



01 September 2020

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 01 September 2020 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Anthony Tohill
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

4. Receive Planning Applications 7 - 222

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/0299/F	Additional free range poultry shed with 2 feed bins, storage shed and associated site works at 150m S of 25 Coolmaghery Road, Dungannon, for Mr Gary Watt.	APPROVE
4.2.	LA09/2019/0612/F	Retention of store extension, first floor accommodation to existing super market and additional car parking at 243 Derryfubble Road Benburb Dungannon, for Brendan	APPROVE

		McAnallen.	
4.3.	LA09/2019/0940/F	2no 2 storey dwellings, 67 Castlecaulfield Road, Donaghmore, Dungannon for GP Developments Ltd.	REFUSE
4.4.	LA09/2019/1027/F	Petrol filling station (8 No pumps), underground storage tanks; ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works at lands 80m SE of 100 Coleraine Road, Maghera, for Specialist Joinery Group	APPROVE
4.5.	LA09/2019/1373/O	Dwelling and garage 55m E of 32a Mulnavoo Road, Moneyneany Road, Draperstown for Michael Bradley Esq.	REFUSE
4.6.	LA09/2019/1432/O	Site for dwelling and garage at 100m NW of 84 Loup Road, Moneymore, for Mr Michael O'Boyle.	REFUSE
4.7.	LA09/2019/1484/O	Site for dwelling at 50m E of 91 Aughrim Road, Magherafelt, for Keith Fulton.	REFUSE
4.8.	LA09/2019/1587/O	2 dwellings opposite 250 Ballygawley Road, Dungannon, for Jason Kelly	APPROVE
4.9.	LA09/2020/0024/F	3 lodges for short term accommodation at 210m SW of 35 Brookend Road, Ardboe for Donal Coney	REFUSE
4.10.	LA09/2020/0153/O	Dwelling & Domestic Garage Adjacent & NE of Junction with Mullaghmoyle Road on Colliers Lane, Coalisland for Marianne Sturtridge	REFUSE
4.11.	LA09/2020/0169/O	Housing Development at site immediately W & Adjacent to Dernagh Cottages, Lisnastrane Road, Coalisland for Malachy McIlvenna.	APPROVE
4.12.	LA09/2020/0253/O	Site for dwelling adjacent to and immediately SW of 12 Kilmakardle Road Dungannon, for Catherine Donnelly.	REFUSE
4.13.	LA09/2020/0315/O	2 storey dwelling and garage on a farm adjacent to 182 Mountjoy	REFUSE

		Road, Brockagh, Dungannon for Paul Mulholland.	
4.14.	LA09/2020/0410/F	Dwelling and garage Between 88 and 90 Iniscarn Road, Desertmartin, for Mr Mark Madden.	APPROVE
4.15.	LA09/2020/0446/F	Change of house type (to approved M/2006/1301/RM), at land opposite and SW of 165 Favour Royal Road, Augher, for Finbarr Mc Quaid	REFUSE
4.16.	LA09/2020/0479/F	Change of house design / location as previously approved under M/2008/1007/F at 200m SW of 28 Aghaloo Road (26 Aghaloo Road) Aughnacloy, for Con Carey	APPROVE
4.17.	LA09/2020/0499/O	Site for dwelling and domestic garage at 51m SE of 86 Iniscarn Road, Keenaght, Desertmartin, for Emmet O'Hagan	REFUSE
4.18.	LA09/2020/0501/O	Site for dwelling and garage approx. 80m SW of 110 Mullaghboy Road, Bellaghy, for Robert Milne.	APPROVE
4.19.	LA09/2020/0509/O	Site for dwelling at lands approx. 40m W of 32 Rehaghy Road, Aughnacloy for Liam Mc Killion	APPROVE
4.20.	LA09/2020/0608/O	Dwelling and garage adjacent to 9a Falgortrevy Road, Maghera, for Shaun Kelly.	REFUSE
4.21.	LA09/2020/0657/O	Dwelling between 66 & 66a Derryoghill Road, Dungannon for Eugene Daly.	REFUSE
4.22.	LA09/2020/0696/F	Retention of the existing general purpose / storage shed for machinery and vehicles and the extension of the existing site curtilage at 55m S of No 39C Gortahurk Road, Draperstown, for Mr Fergal McGuigan.	APPROVE
4.23.	LA09/2020/0749/F	Single storey extension to side at 5 Ashwood Heights, Cookstown, for Mr A Mc Creesh.	APPROVE

5. Receive Deferred Applications

223 - 318

Planning Reference	Proposal	Recommendation
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5.1.	LA09/2018/0420/F	10 dwellings immediately to the rear of and adjacent to 12, 14 18 and 20 Mullaghteige Road Bush, Dungannon, for BOA Island Developments	APPROVE
5.2.	LA09/2018/0765/O	Dwelling and garage to the rear of 13 Fairhill Road, Cookstown, for Mr Paul Quinn.	REFUSE
5.3.	LA09/2018/1569/F	35 two storey houses, landscaping, access and associated site works at lands to the SW of 12, 14, 15, 16 & 18 Woodland Grove with access through Woodland Heights on to Derrynoyd Road, Draperstown, for Mr Boyle.	APPROVE
5.4.	LA09/2019/0633/O	Site for a dwelling and garage. (amended access), 25m NE of 59 Ferry Road Coalisland, for Mr Patrick McNeice.	APPROVE
5.5.	LA09/2019/1045/O	Dwelling and domestic garage/ store at 130m W of 27 Tirnaskea Road, Pomeroy, for Mr Mallon.	APPROVE

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|----|---|-----------|
| 6. | Receive Draft LDP Revised Timetable | 319 - 328 |
| 7. | Receive Report on Fermanagh & Omagh Council DPS - Notification of Changes | 329 - 336 |
| 8. | Receive Planning Department Service Improvement Plan 2020-21 | 337 - 362 |

Matters for Information

- | | | |
|---|---|-----------|
| 9 | Minutes of Planning Committee held on 4 August 2020 | 363 - 390 |
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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

10. Receive Revocation Report
11. Receive Enforcement Report

Matters for Information

12. Planning Committee Confidential Minutes of Meeting held on 4 August 2020
13. Enforcement Live Case List
14. Enforcement Cases Opened
15. Enforcement Cases Closed



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0299/F	Target Date:
Proposal: Proposed additional free range poultry shed with 2no. feed bins, a storage shed and associated site works (poultry shed to contain 8,000 free range laying hens, taking the total site capacity to 24,000 free range egg laying hens).	Location: Land approx. 150m South of 25 Coolmaghery Road Dungannon BT70 3HJ. (central grid ref: 274829 368091).
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr Gary Watt 25 Coolmaghery Road Dungannon BT70 3HJ	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



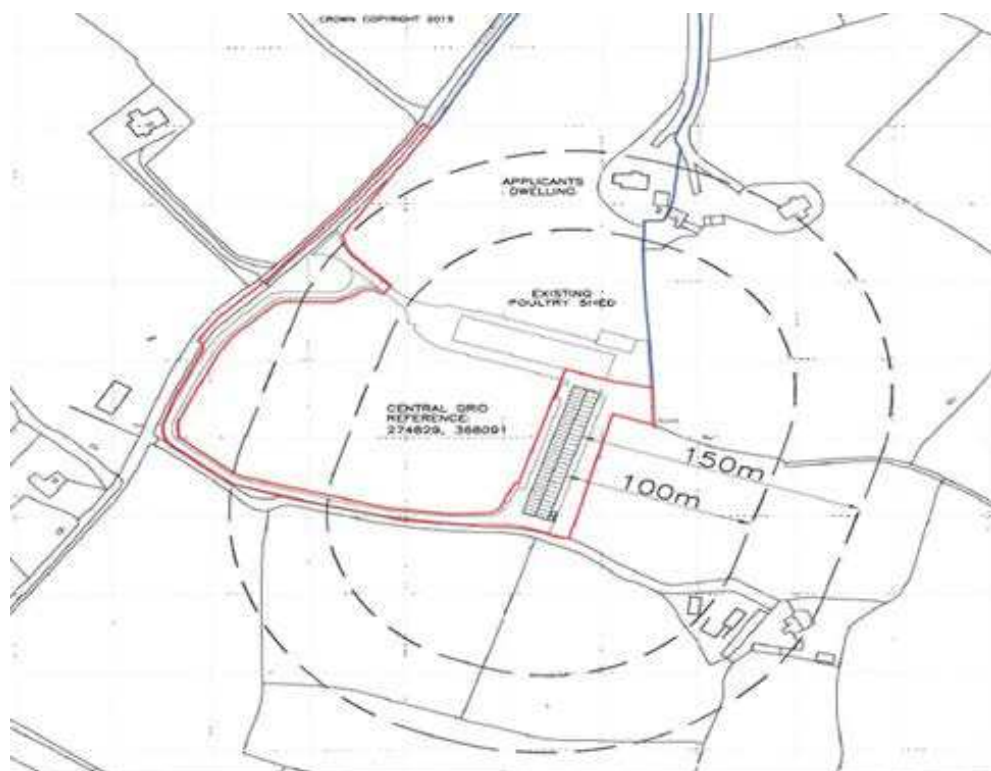
Consultations:

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

Non Statutory	Shared Environmental Services	
Statutory	NIEA	Content
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	
Non Statutory	Rivers Agency	

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

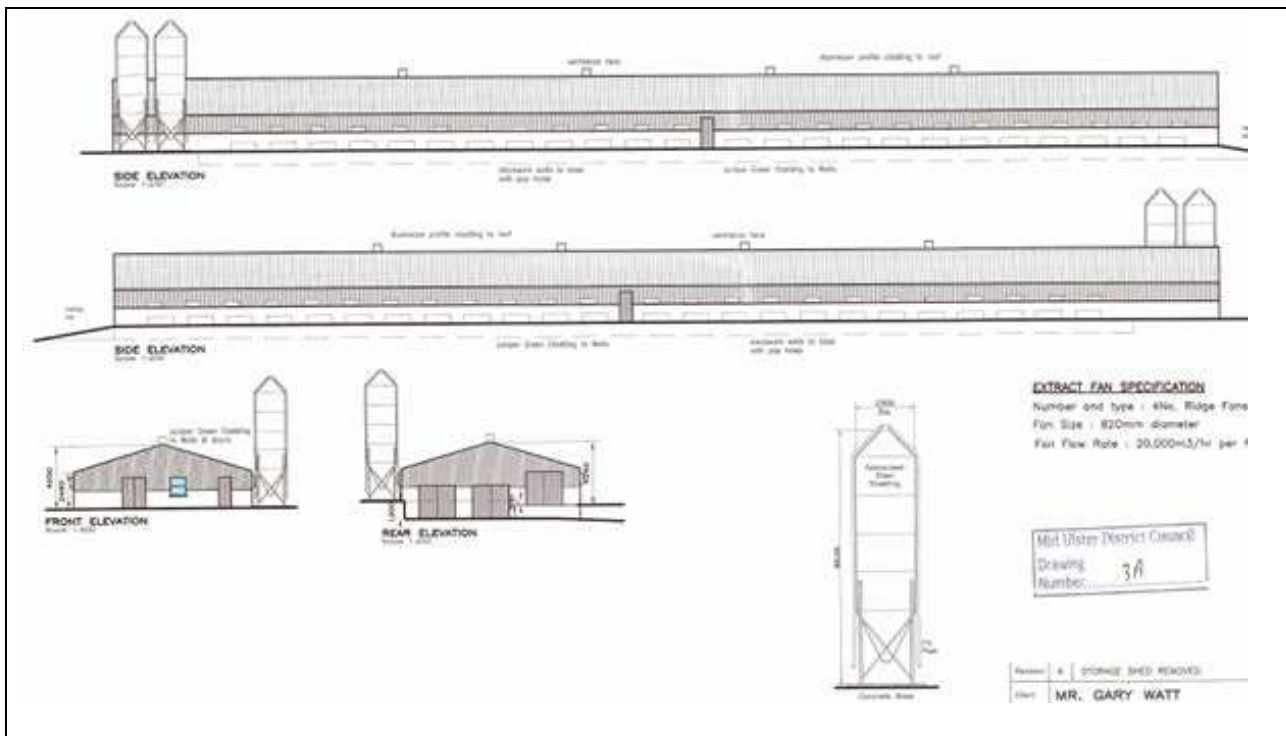
Characteristics of the Site and Area

The site is located on land approx. 150m South of 25 Coolmaghery Road Dungannon. It lies in the open countryside outside all other areas of constraint. It is situated a short distance to the North West of the settlement limit of Donaghmore and just off the main Pomeroy road.



The red line of the site includes a long proposed laneway running along the existing Coolmaghery road for approx.. 165 metres before following the existing laneway to the East for a further 210 metres to the rear of the field. The main portion of the site which will house the poultry shed lies in this portion of land to the rear of the field. The main body will lie at ends to the existing house to form an L shape. The land is relatively flat with a slight rise from the roadside west to the proposed shed at the East.

The proposal seeks full planning permission for a proposed additional free range poultry shed with 2no. feed bins, a storage shed and associated site works (poultry shed to contain 8,000 free range laying hens, taking the total site capacity to 24,000 free range egg laying hens).



Planning Assessment of Policy and Other Material Considerations

Assessment of Policy

The regional Development Strategy (RDS)

Dungannon and South Tyrone Area Plan 2010

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

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

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

Objections

3 Objections have been received from the owners of number 10 and 16 Coolmaghera Road.



The owner of number 10 Coolmaghery road which adjacent to and a short distance to the west of the site has submitted two objections. His concerns include;

- Smell, vermin, noise nuisances
- HGV use in early hours disrupting amenity
- Traffic build up
- Flooding issues
- PPS21
- . out of character in terms of overall size
- . visual impact
- . residential amenity; noise and smell
- . lack of integration.

The owner of number 16 Coolmaghery Road, which is located directly opposite and to the North West of the site entrance also submitted an objection, his concerns included;

- Filling in of a drain has caused flooding on his property
- Vermin increase
- Road not suitable for large lorries.
- Smells

Consideration of concerns.

-Odour or smell nuisance. The nearest residential dwelling is slightly more than 130 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 in the surrounding area as well as an

existing poultry house on 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.

-To close to residential properties. The proposed building is set back approx. 100m from the public road and over 130 metres from the nearest neighbour. Access will follow an existing hedge/ boundary and I do not feel it will not have a detrimental impact on the amenity enjoyed by the neighbouring dwellings.

-Vermin/spread of disease. I rely on NIEA and SES to provide me with information on the proposal in question so that I can make an overall assessment on environmental impacts. 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. I rely on DFI Rivers to provide me with information on the proposal in question so that I can make an overall assessment on environmental impacts. Rivers agency were consulted and after examining the site and all the information provided responded with no objections. In addition from looking at the levels on the site and the lay of the land it is clear the proposed house will be approx 2 metres lower than the level of the road and therefore unlikely to cause any flooding. The applicant has also presented within his drainage assessment an assessment of the impact of re routing the existing culverted water course and concluded there will be no impact, I have no reason to disagree with analysis.

Consultations

NIEA final response included; Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided, is content with the proposal subject to Conditions.

Condition: The applicant shall not deviate from all the mitigation and disposal methods for poultry litter generated by this proposal as detailed in the Poultry Manure Disposal Contract uploaded to the Northern Ireland Planning Portal (NIPP) on 16th September 2019 without the prior written consent of Mid Ulster Council.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

Condition: When a contractor has been appointed, a final Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to Water Management Unit at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

Rivers final response concluded; DFI Rivers has reviewed the Revised Drainage Assessment by Flood Risk Consulting, and comments as follows;

Providing the drainage works described in the Drainage Assessment and noted on drainage layout drawing C101 contained within the report are implemented the proposed development should not increase the risk of flooding to the development or elsewhere.

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

SES response concluded; Having considered the nature, scale, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

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

DFI Roads concluded ; No objections subject to conditions including splays of 2.4 x 70m and vehicular access to be 6.0m for the first 20.0m, including 10.0m radii in accordance with drawings.

DAERA response concluded; the farm business ID was established in 2016 and is currently claiming single farm payments, it is also clear the poultry house is sought as an extension to the existing poultry farm adjacent.

Relevant History

LA09/2015/0470/F ? Free range poultry shed, 2 feed bins, generator building, manure store for 16000 free range hens ? GRANTED 11.12.2015

Key Policy Consideration

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Policy CTY12 which allows agricultural development on active and established farm holdings subject to certain policy criteria being met.

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 4 years and that the farm business claims subsidies. Therefore there is an active and established farm business. This poultry house is an investment opportunity for the applicant and will be the second of such on his holdings and in line with the Agri-Food Strategy. I am of the opinion that this proposal supports the needs of the existing business.
- b) It is appropriate to the location in terms of character and scale.

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

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

The proposed poultry shed will benefit from a decent boundary cover including a mix of mature native species hedgerow all along the roadside as well as the back drop of the existing poultry house. It has a low ridge height and the access will follow an existing hedge/boundary and therefore will not have a detrimental impact to this area of countryside. The scheme also proposes a detailed landscaping plan along all the undefined boundaries to aid integration. 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 and Shared Environmental Services 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.

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 objections have been received and have been considered in depth above. 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 existing poultry house on the holding are in use to capacity.

-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 proposed building is sited adjacent to and sited to cluster with existing hen house on this holding.

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

As detailed in my assessment above, these points have been covered. This proposal does involve the creation of new laneway however, this does follow the existing tree line to minimise the visual disruption. The applicant is unable to use the existing laneway as that would involve driving through the existing range where the chickens have free rein to roam. To use the existing lane the applicant would have to house all 16000 hens outside of their normal roosting times and would also involve the lorries driving through the mess/manure left behind by the birds which would then be carried out on to the public. The proposed new route involves accessing the site around the range with no disruption.

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 decent boundary vegetation cover. 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.

PPS2 Natural Heritage

I am satisfied that this proposal will not have a detrimental impact on Natural heritage interests and does not offend any policy considerations contained within this planning policy statement.

