circulated report on planning application LA09/2018/0440/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2018/0440/F be approved subject to conditions as per the officer's report.

**LA09/2018/0705/F Housing development of 3 detached and 8 semi-detached dwellings and associated site works at lands at 10-12 Main Street, Bellaghy for Brian Kelly**

Members considered previously circulated report on planning application LA09/2018/0705/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2018/0705/F be approved subject to conditions as per the officer's report.

**LA09/2018/0770/F Pumping station and changes to house types resulting in reduction of units from 33 approved under H/2009/0378/F, to 30 units at land 100m S of Church of Ireland, Oldtown Road, Bellaghy for Noel Kelly**

Members considered previously circulated report on planning application LA09/2018/0770/F which had a recommendation for approval.

Proposed by Councillor S McPeake  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2018/0770/F be approved subject to conditions as per the officer's report.



The Chair, Councillor Mallaghan withdrew from discussion for the following application and the Deputy Chair, Councillor Glasgow took the Chair.

**LA09/2018/0868/F New entrance and laneway (to approved dwelling LA09/2017/0497/RM) NE of 108 Loughbracken Road and adjacent to Keenaghan Road, Cookstown for Mr and Mrs P McCallion**

Members considered previously circulated report on planning application LA09/2018/0868/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved** That planning application LA09/2018/0868/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan rejoined the meeting and retook the Chair.

**LA09/2018/0925/O Dwelling and domestic garage 50m SW of 27 Letteran Road, Moneymore for Mr Desmond Bell**

Application agreed to be deferred for office meeting earlier in meeting.

**LA09/2018/1137/O Infill site for dwelling and domestic garage 20m SE of 2 Scribe Road, Bellaghy for David Mulholland**

Members considered previously circulated report on planning application LA09/2018/1137/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Bell and

**Resolved** That planning application LA09/2018/1137/O be approved subject to conditions as per the officer's report.

**LA09/2018/1209/F Extension to existing Kindercraft business to provide storage at 23 Ballymacombs Road, Portglenone for Kindercraft**

Application agreed to be deferred for submission of further information earlier in meeting.

**LA09/2018/1375/F Retention of inert material deposited on agricultural land at approx. 120m W of 23 Ballymacombs Road, Portglenone for Mr Peter Donnelly**

Application agreed to be deferred for submission of further information earlier in meeting.

**LA09/2018/1503/LBC**

**Demolition of wall SE of 39 Charlemont Street, Moy for Hemel Ltd, Eurospar**

Members considered previously circulated report on planning application LA09/2018/1503/LBC which had a recommendation for approval.

Mr Marrion (SPO) highlighted that an approval was subject to notification to the Department.

Proposed by Councillor Gildernew  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2018/1503/LBC be approved subject to conditions as per the officer's report.

**LA09/2018/1603/O Infill dwelling and garage at site 60m NE of 15 Glengomna Road, Draperstown for Patrick Murray**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1603/O advising that it was recommended for refusal.

Councillor Gildernew stated he did not see the difference in the application site and adjacent sites on which dwellings were sited.

The Planning Manager stated that the two adjacent sites were approved as houses on farms not as infill and that if a farm case had been submitted for this application then a dwelling in the rear portion of the field would be likely to be permissible.

In response to Councillor Mallaghan's comments the Planning Manager stated that if the two fields on either side of the site had been gardens this would have made a difference as this would have provided a road frontage.

Councillor S McPeake stated that he felt an argument could be made as there was a laneway running through and there were small pockets of lawn.

Councillor Clarke stated that one of the adjacent fields appeared to be quite small and may not qualify for single farm payment and therefore could not be classed as a field.

Councillor Bell stated he would be sympathetic to the application and did not feel it would cause any harm and may actually help visually.

Councillor Gildernew felt it was unfair to refuse the application.

The Planning Manager stated that Members should not confuse their dislike of a policy with what a policy actually says when making a determination.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2018/1603/O be refused on grounds stated in the officer's report.

**LA09/2018/1609/F Farm building 100m NW of 44 Cullenramer Road, Dungannon for Mr Barry Small**

Mr Marrion (SPO) presented a report on planning application LA09/2018/1609/F advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Small (Applicant's father) to address the committee.

Mr Small stated that the site was outlying from the main farm and that there were no facilities at the location. Mr Small stated he needed somewhere to house the cattle at this location which would assist the efficient running of the farm and that the shed was not elaborate for need.

In response to question from the Planning Manager Mr Small advised that the shed would be built to accommodate 10-15 cattle and the Planning Manager felt this sounded proportionate.

Discussion ensued regarding the site plan displayed and the need for lanes and turning for lorries.

Mr Small stated that the site plan displayed was not related to his application.

The Planning Manager stated that this was the site plan submitted on the applicant's behalf.

Councillor McAleer stated she knew where the proposed site was and that it was two and a half miles from the main farm. Councillor McAleer stated she did not think the shed was for any other purpose only the housing of cattle.

The Planning Manager stated he had no difficulty deferring the application but that a case needed to be put forward as to why the shed was needed and why it was not located close to the main farm.

The Chair, Councillor Mallaghan proposed that the application be deferred in order to submit further information.

Councillor Gildernew seconded Councillor Mallaghan's proposal.

Councillor McKinney stated that the shed being proposed was not large and if it was any smaller it would not be of any use. Councillor McKinney proposed the approval of the application.

Councillor McAleer seconded Councillor McKinney's proposal but was advised she could not do so as she had spoken on the application.

Councillor S McPeake stated that the site plan was not alarming as it was simply showing lorries needed somewhere to turn in order to load/offload cattle or for delivery of supplies.

Councillor Gildernew stated that this was a busy road and there needed to be room off road for turning and loading of cattle.

**Resolved** That planning application LA09/2018/1609/F be deferred for submission of further information.

**LA09/2018/1673/F Two storey dwelling and garage approx. 10m S of 1 Derryvale Park, Derryvale Road, Coalisland for Pat O'Neill**

Members considered previously circulated report on planning application LA09/2018/1673/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Colvin and

**Resolved** That planning application LA09/2018/1673/F be approved subject to conditions as per the officer's report.

**LA09/2019/0090/A Shop front sign, fuel canopy sign and totem sign 20m N of 247 Derryfubble Road, Benburb, Dungannon for Mr Brendan McAnallen**

Members considered previously circulated report on planning application LA09/2019/0090/A which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor McAleer and

**Resolved** That planning application LA09/2019/0090/A be approved subject to conditions as per the officer's report.

**LA09/2019/0094/O Single storey dwelling house at land NE and adjacent to 162 Ballynease Road, Portglenone for Adrian McErlean**

Ms McCullagh (SPO) presented a report on planning application LA09/2019/0094/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that Policy CTY2a requires six points to be met in relation to a cluster, in this case the only point not being met is the site not being associated with a focal point. Mr Cassidy contended that the proposed dwelling could avail of three possible focal points – a nearby Manse, Ballynease House and Portglenone Forest and that previous planning appeals had been allowed when the only one of the six points not

being met is a focal point. Mr Cassidy stated that the proposed dwelling would not be visible and that no harm would be caused in approving the application.

In response to questions from the Planning Manager, Mr Cassidy advised that the applicant and complainant live in the current cluster and that the Church related to the nearby Manse was located further up the road.

Ms McCullagh advised that the applicants address differed from the site address and it appeared he may own property within the current cluster but did not live there.

The Planning Manager stated that the definition of a cluster within policy was key and that Members needed to look at what is providing the focal point ie. community facilities or crossroads. The Planning Manager stated that if the Church had been located more closely it could have been used. The Planning Manager stated he would have some sympathy as to what difference the proposal would make but warned once a decision was taken on that basis there would be no stopping point.

Councillor S McPeake stated that there was an existing cluster of dwellings and that the proposal could be seen as a bookend to this because of the adjacent laneway.

Councillor Bell felt that the forest could be used as focal point.

Councillor Clarke referred to previous discussion in relation to clusters and clachans and that there is a serious issue in the countryside in which people are not able to get sites approved. The Councillor stated that more appreciation should be given to the people who are from the cluster and that there should be opportunity for them to live there.

The Planning Manager stated he asked the question as to whether the applicant lived in the cluster and it appeared he does not but does own property.

Councillor Gildernew asked if policy stipulated that the person needed to live in the cluster.

The Planning Manager stated whether the person lived in the cluster was not a policy test. In relation to this application the policy test of focal point had not been met.

Councillor S McPeake asked if all six points of meeting a cluster had to be met.

The Planning Manager stated that the key point of a cluster is that it has to have identity and that there is a place in which people have a connection.

Councillor Robinson stated that the application did not meet policy and he would therefore propose the application be refused.

Councillor Glasgow seconded Councillor Robinson's proposal.

**Resolved** That planning application LA09/2019/0094/O be refused on grounds stated in the officer's report.

**LA09/2019/0099/O Site for replacement dwelling and double domestic garage (renewal of previous LA09/2015/1115/O) at approx.. 110m SE of 58 Annaghmore Road, Castledawson for Mr John Lennox**

Members considered previously circulated report on planning application LA09/2019/0099/O which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2019/0099/O be approved subject to conditions as per the officer's report.

**LA09/2019/0118/F Retrospective planning for meal storage bin for agricultural purposes on an existing farmyard at 29 Crancussy Road, Cookstown for Mr Peter McNally**

Members considered previously circulated report on planning application LA09/2019/0118/F which had a recommendation for approval.

The Chair, Councillor Mallaghan asked was it not permitted development to have a feed storage bin on a farm.

The Planning Manager stated that in this case it was not permitted development as the proposal needed to be nine metres away from the road and was not in this case. The Planning Manager stated there had also been objections to the application which is why the application was brought to Committee.

Proposed by Councillor Clarke  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2019/0118/F be approved subject to conditions as per the officer's report.

**LA09/2019/0128/F Replacement dwelling and garage adjacent to and NW of 51 Ballynahaye Road, Ballygawley, Dungannon for Mr Cathal O'Neill**

Application agreed to be deferred for office meeting earlier in meeting.

**LA09/2019/0165/F Change of use from office and meeting place to retail space for a charity at 12 King Street, Magherafelt for Society of St Vincent De Paul**

Members considered previously circulated report on planning application LA09/2019/0165/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2019/0165/F be approved subject to conditions as per the officer's report.

**LA09/2016/0848/O Dwelling and garage 30m WSW of 88A Five Mile Straight, Maghera for Colm Lynn**

Ms McCullagh (SPO) presented a report on planning application LA09/2016/0848/O advising that it was recommended for refusal.

The Chair, Councillor Mallaghan stated that the agent had previously spoken on this application but as the red line had changed he would permit speaking rights again and invited Mr Cassidy to address the committee.

Mr Cassidy stated that the application met with policy in relation to clustering, that there was an associated focal point of a crossroads within 100 yards, that there was a suitable degree of enclosure to the north and east of the site and that the proposal could be absorbed into the existing cluster and help to round it off. Mr Cassidy advised that part of the site would be liable to some pluvial flooding.

The Planning Manager stated that the proposal site is liable to flood in part and in order to move away from this section of the site the dwelling would have to be sited in front of an existing dwelling. The Planning Manager asked if an objection had been received from that dwelling.

Ms McCullagh advised that an objection had been received from the occupants of the neighbouring dwelling.

The Planning Manager stated he would be reluctant to accept the argument of infilling of a cluster and would put weight on the objection received from neighbour to site.

The Chair, Councillor Mallaghan stated that one of the most serious considerations related to this application was flood risk.

Proposed by Councillor Robinson  
Seconded by Councillor McElDowney and

**Resolved** That planning application LA09/2016/0848/O be refused on grounds stated in the officer's report.

**LA09/2016/1481/F Spraybooth extension at existing workshop at 138-140 Dungannon Road, Ballygawley for Barrack Hill Quarries Ltd**

Members considered previously circulated report on planning application LA09/2016/1481/F which had a recommendation for approval.

Proposed by Councillor Gildernew  
Seconded by Councillor Mullen and

**Resolved** That planning application LA09/2016/1481/F be approved subject to conditions as per the officer's report.

**LA09/2017/0897/F Part use of existing farm shed to provide internal dry storage in association with the applicants established business at 100m NW of 213 Washingbay Road, Coalisland for Jim McCuskey Evergreen Peat**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0897/F advising that it was recommended for refusal.

The Chair, Councillor Mallaghan referred to the addendum circulated which advised of a late objection.

Mr Marrion advised that there was nothing new raised in the latest objection that hadn't already been considered in the officer report.

The Chair, Councillor Mallaghan advised that speaking rights had been requested but had already been spent in relation to this application.

In response to question from the Chair, Mr Marrion advised that the existing shed has been approved for agricultural use.

The Planning Manager stated that the shed is being used for other purposes besides agricultural and if approved this other use will continue and expand. The Planning Manager stated that the site is becoming industrial and that this type of activity should not be encouraged.

Councillor McKinney asked how far the objector was away from the lane.

Mr Marrion advised that the distance from the objectors dwelling to the laneway was 85 metres and the distance from the back door of the objectors dwelling to the shed was 137 metres.

Councillor S McPeake referred to the objections received in relation to noise and traffic and asked if there was a way of constraining vehicles movements through conditions of approval.

The Chair, Councillor Mallaghan felt that should the application be approved, current activity will expand.

The Planning Manager stated that the applicant has applied for one thing yet is using the shed for another.

Councillor Mullen referred to late objection which was circulated around Members in which it is stated that there are three businesses operating from the site.

The Planning Manager stated that there was an ongoing enforcement investigation in relation to activity at the shed.

Councillor Clarke referred to sheds behind neighbouring dwelling.



Mr Marrion advised that the person residing at this dwelling is a horticulturalist and there are a number of polytunnels behind the house.

The Planning Manager stated that there needed to be a co-ordinated approach in relation to the application and enforcement investigation and suggested that the application be deferred for further consideration.

Proposed by Councillor S McPeake  
Seconded by Councillor Gildernew and

**Resolved** That planning application LA09/2017/0897/F be deferred for further consideration and to link with enforcement investigation.

**LA09/2017/1101/O Off site replacement dwelling and domestic garage/store with the existing dwelling to be retained as ancillary use to the main home dwelling at approx. 165m SW of 73 Ballyscullion Road, Bellaghy for Mr Gavin Breslin**

The Chair, Councillor Mallaghan sought approval for this application to be deferred to allow for submission of further information.

Proposed by Councillor Bell  
Seconded by Councillor Kearney and

**Resolved** That planning application LA09/2017/1101/O be deferred for submission of additional information.

**LA09/2018/0176/F Retrospective shed for the storage of boats and working of nets, to the rear of 140 Kilmascully Road, Dungannon for Mr Martin O'Neill**

The Chair, Councillor Mallaghan suggested that this item be taken 'In Committee'.

Proposed by Councillor Bell  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2018/0176/F be considered 'In Committee'.

**LA09/2018/1161/F The conversion, reuse and extension of a stone barn for use as a dwelling and garage (Amended proposal), 60m NW of 27 Drummullan Road, Coagh for Ms K McCormick**

Members considered previously circulated report on planning application LA09/2018/1161/F which had a recommendation for approval.

Proposed by Councillor Bell  
Seconded by Councillor D McPeake and

**Resolved** That planning application LA09/2018/1161/F be approved subject to conditions as per the officer's report.

**LA09/2018/1293/O Dwelling and garage 40m N of 210 Shore Road, Ballymaguigan, Magherafelt for Mr Brian Doyle**

Ms McCullagh (SPO) presented a report on planning application LA09/2018/1293/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy stated that the application meets policy for infill in that there are three buildings with common frontage. Mr Cassidy stated that planning officers were contending 216 Shore Road as they stated it did not have roadside frontage, Mr Cassidy however stated that there were pillars, fencing, kerbing and frontage associated with no.216 at the roadside and also referred to appeal decision in which it was stated that a property did have road frontage by way of its garden area, driveway and associated features. Mr Cassidy stated that the 3 buildings have a visual linkage over ½ mile viewpoints and that the proposal respects the surroundings and will provide much needed housing for the area.

The Planning Manager stated that the proposal appeared to be extending a ribbon of development rather than infill and that there was a build up of dwellings in the area.

Councillor Bell stated that Ballymaguigan School was only a couple of hundred yards away from the proposal site.

The Planning Manager stated that Ballymaguigan is a settlement with a settlement limit and referred to the ribboning of development to the north of the settlement limit of which this application would extend the ribbon.

Councillor S McPeake referred to the dwelling to the north of the site with the wide laneway and asked if this could be interpreted as part of infill.

The Planning Manager stated that road frontage is supposed to be considered and in this case there is a large field and that development would add to the ribbon. The Planning Manager referred to guidance in respect of infill and the importance of protecting rural character.

Councillor Bell stated that as there were a number of other dwellings already in the surrounding area this development would be in keeping with rural character.

Councillor Cuthbertson proposed the planning application be refused.

Councillor S McPeake asked if the entrance could be used as a stop end for infill.

The Planning Manager stated that those were the circumstances used by Mr Cassidy at appeal and that the appeal had been lost.

Councillor Bell asked if policy was open to interpretation.

The Planning Manager stated it was his job to advise and protect the Committee but in this instance he felt the Committee would be hard pushed to overturn the officer recommendation.

Councillor S McPeake proposed that the application be approved on the basis that it was not extending a ribbon but rather rounding off and that pillars be used as road frontage at no.216 Shore Road.

The Planning Manager stated that policy stipulates that consideration cannot be given to what is set back from the road.

*Councillor Glasgow left the meeting at 9.05 pm.*

The Planning Manager read from policy CTY8 and advised that –

- Planning Permission will be refused for development which creates or adds to a ribbon.
- Exceptions will be permitted for development of a small gap site up to a maximum of two dwellings within a substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting a plot size. The definition of substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage.

The Planning Manager advised that as one of the dwellings being relied upon was located up a laneway there was not a road frontage of three buildings and that setting this aside the plot size could accommodate more than the two dwellings permitted for a small gap site.

*Councillor Glasgow returned to the meeting at 9.08 pm.*

Councillor Bell stated that when walking/driving along the road the dwelling located up the laneway was closer to the road than what it appears in the photograph taken.

The Chair, Councillor Mallaghan stated there were two proposals on the table and asked if there were any seconders for the proposals.

Councillor Bell seconded Councillor S McPeake's proposal to approve the application.

Councillor Robinson seconded Councillor Cuthbertson's proposal to refuse the application.

Councillor Gildernew asked for advice from Council Solicitor.

The Council Solicitor advised that the officer's report set out the reasons why the planning officer is of the view that the application is contrary to policy and should Members wish to approve the application they need to give clear reasons as to why they take a different view or why it should be treated as an exception. The Council Solicitor stated it is a matter for the Members to decide on the merits of the application before them based on sound planning reasons.

The Planning Manager stated that more reasoning was required as to why the application should be approved.

Ms McCullagh highlighted the reasons why the application was being recommended for refusal as set out in the officer report -

- 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.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Shore Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this stretch of the Shore Road and therefore result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for a dwelling to integrate into the countryside, and therefore would not visually integrate into the surrounding landscape.

Councillor S McPeake stated that similar proposals had been approved in the past and that the entrance to the laneway can be used as a bookend for infill.

Councillor Bell stated that the site was not as long as what was being depicted in the photographs.

Members voted on Councillor S McPeake's proposal to approve the application –

For – 2

Against – 5

Members voted on Councillor Cuthbertson's proposal to refuse the application –

For – 5

Against - 0

**Resolved** That planning application LA09/2018/1293/O be refused on grounds stated in the officer's report.

**LA09/2018/1377/F Conversion of existing building to dwelling with side extension, new lane and associated site works adjacent to 19 Killycolpy Road, Stewartstown for Mr Gary Campbell**

Members considered previously circulated report on planning application LA09/2018/1377/F which had a recommendation for approval.

Proposed by Councillor McKinney  
Seconded by Councillor Robinson and

**Resolved** That planning application LA09/2018/1377/F be approved subject to conditions as per the officer's report.

**P043/19 Receive Planning Department Service Improvement Plan 2019/20**

The Planning Manager presented previously circulated report which provided the Planning Department's Service Improvement Plan for 2019/20.

Councillor Clarke referred to some of development management staff moving to Dungannon and stated that this matter had never been discussed at the Planning Committee.

The Planning Manager stated that the matter was raised on a number of occasions during the first year of the Council in which there was an aspiration to have a planning presence in each of the three Council offices, it was highlighted however that there was no space in Cookstown offices and that the move to Dungannon offices was progressed.

Councillor Clarke stated that Members of the Planning Committee should have been kept up to date with what was happening.

The Planning Manager stated that discussion in relation to staffing matters and movement of staff fits into the Policy and Resources Committee.

Councillor McKinney stated that as Chair of the Policy and Resources Committee he could confirm that the matter was discussed at a meeting of that Committee.

The Planning Manager stated that a team of officers will be moving to Dungannon and that admin would continue in Magherafelt unless more resources were made available.

Councillor Clarke stated he had no issue with the move and felt it was a good thing but that Members of the Planning Committee should have been kept up to date.

Councillor Gildernew stated he had always been an advocate of having a planning presence in Dungannon and it was a shame it had not happened sooner. Councillor Gildernew stated he took Councillor Clarke's point in that the matter was not discussed at the Planning Committee but confirmed that it had been a matter for discussion at the Policy and Resources Committee.

**Resolved** That it be recommended to Council to agree the Service Plan for Planning Department for 2019/20.

### **Matters for Information**

#### **P044/19 Minutes of Planning Committee held on 5 March 2019**

Members noted minutes of Planning Committee held on 5 March 2019.

Councillor Cuthbertson referred to planning application LA09/2018/0379/F which was discussed at the March Planning meeting. Councillor Cuthbertson stated that at that meeting he asked if the two houses had already been built and Mr Marrion had stated there was nothing to suggest this.

Councillor Cuthbertson stated that whilst looking through the list of enforcement cases closed for this month's meeting there had been an enforcement case in relation to unauthorised site works at the proposal site and that Members were not advised of this at the March meeting.

#### **P045/19 Confirmation of Listing of four Telephone Boxes**

Members noted previously circulated report which provided confirmation that the Department for Communities, Historic Environment Division, has formally listed four K6 type Red Telephone Boxes in the Mid Ulster District.

### **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Robinson  
Seconded by Councillor McAleer and

**Resolved** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider item P042/19 (In Committee Item) and items P046/19 to P052/19.

#### **Matters for Decision**

- P042/19 Planning Applications for Determination (In Committee Item)
- P046/19 Receive Report on LA09/2017/0867/O
- P047/19 Receive Update on Local Development Plan 2030 – Draft Plan Strategy
- P048/19 Receive Report on Proposed Building Preservation Notice on Telephone Box
- P049/19 Receive Enforcement Report

**Matters for Information**

P050/19 Confidential Minutes of Planning Committee held on 5 March 2019

P051/19 Enforcement Cases Opened

P052/19 Enforcement Cases Closed

**P053/19 Duration of Meeting**

The meeting was called for 7 pm and concluded at 10.32 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_



## **ADDENDUM TO PLANNING COMMITTEE AGENDA**

**FOR PLANNING COMMITTEE MEETING ON: 2 April 2019**

<b>ITEM</b>	<b>INFORMATION RECEIVED</b>	<b>ACTION REQUIRED</b>
4.1	Application withdrawn	Members to note
4.2	Application withdrawn	Members to note
5.3	Late objection received	Members to note, no new issues raised
9	Copy of J.B and R.H Twigg Solicitors letter dated 28/11/2018 confirming agreement to sale / purchase of farm yard and lands	Members to note



<b>Report on</b>	Consultation on Environmental Statement Addendum to A5 Western Transport Addendum and other Documentation
<b>Date of Meeting</b>	4 June 2019
<b>Reporting Officer</b>	Phelim Marrion
<b>Contact Officer</b>	Dr Chris Boomer

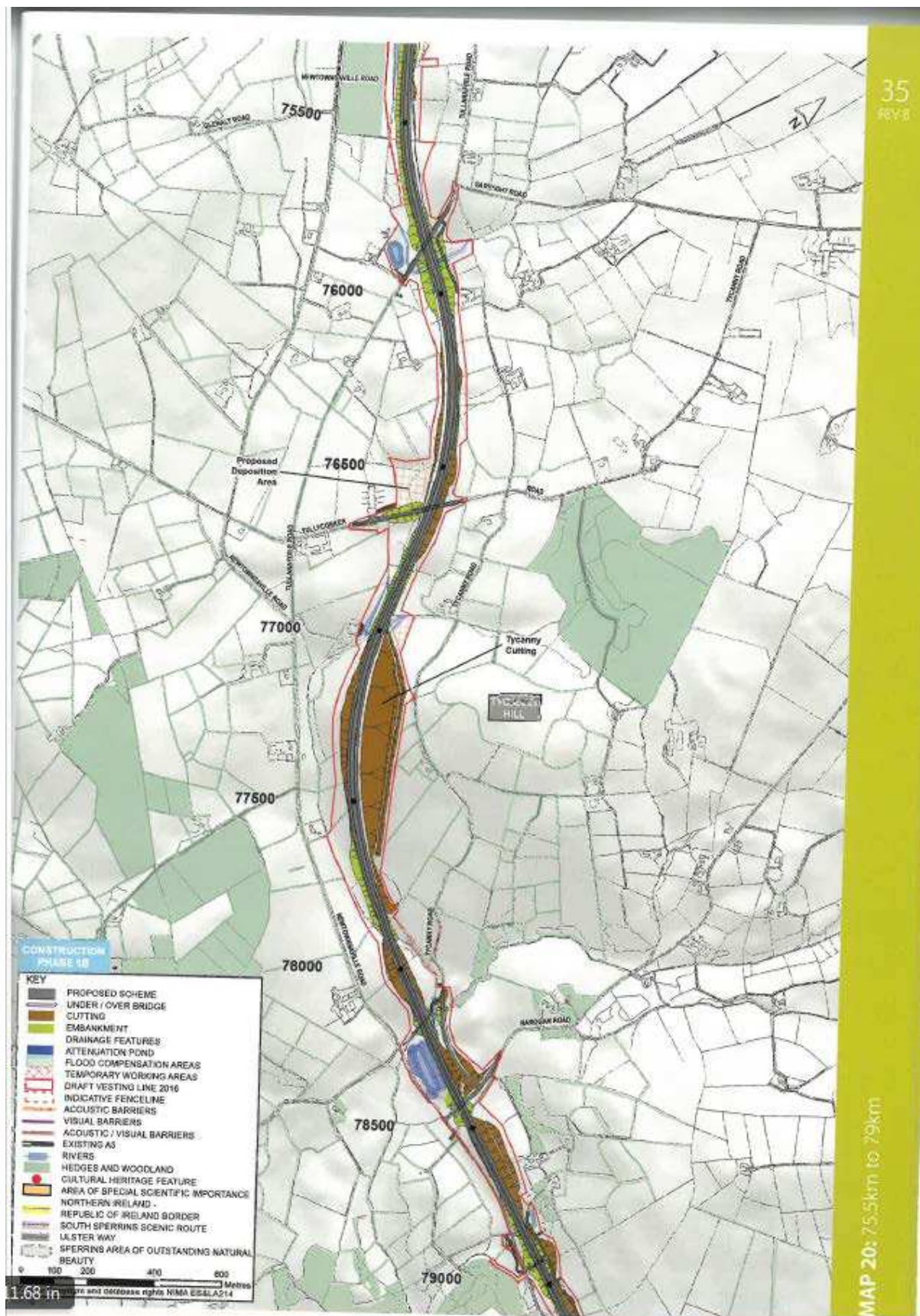
<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To draw members attention to the Department for Infrastructure Consultation on the Addendum to the Environmental Statement for the A5 Western Transport Corridor and Draft Reports to inform the Appropriate Assessment for a new road scheme.
<b>2.0</b>	<b>Background</b>
2.1	The Department for Infrastructure consultation period commenced on 26 <sup>th</sup> March 2019 and finished on 17 <sup>th</sup> May 2019. The purpose of the consultation was to allow the public to see and comment on the addendum to the Environmental Statement for the A5 Western Transport Corridor and it was available to view in the Council Offices in Dungannon.
2.2	The A5 Western Transport Corridor is for the construction of approx. 85km of new road and associated infrastructure between Newbuildings and the Tyrone/Monaghan Border at Aughnacloy. The entire scheme will involve 1.2km of 2+1 carriageway at Newbuildings and 1.2km of single carriageway south of Aughnacloy with the remaining length of new road comprised of two-lane dual carriageway.
2.3	The scheme has been submitted for determination twice before, in 2010 and 2016 and in both cases an Environmental Statement was prepared, consulted on and considered at Public Enquiry. Decision on the scheme were taken in 2012 and 2017 respectively with the Department publishing a Notice of Intention to proceed in November 2017. These were subject of legal challenges and taking account of High Court Decisions and the publication of legislation NI (Executive Formation and Exercise of Functions) Act 2018, the Department did not defend the challenge and the Orders were quashed on 16 October 2016.
2.4	This scheme is the same as that proposed and assessed under the Environmental Statement A5WTC ES 2016. An Addendum to the Environmental Statement has been produced to take into account