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

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

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

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

Neighbour Notification Checked

Yes

Conditions

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

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

2.The vehicular access, including visibility splays of (2.4m * 70.0m), and any forward sight distance shall be provided in accordance with Drawing No 02A bearing the date stamp 18/06/20, 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 width of the vehicular access to be 6.0m for the first 20.0m, including 10.0m radii and shall be provided in accordance with Drawing No. 02A, bearing the date stamp 18/06/20, 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 user.

4. The applicant shall not deviate from all the mitigation and disposal methods for poultry litter generated by this proposal as detailed in the Poultry Manure Disposal Contract uploaded to the Northern Ireland Planning Portal (NIPP) on 16th September 2019 without the prior written consent of Mid Ulster Council.

Reason: To ensure that the poultry litter arising from this proposal will be utilised in a sustainable manner and in compliance with legislative requirements, therefore providing protection of the aquatic environment.

5. When a contractor has been appointed, a final Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to Water Management Unit at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

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. NIEA Informatives

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

Surface water runoff from the proposed building and concrete yard is to discharge to a 15m field drain via a swale, as per drawing Rev Site Layout 2A as uploaded to the Planning Portal on 30th June 2020. Any discharge of surface water to a swale must adhere to the NAP Regulations 2019 which state that only clean roof run-off and water not defined as slurry or dirty water is permitted to discharge to field drains or waterways.

Water Management Unit recommends that construction-related run-off and operational site drainage (not slurry or dirty water as defined by the NAP Regulations) is managed through the use of Sustainable Drainage Systems (SuDs). The applicant should refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Sustainable Drainage Systems.

Due to the close proximity of the site to a waterway, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant should refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Pollution Prevention Guidance.

Water Management Unit notes the intention to divert an existing culvert as part of the proposal. The construction of new culverts and significant alterations to any existing culverts should be avoided unless no practicable alternative exists. Water Management Unit recommends that the applicant adheres to the advice detailed in DAERA Standing Advice on Culverting.

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. 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 should refer to in DAERA Standing Advice on Discharges to the Water Environment.

The development includes excavation of an underground structure (e.g. tank). Depending on the geological setting, the potential exists for the water table to be encountered during these works. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments.

Water Management Unit requires the applicant to submit NAP notification for any tank which may contain organic manure or silage effluent. Notification should be received by Water Management Unit at least 28 days before the first intended use. The notification form is available at: <https://www.daera-ni.gov.uk/publications/nutrient-action-programme-napnotification-form>

All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	8th March 2019
Date First Advertised	21st March 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Harkie Watt 10 Coolmaghry Road, Dungannon, BT70 3HJ Harkie Watt 10 Coolmaghry Road, Dungannon, BT70 3HJ The Owner/Occupier, 10 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 14 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 15 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 16 Coolmaghry Road Dungannon Tyrone Glenn Watt 16, Coolmaghry Road, Dungannon, Tyrone, Northern Ireland, BT70 3HJ The Owner/Occupier, 21 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 23 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 25 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ The Owner/Occupier, 25 Coolmaghry Road, Dungannon, Tyrone, BT70 3HJ	
Date of Last Neighbour Notification	19th March 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0299/F Proposal: Proposed additional free range poultry shed with 2no. feed bins, a storage shed and associated site works (poultry shed to contain 8,000 free range laying hens, taking the total site capacity to 24,000 free range egg laying hens). Address: Land approx. 150m South of 25 Coolmaghery Road, Dungannon, BT70 3HJ. , (central grid ref: 274829, 368091). Decision: Decision Date:	

Ref ID: M/1997/0546
 Proposal: Erection of Dwelling
 Address: ADJACENT TO 10 COOLMAGHERY ROAD DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1999/0436
 Proposal: Dwelling
 Address: ADJACENT TO 10 COOLMAGHERY ROAD DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/2000/0878/F
 Proposal: Erection of dwelling
 Address: 200m NE of 10 Coolmaghry Road Dungannon
 Decision:
 Decision Date: 11.12.2000

Ref ID: M/2000/0161/O
 Proposal: New Dwelling
 Address: Approx 200 metres N. E of 10 Coolmaghry Road Dungannon
 Decision:
 Decision Date: 13.10.2000

Ref ID: LA09/2015/0470/F
 Proposal: Proposed free range poultry shed with 2 feed bins and a standby generator building and a manure storage shed (poultry shed to contain 16000 free range egg laying hens)
 Address: Lands approx. 125m SW of 25 Coolmaghry Road, Dungannon,
 Decision: PG
 Decision Date: 11.12.2015

Drawing Numbers and Title

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

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

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

Drawing No. 04
 Type: Site Location Plan
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



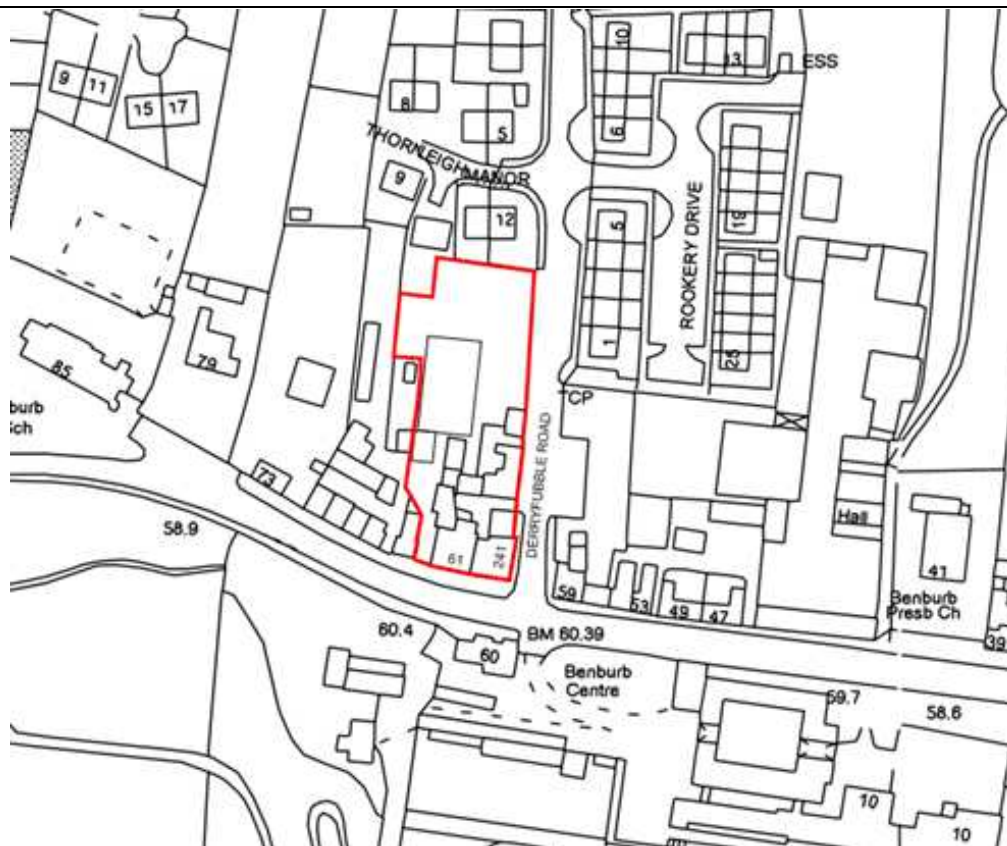
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0612/F	Target Date:
Proposal: Retention of store extension, first floor accommodation to existing super market and additional car parking	Location: 243 Derryfubble Road Benburb Dungannon
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Brendan Mc Anallen 243 Derryfubble Road Benburb Dungannon	Agent Name and Address: Daly O'Neill and Associates Ltd 23 William Street Portadown BT62 3NX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
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	1
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection and signatures	No Petitions Received
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Characteristics of the Site and Area

The application site is located 20 metres north of number 247 Derryfubble road, Benburb. The site lies within the settlement limits of the rural village of Benburb and outside all other areas of constraint as depicted by the DASTAP 2010. The surrounding context appears semi rural in nature with the main street of the village adjacent to the site, which includes a variety of rural shops and residential housing, the majority of which were semi detached or terraced dwellings.



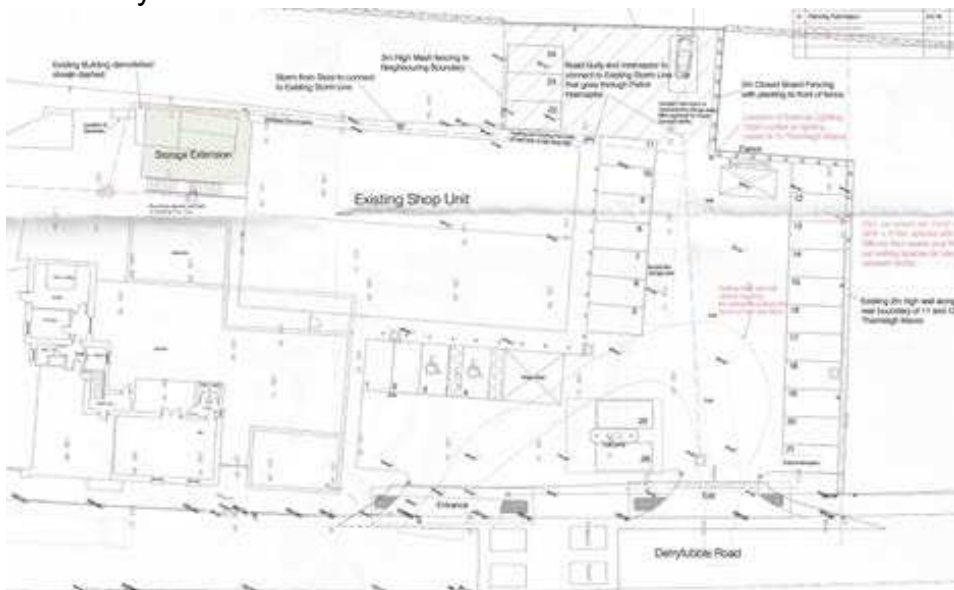
The red line of the site includes a petrol filling station, canopy, petrol pumps, hardstanding area and a large tarred area for parking. The site is a relatively flat parcel of land which is just slightly elevated from the level of the road. It has a one way system with separate entrance to the south and exit to the north.

Description of Proposal

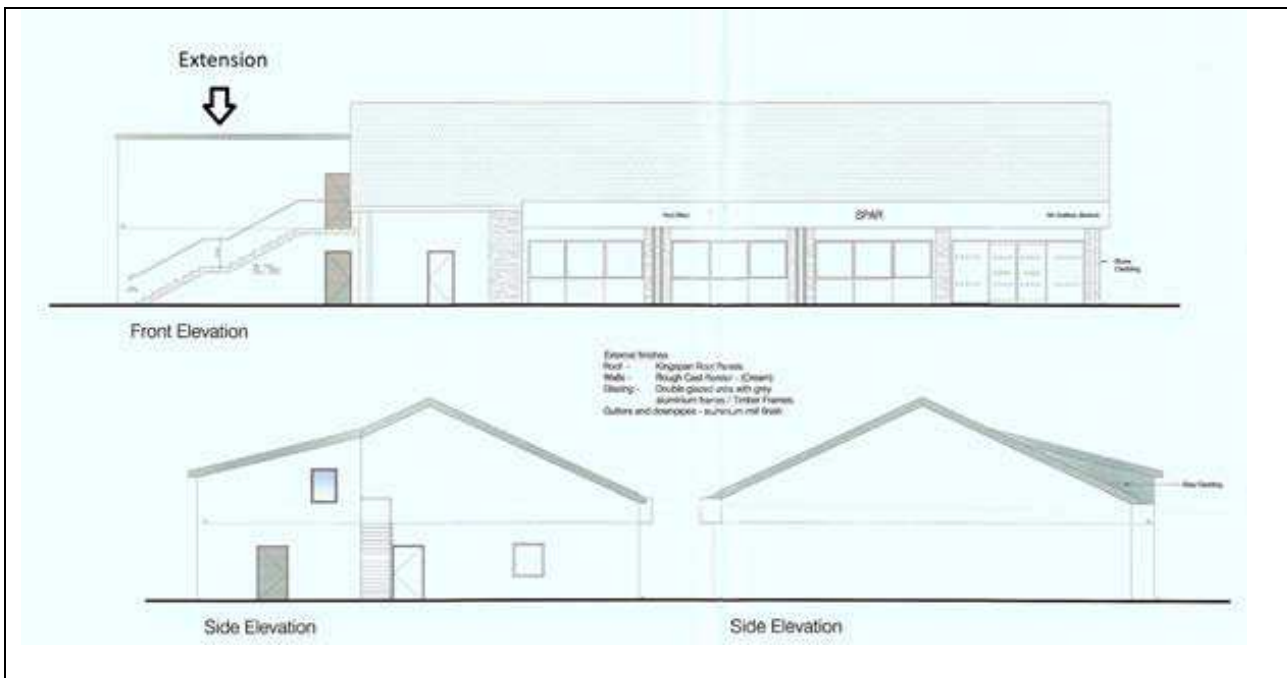
The proposal seeks full planning permission for the retention of a store extension to the South of the existing shop unit, with additional storage and office accommodation above, as well as an amended car parking layout to include an additional 6 spaces. 2017 Approved Layout below



Current layout below.



Portion of extension seen below.



Planning Assessment of Policy and Other Material Considerations

Assessment of Policy

Strategic Planning Policy Statement (SPPS)

Dungannon and South Tyrone Area Plan 2010.

Planning Policy Statement (PPS) 2 Natural Heritage

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

DCAN 15: Vehicular Access Standards

DOE - Parking Standards

Dungannon and South Tyrone Area Plan 2010

The site is located within the development limits of Benburb as designated in the DSTAP 2010 where there is a presumption in favour of development subject to certain criteria being met. The DSTAP does not however contain any criteria relating specifically to retail proposals. The site does not sit within any other designations contained in the plan.

Site History

LA09/2017/0382/F - Proposed relocation of retail unit and fuel service station from Main Street, Benburb to Derryfubble Road, Benburb - GRANTED 23.03.2018

LA09/2019/0090/A - Shop front sign ,Fuel canopy sign and totem sign ? GRANTED 08.04.2019

Representations

One objection was received from the owner of no.10 Thornleigh manor, Benburb.



The main concerns included;

-Overlooking / loss of privacy from in particular delivery lorries.

The applicant has proposed a 2 metre high closed board fence with planting along the inside to prevent or reduce overlooking, this small area to the rear of the objectors dwelling is to accommodate an additional 4 car parking spaces. There will be no significant increase in overlooking or loss of privacy resulting.

-Traffic generation

This proposal is for additional car parking and a larger office storage area, it does not propose any increase in shop floor space and will not result in any additional visitors. These issues are also considered in greater detail below under PPS3.

-Noise disturbance

The proposal should not result in any additional visitors or deliveries to the shop and should therefore also not cause any increase in noise levels. Environmental health were consulted and had no objections or concerns subject to conditions in particular noise level control.

- Remaining concerns circulated around a proposed car wash facility along his boundary, however, this element of the proposal has been removed from the planning application.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded Planning Policy Statement 5 (Retailing and Town Centres). This proposal can be deemed retail in nature with some ancillary development and as such the SPPS policy criteria for Town Centres and Retailing is a material consideration.

The SPPS states that policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for Town Centres and retailing (ie) Town Centres first, meet local need and be of a scale, nature and design appropriate to the character of the settlement. No Retail Impact Assessment is necessary as the proposed floor space extension is less than 1000m². The SPPS requires that a statement of need be submitted along with this type of application.

The principal of the development has been deemed acceptable and the supermarket/filling station has been recently constructed.

The applicant submitted a supporting statement in which he justifies the need for this development in qualitative terms (e.g.) He has stated that the existing layout and parking are unsatisfactory. Internally the floor area has increased to allow the extension to the side. This will provide a better shopping experience and increase the average spending of customers.

I am satisfied that appropriate need for the proposed development has been demonstrated. Given that Benburb is a small village it has no designated Town Centre.

In such circumstances and as the immediate area surrounding the site is characterised by a mix of residential and commercial uses I am satisfied that the proposal is acceptable in this location.

The proposed works are minor in nature and will further facilitate local need that is already being accommodated by the existing shop. I have no concerns with the scale, nature and design of the proposed extension.

It is in keeping with the design of the existing shop and does not detract from the character of the area.

Development proposal to extend an existing economic development use or premises within settlements will be determined on their individual merits having regard to the SPPS retail policy.

It is considered to be of a nature and scale appropriate to the site and locality and given the existing established use of the site as a filling station compatible with the surrounding land uses.

It is my view that separation distances are adequate to ensure that the proposal does not impact on neighbouring amenity to any unreasonable degree by reason of loss of light, overshadowing, visual intrusion or overlooking. Additionally as these types of development may give rise to ventilation issues, light pollution and noise nuisance Environment Health were consulted however raised no concern subject to a conditions which I considered reasonable to attach to any subsequent decision notice. Subject to these conditions I am content the proposed operations should not significantly alter the existing amenity afforded to neighbouring properties or any other in the wider vicinity.

Historic Environment Division: Historic Monuments were consulted and raised no concerns with the proposal due to existing ground conditions on site. As such I am content no historic features, will be negatively impacted by the proposal.

This proposal should not detrimental impact any natural heritage features.

The site is not located in an area at flood risk nor will it cause or exacerbate flooding

It is capable of dealing satisfactorily with any emission or effluent. Environmental Health Department were consulted during the processing of this application and raised no objections to the proposal, subject to conditions and informatives.

The existing road network can safely handle any extra vehicular traffic the proposal will generate. That adequate access arrangements, parking and manoeuvring areas are provided. As is a movement pattern which insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport.

I consider the site layout, building design, associated infrastructure and landscaping arrangements to be of a high quality that should assist the promotion of sustainability and biodiversity;

Existing boundary treatments are by enlarge proposed to be retained and strengthened with low maintenance shrubs. These treatments with the additional planting are considered appropriate for the site and its location within the settlement limits of Benburb.