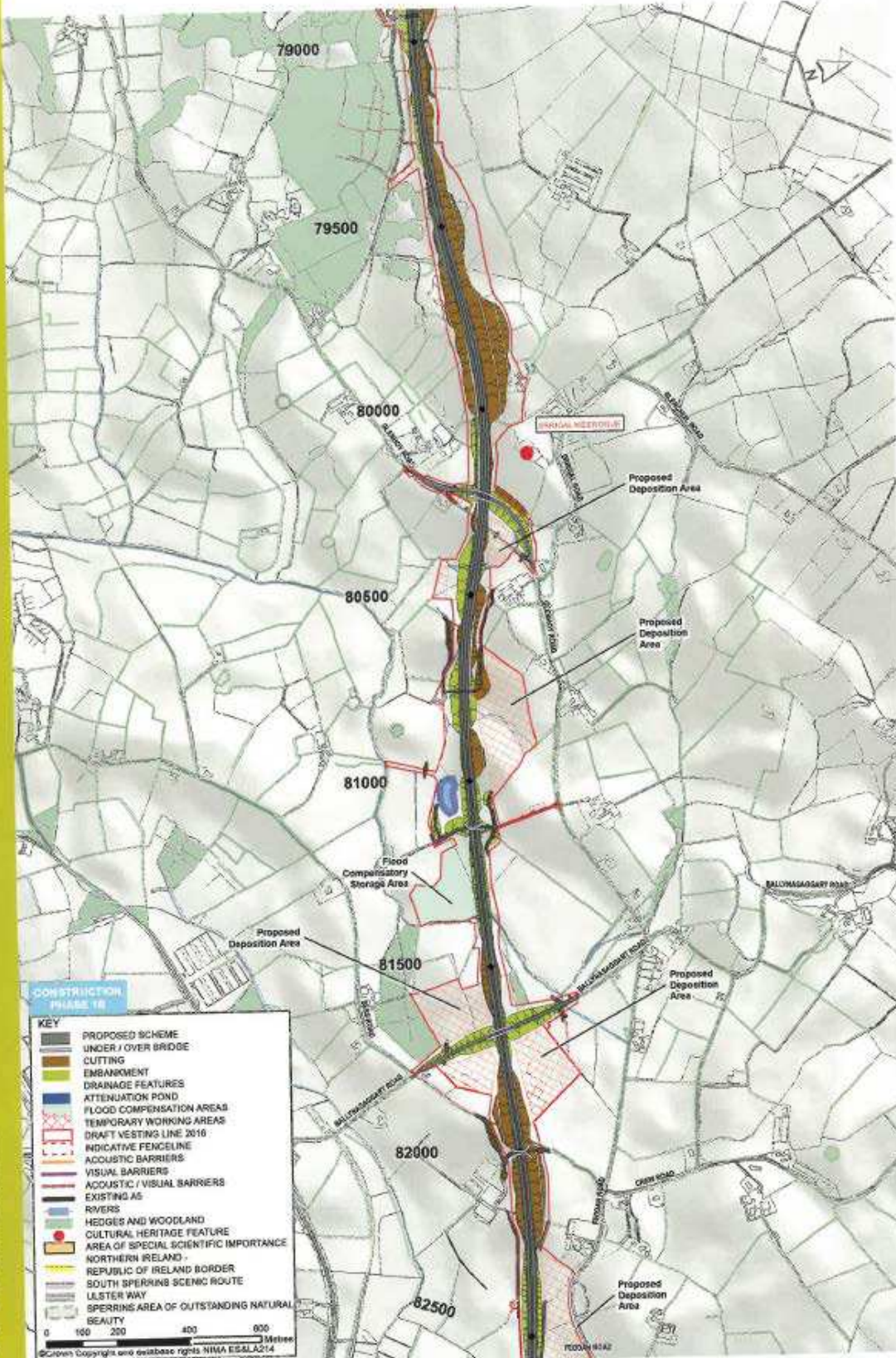
2.5	<ul style="list-style-type: none"> <li>-material changes in the design or timing of the Proposed Scheme(ie changes to the Proposed Scheme construction phase)</li> <li>- New and revised standards guidelines and legislative requirements and</li> <li>- changes to baseline conditions (including Impacts of unauthorised quarrying in Urbaireagh)</li> <li>- a more detailed assessment of the interactions and cumulative effects</li> </ul> <p>Within the Mid Ulster District Council Area it is proposed to construct approx.. 16km of two-lane dual carriageway and 1.2km of single carriageway with a roundabout at the major intersection with the A4 to the west of Ballygawley, grade separated junction to the NW of Aughnacloy with Tullyvar Road, a roundabout at the junction with Caledon Road to the east of Aughnacloy and new T-junction where the existing Monaghan Road joins the new road south of Aughnacloy. The proposal will involve the construction of 22 bridges over and under the road to accommodate existing and new roads, lanes and watercourses.</p>
2.6	<p>It is proposed to construct the road in 4 phases, depending on funding availability, with Phase 1B Omagh South Section (Omagh to Ballygawley) timetabled for 2020 – 2023 and Phase 3 Ballygawley – Aughnacloy timetabled for 2026 – 2028.</p>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>Due to the timing of the consultation and the elections, this is the first opportunity to present this matter to the Planning Committee.</p>
3.2	<p>The preferred road line enters Mid Ulster District Council Area to the south on Newtownsaville at Tullynafoile Road, it skirts the lower south facing slopes of Tycanny Hill which requires a deep cutting. It then descends the scarp slope of the Brougher Ridge and passes west of and below Errigal Kerrogue Churchyard, a State Care Monument. It then enters the Clogher Valley and follows an easterly alignment to a new roundabout where the proposed Scheme and existing A4 Annaghilla Road cross, approx. 1.5km west of Ballygawley. The A4 between the new junction and the existing roundabout at Ballygawley will be upgraded to dual carriageway and will involve the construction of a new open span bridge over the Ballygawley Water. A new open span bridge will also be constructed where the new road crosses the Ballygawley Water. South of Ballygawley the road will enter a cutting below Lisdoart Fort and continue to a grade separated junction north of Aughnacloy. The road then sweeps to the east side of Aughnacloy and will tie into the Caledon Road with a new roundabout south east of the town and finishes by tying into the existing A5 Monaghan Road at Moy Bridge, immediately north of the border with ROI.</p>
3.3	<p>The preferred road line will result in changes to the following roads: Tullynafoile Road, Tullycorker Road, Tullycanny Road, Rarogan Road, Glenhoy Road, Ballynasaggart Road, Annaghilla Road, Feddan Road, Ballynanny Road, Drumcullion Lane Tullywinney Road, Lisginny Road, Old Chapel Road, Tullyvar Road, Loughans Road, Glack Lane, Carntee Road, Rehaghy Road, Caledon Road, Douglas Road and Monaghan Road. It will also impact on the Ulster Way to the east of Aughnacloy.</p>
3.4	

<p>3.5</p> <p>3.6</p>	<p>Members are advised this is an update on the considerations that the Department for Infrastructure have taken into account in the preparation of the road line for the improvements to the A5 Western Transport Corridor. The Environmental Statement takes into account the following issues: Air Quality, Cultural Heritage, Landscape Effects, Ecology and Nature Conservation, Geology and Soils, Noise and Vibration, Effects on All Travellers, Community and Private Assets', Road Drainage and the Water Environment, Cumulative Effects and Construction Environmental Management.</p> <p>It is noted in the ES there are likely to be significant effects on air quality, Errigal Kerrogue Graveyard, Lisdoart Fort, the landscape at Brogher Ridge, Barn Owls and noise and vibration due to the scheme.</p> <p>The preferred road line, within Mid Ulster District Council Area, has been selected taking into account Errigal Kerrogue Graveyard, Lisdoart Fort and the 'Thistle'. The Department intends to bring forward this scheme for construction in line with the revised timetable.</p>
<p><b>4.0</b></p>	<p><b>Other Considerations</b></p>
<p><b>4.1</b></p>	<p><b>Financial, Human Resources &amp; Risk Implications</b></p> <p>Financial:</p> <p>This is a major road scheme which will assist in movement of traffic within and through the District improving links with the NW and the South. These improved links and reduced journey times should strengthen the economic potential for the west part of the District.</p> <p>The scheme will result in the loss of farm land and disruption to farms. Traffic will face disruption during the construction phase which will result in increased journey times.</p> <p>Human:</p> <p>The proposed road will result in reduced journey times and increased safety as it will increase the capacity of the A5, reduce accidents as overtaking opportunities are greatly increased and traffic crossing the A5 is facilitated by bridges and underpasses. Improved traffic flows will result in reduced emissions on the existing A5 road.</p> <p>The scheme will cause disruption during the construction phase with noise, dust and disruption caused to residents. The proposed road has the potential to increase noise and emissions for some residents.</p> <p>Risk Management:</p> <p>Reduced risk to life as the dual carriageway will greatly improve the movement of traffic with potential for accidents greatly reduced as overtaking is not limited and traffic crossing the road is accommodated. The existing A5 will also have less traffic that will improve the safety of it.</p>

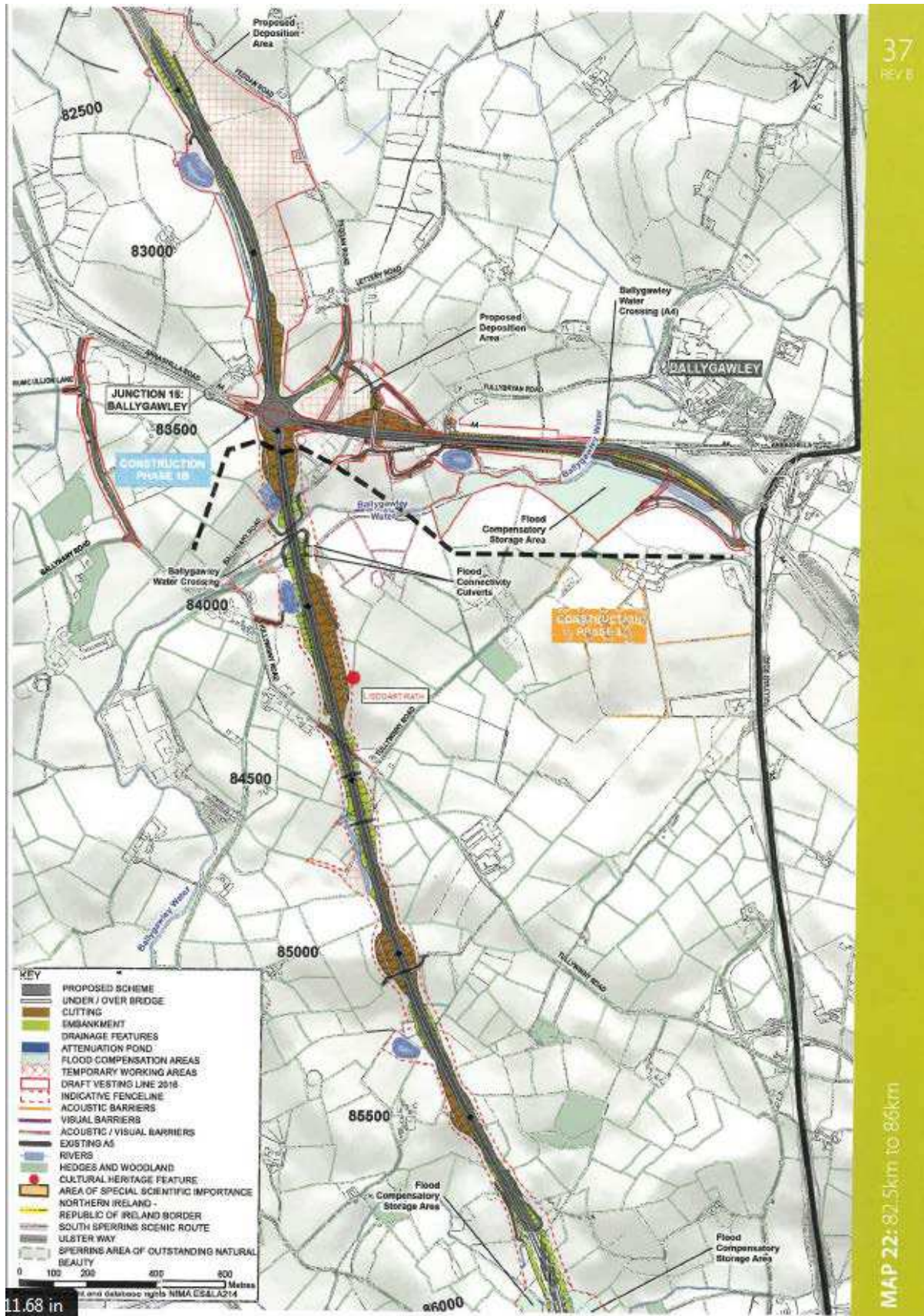
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: This is a matter for the Department for Infrastructure.
	Rural Needs Implications: This is a matter for the Department for Infrastructure.
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members note the consultation has ended. Members may wish to make representations on their own behalf.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Further information is available to view on the project website <a href="http://www.a5wtc.com">www.a5wtc.com</a> Maps 21 – 24 showing the road line within Mid Ulster District Council Area Junctions 15, 16 and 17



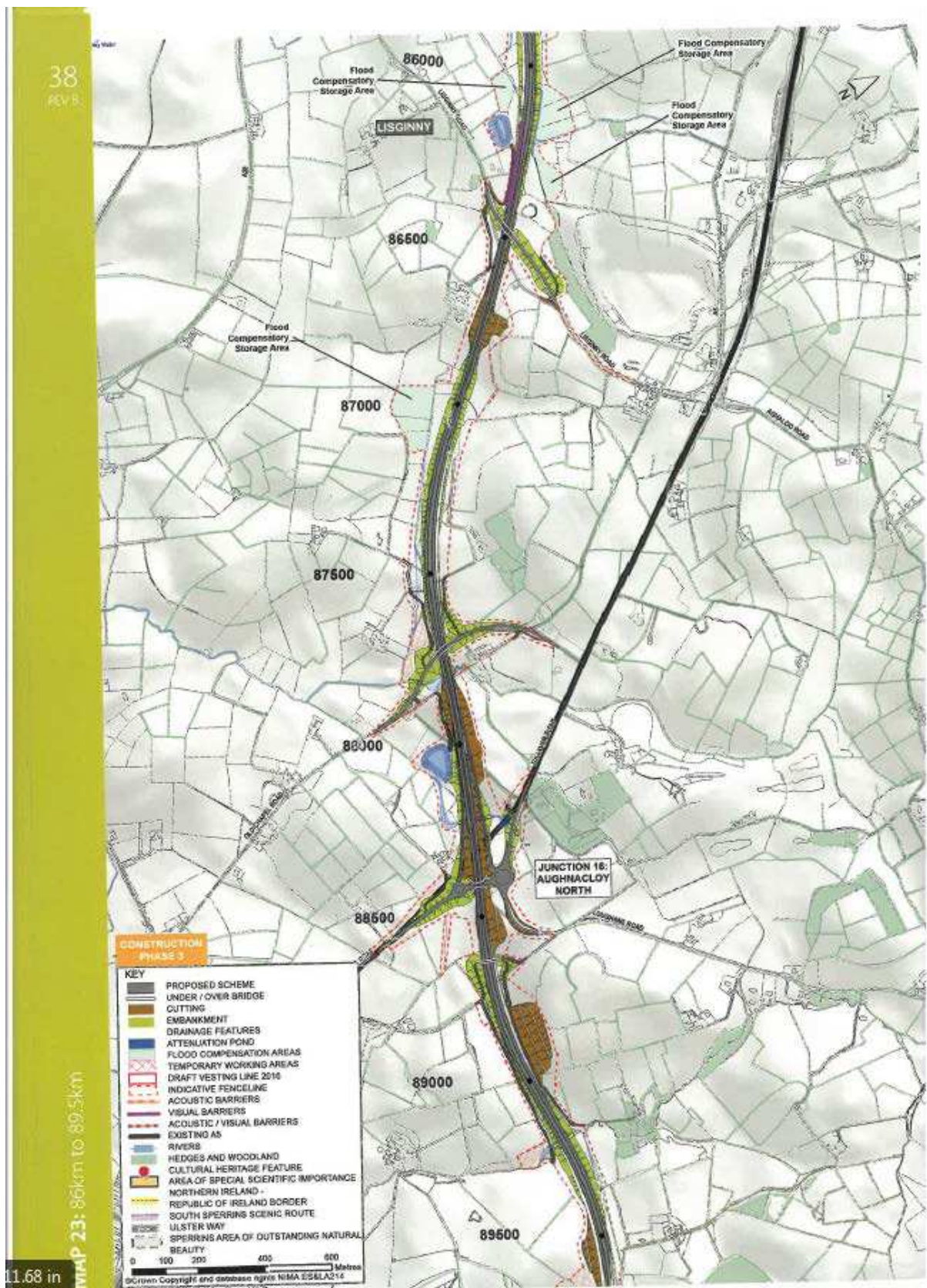




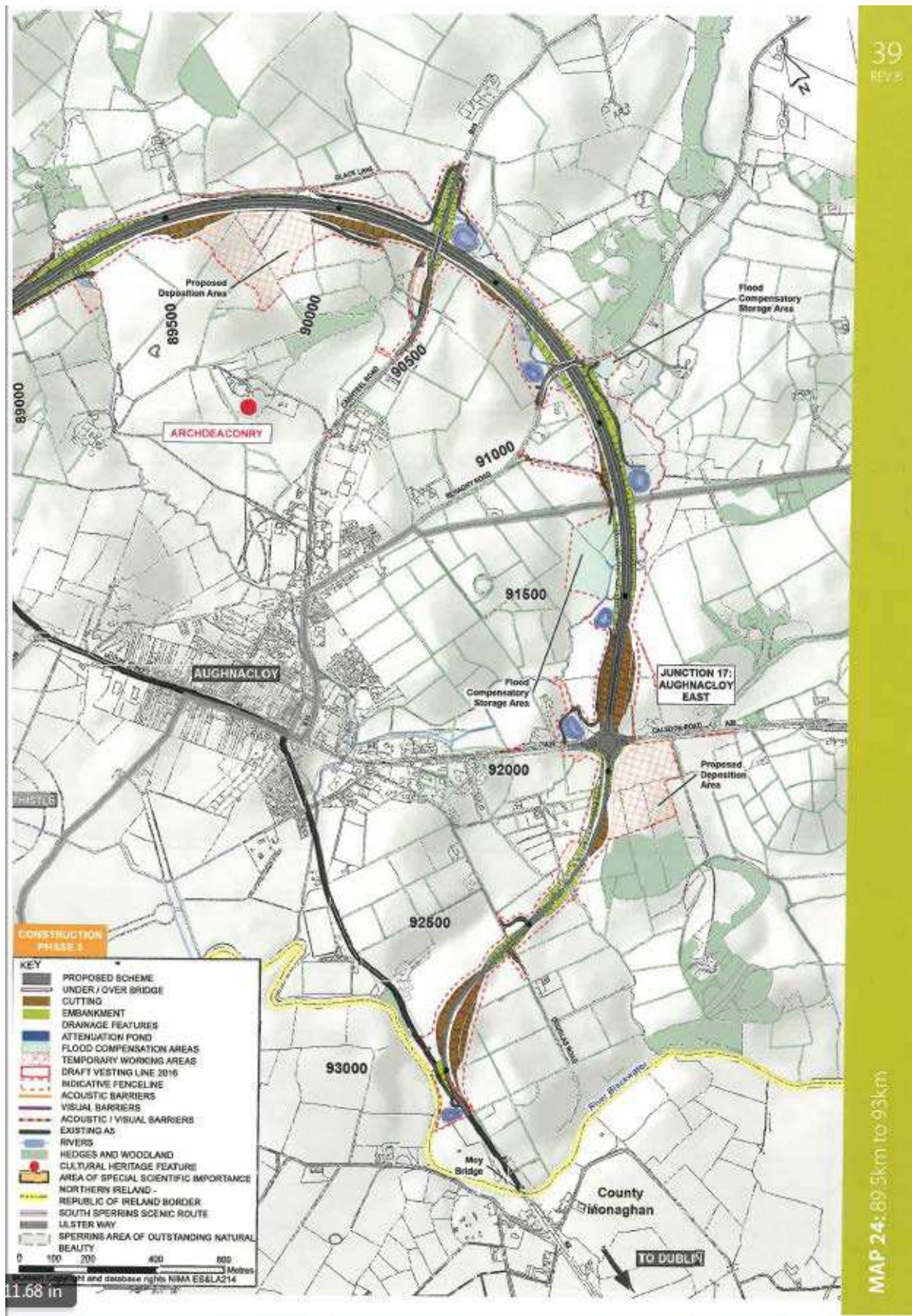




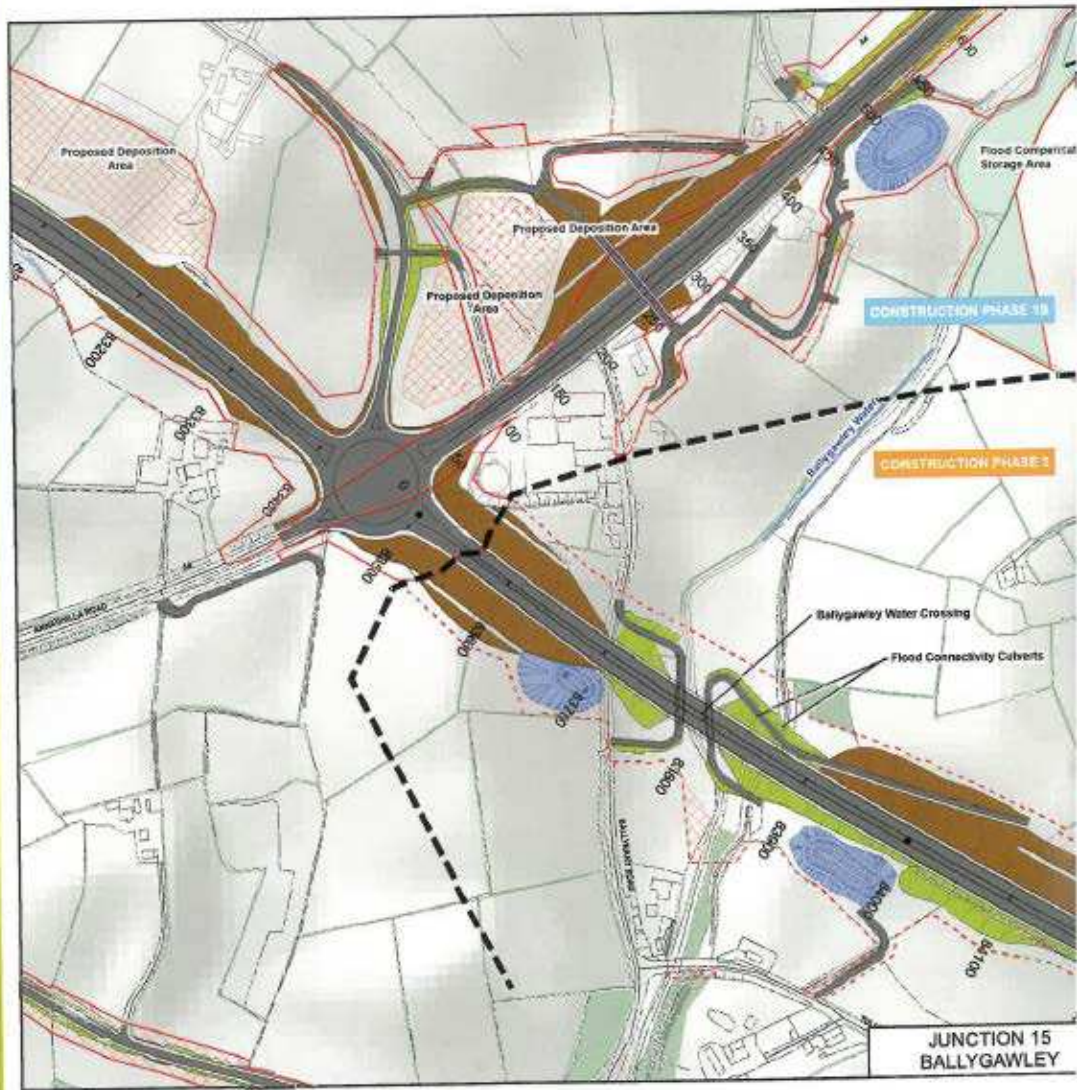














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JUNCTION 16 - 17



<b>Report on</b>	Report on 'Heritage at Risk in Northern Ireland – Review and Recommendations' and 'Heritage at Risk in Northern Ireland. Heritage buildings & structures at risk within Mid Ulster District Council
<b>Date of Meeting</b>	4 <sup>th</sup> June 2019
<b>Reporting Officer</b>	Sinead McEvoy
<b>Contact Officer</b>	Chris Boomer

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

<b>1.0</b>	<b>Purpose of Report</b>
1.1	The purpose of this report is to provide members with information from Ulster Architectural Heritage regarding Heritage at Risk in Northern Ireland.
<b>2.0</b>	<b>Background</b>
2.1	Ulster Architectural Heritage (UAH) has provided two reports to Mid Ulster District Council, relating to heritage at risk in Northern Ireland and specifically in Mid Ulster. The report is provided by UAH as part of the Built Heritage at Risk Project, funded by Department for Communities, Historic Environment Division, 2013-2016.
2.2	The Built Heritage at Risk in Northern Ireland (BHARNI) was first established in 1993 as a partnership between UAH, and the then DoE Environment and Heritage Service.
<b>3.0</b>	<b>Main Report</b>
3.1	The attached 'Heritage at Risk in Northern Ireland' report (Appendix 2) states that it aims to review the progress of BHARNI since 1993, with a particular focus over the last 10 years, 2006-2016 and comparison with the last comprehensive review in 2000. A series of recommendations are set out at section 4 of the report.
3.2	Also attached is a report by UAH looking specifically at 'Heritage buildings and structures at risk within Mid Ulster District Council'. Members attention is specifically drawn to the fact that there are a total of 63 heritage assets on the register in Mid Ulster and 9 of these have been added to the register since the formation of MUDC of 1 <sup>st</sup> April 2015. It also worth noting that 24 buildings have been removed from the register, with 3 removed since the formation of MUDC.

<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<b>Financial, Human Resources &amp; Risk Implications</b>
	Financial: None identified
	Human: None identified
	Risk Management: None identified
<b>4.2</b>	<b>Screening &amp; Impact Assessments</b>
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
<b>5.0</b>	<b>Recommendation(s)</b>
5.1	Members are requested to note the contents of this report and attached correspondence and reports from Ulster Architectural Heritage.
<b>6.0</b>	<b>Documents Attached &amp; References</b>
	Appendix 1 – Letter from Ulster Architectural Heritage Appendix 2 – ‘Heritage at Risk in Northern Ireland’ Appendix 3 – Heritage buildings and structures at risk within Mid Ulster District Council’





**Mid Ulster District Council  
Mid Ulster District Council Planning Service  
Ballyronan Road  
Magherafelt  
BT45 6EN**

Monday 8<sup>th</sup> April 2019

**Dear Sir/Madam,**

**Re: Heritage at Risk Northern Ireland: Review and Recommendations**

Please find enclosed a copy of the recently published '*Heritage at Risk Northern Ireland: Review and Recommendations*' report by Ulster Architectural Heritage, which is supplemented with a document highlighting the Heritage assets within your council area that are currently on the Heritage at Risk NI register.

The Heritage at Risk NI (HARNI) project, its register, the statistics and data it generates, act as a 'real time' indicator, both for the condition of individual assets and the identification of trends in the condition of the broad historic environment. It provides an important indication of how the condition of the historic environment relates to geographical areas, ownership and type, allowing us to identify opportunities, pressures and threats. Trends identified by the HARNI register can help to direct individuals, groups, funders, and central and local government to target re-use, regeneration and repair works towards heritage need. It also serves to inform wider heritage policy and identify issues affecting heritage, which need to be addressed and prioritised.

It is well documented that heritage contributes to our economy, tourism and well-being, and most importantly, defines the individuality and pride of place of each Council area. There is also considerable potential for the reuse of heritage buildings to enhance the sustainability of our historic environment, contribute to reduction of our carbon footprint, and tackle our housing deficit. As the only regulated dataset for the care of the historic environment, the 'Heritage at Risk Register' was a target in the last NI Programme for Government.

The number of 'saves', or removals from the register through reuse, restoration, and regeneration should therefore be an indicator integrated into all local development plans.

The report outlines the potential benefit of a 'three-way' working arrangement, where under the Reform of Public Administration 2015, local authorities may now work with HED and Ulster Architectural Heritage, and through their powers to best address Heritage at Risk. As part of the renewed Heritage at Risk project Ulster Architectural Heritage will be working cyclically through all Council areas in Northern Ireland, with a focus on 3 Council areas in the

Old Museum Building, 7 College Square North, Belfast, BT1 6AR.  
T: 028 9055 0213 E: [info@uahs.org.uk](mailto:info@uahs.org.uk) W: [www.uahs.org.uk](http://www.uahs.org.uk)



year 2019-2020. For each local authority we will be further reviewing the condition of listed and scheduled Heritage assets, as well as holding public engagement events on Heritage at Risk. It is hoped that the project will continue to cover all 11 councils over a 3 year cycle, covering 4 areas in each of year 2 and 3.

We look forward to working with all 11 local authorities more closely through the renewed HARNI project. We will write to you separately to this letter to confirm when we will be in your local authority area.

If you or any officers require any further information on the Heritage at Risk Project, please do not hesitate to contact us.

Yours sincerely,

**Nicola McVeigh**  
**Chief Executive**  
chiefexecutive@uahs.org.uk

**Dr Connie Gerrow**  
**Heritage Projects Officer**  
**Heritage at Risk**  
bharni@uahs.org.uk



# HERITAGE AT RISK IN NORTHERN IRELAND

## REVIEW AND RECOMMENDATIONS

January 2019



## ULSTER ARCHITECTURAL HERITAGE



A report by Ulster Architectural Heritage, as part of the Built Heritage at Risk Project, funded by Department for Communities, Historic Environment Division, 2013 - 2016. Published January 2019.

## FOREWARD:

The Built Heritage at Risk Northern Ireland (BHARNI) project was first established in 1993 as a partnership between the Ulster Architectural Heritage Society (UAHS) now retitled Ulster Architectural Heritage (UAH), and the then Environment and Heritage Service of the Department of the Environment which became NIEA, and now, the Historic Environment Division (HED) of the Department for Communities. It was initially named the 'Buildings at Risk' (BAR), becoming 'Built Heritage at Risk Northern Ireland' in 2006.

Our thanks go to Mrs Primrose Wilson CBE, current President of UAH, who was instrumental in establishing and maintaining the project. We would like to formally acknowledge her tremendous support, without which the heritage at risk project could not have succeeded. I also want to pay tribute to the Department Officers and UAH staff who over the years brought a focus and dynamism to the project ensuring it was both appropriate and innovative.

This report, commissioned in 2016, is based on statistics and information gathered at that time. The review and recommendations have been extensively developed in the interim period, and this report has formed the basis upon which UAH has proposed to move the heritage at risk project forward, in a recently renewed agreement with HED from April 2019. Though some figures may have changed to a degree in the intervening period, this is not seen to effect overall trends discussed in this report, and recommendations set out remain at time of release in 2019.

This report is set, not only to review all that has been achieved since 1993 and bench mark achievement against other models across these islands, but also to look to the future as the project once more undergoes a transformation. Transformation to respond to current social, economic and legislative context, particularly recent restructuring of government departments and the reform of local government encompassing a wider heritage remit becoming "Heritage at Risk Northern Ireland" (HARNI) in 2019.

Huge thanks are due to the UAH Chief Executive, Nikki McVeigh who brought her vision, diligence and precision to the production of the report ensuring it is both incisive and relevant. Assisted by other key contributors including UAH Vice Chair and Chair of Architecture, Planning & Policy, John Anderson, Heritage at Risk Officer Dr Connie Gerrow and former Heritage at Risk Officer, Leah O'Neill.

The past year, 2018, was a good time to reflect on the past and contemplate the future as HARNI in its various forms celebrated a quarter of a century of achievement. Over 300 Buildings at Risk have been saved, by way of the hard work of many individuals and groups across Northern Ireland. Thousands of copies of the Buildings at Risk catalogues and over 10,000 copies of the Directory of Traditional Skills publication have been distributed, a resource now made available online. Successful and popular events and conferences have been organised and of course innumerable buildings have been visited and catalogued. Much advice and support has been given freely, enhanced by the establishment of an online presence. Leading not only to the removal of buildings from the Heritage at Risk Register, but also better knowledge, understanding and care for the historic built environment, more generally across Northern Ireland over the last 25 years.

As we look forward it is clear our unique but finite architectural heritage has the potential to be at the centre of reinvigorated and cohesive communities acting as a catalyst for all the benefits - social, cultural, economical - entailed therein. In this report we have the seeds for a strengthening of the Heritage at Risk project and working partnerships with the progression of new initiatives, within the renewal of our valuable partnership with the Department for Communities, and working more directly with local authorities from April 2019.

We look forward to many more years of achievement.

**David J Johnston OBE**  
**Chairman, Ulster Architectural Heritage**

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*This is a report by Ulster Architectural Heritage (UAH), formerly Ulster Architectural Heritage Society (UAHS) as part of the Built Heritage at Risk Project, (BHARNI) funded by Department for Communities, Historic Environment Division, 2013 - 2016. The report is published in January 2019.*

*PLEASE NOTE: this report was largely compiled in advance of the change in trading name of Ulster Architectural Heritage Society to Ulster Architectural Heritage therefore these two titles are directly interchangeable for the purposes of this report. Copyright © UAH, referencing to be credited.*

## 1. INTRODUCTION:

Northern Ireland's historic environment is a finite, fragile and non-renewable asset which showcases our unique historical, cultural and physical identity, and promotes our pride of place. The historic environment is internationally accepted as key to sustainable income generation and tourism. Northern Ireland is fortunate in having a wealth of historic assets contained within a compact geographic area which spans across a broad range of styles, functions and periods with considerable untapped potential to deliver tangible economic, cultural and social benefits.

The Built Heritage at Risk Northern Ireland (BHARNI) project was first established in 1993 as a partnership between the Ulster Architectural Heritage Society (UAHS) and the then Environment and Heritage Service of the Department of the Environment succeeded by NIEA and now the Historic Environment Division (HED) of the Department for Communities. It was initially named the 'Buildings at Risk' (BAR), adapting its name to 'Built Heritage at Risk Northern Ireland' in 2006. From 2006 to 2016 there was a NI Government target to conserve and remove 200 buildings from the list. This target was almost achieved despite an economic downturn. This report was commissioned to consider the best way forward after this period of sustained effort.

**The BHARNI project, its register, the statistics and data it generates, act as a 'real time' indicator, both for the condition of individual assets and the identification of trends in the condition of the broad historic environment. It provides an important indication of how the condition of the historic environment relates to geographical areas, ownership and type, allowing us to identify opportunities, pressures and threats. Trends identified by the BHARNI register can help to direct individuals, groups, funders, and central and local government to target re-use, regeneration and repair works towards heritage need. It also serves to inform wider heritage policy and identify issues affecting heritage, which need to be addressed and prioritised.**

The objectives of BHARNI are:

- **To identify and record listed buildings and scheduled monuments which appear to be threatened.**
- **To act as a catalyst for the restoration and creative re-use of those buildings.**

Since 1972, following intense lobbying on the part of UAHS and others, with the, albeit belated, introduction of legislation for the protection of listed buildings, Northern Ireland has recognised the architectural, archaeological and/or historical significance of heritage. By applying designations to important and irreplaceable heritage assets: buildings, monuments, sites and Conservation Areas, Northern Ireland has laid down a commitment to the protection of our heritage. The Built Heritage at Risk Northern Ireland, (BHARNI) project and register has, for over 20 years, assessed the progress of this commitment by monitoring the condition of designated structures, primarily listed buildings and scheduled monuments. Using the register as a guide, UAHS, HED and the heritage sector has often been able to act to promote and encourage the re-use and regeneration of at risk heritage assets, before those assets and their associated social, cultural and benefit, is irretrievably lost.

The Northern Ireland Audit Office's (NIAO) report on '*Safeguarding Northern Ireland's Listed Buildings*', 2011 focused on the process and delivery for protection of Northern Ireland's Historic Buildings. It identified key areas for improvement in areas including: Survey of historic buildings, Historic Buildings Grant Scheme, Enforcement of listed buildings regulations and Quality of management information relating to listed buildings.

In the most recent comprehensive '*Study of the Economic Value of Northern Ireland's Historic Environment, Department of the Environment NI, 2012*', the historic environment was shown to generate an estimated £532 million annually and create and sustain approximately 10,000 jobs. These are figures that can be maintained and improved upon. The economic contribution of the historic environment per capita was estimated at £160 in Northern Ireland; £491 in the Republic of Ireland and £943 in Scotland. A comparison of Northern Ireland figures against other jurisdictions shows that there is opportunity to grow the contribution which the historic environment in Northern Ireland economically which in turn will provide important cultural and social benefit. Reuse and regeneration of at risk heritage assets is key to realising the historic environment's untapped cultural, social and economic potential.

The last official report on Built Heritage at Risk in Northern Ireland was provided by UAHS in association with the then Environment and Heritage Service, now HED, in 2000. Based on a conference of the same name, the report, 'SOS, Some Options & Solutions', recorded a total of 371 buildings at risk.

The 2000 report highlighted many of the key issues still relevant to heritage at risk today, including the importance of the legislative framework, the role of enforcement - Urgent Works and Repairs Notices, and ownership. It made the case that particular types of buildings presented particular need e.g. small scale vernacular, middle to large scale, and institutional and industrial buildings. It highlighted that the highest number of buildings at risk were houses and that the highest number were in County Down. This remains consistent with the report presented here, where Newry Mourne and Down is shown to have the highest number of listed buildings and the highest number of buildings at risk. At that time, the 2000 report, highlighted 139 'good news' stories in the project's first 7 years.

In recognition of the importance of targeted action for the historic environment and buildings at risk, a measurable objective was included in the Northern Ireland Programme for Government, (PfG) 2008-11. This set a target of 200 removals from the BHARNI register, between 2006-16. Almost achieving the target set, 192 buildings were removed from the BHARNI register during this period at a rate of approximately 20 buildings per year. Thus, a dedicated target within the Programme for Government 2018-11 fixed built heritage at risk, and the historic environment, firmly within the Northern Ireland agenda. It is unfortunate, in the light of previous successes, that no equivalent indicator or objective appears in the latest draft PfG 2016-20. UAHS and others in the sector are working on an ongoing basis with HED to address the lack of a dedicated indicator for the historic environment by way of sectoral PfG action plans, but, irrespective of this, the omission must still be viewed as both retrograde, illogical and potentially damaging.

It is important to note despite the welcome removal of 192 buildings at risk from the register between 2006-16, many heritage assets remain at risk and there is no room for complacency. Compared to 371 in 2000, the total number of buildings at risk in Northern Ireland has remained, consistently, at approximately 500 in recent years. This indicates an overall increase since 2000, more recently, a trend that, in effect, for every removal, another building is added that is at risk. The overall increase since 2000 may be due in part to progression of the BHARNI project and methodological changes to the ways in which 'risk' has been recorded, thus increasing additions made to the register at the earlier stages of the project, and, of course, the ever-present development pressure which is often seen to favour demolition over regeneration.

**This report aims to review the progress of BHARNI since 1993, with particular focus on the BHARNI project over the last 10 years, 2006-16 and comparison with the last comprehensive review in 2000. It considers opportunities for the BHARNI project within the current context of 2017. The BHARNI project to date is also considered against examples of other heritage at risk project models throughout the United Kingdom and Republic of Ireland.**

**Our historic environment is designated in the public interest. Designations are there to acknowledge and protect architectural/archaeological and historic significance. Heritage assets which are designated in the public interest but subsequently over-looked either**

through absence or inadequacy of protection via a monitoring programme, in reality are not, and will not be protected and consequently the resource expended in the process of individual designation is effectively wasted, and outside of the recording function, rendered pointless.

For almost 25 years the BHARNI project has addressed the both implied and logical need, on the back of the legislative requirement, to oversee, on a rolling basis, the welfare, or condition of the historic built environment. A role not integrated into either local authority or HED stand alone procedures. On the clear need and responsibility to back up legislative imperatives with the ongoing vigilance which validates the valuable efforts of the responsible Department, it is essential that the BHARNI project continues to play a key role in the management of Northern Ireland's heritage. In addition, the BHARNI initiative goes much further in delivery than the baseline partnership with government requirement. The register acts to independently profile the buildings and structures most in need in Northern Ireland and to help source and direct funding accordingly. The project actively highlights need for action to save some of our most important buildings, and subsequent success stories associated with action taken to save buildings at risk.

Led by an NGO, in partnership with HED, the register is deemed to be independent, separate from government, private, or commercial interests, and able to act as a long-established, accredited, trusted and impartial guide to HED, Heritage Lottery Fund, Architectural Heritage Fund, local authorities and others, not least for prioritisation of funding. With regard to roles associated with the management of buildings at risk in Northern Ireland, it is clear that the transfer of planning to local authority and associated redistribution of powers following Reform of Public Administration, (RPA), necessitates a change in the way that the BHARNI project will operate in the future in its relationships between the NGO, central and local government.

The reform of local government presents new opportunities for local authorities to take lead roles on their local historic environment, and changed roles in which NGOs and central government can act to prioritise heritage at risk. UAHS remains concerned that these opportunities may not yet have been fully appreciated or acted upon and that it is of great importance that good relations and process are established as a matter of urgency. With appropriate resource and guidance, Northern Ireland's new 11 local authorities have the potential to use their new responsibilities in planning, enforcement, community and local development planning to make a real difference for buildings at risk, with measurable economic and regenerative benefit to their local authority areas. Indeed, going forward, UAHS sees the 11 local authorities as a potential 'third' partner entity, with HED and UAHS and/or, other partner, in the BHARNI project.

The recommendations set out in section 4 aim to best help Northern Ireland in the commitment to monitor, protect and care for Northern Ireland's heritage, and may be taken to better position the BHARNI project within a new, and in some respects, more complex, context of local and central government and the draft Programme for Government, (PfG), 2016-21.

## 2. AIMS & OBJECTIVES:

The aims of the Built Heritage at Risk Northern Ireland (BHARNI) project are:

- **To identify and record listed buildings and scheduled monuments which appear to be threatened.**
- **To act as a catalyst for the restoration and creative re-use of those buildings.**

The BHARNI register provides an indication of the overall state of Northern Ireland's Built Heritage. Monitoring trends in the register can help to inform wider heritage policy and identify any potential issues affecting heritage, which need to be addressed.

The BHARNI project, delivers these aims by way of the following objectives:

- **Raising awareness of the condition and vulnerability of many designated heritage assets, i.e. listed buildings and scheduled monuments;**
- **Promoting the potential for Heritage at Risk to play an important role in enhancing our built environment and as a focus for communities;**
- **Communicating the underlying problems that have brought about the poor condition of these buildings;**
- **Taking action in the case of those buildings identified as being of the highest levels of risk;**
- **Promoting the need for action by others so as to stave off decay in the buildings at risk identified in the register;**
- **Encouraging the repair, reuse and where appropriate, restoration, of buildings identified in this register as being at risk through neglect and decay.**

These aims and objectives remain essential, and are not proposed for change. This report reviews the above aims and objectives for the BHARNI project, in the current operating context, and the challenges for the historic environment in 2018 and beyond, taking into account reconsideration of the role of NGO, HED, local authorities and owners in the context of the evolving public administration revisions.



### 3. SUMMARY:

This summary and recommendations in section 4, are, in turn based on sections 5-7, a background to the BHARNI project, a review of BHARNI headline statistics against key factors 2006-16, and a comparison of the Northern Ireland Heritage at Risk initiative against those active in the rest of the UK and Ireland.

To summarise, it is proposed that HED, local Authorities and NGOs work to:

**Develop and enhance the established BHARNI heritage at risk project, building on the base of the existing project, retaining the HED and NGO partnership and expanding to include local authorities. Retaining the two established key objectives:**

- *To identify and record listed buildings and scheduled monuments which appear to be threatened.*
- *To act as a catalyst for the restoration and creative re-use of those buildings.*

**Update the current operating framework of the agreement to work in 2018/19 context, across the project aims: Raising awareness, promoting potential, communicating problems, taking action, promoting the need for action, encouraging repair, re-use and restoration of built heritage at risk. To include recommendations 1-9 (R1-9):**

1. **The systematic, cyclical survey of all listed buildings, conservation areas and scheduled monuments in Northern Ireland. Including systematic analysis of 'saved', and 'lost' as well as 'at risk' assets;**
2. **Addition of scheduled monuments, sites and conservation areas to the Heritage at Risk Register;**
3. **Heritage at Risk Public Access Portal and Online Toolkit;**
4. **Targeted activity towards: Heritage Action Types, Areas and Owners;**
5. **Amendment of partnership arrangement to include HED, NGO and Local Authorities;**
6. **Priority funding streams for maintenance, repair and regeneration projects sourced from both central and local government and other sources; 'spreading the load'**
7. **Change of Name: 'Built Heritage at Risk Northern Ireland, (BHARNI)' to 'Heritage at Risk Northern Ireland, (HARNI)';**
8. **Integrate Heritage at Risk Register into a larger Heritage Index for Northern Ireland;**
9. **Evaluate adequate funding and resource levels for the Heritage at Risk Project in order to facilitate items 3-9 and to assure and maximise the benefit/value/results from available funds.**

## Key Points:

- Research into the 24 year history of the BHARNI partnership demonstrates a proactive approach to the issue of built heritage at risk in Northern Ireland by HED, its predecessors, and their partner organisation, UAHS;
- The long-standing partnership between UAHS and government is regarded by both HED and UAHS as being a mutually positive and productive arrangement. The project has produced a maintained 'known' register and provided regular, direct support and advice, guidance, conferences, 8 Buildings at Risk catalogues, a Directory of Traditional Building Skills and a Directory of Funding. UAHS has annually participated in European Heritage Open Days (EHOD) to profile Built Heritage at Risk and, most recently partnered with HED to profile Northern Ireland's Heritage Heroes through EHOD;
- UAHS, as an independent, not for profit charitable organisation with a 50 year track record and expertise. The Society has been able to deliver a fair, impartial and very cost effective assessment of Built Heritage at Risk to HED, led by qualified staff and volunteers with expertise in architecture, archaeology and planning. This is in tandem with working directly in consultation with HED officials, who provide expert support for the project from the Department's perspective;
- UAHS also delivers additional, complementary activity to promote the historic environment through a regular programme of events and other funded projects. Examples include, the 'Home & Dry' Skills and Maintenance series 2001-2012, 'Lose or Re-Use' publication, 2007, more recently, 'Mournes & Me: Built Heritage Education', 2016, 'Maintain to Retain' seminars, 2017, 'Conservation Without Frontiers' Summer Schools in 2015 and 2017, and the recent introduction of the Andrew Lloyd Webber, 'Heritage Angel Awards' to Northern Ireland in 2017/18/19 of which UAH is the lead partner and deliverer;
- UAHS has, as a membership organisation, provided a circa 1000 strong network of direct contacts, and a 4000 online following, connecting with owners individuals and groups across Northern Ireland to promote the BHARNI project, and its associated activities. UAHS also contributes monthly articles profiling built heritage at risk in RSUA's Perspective Magazine and maintains an established 'go to' reputation within the mainstream local media;
- UAHS has also complemented the project via the high level of volunteer time, including the expert input of the UAHS committee, many of whom have led, or are leading on, projects relating to the re-use and regeneration of historic buildings, including some on the BHARNI register. Collectively, UAHS committee members are, or have been, actively involved in process relating to the rescue of over 120 buildings. The practical expertise of the Committee, has added greatly to the outcome of the BHARNI Agreement. In many ways this goes beyond monetary value, but should always be quantified when aspiring to best value as representing a significant benefit to HED in partnering with UAHS, an NGO. Such arrangements are recognised and well established practice in many other areas such as natural environment and nature and wildlife conservation, both in NI and administrations in the UK and across the world.
- The preceding points support the recommendation that HED continues to work with UAHS, or other entity which could offer an equivalent level of best value to the heritage at risk project;
- This report recognises the value of 24+ years of the BHARNI project. It also recognises that contexts and circumstances have changed considerably since the original 1993 agreement and its 2006 updated form. It is proposed that the operating framework of the

heritage at risk project should change to best fit with legislative framework, current context of central and local government reform, and public engagement within an advanced digital, technologically orientated Northern Ireland;

- It is proposed that the two main objectives of the BHARNI Agreement 2006-16, remain of key relevance to the promotion and protection of built heritage at risk, and should remain. Recommendations to update the operating framework of the project, based on these two objectives, are as follows:

## 4. : RECOMMENDATIONS 1-9 (R1-9)

### R1. Systematic, cyclical survey of all listed buildings, conservation areas and scheduled monuments in Northern Ireland. Including systematic analysis of 'saved', 'lost' and 'at risk' assets

Systematic, cyclical survey of all designated heritage assets- to include, based on currently available figures: the 8702 listed buildings, 1875 scheduled monuments and 66 conservation areas. Identification of all 'at risk' structures within these categories in a new X (TBA) year cycle.

This survey should include at minimum, in relatively simple tabular form, cyclically updated condition assessment and photographs, audit of use, ownership, of all listed buildings, conservation areas and scheduled monuments. For those with 'at risk' status, progress towards and options for re-use would be reported, on an agreed X (TBA) yearly basis. At risk structures that are saved would also be reported on, as necessary, recording before and after photos, how the project was delivered e.g. transfer of use and ownership, (if any), funding required, resultant income, employment, etc. and the information actively and extensively promoted as 'good news'.

There are clear synergies and cost benefits in linking with the further recommendations listed below: R3: Addition of scheduled monuments and conservation areas to the Heritage at Risk Register, R4: Heritage at Risk Public Access Portal and R9: Heritage Index for Northern Ireland.

#### Key Points:

- The Northern Ireland Audit Office (NIAO) report of 2011 recommended that the Department *'builds on its procedures for the current contract (for the second survey) by formally prioritising for survey those buildings that are most at risk'*. To date formal procedures for this have not been identified.
- Currently, however, the BHARNI register has been commissioned on a system of **'known'** condition of heritage assets and **not** a systematic, cyclical survey. Research for this report highlights that systematic, cyclical surveys, utilising various formats, do exist in England, Scotland and Wales;
- Research for this report has considered the 'Ecory/Alistair Coey Architects Baseline Survey of the Condition of Listed Buildings 2013-14', commissioned by the DoE in 2013. The Ecory/Alistair Coey report recorded the proportion of Northern Ireland's listed buildings in poor/very poor condition to be 21.5% of the approx. 8500 listed building stock, equating to over 1700. In the same report, 30.8% were recorded to be at some form of risk, and this equates to over 2600. These figures contrast with the total number of buildings on the BHARNI register, (excluding monuments);
- The difference in statistics between the 2013-14 report and the BHARNI register could be due to a difference in survey method and categorisation. However, it could also indicate that there may be listed buildings that should be on the register, but have not yet been identified or added by way of current process. This disparity supports the need to move away from a system of 'known at some point in the past' towards a regular, comprehensive review of all listed buildings in Northern Ireland. It also suggests that, in terms of best value such

standalone reports should not be commissioned outside but should be integrated into the BHARNI project with the periodic Audit report acting as the arbiter of progress.

- The 'Second Survey of Listed Buildings in Northern Ireland' could, in theory, include condition and 'at risk' assessment of buildings. However, the NIAO, Auditor General's Report, 2016, highlighted the status of the survey as being significantly behind schedule. It cannot, therefore be assumed that the second survey will act quickly enough to readdress the balance between the existing 'known' BHARNI survey without the implied potential for consequent loss of asset. This reinforces need for separate systematic and cyclical condition and 'risk assessment to be established;
  - The lack of accurate, up to date and systematic assessment of the state of designated heritage assets in Northern Ireland may indicate an ongoing inability or indeed complacency on the part of central government, local government (and UAHS, as provider and advocate), to adequately monitor, report and act to protect the historic environment in Northern Ireland.
  - It is acknowledged that lack of systematic or cyclical survey for BHARNI and apparent inability to readdress balances in existing delivery methods such as the Second Survey, is substantially due to the current low level of funding streams which do not reflect the widely acknowledged added value of the historic environment to the economy. This continues to be perplexing, given that there is ample evidence that the comparatively modest sums required annually, deliver lasting multifaceted benefits far exceeding the outlay. (Refer to Section 1: Introduction.)
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## **R2. Addition of scheduled monuments and conservation areas to the Heritage at Risk Register**

**Future Heritage at Risk Project for Northern Ireland should aim to give the most comprehensive record possible of all historic assets at risk in the historic environment, to include all designations: i.e. listed buildings, scheduled monuments, and conservation areas.**

### **Key Points:**

- The condition of conservation areas is an important indicator for the care and protection of the historic environment. Research carried out for this report has established that all other UK regions include conservation areas in their 'heritage at risk' register;
- The designation of Conservation Areas now lies within the remit of local authorities, rather than the Department. The CA designation acknowledges the architectural and historical significance of complete areas within the historic environment. It is important to also monitor the effectiveness of these designations in a similar way to those relating to listed buildings and scheduled monuments. It is highly unlikely that Local Authorities will be able to dedicate year on year funding to 'in house' monitoring of conservation areas;
- To date regeneration and restoration of conservation areas has been largely centred on the Heritage Lottery Fund Townscape Heritage Initiatives. In the same way that the BHARNI project can profile and benefit individual listed buildings, the addition of conservation areas to the BHARNI register, and analysis of associated trends, may help individuals, groups, funders and central and local government to target re-use and regeneration initiatives towards towns and villages that have the most heritage investment need;

- In 2005 a commitment was made to include archaeology, particularly scheduled monuments on the then Buildings at Risk Northern Ireland (BARNI) database. In 2005, the name of the register was adapted to 'Built **Heritage** at Risk Northern Ireland' to reflect this change. To date this change has only been integrated in part, with only 30 scheduled monuments added. This commitment has not been fully realised due to the ongoing resource implications and the lack of a coherent plan for the practical integration of entries from existing surveys, outlined below;
- Monitoring of the condition of monuments is currently undertaken on an ongoing basis by three, part-time field monument wardens under the direction of HED. It is proposed that a transferable format for reporting monuments at risk to the BHARNI register from HED field monument wardens be set up and fully integrated, again adding value by utilising established HED resource to provide a register representative of the full spectrum of Northern Ireland's historic environment;
- A report on 'The Condition and Management Survey of Archaeological Resource in Northern Ireland' (CAMSAR), 2004-6, by Centre for Archaeological Fieldwork, Queens University Belfast, was the first scientifically based record of its kind for monuments in Northern Ireland. It aimed to provide a baseline against which to measure future change of our historic sites and monuments, and the basis for future monitoring and advisory work by HED (then NIEA, DoE). It was proposed that the report should be updated and re-written in 2014. To date this has not been possible to deliver .

### **R3. Heritage at Risk Public Engagement, Access Portal and Online Toolkit**

#### **Update/renew online public portal to include:**

- **Headline statistics: Total BAR, total added, total saved, total demolished/historic value lost;**
- **Up-to-date information and condition of each entry with up to date photos;**
- **Targeted sections on 'featured building', 'success stories', 'in progress';**
- **Map, powered by Arc GIS linked to the HED Map Viewer, broken down into local authority, data easily accessible and retrievable directly from the portal e.g. to excel.**

**Develop an online toolkit, linking through to, possibly incorporating, and building on existing BHARNI Directory of Traditional Building Skills and Directory of Funds to include such information as:**

- **duties & responsibilities,**
- **legislative context & powers,**
- **surveys & monitoring,**
- **maintenance,**
- **good conservation practice,**
- **ownership,**
- **case studies.**

#### **Key Points:**

- The 2011 NIAO report highlighted that with regard to the '*Quality and Management of Information*', '*the limited functionality of the online Built Heritage at Risk Register undermines its potential usefulness as a basis for ranking listed structures in order of importance or vulnerability, or targeting action for rescuing them*'. The online Built Heritage at Risk Register

user interface and functionality remains largely the same as in 2011. With the updates and recommendations from the NIAO report, and their associated benefits outstanding;

- The ability for an enhanced BHARNI register, to inform and incentivise the public through provision of information on 'at risk' heritage assets is the essential starting point in acting as a catalyst for participation in the re-use and regeneration of the historic environment. The 'at risk' status of a building and useful, up-to-date information needs to be readily accessible. Public engagement has to date been centred on telephone/face to face contacts, talks and conferences and publication formerly with the emphasis on print media, with movement more recently towards digital and online, through UAHS portals;
  - It is of utmost importance that a building at risk, its importance and potential for reuse is profiled sufficiently by the BHARNI project. It is necessary not only to record but to reach out to link buildings to owners. The most efficient and cost effective way to do this is now by progressive, online solutions. Online platforms that can be updated, adapted and changed as entries, case studies or guidance notes are added;
  - The 8 BHARNI printed catalogues 1993-2005, were key in profiling buildings at risk and saves. Often referred to within the heritage sector as 'match-makers' between buildings at risk and potential owners and the wider public. Publication of a new volume of the BHARNI was planned by the previous agreement for 2015. This was put on hold due to restrictions on funding and resources.
  - The existing public access portal is hosted by HED and shared through a link to the UAHS website. An updated, unified, public access portal would provide more up to date information on individual entries, and headline statistics, stories of featured buildings, progress towards re-use and saves and would serve as an online replacement and future archive resource for the printed BHARNI catalogue. This platform should link to the excellent HED Map Viewer and Geographical Information Systems, (GIS). Models for this type of online platform have been developed by Historic Environment Scotland and Historic England;
  - The provision of 'up-to-date' information, condition status and photographs would be provided for this online resource regularly through implementation of **R1: Systematic, Cyclical Survey**. The regular dissemination of information to the website or by any other means, will be dependent on the provision of up to date content management systems upon which to manage and update the register. Compatibility of systems across government departments remains the optimal aspiration;
  - UAHS are working to develop a Heritage Recording and Reporting App, which could, following a period of field testing and refinement, be incorporated into such an online platform. This could incorporate fields for the BHARNI register, subject to agreement. This project was 'seed' funded by Big Lottery;
  - In terms of guidance, UAHS Directory of Traditional Building Skills and the UAHS Directory of Funds, previously only available in print, have both been transferred online to the UAHS website. Online provision cannot be seen to replace all essential 'one to one' guidance, but user-friendly online toolkits are seen to be a cost effective and efficient way of providing essential baseline support. A model for this type of online toolkit has been developed by Historic Environment Scotland.
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#### R4. Heritage Action: Types/Areas/Owners/Campaigns

The renewed Heritage at Risk project should provide outreach, guidance and relevant research focused on the following themes:

Heritage Action Types: target types e.g. thatch, vernacular, gate lodges, industrial buildings, churches;

Heritage Action Areas: target geographical areas of high numbers of BAR, areas of potential regeneration through HAR, linking to local authority areas and local development/community plans;

Heritage Action Owners: e.g. private owners (61%), e.g. repair & maintenance; heritage trusts, housing associations e.g. transfer of heritage assets at risk;

Heritage Action Campaigns: Lead targeted campaigns on issues affecting heritage at risk e.g. Fiscal incentives, Rates, VAT, Heritage Crime, funding.

#### Key Points:

- The NIAO report in 2011, recommended that the Department *'engages more proactively with owners, to encourage them to improve their properties and, if relevant, to avail of grant aid'*. Outreach activity, including direct contact with groups and owners has been largely curtailed by cuts to the BHARNI project in 2015. Numbers of 'saves' have dropped in the same period;
- Activity for the BHARNI project, out-with maintaining the 'known' condition of buildings on the database, has largely been curtailed since 2015 due to a budget cut that halved the provision from central government. Since 2015, UAHS has not been in the position to provide previously delivered levels of action and leadership through the BHARNI project. Working directly with owners has also had to be curtailed, with UAHS only being resourced to provide baseline advice and support. Associated, separately funded, activities relating to the care of the historic environment adding value, as has historically been the case;
- HED resource for BHARNI has also been reduced during this period. The Listed Building Owners Forum, programmed by DoE/HED, with contributions by UAHS has also not been held since 2014;
- Heritage Action will actively target activity relating to heritage at risk by type, owners, areas and campaigns. The BHARNI register acts as an important indicator to demonstrate trends in the individual and overall condition of the historic environment in Northern Ireland. An NGO, HED and local authorities acting upon, and leading on, key areas of need, in day to day operations, is key to encouraging and enabling re-use and heritage regeneration of our buildings at risk, unleashing their economic and social potential;
- Heritage Action builds on the newly introduced Architectural Heritage Fund project, funded by HEF 2016-18, that prioritise heritage trusts, social enterprise and heritage asset transfer. While this report welcomes the AHF project it is acknowledged will not target other key areas highlighted in the statistical analysis of this report: private owners, priority types, priority geographical areas, and key campaigns;
- No individual group- NGO/central or local government can alone address issues surrounding heritage at risk. Heritage Action will bring together: owners, NGO, local and central government, as necessary, to find the best, most helpful and proactive solutions for dealing with buildings at risk. Heritage Action may include provision of forums, conferences, guidance, or research, depending on the identified trend and need;

- With regard to **'Heritage Action Owners'**, there might be investigation into how policy can be utilized to help and encourage 'supportive' owners and to deter unsympathetic owners, who sometimes will have acquired a building purely for a perceived site development value, from ignoring further dereliction of their properties through neglect and in some instances, heritage crime. (see, for example, 'Rates Exemption'. Section 7 page 36 of the report) This will require clear, cross departmental, understanding of the barriers to effective protection of these buildings. In 2008, DoE undertook to issue warning letters to owners, encouraging them to apply for available grants in order to save the buildings or to put them structures on the market to allow new owner to take on the building. This corresponds with the highest recorded level of removal of buildings from the register during the 2006-16 period suggesting that such initiatives may have an important impact;
  - With regard to **'Heritage Action Types'**, in 2016, UAHS led a pilot project, bringing together the National Trust, Historic Buildings Council and HED to target the issue of thatch as a priority type. This pilot consisted of regular meetings/forums with thatch owners, thatchers and specialists in vernacular construction methods. The idea being that such target groups could work together to understand issues, and bring forward solutions. This was with a view to taking action and seeking wider support for the issue from NGO, local and central government. A range of proposals emerged from this pilot. However, implementation depended on dedicated resource to administrate, fundraise and lead on proposals. UAHS did not have the resource to seek new support for this initiative under current capacity. As a consequence, this important initiative had to be put on hold by UAHS. It is suggested that such 'Heritage Action' projects, adequately resourced could lead to better, targeted action for buildings at risk, including funded projects;
  - This recommendation is with reference to, but not in duplication of, an existing model of 'Heritage Action Zones', already established by Historic England.
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#### **R5. Extension of BHARNI partnership arrangement to include Local Authorities**

It is proposed that an HED-NGO central resource, should work with Northern Ireland's 11 local authorities, through the BHARNI project, to help maximise the impact that local authorities can achieve for the historic environment in the exercise of their recently acquired responsibilities of planning, enforcement, and the preparation and operation of community and local development plans.

The central HED-NGO resource, would manage recommendations R1-R4, i.e. the maintenance of the register, managing systematic survey, developing and maintaining database, developing online portal, toolkit and heritage action: i.e. format, areas, owners, campaigns etc.

Ideally HED and/or the NGO will work directly with all the 11 local authorities to actively connect with buildings, owners, funders, people and communities at local level. If possible, designated local authority staff or heritage officers would connect the project to a local framework, for example, feeding into monitoring using supplied tools and integrated databases where appropriate, together with the bespoke outreach dissemination of recommended 'heritage action' topics to owners, directly.

In less straitened times full time council officers might have been funded across NI by HED in partnership with local authorities. As a model this would be exemplified by the HED - Derry City & Strabane District Council (DCSDC) pilot, funded by Historic Environment Fund, 2016-18. It is acknowledged, this is unlikely to lead to the rolling out of a year on year funded NI wide programme in the foreseeable future so an alternative method of delivery of objectives at best available value must be found.

## Key Points:

- Maintaining a central register is consistent with England Scotland and particularly the Welsh approach, one that has seen management of their heritage at risk register come in from local authorities to a centralised resource;
- The Reform of Public Administration, implemented in April 2015 introduced a more significant role for Northern Ireland's local authorities in the care of our historic environment. Particularly through the newly acquired responsibilities for planning and community and local development plans, the potential for local listing, enforcement and, importantly, the post completion monitoring of conditions attached to Listed Building Consent and Conservation Area planning approvals ;
- It is important to emphasise that consistent, even handed application of enforcement as a deterrent (e.g. through the medium of initially, owner information and dialogue, followed if necessary by the implementation of the various statutory instruments: i.e. Urgent Repair Notices, Building Preservation Notices), is a key component of protecting buildings at risk. However, this cannot be effective in the absence of staff, expertise and a commitment of officers and elected members to the value of their historic environment, coupled with sufficient funding resource both to and from local authorities. However, councillors and staff currently appear to feel that the application of their available legislation is so fraught with potential pitfalls and perceived unjustifiable expense, as to be largely ineffectual. This remains a serious problem exacerbated with every failure to test their powers. Anecdotally there is considerable frustration within local authorities when they appear to the public to be powerless to act in the face of sometimes blatant destruction of their locally and nationally important heritage assets;
- In addition, and this is a very important consideration, this can lead to an entirely unjustified, but nonetheless entrenched perception on the part of some members of the public and, to an extent, some elected representatives, that any authority or body exercising any control or regulation over the historic environment be regarded as 'the enemy', of progress, personal freedoms or whatever may be popular on the day. In simple terms, there is a considerable public relations and education mountain to climb, and given the current under-resourced, and arguably of necessity, 'scatter gun' approach, in the absence of an affordable integrated approach such as we propose, it is difficult to see how the situation can improve;
- A commitment from all 11 local authorities to jointly partner with a restructured BHARNI project would go some way to address the apparent deficiency of action for buildings at risk at local level. This might for example, include agreed standard delivery by the NGO to include information provision, contacts, capacity building for people and communities, officers and elected members to an agreed annual level per local authority. It might also include a designated part of the aforementioned online portal and associated tools for each local authority;
- It is proposed that if each of the 11 local authorities made an affordable and in relative terms, modest annual contribution towards this element of the BHARNI project, it would improve capacity and therefore delivery for the protection of the historic environment at local level across Northern Ireland at a genuinely best value. If the 11 councils were to agree a standard format for what is required, a productive partnership arrangement could be agreed at a low relative cost to each measured against returns;
- The lead role of local authorities in the protection of historic environment, and therefore buildings at risk, is perhaps better established in neighbouring jurisdictions where the relevant structures of local government have been in existence for many years. A model of central government/arms-length teams, working with heritage officers and conservation officers at

local authority level, is operated by the Heritage Council in the Republic of Ireland and Historic England, with Scotland and Wales also working closely with local authorities to achieve their aims;

- With regard to enforcement, research for this report also highlighted bespoke resource provision from Historic England to local authorities in the form of legal advice and funding for underwriting action in the courts. If enforcement does not act as a deterrent, for whatever reason, the entire principle of protecting the national heritage asset falls prey to opportunism and brinkmanship. It would be beneficial to see this type of incentive flow from central to local government also in Northern Ireland, should future resource allow. As a meantime approach a commitment to fund a small number of selected 'test cases' to maintain the deterrent in parallel with the necessary associated 'hearts and minds' publicity would be of significant ongoing value.
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#### **R6. Priority and additional funding for maintenance, repair and regeneration of heritage at risk;**

**Provide sufficient levels of capital funding for maintenance, repair and regeneration of listed buildings. A figure of £3-4 million per annum, as per pre 2015, was and remains a necessity. The requirement can be related to the recorded drop in the number of assets saved during the ongoing period of absence of sufficient levels of funding, highlighted by this report.**

**Future funding should be targeted to deliver on mostly smaller projects in order to achieve the optimum benefit of community regeneration spread across NI. Larger projects would be encouraged to seek funding from various other sources, as already happens occasionally. Focus provision of funding for built heritage at risk, priority types, such as thatch, priority owners, such as private owners (61%), and priority areas, such as Newry Mourne & Down (local authority with highest number of listed buildings and highest number of buildings at risk), in any allocation of funding from HED or other. Identify and promote other sources of funding for those buildings not in private ownership e.g. other funders, community shares, community enterprise, etc.**

#### **Key Points:**

- It is widely acknowledged that many owners of listed buildings face financial challenge in raising the capital to cover the deficit in maintaining and restoring our historic assets according to legislative requirements. A challenge commonly referred to as '*heritage deficit*';
- Until 2015, 'Listed Building Grant Aid', from the DoE, provided funding for eligible works on listed buildings at up to 45%, to a value of £500,000 per building, where applicable. A total value of £4.6 million was provided by central government for Listed Building Grant Aid, 2014-15. Listed Building Grant Aid was suspended in 2015;
- In 2016-17, HED through the Historic Environment Fund, was able to make available a welcome, but significantly reduced level of funding at £500,000 in total with 'at risk' and thatched as priority categories. £500,000, the allocation which historically might have been afforded to a single building, is now proposed to cover demand from over 8,500 listed buildings. The HEF 2016-17 was heavily oversubscribed;
- Grant aid, now the Historic Environment Fund (HEF), supports owners. For many, such grant aid is the sole financial support that owners could access to maintain their listed building. This

is particularly relevant to private owners (61%) who, without charitable status, cannot avail of a majority of public funding e.g. HLF;

- For those who can avail of other sources of funding, Historic Environment Fund, (HEF), may be regarded as a source of match funding, thus encouraging the support of other funders for the progression of key regeneration projects;
- The provision of grant aid makes economic sense for Northern Ireland. For every £1 of listed building grant, £7.65 is leveraged from other sources, (DoE, 2012);
- Oversubscription to HED's new Historic Environment Fund (HEF), in 2016, reflects important appetite and need for the repair and regeneration of heritage assets, including heritage at risk. Oversubscription also highlights insufficiencies in the required levels funding to deal with requirements. It would be unfortunate if lack of sufficient levels of central government funding, for practical repair and regeneration, and associated match leverage, hampered the potential for buildings to be removed from the heritage at risk register. This is particularly relevant to the 61% of built heritage at risk stock in private ownership.