The proposed lighting will help deter crime and promote personal safety

PPS 2 - Natural Heritage

This site lies in close proximity to the River Blackwater which runs into Lough Neagh, a European Designated site. However, the distance was not close enough to need a formal consultation with Shared Environment Service. On the day of my site inspection I did not note any protected species, flora or fauna that would merit a formal consultation being carried out with NIEA (Natural Environment Division).

PPS 3 - Access, Movement and Parking

The proposal involves an amended layout to the Car parking on site with the creation of an additional 6 spaces. DFI Roads have been consulted with this application and have commented that 4 more spaces were required due to the extension. The proposal therefore complies with parking standards. The existing layout provides 20 car parking spaces. The proposed layout indicates provision of 26 spaces, a further increase of 6 from the previous approval. Based on the additional floor space being created, this will be in line with the required parking standards.

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

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

Conclusion

The proposal is deemed to comply with prevailing planning policy and approval is 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.

2. The noise level from the facility with all plant fully operational shall not exceed the limits outlined in Table 1 below during the permitted hours of operation when measured at the adjacent boundary of the appropriate residential property.

Table 1

ID Name	Sound Level dB(A 15min) Night-time
R3 63 Main Street	33

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

3. Within 4 weeks of a written request by the Planning Department, following a reasonable noise complaint the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

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

4. The limitations on the exterior lighting detailed in Table 2 below shall apply to nearest sensitive receptors:

- 1-5 Rookery Drive
- 9-12 Thornleigh Manor

The time of the curfew shall be 10pm.

Table 2

Environmental Zone	Light intrusion (into windows) Ev [lux]	
	Pre-Curfew	Post-Curfew
E3	10	2

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

5. There shall be no deliveries and/or external activity outside the hours of 07:00 hours and 20:00 hours Monday to Saturday. There shall be only newspaper deliveries on Sundays.

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

6. The gradients 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.

7. The visibility splays of 2.4metres by 45.0 metres in both directions at the exit junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 2B date 4-12-19, 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.

8. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 2B date 4-12-19 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

9. The development hereby permitted shall not become operational until the road works indicated on Drawing No 2B date 4-12-19 have been fully completed in accordance with the approved plans.

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

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.DFI Roads informatives

Repositioning of Traffic Calming Scheme.

Procedural Process:- Repositioning of traffic calming shall be in accordance with Article 65 The Roads (NI) Order 1993.

Applicant should contact (Dungannon) Traffic Section whose address is County Hall, Drumragh Ave, Omagh to instigate process.

The applicant must apply to the Dfi Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

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

The development shall not be occupied until a Certificate issued by a Chartered Structural Engineer certifying that the structure has been designed in accordance with the relevant standards and guidance, has been submitted to and accepted by Dfi Roads. The certificate should state;

I certify all reasonable professional skill and care has been used in the design & check of the above named structure in accordance with the following design standards and advice notes

REASON: In the interests of road safety.

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

Notwithstanding the terms and conditions of the Department of Environment'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 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 Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon. 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.

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 Network Services through the relevant Division.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon.

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

The developer is required to enter into a licence agreement with the Dfi Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

The licence agreement shall be issued through the Dfi Roads Sectional Engineer, Section Office, Main Street, Moygashel, Dungannon and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence.

The applicant should also initiate early discussions for the satisfactory programming of the road works and agree a Traffic Management Plan with the Dfi Roads Sectional Engineer, Section Office, Main Street, Moygashel, Dungannon.

Signature(s)

Date:

ANNEX	
Date Valid	7th May 2019
Date First Advertised	23rd May 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Rookery Drive Benburb Tyrone The Owner/Occupier, 10 Thornleigh Manor Benburb Tyrone Martin McCann 10, Thornleigh Manor, Benburb, Tyrone, Northern Ireland, BT71 7TR The Owner/Occupier, 11 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 12 Thornleigh Manor Benburb Tyrone The Owner/Occupier, 2 Rookery Drive Benburb Tyrone The Owner/Occupier, 239 Derryfubble Road,Dungannon,Tyrone,BT71 7JS The Owner/Occupier, 241 Derryfubble Road,Dungannon,Tyrone,BT71 7JS The Owner/Occupier, 3 Rookery Drive Benburb Tyrone The Owner/Occupier, 4 Rookery Drive Benburb Tyrone The Owner/Occupier, 5 Rookery Drive Benburb Tyrone The Owner/Occupier, 59 Main Street Benburb Tyrone The Owner/Occupier, 61 Main Street,Benburb,Tyrone,BT71 7LG The Owner/Occupier, 61a ,Main Street,Benburb,Tyrone,BT71 7LG The Owner/Occupier, 61b ,Main Street,Benburb,Benburb,Tyrone,BT71 7LG The Owner/Occupier, 63a ,Main Street,Benburb,Tyrone,BT71 7LG The Owner/Occupier, 63b ,Main Street,Benburb,Tyrone,BT71 7LG The Owner/Occupier, 65 Main Street Benburb Tyrone The Owner/Occupier, 67 Main Street Benburb Tyrone The Owner/Occupier, 69 Main Street Benburb Tyrone	

The Owner/Occupier, 71 Main Street Benburb Tyrone The Owner/Occupier, 83 Main Street, Benburb, Tyrone, BT71 7LG The Owner/Occupier, 9 Thornleigh Manor Benburb Tyrone The Owner/Occupier, Flat 1, 63 Main Street, Benburb, Tyrone, BT71 7LG The Owner/Occupier, Flat 2, 63 Main Street, Benburb, Tyrone, BT71 7LG The Owner/Occupier, Flat 3, 63 Main Street, Benburb, Tyrone, BT71 7LG	
Date of Last Neighbour Notification	20th May 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1981/0463 Proposal: RE-SITING OF PETROL PUMP AND SITING OF ADDITIONAL PUMP Address: 61 MAIN STREET, BENBURB Decision: Decision Date: Ref ID: M/1981/0028 Proposal: UNDERGROUND STORAGE TANK Address: 61 MAIN STREET, BENBURB Decision: Decision Date: Ref ID: LA09/2017/0382/F Proposal: Proposed relocation of retail unit and fuel service station from Main Street, Benburb to Derryfubble Road, Benburb Address: 20m North of 247 Derryfubble Road, Benburb, Dungannon, Decision: PG Decision Date: 23.03.2018 Ref ID: LA09/2017/0013/PAD Proposal: Proposed shop extension Address: Rear of 61 Main Street, Benburb, Decision: Decision Date: Ref ID: LA09/2016/0424/PAD Proposal: Extension to existing shop to provide more shop floor space as well as staff accommodation Address: 61 Main Street, Benburb,	

Decision:

Decision Date:

Ref ID: LA09/2019/0612/F

Proposal: Retention of store extension, first floor accommodation to existing super market and additional car parking

Address: 243 Derryfubble Road, Benburb, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2019/0090/A

Proposal: Shop front sign ,Fuel canopy sign and totem sign

Address: 20m North of 247 Derryfubble Road, Benburb, Dungannon,

Decision: CG

Decision Date: 08.04.2019

Ref ID: LA09/2020/0006/F

Proposal: Retention of rear extension, proposed link extension and change of use from store to Off Sales and along with minor alterations.

Address: Bottle of Benburb, 241 Derryfubble Road, Benburb, Dungannon, Co Tyrone, BT71 7JS.,

Decision:

Decision Date:

Ref ID: LA09/2015/0332/PAD

Proposal: Relocation of Spar shop and kerb side pumps.

Address: Derryfubble Road, Benburb,

Decision:

Decision Date:

Ref ID: LA09/2015/0599/F

Proposal: Proposed retail and fuel service station

Address: 20m North of 247 Derryfubble Road, Benburb, Dungannon,

Decision: WITHDR

Decision Date: 25.07.2016

Ref ID: M/1991/0001

Proposal: Extension and improvements to existing outbuildings to form licensed premises

Address: REAR OF 241 DERRYFUBBLE ROAD BENBURB

Decision:

Decision Date:

Ref ID: M/1993/0318

Proposal: Change of use from stores to licensed premises including an extension and alterations.

Address: 241 DERRYFUBBLE ROAD BENBURB

Decision:

Decision Date:

Ref ID: M/2008/0329/F

Proposal: Proposed 8 no 2 1/2 storey townhouses with parking to rear
 Address: Between 241 Derryfubble Road and 12 Thornleigh Manor Benburb
 Decision:
 Decision Date: 13.11.2008

Ref ID: M/1996/0041
 Proposal: Site for 7 no. dwellings (6 semi-detached & 1 detached)
 Address: 60M WEST OF ROOKERY DRIVE (ESTATE), DERRYFUBBLE ROAD, BENBURB
 Decision:
 Decision Date:

Ref ID: M/2006/1576/F
 Proposal: Extension to ex shop and post office to provide storage and toilet facilities
 Address: 61 Main Street, Benburb
 Decision:
 Decision Date: 17.05.2007

Drawing Numbers and Title

Drawing No. 04
 Type: Proposed Plans
 Status: Submitted

Drawing No. 03
 Type: Proposed Elevations
 Status: Submitted

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

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

Drawing No. 05
 Type: Existing Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st September 2020	Item Number:
Application ID: LA09/2019/0940/F	Target Date:
Proposal: Erection of 2no 2 storey dwellings	Location: 67 Castlecaulfield Road Donaghmore Dungannon
Referral Route: Recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: GP Developments Ltd 86 Killyman Road Dungannon BT71 6DQ	Agent Name and Address: Paul McAlister Architects Ltd The Barn 64a Drumnacanvey Road Portadown BT63 5LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is a full planning application for the erection of 2 no 2 storey dwellings.

Characteristics of site and area

The site is a triangular shaped plot which is located within the development limits of Donaghmore, and is accessed from Castlecaufield Road, and is approx. 70m west of Brewers House which is a local restaurant. The site is on a blind bend not far from the junction of Pomeroy Road and Castlecaufield Road to the east. There are no buildings on the site at present however there used to be a sizable detached dwelling on the site which has since been demolished. There is a mature hedgerow behind an existing footpath along the roadside boundary. The eastern boundary is shared with the curtilage of an end terraced 2 storey dwelling and is defined in part by a dividing wall and hedging/trees. The southern boundary is shared with the Parochial House to the south and is defined by mature landscaping consisting of trees and hedgerow.

To the east lies an Area of Townscape Character and the centre of the village of Donaghmore with retail, pub and service offer, as well as residential. There is also a

church. This site lies within the northern node of Donaghmore. Opposite the site is a graveyard.

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- located within development limits of Donaghmore, within an area zoned for archaeological potential. Historic Environment Division were consulted and raise no objection to development on this site subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. The site is not located within the designated ATC.

In the plan it states that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

In order to reinforce local identity, all residential proposals should be guided and informed by the historic built forms displayed within the designated Area of Townscape Character in the village. Standard suburban layouts or the use of designs and materials unrelated to the traditional village character will not be acceptable.

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

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

3rd Part Objections

No 3rd Party Objections have been received.

Relevant Planning History

M/2006/1400/F- Proposed 4 no. Townhouses, this proposal was withdrawn on 06.08.2007 before any decision was reached.

Consideration

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

There remains a presumption in favour of development within settlement limits subject to satisfying a number of criteria. The proposal is for 2 no. detached dwellings on a spacious plot.

PPS 7 states;

(a) the development should respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

It is my opinion that the proposal layout respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas. The proposal is not dissimilar from the design of the terraced dwellings adjacent and east of the site. Plot sizes are not out of keeping with this area, with private rear amenity, and in curtilage parking for vehicles. The proposed dwellings will not have a detrimental impact on existing or proposed amenity, in that there will be no overlooking or overshadowing of existing or proposed private rear amenity.

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

This site is located within development limits of Donaghmore, within an area zoned for archaeological potential. Historic Environment Division were consulted and raise no objection to development on this site subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. The site is not located within the designated ATC nor is it adjacent to a listed building.

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

A development of this size does not require communal open space. The proposed private rear amenity space is acceptable for these dwellings and is above 70sqm of the standard contained within Creating Places. It is proposed to remove the entire existing roadside hedge for access and sight splay condition, however it is proposed to replace this hedge to the rear of the visibility splays. All other vegetation belongs to 3rd party and is outside the site. I find this landscape provision acceptable for this site and area.

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

The site is close to the centre of Donaghmore village and will be connected through the public footpath network. A development of this size does not require its own neighbourhood facilities and there is adequate provision of services within the existing village.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way,

provides adequate and convenient access to public transport and incorporates traffic calming measures;

A footpath runs along site frontage towards Donaghmore village, this connects to the wider public footpath network. No rights of way are effected. In my view the proposal will support walking and cycling, the footpath will meet the needs of people whose mobility is impaired, and pedestrian access is provided to the village of Donaghmore where public transport can be accessed.

DfI Roads raise objection to the proposed vehicular access to the site, indicating that the visibility splays are substandard and will lead to an access that is not safe for road users. Therefore, the applicant has not demonstrated that a movement pattern is provided that will support all road users and is unsafe, therefore the policy provisions of this part of the policy has not been met.

(f) adequate and appropriate provision is made for parking;

DfI Roads raise no concern in this regard.

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

The design of the dwellings are similar to the design of terraced properties to the east, respects local traditions and will not have a detrimental impact on the local character of this area.

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

The surrounding land uses are residential and business. This residential development will not conflict with those land uses with careful consideration given to surrounding properties to avoid any loss of amenity/overlooking, given the levels through the site. The proposal will not have a detrimental impact on the amenity of dwellings granted permission north east of the site.

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

The development would appear to be designed to deter crime and promote personal safety in that the dwellings are orientated to overlook the public road and the rear private garden areas are secured by privacy fencing.

PPS15 Planning and Flood Risk

From the Strategic Flood Maps NI it is clear that this site is not located within a Flood Plain nor is it affected by surface water or pluvial flooding. A development of this size does not require a Drainage Assessment however the developer is still responsible for drainage within the site and should seek advice from a suitably qualified person to ensure that drainage within the site does not cause flooding within the development or elsewhere.

PPS3 Access, Movement and Parking

DfI Roads were consulted on this application and state that the applicant/agent has failed to demonstrate a safe and satisfactory access to the site, that there will be insufficient visibility splays when exiting the site onto the public road. DfI Roads provide reasons for refusal. For this reason I advise Members that the proposal be refused.

Other considerations

NIW indicate that there is available capacity within Donaghmore WWTW for this development to connect, therefore it is demonstrated that sewage can be disposed of safely.

No land contamination issues have been identified.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is refused for the following reasons.

Reasons for Refusal:

1.The proposed development is contrary to policy set out in sections e of Policy QD1 in Planning Policy Statement 7 ? Quality Residential Environments because it has not been demonstrated that a movement pattern can be provided that supports a safe and satisfactory environment for all road users including pedestrians, cyclists or those whose mobility is impaired.

2.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.4m x 50m and 2.4m x 43m from the proposed access cannot be provided in accordance with the standards contained in Development Control Advice Note 15.

3.The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4m x 50m and 2.4m x 43m cannot be provided in accordance with the standards contained in Development Control Advice Note 15.

Signature(s)

Date:

ANNEX	
Date Valid	8th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 61 Castlecaulfield Road,Dungannon,Tyrone,BT70 3HF The Owner/Occupier, 63 Castlecaulfield Road Dungannon Tyrone	
Date of Last Neighbour Notification	25th July 2019
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



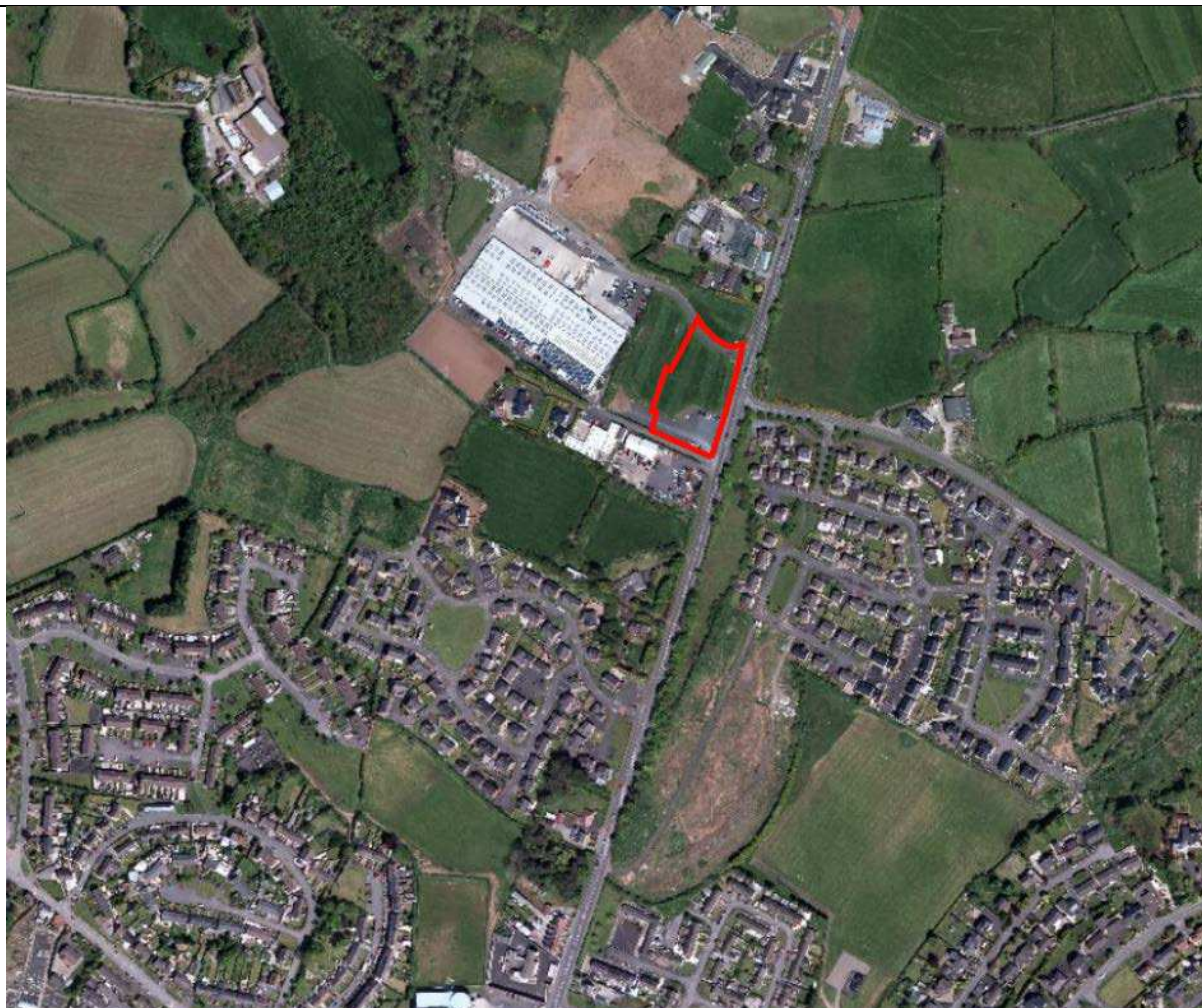
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1027/F	Target Date:
Proposal: Proposed petrol filling station (8 No pumps) with underground storage tanks and ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works (Receipt of planning support statement)	Location: Lands 80m South East of 100 Coleraine Road Maghera
Referral Route: This application is being presented to Committee as it has attracted four letters of objection.	
Recommendation:	APPROVAL
Applicant Name and Address: Specialist Joinery Group 100 Coleraine Road Maghera BT46 5BP	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	
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		
<p>Four objections have been received in respect of this application and relate to the following issues:-</p> <ul style="list-style-type: none">• The lack of supporting information in respect of retail impact and impact on road traffic; <p>A retail impact statement was submitted in support of the proposal. A traffic Assessment Form was also submitted. This supporting information was considered adequate to enable a full assessment of the proposal to be undertaken.</p> <ul style="list-style-type: none">• The drainage plan is inappropriate for the site; <p>The drainage plan was amended and both Rivers Agency and NIEA Water Management Unit have no objections subject to conditions and provided vehicle washing does not form part of this proposed development.</p> <p>The objector to the drainage plan was notified regarding receipt of amended drainage plan but Royal Mail returned the letter advising that the objector was not known at that address.</p>		
Characteristics of the site and environs		
<p>The site is located opposite the junction of the Moneysharvan Road and Crew Roads. There is a large area of grass fronting onto the Moneysharvan Road and bounded to the rear of the public footpath by a 1.5m high paladin security fence. There is a small area of hard core to the front, southern corner which was being used as a car park/display area for vehicles in connection with the adjacent car sales business to the immediate south of the site.</p>		

The site is bounded along the southern side by a 2.0-2.5m high hedge with an existing laneway leading to the reception area of the applicants existing joinery business in addition to two private dwellings and additional factory buildings, also operated by the applicant. The northern boundary is defined by a new main access road leading into the joinery business site. The western boundary of the site is undefined and is relatively flat grassland. A small area on the northern side of the main factory access road is also laid out in grass.

Beyond the site, there is a car sales business to the immediate south, whilst to the immediate north there is a private dwelling and an associated flower shop and garden centre.

Description of Proposal

The proposal is for the erection of a petrol filling station (8 No pumps) with underground storage tanks and ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1027/F	Lands 80m South East of 100 Coleraine Road, Maghera, BT46 5	Proposed petrol filling station (8 No pumps) with underground storage tanks and ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works.	VALID APPLICATION RECEIVED	
LA09/2015/1292/F	100 Coleraine Road, Maghera, BT46 5	Proposed Joinery Workshop extension incl. Fabrication	PERMISSION GRANTED	08.07.2016
H/2014/0397/PREAPP	Lands at 100 Coleraine Road/Moneysharvan, Maghera, BT46 5	Mixed Development to include call centre, petrol filling station	VALID APPLICATION RECEIVED	
H/2002/0713/F	100 Coleraine Road, Maghera,	Extension to Existing Joinery Works	PERMISSION GRANTED	14.11.2002
H/2011/0107/F	Site adjacent to 110 Coleraine Road, Maghera,	Proposed dwelling and garage	PERMISSION GRANTED	30.06.2011
H/2005/1260/D	Site adjacent to 100 Coleraine Road, Maghera,	Site for the construction of a convenience retail unit, as	APPEAL DISMISSED	
H/1992/0633	100 COLERAINE RD MAGHERA	SITE OF EXTENSION TO JOINERY WORKS	APPLICATION WITHDRAWN	
H/1993/0152	100 COLERAINE ROAD MAGHERA	MANUFACTURING BUILDING FOR EXPANSION OF	PERMISSION GRANTED	
H/2001/0732/F	100 Coleraine Road, Maghera,	Extension To Joinery Works.	PERMISSION GRANTED	11.10.2001
H/1994/0165	100 COLERAINE ROAD MAGHERA	EXPANSION OF JOINERY PREMISES	PERMISSION GRANTED	
H/2010/0292/D	100 Coleraine Road, Tamnymullan, Maghera,	Proposed Joinery Workshop expansion including Stores	PERMISSION GRANTED	17.08.2011
H/1998/0389	ADJACENT TO 100 COLERAINE ROAD, MAGHERA	SITE OF INDUSTRIAL DEVELOPMENT OF 8 - 10 UNITS	PERMISSION GRANTED	05.03.2001
H/1998/0172	ADJACENT TO 100 COLERAINE ROAD, MAGHERA	INDUSTRIAL UNITS	APPLICATION WITHDRAWN	
H/2003/0642/RM	Adjacent to 100 Coleraine Road, Maghera,	8 No. Light Industrial Units for local community.	PERMISSION GRANTED	21.07.2005
H/1977/0140	TAMNYMULLAN, MAGHERA	SITE OF RESIDENTIAL DEVELOPMENT	PERMISSION REFUSED	
H/1975/0281	TAMNEYMULLAN, MAGHERA - A29	SITE OF DWELLING	PERMISSION REFUSED	
H/2011/0559/F	100 Coleraine Road, Maghera,	Proposed joinery workshop expansion including stores	PERMISSION GRANTED	25.06.2012
H/1991/6129	MAGHERA	ORNAMENTAL GARDENS MAGHERA		
H/2012/0033/CA	Land Adjacent To 151 Moneysharvan, Maghera,	alleged unauthorised engineering works	ENFORCEMENT CASE CLOSED	23.10.2012
2006/A0870	Site adjacent to 100 Coleraine Road, Maghera,		APPEAL DISMISSED	18.08.2008

The most relevant planning history on the application site is H/2003/0642/RM which was approved for 8 no. light industrial units for local community on 15th July 2005 and which according to Building Control confirmation were commenced on 30th May 2007.

Development Plan and key policy considerations

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

Strategic Planning Policy Statement;

Magherafelt Area Plan 2015;

PPS 3 - Access, Movement and Parking;

PPS 4 - Planning and Economic Development;

DCAN 4 - Restaurants, Cafes and Fast Food Outlets;

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

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

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

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

The 2015 Plan remains the adopted plan for the area and the location of this proposed development is sited within is an area identified by the plan as 'Land zoned for industry'. The MAP at Page 48-49 requires that applications in such areas be determined in accordance with the provisions of prevailing regional planning policy.

As such I will examine how the proposal sits with the SPPS/PPS 4 and other relevant regional policy.

The SPPS states at para. 2.3 that 'The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured.' The proposal is considered to be more acceptable neighbour to the existing residential properties at no's 108 and 110 Coleraine Road and 151 Moneysharvan Road as opposed to a Class B2: Light Industrial Use.

At Para. 6.81 the SPPS states that the planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

Para. 6.89

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

Para. 6.91

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

There is a note of caution in relation to the loss of any lands zoned or identified as existing industry and this theme is carried through into PPS 4.

Para. 6.269

It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.

6.270

The aim of the SPPS is 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, consistent with the RDS.

In order to achieve the above aims, the SPPS adopts a sequential approach to site selection. Applications for main town centre uses are to be considered in the following order of preference (and shall consider all of the proposal's catchment):

- Primary retail core;
- Town centre;
- Edge of centre;
- Out of centre, only where sites are accessible by a choice of good public transport modes.

Para. 6.282

In the absence of a current and up-to-date LDP, Councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

The supporting Retail Statement advises that 'In the absence of MUDC's retail capacity information, the need for the proposed development must therefore be based on the

applicant's case, which is contained within this Retail Statement.' However, it is worth noting that the proposed development provides a an increase in 'net' retail convenience floor space of only 250m², which is 'ancillary' retail space to the main PFS use. There is no PFS, with ancillary retail provision, on the northern side of Maghera and there are robust sustainability grounds, regarding meeting the needs of occupiers of both new and approved housing in that area. Moreover, there are several existing housing developments that are all within easy walking distance (5 minutes' walk) of the site.

Para. 6.283

Requires all applications for retail or town centre type developments above a threshold of 1000m² gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.

Whilst the proposed development is not in excess of 1000m², in support of the proposed development, the applicant submitted a detailed retail statement which considered whether:

- There are alternative sites suitable for the proposed development within Maghera;
- There is a need for the proposed development; and
- The proposed development is policy compliant in retail terms.

The sequential site assessment identified that there are no sequentially preferable sites capable of accommodating the proposed development within either, Maghera town centre, an edge-of-town centre site, or out-of-centre site closer to Maghera town centre (on a main arterial route in and out of Maghera). The SSA demonstrated that no suitable sequentially preferable site exists and that the proposed site is the preferred location for the proposed development.

The retail statement submitted, was uploaded as a public document and no further objections were received to challenge its content. Therefore, in my opinion, I am persuaded by the evidence contained in that statement of the need for additional convenience floor space of the scale proposed at this location.

PED 7 of PPS 4 Retention of Zoned Land for Economic Development Uses is therefore a material consideration.

It states that 'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.'

It goes on to state that 'An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.'

The case made by the applicant is that the SPPS does not include a Petrol Filling Station as a town centre use and hence, a town centre location is an unsuitable location for the proposed development. Notwithstanding, there are no suitable, available or viable sequentially preferable sites in Maghera town centre or in an edge-of-centre location. None of the alternative sites in Maghera, even applying reasonable flexibility, are suitable for a PFS. This is because they are either too small and/or unavailable and/or are entirely incompatible with the business operations of a PFS and the applicant's requirements.

The proposed development will satisfy both a qualitative and quantitative need in Maghera. The applicants own quantitative assessment of need proves that the proposed development can be accommodated using only a modest amount of available expenditure growth in the catchment between 2020 (base year) and 2022 (design year). Moreover, expenditure growth remains to support both new and existing traders. There is an unequivocal quantitative need for the proposed development, and hence no likely adverse effects to Maghera town centre will occur.

Approval must not lead to a 'significant diminution of industrial land resource in the locality and plan area generally.' The proposed site (0.58ha) equates to

- Approx. 8.38% of the wider 6.92ha zoning at MA11;
- 7.66% of proposed industrial land in Maghera;
- 1.29% of proposed industrial land as identified in the MAP.

I agree that this is acceptable and that the proposal is a sui generis employment use and that it therefore fits with the objectives of regional and local policy.

A small element of the proposal involves a café. DCAN 4 indicates that consideration should be paid to any impacts relating to noise disturbance, smells and fumes, refuse and litter, traffic and parking and needs of those with disabilities. The agents retail statement states that the ancillary 'net' convenience sales floor space is 250m².

Maghera has an extremely low vacancy rate and is performing well. The proposed development will not affect convenience goods traders, as it has been shown that it can alone, be supported by available expenditure growth in the catchment. The proposed development will not affect comparison traders. The retail statement reiterates that the proposed development is an investment in a further convenience goods retail offer, whose scale, combination and configuration cannot be accommodated within the town centre. It is a small-scale 'ancillary' element to a PFS and, being so, it will not prevent future investment in the town centre, nor undermine investor confidence in it. It is estimated that around 23 full time equivalent jobs will be created in the PFS and café.

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

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

- It is considered to be compatible with the surrounding land uses which are mainly industrial/ retail uses. The site is within an area zoned for industrial use as identified within the Magherafelt Area Plan 2015.
- There are two dwellings located opposite the proposed site at Ash Glynn/Rowan Glynn, with a third dwelling located to the north of the site at 151 Moneysharvan Road. Two additional dwellings are located at the north western end of the private lane which extends along the south western boundary of the site. There is a mature hedgerow along the Coleraine Road which effectively screens the dwellings at Ash Glynn and Rowan Glynn. Likewise a semi-mature hedgerow along the boundary of no.151 provides an effective degree of screening. Mature hedgerows along the laneway leading to and around the two additional dwellings to the west of the proposed site also provides an effective degree of screening. Therefore it is not anticipated that the proposed café will have a detrimental effect on the amenity of any of the dwellings. Environmental Health have not raised any issues regarding impact on residential amenity.
- The proposed development will not have any adverse affect on natural or built heritage nor will it be at risk from, nor cause flooding.
- The proposed development will not create a noise nuisance. Following consideration of the requested Noise Impact Assessment, Environmental Health advised that the proposal is acceptable subject to conditions;
- The proposed development will not result in the discharge of any emissions or effluent. NIEA nor Environmental Health raised any issues of concern.
- Likewise, Transport NI have not raised any concerns regarding the increase of traffic nor the proposed access and parking arrangements. The proposed development will use the access including the right hand turning facility which exists for the existing factory;
- Although the site is located on the edge of the settlement it has good access via public footpaths and is accessible by public transport, foot or by cycling;
- The proposal layout and the building design are of an acceptable quality;
- The site is currently secured by an existing 1.5m high security fencing along the site frontage. This fencing is to be replaced by a 1.2m high anti-dazzle fencing, black in colour with a 2.1m high mesh fence around the sides and rear;
- In general, the proposal will deter crime and promote personal safety.



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

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

DCAN 4 advises that the preferable locations for cafes include:

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

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

Applications for restaurants, cafes or fast food outlets generally give rise to a number of issues and objections which are specific to these particular categories of land use. As a result, the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important concern when determining applications. In assessing this impact, a number of factors need to be taken into account i.e. noise disturbance, smells and fumes, refuse and litter, traffic considerations/car parking and provision for people with disabilities.

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

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

Recommendation

The SPPS (Town Centres and Retailing) makes no reference to sui-generis uses generally or places for the consumption of food and drink on the premises specifically and although the list of 'main town centre uses' is not exhaustive, there is no reason to assume that the likes of a café should be subject to the 'town centre first' approach. However, this is where the majority of café's are located and where one would expect to find such a use. Notwithstanding this, in my opinion, whilst the PFS will serve the passing motorist trade, the proposed cafe use is more likely to serve the immediate area and in particular the predominant workforce from the within the adjoining industrial/business sites and it unlikely that customers shopping in Maghera Town

Centre will leave the town centre to drive to this location for the purpose of having something to eat, especially when there are a number of quality cafes within the town centre.	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-</p>	
<p>Conditions</p> <ol style="list-style-type: none"> 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. The vehicular access including visibility splays of 4.5 x 120 metres onto the Moneysharvan Road shall be provided in accordance with Drawing No 02/2 bearing the date stamp 21 November 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. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/2 bearing date stamp 21 November 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site. No other development hereby permitted shall become operational until the road works indicated on Drawing No 02/2 bearing the date stamp 21 November have been fully completed in accordance with the approved plans. (Note The Works are mainly upgrading and extending the footway network including pedestrian islands) Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the appropriate time. 	

5. The development (including all ancillary activities situated within the red line of drawing No. 1) shall only be open for business and deliveries during the following hours:

06:00 – 23:00	Monday to Saturday
07:00 – 23:00	Sunday

Reason: To protect nearby residential amenity from noise.

6. All mechanical heating, ventilation and cooling services plant shall be designed, installed and permanently maintained so as not exceed 58 dB L_{Ar} when measured 3 metres from the plant or building (in accordance with BS 4142: 2014 + A1: 2019).

Reason: To protect nearby residential amenity from noise.

7. No car wash facility, vacuum cleaner or air compressor shall operate anywhere within the red line of drawing No. 1 without prior written approval from Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

8. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of noise from the development and/or check compliance with the noise limit listed above. Details of noise monitoring survey 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. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction Mid Ulster District Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

9. No development should take place on-site until the method of sewage disposal has been agreed in writing with NIW or a Consent to discharge has been granted.

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

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

Reason: In order to decrease the risk of the incorrect diversion of sewage to

drains carrying rain/surface water to a waterway.

11. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and Mid Ulster District Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with Mid Ulster District Council in consultation with Regulation Unit (RU) Land and Groundwater Team in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. After completing any remediation works required under Condition 11 and prior to occupation of the development hereby approved, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council in consultation with Regulation Unit (RU) Land and Groundwater Team. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. A working strip of minimum width 5m shall be permanently retained along the culverted watercourse known to DfL Rivers as the Railway Drain which lies along the northern boundary of the site. The working strip shall be protected from impediments (including tree planting, hedges, permanent fencing and sheds) land rising or future unapproved development and access to and from the maintenance strip shall be available at all times.

Reason: To ensure access to the culverted watercourse is available at all times for maintenance purposes.