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**R7. Change of Name: 'Built Heritage at Risk Northern Ireland, (BHARNI)' to 'Heritage at Risk Northern Ireland, (HARNI)'**

UAHS proposes to remove the word 'built' from the BHARNI title to relaunch the heritage at risk project for Northern Ireland as 'Heritage at Risk Northern Ireland', (HARNI).

Update all branded items from NIEA, Department of the Environment to Department for Communities, Historic Environment Division. Include up to date NGO branding, and local authority branding as required. Introduce a shared 'Heritage at Risk' partnership logo to be used by NGO, HED and local authorities if applicable, as agreed.

**Key Points:**

- This report recommends an update to the existing operating framework of the BHARNI project. This renewal, and the potential addition of local authorities as a third partner entity, should be reflected in the identity and branding of the project, whether by title and/or branding, as agreed. Representing a relaunch of the project identity as well as its operational format;
- Parts of the existing branding continue to carry the NIEA Department of the Environment logo following the transfer of HED to Department for Communities pending decisions on the future of the project. Both UAHS and HED have or will change branding elements in 2017. It is recommended that the BHARNI project is retitled and rebranding is carried out in conjunction with planned or recently implemented changes to the lead brand/s. It will also be necessary to integrate the branding of other partner/s, as appropriate.

#### **R8. Integrate Heritage at Risk Register into a larger Heritage Index for Northern Ireland**

Integrate the BHARNI data, as described in items 1-7, above, into a larger heritage index, or 'Heritage Counts' initiative for Northern Ireland. Profile BHARNI data within a wider body of research and statistics produced annually to help better understand the historic environment, successes and the challenges it faces.

For example, numbers and distribution of:

- Designated Assets by:
  - Type
  - Ownership
  - Use- private/public (by type: tourism use, community use);
- Capital investment in the historic built environment;
- Income per annum in the historic built environment;
- Visitor numbers/time spent at historic places;
- Job numbers created at historic places;
- Volunteer numbers/time invested in historic places;
- School visits/project numbers either classroom based or onsite projects based at/focused on historic places;
- Community event/project numbers targeted heritage events/projects and non-heritage community projects/events located at historic buildings/sites;
- Number of strategic partnerships with third sector community and heritage organisations;
- Total number of structures on the BHARNI register;
- Number of structures added to the BHARNI register;
- Number of structures removed from the BHARNI register;
- Number of planning/enforcement actions for the protection of the historic environment at local and central government level.

#### **Key Points:**

- The case for saving buildings, or indeed caring for them generally needs to be explained in clear terms, if we are to be able to make the case for buildings at risk, or indeed any initiative to protect or care for our heritage assets. This, up to date, annual/biannual data is now urgently necessary to make a rolling consistent case, and not isolated or outdated one off prioritisation of the historic environment at central government level;
- The index should provide useful, interpretable data that is better planned, consistent and robust than standalone reports. Built heritage at risk and other statistics, within the index should be monitored, as agreed, and reported on annually/biannually. The BHARNI project should sit within such a body of research, so that the sector and central government policy making apparatus is able to quantify the economic and social and impact of caring for our historic environment, alongside the physical, regenerative impact of saving buildings at risk;
- The Built Heritage at Risk Register is a key indicator of progress against the commitment to care for and protect the historic environment. However, it is not the only data that should be considered. 'At risk' information could sit within a wider body of research and statistics produced annually to help better understand the historic environment, its successes and the challenges it faces;

- The 2012, 'Study of the Economic Value of Northern Ireland's Historic Environment' (DoE) report and its statistics continue to form the basis of important arguments for the care and protection of the historic environment in 2016. The value of this and other reports may diminish, as time renders them out of date;
- It is only by looking at the up to date, economic, cultural and social value of the historic environment, and the progress or challenges it faces, that we have the context to make a robust case for built heritage at risk;
- The recommendation for a heritage index for Northern Ireland is particularly important with reference to Programme for Government, 2016-21, indicator 40: 'Improve our international reputation' and proposed 'National Brand Index'. As an international comparator, a country's assessment is usually carried out independently by 'Anholt-GfK Nation Brands Index'. This aids governments, organizations and businesses to understand, measure and ultimately build a strong national image and reputation. One of its six dimensions is 'Culture and Heritage: global perceptions of a nation's heritage', including assessment of cultural history and heritage and the historic built environment. <http://nation-brands.gfk.com/>;
- In the Northern Ireland context, where so much now appears to turn on the promotion of the 'two cultural traditions' it is inexplicable that the most tangible, durable, (and irreplaceable) pillar of our shared culture, as expressed in our remaining built heritage, still receives such little recognition and support from the Stormont administration.
- With reference to Historic England's 'Heritage Counts' initiative, building upon RSA's UK wide heritage index, funded by HLF. It is proposed that delivery of such an index would most efficiently sit with the heritage at risk project.

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**R9. Adequate funding and resource for the Heritage at Risk Project in order to facilitate items 1-9**

This report proposes that the operating framework of the heritage at risk project should change to best fit with the legislative framework and the current context of central and local government reform and public engagement within an advanced digital, technologically orientated Northern Ireland, according to recommendations R1-R8, above. UAHS believes that implementation of these recommendations is essential for the best care and protection of Northern Ireland's Historic Environment. However, UAHS acknowledges that recommendations must be weighed against the practicalities of provision of funding in the current climate. UAHS can provide an appraisal of the options ranging from 'do nothing' to scaling through the various funding scenarios. This would necessitate consultation with HED, local authorities and others, and depend on UAHS being allocated adequate resource to deliver.

It is however, evident that funding and resource required to achieve a basic operational framework will be significantly higher than is currently afforded to HED and UAHS. This is out-with one off costs e.g. updating Public Access Portal including Online Toolkit, update to branding, etc.

A basic operational framework may be presented as follows:

- Full time NGO staff x 2, for Objective 1: Recording through recommendation R2-R4, systematic cyclical survey and addition of conservation areas and monuments;



- Full time NGO staff x 1-2, working on Objective 2: Catalyst Activity recommendations, public access portal, toolkit, heritage action types, areas, owners, campaigns and local authority contact and guidance, as agreed;
- Equipment;
- Expenses;
- Accommodation;
- Administration, etc.

It is therefore estimated that a minimum of 2 and maximum of 5 staff (including admin and management) would be required for the proper delivery of all above recommendations for a heritage at risk project with at least one staff member for each of the 2 main project objectives. Level of staffing would be dependent on the recommendations adopted, and rate/timetabling of delivery and actual and notional benefit value. Local authority allocation should be added according to an agreed partnership arrangement, as outlined in recommendation 5. It is also proposed that the HED/Local Authority staff allocation increases proportionally, to assist the NGO led staff from the Departmental level. This basic operational framework is dependent on availability of required resources and associated funding.

#### Key Points:

- In 2006, the previous BHARNI Agreement was based on an annual allocation of £60,000 to UAHS. Since 2006, this has incrementally reduced to £20,000 for 2016-17. This reflects an approximate reduction of close to 70% taking into account additional factors, and is attributed to wider cuts to central government in 2015;
- Since 2015, £20,000 per annum has supported one part-time UAHS member of staff at 15 hours per week, within this reduced allocation, UAHS works extremely efficiently to a target based recording/review of over 25 buildings per month, input into database, provision of baseline information to local authorities, response to enquiries and bi-monthly articles in Perspective Magazine, (as part of a separate agreement between UAHS and the publisher). However, reductions in funding have limited monitoring, outreach and contact with owners, response to enquiries and progress on a new BHARNI Catalogue. It has also limited capacity to give productive assistance to local authorities, at a time when this would have been most productive, the early stages of establishment of local government reform;
- The UAHS part-time input is supported by part-time input of one HED Architect, from the Heritage Regulation & Change Branch. Area Architects and Planning staff at HED also refer queries directly to UAHS;
- To change the operating framework of the Heritage at Risk project to best fit with the legislative framework, current context of central and local government reform, and public engagement within an advanced digital, technologically orientated Northern Ireland, the current provision of resource and funding must increase significantly. Otherwise, HED together with UAHS or (other partner), will not be in the position to achieve the primary objectives of the Heritage at Risk project, i.e. to adequately record heritage at risk according to the needs of the legislative framework and act as a catalyst for its re-use and regeneration. The opportunity and benefit for the historic environment, outlined in the above recommendations, will be missed;
- With regard to funding, it is proposed in light of a new 3 way partnership the project is core funded by HED, in partnership with the 11 local authorities. Because of the potential economy of scale, a relatively modest contribution from each local authority may provide sufficient levels of funding to allow the heritage at risk project to respond to an agreed level of support and guidance to each local authority and give a focus to achieving value against committed expenditure. The established waste management groupings may provide some insight into

this. A contribution and agreed partnership with local authorities will afford the opportunity to formalise relationships, and build on the heritage at risk project with them;

- From activity relating to this proposed core support from central and local government, the project should be well placed to seek additional outside project funding via the charitable partner, to help heritage at risk. For example, adding targeted project delivery against Heritage Action: types, owners, areas, campaigns;
  - A model based on this structure would have the potential to deliver benefit and value well in excess of anything that government alone or the private sector could deliver.
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## BACKGROUND:

The Built Heritage at Risk Northern Ireland (BHARNi) is a current partnership between the then Ulster Architectural Heritage Society, (UAHS) and the Historic Environment Division (HED). UAHS is a Non-Government Organisation with Charitable Status. HED is a division within the recently formed Department for Communities, (DfC) responsible for the statutory protection of the historic environment. UAHS has been funded by HED to fulfil its partnership role.

### UAHS AND HED MISSION STATEMENTS:

**UAHS exists to promote the appreciation and enjoyment of good architecture of all periods – from the prehistoric to the contemporary – in the nine counties of Ulster. It seeks to encourage the conservation, restoration and re-use of Ulster’s built heritage to regenerate and sustain our communities.**

**HED’s aim is to realise the value of the historic environment.**

UAHS and HED share similar mission statements and have worked together on the BHARNi partnership since 1993. This has been regarded by both HED and UAHS as having been a mutually positive and productive arrangement. The last agreement between UAHS and HED was established in 2013 and concluded in 2016. Core tasks included: maintaining the database, maintaining the online directory, convening meetings with owners, providing statistical information on progress against the PfG target 2008-11 and targeted activity for European Heritage Open Days.

The last year of the 2013-16 agreement was delivered on half the original allocation of funding. The terms of the agreement were amended in 2015 to try to address this change.

### ABOUT THE BHARNI DATABASE/REGISTER:

As part of the BHARNi Partnership a dedicated database records all **known** condition of individual heritage assets. This BHARNi database is managed by UAHS with the public access through an online register hosted by HED on the Department for Communities website. The database and associated statistics act as an indicator, to demonstrate the individual and overall condition of the historic environment and how this relates to areas, opportunities, pressures and threats.

With almost 200 buildings removed from the database since 2006, BHARNi profiles Northern Ireland’s success in the rescue of historic assets through restoration and repair. 487 Buildings at Risk are currently still on the database.

Compilation of data helps to identify problem buildings and or areas of potential, where more may be required to encourage or enable positive outcomes. Through the BHARNi database, HED, local authorities, people and communities can identify heritage at risk, and take targeted action to ensure that our historic environment is best cared for, protected and/or re-used for the benefit of generations to come.

In 2013, the Department of the Environment then responsible for the Historic Environment, commissioned a baseline survey on the condition of Northern Ireland’s listed buildings. This report identified 21.5% of all listed buildings in Northern Ireland to be in poor/very poor condition. 21.5% of over 8,000 amounts to over 1,700 listed buildings in poor/very poor condition, according to the 2014 report. If poor/very poor condition of these buildings is taken, in any way to translate to ‘at risk’ status, there may be more listed buildings at risk than the present total of 487 shown at present on the BHARNi register.

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## ASSESSING HERITAGE AT RISK

An entry on the BHARNI database or register is usually a listed building, an unlisted building within a conservation area or a scheduled monument or structure that meets one or several of the following criteria:

- Vacant with no identified new use
- Suffering from neglect and/or poor maintenance
- Suffering from structural problems
- Fire-damaged
- Unsecured and open to the elements
- Threatened with demolition

This list is not exhaustive, and other criteria may also be considered when assessing a building for inclusion in the Register.

Entries to the BHARNI Register have been included primarily on the basis of an external visual inspection of their condition. This does not constitute a structural appraisal and independent expert advice should always be sought.

Risk is assessed primarily on the basis of condition and occupancy. Buildings, which can be described as being in a ruinous, very poor, poor, or fair condition, are included within the Register regardless of their current occupancy status. A building or monument which is generally in a good or fair condition can also be included in the Register for reasons other than those based on an assessment of its condition. This may be due to several factors including recent functional redundancy or perhaps a threat of demolition.

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## ASSESSMENT OF CONDITION CRITERIA:

Ruinous	A roofless shell remains
Very poor	More than just the building shell remains, including some of the external fabric. The property may be totally or partially roofless and may be damaged from fire or suffer from severe structural problems
Poor	Most of the external fabric appears to be sound and intact but there are obvious signs of deterioration, highlighting a lack appropriate maintenance.
Fair	The building appears to be generally wind and watertight but there are evident signs of slow deterioration, not to the same extent as a building in poor condition but, after a brief period of time, would soon resemble such a building.
Good	The building fabric appears to be sound and routinely maintained. Another factor unconnected to its current condition or occupancy status has conspired to justify its addition to the BHARNI register, such as an application for demolition, or perhaps functional redundancy.

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## DEGREE OF RISK

Degree of Risk is determined for each structure ranging from critical to minimal. This information along with the condition allows the structures to be prioritised in terms of need.

## PRIORITY

For buildings at risk, the following priority categories are used as an indication of trend and as a means of prioritising action:

- A Immediate risk of further rapid deterioration or loss of fabric; no solution agreed.
- B Immediate risk of further rapid deterioration or loss of fabric; solution agreed but not yet implemented.
- C Slow decay; no solution agreed.
- D Slow decay; solution agreed but not yet implemented.
- E Under repair or in fair to good repair, but no user identified; or under threat of vacancy with no obvious new user (applicable only to buildings capable of beneficial use).
- F Repair scheme in progress and (where applicable) end use or user identified; functionally redundant buildings with new use agreed but not yet implemented.

## REVIEW:

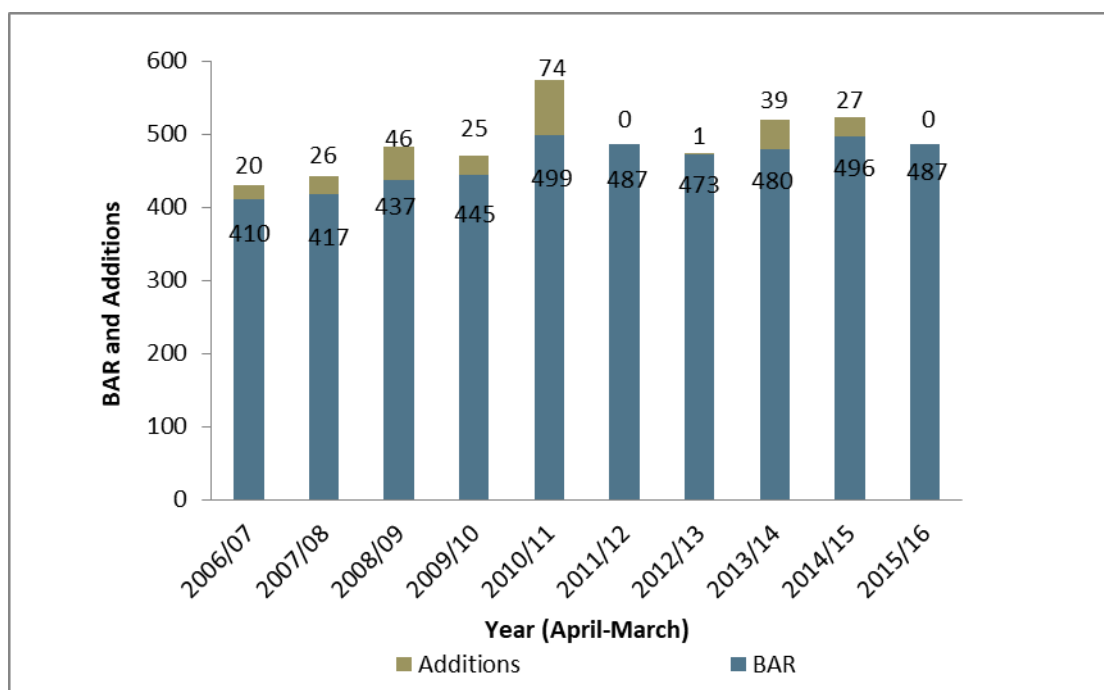
Between 2006-16, 192 buildings have been removed from the register, compared with 137 removals in the period 1993-2000. This suggests a relative consistency in rate of removals from the register between the two building at risk project time periods.

As of April 2016, there are 487 buildings identified as being at risk on the BHARNI Register. The total number at risk has remained within the region of 500 for the last ten years. The number of buildings at risk appears to have increased between the last commissioned report in 2000 and 2016, from 371 to 487. This increase may be due to methodology and assessment technique, or it may be taken to imply an increase in buildings at risk.

### BHARNI HEADLINE STATISTICS 2016:

- 8702 listed buildings
- 1875 scheduled monuments
- 66 conservation areas
- **487 Total entries on the BHARNI database 2016**
- **192 BHARNI removals from the BHARNI database 2006-2016**
- **61%, a majority of BHARNI owners are 'private' owners**
- **44%, a majority of BHARNI entries are 'houses'**
- **40%, a majority of BHARNI entries are listed B1**
- **17%, the highest number of BHARNI entries are located in the Newry Mourne & Down local authority area.**

If we look at the register as of 2006 to 2016, we can identify current trends by grade, location, ownership and use. These figures can be used to set priorities for recommendations going forward. Please see the breakdown of the 2016 'at risk' data, below:



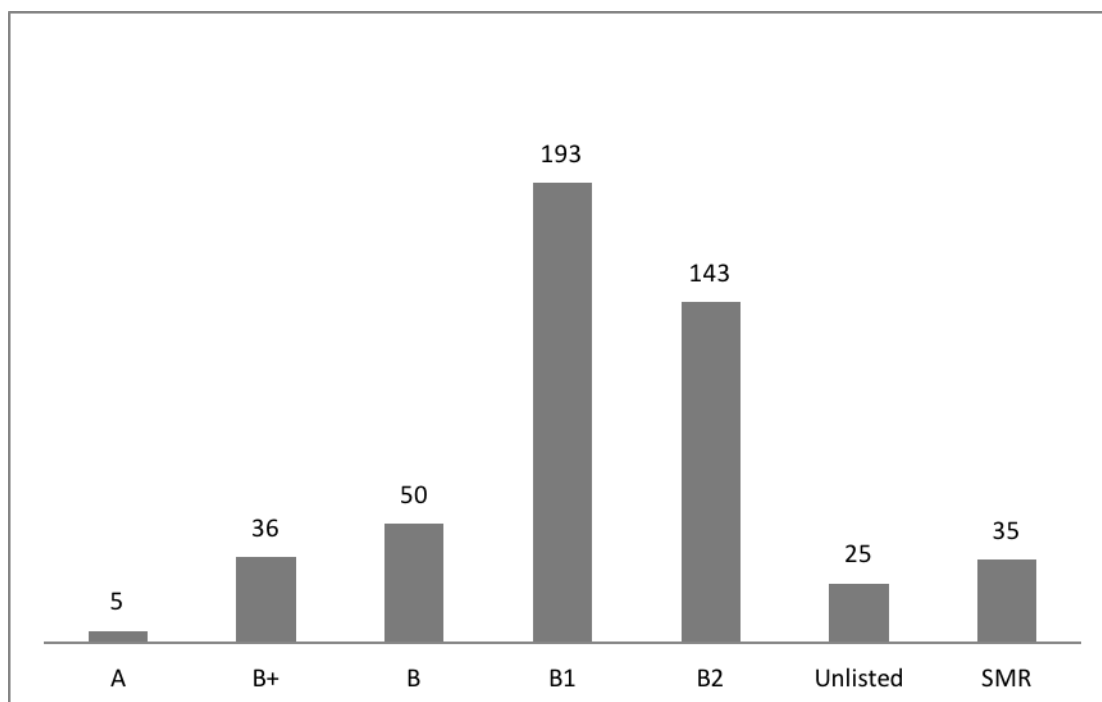
**Figure Total Heritage and numbers added to the at risk register 2006-16.**

The graph below breaks down the heritage assets currently at risk by grade of protection.

Grade B1 and B2 Listed Buildings account for the majority of heritage assets, comprising almost 70% of heritage on the BHARNI register<sup>1</sup>. This can be seen to correspond with overall listed building data for Northern Ireland where the highest number of buildings are classified as grade B.

There are currently 5 Grade A heritage assets included on the BHARNI register, equating to approximately 1%. Grade A buildings represent the buildings of the greatest importance to Northern Ireland and are likely to include outstanding architectural features or national or international importance.

Scheduled monuments currently account for a relatively small number of entries. It is anticipated that more scheduled monuments will be included on the Register. This will bring it into line with similar heritage at risk registers in the UK.



**BHARNI entries by grade of protection**

#### FACTORS AFFECTING HERITAGE AT RISK IN NORTHERN IRELAND:

The process by which a building is removed from the register may be dependent on a number of factors including legislative framework, funding, other incentives, ownership, location and use. Almost 200 buildings were removed from the register during the 2006-16 period. Though UAHS and HED have for many years recorded, and profiled removals or 'saves', there has been no systematic system within the current BHARNI project to assess how removals happen e.g. transfer of ownership, change

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<sup>1</sup> These grades are a subset of Grade B, which is assigned to buildings of local importance and good examples of a particular period or style. There are 7,439 buildings in this category (June 1997). Since 1987 the Department has been banding Grade B buildings into two groups namely B1 and B2. Generally B1 is chosen for buildings that qualify for listing by virtue of a relatively wide selection of attributes. Usually these will include interior features or where one or more features are of exceptional quality and/or interest. B2 is chosen for buildings that qualify for listing by virtue of only a few attributes. An example would be a building sited within a conservation area where the quality of its architectural appearance raises it appreciably above the general standard of buildings within the conservation area. (taken from PPS6, Annex 6 'Grading of Listed Buildings')



of use, availability of funding, and other incentives. However, a review of BHARNI headline statistics against key factors in the 2006-16 period gives an insight into the BHARNI project, the challenges that face buildings at risk. This review acts as a background to recommendations detailed in this report. Based on the findings of the last SOS report, and present UAHS knowledge and statistics, factors affecting the progress of buildings from the BHARNI register may include:

1. **Legislative Framework;**
2. **Ownership;**
3. **Type;**
4. **Location;**
5. **Repair & Maintenance;**
6. **Funding;**
7. **Other Incentives.**

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## THE LEGISLATIVE FRAMEWORK:

Legislation for the protection of historic buildings, and associated governance responsibility now lies between the 11 local authorities, Department for Communities, Historic Environment Division, Department for Infrastructure, Planning NI. Since 2015, a large part of responsibility and control for protection of the historic environment - planning, including designation-conservation areas, enforcement, building preservation notices, local listing, community and local development planning have been with local authorities. With Historic Environment Division remaining responsible for designation-listed buildings, scheduled monuments, repairs notices, compulsory purchase orders, and the role of statutory consultee in the planning process. The Department for Infrastructure has a governance and regulatory role in the planning process.

The primary legislation controlling land use planning including the built heritage is the 'Planning (Northern Ireland) Act 2011'. The subordinate legislation comprises Statutory Rules, including Regulations and General Orders, which relate to the historic built environment, including the 'Planning (Listed Buildings) Regulations (Northern Ireland) 2015'. The government's spatial strategy for Northern Ireland is set out in the Regional Development Strategy 2035.

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### Key Legislative Functions of Local Authorities:

- Community Plans
- Local Development Plans
- Determination of applications for listed building applications;
- Determination of applications for Archaeology; Historic Parks, Gardens and Demesnes;
- Issuing of Building Preservation Notices (BPNs);
- Enforcement;
- Maintaining and developing a list of historic buildings – known as a 'local' list. This is a discretionary power but one with great potential for positive community engagement;
- Management of Conservation Areas including control of demolition, designation and issue of supplementary design guidance;
- Identification and Designation of Areas of Townscape Character (including Areas of Village Character);
- Responsibility for maintaining the Council's own estate of listed properties, which include a number of iconic listed buildings.
- Identification and issuing of tree preservation orders
- Implementation of Article 4 directions
- Application of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 with reference to individual and cumulative loss of historical architectural assets.

**Exemptions – dealt with by the Department for Communities, HED or by the Department for Infrastructure, and not by Local Authorities:**

- Listed buildings;
- Specific listed building enforcement functions, namely compulsory purchase orders;
- Scheduled monument consent;
- Some regionally significant applications which will be determined by the Department for Infrastructure (DfI).

When the department believes a decision to have been arrived at incorrectly, it can call in an application for determination.

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## **Specific Legislative Functions for the Protection of Built Heritage at Risk:**

### **Local Plan Making- Community & Local Development Plans:**

Since 2015, each local authority has been given the responsibility of developing a community plan, and a local development plan. Priorities for historic buildings and a strategy for their management in both planning and protection must be built in to each local development plan (LDP), transferring the guiding principles of existing, established policy PPS6, if local authorities are to perform well in best care for our historic environment. LDPs will be the guiding principles in the care of each local authority heritage asset. LDPs should highlight areas of regeneration potential, and the re-use of buildings at risk as a priority.

Most local authorities have included data from the BHARNI register when developing community and local development plans. For most local authorities the process of community and local development plans are still ongoing, so the actual targets and outcomes relating to the data provided is yet to be seen. However, it is important to note that the register has, from an early stage been a key reference for councils as they assume these powers. HED and UAHS have where possible worked to support and guide the 11 local authorities, with reference to the reform of local administration and ongoing consultation on local development plans.

### **Building Preservation Notices:**

A building preservation notice is a form of temporary listing, also known as “ad hoc listing”, which provides statutory protection to an unlisted building, for a period of 6 months, as though it were listed. **Local Authorities** have power to serve a notice on the owner and occupier of a non-listed building if they consider that it is of special architectural or historic interest, or it is in danger of demolition or alteration that would affect its character and interest. DFC:HED are willing to engage with councils wishing to establish these procedures for heritage protection and can provide further advice, (*A good practice guide for councils, (1.1) DOE May 2015*).

### **Enforcement:**

Where unauthorised works have been carried out on listed buildings or buildings in conservation areas, or works do not comply with the consent given, the council’s planning division has powers to serve a notice requiring the restoration of the building, either to its former state, or to the state it would have been in, if the terms of the consent had been complied with. This is known as a Listed Building Enforcement Notice, and there is no set time limit between the date of the offence and the issue of such a notice.

*Prior to transfer of planning powers to DFC, the DOE published guidance on the policies and procedures to assist councils with the issuing of enforcement notices, namely Urgent Works Notices, a good practice guide for councils, Version 1.1 DOE May 2015 Building Preservation Notices, a good practice guide for councils, Version 1.1 DOE May 2015.*

### **Repairs Notices:**

Repairs notices are served by the **Historic Environment Division**. They are a part of the process of issuing a Compulsory Purchase Order (see below). Repairs notices may be issued to listed buildings, but not to unlisted buildings in Conservation Areas. A time period is afforded to the building owner to give them the opportunity to comply with the requirements of the notice. The powers are not confined to urgent works, or to unoccupied buildings, but may be used where prolonged failure by an owner to keep a listed building in a reasonable state of repair has placed the building at risk. A list of buildings at risk is included in appendix.

*Please note that a separate guidance note is not available for Repairs Notices, but further information is contained within the Urgent Works Notices guidance, (see above).*

### **Compulsory Purchase Order:**

The **Historic Environment Division** has powers to compulsorily purchase a listed building. Section 202 of the Planning Act (Northern Ireland) 2011 allows them to do this, if the building has fallen into a poor state of repair and reasonable steps have not been taken to properly preserve it.

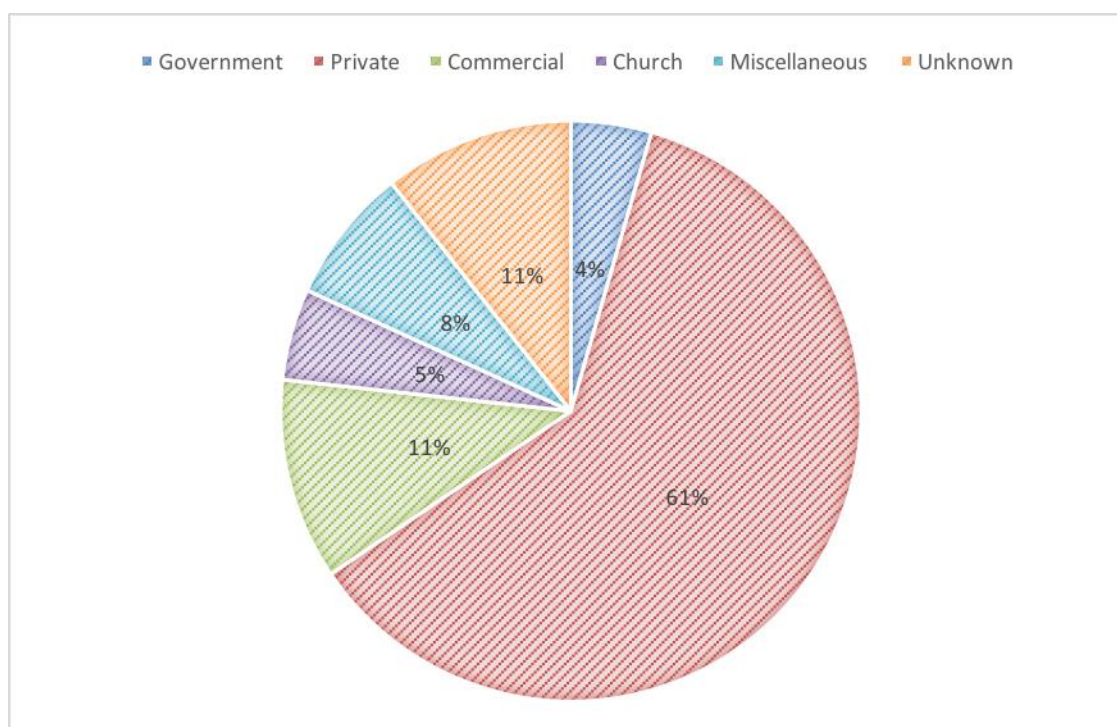
A clear plan comprising consecutive steps of action needs to be in place to effect the compulsory purchase of buildings, and it must be preceded by the issue of a repairs notice from the department and specify the period of time, to allow the owner the opportunity to comply with the requirements of the notice.