Signature(s)

Date:

ANNEX	
Date Valid	31st July 2019
Date First Advertised	15th August 2019
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 108 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 110 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 149 Moneysharvan Road Maghera Londonderry</p> <p>The Owner/Occupier, 151 Moneysharvan Road Maghera Londonderry Robert & Debra Graham 151 Moneysharvan Road, Maghera, Londonderry, Northern Ireland, BT46 5HZ Robert Graham 151 Moneysharvan Road, Maghera, BT46 5HZ Robert Graham 151, Moneysharvan Road, Maghera, Londonderry, Northern Ireland, BT46 5HZ</p> <p>The Owner/Occupier, 151a Moneysharvan Road Maghera</p> <p>The Owner/Occupier, 2 Rowan Glynn, Maghera, Londonderry, BT46 5FG Christopher Warren 306 Airport Road West Belfast Down</p> <p>The Owner/Occupier, 5 Ash Glynn, Maghera, Londonderry, BT46 5FH</p> <p>The Owner/Occupier, 98 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 98A Coleraine Road, Maghera, Londonderry, BT46 5BP</p>	
Date of Last Neighbour Notification	25th February 2020
Date of EIA Determination	12th August 2019
ES Requested	No

Planning History

Ref ID: LA09/2019/1027/F

Proposal: Proposed petrol filling station (8 No pumps) with underground storage tanks and ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works

Address: Lands 80m South East of 100 Coleraine Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2015/1292/F

Proposal: Proposed Joinery Workshop extension incl. Fabrication workshops, stores, offices and service areas

Address: 100 Coleraine Road, Maghera, BT46 5BP,

Decision: PG

Decision Date: 08.07.2016

Ref ID: H/2014/0397/PREAPP

Proposal: Mixed Development to include call centre, petrol filling station, creche, store and distribution , research and development buildings

Address: Lands at 100 Coleraine Road/Moneysharvin Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2002/0713/F

Proposal: Extension to Existing Joinery Works

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 14.11.2002

Ref ID: H/2011/0107/F

Proposal: Proposed dwelling and garage

Address: Site adjacent to 110 Coleraine Road, Maghera,

Decision:

Decision Date: 30.06.2011

Ref ID: H/2005/1260/O

Proposal: Site for the construction of a convenience retail unit, associated car parking, service yard and general site works.

Address: Site adjacent to 100 Coleraine Road, Maghera

Decision:

Decision Date:

Ref ID: H/1992/0633

Proposal: SITE OF EXTENSION TO JOINERY WORKS

Address: 100 COLERAINE RD MAGHERA

Decision:

Decision Date:

Ref ID: H/1993/0152

Proposal: MANUFACTURING BUILDING FOR EXPANSION OF EXISTING JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0732/F

Proposal: Extension To Joinery Works.

Address: 100 Coleraine Road, Maghera.

Decision:

Decision Date: 11.10.2001

Ref ID: H/1994/0165

Proposal: EXPANSION OF JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2010/0292/O

Proposal: Proposed Joinery Workshop expansion including Stores and Offices

Address: 100 Coleraine Road, Tamnymullan, Maghera

Decision:

Decision Date: 17.08.2011

Ref ID: H/1998/0389

Proposal: SITE OF INDUSTRIAL DEVELOPMENT OF 8 - 10 UNITS FOR LIGHT INDUSTRIAL USE FOR LOCAL COMMUNITY

Address: ADJACENT TO 100 COLERAINE ROAD, MAGHERA

Decision:

Decision Date: 05.03.2001

Ref ID: H/1998/0172

Proposal: INDUSTRIAL UNITS

Address: ADJACENT TO 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2003/0642/RM

Proposal: 8 No. Light Industrial Units for local community.

Address: Adjacent to 100 Coleraine Road, Maghera.

Decision:

Decision Date: 21.07.2005

Ref ID: H/1977/0140

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: TAMNYMULLAN, MAGHERA

Decision:

Decision Date:

Ref ID: H/1975/0281

Proposal: SITE OF DWELLING
 Address: TAMNEYMULLAN, MAGHERA - A29
 Decision:
 Decision Date:

Ref ID: H/2011/0559/F
 Proposal: Proposed joinery workshop expansion including stores - The proposed expansion of the existing joinery workshop is in part substitution for the temporary (unauthorised) storage sheds (Amended Plans Received).
 Address: 100 Coleraine Road, Maghera,
 Decision:
 Decision Date: 25.06.2012

Ref ID: H/1991/6129
 Proposal: ORNAMENTAL GARDENS MAGHERA
 Address: MAGHERA
 Decision:
 Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 06
 Type: Sign Details
 Status: Submitted

Drawing No. 05
 Type: Road Access Plan
 Status: Submitted

Drawing No. 04
 Type: Further Particulars
 Status: Submitted

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:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1373/O	Target Date:
Proposal: Dwelling and Garage.	Location: 55m East of 32a Mulnavoo Road Moneyneany Road Draperstown.
Referral Route: Refusal- Contrary to Policy CTY1, 8 & 14 of PPS 21	
Recommendation: Refusal	
Applicant Name and Address: Michael Bradley Esq 30 Mulnavoo Road Moneyneany Draperstown BT45 7LR	Agent Name and Address: R M Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Three neighbour notifications were sent out and at the time of writing two objections have been received.

Contrary to CTY 1, 8 and 14 of PPS 21.

Summary of objections:

- Issue that the site does not meet the policy stated under PPS 21.
- The proposal would add to ribbon development along with No. 30 & 32 Mulnavoo Road.

- Cannot be considered a gap site as No.32a to the west does not share the same frontage as the proposed site and No. 30 & 32.
- CTY 13 opinion the site will be prominent in the skyline and will rely on new landscaping for integration
- CTY 14 the proposal will create a suburban style build-up of development when viewed with existing and approved buildings.

Characteristics of the Site and Area

The application site is located approximately 2km North West of the development limits of Draperstown within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as located 55m East of 32a Mulnavoo Road, Draperstown. The red line covers approximately half of a larger agricultural field. The site is bounded A mix of residential and agricultural land uses defines the surrounding area. I note that the residential properties located adjacent to the site are all set back off the Mulnavoo Road.

Description of Proposal

This is an outline application for an infill site for a dwelling and detached garage, located 55m East of 32a Mulnavoo Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
 Mid Ulster Local Development Plan 2030- Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 PPS 21- Development in the Countryside
 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. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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'.

Policy 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 it

respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

In terms of the continuous and built up frontage, I note that to the east of the site there are three detached dwellings, Nos. 30A, 30 & 32 Mulnavoo Road with associated outbuildings, which all share a frontage onto the Mulnavoo Road. To the West of the site is a detached dwelling and garage at 32A Mulnavoo Road however this is accessed via a private laneway which also serves access to 32c & 32b Mulnavoo Road. The site at 32a has an agricultural field between the front of the site and the Mulnavoo Road and therefore, I do not believe it has a frontage onto the road. As such, I am not satisfied that the proposed site is a gap site between a substantial and continuously built up frontage. From this I am of the opinion that the application fails under CTY 8.

This application is located on the same site as a previous application LA09/2019/0849/O which was refused for being contrary policy CTY 8 in that it was determined the proposal does not represent a gap site within a substantial and continuously built up frontage and would create a ribbon development. It should be noted that although this application is on the same site, it has a much bigger red line and the access to the site has been changed and proposes a new access from the Mulnavoo Road. However, it is my opinion that the proposed site is not a gap site and that the change in access does not make

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. Any reserved matters application should require additional planting to take place, therefore, a landscape plan should be submitted as part of the Reserved Matters application. The ridge height should be restricted to 7.5m above finished floor level.

Policy 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 the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. As previously noted the proposal fails under policy CTY 8 in that I do not consider this a gap site between a substantial and continuously built up frontage and as a result it not only would lead to forming ribbon but also result in a change to the rural character. In my view the site represents an important visual break in relation to the other houses.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

The main points raised in the objection letters received are that the proposed site would create a ribbon development. I note that the concerns have been addressed above.

The objector has raised issues that the proposal would be contrary to the policy contained within the Mid Ulster District Council Local Development Plan 2030- Draft Plan

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

The objector and the agent also raised comments regarding the previous planning application LA09/2019/0849/O which was refused at planning committee; it is claimed by the agent that Dr Boomer stated that had this site fronted the road, it would have been approved. The objector questions this and claims there is no record, verification or inference that the Planning Manager would be in support of an application with a road frontage. In fact the situation is that Dr Boomer explained the policy which relates to frontages and did not offer any commitment at this site. However, this application is being considered under relevant policy considerations and a recommendation has been based on the planning policy and relevant material considerations.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal

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.

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development along the Mulnavoo Road.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development resulting in a suburban sprawl and result in the loss of this visual break, as such would represent a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	17th October 2019
Date First Advertised	29th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30a Mulnavoo Road Draperstown The Owner/Occupier, 32 Mulnavoo Road, Draperstown,BT45 7LR The Owner/Occupier, 32a Mulnavoo Road Draperstown Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR Steven & Violet Linton 32a, Mulnavoo Road, Draperstown, Londonderry, Northern Ireland, BT45 7LR	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1373/O Proposal: Dwelling and Garage. Address: 55m East of 32a Mulnavoo Road, Moneyneany Road, Draperstown., Decision: Decision Date: Ref ID: LA09/2019/0849/O Proposal: Dwelling and garage Address: 55m East of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019 Ref ID: LA09/2019/0846/O Proposal: Dwelling and Garage Address: 30m east of 32a Mulnavoo Road, Draperstown, Decision: PR Decision Date: 11.09.2019	

Ref ID: H/2002/0744/F
Proposal: Dwelling and Garage
Address: 250m W of 32 Mulnavoo Road, Draperstown
Decision:
Decision Date: 21.01.2003

Ref ID: H/2002/0349/F
Proposal: Dwelling & Garage.
Address: 200m W of 30 Mulnavoo Road, Draperstown.
Decision:
Decision Date: 27.01.2003

Ref ID: H/2002/0454/F
Proposal: Dwelling and Garage
Address: Mulnavoo Road, Mullaghnamaragh, Draperstown
Decision:
Decision Date: 18.10.2002

Ref ID: H/1991/0036
Proposal: DWELLING
Address: MULNAVOO ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1998/0012
Proposal: SITE OF DWELLING
Address: TO REAR OF 30 MULNAVOO ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1989/0012
Proposal: ALTS AND ADDS TO HOUSE
Address: 30 MULNAVOO ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1998/0253
Proposal: DWELLING
Address: ADJACENT TO 30 MULNAVOO ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1993/0004
Proposal: ALTS AND ADDS TO DWELLING
Address: 30 MULNAVOO RD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2004/0786/F
Proposal: Replacement dwelling and garage.
Address: 30 Mulnavoo Road, Draperstown.
Decision:
Decision Date: 16.03.2005

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1432/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage. Based on Policy CTY10 (Dwelling on a farm)	Location: Approx. 100m North-West of No 84 Loup Road Moneymore
Referral Route: Proposal fails to comply with criteria c contained within policy CTY 10, CTY13 and CTY 14 of PPS 21. No third party representation received and all other considerations have been taken into consideration.	
Recommendation:	Refuse
Applicant Name and Address: Mr Michael O'Boyle 97b Loup Road Moneymore BT45 7st	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	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 third party representations received and all other material considerations have been taken into consideration.

Characteristics of the Site and Area

This application relates to an outline permission for the provision of a farm dwelling located on farm lands approximately 100 northwest of No 84 Loup Road, Moneymore. The site is situated outside any designated zonings or settlement limits. The area is classified as open countryside as defined within the Magherafelt Area Plan 2015.

The site comprises the top northeast corner of a grass field. The field is identified as No 9 on the DEARA farm map. The field's topography raises in a steep elevation from the Moneymore Road

towards the site in northerly direction. The northeast boundary consists of various indigenous hedgerow species with a good mixture of semi-mature trees. The eastern boundary abuts an adjacent laneway that defines the eastern boundary. The northern boundary is defined by intermittent trees with hedgerow supported with post and wire fencing. The west and south boundaries are undefined.

Located approximately 30m to the northeast of the site is a small paddock which is heavily screened with thick vegetation. I observed two structures measuring approx. 3m in width and depth by 3m in height located within this small area. The structures appeared to have been constructed of timber frames with corrugated sheeting. I did not see any evidence of these structures being permanently secured to the ground. I noted one of the structures was laying on its roof and the other was laying on its side I could not see any evidence of foundations or hard standing (floors) around the area or the vicinity of the two structures.

Characteristics of the site and area.

The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.

Description of Proposal

The applicant is seeking outline planning for a farm dwelling.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access to a public road and therefore DFI Roads were consulted in the processing of the application.

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

Relevant Site History.

MUDC records indicate no planning history relating to this site.

Constraints.

DFI: Roads no objection apply standard conditions;
DAERA confirmation of an active farm business;
NIW: No objections standard Informatives

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 11th November 2019

(publication 12th November 2019. Four (4) neighbouring properties were notified on 7 November 2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Checks carried out indicate that there are no flooding issues on this site.

Planning Assessment of Policy and Other Material Considerations

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

1. Magherafelt Area Plan 2015.
2. Strategic Planning Policy Statement (SPPS).
3. PPS 3 Planning Policy Statement 3 Access, Movement and Parking. (DCAN 15)
4. PPS 21 - Sustainable Development in the Countryside.
5. Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside

The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. The Magherafelt Area Plan 2015 does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

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 Councils 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.

Assessment.

PPS 21

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

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

- (a) The farm business is currently active and has been established for at least 6 years.
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

In addition to the criteria above, applications of this nature must also demonstrate that they meet the policy requirements of policies CTY 13, CTY 14 and CTY 16 of PPS 21.

With respect to (a) it is considered that this policy criteria is met as the applicant has provided an Agricultural Business Identification number and claims Single Farm Payments. DAERA have been consulted and have confirmed that the farm business has been in existence and active for a period of more than 6 years established (11/03/2008). I am content that the consultation response from DAERA, coupled with observations made on-site and evidence provided relating to animal records demonstrates the farm is actively being farmed by the applicant.

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

In terms of criteria (c) it is clear from my observations when I was on site that there was no existing farm buildings with the exceptions of two temporary mobile structures, which a new dwelling could be visually linked to. I am not persuaded that the two small timber frame corrugated structures do not represent farm buildings and therefore they do not comply with policy criteria c.

Therefore this category has not been complied with.

The proposal for a farm dwelling must also demonstrate that they meet the policy requirements of policies CTY 13, CTY 14 Policy.

CTY 13 stipulates 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.



FIG. 1 Temporary structures constructed of timber and corrugated sheeting



Fig. 2 sheds

The proposal fails both CTY 13 and CTY 14 given the steep topography of the site a new dwelling with a modest ridge height of 5m would become a prominent feature and would adversely impact on the local landscape. I am also not persuaded the proposed dwelling would benefit from additional landscaping in restricting the level of prominence and the level of associated impact on the surrounding landscape.

In terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

In terms of the associated ancillary works involved to construct the new access I have concerns over the degree of land manipulation that will be required to facilitate this development.

Access Consideration.

DFI Roads were consulted on 05/02/2020 on this application and responded with no objections subject to standard condition namely the vehicular access, including visibility splays of 2.4m x 110m in both directions

Recommendation.

I recommend refusal on the grounds that the site is not visually linked to an existing farm group of buildings and given the steep topography a dwelling would, if permitted, would adversely impact on the rural character of the surrounding area. That said, given that the applicant has an extensive farm holding it would be worth exploring other alternative sites within the applicant's ownership.

Contrary to CTY1, CTY10, CTY13, CTY14

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and 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 dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

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 that the impact of ancillary works would damage rural character.

Signature(s)

Date:

ANNEX	
Date Valid	31st October 2019
Date First Advertised	12th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 79 Loup Road, Money more, Londonderry, BT45 7ST The Owner/Occupier, 82 Loup Road Money more Londonderry The Owner/Occupier, 84 Loup Road Money more Londonderry The Owner/Occupier, 86 Loup Road Money more Londonderry	
Date of Last Neighbour Notification	7th November 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1432/O Proposal: Proposed site for dwelling and domestic garage. Based on Policy CTY10 (Dwelling on a farm) Address: Approx 100m North-West of No84 Loup Road Money more, Decision: Decision Date:	
Summary of Consultee Responses Content	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1484/O	Target Date:
Proposal: Proposed site for dwelling	Location: 50m East of 91 Aughrim Road Magherafelt
Referral Route: Proposal fails to comply with criteria 4 contained within policy CTY 2a of PPS21, no third party representations received and all other material considerations have been taken into consideration	
Recommendation:	Refuse
Applicant Name and Address: Keith Fulton 50 Gracefield Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	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

No third party representations received and all other material considerations have been taken into consideration

Characteristics of the Site and Area

The application site is positioned 50m East of 91 Aughrim Road, Magherafelt. The site comprises the northeast portion carved out of a large grassed field located at a crossroads. To the north are two dwellings Nos 101 and 99 Annaghmore Road further northeast is Aughrim Gospel Hall. Further east are two further dwellings Nos 91 and 91a Aughrim Road and further northeast is an Orange Hall.

The north and west boundaries are defined by low level hedgerows with a similar roadside hedge runs along the Ballynagarve Road. The south and east boundaries are undefined. The site's topography is relatively flat and sits approximately 0.5 of a metre below road level.

The surrounding area is characterised by an undulating landscape with the predominant land use agricultural with individual dwellings and associated farm outbuilding peppered throughout

the area. The site is not relocated within any designated zones classified as open countryside as defined in the Magherafelt Area Plan 2015.

Description of Proposal

The applicant is seeking outline planning for a dwelling and garage.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the creation of a new access and entrance to a public road and therefore DFI Roads were consulted in the processing of the application.

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

Relevant Site History

MUDC records indicate that there is no relevant planning history associated with this site. I have no ecological, flooding or residential amenity concerns.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 25th November 2019 (publication 26th November 2019). Five (5) neighbouring properties were notified on 15th November 2019; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Constraints:

DFI: Roads no objection apply standard condition;
NIW: No objections standard Informatives

Planning Assessment of Policy and Other Material Considerations

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless

material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain any policies in regards to this site.

1. Magherafelt Area Plan 2015.
2. Draft- Mid Ulster District Council Local Development Plan 2030 ? draft plan
3. Strategic Planning Policy Statement (SPPS).
4. PPS 3 Planning Policy Statement 3 Access, Movement and Parking.
5. PPS 21 - Sustainable Development in the Countryside.
6. Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. The MAP offers no other specific policy or guidance in respect of the proposed development. The MAP does not contain any specific policies relevant to the application.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context.

Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is CTY 2a development in clusters. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 (CTY2a, CTY 13 & 14) and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

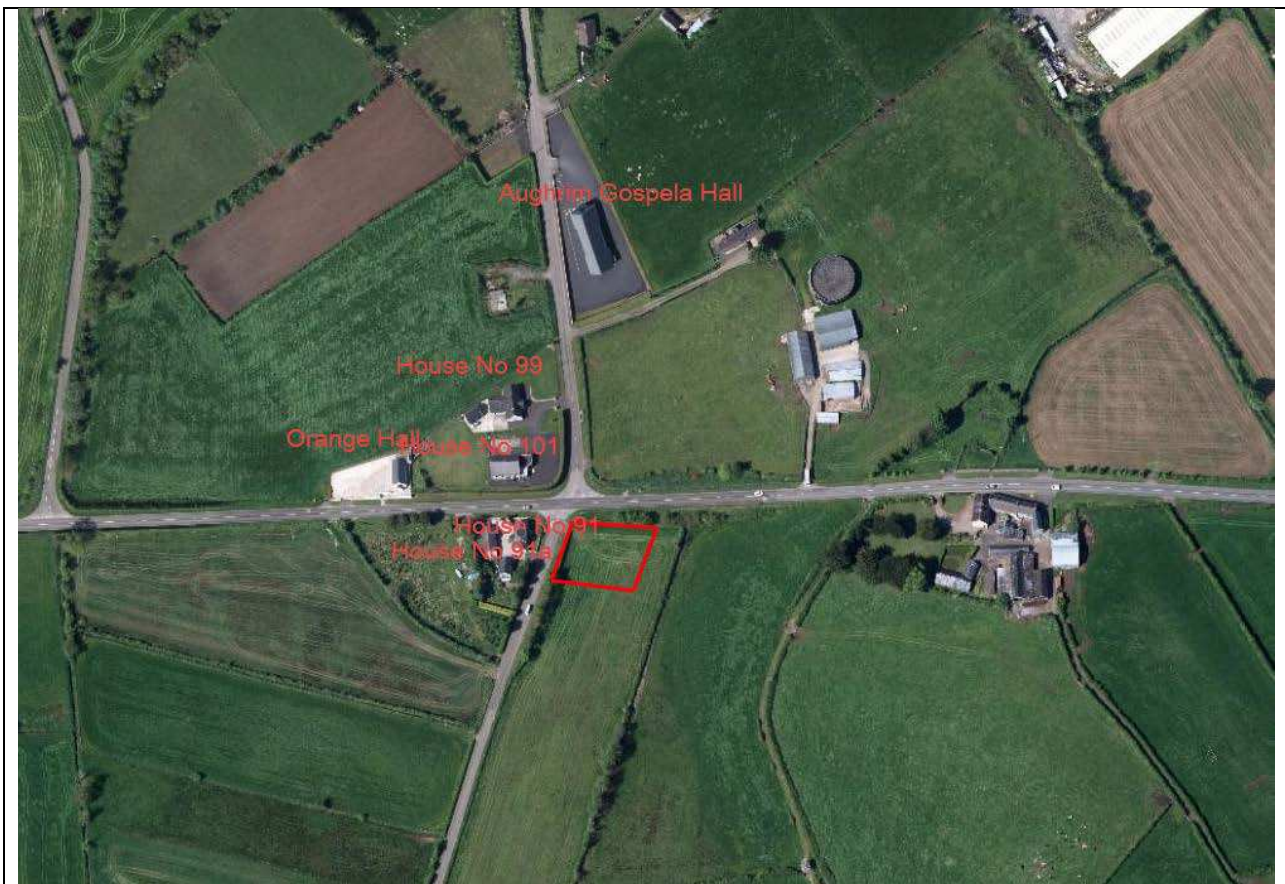


Fig 1 Spatial map

Assessment.

The agent emailed me to indicate his view that the site is in the spirit of the policy and request that Council Planning Committee considers the site as an exception to policy, in that the site exhibits 5 out of the 6 criteria. The agent's comments have been taken into consideration along with other material considerations.

PPS 21, Policy CTY 1, establishes that planning permission will be granted for a dwelling house based on CTY2a development within a cluster is acceptable, subject to meeting the policy criteria.

The second policy CTY2a requires proposals for dwellings must comply with the following criteria:-

1. 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;
2. The cluster appears as a visual entity in the local landscape;
3. The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
5. 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
6. Development would not adversely impact on residential amenity.

I am satisfied that the proposed development is in compliance with criteria 1, 2, 3, 5 and criteria 6 also based on my observations made on site. I have also carried out an inspection of overhead historical orthographic imagery, along with street view imagery confirms the site is located within an associated cluster of development with the exception of criteria 4.

With regard to the fourth criterion I am satisfied that the application site could provide a suitable degree of enclosure for the development subject to ridge height not exceeding 6.5m above finish floor level. That said, the site is not bounded on two sides with other development criteria 4 states at least two sides bounded by existing development is the minimum acceptable degree of physical relationship between the site and adjacent existing development in the cluster. Whilst I accept that the site has two boundaries that abut the Aughrim and Ballynagarve Roads this however roads and laneways do not represent development as set down in the 2011 Planning Act.

Considering the requirements of CTY 13 - Integration and Design of Buildings in the Countryside 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. A new building will be unacceptable where:

- a) It is a prominent feature in the landscape; - the proposal site is not in a prominent location.
 - b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; - the site has mature and established boundaries to all sides.
 - c) It relies primarily on the use of new landscaping for integration - the site has mature and established boundaries to all sides
 - d) Ancillary works do not integrate with their surroundings - as this is an outline application no ancillary works have been indicated, access would be directly off Garrison road should an approval be granted.
 - e) The design of the building is inappropriate for the site and its locality - as this is an outline application no design has been proposed at this stage.
 - f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - the site is flat and surrounded by mature vegetation thus could comply with this criteria.
 - g) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm - this proposal is not a proposed dwelling on a farm.
- Thus having considered the points above the proposal adheres to the criteria of CTY 13.

In terms of CTY 14 - Rural character 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 is considered that the site and its surrounding environment is suitable for absorbing a dwelling subject to a ridge height not exceeding 6.5m above finish floor level.

Thus having considered the points above the proposed adheres to thee criteria of CTY 14.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1, CTY 2a, or CTY 14 of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked

Yes

Summary of Recommendation:

On the basis of my assessment i recommend that this application be refused by the Planning Committee as it fails to comply with criteria 4 contained in CTY 2a of PPS 21

Signature(s)
Date:

ANNEX	
Date Valid	8th November 2019
Date First Advertised	26th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 91 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 91a Aughrim Road Magherafelt The Owner/Occupier, 97 Aughrim Road Magherafelt Londonderry The Owner/Occupier, 98 Aughrim Road, Magherafelt, Londonderry, BT45 6JZ	
Date of Last Neighbour Notification	15th November 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1484/O Proposal: Proposed site for dwelling Address: 50m East of 91 Aughrim Road, Magherafelt, Decision: Decision Date:	
Summary of Consultee Responses DFI Roads no objection subject to standard condition NI Water no concerns raised.	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st September 2020	Item Number:
Application ID: LA09/2019/1587/O	Target Date:
Proposal: Proposed gap site CTY8 of PPS 21 for 2 No Dwellings (additional information to address septic tank arrangements)	Location: Opposite 250 Ballygawley Road Dungannon BT70 1TG.
Referral Route: Objections, Approve	
Recommendation:	Approve
Applicant Name and Address: Jason Kelly 62 Devesky Road Carrickmore Omagh BT79 9BU	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

- there is no room for two dwellings on the site;
- there would be increased traffic on the private laneway;
- there would be no car parking room;
- the site is prone to waterlogging;
- the site is surrounded by 4 septic tanks;

Description of proposal

This is an outline planning application for 2 no. infill dwellings on a gap site (Policy CTY8 of PPS21).

Characteristics of site and area

This site is accessed from a private laneway that serves 4 other dwellings, with access onto Ballygawley Road (a former protected route). Cabragh Petrol Filling Station located approx. 1 km to the East. Currently on site there is evidence of foundations of a dwelling that was granted permission under M/2005/0314/F for a 2 storey dwelling.

Along the southern/south eastern boundaries of the site is a mature tree lined hedge. The site slopes gently downhill towards the southern boundary. Along the northern boundary, which is shared with the private laneway, is construction fencing to secure the site.

To the west is a 1 storey dwelling and garage, to the east is a 2 storey dwelling with elongated lawn. North of the site, between the site and the Ballygawley Road are 2 two storey dwellings on generous plots.

To the south is agricultural land. Land in the area is mostly defined by agricultural land, farm holdings and dispersed single dwellings.

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

The site is located in the open countryside as defined in the Dungannon and South Tyrone Area 2010 where SPPS and PPS21 are applicable. There are no specific area plan policies relevant to this proposal.

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

Representations

One 3rd party objection was received.

In FEB 2020 this proposal was on a weekly delegated list with a recommendation to approval. However, a late objection was received in Feb before a decision was made and the proposal was removed from the delegated list for consideration of this objection. As an objection has been received, this proposal can no longer be considered under delegated procedures, and will now be presented to Planning Committee whereby Members will decide the application.

The late objection raised the following concerns;

- there is no room for two dwellings on the site;
- there would be increased traffic on the private laneway;
- there would be no car parking room;
- the site is prone to waterlogging;
- the site is surrounded by 4 septic tanks;

These will be considered later in my consideration.

Relevant planning history

M/2005/0314/F- Two storey dwelling - change of house type from that approved in M/2004/0774/F -amended plans, permission granted 22.11.2005.

LA09/2019/0410/PAD- a PAD was submitted on this site on 25th March 2019 to the Planning Department for advice on the acceptability of 2 dwellings on this site (CTY8). Commitment was given by Mid Ulster Planning Department that it would appear to meet the principle for a double infill.

Key Planning Policy and consideration

Strategic Planning Policy Statement- The policy provision of SPPS do not impact on the policy provisions of PPS21 Sustainable Development in the Countryside in relation to the assessment of this proposal.

The overarching policy for development in the countryside is PPS21. 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 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes 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.

To the east of the site, along a shared private laneway, is a 2 storey dwelling and garage sited side by side. To the west is a 1 1/2 storey dwelling and detached garage. Between these row of 4 buildings is the application site. Permission for one dwelling has been granted on the application site and founs are in place to the west of the site. The site is largely in keeping with the plot shapes and sizes surrounding the site. In my view, one dwelling on this site would be more in keeping with the character of the plot sizes in the area, however, Mid Ulster Planning Department gave a commitment (under the above PAD) that the site would appear to meet the principle of a double infill. For this reason, I find this proposal acceptable.

The site represents a small gap sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage which is the private laneway.

There is a good sense of enclosure to this site, with mature hedgerows to the south and east, and is set behind existing development between it and the Ballygawley Road. 2 dwellings on this site will integrate satisfactorily into the landscape.

The proposal meets the exception to policy CTY8 and will not create ribbon development. It will also integrate into the landscape and will not have a detrimental impact on rural character and does not offend policies CTY13 or 14.

This is an outline proposal. Most of the dwellings beside this site are 2 storey, a ridge restriction of 7.5m in height is reasonable and will allow 2 storey dwellings. Retention of existing natural boundaries, where possible, will also assist with integration.

Other Policy and Material Considerations

DfI Roads have no objections to this proposal subject to conditions requiring 4.5m by 120m sightlines onto the public road and a forward sight distance of 120m. A revised site location plan was received by the Planning Department on 19th Feb 2020 which show red line extended along the private access to the public road. No visibility splays are shown on this map to the public road, however there are generous grass verges on either side which are controlled by DfI Roads and therefore splay requirements are in situ. There is no requirement to show splay provision in this case. As the red line was extended I re-advertised the proposal in the local press and carried out re-neighbour notification.

The site is not subject to flooding and there are no land contamination issues to consider.

There is a field drain/sheugh located along the southern boundary. Policy FLD4 of PPS15 does not allow the culverting of such watercourses. A condition can be attached to ensure no culverting takes place and that sufficient protection of the watercourse and vegetation to the south are protected during construction, details to be agreed at RM stage.

Design can be considered at Reserved Matters stage, with consideration given to traditional rural design principles and any impacts the proposal may have on the residential amenity of adjacent properties, and each other. In my view there is ample space to site 2 dwellings that will not have a detrimental impact on existing or proposed private residential amenity.

Consideration of objection

The objector is concerned that there is insufficient room on this site for two dwellings. As stated above, a PAD was submitted to Mid Ulster District Council for two dwellings on this site and Council gave a commitment for the principle of a double infill. In my view 2 dwellings on this site will not have a detrimental impact on the character of this area of landscape and that this proposal falls within the spirit of policy CTY8 of PPS21. In my view there is sufficient room for two dwellings on this site, for car parking and private amenity areas. In my view, 2 dwellings can be sited on this site to ensure that there will be no overlooking or overshadowing of neighbouring property. This can be controlled at Reserved Matters stage as the current proposal is only an outline application and no details of the dwellings to be constructed have been provided.

The objector raised concern that there would be increased traffic on the private laneway. DfI Roads were consulted on this proposal and raise no concern over additional traffic movements on this laneway. In my view, these additional traffic movements will not have a detrimental impact on existing residential amenity or road safety. There is sufficient

room at the entrance of the private lane onto the public road for 2 cars to pass safely, so that a car can pull off the road when one is accessing the public road.

In terms of carparking provision, an indicative block plan was provided with this proposal which shows sufficient room for two dwellings on this site with in curtilage parking and sufficient private amenity space. DfI Roads raised no concern over parking provision. There is sufficient parking provision for the proposed dwellings.

While the site may be prone to waterlogging there is no evidence from the Strategic Flood maps NI that the site is within a flood plain or suffers from pluvial or surface water flooding. In my view a Drainage Assessment is not required in this instance. Even in circumstances where a drainage assessment is not required by the policy it remains the responsibility of the applicant (or a suitably qualified person with demonstrable experience in flood risk assessments) to assess the flood risk and drainage impact of the proposed development and to mitigate the risk to their development and that beyond the site.

In terms of the site being surrounded by four septic tanks. On my site visit it was not clear where the positions of these septic tanks were located. No unpleasant odours were observed. Every septic tank is subject to separate licencing/permit from NIEA. It is the landowner/developers responsibility to ensure appropriate licence/permits are in place. If soakaway/discharge is required through third party land this is a third party matter between the interested parties. To ensure that there would be no detrimental impacts to residential amenity through existing or proposed septic tank arrangements I asked the agent to provide a map to identify the locations of existing and proposed tanks. The agent provided this information and I consulted Environmental Health for comment on the proposed indicative layout drawing No. 02 rev1 date received 2nd July 2020. Environmental Health provided comment on this additional information dated 13/08/2020 and raised no objection to the proposal. Environmental Health make the c_following comments;

-Whilst a separation distance between septic tank location and habitable dwellings of 15 metres is preferred, BS 6297: 2007 + A1: 2008- Code of Practice For The Design and Installation of Drainage Fields for Use in Wastewater Treatment- refers to a minimum separation distance from habitable dwellings of 7 metres.

The location of the septic tank which serves site 1 (see 02 rev1) appears to be 11 metres from the dwelling whilst the septic tank for site 2 as noted on the drawing appears to be 10 metres from the dwelling.

It is therefore considered unlikely that the location of the proposed septic tanks will impact residential amenity.-

I am satisfied that the views of the objector have been considered and do not make any material change to my recommendation of approval on this proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted with the following conditions.

Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Mid Ulster 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: Time Limit.

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

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

3. There shall be no culverting of the watercourse along the southern boundary, as indicated in yellow on drawing No. 01 date stamp received 4th DEC 2019. A 5m maintenance strip along this watercourse shall be identified on a block plan at reserved matters stage and no development shall take place within this maintenance strip.

Reason: To safeguard existing biodiversity and to ensure proper access is provided to this watercourse in the event of maintenance requirements.

4. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwellings shall be submitted for approval at Reserved Matters stage. The dwellings shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside and to protect amenity.

5. The dwellings hereby permitted shall have a ridge height not more than 7.5m from finished floor level, unless otherwise agreed in writing.

Reason: So that the building integrates into the surrounding countryside and respects the character of development in the area.

6. The under build of the proposed dwellings shall not exceed 0.45m at any point within its proposed footprint.

Reason: So that the building integrates into the surrounding countryside and respects the character of development in the area.

7. All trees and hedges, indicated in yellow on drawing No. 01 date stamp received 4 DEC 2019 shall be permanently retained at their existing height unless otherwise agreed in writing at Reserved Matters stage.

Reason: To ensure the development integrates into the landscape and in the interests of visual amenity and biodiversity.

8. During the first available planting season following the commencement of any 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 and hedges 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. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

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

- sight lines of 4.5m by 120m in both directions onto the public road;
- a forward sight distance of 120m on the public road.

The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	5th December 2019
Date First Advertised	17th December 2019
Date Last Advertised	10th March 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 250 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 252 Ballygawley Road Dungannon Tyrone Anthony and Sheila McGonnell 252 Ballygawley Road,Dungannon,BT70 1TG The Owner/Occupier, 254 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 256 Ballygawley Road Dungannon Tyrone	
Date of Last Neighbour Notification	23rd July 2020
Date of EIA Determination	
ES Requested	Yes /No
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0024/F	Target Date: 22/04/20
Proposal: Proposed 3No. lodges for short term accommodation to facilitate access to adjacent lough shore nature area	Location: 210m South West of 35 Brookend Road Ardboe
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Donal Coney 35 Brookend Road Ardboe BT71 5BR	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non-Statutory	SES	Substantive Response

Representations:

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

Characteristics of the Site and Area

This site is located in the open countryside approximately 3km SW of Ardboe as the crow flies, with the shores of Lough Neagh located approximately 750m to the east of the site. SE of the site there is woodland between the site and the shores of Lough Neagh. The proposed site is located within a rural area characterised by agricultural fields and dispersed dwellings, however in the immediate locality there is a medium degree of development pressure.