The powers of compulsory purchase, or vesting, a listed building, rest with the Historic Environment Division rather than the local authority. The Historic Environment Division seeks willing partners from the voluntary sector who would be willing to take on responsibility for the building, as a prerequisite to taking action. In practice this may require the input and advice of the local planning authority on suitable partners. Voluntary organisations as distinct from government agencies have the advantage of being able to access grant aid for repair and reuse of listed buildings and therefore may be suitable candidates for taking on such properties.

A compulsory purchase order, otherwise known as “vesting” is very much a last resort, but it nonetheless presents a solution to ongoing dereliction and blight caused by the most problematic historic buildings, where other options have failed.

Sion Mills Stables, near Strabane, is the *only* building in Northern Ireland to date to be subject of a compulsory purchase order issued by the Minister for the Environment in 2008, Following restoration, after acquisition by Hearth and onward leased to Sion Mills Building Preservation Trust.

The ownership category analysis of BHARNI structures reveals a fairly consistent picture. The majority (61%) are in private ownership; structures in commercial and church ownership account for 16%; while government, both central and local, is responsible for 8%. Different types of owners can face different challenges and opportunities in caring for and protecting historic buildings. This may in addition be related to 'Type', 'Location', and 'Funding' as outlined below.



### **BHARNI entries by ownership.**

#### **Private:**

61% of buildings at risk are in private ownership. The significantly high level of private owners is worth noting in any future strategies for removing heritage at risk from the register. Many of these buildings are houses, which translates directly to the high levels of this type on the building at risk register, outlined below. Unsurprisingly, high number of private owners on the BHARNI register may be seen to reflect the wider ownership of Northern Ireland's building stock and the predominance of buildings required for residential use.

It is widely acknowledged that many owners of listed buildings face financial challenge in raising the capital to cover the deficit in maintaining and restoring our historic assets according to legislative requirements. A challenge commonly referred to as '*heritage deficit*'. The means to bridge this gap is particularly challenging for private owners who cannot apply for many of the main sources of public funding, such as HLF. See section on 'Funding', below.

#### **Commercial:**

Commercial owners account for 11% of the buildings on the at risk register. Commercial owners with an eye for heritage buildings and their social and economic potential have very successfully established good business models to put historic buildings back into use, for example, the Merchant Hotel, Belfast.

Some commercial owners however, have to establish the balance between sympathetic and appropriate use and economic gain. Commercial owners should be encouraged to progress with heritage led regeneration, applicable to the legislative framework, outlined above, adopting best practice to harness the best outcome for architectural, historical and economic value from our heritage asset.

Use of historic buildings for commercial purposes has been proven to add social, economic and tourism value to our towns and cities. At times this opportunity is delayed and buildings deteriorate. Often commercial buildings or buildings with commercial potential suffer as a result of the practice of 'land-banking'. Especially where development pressure and the potential for economic gain is highest, for example, Belfast.

By way of reference to examples like the Merchant Hotel, it should be considered that the economic opportunity of development and the opportunity to save an historic building are one and the same. In terms of funding, the commercial owner may have established business models that can provide the funding for the conservation or restoration of an historic building. Acknowledging that investing in associated 'heritage deficit' implies enhanced return by way of the added value, and draw, that is offered by the unique character of the building once it has been saved, and is in full commercial use.

#### **Government:**

Buildings in local or central government ownership account for 4% of those on the BHARNI register. The process of Community Asset Transfer can be a viable option to address the issue of those buildings in Government ownership, enabling the transfer of buildings to Building Preservation Trusts (BPTs), Community Trusts and Social Enterprises or others who are placed well within local communities to find solutions and funding opportunities to put historic buildings back into use.

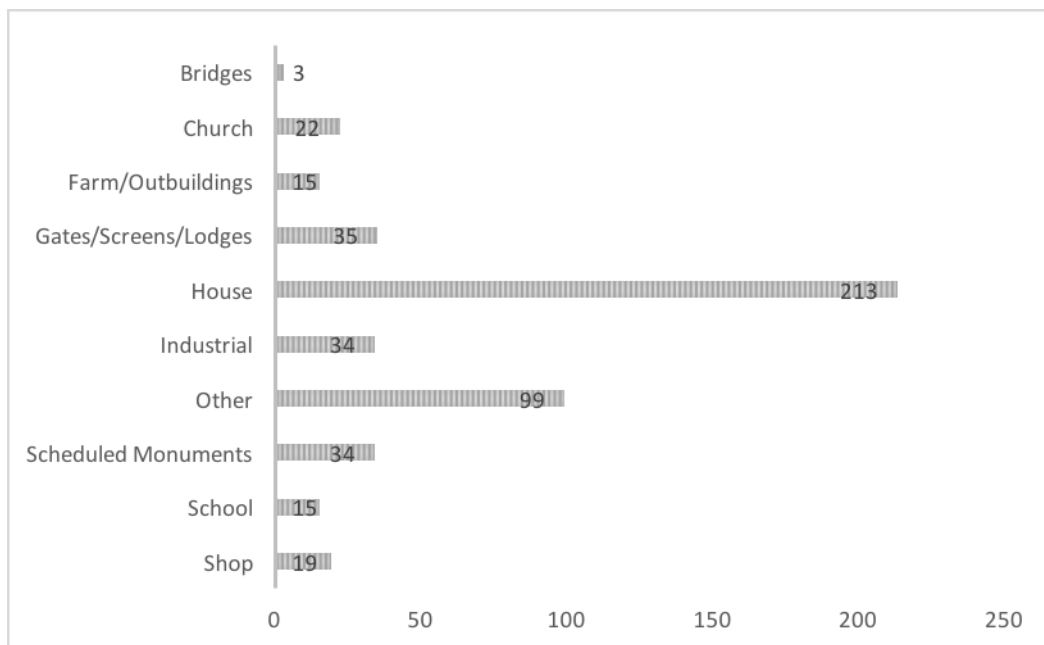
#### **Miscellaneous:**

The owner category 'miscellaneous' may include some community owners. The development of Building Preservation Trusts (BPTs), Community Trusts and Social Enterprises, of which 18 are currently subscribed from Northern Ireland to the UK wide Heritage Trust Network have proven beneficial to the success and delivery of heritage projects and reuse of buildings in the past. For example, formerly Hearth Revolving Fund, now Hearth Historic Building Trust, the oldest dating from 1978 'saved' Sion Mills Stables from almost being completely lost while also promoting education, employment and promoting local history. Community led organisations may also have the benefit of applying for a 'cocktail' of funding from more than one source. See section on 'Funding', below. Whilst at risk, community owned buildings usually have a local trust or other group actively developing a plan. Buildings in such ownership will remain on the register during this time, until signed off as saved, and removed.

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#### **TYPE**

Approximately 40% of all buildings at risk fall within the use category of *house*. This figure does not distinguish between rural/urban/large or small house but they have all been habitable at some point and should lead themselves to sympathetic development. This would appear to correspond with the level of private ownership described above. No other type category makes it into double figures, but *Scheduled Monuments*, *Gate/Screens/Lodges* and *Industrial* buildings also account for a fairly substantial minority of entries. A whole range of other categories are accounted for but at much lower frequencies within the *other* category. This demonstrates the wide variety of heritage assets that have become vulnerable and are in need of a new use or bespoke programme of maintenance.



### **BHARNI entries by building use (HED).**

As a subset to this data is the consideration of thatch of which most sit within the category of 'house'.

**Note:** HED building use details have again been taken from the online Northern Ireland Buildings Database, and some of these categories might change as a consequence of the ongoing 2nd survey process. For ease of analysis, the lower frequency categories have been grouped together for the bar chart.

Changing demographics in areas and patterns of worship together with the particulars of the unique architectural character of churches has brought about the increase in church buildings becoming redundant. Further to this, the change in industry across the island and the shift in the economic basis of the wealthy linen industry has resulted in many larger mill buildings being added to the at risk register. In contrast, gate lodges and thatched buildings are often of smaller scale, presenting different challenges and opportunities for re-use.

## **LOCATION**

The highest concentration of heritage at risk entries are found in the Newry, Mourne and Down and the Armagh City, Banbridge and Craigavon District Council areas with 83 and 79 entries respectively. The lowest number of buildings at risk is in the Antrim and Newtownabbey area with just 7 recordings.

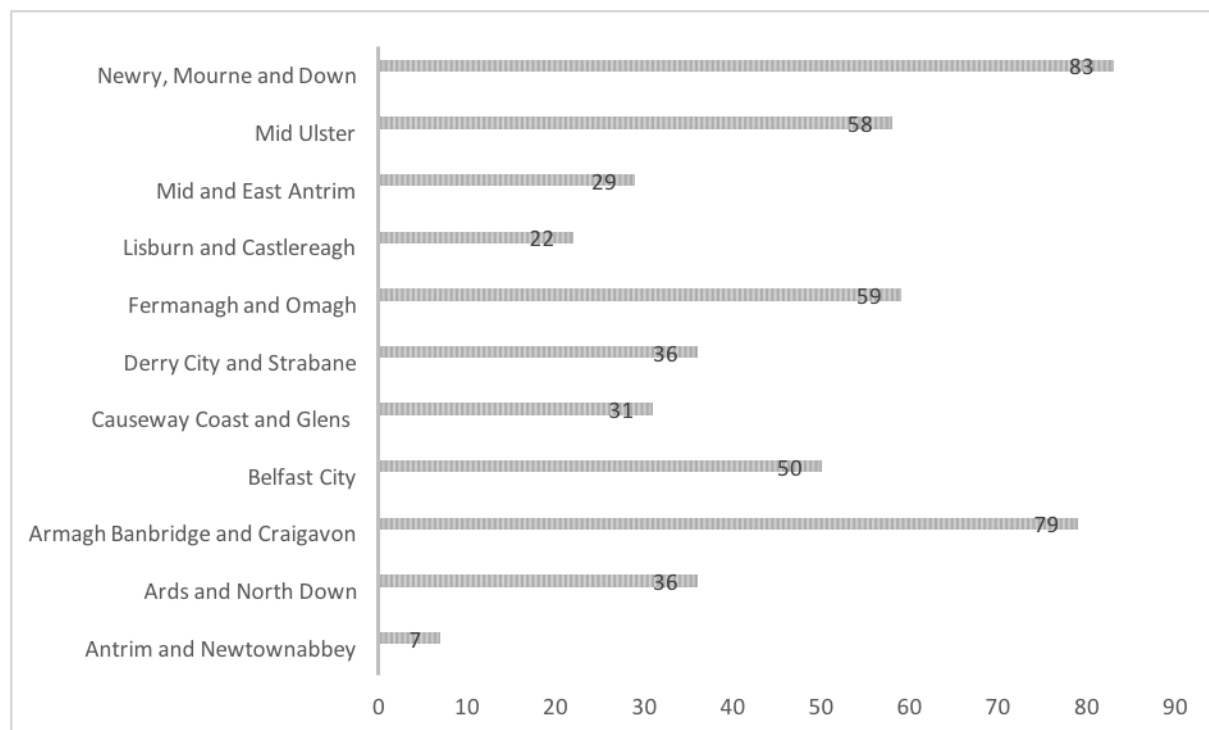
Factors contributing to high levels of buildings at risk in any location may include a high quality of existing historic environment of a local authority area, which may therefore equate to a high number of listed buildings which may increase the number of buildings at risk. It may be that a local authority has a high number of buildings in harder to reach or rural locations therefore difficulty in attracting investment. On the other hand, it may be that a high level of development pressure adds to the likelihood of owners holding on to property without investment in the long term. This concept, otherwise referred to as 'land banking', is a process of aggregating land or property for future sale or development which can result in vacancy and dereliction of buildings over many years. This may be seen to be more prolific in city and town centres where development potential is highest e.g. Belfast.

It is important that each local authority area considers its responsibility for Buildings at Risk in the context of that particular council area, including the context of each Community and Local Development Plans. Requests to HED and UAHS from local authorities regarding the BHARNI



register, including requests for data, support and advice has increased since the reform of local administration in 2015. A full assessment of the support required from the BHARNI project in the new context of local government is required.

**Note:** The areas of concentration for BHARNI may fluctuate as the second survey of listed buildings moves around Northern Ireland, highlighting new vulnerable structures. Due to the register being based on 'known' data, together with delay in the process of the second survey, it should be noted that some parts of Northern Ireland may not have been recently surveyed.



#### **BHARNI entries by Council Area.**

#### **REPAIR, MAINTENANCE & SECURITY:**

Whatever the owner, type or location of a building, some guiding principles prevail. Repair, maintenance and levels of security are fundamental to keeping any building, historic or otherwise, from disrepair, dereliction or damage.

Regular, small scale maintenance is the most effective way to protect buildings from disrepair and decay. As is the case for any building, a small, regular outlay on the part of an owner can save the need for large scale intervention and cost. Granted that the outlay for appropriate works to a historic building may, in some cases, be higher than that of others, the long term benefits of proper repair and maintenance can be significant in securing a building's future and keeping it from needing to be added to the BHARNI register. The most common cause of damage is water ingress, either from roofs, rainwater goods or exterior walls. A regular schedule of inspection of a property can help early identification of risk and even stop deterioration of a building before important character is lost.

Further to this, proper measures for security are key to stopping progression of risk. Instances of 'Heritage Crime'- vandalism, fire, etc. are more prevalent in buildings that are not occupied and are not properly secured or monitored. Owners must be encouraged to either keep historic buildings occupied, through options of partial/temporary (meanwhile) use, or adequate levels of security to ensure their protection.



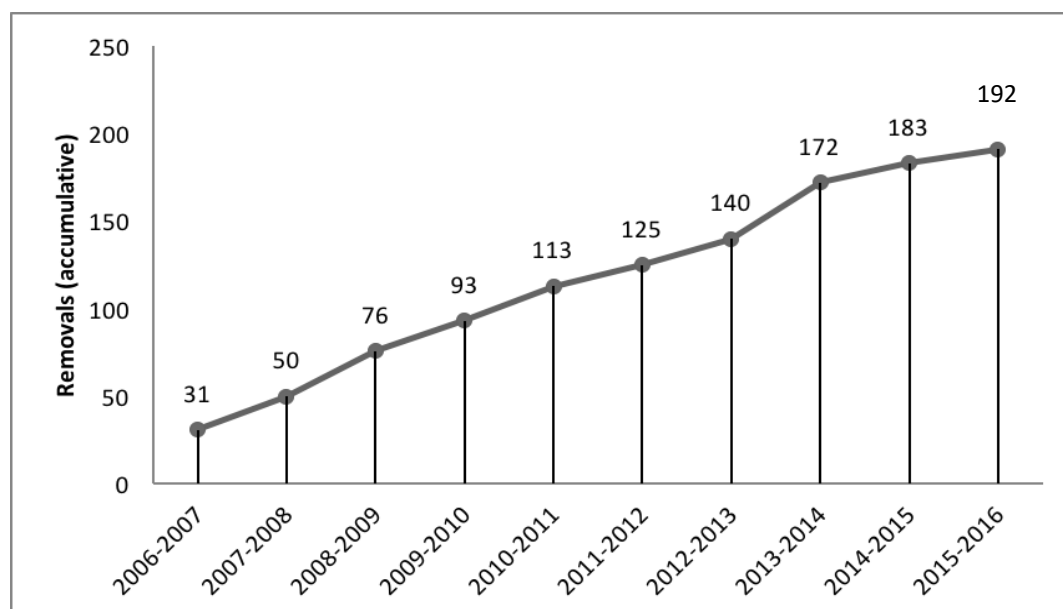
## FUNDING:

The availability of funding is considered key to the removal of buildings at risk from the register. It is accepted that early intervention can reduce the costs of restoration. With this in mind HED and UAHS encourage regular maintenance and repair to avoid further deterioration of at risk structures, as neglect increases costs of long term restoration and repair. However, some buildings, for various reasons reach a level of deterioration where significant funding is required to remove them from the register. This is particularly important given the impact of VAT payable on repairs on top of aforementioned heritage deficit.

There are various sources of funding available for built heritage at risk projects, particularly, but not exclusively, Heritage Lottery Fund, Architectural Heritage Fund, Ulster Garden Villages and HED. Other ways in which community owned buildings might be supported include social enterprise and community shares. Private owners are limited in that they are unlikely to be able to avail of any of the aforementioned funding.

'Listed Building Grant Aid', from the DoE, provided funding for eligible repair works on listed buildings, including private owners, at up to 45%, to a value of £500,000 per building, where applicable. A total value of £4.6 million was provided by central government for Listed Building Grant Aid, 2014-15. Listed Building Grant Aid was suspended in 2015. A new Historic Environment Fund was launched by HED in 2016/17 to a reduced value of £500,000.

Between 2006 and 16 there has been an average rate of approximately 20 removals per annum. Most removals were recorded in 2013-14 when 32 buildings were saved. This corresponds with the year that listed building grant aid was at its highest, with a total spend of £4.6 million and a specific spend of 1,407k on buildings at risk. This may be taken to suggest a link between the rate of removals and the availability and level of grant aid. Another slight increase in removals was seen in 2008 and this may be interpreted to be due to the introduction of acquisition grant, or letters issued to owners. However, it is most likely related to the extended the availability of grant aid to B2 listed buildings that year.

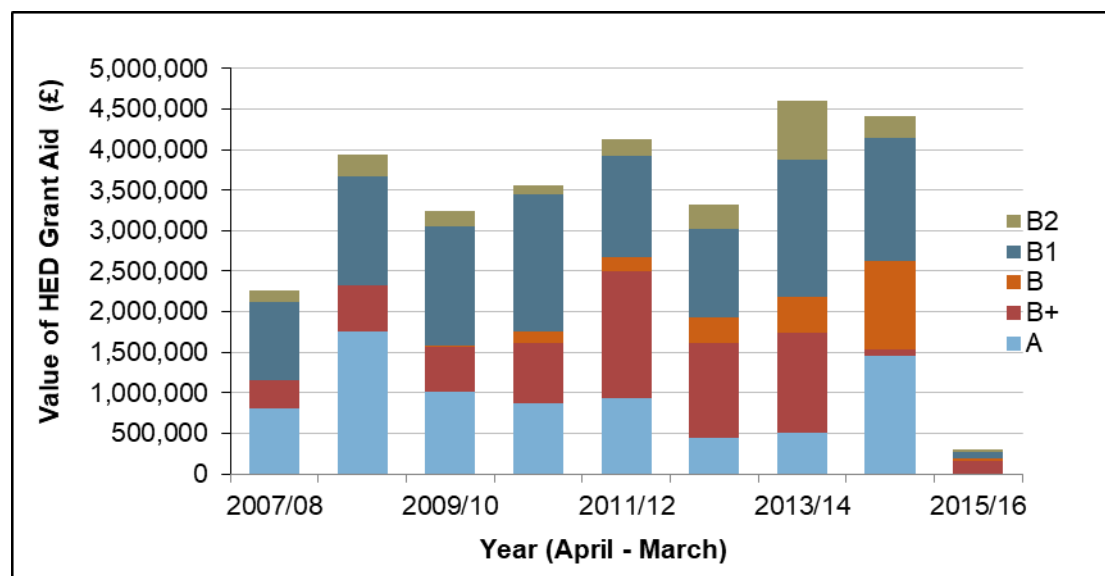


### Heritage removed from the at risk register 2006-2016.

Least removals were recorded in 2014/15 and 2015/16 where 11 and 8 buildings were removed respectively. The significant reduction in 2014/15 period corresponds with announcement of cut backs to the availability of listed building grants, amidst proposal of cessation of listed building grants in the draft budget for 2015/16. In 2015/16 a significant reduction in removals remained, corresponding with the complete suspension of listed building grants by HED. This period has also seen the number of

buildings at risk rise from 5% to 6% of 8,500 listed buildings, 501 in 2017. UAHS activity was also curtailed to half previous capacity during the 2015/16 period, which will have had an impact on influencing and recording removals of buildings at risk.

However, a link between the availability of grant aid and removals from the BHARNI Register was questioned by the DoE, now DfC Listed Building Grant Scheme Performance Measurement Framework, March 2016. This stated *'that with the exception of 2012/13, in each year since 2008 only around a third of the buildings removed from the register each year, because they are no longer considered to be at risk, had been financially supported by the listed building grant scheme'*. The HED report suggested that *'other factors, such as economic conditions or grant availability from other agencies may also be having a significant impact'*. HED recommended that further research be carried out to understand these dynamics more fully.



#### Value of Listed Building Grant Aid by Listed Building Grade.

While grant aid for repairs is considered to be an important part of the success of the Built Heritage at Risk project, rate of removal and addition of buildings at risk is also regarded to be also influenced by factors, outlined above.

#### OTHER INCENTIVES/DISINCENTIVES

This report highlights the social, economic societal incentives for caring for and protecting the historic environment, throughout. As aforementioned, availability of funding can be a leading incentive for the protection of historic buildings. Disincentives must also be recognised.

VAT introduced in the UK in 1973, payable on repairs to all buildings, has been a tax disincentive to the appropriate repair and timely maintenance of historic buildings and encouraged alteration (zero rated) at the expense of retaining historic fabric. The additional imposition VAT, at the full rate on alterations, in 2012 has placed a significant additional burden on owners of listed buildings who were already acting in the interest of heritage repair and regeneration. VAT on repairs and alterations diminishes the economic viability of heritage projects, adding to aforementioned 'heritage deficit', and can be seen as a disincentive to those considering the acquisition, repair and regeneration of historic buildings. UAHS has for many years recommended that this is reversed.

Non-domestics rate exemptions apply if a building is vacant and is listed or is the subject of a Building Preservation Notice or the property is a Historic Monument. The exemption on rates in this regard is seen in some cases to perpetuate vacancy, particularly with regard to non-domestic, commercial property. This may be seen to actually incentivise 'land banking', particularly in the centre of cities,

towns and villages where higher level rates may apply, and given the ongoing lack of will to actively enforce.

That being said, there is undoubtedly merit in rates exemption but the current blanket, open ended approach is not achieving optimum policy impact and would benefit from redesign in consultation with the responsible authorities. Additionally, some private owners may qualify to access non heritage related grant aid for their buildings in the form of, for example, heating and insulation schemes and in some instances, window replacement. The coordination of such schemes with listed and un-listed historic building ownership and policy requirement could deliver useful cross departmental benefit.

### 1. CRUMLIN ROAD COURTHOUSE



**Location:** Crumlin Road, Belfast, Co. Antrim  
**Status:** B+ (Second Surveyed 2009)  
**HB ref:** HB26/35/006  
**BHARNI ref:** 26/35/001

The B+ listed, Crumlin Road Courthouse is a grand neo-Classical building with rendered and brightly painted facades. A large hexastyle Corinthian portico dominates the front elevation and is surmounted by a 'Justice' figure, now lacking the necessary scales. Internally, the central hall and two court rooms *were* considered to be the most important spaces.

Crumlin Road Gaol, outlined earlier as a 'removal', and the former Crumlin Road Courthouse were built in the mid 19th century, in radically different architectural styles, to designs by the leading local architect of the day, Charles Lanyon (albeit that the courthouse underwent significant alterations and additions by Young and Mackenzie in 1905). Sited immediately opposite each other they form an imposing group and as well as having a functional relationship in the administration of justice they are also physically linked via an underground tunnel.

Since decommissioning from its original use, the Courthouse, empty since the late 1990s, has suffered a series of arson attacks which have seriously damaged much of its roof structure and important interior. Following a number of transfers in ownership, in March 2016 it was announced that Crumlin Courthouse has recently been purchased and is currently proposed for re-use as a hotel.

## 2. THATCH COTTAGE, 360 SEACOAST ROAD

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**Location:** Seacoast Road, Magilligan, Co. Londonderry  
**Status:** B1 (Second Surveyed 1997)  
**HB ref:** HB02/09/045  
**BHARNI ref:** 02/09/003

A B1 listed thatch cottage located in the North-West of Northern Ireland added to the BHARNI register in 2015. The cottage is a six bay long basalt built thatched house with gabled ends, three chimneys and jamb wall entry. The thatch is neatly done in marram grass or bent with the typical fringe eaves finish neatly trimmed and roped. The owner did the thatching himself with bent cut from the M O D lands with permission. Good example of a small late Georgian vernacular thatched house. Part of the roof has collapsed and a structural engineer has deemed the property structurally unsafe and dangerous to live in. It is important that these problems be addressed soon before the property deteriorates any further. Through support from the Department for Communities Historic Environment Fund, the Magilligan Fund and UAH, works are ongoing to repair and restore the cottage.

## 3. GATE LODGE AT HOCKLEY LODGE

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**Location:** Dunmilly Road,  
Richhill, Co. Armagh  
**Status:** B1 (not Second Surveyed)  
**HB ref:** HB15/03/009 A  
**BHARNI ref:** 15/03/002

Hockley Lodge added to the BHARNI register in 2003 is considered by Brett to be “An unexpected Regency stucco cottage of the grander kind, perhaps of 1817-20”, further adding that it is “a bit out of place in the lush countryside of County Armagh, though perhaps with affiliations to the lamented Pavilion in the city”. Three gate lodges once graced the various entrances to the main house but, as reported in *Buildings at Risk*, Vol. 4, p. 33, the Drumilly lodge was demolished in 1996. Fortunately, this little lodge of c.1834, which is arguably the most attractive of the original three, still stands. Described by Dean as “single-storey 3-roomed on a cruciform plan”, it is now somewhat overgrown, as it was when it first appeared in *Buildings at Risk*, Vol. 4. The condition of the render is slowly deteriorating incurring brick exposure. In parts the rain water goods have failed and are blocked with vegetation. The tiled roofed is in fair condition, however tile slippage in certain areas raises concern for facilitating water ingress into roof structure.



#### 4. BARBOUR CAMPBELL'S THREAD MILL

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**Location:** Mill Road, Hilden, Co. Antrim  
**Status:** B+ (Second Surveyed 2010)  
**HB ref:** HB19/17/013 A  
**BHARNI ref:** 19/17/001

The Barbour Campbell Threads complex at Hilden closed as a manufacturing centre and consequently added to the BHARNI register in 2005. At one time the mill was said by Bassett to have accommodated “the largest manufacturers in the world of tailors’ thread and shoemakers’ thread for hand and machine sewing”. The complex comprises a number of brick, stone and stucco finished buildings with perhaps the most interesting, architecturally, being the five-bay, two-storey counting house. The remaining structures are, for the most part, unadorned but are just as impressive due to the scale and robustness of their construction. As the Mill and ancillary buildings now lie vacant and derelict, the surrounding area has been subject to an ongoing mixed-use redevelopment scheme which plans to reuse parts of the mill building. However as of yet work on the Mill building have not commenced where it is hoped that the listed structure is approached in a sensitive and conservation-led manner, yet in the meantime the building is steadily deteriorating with no remedial care.

#### 5. ST. MATTHIA'S CHURCH

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**Location:** Glen Road, Belfast, Co. Antrim  
**Status:** B1 (Second Surveyed 2000)  
**HB ref:** HB26/22/003  
**BHARNI ref:** 26/22/001

Although not now uncommon to feature an ecclesiastical building as a building at risk, this particular church is a highly unusual example. Once referred to as the ‘Jesse James Chapel’ it is described in the HM/BR as a “Rare example of a corrugated iron clad single storey church of 1892 in plain Gothic style. Its appearance is of a frontier church of the American west”. Hence the outlaw reference. First opened in 1892 by the Lord Bishop of Down, it was used for some 70 years by the Church of Ireland, before being re-consecrated as a Catholic Church in 1970, following demographic changes in the area. Initially coming to prominence following plans for its replacement with a new church building, it was subsequently listed B1 and has lain empty ever since. It is an extremely rare building of great social importance to the area and it would be hoped that some beneficial use can be found. When reviewed in 2016 the increasing growing ivy on the structure may be a cause for concern as well as weathering of the corrugated iron.

## 6. CAIRNDHU

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**Location:** Cairndhu, Coast Road, Ballygally, Co. Antrim  
**Status:** B1 (Second Surveyed 1997)  
**HB ref:** HB06/03/008  
**BHARNI ref:** 06/03/001

Built for John Stewart Clark sometime around 1880, and extended by well-known local architect Samuel P. Close in 1897, Cairndhu was used as a private home until 1949, when it was gifted by Sir Thomas Dixon to the people of Northern Ireland for use as a convalescent home. That function ceased in 1986 and the building was unaccountably sold, firstly to the local council, and subsequently to a succession of private owners. The house and associated estate buildings of the former Sir Thomas and Lady Dixon Hospital has been the cause of much public concern since the early 1990s. The one-and-a-half storey gate lodge was the first building within the grounds to be featured as a building at risk, while the multi-gabled main building was highlighted soon after in *Buildings at Risk*, Vol. 2, p. 11, where it was described as being in need of urgent repair. Both the main house and the stable block to the rear have been the subject of two 'Urgent Works Notices' – the first time that this power was utilised by the DOE (NI). However, despite some work being undertaken the house is again open to the elements and considerable original fabric, including the grand staircase and feature fireplaces have been removed. Follow up on the UWNs has not been evident. A new scheme incorporating a care facility and a housing scheme has received some recent publicity.

## 7. NO. 4 SEVEN HOUSES

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**Location:** Upper English Street, Armagh, Co. Armagh  
**Status:** B (Not Second Surveyed)  
**HB ref:** HB15/16/005C  
**BHARNI ref:** 15/16/003

Part of a terrace of six, originally seven, houses erected by Dean Averall (then Rector of Tynan) for occupation by his seven sisters, no. 4 was added to the register in 2017. The handsome three-storey terrace built with Armagh marble limestone with classical detail, were built 1768-1770. No. 4 is suffering greatly from neglect, and most notably the timber frames of the windows are in need of repair, where presently in their deteriorating state will be facilitating water ingress into the surrounding stonework and interiors.



## 8. GREAT JAMES STREET, PRESBYTERIAN CHURCH

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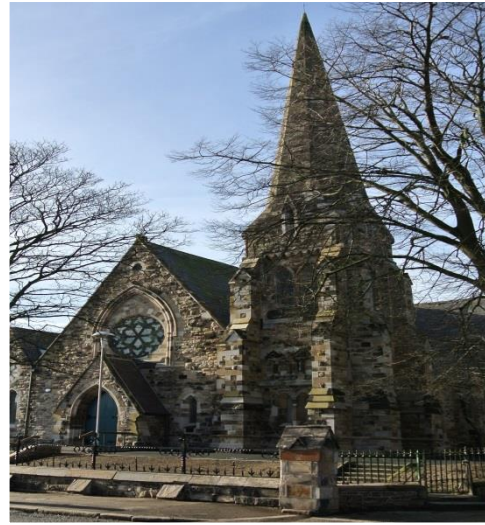


**Location:** Great James Street, Derry, Co. Londonderry  
**Status:** B+ (Second Surveyed 2014)  
**HB ref:** HB01/21/009  
**BHARNI ref:** 01/21/001

This building has been the subject of much recent speculation. It was first highlighted in *Buildings at Risk*, Vol. 2, p. 69, where it appeared beside the Whitehall Chambers in Hawkin Street. The Chambers have subsequently been demolished and this equally 'difficult' building is now empty and facing an uncertain future. A very powerful neo-classical composition, it was built in 1837 to the designs of Stewart Gordon, and was to be the third Presbyterian Church in the city. Its front façade is dominated by a projecting central-pediment portico supported by four ionic columns on a broad flight of steps, which are flanked by scrolled edges. Behind is a four-bay, two-storey hall with large, round-headed windows. There is a Venetian window on the rear elevation, behind the pulpit. Set back from the main frontage line of the neighbouring buildings on Great James Street, it is certainly an impressive sight, and would be too valuable an asset to lose. The building is currently only used as an ad-hoc venue for temporary music events and the fore ground of the building used as a car-park. It is hoped that interest in this building prevails as although in need of repair, still remains an impressive building on Great James Street. Cultúrlann Uí Chanáin, Irish Language, Culture and Enterprise organisation have recently progressed first stages of grant application and planning, with a view to this building's restoration and reuse.

### 1. DUNCAIRN PRESBYTERIAN CHURCH

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**Location:** Antrim Road, Belfast, Co. Antrim  
**Status:** B+ Listed (not Second surveyed)  
**HB ref:** HB26/43/008  
**BHARNI ref:** 26/43/004  
**Saved:** 2014

The former Duncairn Presbyterian Church, designed c. 1860 by WJ Barre and later developed by architects Young and Mackenzie was a long term building at risk within North Belfast. The building had become redundant in 1995 due to a dwindling congregation and soon purchased by the 174 Trust, who had plans to eventually reuse the church. After a number of difficult years with the building continuing to deteriorate due to water damage and vandalism the 174 Trust managed to secure the funding needed for its restoration.

The process has taken almost ten years but the successful restoration has created an important shared community space in North Belfast within a significant and sympathetically restored building which opened in 2014.

Restoration work was facilitated by funding from the Heritage Lottery Fund, International Fund for Ireland and NIEA Listed Building Grant Aid for £500, 00. The new Duncairn Culture and Arts Centre has been designed to provide a much-needed shared community space in the North Belfast area, enhancing the Trust's main aims of promoting and facilitating social cohesion and development in the area. The sympathetically converted church was a fitting venue for the launch of the Built Heritage at Risk online Traditional Building Skills Directory by UAHS in 2014.

Refs:

Monuments and Buildings Record  
<http://www.dia.ie>  
<http://www.theduncairn.com/>

## 2. CRUMLIN ROAD GAOL

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**Location:** Crumlin Road, Belfast, Co. Antrim  
**Status:** A  
**HB ref:** HB26/43/012  
**BHARNI ref:** 26/43/005  
**Saved:** 2012

A fantastic example of Victorian architecture, Crumlin Road Gaol was designed by Charles Lanyon c. 1845. The gaol is an early example of the 'pentonville radial plan, a significant development in prison architecture at the time'. The prison and facing contemporary courthouse remained in use until they closed in 1996 and faced an uncertain future while proposals for a new use were developed. Both landmark buildings were added to the BHARNI database and featured in BAR Vol. 6, p.30. Unlike the courthouse, the gaol was taken under the wing of OFMDFM and NBCP.

Restoration of the Gaol was made possible due to a funding from NIEA (now HED) Historic Building Grant aid, Heritage Lottery Fund, NI Executive OFMDFM funding and Social Investment Fund. This investment (totalling £8million) and support for Crumlin Road Gaol, this has resulted in the building being successfully developed into a visitor attraction and conference/event venue.

Crumlin Road Gaol reopened in December 2012 and has attracted over 300,000 visitors and had a positive impact on the built environment. The gaol was a fitting venue for the launch of Traditional Building Craft Skills: Assessing the Need, Meeting the Challenge – Skills Needs Analysis of the Built Heritage Sector in Ireland' a research report part funded by NIEA (now HED).

Refs:

Monuments and Buildings Record  
<http://www.dia.ie>  
<http://www.crumlinroadgaol.com/>



### 3. GORTINURE ROAD THATCH, MAGHERA

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**Location:** Maghera, Co. Londonderry  
**Status:** B1  
**HB ref:** HB08/01/021  
**BHARNI ref:** 08/01/003  
**Saved:** 2014

A relatively large, single-storey, three-bay, direct entry, vernacular thatched house containing some unusual features. The building is likely to date from the early part of the 18<sup>th</sup> century.

Many features are of particular interest - intact thatched roof under a tin covering, the ground floor plan form with recesses for storage, the scullery shelf made from a stone slab, surviving historical plaster, and the corbeled top to the (now removed) wickerwork chimney. The building is a rare example of a large tenant farmers house largely unextended from its original construction.

It was identified as a building at risk in 2014 due to its partially ruinous state. However, the building's architectural and historic interest was recognised at it was sympathetically restored by a private owner, who also reinstated the thatch. The restoration project was made possible thanks to the project successfully securing a £28,465 Historic Building Grant from NIEA (now HED).

This building demonstrates the potential for vernacular thatch buildings to be protected and restored without sacrificing modern comforts.

#### 4. STABLES, SION HOUSE

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**Location:** Sion Mills, approx. 5km S of Strabane, Co. Tyrone  
**Status:** B2  
**HB ref:** HB10/07/001  
**BHARNI ref:** 10/07/004  
**Saved:** 2014

Hearth and Sion Mills Preservation Trust

Sion Mills is one of the most significant industrial heritage sites in Northern Ireland, established by the Herdman brothers in 1835. James Herdman was responsible for building Sion or Zion House, which took its present form in 1884. The stable block associated with the mid-19th century Elizabethan style 'manor house' at Sion Mills was built by William Unsworth, including the red brick stable block featuring a tiled roof and decorative bell-cote.

The stable block appeared in our first Buildings at Risk catalogue in 1993, when it was described as a 'building of great concern'. The building remained in a vulnerable state for many years, suffering deterioration and a widely publicised fire. Its distinctive roof collapsed five years after Northern Ireland's first Repairs Notice was served on the building and it had deteriorated to a worrying extent.

The building's fortune changed when it was eventually served with a compulsory purchase order and transferred to Hearth Revolving Fund. Hearth, in partnership with the Sion Mills Preservation Trust has now transformed the building into a museum and heritage education centre.

Refs:

Monuments and Buildings Record

<http://www.hearth-housing.org.uk/>

<http://www.sionstables.com/>



**Location:** Shipquay Street, Derry, Co. Londonderry  
**Status:** B1 Listed in Conservation Area (not Second surveyed)  
**HB ref:** HB01/19/034  
**BHARNI ref:** 01/19/034  
**Saved:** 2015

Dating from 1741, 31-33 Shipquay Street is known to be one of the oldest buildings in the walled city area of Derry. The mid-18<sup>th</sup> Century building has had a number of uses over the years, notably as a customs house at the end of the 18<sup>th</sup> Century. The brick faced Georgian façade is understated in nature, increasing from three-storey to four-storey aligning with the steepness of the street. However, the doorcase is a notable feature. The building was described by Alistair Rowan in *The Buildings of Ireland* as the ‘finest remaining 18<sup>th</sup> Century block in the city... with a fine pedimented doorcase that would not be out of place in Molesworth St or in the Bedford estate in London.’

The building sits at a prominent location on one of the main city centre arterial routes within the Walled City Conservation area. It was added to the BHARNI register in 2013 after having laid vacant for a number of years with a hope that its potential could be harnessed to bring social, environmental and economic benefits to the historic walled city area.

The challenge was undertaken by the Inner City Trust, with support from Derry and Strabane District Council. Inner City Trust was set up to develop the physical, economic and social regeneration of Derry. The Trust helped secure funding (including £125,000 from NIEA (now HED) to breathe new life into the previously vacant 31-33 Shipquay St, establishing it as The Fashion and Textile Design Hub in 2014. The Trust believes this investment will help create sustainable employment opportunities as well as provide comprehensive support for emerging fashion and textile designers. The building’s heritage value should boost the Centre’s attraction to businesses, investors and visitors to the city centre.

Refs:

Monument and Building Record  
<http://www.fashionanddesignhub.com/>



## 6. KNOCKBREDMA MAUSOLEUM

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**Location:** Knockbreda Churchyard, Belfast, Co. Antrim  
**Status:** B+ (Second Surveyed 2011)  
**HB ref:** HB25/16/005 B  
**BHARNI ref:** 25/16/001  
**Saved:** 2011

When it was first formed in 2006 the Follies Trust went through the then BARNI register and decided that the three mausolea at Knockbreda were the most worthy projects to launch us as a building preservation trust. While technically not *follies* we had included mausolea in the categories of small buildings we wanted to conserve. Fund raising was a huge issue as we were new and mausolea are not attractive to many funders but, with the help of the BHARNI Officer, Andrew McClelland, and funding and support from NIEA, now HED we succeeded!

Another very difficult project for the Follies Trust was the Beresford Obelisk, near Limavady. This was on private property and fund-raising again was an issue. A representative from NIEA, now HED, requested its addition to the BHARNI register which ensured we received funding and support. This project would not have succeeded if not on the register.

**Primrose Wilson, Chairman, Follies Trust.**



## 7. GRACEHILL OLD SCHOOL

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**Location:** Church Road, Gracehill, Co. Antrim  
**Status:** B2 (Not Second Surveyed)  
**HB ref:** HB07/15/011  
**BHARNI ref:** 07/15/001  
**Saved:** 2009

Gracehill Old School was on the BHARNI register and was the first building in Northern Ireland to receive an acquisition grant. This innovative pilot funding scheme was subsequently rolled out across Northern Ireland and led to the rescue of a number of buildings at risk.

Gracehill Old School itself was subsequently regenerated and it is now a very successful facility for both locals and visitors with a foot fall of over 25,000 per annum. It has been the catalyst for further regeneration in the area. The Trust also received funding to purchase the historic old village shop, also on the BHARNI register, which is now the subject of an ongoing restoration project. Almost £2 million pounds have now been raised and spent in the village of Gracehill, none of which would have been possible without BHARNI recognition and seed funding.

**Dr David Johnston, Chairman, Gracehill Old School Trust.**

## TIMELINE AND KEY EVENTS 1993-2016

The progress of the BHARNI project from 1993-2016 is outlined in the form of a timeline, below. Key milestones are noted and, where necessary elaborated on. Running throughout this timeline is maintenance of BHARNI database and register, and the provision of direct support from HED and UAHS, to the level, of 500+ contacts per annum (UAHS 2016). UAHS has also provided additional activity that links to, compliments and supports the project, its aims and objectives. These are marked with an asterisk\* below.

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**1993 Buildings at Risk Northern Ireland, BARNI project set up by UAHS, partnership with the Environment and Heritage Service, now renamed Historic Environment Division, (HED).**

**1993 Volume 1 Buildings at Risk Catalogue:**

The Buildings at Risk catalogues 1993-2008, provide a valuable snapshot of the condition of built heritage in Northern Ireland. The catalogues were initially created to raise awareness of buildings at risk with the hope of acting as a vehicle to match up potential owners with problem buildings. Over time the catalogue has developed to include inspiring saves and other achievements of BHARNI, along with helpful advice on how to protect and maintain heritage assets.

**1995 Volume 2 Buildings at Risk Catalogue**

**1996 Volume 3 Buildings at Risk Catalogue**

**1997 Volume 4 Buildings at Risk Catalogue**

**Traditional Building Skills Directory, 1<sup>st</sup> and 2<sup>nd</sup> edition**

The Directory of Traditional Building Skills draws together a wide selection of those working in the fields of historic building conservation, ranging from architects to quantity surveyors to specialist sub-contractors and skilled craftsmen. It aims to promote best practice for the care and protection of the historic environment in the re-use and regeneration of historic buildings including buildings at risk.

**1998 Volume 5 Buildings at Risk Catalogue**

**Tradition Building Skills Directory, 3<sup>rd</sup> Edition**

**1999 Volume 6 Buildings at Risk Catalogue**

**Directory of Funds for Historic Buildings, 1<sup>st</sup> Edition**

**2000 SOS: Some Options and Solutions Conference and Report:**

Joint UAHS/HED one day conference looking at Built Heritage at Risk and associated report. Last commissioned report on the BHARNI, (then BARNI) project, by UAHS in association with the Environment and Heritage Service, now HED. The SOS report highlighted the following findings from the first 7 years:

- 137 'Good News' stories, (now referred to as 'removals');
- 371 Buildings at Risk;
- Highest percentage of 'at risk' houses, in particular 'urban' houses;
- Highest number of 'at risk' in County Down;
- At that time Grant Aid was offered only to grades A and B1.

The 2000 report also highlighted: importance of the legislative framework, the role of enforcement- Urgent Works and Repairs Notices, and 'problem buildings' and 'problem owners'. It presented the case that particular types of buildings presented particular need e.g. small scale vernacular, middle to large scale, and institutional and industrial buildings. It proposed optimism for progress for buildings at risk in the context of the of new Planning Policy Statement 6.

**2002 \*UAHS Complementary Project: 'Home & Dry':**

A UAHS event and seminar series on Historic Building Repair & Maintenance, funded by HLF and UAHS from 2002-12. This was not funded by BHARNI though heritage at risk was profiled, and members of HED were invited to speak at events. It complemented the BHARNI programme by raising awareness and assisted owners who had buildings at risk to find new uses and to learn about good practice in relation to historic buildings. For full details of the 'Home & Dry' events and seminar programme, see appendix 1.

**2003 Ten Point Protocol for care of the UK Government's Historic Estate:**  
Point 6:6 'Protect buildings at risk' specifically recommends that a strategy be agreed for each case, whether by repair reuse or disposal;

**2004 Online BARNI Public Access Portal launched by HED, database continues to be maintained by UAHS.**

**2005 Addition of Scheduled monuments to the BARNI Register.**

**Volume 7 Buildings at Risk Catalogue.**

**2006 Buildings at risk becomes Built Heritage at Risk (BHARNI).**

**BARNI Agreement and partnership between HED and UAHS renewed.**

**UAHS trials mini options appraisals for buildings at risk** – County Fermanagh and County Tyrone and supported by a free owners' seminar in Caledon.

**2007 \*UAHS Complementary Project: 'Lose or Reuse':**

A publication looking at re-use of heritage and how heritage-led regeneration can be managed sustainably. Funded by HLF:

[http://www.uahs.org.uk/cmsfiles/pdf/lose\\_or\\_reuse\\_managing\\_heritage\\_sustainably.pdf](http://www.uahs.org.uk/cmsfiles/pdf/lose_or_reuse_managing_heritage_sustainably.pdf)

**2008 BHARNI target included in the Programme for Government 2008-11**

**HED extend Grant Aid to grade B2 listed buildings for the first time in 20 years.**

**HED introduce Acquisition Grant Aid**

**HED ACQUISITION GRANT AID [PRE & SINCE 2008]:**

- Old Schoolhouse Gracehill
- St Malachy's Convent and school
- Belmont primary school
- Herdman's Mill- [portion of]
- McMaster street- 6 no terrace buildings
- Rosetta Cottages
- Drumbee Schoolhouse
- Gracehill Old Village Shop
- Good Shepherd Gate Lodge

- Former Presbyterian Church Derry works
- 31-33 Shipquay Street Derry

**\*UAHS Complementary Project: 'Look Before You Leak'.**

Leaflets directed at homeowners and section of website with guidance on preventative maintenance. Funded by NIEA, DoE and UAHS.

**2011 Northern Ireland Audit Office Report: Safeguarding Northern Ireland's Listed Buildings.**

**2012 HED increase repair support from 35 to 45% of eligible works.**

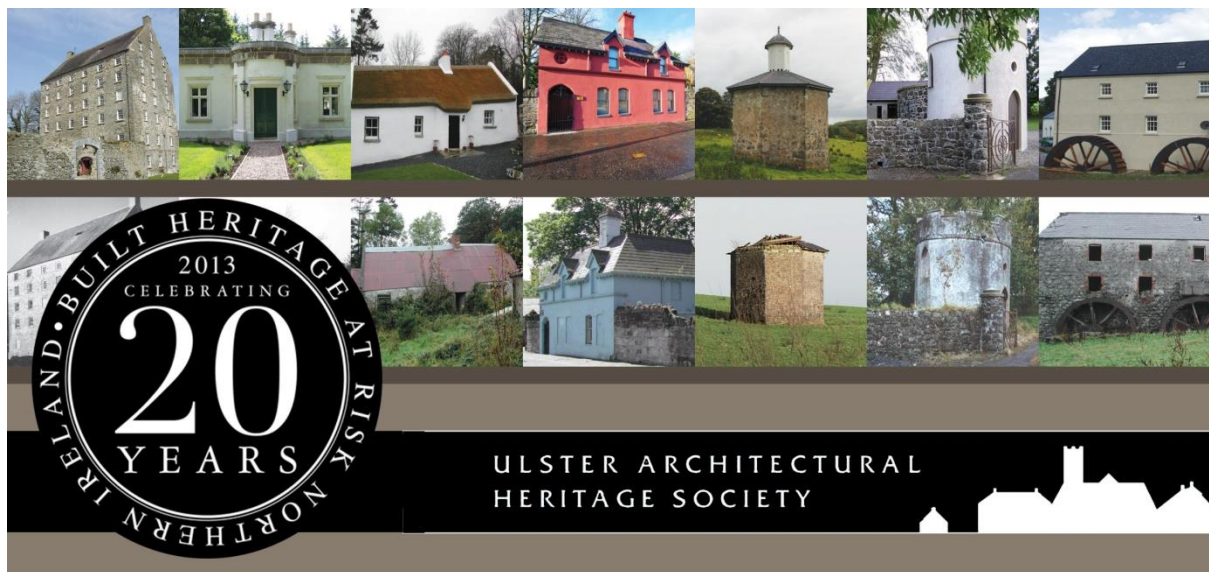
**2013 BHARNI Agreement and partnership between HED and UAHS renewed.**

**HED issue letters to owners:**

- Letters issued to owners of all Priority buildings Grades A-C, Councils copied in, together with BAR officer;
- Area Architects and BHARNI Officer Engagement with owners.

**\*UAHS Complementary Project: 'Quality Streets: Retrofitting Traditional Terraces'**

A project based on McMaster Street, former buildings at risk, demonstrating how a traditional red brick terrace can be successfully retrofitted and updated to meet modern living standards. Production of associated online video. Funded by NIEA, DoE Challenge Fund.



**Figure 1 Flyer celebrating 20 years of BHARNI, featuring before and after images of saved buildings and structures.**

**2014 UAHS launches new, online Directory of Traditional Building Skills, funded by NIEA, DoE;**

**HED announces cut backs to the availability of listed building grants, amidst proposal of cessation of listed building grants in the draft budget for 2015-16;**

**2015 Complete suspension of listed building grants and 50% cut to UAHS BHARNI resource allocation;**

**Implementation of local government reform and transfer of planning and enforcement to 11 local authorities;**

**Restructuring of central government departments: Historic Environment Division transferred from Department of the Environment, Northern Ireland Environment Agency to new Department for Communities;**

**\*UAHS Complementary Project: 'Making Heritage Projects Happen' 'Your Architecture, Your Heritage' 2015-16.**

UAHS, as part of review of the organisation through HLF 'Transition Fund' trialled various public and community engagement models in 2015-16. These consisted of 'Bring a Building' public engagement events and targeted capacity building events. Including 'Making Heritage Projects Happen', an event taking participants through the process of heritage led regeneration projects from purchase of heritage at risk, to funding, then construction, and long-term sustainable use.

**2016 Reduced reintroduction of listed building grant aid under the new Historic Environment Fund.**

**\*UAHS Complementary Project: 'Heritage Angel Awards for Northern Ireland' 2017-19.**

UAHS has, with participation and support from HED, led on the introduction of heritage awards to Northern Ireland, as already existing in England (Historic England) and Scotland (partnership through the Scottish Civic Trust). Specific emphasis on recognising individual heritage success stories, and best practice in the care and protection of the historic environment, in particular heritage at risk. Annual awards introduced for a 3 year period, from 2017-19.

## OTHER EVENTS & SEMINARS

- HOME & DRY – Historic Building Repair & Maintenance days , some in conjunction with BHARNI
  - 2001 - Historic Building Repair & Maintenance day- held at Dyan Mill, Dyan, Co.Tyrone and featuring a former historic building at risk and on BARNI
  - 2002 - Historic Building Repair & Maintenance day- held in Ballywalter Park, Co. Down and featuring care and maintenance of large historic houses
  - 30/8/2003 –Verbal Arts Centre, Derry
  - 13/9/2003 – Clotworthy Arts Centre, Antrim
  - HOME & DRY –30/9/2004 – A day for those who care for historic churches – held in St Matthews Church, Shankill Road, Belfast, and providing best advice on good maintenance practice for historic churches
  - HOME & DRY – 14/5/2005 – Living in small houses – held in Enniskillen and featuring good examples of sensitive restoration of small buildings
  - HOME & DRY – 17/9/2005 – Restoration – how to avoid it – in UFTM, Cultra and featuring professionals skilled in the conservation of historic buildings
  - HOME& DRY – Spotlight on Lime –19& 20 May 2006 – held in UFTM Cultra and featuring good practice on maintenance and demonstration on the use of lime in the repair of historic buildings
  - HOME & DRY – How to restore Traditional Buildings 29/9/ 2006 – held in partnership with Mourne Heritage Trust and featured visits with professionals to the award winning Mourne Homesteads project
  - 2007 BHARNI: preventative maintenance regimes by Harriet Devlin from the Ironbridge Institute
  - HOME & DRY IN Ormeau Baths gallery QUALITY MATTERS – QUALITY PAYS – 1/6/2007 – held in former Swimming Baths converted to an Arts Gallery
  - HOME & DRY – How to restore Traditional Buildings – held in Co.Donegal and including visits by boat to see traditional buildings on Gola Island
  - HOME & DRY – How to extend historic buildings – 18/5/2008 – held in Markethill, Co.Armagh and featuring one public and one private building which had been extended using best conservation principles
  - 2009 BHARNI/Home and Dry – ‘Wrecks to Riches’ seminar in the Verbal Arts Centre, Derry on Friday 16<sup>th</sup> October
  - 2010 BHARNI/Home and Dry – ‘Conserve Energy’ – how to conserve energy in historic buildings - Crescent Arts Centre, Belfast
  - 2011 BHARNI/Home and Dry – Richhill
  - HOME & DRY IN 2011 – Series of 5 lunchtime lecture on Traditional Skills
  - 2012 Heritage Time Conference - Making the most of our historic assets - making the most of our historic assets held in former BARNI Christ Church, College Square North



# 1. HERITAGE AT RISK IN UK AND IRELAND: A COMPARISON

## ENGLAND

### HERITAGE AT RISK (HAR)-HISTORIC ENGLAND

#### Key Statistics:

**Approximately 500,000 Listed Buildings;**  
**5431 'at risk' assets on the HAR register, including:**

- grade I and II\* listed secular buildings, 3.8% (849);
- listed places of worship, 6.3% (926);
- scheduled monuments, 13% (2,582);
- conservation areas, 6% (496);
- registered parks and gardens, 5.8% (95);
- registered battlefields, 13% (6);
- protected wreck sites, 12.2% (6).

The Heritage at Risk programme in England was established in 1990 by Historic England, then English Heritage. Historic England surveys on an ongoing basis and the Heritage at Risk register is updated and published online each year. The register in England includes grade I and II\* listed buildings, grade II listed buildings in London and Grade II listed places of worship, unlisted buildings in conservation areas, scheduled monuments, historic parks and gardens, battlefields and protected wrecks. Historic England targets grant aid at owners of risk structures that may find it difficult to gain grant assistance otherwise e.g. private owners.

Historic England works in partnership with Heritage Lottery Fund to help prioritise grants. Historic England also actively encourages local authorities in relation to heritage at risk through bespoke provisions including legal advice to help them exercise enforcement. Grant aid is also provided to local authorities for underwriting action. Recording, local council liaison, advice and support are facilitated by the '**Historic England Local Delivery Team**'.

The heritage at risk programme is also complimented by other initiatives by Historic England. For example, '**Heritage Action Zones**' an initiative that recognises historic places that have the potential to become focal points for sustainable economic development and community life. Working with local partners, Historic England aims to focus their help and resources on these places to bring them to life. Also the annual '**Heritage Angel Awards**', supported by Andrew Lloyd Webber Foundation highlights potential and success of projects associated with buildings at risk. Historic England also produce a '**Heritage Counts**' annual audit on behalf of the Heritage Forum. Heritage Counts is a body of research and statistics produced annually to help better understand the historic environment and the challenges it faces. Online resource includes:

- Search the register;
- Selection Criteria, & terms and abbreviations;
- Download a regional register;
- Buildings at Risk for Sale;
- Designation Download Data-Download spatial data for HAR;
- Suggest a change to the HAR register.
- Separate mapviewer.

<https://historicengland.org.uk/advice/heritage-at-risk/>



## SCOTLAND

### BUILDINGS AT RISK REGISTER (BARR) – HISTORIC ENVIRONMENT SCOTLAND

#### Key Statistics:

**47,422 listed buildings**  
**2,521 'at risk' assets on the HAR register, including:**  
**-listed buildings-all grades,**  
**-conservation areas.**

#### Not including:

**-scheduled monuments,**

Buildings at Risk Register (BARR) Scotland was established 1991. Until 2007 Scotland operated similarly to Northern Ireland, in that the register was run on known buildings and not a systematic survey. Since 2007 Scotland has operated a systematic survey on a tri-annual cycle. The register in Scotland includes listed buildings, unlisted buildings in conservation areas but not scheduled monuments. Historic Environment Scotland offers grant aid to at risk structures, including the allocation of funds to 'City Trusts' for distribution in each locality. Historic Environment Scotland also focuses resources on field work, processing of data, advice & support, updating website. Online resource includes:

- Search the register;
- Headline statistics: Total BAR, total added, total saved, total demolished;
- Up to date information/condition of each entry with up to date photos;
- Targeted sections on 'featured building', 'success stories', 'in progress';
- Map search, powered by GIS, broken down into local authority;
- Data, including photographs is stored on National Collection of the Built Environment.

<https://www.historicenvironment.scot/archives-and-research/archives-and-collections/buildings-at-risk-register/>

## WALES

### BUILDINGS AT RISK – CADW

#### Key Statistics:

**29,986 listed buildings**  
**2,646 at risk' assets on the HAR register, including:**  
**-listed buildings-all grades,**  
**-conservation areas.**

#### Not including:

**-scheduled monuments,**

Established mid-1990s. Until 2012 the survey of buildings at risk in Wales was carried out by each local authority. Prior to 2012, the surveys were commissioned directly by local authorities with funding provided by CADW. However, at the end of 2012, to ensure a consistent approach across Wales, CADW, committed to undertake an all-Wales condition review of listed buildings over a five-year rolling period, surveying approximately 20% of listed buildings stock in Wales per year. This is served by external contract to total value of £250,000 or £50,000 per annum. The systematic programme of surveys will ensure that the condition of all 30,000 listed buildings in Wales during this period is assessed using consistent methodology.

All the information is on a central database and each local authority can access the data for its area. Information from survey is enhanced on an ongoing basis by known or local information as provided by local authorities and the team of Regional Inspectors. Currently, public access to the BAR register in Wales is not provided online or otherwise. Access to the data is only provided to the relevant local authority. There is a view to consider introducing public access to CADW's BAR register in the future.

<http://cadw.gov.wales/historicenvironment/recordsv1/buildingsatrisk/?lang=en>

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## IRELAND

### BUILDINGS AT RISK REGISTER - AN TAISCE

The Buildings at Risk Register is an unfunded, public participation project by An Taisce – the National Trust for Ireland, supported and maintained by its voluntary members. The Register was put in place in response to concern at the growing number of structures that are vacant and falling into a state of disrepair. The Register provides 'information on structures of architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest throughout the country that are considered to be at risk'.

<http://www.antaisce.org/issues/buildings-at-risk>

The risk criteria are similar to Northern Ireland. However, the register does not include monuments. A building will remain on the Register until restoration or demolition works are completed in full.

A Google map has been created to give the location of approximately 215 properties – those thought to be at most significant risk in 2014:

<https://www.google.com/maps/d/viewer?msa=0&mid=1tAeuNUd5ZD13U6dYmygQWT7oWLQ>

## 8. CONCLUSION:

This report presents a review the progress of BHARNI since 1993, with particular focus on the BHARNI project over the last 10 years, 2006-16. It offers comparison with the last comprehensive review in 2000, review within current context, and comparisons with other jurisdictions. This review shows that the BHARNI project has proven to be substantially successful, with opportunity for improvement in some areas. The recommendations bring together a consideration of both what has been achieved in the past and how best to benefit heritage at risk in the future.

The report shows that in excess of 487 built heritage assets are, or may be, at risk, a value rising since 2016. All 487 entries, represent an irreplaceable and non-renewable opportunity for Northern Ireland, and an historic and cultural asset that may be lost forever if there is no means or will to intervene. It is therefore essential that the BHARNI project continues to record and monitor buildings at risk and acts to encourage, or catalyse their re-use, repair and regeneration.

Undoubtedly the HED and UAHS partnership can regard the achievement of 192 removals against the target of 200 as a worthy achievement against the project aims. A high level of public engagement has been achieved through the BHARNI project as demonstrated by the level of activity through this, and its complementary projects. The consistent removal of approximately 20 entries per year is to be applauded and every effort should be made for this success to be sustained and increased over the coming years. More recent reduction in saves can be seen to correlate with the reduction of funding by way of listed building grant aid and reduction of the existing BHARNI project. This underscores the need for adequate allocation of resource to heritage at risk moving forward.

There has always been a need for targeted action on heritage at risk. This has been a feature of efforts since 2000, 'SOS- Some Options and Solutions'. This report has highlighted a continuing need to address key strands of issue including 'problem owners', 'problem types', the distribution of high levels of heritage at risk in particular local authority areas, and issues such as legislative framework, VAT, rates, etc. There remains an ongoing need for support to help owners to meet the requirements to care for their buildings set by law.

Some factors affecting Heritage at Risk in Northern Ireland remain somewhat consistent with those highlighted almost 17 years ago but the way in which these challenges might be approached, has changed enormously. It is proposed that a fresh approach to the BHARNI project is necessary, structured in the context of changes to local and central government: RPA reform in 2015 and associated redistribution of powers, the new PfG 2016-20, and the developing HED-heritage sector PfG Action Plan. It is proposed that in this context, change presents challenges and opportunity for heritage at risk in Northern Ireland.

This report highlights the need to move towards a more consistent and systematic means of managing the BHARNI register. This to incorporate better frameworks for recording and monitoring the condition of heritage at risk, better means of disseminating information and delivering public/owner engagement/information, and better ways of using the register and associated data to make an ongoing argument for the value and importance of the historic environment in Northern Ireland going forward.

It is evident that these are actions that still require the attention of UAHS as the lead NGO, Central and, most recently Local government. Reform of Public Administration in 2015, placed local authorities as a new lead within their localities, and the project should adapt to ensure that the potential and enthusiasm enabled by change is harnessed in full. Of particular importance is the need to engineer better working links between the structure of the existing BHARNI NGO-HED partnership and a consistent provision of information and support across local councils so that opportunities for best value outcomes within local government are optimised. A formal 3 way partnership between the 11 local authorities, and NGO and HED is proposed as a key recommendation.

However it is acknowledged that the heritage at risk issue, now sits properly within the wider context of the needs, potential and progress of the wider community and cultural historic environment in Northern Ireland, and must be considered as such. This is particularly important in light of the outcome based approach of the draft PfG 2016-20, which though it does not have a specific indicator aligned to heritage does offer the opportunity to demonstrate how heritage can contribute across the aims of government. The central government ongoing commitment to legislation for the protection architecturally and historically significant buildings and monuments must also be upheld.

The Heritage at Risk project continues to be the lead guide on care for Northern Ireland's heritage assets- at the moment mainly listed buildings, with the potential to expand. With the disincentives of VAT, rates and heritage deficit, the BHARNI project remains a key component in highlighting and prioritisation of need for owners, funders and initiatives of central and local government. The decline of saves in the 2015-16 period, suggests that without a system of monitoring, promotion and funding of heritage at risk, more buildings will be lost.

A combination of HED, NGO and local authorities working together in a mutually beneficial and cost effective partnership to fund and achieve the aims and objectives of the heritage at risk project is proposed as the optimum path to achieving best value practical and sustainable results. To attain the required level of impact for the historic environment, the various possible options for a future heritage at risk project must be properly resourced to achieve results against the above recommendations. While it is acknowledged that Northern Ireland is working in constrained times, indecision and delay in acting on the opportunities presented in this report will seriously jeopardise a core income generator for NI. Our built heritage and the way it fixes our history in communities and cultural, natural and urban landscapes is irreplaceable. Failure to act to protect and enhance heritage will be at a cost- socially, culturally, economically- to our generation, and Northern Ireland's generations to come.



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# Heritage at Risk Northern Ireland

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Heritage buildings & structures at risk within  
Mid Ulster District Council

ULSTER ARCHITECTURAL  
HERITAGE



Provided by Ulster Architectural Heritage, as part of the Built Heritage at Risk Project, funded by the Department for Communities: Historic Environment Division. Information correct as of 12th February 2019.