The site is located along a private laneway, set back approximately 260m in the corner of an existing agricultural field. Adjacent to the access laneway is 2 single storey dwellings, No. 37 and 39 Brookend Road. To the rear of these dwellings there is an area of hardstanding and a large shed which spears industrial in design and was granted planning permission for the storage and repair of boats. The access laneway, which also serves the large shed, is bounded at both sides by mature hawthorn hedgerows. Planning permission (LA09/2020/0347/O) was recently granted for a dwelling and garage to the rear of the storage shed which proposes to also use the existing access. The south west boundary of the site is defined by mature trees with the remaining boundaries not clearly defined.

Description of Proposal

This is a full planning application for 3 no. lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area.

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

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 16: Tourism

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

LA09/2019/0573/F - Proposed 2No lodges for short term accommodation to facilitate access to adjacent Lough Shore Nature Area - 210m South West of No 35 Brookend Road, Ardboe – Withdrawn

LA09/2020/0347/O - Proposed dwelling and garage - 120m South West of 39 Brookend Road, Ardboe – Permission Granted 19/08/20

I/2013/0142/F - Proposed building to accommodate Lough Neagh Fishing Boat General Domestic Store (Amended description - P1 and plans) - Lands to the rear of Nos 37 and 39 Brookend Road, Ardboe – Granted 24.01.2014

LA09/2016/0386/F - Single storey side extension to existing dwelling to provide bedroom and en-suite - 37 Brookend Road, Ardboe, Dungannon – Granted 23.05.2016

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located outside any settlement limits in proximity to the shores of Lough Neagh. There are designated nature reserves located to the SW and SE of the site. There are no specific plan policies pertaining to this proposal, the

regional planning policy statements will apply until such times as a Local Development Plan is adopted.

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 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines 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 Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations. This proposal is for self-catering accommodation in the countryside therefore the provisions of PPS16 TSM5 apply.

TSM5 states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 3 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units;
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 J&A states *“Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right.”* The applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that Lough Neagh is located in close proximity to the application site, however there is insufficient information to demonstrate the numbers of tourists that these cottages would attract or the existing facilities in place that would attract or accommodate them. At present there is no designated walks around the Lough at this location, nor is there any indication that there is existing facilities and/or equipment such as jetties, boats etc in place to cater for tourism. Policy TSM5 J&A states *“Policy provides for sustainable opportunities for self-catering tourist accommodation in the countryside particularly in areas where tourism amenities and accommodation have become established or likely to be provided as a result of tourism initiatives such as the Signature Projects”*. No such signature project exists close to this site and the area does not benefit from established tourism amenities and accommodation.

Paragraph 7.28 of Policy TSM5 J&A states “Permanent residential use of self-catering units will also be deterred through design. Such units will be required to demonstrate an informal site layout with communal open space only. Informal road layout without designated car parking will also be required.” In my view the proposed self-catering units are contrary to Policy TSM5 in that the design and layout could easily be used for permanent residential accommodation. Each has its own defined curtilage, individual parking, own kitchen, living room, bathroom and 3 bedrooms. I have relayed these concerns to the applicant and I received an indicative plan via email with slight amendments to the proposed layout. The amendments do not extend to the floor plans or elevations of the self-catering units rather encompass minor changes to the layout, removing the designated parking and slightly amending the orientation of the units. I do not consider these indicative amendments would deter permanent residential use as designated parking could still be achieved within the curtilage of each unit. Nevertheless, these amended plans to date have not been received in hard copy and to scale.

Policy TSM7 of PPS 16 applies to all types of tourism development and is considered as follows;

- a) I am satisfied that a movement pattern is provided which would support walking, cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way. While access to public transport is not convenient, the settlement of Ardboe is within 2 miles of the site where access to public transport is available.
- b) The design of the buildings appear as dwellings rather than holiday/short term accommodation. However, the site is located adjacent to Lough Neagh which is an ASSI/SAC/RAMSAR site. Shared Environmental Services (SES) require a Preliminary Ecological Appraisal, as well as additional information on the disposal of surface water and sewage, during construction and operation. SES also advise that a Habitat Regulation Assessment is required and that NIEA should be re-consulted once all information is received as there may be impacts on natural heritage interests which are not related to SPA/Ramsar. I requested amendments to the site plan to show the location of the septic tank and soakaways to address the surface water and sewage concerns on 22/07/20 however to date these have not been received. At present it is not possible to full assess impacts on sustainability and biodiversity. The applicant has advised that they have been waiting on an environmental consultant to undertake the requested appraisal which has been delayed given the ongoing COVID 19 pandemic. As I do not consider the proposed development is acceptable in principle and therefore recommending refusal, I do not consider it appropriate that the applicant goes to this expense, however should be permission be granted this will need to be addressed.
- c) The proposed boundary treatment includes a mix of post and wire fencing and natural landscaping. Drawing No.01 date stamped 7th January 2020 includes a detailed planting schedule which is considered acceptable. The proposal is set back significantly from the public road with a backdrop of mature woodland therefore I consider there is adequate enclosure and screening. However, given

the proposal is for self-catering units, it is considered communal shared space would have been more appropriate than separated curtilages.

- d) The P1 form states that surface water will be directed to a soakaway. SES require the site layout plan to include the location of the soakaways which was requested 22/07/20 however to date these have not been received. This will need to be addressed should permission be granted.
- e) In my view the proposal is designed to deter crime and promote personal safety, the site is accessed via a private laneway, set back from the public road behind the applicants dwelling.
- f) This proposal does not involve public art therefore this criterion is not applicable.
- g) The immediate surrounding land use is predominantly agricultural land and woodland. The proposed tourism units are set back from the Brookend Road with limited public views. The scale, size and massing of the units are considered modest and will not detract from the landscape quality. However the granting of 3no. residential units, albeit for short term self-catering use, could result in a build-up of development detrimental to the rural character of that area.
- h) It is considered there is sufficient separation distance from neighbouring properties to ensure no detrimental impact on residential amenity.
- i) I do not considered the proposal will have a detrimental impact on features of built heritage. However, further additional information is required by the applicant to demonstrate that features of natural heritage will not be impacted by the proposal.
- j) Additional information is required to demonstrate that sufficient measures are put in place to deal with sewage effluent from the proposal. As mains sewage connection is not available in this location, the sewage will have to be dealt with by septic tank. I requested amendments to the site plan to show the location of the septic tank on 22/07/20 however to date this has not been received.
- k) Access arrangements are in accordance with PPS3 Access, Movement and Parking and DfI Roads have no objections to this proposal subject to splays of 2.4m by 60m in both directions along with other conditions.
- l) It is considered the proposed access to the public road, subject to conditions suggested by DfI Roads, will not prejudice road safety.
- m) DfI Roads raise no objection over extra traffic onto the public road and it is my view the existing road network can accommodate any additional traffic associated with the proposed development.
- n) There is no access to a protected route proposed.
- o) The proposal will not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14.

Policy NH1 of PPS2 Planning and Nature Conservation sets out planning permission will only be granted for a development proposal which either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or Ramsar Site. NIEA were consulted on this application and responded with standing advice given no accompanying ecological information had been submitted. As mentioned above, insufficient information has been provided to demonstrate that there will be no detrimental impact to the conservation objectives of nearby Lough Neagh which is a European Protected Site/Natura 2000.

It should be noted that a previous application (LA09/2019/0573/F) for 2No lodges for short-term accommodation to facilitate access to adjacent Lough Shore Nature Area was withdrawn on 11/03/20. The case officer for this Planning Application also considered that the proposal was contrary to Policy TSM5 and TSM7 of PPS16 and recommended refusal. Planning Application LA09/2019/0573/F was presented to the Planning Committee on 1st September 2019 with a recommendation to refuse however was subsequently deferred on the basis additional information would be submitted in support of the application and to address SES Natural Environment concerns. No additional information was received and the application was withdrawn 6 months later following the submission of this Planning Application – LA09/2020/0024/F.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 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 the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.
3. The proposal is contrary to Policy TSM5 of Planning Policy Statement 16 Tourism in that the design and layout could provide permanent residential accommodation in the countryside and as such would have a detrimental impact on the rural character of the area and represent an unsustainable form of development in the countryside.

4. The proposal is contrary to Policy TSM 7 of PPS16 Tourism and PPS2 Planning and Nature Conservation in that insufficient information has been provided to demonstrate that the proposal will not have a detrimental impact on natural heritage features of importance, including Lough Neagh SPA/Ramsar/ASSI.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0153/O	Target Date: 20/05/20
Proposal: Proposed dwelling and domestic garage	Location: Adjacent and north east of junction with Mullaghmoyle Road on Colliers lane, Coalisland
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Marianne Sturtridge 68 Hermitage Road Plymouth PL3 4RY	Agent Name and Address: McKeown and Shields 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	Advice
Non-Statutory	DETI	Substantive Response

Representations:

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

Characteristics of the Site and Area

The application is located on Phase 2 Housing Land within the development limits of Coalisland as defined within the Dungannon and South Tyrone Area Plan 2010. The site comprises a roadside rectangular plot of land located at the junction of Mullaghmore Road with a proposed access on to Colliers Lane. The surrounding character is rural, however there is a medium degree of development pressure in the immediate surrounding context with 2 no. detached single storey dwellings, 1 and a ½ storey dwelling currently in construction to the southeast in a row. Immediately adjacent to the proposal site to the southwest there is also approval for a single dwelling M/2009/0280/F and it appears the foundations are in place. The topography of the site is relatively flat. The northwest and southwest roadside boundaries are defined by established hedging. The northeast and southeast boundaries are currently defined by post and wire fencing.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands adjacent and north east of junction with Mullaghmoyle Road on Colliers Lane, Coalisland.

Planning Assessment of Policy and Other Material Considerations

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

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

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

Regional Development Strategy 2030
 Strategic Planning Policy Statement for Northern Ireland
 Dungannon and South Tyrone Area Plan 2010
 Planning Policy Statement 3: Access, Movement and Parking
 Planning Policy Statement 21: Sustainable Development in the Countryside

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. 1No. objection letter has been received on 15th May 2020, the details of which are outlined and considered below.

- The objection referred to previous planning approvals M/2009/0280 and M/2007/0482/RM querying has planning approval expired and seeking to lodge an objection due to failure to neighbour notify and also that there appears to be no discharge for water available.

The planning applications referred to relate to the same site, adjacent to the proposal site subject to this application, and were granted planning permission on 12/06/07 and 14/05/09 respectively. The matters raised above do not relate to this planning application, therefore the senior planner has responded to the objector on these matters separately.

- The objection seeks assurance that there is no encroachment on their property as both sites are situated on land adjacent to theirs.

It is unclear whether “both sites” relate to the proposal site subject to this application or the above referenced applications M/2009/0280 and M/2007/0482/RM only. Regardless, land ownership is outside the remit of planning and a civil matter between the applicant and the objectors. Any planning permission granted does not confer title. It is the responsibility of the applicant to ensure that they controls all the lands necessary to carry out the proposed development.

History on Site

M/2009/0280/F - Proposed dwelling to increase site area & siting from previous planning application M/2007/0482/RM - 140m NE of 23 Mullaghmoyle Road, Coalisland – Permission Granted 14/04/09

M/2007/0482/RM - Proposed dwelling - 140m N.E. of 23 Mullaghmoyle Road, Coalisland – Permission Granted 12/06/07

LA09/2019/1205/F- Proposed infill dwelling under PPS 21 CTY8 - Lands 10m NW of 27 Colliers Lane, Coalisland – Permission Granted 23/10/19

LA09/2017/1546/F - Proposed change of house type from that approved under LA09/2016/0169/RM including erection of detached garage – 52m South East of 25 Colliers Lane, Coalisland – Permission Granted 27/02/18

LA09/2016/0144/O - Dwelling and Garage - 52m SE of 25 Colliers Lane, Coalisland – Permission Granted 26/05/16

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – The application is located on Phase 2 Housing Land within the development limits of Coalisland. The Area Plan states Phase 2 Housing Land in Coalisland would not be released for development prior to a housing land review in 2005 and in the interim planning permission will only be granted on Phase 2 land for single dwellings that are in accordance with Green Belt policies. The housing review that took place in 2005 indicated that there was sufficient land within Phase 1 to accommodate future housing needs for Coalisland, without the release of Phase 2 land. As such proposals on land zoned for Phase 2 Housing Land in Coalisland are to be assessed under the rigours of Green Belt Policies. Green Belt policies have now been superseded by the provisions of PPS21 Sustainable Development in the Countryside, therefore this proposal will be assessed under PPS21.

The Strategic Planning Policy Statement for Northern Ireland – 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. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

It was unclear from Drawing No.01 date stamped 5th February 2020 which policy under PPS21 the agent was relying on for this proposal therefore justification was sought. A Supporting Statement was received on 17/07/20; the arguments presented in the supporting statement are summarised below.

- The proposal site is within the settlement limits and comparable in scale and proportion to those sites already approved therefore it is considered it complies with and respects the spirit of the requirements of the Area Plan.
- A dwelling on the site would not have a detrimental effect on the future development of the adjoining housing land and sufficient weight should be applied to the planning history on the lands to the east.
- Paragraph 6.73 of SPPS and Policy CTY2a of PPS21 provides for reasonable flexibility for the rounding off of development

Consideration

It is recognised that proposal site is located within the settlement limits of Dungannon, however the Dungannon and South Tyrone Area Plan 2010 designated this land as CH24 Phase 2 housing land and advised this land was to be held in reserve subject to a review and its development in the short term would not be permitted. The review in 2005 indicated that there was sufficient land within Phase 1 to accommodate future housing needs for Coalisland, without the release of Phase 2 land. Therefore, Policy HOU1 provides for this land to be safeguarded and proposals for single dwellings will only be allowed in accordance with relevant Green Belt Policies. The agent has argued the proposal site represents rounding off of development and will not prejudice the overall development of the remainder of the Phase 2 land. It is not considered that the applicant has put forward a sufficient argument to justify the release of this Phase 2 Housing Land and warrant approval. The forthcoming draft Plan Strategy will provide details of how housing growth will be allocated across the District, however the zoning of such land will form part of the second stage of the Development Plan process – the Local Policies Plan. Phase 1 and Phase 2 lands will continue to be reviewed as part of the plan making process.

The agent has relied on the planning history of adjacent land to the east of the proposal also zoned as Phase 2 housing land. PPS21 is the operable policy for these lands designated Phase 2, therefore these planning approvals were assessed and considered to comply with Policy contained within PPS21. The agent has referred to Policy CTY2a of PPS21 in support of this proposal.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided criteria are met. The application site abuts the existing road network to the west and south. West of the proposal site there is a farm complex accessed via Tullaghmore Road. Immediately east of the application site is a plot of land which appears to have foundations in place. Further east there is a 1 and ½ storey house under construction and adjacent to this there is 2no. detached single storey dwellings. There are a further 2 no. 2 storey dwellings further east approximately 220 metres from the proposal site. Given the separation distance with neighbouring properties and existing natural screening of the site, I do not have concerns with respect adverse impact on residential amenity. It is considered that the proposal site is located in an area with medium degree of development pressure and it may be considered when travelling along Colliers Lane this build-up of development could be read together as a visual entity. However, the application site is not located at a cross-roads nor associated with a focal point. Furthermore, the development is not bound on any side by development. Overall, I do not consider that the proposed development meets all the criteria outlined under CTY2a New Dwelling in an Existing Cluster to merit the granting of permission under this policy. Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. As the proposal is not bound on any side by development nor constitutes a small gap site in a continuous built up frontage, I consider if approved the proposal would reinforces a built-up appearance and is therefore also contrary to Policy CTY8.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside however given the

relatively flat topography and existing, roadside vegetation to the southeast and southwest boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. However I consider the principle of development is unacceptable as it does not meet any circumstance outlined within Policy CTY1.

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 the surrounding environment is suitable for absorbing a dwelling without significantly impacting on the surrounding character and therefore complies with Policy CTY14.

PPS 3: Access, Movement and Parking

DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is not consider a dwelling on the site satisfying Policy AMP2 of PPS3 and would not prejudice road safety or significantly inconvenience the flow of traffic.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site. The site is located within an area of constraint on abandoned mines, however DETI Geological Survey of Northern Ireland were consulted and have offered no objections.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to Dungannon and South Tyrone Area Plan 2010 Policy HOUS1 in that the development is located on land zoned as Phase 2 Housing Land which is a land bank and currently not available for development and the proposal fails to meet any of the requirements for a single dwelling as specified in Policy CTY1 of Planning policy Statement 21, Sustainable Development in the Countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st September 2020	Item Number:
Application ID: LA09/2020/0169/O	Target Date: 22/05/2020
Proposal: Proposed housing development.	Location: Site immediately West & Adjacent to Dernagh Cottages Lisnastrane Road Coalisland.
Referral Route: Approval with objections	
Recommendation:	Approval
Applicant Name and Address: Malachy McIlvenna 27 Lisnastrane Rd, Lisnastrane, Coalisland	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

Characteristics of the Site and Area

Description of proposal

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

Characteristics of Site and Area

This rectangular shaped plot is located with the western edge of development limits of Dernagh/Clonoe, with access from the minor Lisnastrane Road. The roadside, western and southern boundaries of the site are defined by a tree lined hedgerow. The eastern boundary is shared with the curtilage boundary of 18 Dernagh Cottages/Drive and is defined in part by a wall.

At present there is a single storey derelict dwelling located in the SE portion of the site. The remainder of the field is used for agricultural purposes and is relatively flat. The eastern boundary is shared with Nos 18 and 23 Dernagh Drive/Cottages, with a small part of plot No. 24 touching the site. There is also an electric substation located between plots 18 and 23 that abuts the site.

This small village is defined mostly by high density housing, consisting of semi-detached and terraced dwellings. Beyond the site to the east, north and south is agricultural land. Coalisland lies to the south west by approx.. 2 miles. There is also a small number of single dwellings along the main approach roads to the settlement. Local facilities are limited and include St Patrick's Church and a petrol filling station to the south.