## Heritage at Risk within the Local Authority

HB Reference	SMRNo	BHARNI Reference	Address	Date Added	Description
HB08-01-012		08-01-001	139 TIRKANE ROAD TIRKANE MAGHERA CO.LONDONDERRY	14/11/2003	<p>This is a beautiful example of a 19th-century Irish vernacular building that sits in harmony with the surrounding plantings and wider landscape. Noted simply in the MBR as being a “two-storey house”, it retains its harled and whitened walls, sheeted door, sliding-sash windows, natural slated roof and a pair of welcoming traditional gate-pillars with simple wrought-iron gates. First indicated as being at risk in Buildings at Risk, Vol. 6, p. 103, it remains a desirable, yet vulnerable building. Encouragingly, the owner has expressed a desire to see it eventually re-inhabited, however to date the building is suffering from slipped slates and encroaching ivy growth; the windows are no longer visible as they have been boarded up, that being said this building is not beyond repair.</p> <p>Refs: MBR</p>
HB08-01-020		08-01-002	15 Tamnymullan Lane Moneysharvan Road Maghera Co. Londonderry BT46 5HS	06/10/2008	<p>A single-storey whitewashed former dwelling with long contiguous outbuildings, sited at the end of a long minor road about a mile north of Maghera. The cottage is unoccupied and a large new house has been built close by, although it would not prevent the eventual restoration of the listed building. A corrugated iron roof covering is thought to have been laid over thatch in the mid-20th century, which still survives underneath. It is just one of a growing number of vernacular buildings to be featured on the BHARNI Register.</p> <p>Refs: Monuments and Buildings Record</p>



HB08-02-001 A		08-02-006	Old Mill William Clark and Sons Ltd Upperlands Co Londonderry BT46 5UP	08/01/2008	A unique stone built mill building with thatched roof covering in reed, complete with large water wheel powering a beetling engine on the ground floor of the two-storey structure. The building dates from the mid-17th century and is the oldest, and until recently the only listed, part of the historic William Clark & Sons mill complex (HB08/02/001 B). It has latterly acted as a small museum, but, with the winding down of manufacturing operations at the site, and a clear need for maintenance and remedial work, its future is far from clear.
Hb08-02-001 B		08-02-007	William Clark & Sons Ltd Mill Complex (Excluding Old Mill) 6 The Green Kilrea Road Upperlands Maghera County Londonderry BT46 5RY	19/01/2019	A large example of the industrial heritage of Northern Ireland which has suffered from a fire incident (2017). Portions of the complex have been considerably damaged from the fire including complete removal of the roof and the internal structure exposed leaving machinery open to further damage from water ingress.
HB08-04-017		08-04-002	89 Tirkane Road, Tullyheran Maghera Co. Londonderry BT46 5NE	23/03/2007	A pair of single-storey cottages sited at the edge of the road, on a bend, not far from the village of Maghera. Built of rubble stone, with quite large window openings containing metal casement windows, the houses are important due to their intact original layouts and the remainder of thatch under corrugated iron. They are, however, in a poor state of repair being vacant and entirely open to the elements. This building has remained on the at risk register since 2007 and is deteriorating quickly due to open exposure and intruding ivy growth.
HB08-04-019		08-04-001	19 Ranaghan Road, Maghera Co. Londonderry BT46 5ND	23/03/2007	A long single-storey cottage with adjoining two-storey outbuildings; uninhabited but in use as a chicken house. Although having lost some of its detail, and being rather simple in appearance, this property is nevertheless considered important for the survival of an original roof construction, including the scarfed crucks. Having since slowly deteriorated from its addition the at risk register in 2007 the property has been partially been made safe from intruders with boarding and crates places over the entries. It could quite

					conceivably be reused for residential purposes, with the outbuildings providing additional living accommodation with good access to the road and close proximity to Maghera.
HB08-08-025		08-08-001	ROWAN'S GIFT 18 DRUMLAMPH LANE DRUMLAMPH, CASTLEDAWSON CO.LONDONDERRY	14/11/2003	Rowan's Gift is a one-and-a-half storey, five-bay, 'L' shaped, stone-built and harled dwelling, with a natural slate roof and highly unusual stepped chimneys on either gable end. The un-recessed sash windows are also of some interest and are indicative of the building's considerable age. In a poor state of repair when it appeared in Buildings at Risk, Vol. 2, p. 62, it has deteriorated since then and is slowly disappearing under the undergrowth. Buildings of this type and age are now rare and it is imperative that all is done to secure its future.
HB08-09-015		08-09-002	RECTORY, 8 BALLYNEASE ROAD BELLAGHY / Magherafelt CO.LONDONDERRY	22/05/2017	A five bay, two and a half storey rural house with ornate chimney pots, 6 over 6 sash and case windows to the lower floor and 6 over 3 sash and case to the first floor and is comprised with steps leading to the front doorway. The building is now empty but has been safeguarded by boarding up of doors and windows. A fine building that could well be reused.
HB08-12-005		08-12-001	ST. PATRICK'S R C CHURCH, INISCARN ROAD LONGFIELD, Magherafelt CO.LONDONDERRY	14/11/2003	St. Patrick's Church, in common with its namesake in Claudy (HB01/02/021), has appeared twice before as a building at risk – in Buildings at Risk, Vol. 1, p. 89 and then again in Vol. 3, p. 80. It remains unused, although has been secured from vandalism. A simple early-19th century, four-bay rendered structure, its long-term future must be in some doubt. Until this situation is resolved, and a new use has been secured, it will remain as a building at risk, along with a substantial number of other redundant churches.
HB08-12-007		08-12-002	CRANNY PRIMARY SCHOOL, 15 Iniscarn Road MONEYMORE CO.LONDONDERRY	14/11/2003	Erected by the Drapers' Company in 1820, this former primary school was described in its listing record as being "typical of buildings erected in the Moneymore and Draperstown area by the Drapers' Company of London". First highlighted in Buildings at Risk, Vol. 1, p. 90, it has a large, pedimented gable above the double-leaf entrance door, flanked either side by tall segmentally-headed, square-paned window openings, with overhanging eaves to the three-bay wide side elevations. It remains empty and several window panes have been broken.  Refs: MBR

HB09		09-02-001	Pomeroy Market House, Pomeroy	13/01/2006	<p>The date of this former Market House is attributed by Brett to about 1850, to an architect unknown. It is a relatively simple two-storey building, with rendering surviving on the front elevation, and with painted brick trims to openings. The rear elevation is fairly non-descript and has been altered somewhat, although is not beyond repair. Like many former institutional buildings it is no longer used for its original function and is, at best, only partially occupied. Now threatened with demolition, it is a building of both architectural and historic interest and could undoubtedly be restored to a new use.</p> <p>Refs: Brett C.E.B, Court Houses and Market Houses of the Province of Ulster, UAHS, 1973, p. 103</p>
HB09-03-008 B		09-03-003	Outbuildings Lissan House Demesne Drumgrass Road Cookstown BT80 9SW	16/01/2009	<p>Lissan House is perhaps one of the more famous buildings at risk, having appeared on the first BBC Restoration programme in 2003 when it lost out in the national final to Manchester's Victoria Baths. Since the tragic death of the last occupant, Hazel Radcliffe Dolling, a descendant of the Staples family, part of the estate has been in the ownership of a charitable Trust which is currently attempting to secure funding for its future restoration and re-use. The largely two-storey group of outbuildings to the rear of the main house, and several other estate structures, have recently been 2nd surveyed and individually listed by NIEA as being of special architectural and historic interest. The Trust plans to open the estate to the public; making some of the yard buildings into self-contained flats; creating a seminar/community room in the turf house, and including a shop, kitchen, toilets and café. Horse riding and cycling paths would be created within the extensive grounds and the Woodland Trust intends to take on and restore the mature woodland.</p>
HB09-03-008 I		09-03-002	Rossmore Gates & Lodge Lissan House Demesne Drumgrass Road Cookstown BT80 9SW	16/01/2009	<p>A rather plain and modestly sized single-storey gate lodge sited at the main entrance to the Lissan House estate. The building has been vacant for a considerable period of time and as a consequence has lost much of its historic detailing through dereliction. Re-use of the lodge is understood to be under consideration as part of wider plans for the main house, outbuildings and wooded demesne. Its recent listing, together with the associated gate piers and screen walls, should hopefully encourage such a positive outcome.</p>

					Refs: Monuments and Buildings Record
HB09-05-018		09-05-001	Moree House 19 Oughterard Road Dungannon BT70 3HT	16/01/2009	<p>The listing record for this early-19th century house, which was given statutory protection in 1975, suggests that it was vacated in 1979 and has lain derelict ever since. Now largely obscured from view by trees a collection of modern agricultural buildings, the house is nevertheless said to have an attractive and nicely proportioned front façade with a fine classical door case. A recent 2nd survey record undertaken for NIEA gives some indication of the poor condition of the building and associated outbuildings to the rear. However, there are numerous examples of older buildings in similar states of disrepair having been rescued. It would be heartening to see such an occurrence in this particular case.</p> <p>Refs: Monuments and Buildings Record</p>
HB09-06-006 B		09-06-007	19-21 High Street Moneymore, Magherafelt, Co. Londonderry BT45 7PA	28/07/2014	<p>A 3 storey semi-detached 2 bay wide red brick house with shopfront of 1860s and gabled, slated, back return. The ground floor has shopfront with separate 6 panelled painted door with 3 pain fanlight with thin pilaster on each side with slim cornice. No. 19/21 with no. 15/17 form a matching semi-detached pair in line with the neo-classical terrace of the market house and fronts on to a broad footwalk to High Street. Numbers 23-25 High Street already find themselves on the buildings at risk register, so addition of further buildings in the street indicated a continuing pattern of decline. This property has been on the market for some time, but recently appears to have sold where it is hoped that the new owner will repair the property which has great potential on the High Street in Moneymore and Conservation Area.</p>
HB09-06-007 B		09-06-006	23/25 High Street Moneymore Magherafelt Co Londonderry BT45 7PA	03/11/2009	<p>The established character of the Moneymore Conservation Area is very much derived from a number of key classically detailed buildings constructed in the early 19th century, such as the Orange Hall, former corn store and Manor House. Most of the older buildings in the village were built from local stone, and some are rendered, but two on the High Street stand out, nos. 23-25 and 19-21. Although maintaining the established building line their front elevations are built from exposed brickwork. The former was built in 1906 and consists of</p>

				<p>a dwelling with attached shop which previously functioned as the local post office. It retains an attractive shop front but the whole building is currently vacant and boarded; a great shame given the various restoration projects that have been successfully completed in the village over the last few years. A planning application was proposed for the reuse of this building in 2008, however nothing has come into fruition. Today the building still remains boarded up with ever increasing ivy growth across the facade.</p> <p>Refs: Monuments and Buildings Record DOE (1980) Moneymore Conservation Area, Part 2</p>
HB09-06-022		09-06-005	Former Common Barn, 3 Springhill Road Moneymore Magherafelt Co Londonderry BT45 7NG	<p>06/11/2003</p> <p>Jesse Gibson and W. J. Booth, both Surveyors to the Drapers' Company (the former from 1748-1828 and the latter from 1822-1854), have been credited with establishing the modern day plan form of Moneymore and for designing many of its finest buildings. The 'Common Barn' is situated on the fringes of the town and was built for the purposes of storing grain, hence its name. Thought by Curl to have been designed by Booth between 1840-1843, it is an impressive two-storey, symmetrical building, five bays long, with a twin staircase on the gable end, all built of cut limestone. It has had some modern modifications in the 20th century and is now partially derelict. While the building still remains in a deteriorating state, the building is in partial use through a children's boxing club and a tyre repair service, however the building on the upper floor has been issued with a notice advising that access is not permitted reiterating the fact that it is in need of attention and repair.</p> <p>Refs: Curl, J. S., Moneymore and Draperstown – The Architecture and Planning of the Estates of the Drapers' Company in Ulster, UAHS, 1979, p. 41</p>

HB09-07-022		09-07-001	12 Urbal Road Coagh Cookstown BT80 0DW	16/01/2009	<p>A remarkably intact terrace of four modestly sized dwellings built in the late-1920s, which appear to have retained most of their original features, although three are vacant and in need of maintenance. The simplicity of the materials used; the uniformity of the detailing; and the lack of modernisation makes the terrace a rare surviving example of housing from that era, particularly outside of the major urban settings. For those reasons, the houses were individually listed in 2008, but three are visibly deteriorating with signs of water penetration to the front elevation due to corroded rain water goods. The three properties have been boarded up for security reasons and the grounds to the back are overgrown. That being said, these houses are not beyond repair and could in fact be reused as residential properties close to the centre of Coagh.</p> <p>Refs: Monuments and Buildings Record</p>
HB09-07-023		09-07-002	14 Urbal Road Coagh Cookstown BT80 0DW	16/01/2009	<p>A remarkably intact terrace of four modestly sized dwellings built in the late-1920s, which appear to have retained most of their original features, although three are vacant and in need of maintenance. The simplicity of the materials used; the uniformity of the detailing; and the lack of modernisation makes the terrace a rare surviving example of housing from that era, particularly outside of the major urban settings. For those reasons, the houses were individually listed in 2008, but three are visibly deteriorating with signs of water penetration to the front elevation due to corroded rain water goods. The three properties have been boarded up for security reasons and the grounds to the back are overgrown. That being said, these houses are not beyond repair and could in fact be reused as residential properties close to the centre of Coagh.</p> <p>Refs: Monuments and Buildings Record</p>
HB09-07-024		09-07-003	16 Urbal Road Coagh Cookstown BT80 0DW	16/01/2009	<p>A remarkably intact terrace of four modestly sized dwellings built in the late-1920s, which appear to have retained most of their original features, although three are vacant and in need of maintenance. The simplicity of the materials used; the uniformity of the detailing; and the lack of modernisation makes the terrace a rare surviving example of housing from that era, particularly outside of the major urban settings. For those reasons, the houses were individually listed in 2008, but three are visibly deteriorating with signs of water</p>

					<p>penetration to the front elevation due to corroded rain water goods. The three properties have been boarded up for security reasons and the grounds to the back are overgrown. That being said, these houses are not beyond repair and could in fact be reused as residential properties close to the centre of Coagh.</p> <p>Refs: Monuments and Buildings Record</p>
HB09-08-019		09-08-001	Gate Lodge, Tievena House, 48 Knockanroe Road Dungannon Co Tyrone BT71 5LX	16/01/2009	<p>Referred to by Dean as the gate lodge to Artrea Rectory, this is a rather cute, single-storey, three-bay structure under a hipped roof with over-sailing eaves; now vacant and surrounded by vegetation. A centrally place gabled porch is supported on Doric pilasters and encloses a panelled door, whilst diagonally placed chimney pots crown the ridge of the naturally slated roof. The lodge is understood to have been built circa 1845 and is thought to have passed out of church ownership between the First and Second World Wars (the main house now being known as Tievena). It was listed grade B2 in August 2008.</p> <p>Refs: Dean, JAK (1994) The Gate Lodges of Ulster, Ulster Architectural Heritage Society, p.134 Monuments and Buildings Record</p>
HB09-13-004		09-13-001	Court House, 2-4 Chapel Street Cookstown Co Tyrone BT80 8QD	06/11/2003	<p>The Court House in Chapel Street was used until a number of years ago and, despite being in a relatively good condition, its recent vacancy raises several perennial questions facing historic buildings once they become redundant – what to do with them? Rowan was certainly not enthused by the building, describing it as “Decidedly odd and decidedly ugly. Its turn-of-the-century mannerisms – double sashes under single segment heads and big oversailing eaves – have not worn well”. Since that description was written, a number of inappropriate additions have been made; all reversible; all due to the historical security situation in Northern Ireland. In spite of this, it remains an important local historic building and it is hoped that a new sympathetic use can be found.</p> <p>Refs: Rowan, A., North West Ulster, Penguin, 1979, p. 217</p>



HB09-14-024 A		09-14-001	St Brigid's Convent and National School Convent Road Cookstown Co Tyrone BT80 8QA	17/02/2004	Situated opposite the former Court House (HB9/13/4) and next to the landmark Holy Trinity church (designed by J. J. McCarthy in the 1850s), is this important group of ecclesiastical buildings. Incorporating the old Convent and Convent National Schools, the most striking feature of the group is undoubtedly the new Chapel of the Annunciation, which is a square two-storey building, built in 1965 to the designs of Laurence McConville. It is prominently attached to the front elevation of the old Convent, a seven-bay, three-storey block of 1891. To the rear of this are the former National Schools from the same period, housed in a long, two-storey return. The buildings appear to be well-built and have a number of decorative features which enhances the whole composition. Although the new Chapel is still in use, both the old Convent and the National Schools are vacant and under threat of demolition.
HB13	TYR 058:012	13-02-003	Aghintain Castle	06/10/2008	<p>SMRNO: 058:012 Townland: AGHINTAIN Grid Ref: H49855151 County: TYRONE Statutory Protection: SCHEDULED</p> <p>AGHINTAIN CASTLE, AUGHENTAIN CASTLE</p> <p>Although only the west gable of Aghintain Castle stands to any height, it is sufficient to give a good impression of the scale of this three-storey structure, built by Sir William O'Neill in the early-17th century. Destroyed in the 1641 rebellion, it is perhaps surprising that so much of the historic fabric survives after almost 400 years of weathering and erosion. However, the stability of what remains gives some cause for concern and propping will probably be required. Until this is resolved it will remain 'at risk'.</p> <p>Refs: Northern Ireland Sites and Monuments Record Rowan A (1979) North West Ulster, Penguin, p.298</p>

HB13		13-04-002	Perry Street, Dungannon, County Tyrone	14/11/2003	<p>The guide for the Northland Conservation Area in Dungannon suggests: “Unlike Northland Row, Perry Street and Church Street were not planned but have evolved... The town centre has developed outwards from its earlier Market Square location, resulting in many changes of use from residential to retail... Some buildings still display original detailing but many are now scarred by inappropriate alterations.” Not only have inappropriate alterations affected the character of the street, but subsequent abandonment of several of the properties with the ensuing decay and vandalism led to its inclusion in Buildings at Risk, Vol. 6, p. 116. Here, it was suggested that the street could be an ideal candidate for a Townscape Heritage Initiative, similar to those in many other towns and villages in Northern Ireland. It has been recently sold and it is hoped that ongoing discussions might lead to such a proactive initiative taking shape. Until that time, the buildings of Perry Street will remain very much ‘at risk’.</p> <p>Refs: DOE (NI), Northland Conservation Area, 1994, p. 13</p>
HB13		13-10-007	Aghenis Castle Farm, Aughnacloy Road, Caledon	14/11/2003	<p>Thought possibly to have been part of the extensive Caledon estate, the Aghenis Castle Farm consists of an extensive range of enclosed limestone-built farm buildings, located just off the Aughnacloy Road, at the end of a rather attractive tree-lined avenue. Of an austere formal design, with a central projecting pediment, carriage arch and long flanking wings, it is most likely that they were constructed sometime in the late 18th or early 19th centuries and they are indicated on the O.S. map of the 1830s. The principal front building is two-storey with mullioned windows on either side of the central entranceway. It has two tall, slender chimney stacks rising from a pitched and slated roof, indicating that the rooms below must once have provided quite spartan living accommodation. The farm buildings within the walled enclosure that forms the other three sides of the complex are all now in a rather ruinous condition, but encouragingly, this front building still retains its roof structure. Although any proposed scheme for their rehabilitation and reuse would be of an ambitious nature, this complex offers some of the most exciting potential of any of the unlisted buildings at risk.</p>

HB13	TYR 060:016	13-12-004	Aghaloo	12/11/2007	<p>SMRNO: 060:016 Townland: ROUSKY Grid Ref: H66335493 County: TYRONE Statutory Protection: SCHEDULED</p> <p>AGHALOO</p> <p>The partial remains of a church said by Rowan to have still been in active use in 1679. It stands in a D-shaped graveyard, much altered, on a small hill north of the village of Aughnacloy. Only the east gable, with a large circular headed window opening, and parts of the north and south walls stand to any substantial height. Work appears to have been undertaken to the structure in the past, and the graveyard is well maintained. However, further, more informed, repairs are required, particularly around the precarious looking window opening.</p> <p>Refs: Rowan, A (1979) North West Ulster, Penguin, p.116</p>
HB13		13-20-005	National School (Adjacent to Convent of Mercy HB13/20/012) Northland Row, Dungannon	06/10/2014	<p>The two-storey 10-bay building is located to the right hand side of the historic Convent Primary School (HB 13/20/012) and is built in a similar style. On the opposite side of the road sits the historic Victorian and Georgian terraces of Northland Row. The building sits within the Northland Conservation Area, but remains unlisted and under threat of demolition. At present the surrounding site is under for car parking and the building remains vacant, in poor condition and under threat but demolition refused as it makes a material contribution to the Conservation Area.</p>
HB13/02/004		BARNI 13/02/006	Carleton's Cottage 13 Springtown Road Springtown Clogher Co. Tyrone BT77 0ES	01/02/2019	<p>A recently listed thatch under tin mud walled cottage. It is a detached, three-bay, single -storey former dwelling, pre-dating 1833 with a windbreaker entrance porch. It has been constructed from random rubble with lime render. Survey of the building indicates that the exposed straw thatched roof is laid on sods above rough hewn rafters, and tied with rope to roughly hewn purlins in the principal room - a feature which is deemed to be rare and of considerable interest. The</p>

					<p>mud walls have started to bulge to the rear of the building but it is hoped the owners will take action to stablise this before any loss occurs to the building.</p> <p>This house is reputed to have been one of the boyhood homes of the poet and novelist William Carleton (1794-1869), ‘The Irish Dickens’, whose best known work ‘Traits and Stories of the Irish Peasantry’ (1829, 1833) has been described as ‘a tableau of the life of the country people of the north of Ireland before the famines of the 1840s altered their pattern of existence forever’. A single storey, three-bay, lobby entry thatched house with harled and whitened stone walls. All of the detail including the thatched roof covering remains. The external finish, the entrance door, windows and internal doors have been retained or restored as original. The condition of the thatch is severely deteriorated, particularly beneath the chimney stacks. Due to failing thatch the water runoff is now running down the lime render causing water damage to the front facade. Repair of the thatch roof is eminent to the retention of the rest of the building's character.</p>
HB13/04/004		13/04/003	BELVILLE HOUSE GORTNAGLOUGH ROAD DUNGANNON CO.TYRONE BT71 5EE	14/06/2017	Belville House is a two storey, 3 bay, gabled house made of rubble stone. Much of the roof is made of local slate. The house has interesting timberwork as the first floor is supported by five irregular placed large transverse beams, which still show the carpenters numbering marks dating from c. 1675. Said to have once been the home of the Royal School before it moved and is of significant interest locally.
HB13-01-055		13-01-001	Cottage and outbuildings at 74 Alderwood Road, Fivemiletown	02/06/2008	A wonderfully complete, beautifully sited, and largely unaltered group of vernacular buildings arranged informally around a stone covered yard at the end of a long and narrow laneway in a very secluded rural spot. The main dwelling house is a simple single-storey direct entry structure with corrugated iron roof covering, containing only one small window to the front elevation and three to the rear. To the immediate front of the dwelling is a stone built byre, to the side a pig crew and to the rear another stone byre and larger

					corrugated iron hayshed. A rather tumbledown turf house completes the group.
HB13-02-018		13-02-005	47 MAIN ST. CLOGHER CO.TYRONE BT76 0AA	22/05/2017	A five bay house with a segmented fanlight above the door, decorative door case surround and tripartite window on the ground floor. The building is now vacant and showing signs of dilapidation.
HB13-02-025		13-02-001	former Poor Law Hospital, Tullybroom Road, Clogher	06/11/2003	<p>Gould, writing in <i>The Workhouses of Ulster</i>, explained how many of the workhouses designed by George Wilkinson were made up of three main constituent parts. At the front was a separate building known (rather unimaginatively) as 'the front building'. Behind this, at some distance, was what was referred to as 'the body of the house', which generally consisted of a long building of two and three storeys with a spine extension at right angles at the back. The infirmary building then completed the H plan of the main buildings of the workhouse which were, in turn, all surrounded by a high wall enclosing a complex of exercise yards. Rowan described the 1851 workhouse at Lisnaskea as "one of George Wilkinson's standard Elizabethan designs, unusually well preserved". It now consists of a five-bay, two-storey, gabled front building with a long two- and three-storey block to the rear. The infirmary building has been demolished. The front block is currently vacant and in a poor state of repair while the main body is only partially used and in need of restoration work. Encouragingly, a local playgroup is currently engaged with restoration proposals.</p> <p>Refs: UAHS, <i>The Workhouses of Ulster</i>, 1983, p. 7 Rowan, A., <i>North West Ulster</i>, Penguin, 1979, p. 360</p>
HB13-02-035		13-02-004	Outbuildings at Fardross House, 10 Fardross Road, Clogher, Co. Tyrone.	01/09/2014	Rural demesne dating from pre 1835, set in extensive parkland. The present house now forms part of the Belmore Estate but the listed outbuildings to the rear of the estate require extensive restoration due to their deteriorated condition. In recent years the coach house has been restored and converted into a cottage dwelling but the outbuildings require urgent roof works to prevent further deterioration and collapse. Until these works are carried out

					and the buildings' future secured, the outbuildings are deemed to be 'at risk'.
HB13-03-004		13-03-001	Favor Royal, Favour Royal Road Augher, Dungannon Co Tyrone BT77 OEW	06/11/2003	Favour Royal is a substantial Tudor revival style country house, designed in 1824 by John Hargrave (who designed Omagh Gaol in 1823 – HB11/09/004), and built for John Corry Moutray. It has been uninhabited for quite a number of years and first appeared as a building at risk in Buildings at Risk, Vol. 3, p. 91, after the household effects had been sold at auction. It was hoped that under new ownership a scheme of repair and extensive restoration of the house, large complex of outbuildings and the nearby one-and-a-half storey garden cottage, would have begun. This has not happened, and planning permission is again being sought for a hotel and golf course development.
HB13-03-008		13-03-002	Garden Cottage at Favor Royal House Favour Royal Road Augher Dungannon Co Tyrone BT77 OEW	06/11/2003	Undoubtedly, the main house will continue to deteriorate, given its already poor condition. Perhaps a greater cause for concern, however, is the romantic-style garden cottage. This quirky little building is particularly vulnerable to decay and was, at the time of sale, in a much more advanced state of dilapidation than the main house. Its nature is such that it would be a particular shame if it was to suffer further loss of original fabric and detail through natural deterioration.
HB13-03-018		13-03-004	Cleanally Corn Mill, Ballynasaggart, Ballygawley	28/07/2014	This historic group of buildings consists of a listed cornmill, adjacent stone outbuilding and dwelling on the opposite side of the road. Because of their current deteriorated condition and vacancy, all three merit addition to the buildings at risk register extensively due to their collective group value. The main listed building in the group is a two storey regular plan corn mill constructed of un-coursed rubble with ramp up to central doorway at first floor. The Waterwheel is still in place although overgrown with vegetation. This is one of five corn mills in the Parish of Ballygawley and the survival of this group of historic buildings merits inclusion on the register
HB13-03-038		13-03-003	13 Altadaven Road, Favour Royal, Augher	06/11/2003	Described in its listing record as “An interesting piece of estate architecture mixing vernacular with formal architectural detailing”, this building appears to have been somewhat overlooked in the discussions surrounding the fate of its former parent, Favour Royal (HB13/03/004). Hidden away on the Altadaven Road, it is close to Killycarnan House, a former building at risk which appeared in BAR Vol. 2, p. 77, but which has since been excellently restored. This solidly constructed building, although in a poor state of repair, could undoubtedly

					also be reused to provide comfortable, if small, living accommodation.  Refs: MBR
HB13-04-016		13-04-001	Lock House, Coalisland Canal, Derrytresk, Dungannon	06/11/2003	This is a simple, single-storey, two-bay lock-house of rubble stone and dressed quoins, in the manner of a vernacular cottage, located on the former Coalisland Canal, just off the M1 motorway. Currently vacant and boarded up, it is thought to date from the 1770s, when the canal system was constructed to facilitate the coalmining industry of east Tyrone. As such it is of great historical importance and well deserves sensitive reuse.
HB13-08-018		13-08-001	22 The Square, Moy	06/11/2003	A pair of boarded-up, late-18th century properties, in the centre of the Moy conservation area. They featured in Buildings at Risk, Vol. 4, p. 99, and are the only unoccupied terraced buildings in the historic core of the village.
HB13-08-018 A		13-08-002	23 The Square, Moy	06/11/2003	A pair of boarded-up, late-18th century properties, in the centre of the Moy conservation area. They featured in Buildings at Risk, Vol. 4, p. 99, and are the only unoccupied terraced buildings in the historic core of the village.
HB13-08-034		13-08-003	39 Charlemont Street, Moy	06/11/2003	This four-storey, stone-built former warehouse dominates the eastern entrance to the town and has only been in partial use since a fire in the 1970s. It is thought to have been built in stages between the mid-1830s and the 1860s and would have once served the Ulster canal. An entry in Buildings at Risk, Vol. 4, p. 109, first highlighted its ongoing predicament.
HB13-10-001		13-10-001	outbuildings, Bank Terrace, Caledon	06/11/2003	Forming part of a two-storey terrace of limestone-built outbuildings to the rear of Main Street, this quite substantial range would seemingly offer excellent potential for conversion to a range of uses. Although not in a particularly poor state of repair, save for a few slipped slates and the beginnings of overgrowth, they could do with some considered maintenance before a more comprehensive scheme of conversion.



HB13-10-041 B		13-10-003	Service section of Alexander House Main Street, Caledon Co Tyrone BT68 4TZ	06/11/2003	A rather forlorn two-storey building with decorative gablets, part of a complex of historic structures, and now functioning as a service wing to the adjacent Alexander House. Historically used as a constabulary barracks, its present roof structure is thought to have been added c. 1898, when a number of other changes were made, including the addition of a large rear return. It appeared in Buildings at Risk, Vol. 4, p. 101, and should hopefully be reused under the Caledon Townscape Heritage Initiative.  Refs: MBR
HB13-10-043 A		13-10-004	1 Mill Street Terrace, Caledon	06/11/2003	The beautiful terrace of one-and-a-half storey, multi-gabled and lattice-glazed, cottage style workers' dwellings on Mill Street was highlighted in Buildings at Risk, Vol. 1, p. 106. At that time, all but two of the properties were vacant. Times have changed, however, and while the remainder of the terrace has been sensitively restored, nos. 1 and 2, which were still inhabited in 1993, are vacant and at risk. Although much simpler in design than the cottage-style dwellings, they are attractive limestone properties with brick surrounds to openings. Two-storey in height, they sit adjacent to a substantial unlisted three-storey former mill building which is also in a derelict state.
HB13-10-043 B		13-10-005	2 Mill Street Terrace, Caledon	06/11/2003	The beautiful terrace of one-and-a-half storey, multi-gabled and lattice-glazed, cottage style workers' dwellings on Mill Street was highlighted in Buildings at Risk, Vol. 1, p. 106. At that time, all but two of the properties were vacant. Times have changed, however, and while the remainder of the terrace has been sensitively restored, nos. 1 and 2, which were still inhabited in 1993, are vacant and at risk. Although much simpler in design than the cottage-style dwellings, they are attractive limestone properties with brick surrounds to openings. Two-storey in height, they sit adjacent to a substantial unlisted three-storey former mill building which is also in a derelict state.
HB13-10-069		13-10-010	Minterburn (old) Primary School, 142 Minterburn  Road, Caledon	02/06/2008	The hamlet of Minterburn lies approximately 3 miles north-north-east of the historic village of Caledon and consists of a small number of dwellings clustered around the Presbyterian Church and old primary school opposite, both built in the 19th century. The latter, a single storey building with a hipped roof and a large centrally placed gabled porch, now appears to be unused and poorly maintained with several broken window panes. It ceased use as a

					school some time ago and a new school building sits adjacent, although this is to close in the summer of 2008. A stone building of generous proportions, it has a strong architectural presence and forms part of an important historic group together with the church and graveyard. Refs: Monuments and Buildings Record
HB13-11-002		13-11-003	OLD MILL BUILDINGS, BENBURB CO. TYRONE	05/06/2007	A fairly substantial and picturesquely sited pair of rubble stone former corn mill buildings, strategically located at a bend in the River Blackwater. Given the close proximity to the river, and the Ulster Canal, this was historically an area of great importance to industry. However, with the changing fortunes many of the older buildings and structures that were once employed for production are now largely abandoned, particularly former mill buildings. Their future will be dependent on finding new uses, such as for tourism, and the examples of Dyan (HB13/10/075), Annalong (HB16/01/011) and Ballydugan (HB18/20/055) mills might provide inspiration for these structures in Benburb.
HB13-11-041		13-11-002	gate lodge, Tullydowey House, 49 Tullylearn Road, Blackwatertown	06/11/2003	This picturesque one-and-a-half storey lodge remains at risk. Now that the future of the main house is certain, there is renewed hope that the lodge may be restored in time. Built in 1793 and described by Dean as "a lodge unique in its precocity being of a date when the newfangled Picturesque cottage style was still a novelty in England", it certainly provides a lively welcome at the foot of the main avenue.  Refs: Dean, J.A.K., The Gate Lodges of Ulster, UAHS, 1994, p. 150
HB13-12-044		13-12-001	Level-Crossing Keeper's House, Tullyvar Td, Aughnacloy	06/11/2003	McCutcheon suggests that there were 19 level crossings in total along the defunct Clogher Valley Railway line, which ran between Tynan in County Armagh and Maguiresbridge in County Fermanagh. They were built to provide a measure of public safety where the railway line crossed public roads. Most were tended by crossing keepers who sometimes lived in adjoining company houses. These houses were described briefly by McCutcheon as usually being "...of two storeys, generally built to a simple two-up and two-down standard rectangular design, in roughly dressed whinstone blocks, with brick facings on doors and windows and a small slate-roofed porch facing the line". No longer

					<p>required for their original purpose, the two picturesque crossing keepers' houses are now vacant and included as buildings at risk.</p> <p>Refs: McCutcheon, W.A., The Industrial Archaeology of Northern Ireland, HMSO, 1980, p. 184</p>
HB13-12-045		13-12-003	Level-Crossing Keeper's House, Glencrew Td, Aughnacloy	06/11/2003	<p>McCutcheon suggests that there were 19 level crossings in total along the defunct Clogher Valley Railway line, which ran between Tynan in County Armagh and Maguiresbridge in County Fermanagh. They were built to provide a measure of public safety where the railway line crossed public roads. Most were tended by crossing keepers who sometimes lived in adjoining company houses. These houses were described briefly by McCutcheon as usually being "...of two storeys, generally built to a simple two-up and two-down standard rectangular design, in roughly dressed whinstone blocks, with brick facings on doors and windows and a small slate-roofed porch facing the line". No longer required for their original purpose, the two picturesque crossing keepers' houses are now vacant and included as buildings at risk.</p> <p>Refs: McCutcheon, W.A., The Industrial Archaeology of Northern Ireland, HMSO, 1980, p. 184</p>
HB13-13-004		13-13-001	Pavillion, Parkanaur House, Castlecaulfield, Co. Tyrone	28/07/2014	<p>High masonry pavilion of Scottish Baronial detailing set within the walled garden - originally the kitchen garden, of Parkanaur Manor estate, The structure is a prominent structure viewed from the road when entering the estate and an intrinsic element in the quality of the demesne and setting of the Tudor Gothic style country house. The walled garden is now in use as a garden centre and this structure is used as a fruit store despite its shell state.</p>
HB13-15-002		13-15-007	DISUSED AQUEDUCT DRUMREAGH OTRA/FARLOUGH DUNGANNON CO.TYRONE	22/05/2017	<p>Between 1732 and 1755 the commissioners of Inland Navigation for Ireland constructed a 4.5 mile canal from the River Blackwater to Coalisland, to facilitate the carriage of coal from Drumglass Colliery to Dublin via Lough Neagh and the Newry Canal. Ducart's small 'tub boat' canal was completed in 1777 but was abandoned by 1787. These structures are very important for the industrial past of the area, particularly as they were the earliest of such</p>

					inclines in the British Isles. The are now suffering from neglect and poor maintenance. Refs: McCutcheon, W. A. (1965) The Canals of the North of Ireland; McIlvenna, T. (2005) This Wonder-Working Canal, A History of the Tyrone Navigation.
HB13-15-005		13-15-006	DRY HURRY (OR WHERRY) DRUMREAGH ETRA CO.TYRONE	22/05/2017	Between 1732 and 1755 the commissioners of Inland Navigation for Ireland constructed a 4.5 mile canal from the River Blackwater to Coalisland, to facilitate the carriage of coal from Drumglass Colliery to Dublin via Lough Neagh and the Newry Canal. Ducart's small 'tub boat' canal was completed in 1777 but was abandoned by 1787. These structures are very important for the industrial past of the area, particularly as they were the earliest of such inclines in the British Isles. The are now suffering from neglect and poor maintenance. Refs: McCutcheon, W. A. (1965) The Canals of the North of Ireland; McIlvenna, T. (2005) This Wonder-Working Canal, A History of the Tyrone Navigation.
HB13-15-016		13-15-003	East Gate Lodge St Joseph's Convent, Donaghmore	30/09/2010	Though gate lodges are still relatively common throughout the countryside, early 19th century versions, such as this, are relatively scarce. This particular example also has the rare distinction (in a lodge of any era) of containing a 'basement' level, and is also distinguished by its fine cut-stone classical frontage complete with memorably squat Ionic pilasters and substantial entablature. One might expect a building such as this to have been associated with a large classical mansion, but in fact was built for a 2-storey thatched dwelling of more modest dimensions. Unfortunately, the site of both the lodge and the c.1840s classical mansion it went on to serve have been compromised somewhat in recent years. However both buildings have survived in much of their original form and together form a pair of local importance.

HB13-15-032		13-15-005	THE DRY WHERRY BALLYMENAGH DUNGANNON CO.TYRONE	22/05/2017	Between 1732 and 1755 the commissioners of Inland Navigation for Ireland constructed a 4.5 mile canal from the River Blackwater to Coalisland, to facilitate the carriage of coal from Drumglass Colliery to Dublin via Lough Neagh and the Newry Canal. Ducart's small 'tub boat' canal was completed in 1777 but was abandoned by 1787. These structures are very important for the industrial past of the area, particularly as they were the earliest of such inclines in the British Isles. The are now suffering from neglect and poor maintenance. Refs: McCutcheon, W. A. (1965) The Canals of the North of Ireland; McIlvenna, T. (2005) This Wonder-Working Canal, A History of the Tyrone Navigation.
HB13-16-003		13-16-001	Ranfurly Park Farm (now Manor Court nursing home) Moygashel Dungannon Co. Tyrone	28/07/2014	Pre 1833 Court surrounded by a two-storey range of office and store dwellings. This listed building complex sits in a prominent location overlooking the Dungannon lakes. It is now redundant (having been the manor car home for many years) and now finds itself vacant and in need of a new use.
HB13-17-003		13-17-001	Drumglass House, Killybrackey, Dungannon	19/03/2004	This is a substantial, stuccoed, mid-19th century property, two-storey on basement, with a large range of outbuildings to the rear. Originally a gentleman's residence, it was last used as a hospital, but is now vacant and boarded up. Situated just off the Coalisland Road, its front elevation is now partially obscured by the low-rise buildings of the modern day clinical complex, built on what must once have been the front gardens of the original building. Nonetheless, it is an imposing structure, full of potential.
HB13-17-006		13-17-002	Strathmullen House, 56 Killymeal road, Dungannon	14/03/2014	Built circa 1890, this two-storey cross gabled house is stone built at ground level and brick above showing a strong 'Arts and Crafts' influence. The building has been vacant for some time and has unfortunately been a victim of vandalism and arson in recent months. MBR

HB13-18-003		13-18-001	THE TYRONE COURIER BUILDING 1 SAVINGS BANK ST. DUNGANNON CO.TYRONE	10/08/2004	Described in the UAHS list as having “a certain Russian and spa-architecture flavour”, this listed building was last used by a local newspaper but was originally a court house. Thought to date from the late 18th century, it has an imposing five-bay front elevation and a central pedimented projection. The side and rear elevations are much less impressive, with a jumble of buildings enclosed behind a high, brick and stone built wall. It is now vacant and was recently sold as commercial premises “in need of refurbishment”.  Refs: UAHS, Dungannon & Cookstown, 1971, p. 11
HB13-20-004 I		13-20-006	44 NORTHLAND ROW DUNGANNON CO.TYRONE	19/01/2019	44 Northland Row sits as part of the classical portions of the Georgian Terrace, two thirds of the distance along Northland Row, to Howard Street. Two and a half storeys high, in a Gothic revival style and built in ashlar sandstone, the terrace has a high degree of ornamentation and differentiation that contrasts with the Georgian portion of the terrace. This building highlights the need for maintenance and securing of premises.
HB13-20-010		13-20-001	former RUC Station, 25 Market Square, Dungannon	06/11/2003	One of two former Royal Irish Constabulary barracks to be included as buildings at risk (the other being in Newtownards – HB24/13/079), this building is undoubtedly the more interesting visual spectacle of the two. First featured in Buildings at Risk, Vol. 2, p. 78, it has been described by the UAHS as a “Forbidding Scottish-Baronial-style fortress”. Built in 1871 and designed by James H. Owen, it was intended to give a clear indication of the resolve of the authorities to prevent trouble. The building is four-storeys in height plus attic, built of squared rubble and displaying the typical features of Scottish-Baronial architecture with the familiar crow-stepped gables finishing the steeply pitched roofs. It is the most striking feature of the Market Square, which it dominates from on high. Together with the adjoining former Northern Bank, by W.H. Lynn, they form arguably the most important architectural group in the town. That such an important building in a prominent position should find itself in its current situation is disappointing.

					Refs: UAHS, Dungannon & Cookstown, 1971, p. 8
HB13-20-023		13-20-004	Killymeal House, Killymeal Road, Dungannon	16/01/2009	<p>An attractive five-bay, two-storey Georgian house on basement, with single-storey flanking wings, associated outbuildings and grounds; all occupying a commanding position close to the centre of Dungannon. Until recently the site was under the control of the Ministry of Defence but has recently been sold following closure of the army base. The house is now boarded up and surrounded by high fencing, undoubtedly to deter vandals. The Ulster Architectural Heritage Society list of 1971 in Dungannon noted that the grounds provided a good example of a 'designed landscape'. Unfortunately, this is no longer the case and future proposals for the whole site will be watched with some interest.</p> <p>Refs: Oram, RW and Rankin, PJ (1971) Dungannon &amp; Cookstown, Ulster Architectural Heritage Society, p.20</p>
				<b>Total:</b>	<b>63</b>



## Buildings removed from the Heritage at Risk Register

BHARNI Reference	Address	Date Added	Date Removed	Description
08-01-003	14 Gortinure Road, Maghera	02/05/2014	06/08/2014	<p><b>**Now reused**</b> A relatively large, single-storey, three-bay, direct entry, vernacular thatched house containing some unusual features. The building is likely to date from the early part of the 18th century. Many features are of particular interest - intact thatched roof under a tin covering, the ground floor plan form with recesses for storage, the scullery shelf made from a stone slab, surviving historical plaster, and the corbelled top to the (now removed) wickerwork chimney. The building is a rare example of a large tenant farmers house largely unextended from its original construction.</p> <p>It was identified as a building at risk in 2014 due to its partially ruinous state. However, the building's architectural and historic interest was recognised at it was sympathetically restored by a private owner, who also reinstated the thatch. The restoration project was made possible thanks to the project successfully securing a £28,465 Historic Building Grant from NIEA (now HED).</p> <p>This building demonstrates the potential for vernacular thatch buildings to be protected and restored without sacrificing modern comforts.</p>
08-02-001	6 Boyne Row, Upperlands	14/11/2003	10/08/2009	<p><b>**Now reused**</b> Many of the remaining remnants of Ulster's one-time industrial expansion are featured as buildings at risk, including several of the humble workers' houses in Upperlands. Nos. 6, 7, 8, 12 and 22, Boyne Row, form part of three consecutive terraces, set on high ground, overlooking one of the last functioning beetling mills in Ulster. Each two-storey, two-bay and built of basalt with brick surrounds and gabled centres. These buildings have since been repaired as family homes.</p>
08-02-002	7 Boyne Row, Upperlands	14/11/2003	28/10/2005	<p><b>**Now reused**</b> Many of the remaining remnants of Ulster's one-time industrial expansion are featured as buildings at risk, including several of the humble workers' houses in Upperlands. Nos. 6, 7, 8, 12 and 22, Boyne Row, form part of three consecutive terraces, set on high ground,</p>

				overlooking one of the last functioning beetling mills in Ulster. Each two-storey, two-bay and built of basalt with brick surrounds and gabled centres. These buildings have since been repaired as family homes.
08-02-003	8 Boyne Row, Upperlands	14/11/2003	10/08/2009	<b>**Now reused**</b> Many of the remaining remnants of Ulster's one-time industrial expansion are featured as buildings at risk, including several of the humble workers' houses in Upperlands. Nos. 6, 7, 8, 12 and 22, Boyne Row, form part of three consecutive terraces, set on high ground, overlooking one of the last functioning beetling mills in Ulster. Each two-storey, two-bay and built of basalt with brick surrounds and gabled centres. These buildings have since been repaired as family homes.
08-02-004	12 Boyne Row, Upperlands	14/11/2003	28/10/2005	<b>**Now reused**</b> Many of the remaining remnants of Ulster's one-time industrial expansion are featured as buildings at risk, including several of the humble workers' houses in Upperlands. Nos. 6, 7, 8, 12 and 22, Boyne Row, form part of three consecutive terraces, set on high ground, overlooking one of the last functioning beetling mills in Ulster. Each two-storey, two-bay and built of basalt with brick surrounds and gabled centres. These buildings have since been repaired as family homes.
08-02-005	22 Boyne Row, Upperlands	14/11/2003	28/10/2005	<b>**Now reused**</b> Many of the remaining remnants of Ulster's one-time industrial expansion are featured as buildings at risk, including several of the humble workers' houses in Upperlands. 22 Boyne Row, forms part of a small consecutive terraces, set on high ground, overlooking one of the last functioning beetling mills in Ulster. Unlike the majority of the terrace no. 22 and surrounding premises are built from brick and not basalt. However the form and size of the buildings are of similar dimensions. This building has been repaired and reused as a family home.
09-02-002	Old Court House, 62 Main Street, Pomeroy, BT70 2QH	16/01/2009	02/05/2014	<b>**Now reused**</b> A small four-bay former market house built in the 1880s, sited at the southern corner of the Diamond, in the centre of the County Tyrone village of Pomeroy. Its front elevation is roughcast and painted whilst the coursed stone and brick walls are visible on the other elevations. Although the principal use of the building has clearly changed several times, and it is currently in a poor state of repair, its essential form and character remain intact and could well be restored. A planning

				<p>application proposing demolition was refused in 2006 and the building was subsequently listed by NIEA in August 2008. Hopefully, a more appropriate re-use scheme can now be progressed.</p> <p>Refs: Monuments and Buildings Record</p>
09-03-001	Lissan House Drumgrass Road Cookstown BT80 9SW	06/11/2003	21/10/2011	<p><b>**Now reused**</b> Lissan House, built in 1628 for Sir Robert Staples, is perhaps one of the more famous buildings at risk. The house drew widespread attention when it was a runner up in BBC's 'Restoration' programme in 2003. At this time the house was in need of substantial repairs and restoration work.</p> <p>The present building is an impressive three-storey, nine-bay structure with a massive porte-cochère occupying the four central bays at ground floor level. An octagonal drawing room overlooking the river was added to the original house about 1800, and both the porte-cochère and the clock tower to the rear were added around 1870. Located in an extremely picturesque setting, the buzz of activity that there must once have been when the house was fully inhabited has given way to a slow and painful decline in fortunes.</p> <p>Up until 2006, it had the longest occupation by a single family of a domestic dwelling. After the death of descendant Hazel Dolling in 2006, it was up to the charitable trust, set up by Dolling in 1997, to continue the restoration. The Lissan House Trust have been responsible for securing funding for its restoration. Following extensive restoration, Lissan House opened its doors in the Spring of 2012 to reveal original interiors with modern facilities. Further funding is sought to complete the full restoration of Lissan House and its outbuildings for reuse as a retreat for artists, with workshops, gallery space and craft units all intended for the site.</p>

09-06-001	5-7 High Street Moneymore Magherafelt Co Londonderry BT45 7PB	06/11/2003	13/01/2006	<p><b>**Now reused**</b> When Booth succeeded Gibson as Surveyor for the Drapers' Company (see HB9/6/022) the town of Moneymore had slipped into a state of dereliction. Curl noted some of the comments from Booth's initial report on the state of Moneymore, and of the local inn in particular, "Partition's had settled, rot had to be removed, new battens and plastering had to be applied. All walls and ceilings had to be stopped and whitened. Paper had to be applied to the walls. New marble fireplaces were to be supplied and fixed, and all woodwork was to be painted twice in oil...The Market House next to the inn was in a similar unfinished state." The Market House referred to by Booth was, of course, the old Market House, built in 1819, and which featured in BAR Vol. 4, p.90. Thankfully it is no longer at risk, as is the case with several of the other prominent buildings in the town that were once considered 'at risk' (HB/9/6/14 A - Manor House, BAR Vol. 2, p.64). Several constituent parts of the New Market House, which superseded the old one in 1838, are still in want of new uses. The excellent corn stores to the rear - first featured in BAR Vol. 1, p.93 - still offer great opportunities for creative re-use. Similarly, no. 5 High Street to the front (HB9/6/4 B) and nos. 3 and 5 Market Street (HB9/6/4 F, G), to the side of this limestone complex are also no longer in use. No. 5 High Street, currently for sale as a potentially excellent investment opportunity, forms part of the front elevation described by Rowan as "...a solemn, austere detailed three-storey block".</p> <p>Refs: Curl, J. S., Moneymore and Draperstown – The Architecture and Planning of the Estates of the Drapers' Company in Ulster, UAHS, 1979, p. 45 Rowan, A., North West Ulster, Penguin, 1979, p. 425</p>
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09-06-002	3 Market Street Moneymore Magherafelt Co Londonderry BT45 7PE	06/11/2003	13/01/2006	<p><b>**Now reused**</b> When Booth succeeded Gibson as Surveyor for the Drapers' Company (see HB9/6/022) the town of Moneymore had slipped into a state of dereliction. Curl noted some of the comments from Booth's initial report on the state of Moneymore, and of the local inn in particular, "Partition's had settled, rot had to be removed, new battens and plastering had to be applied. All walls and ceilings had to be stopped and whitened. Paper had to be applied to the walls. New marble fireplaces were to be supplied and fixed, and all woodwork was to be painted twice in oil...The Market House next to the inn was in a similar unfinished state." The Market House referred to by Booth was, of course, the old Market House, built in 1819, and which featured in BAR Vol. 4, p.90. Thankfully it is no longer at risk, as is the case with several of the other prominent buildings in the town that were once considered 'at risk' (HB/9/6/14 A - Manor House, BAR Vol. 2, p.64). But several constituent parts of the New Market House, which superseded the old one in 1838, are still in want of new uses. The excellent corn stores to the rear - first featured in BAR Vol. 1, p.93 - still offer great opportunities for creative re-use. Similarly, no. 5 High Street to the front (HB9/6/4 B) and nos. 3 and 5 Market Street (HB9/6/4 F, G), to the side of this limestone complex are also no longer in use. No. 5 High Street, currently for sale as a potentially excellent investment opportunity, forms part of the front elevation described by Rowan as "...a solemn, austere detailed three-storey block".</p> <p>Refs: Curl J. S., 'Moneymore and Draperstown – The Architecture and Planning of the Estates of the Drapers' Company in Ulster', U.A.H.S., 1979, p.45 Rowan A., 'North West Ulster', Penguin, 1979, p.425</p>
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09-06-003	5 Market Street Moneymore Magherafelt Co Londonderry BT45 7PE	06/11/2003	13/01/2006	<p><b>**Now reused**</b> When Booth succeeded Gibson as Surveyor for the Drapers' Company (see HB9/6/022) the town of Moneymore had slipped into a state of dereliction. Curl noted some of the comments from Booth's initial report on the state of Moneymore, and of the local inn in particular, "Partition's had settled, rot had to be removed, new battens and plastering had to be applied. All walls and ceilings had to be stopped and whitened. Paper had to be applied to the walls. New marble fireplaces were to be supplied and fixed, and all woodwork was to be painted twice in oil...The Market House next to the inn was in a similar unfinished state." The Market House referred to by Booth was, of course, the old Market House, built in 1819, and which featured in BAR Vol. 4, p.90. Thankfully it is no longer at risk, as is the case with several of the other prominent buildings in the town that were once considered 'at risk' (HB/9/6/14 A - Manor House, BAR Vol. 2, p.64). But several constituent parts of the New Market House, which superseded the old one in 1838, are still in want of new uses. The excellent corn stores to the rear - first featured in BAR Vol. 1, p.93 - still offer great opportunities for creative re-use. Similarly, no. 5 High Street to the front (HB9/6/4 B) and nos. 3 and 5 Market Street (HB9/6/4 F, G), to the side of this limestone complex are also no longer in use. No. 5 High Street, currently for sale as a potentially excellent investment opportunity, forms part of the front elevation described by Rowan as "...a solemn, austere detailed three-storey block".</p> <p>Refs: Curl J. S., 'Moneymore and Draperstown – The Architecture and Planning of the Estates of the Drapers' Company in Ulster', U.A.H.S., 1979, p.45 Rowan A., 'North West Ulster', Penguin, 1979, p.425</p>
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09-06-004	Corn Store, 11 Market Street Moneymore Magherafelt Co Londonderry BT45 7PE	06/11/2003	14/04/2005	<p><b>**Now reused**</b> When Booth succeeded Gibson as Surveyor for the Drapers' Company (see HB9/6/022) the town of Moneymore had slipped into a state of dereliction. Curl noted some of the comments from Booth's initial report on the state of Moneymore, and of the local inn in particular, "Partition's had settled, rot had to be removed, new battens and plastering had to be applied. All walls and ceilings had to be stopped and whitened. Paper had to be applied to the walls. New marble fireplaces were to be supplied and fixed, and all woodwork was to be painted twice in oil...The Market House next to the inn was in a similar unfinished state." The Market House referred to by Booth was, of course, the old Market House, built in 1819, and which featured in BAR Vol. 4, p.90. Thankfully it is no longer at risk, as is the case with several of the other prominent buildings in the town that were once considered 'at risk' (HB/9/6/14 A - Manor House, BAR Vol. 2, p.64). But several constituent parts of the New Market House, which superseded the old one in 1838, are still in want of new uses. The excellent corn stores to the rear - first featured in BAR Vol. 1, p.93 - still offer great opportunities for creative re-use. Similarly, no. 5 High Street to the front (HB9/6/4 B) and nos. 3 and 5 Market Street (HB9/6/4 F, G), to the side of this limestone complex are also no longer in use. No. 5 High Street, currently for sale as a potentially excellent investment opportunity, forms part of the front elevation described by Rowan as "...a solemn, austere detailed three-storey block".</p> <p>Refs: Curl J. S., 'Moneymore and Draperstown – The Architecture and Planning of the Estates of the Drapers' Company in Ulster', U.A.H.S., 1979, p.45 Rowan A., 'North West Ulster', Penguin, 1979, p.425</p>
09-14-003	7 Loy Street Cookstown	14/03/2014	22/05/2017	<p><b>** This building has been repaired**</b> This is a terraced three-storey rendered house (middle house in the photograph), built c.1870. It is a well-proportioned example of a mid-Victorian terrace. The building survives in an unaltered condition and is significant in this part of the town as an example of the larger Victorian properties that began to</p>



				appear as Cookstown rose in stature as a commercial centre. When viewed with the adjacent matching terraced buildings (HB09/14/007A&C), it has group value and character.
	9 Loy Street Cookstown (missing entry re-added)	14/03/2014	31/03/2014	<b>**PLEASE NOTE THIS BUILDING IS NOW SAFE**</b> This is an end of terrace three-storey rendered house, built c.1870. It is a well-proportioned example of a mid-Victorian terrace. Larger in scale than any of the modest surrounding two-storey houses, it has a prominent appearance. The building survives in an unaltered condition and is significant in this part of the town as an example of the larger Victorian properties that began to appear as Cookstown rose in stature as a commercial centre. When viewed with the adjacent matching terraced buildings (HB09/14/007A&B), it has group value and character. Works are ongoing at this property and it is hoped its future will be secured in the near future.
13-02-002	gate lodge at Daisyhill House, 13 Findermore Rd., Clogher	06/11/2003	04/03/2013	<b>**Now reused**</b> The listing record for this pretty single-storey, two-bay former dwelling rightly considers gate lodges to be "a threatened species", further adding that "very few remain in such an original state [as this example]". Adjacent to an attractive pair of wrought iron carriage gates and masonry piers, the lodge is now in a poor state of repair, although not beyond reuse. Sympathetic extension of the building, exploiting the small piece of ground to the rear, could perhaps ensure its long-term survival by providing useable space for residential or other uses. Refs: MBR
13-06-001	First Trust Bank, 1-3 Dungannon Road, Coalisland, Co Tyrone	06/02/2008	05/05/2009	<b>**Now reused**</b> A former bank building of tremendous townscape importance sited at the convergence of two major routes into the town of Coalisland. Two-storey, three-bay it has an almost symmetrical front façade with ground floor canted bays and centrally placed projecting cube porch. Various additions and accretions have been added to the side and rear. A new bank building has been built near by and this listed structure remains vacant.

13-10-002	Court House, Main Street, Caledon	06/11/2003	13/01/2006	<p><b>**Now reused**</b> “Remarkable events: none”. How different Lieutenant C. Bailey words would now be, were he to stumble upon the improvements soon to be happening in the village of Caledon. Central to these is of course the Court House on the main street. Vacant for some decades it appeared in the very first BAR Catalogue, p. 112, where hope was expressed that “this rather forlorn period in the building’s history may be coming to a close”. The Court House is soon to be restored as part of a Townscape Heritage Initiative in the town, funded substantially by the Heritage Lottery Fund.</p> <p>Refs: O.S. Memoirs of Ireland, ‘Parishes of County Tyrone II’, Vol. 20, p. 5</p>
13-10-006	17 Annaghroe Road, Caledon	06/11/2003	23/01/2012	<p>Dean considers the possibility that the well-known Newry architect, Thomas Duff, was responsible for a “host of estate workers cottages peppered about the [Caledon] estate...all in the new Picturesque English Cottage Style”, after he had taken over work at Caledon House in the 1820s. No. 17 Annaghroe Road may be one such property, although it does not boast the sort of picturesque elements that several of the other derelict cottages on the road still possess. Formerly comprising a one-and-a-half-storey pair, it was occupied as a single dwelling until a number of years ago, and is therefore in better condition than many of the other cottages. It is now vacant and its undoubted character and potential should enable it to be put to new and productive use.</p> <p>Refs: Dean, J.A.K., The Gate Lodges of Ulster, UAHS, 1994, pp. 138-139</p>
13-10-009	Engine house and steam engine Mill Street Caledon Co Tyrone BT68 4TT	07/08/2007	20/08/2013	<p>SMRNO: 067:500 Townland: CALEDON Grid Ref: H75814521 County: TYRONE Statutory Protection: SCHEDULED <b>**Now restored**</b></p> <p>Early 19th-century beam engine, engine house and chimney base</p>

				An early-19th century beam engine and engine house, one of only eight still surviving in Ireland and reputed to be the earliest. The site is fenced off and both the building and the machinery appear to be in a very poor state of repair. Urgent action is required if further deterioration is to be prevented.
13-11-001	57 Main Street, Benburb	06/11/2003	14/04/2005	The historic village of Benburb in County Tyrone has appeared only twice since the buildings at risk campaign first began, and both buildings (the gate lodge to the Servite Priory and the lockhouse on the Blackwater navigation system - HB15/12/4), have been subsequently restored. Now, another extremely attractive little building is in need of the same sort of caring attention. The end property of a wonderfully simple and uniform mid-19th century, single-storey group, no. 57 Main Street is a three-bay building with a centrally-placed gablet, containing a decorative bargeboard with finial, over a simple sheeted entrance door. The walls are harled and windows are traditional 6/6 sliding sashes. All of the other properties in the group, which is divided into two small terraces, have recently been given a fresh coat of white paint to the outer walls and bright red to the external timberwork, thus creating a lively effect. Although generally appearing to be in a fair condition externally, the longer that it remains vacant, the more vulnerable it will be to deterioration. Nos. 45-55, which make up the remainder of this group, were restored in the mid-1980s with advice from Hearth, a Revolving-Fund Trust and a Housing Association.
13-14-001	former Kerrib National School, Pomeroy Road, Dungannon	06/11/2003	15/03/2013	This is a compact single-storey, four-bay, dressed-stone built former school with a simple natural slated pitched roof and small brick chimney stack. It appeared in Buildings at Risk, Vol. 2, p. 74. Although an extremely sturdy building, well constructed, perched on high above a road and with no obvious signs of major deterioration, inevitably if it is to find a new use some form of modernisation will be required, particularly to bring in modern services. Sympathetic extension may also be necessary to make any adaptive re-use project economically viable. The first survey record noted: "Until 'rationalization' of primary education, small schools like this were a common feature throughout the countryside. Few now remain

				and most that do have been mutilated out of all recognition". Like those at Tandragee (HB15/04/025), Cranny (HB08/12/007) and Maddan (HB15/14/012), this little structure remains relatively unaltered, and offers great potential for sympathetic reuse. Refs: MBR
13-15-001	Laurel View Villa, Main Street, Donaghmore	06/11/2003	12/01/2007	"In order to halt the decay of this listed building, an urgent scheme of holding repairs needs to be implemented immediately. If the present owner is unable to carry this out, the Society [Ulster Architectural Heritage Society] would wish to see that the building is offered for sale or lease, in order that its future be assured". This was written some 8 years ago in Buildings at Risk, Vol. 2, p. 76, when this former Brewer's House, first appeared as a building at risk. Described in the first survey record of listed buildings as being "...a two-storey dwelling on the main street with projecting porch flanked by single-storey canted bays, simple Georgian detail throughout...", the property has since changed hands and a reuse scheme has been proposed. It remains an extremely important building for the town of Donaghmore, given its close connection to the now demolished brewery, as well as its highly prominent position at the entrance to the town. Refs: MBR
13-20-003	6-8 Killyman Road, Dungannon	06/11/2003	25/03/2016	An extremely attractive three-storey, five-bay pair of townhouses with a central carriage arch and large range of outbuildings to the rear. It is located on the periphery of the Northland Conservation Area, and immediately adjoining the sacristan's house to St. Patrick's Roman Catholic Church (by J. J. and C. J. McCarthy), the spire of which towers over the properties. They are constructed of coursed rubble with dressed quoins and lintels and have a natural slated roof, brick archway and attractive brick chimney stacks at either gable. The coach houses and stabling to the rear are in particular need of attention and are increasingly being smothered by rampant greenery. A substantial amount of money has been invested in the centre of the town in recent times and areas such as Northland Road have benefited greatly, while Perry Street,

				<p>just around the corner, still awaits attention. Encouragingly, the owner of this property is understood to be actively pursuing a number of funding options.</p> <p>Refs: UAHS, Dungannon &amp; Cookstown, 1971, p. 20</p>
08-09-001	(Thatched) Dwelling, 28 Deerpark Road, Bellaghy, Magherafelt	11/12/2013	13/06/2018	<p>Thought to be built c. 1820 this vernacular cottage is a one and a half storey, four bay direct entry thatched house with harled and whitened stone walls. The appearance from the front is unchanged including early style small-paned sash windows. The layout has been altered a little, as has the detailing but the basic intention of the builders remains clear. Internally retention of features such as the kitchen fireplace, although modified, plank doors and the upper rooms is important. The roof is thatched with flax between cement skews and there are four chimneystacks with narrow projections set midway between the level of the ridge and the top. The outbuildings have walls similar to the dwelling and having corrugated iron roof finish on timber rafters. There are three Ulster pillars and two traditional wrought iron blacksmith made gates, one a farm gate and the other a garden gate. The listing includes the house, outbuildings, walling, gate pillars and gates. The property would make a delightful, unique dwelling. The current owners had considered a scheme for reuse but no work has been implemented and the house continues to deteriorate.</p>
			<b>Total:</b>	<b>24</b>