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

Area Plan

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

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

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

Relevant Planning Policy

SPPS Strategic Planning Policy Statement

PPS7 Quality Residential Environments

Addendum to PPS7 Safeguarding the Character of Established Residential Areas

PPS3 Access, Movement and Parking

PPS15 (Revised) Planning and Flood Risk

PPS2 Nature Conservation

Design Guide Creating Places

Relevant planning history

None

Representations

I am satisfied that all notifiable neighbours were notified in accordance with the statutory neighbour notification definition. There was some confusion initially as to the address of properties in the adjoining residential development, whether these were Dernagh Cottages or Dernagh Drive. On speaking to people on site I am satisfied that this development is known locally as both, and post will find either address. I am satisfied that the site address is correct and that the application site has been advertised correctly.

3rd party representation has been received on this application by Denise Hughes of No. 18 Dernagh Drive/Cottages who has supplied 2 letters of objection relating to this application. The following issues have been raised and are summarised;

-increased traffic levels along Lisnastrane Road that is currently well used by people on a daily basis for walking and cycling with children;

-reduction in privacy due to overlooking from proposed properties;

-the development will cause unnecessary noise and disturbance to nearby residents.

These issues will be considered further in my report.

Other issue raised by Denise are as follows;

Denise makes a claim that a separate entrance, outside of this planning application, has been opened without planning permission by the applicant. I have referred this matter to the Planning Enforcement Team for further investigation and will be treated as a separate issue from this planning assessment.

Denise states that there is a private laneway adjacent to her property which she is currently seeking legal advice over to see if she can gain a right-of-way over this land so that she can continue to maintain her wall and access her oil tank. This is a 3rd party issue and falls outside the remit of this application for consideration.

Consideration

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

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

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

-An indicative site layout plan (drawing No. 02 date received 19 Feb 2020) has been provided with this proposal. In broad terms this layout is acceptable as it is in keeping with the plot sizes and footprint of dwellings located within the adjacent housing development of Dernagh Cottages. Plus the proposal is for less than 15 units so is in keeping with advice contained within the area plan. While the proposed indicative site layout shows 11 dwellings, this is not the only site layout that may be acceptable, final details of which can be agreed at RM stage.

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

There are no sites of archaeological or built heritage nearby that the site will impact. Hedging along the boundaries can be retained, with additional buffer planting along the western boundary to mark the edge of the development limit. This can be a condition of outline to be agreed at RM stage.

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.

Details of landscaping can be agreed at RM stage.

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

The site is located close to an existing shop and primary school. Additional facilities are not required for a development of this size and scale. Coalisland is nearby and can be accessed via public transport and has a good offer of shops and services.

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

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

DfI Roads do not raise any concerns about potential road safety or conflict with walkers or cyclists. In terms of the objections raised over road safety due to this development, this is not sustained in this instance.

f) adequate and appropriate provision is made for parking;

This can be assessed at RM or full stage. DfI Roads raise no concern or objection to this development subject to planning conditions stated in their response. Parking provision can be assessed fully at RM stage.

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

This can be assessed at RM or full stage.

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

This can be assessed at RM or Full stage. From the indicative site layout provided it is clear that dwellings can be sited on the site at a satisfactory distance from proposed and existing properties without there being any detrimental impacts on amenity from overlooking, loss of light, overshadowing, noise or other disturbance. Environmental Health were also consulted on this proposal and raise no issues over potential impacts of noise or other disturbance from this proposal on neighbouring properties. I find the objectors concerns in this regard not sustainable in this instance.

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

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

Revised PPS15 Planning and Flood Risk (introduced September 2014)

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

From the Strategic Flood Maps NI it is clear that the site is not located within a flood plain nor is it impacted by pluvial or surface flooding.

PPS2 Natural Heritage

The site is an agricultural field of low biodiversity value. There are no links to any N2K or local protected sites. It is my view that the proposal will not have a detrimental impact on protected sites, habitats or animals. A tree survey and bio diversity checklist can be provided at RM stage along with any potential mitigation for loss of habitat or vegetation.

Other Material Considerations

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

NIW has indicated that there sufficient capacity at the WWTW for a development of this size to connect.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted subject to the following conditions.

Conditions

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

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

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

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

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

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

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

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

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

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

3. A 2m-4m strip of buffer landscaping, including trees and hedges, shall be provided along the boundary indicated in yellow on drawing No. 01 rev1 date stamp received 19 FEB 2020, details of which shall be approved at Reserved Matters stage.

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

4. A detailed Landscape Scheme shall be provided for approval at Reserved Matters stage to indicate existing landscaping to be retained and to show proposed landscaping. All agreed proposed landscaping shall be carried out within the first planting season after commencement of development of the reserved matters permission and permanently retained thereafter. Should any shrub, tree or hedge die or become seriously damaged or defective another tree, shrub or hedge as that previously planted shall be planted in its place.

Reason: In the interest of amenity.

5. A Landscape Management and Maintenance Plan shall be submitted at Reserved Matters stage for approval and shall include details for the long-term management of trees and hedges within the site.

Reason: In the interests of visual amenity and to ensure the long-term management and maintenance of trees and hedges on the site.

6. Should areas of communal open space be identified at Reserved Matters stage a maintenance plan and legal agreement for all areas of communal open space shall be submitted to and agreed with Council prior to the occupation of any unit hereby approved unless otherwise agreed in writing by Mid Ulster Council.

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

7. A Preliminary Ecological Appraisal shall be provided at Reserved Matters stage unless other agreed with Mid Ulster District Council in writing. Any agreed mitigation detailed within the Preliminary Ecological Appraisal shall be carried out in accordance with those details prior to the commencement of development on site.

Reason: To safeguard existing biodiversity on the site.

8. At Reserved Matters stage a Drainage Assessment shall accompany the proposal, should it be for 10 or more dwellings, to be agreed by Rivers Agency. All mitigation measures and maintenance proposals agreed in the Drainage Assessment shall be carried out in accordance with that assessment prior to the occupation of any dwelling hereby approved, and shall be maintained to an acceptable standard thereafter.

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

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

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

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

Reason: In the interests of privacy and amenity and to ensure a quality residential environment.

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.

12. Private Street Condition

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

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

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

Informatives

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

Signature(s)

Date:

ANNEX	
Date Valid	7th February 2020
Date First Advertised	18th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Denise Hughes 18 Dernagh Cottages/Drive, Lisnastrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 18 Dernagh Drive/Cottages, Coalisland, Tyrone, BT71 5DD Denise Hughes 18, Lisnastrane Road, Coalisland, Tyrone, Northern Ireland, BT71 5DE The Owner/Occupier, 19 Dernagh Drive/Cottages, Coalisland, Tyrone, BT71 5DD The Owner/Occupier, 23 Dernagh Drive/Cottages, Coalisland, Tyrone, BT71 5DD The Owner/Occupier, 24 Dernagh Drive/Cottages, Coalisland, Tyrone, BT71 5DD	
Date of Last Neighbour Notification	3rd July 2020
Date of EIA Determination	
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0253/O	Target Date:
Proposal: Dwelling house	Location: Site for dwelling adjacent to and immediately South West of 12 Kilmakardle Road Dungannon
Referral Route:	
Recommendation: Refusal	
Applicant Name and Address: Catherine Donnelly 12 Kilmakardle Road Dungannon	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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
<p>Characteristics of the Site and Area</p> <p>The site is located within the open countryside outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010 approx. 1.7km northwest of Galbally.</p> <p>The site is a small square shaped plot located within the curtilage of an existing dwelling, no.12 Kilmakardle Rd.</p> <p>No.12 Kilmakardle Rd is a 1 ¾ storey dormer (from wall plate) style dwelling with a stone wall finish and dark roof tiles/slates. It's curtilage is, located adjacent and accessed off, the Kilmakardle Rd. The dwelling which is bound it to its rear/north by couple of large sheds is set back from and accessed off the Kilmakardle Rd via short driveway through the middle of its large front garden. The front garden continues along the south side and to the rear of the dwelling. The curtilage of no.12 is defined to its sides and rear by a mix of mature hedgerow and tree vegetation. Its roadside boundary is defined by a run wooden d-rail fence.</p> <p>The site which is situated immediately to the southwest of no.12 comprises part of its large aforementioned garden. It is to be accessed off the Kilmakardle Rd via the existing access (unaltered) serving no.12 Kilmakardle Rd. As the site is located within the curtilage on no.12 with the exception of its southern boundary which is defined by a mix of mature hedgerow and tree vegetation the remaining boundaries are all open onto the remaining curtilage of no.12.</p> <p>The site is located in a predominantly rural area comprised primarily of undulating landscaping interspersed by single dwellings and farm groups. Critical views of the site will be from the Kilmakardle Rd on the north eastern and south western approach to the site.</p>	
<p>Description of Proposal</p> <p>This an outline planning application for a dwelling in accordance with Policy CTY 6 of PPS 21.</p> <p>The site is located on lands adjacent to and immediately South West of no. 12 Kilmakardle Road Dungannon, the applicants home, Catherine Donnelly.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>The following policy documents provide the primary policy context for the determination of this application: Regional Development Strategy 2030</p>	

Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development

Dungannon and South Tyrone Area Plan 2010

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Planning History

There is no relevant history on site or immediate area.

Representations

Neighbour notification and press advertisements have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections have been received.

Consultations

1. Transport NI were consulted on this application and have no objection to the proposal subject to standard conditions and informatives.

Assessment

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During this transitional period authorities will apply existing policy contained within retained policy documents together with the SPPS. Any conflict between the SPPS and any retained policy must be resolved in favour of the provisions of the SPPS.

As this site lies in the rural countryside outside any settlement designated in the Dungannon and South Tyrone Area Plan, the policy context is provided by Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21). The SPPS retains PPS21.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY1 of PPS21 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 aim of sustainable development". These include dwellings to meet personal and domestic circumstances in accordance with Policy CTY 6 of PPS 21. The SPPS does not supersede the provisions of CTY 6.

Planning Policy CTY 6 - Personal and Domestic Circumstances sets out that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicants personal or domestic circumstances subject to criteria a) and b) below:

- a) puts the onus on the applicant to provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused: and
- b) encourages the applicant to consider a number of alternative solutions to a new dwelling, such as an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

This application has been accompanied by a supporting statement detailing the special personal or domestic circumstances of the applicant, Catherine Donnelly. The statement is made by the applicant's parents Mr and Mrs Donnelly who refer to their daughter as Katie.

The special personal and domestic circumstances of the applicant provided is a matter which will need to be discussed in confidential business.

I am not convinced on basis of the information submitted that this proposal meets the requirements of Policy CTY 6 of PPS 21, that satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. And that there are no alternative solutions to meet the particular circumstances of this case such as an extension or annex attached to the existing dwelling or the conversion or reuse of another building within the curtilage of the property.

Case Officer Recommendation – Refusal

Should Policy CTY 6 be overcome the various tests of Policies CTY 8, 13 and 14 apply. A dwelling on this site would not add to or create a ribbon of development. And it is my opinion that a dwelling of an appropriate design, size and scale could integrate onto this site and into the surrounding landscape without causing a detrimental change to, or eroding the rural character of an area.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Refusal

1. The proposal is contrary to Policies CTY1 and CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the applicant has not provided compelling and site specific reasons why a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not

been satisfactorily demonstrated that there are no alternative solutions to meet the particular circumstances of this case.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0315/O	Target Date: 16/06/20
Proposal: Proposed 2 storey dwelling and garage on a farm	Location: Adjacent to No 182 Mountjoy Road, Brockagh, Dungannon
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Paul Mulholland 183 Mountjoy Road Brockagh Dungannon	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside as depicted within the Dungannon and South Tyrone Area Plan 2010. The settlement limit of Brockagh and Mountjoy is located in close proximity to the south of the application site. However, the surrounding area is largely rural in character with agricultural fields interspersed with detached dwellings and farm holdings. The shores of Lough Neagh are in proximity to the east and the Castlebay Community Centre and Brockagh Emmetts GFC is located approximately 175m to the NE of the site.

The site comprises a substantial roadside field used for agricultural purposes. The site is currently accessed directly from the Mountjoy Road and is located adjacent to No.182 and No.180 Mountjoy Road, a 1 ½ storey dwelling and bungalow respectively. The site is bound along its rear and side boundaries by a mix of scattered mature trees and hedgerow vegetation. The site is bounded to the front by post and wire fencing. There is

a natural incline and the land gradually rises from the east to the west of the application site.

Description of Proposal

This is an outline planning application for a 2-storey dwelling and garage to be located on lands adjacent to 182 Mounjoy Road, Brockagh, Dungannon,

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

M/1990/0479 - Erection of dwelling – Adjacent to 182 Mountjoy Road, Coalisland – Permission Refused

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2010 – the site is located in the rural countryside outside any designated settlement. The site lies within the designated Lough Neagh Shore and Environ Countryside Policy Area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies the Mountjoy Road northeast of Brockagh/Mountjoy has seen significant pressure for individual dwellings which has resulted in the erosion of rural character. The Department considers that additional development along these roads will further erode the rural character and landscape quality of the area, as well as having unacceptable adverse effects on the important nature conservation interests of the Lough and its shoreline.

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. 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.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines 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 Policy CTY1 of PPS21. It is my opinion the current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

With respect to (a) the applicant has provided a farm business ID owned by Mr Con Mulholland. DAERA have confirmed the business ID has been in existence for more than 6 years, however advised that the farm business has not claimed payments in each of the last 6 years and the proposed site is located on land claimed in 2019 by another farm business. However, the agent has submitted further information to accompany the application which include invoices for hedge trimming, silage and bailing on the site from the period of June 2014 to November 2019.

With respect to (b) the agent submitted a cover letter along with the application which advised the applicant has been unable to obtain farm maps from DAERA however submitted a field survey map. I contacted the agent on 17/06/20 and again on 17/07/20 requesting the relevant farm maps however to date I have received no response. In the absence of this information, it cannot be established where any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), the proposal is not located in proximity to established farm buildings however is located adjacent to the existing dwelling of No.182 and garage. As stated previously, I have contacted the agent on 17/06/20 and 17/07/20 requesting the relevant farm maps however to date these have not been received. In the absence of the relevant farm maps or clarification from the agent that there are no other farm buildings on the

farm holding, it cannot be demonstrated the proposal meets the requirements of this criterion of policy.

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm or that no dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal site comprises a roadside agricultural field with a gentle incline from east to west. It has not been demonstrated the proposed dwelling would visually link or site to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape. The site will be open to public views and the front boundary of the site lacks established natural screening to provide a suitable degree of enclosure for the building to integrate into the landscape. CTY13 states a new building will be unacceptable in the case of a proposed dwelling on a farm where it is not visually linked or sited to cluster with an established group of buildings on a farm. I consider the proposal is contrary to Policy CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. Dungannon and South Tyrone Area Plan 2010 identified that within 'The Lough Neagh Shore and Environs CPA' additional development along B161 Mountjoy Road northeast of Brockagh/ Mountjoy will further erode the rural character and landscape quality of the area, as well as having unacceptable adverse effects on the important nature conservation interests of the Lough and its shoreline. In my opinion, the proposal would create and reinforce a built-up appearance along Mountjoy Road and the proposal would appear prominent and detrimentally impact the surrounding rural character.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application site will require a new access onto Mountjoy. DfI Roads have been consulted and have no objection subject to standard conditions. It is considered proposal complies with Policy AM2 of PPS 3.

Additional considerations

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 identified no built heritage assets or natural heritage interests of significance on site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10, CTY13 and CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it insufficient information has been provided to demonstrate that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.
2. The proposal is contrary to the Strategic Planning Policy Statement and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it insufficient information has been provided to demonstrate visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling will appear as a prominent feature in the landscape and is not visually linked or sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted would further erode rural character as a consequence of a build-up of dwellings.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0410/F	Target Date:
Proposal: Proposed dwelling and garage	Location: Between 88 and 90 Iniscarn Road Desertmartin
Referral Route: <p>This application is being presented to Committee as it has attracted four letters of objection, two letters of support and one non-committal letter.</p> <p>Committee should also note that one of the letters of support raised the concern that fake e-mail addresses were being created for the purpose of objecting to this application. A second letter of support suggested that these letters of objection should not go unchecked.</p>	
Recommendation:	APPROVE
Applicant Name and Address: Mr Mark Madden 88 Iniscarn Road Desertmartin	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	2
Letters of Objection	4

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>Four letters of objections were received in respect of this application and all were received via e-mail addresses from g-mail accounts. None of the objectors stated their postal addresses.</p> <p>Two letters of support and one non-committal representation was also received. All three letters were received via e-mail and all included the writers postal addresses.</p> <p>The letters of objection raise the following issues:-</p> <ul style="list-style-type: none"> • Policies CTY 8, CTY 13 and CTY 14; • Building on someone's front lawn; • Lack of integration; • Intrusive nature on surrounding properties; • Road safety; <p>The letters of support raised the following issues;</p> <ul style="list-style-type: none"> • Welcomed the application as there is a severe shortage of houses in the area; • Some objections must not go unchecked; • The only dwelling to be affected by visual intrusion has no concern; • The proposed dwelling would enhance the crossroads area; • Another dwelling is a welcome addition to the parish. <p>Committee should also note that one of the letters of support raised the concern that fake e-mail addresses were being created for the purpose of objecting to this application.</p>	
<p>Characteristics of the site and area</p> <p>The site is located approximately 2 miles west of Desertmartin in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located at the Gortahurk Road/Iniscarn Road junction and consists of the side garden of No 88 Iniscarn Road. The site has a frontage onto both the Gortahurk Road and Iniscarn Road and sits approximately 1.5m higher than the road. The site is bounded by a post and wire fence along the northern and eastern (roadside) boundaries, with a 1.2m high close-boarded fence along the western boundary shared with the property at No 49 Gortahurk Road. The southern boundary is undefined as it is within the curtilage of no.88.</p>	
<p>Description of proposal</p> <p>The proposal is a full application for a dwelling and garage on a gap site. The dwelling is a modest one-and-a-half storey building with a main frontage of 13.5m and a side annex extending a further 4.4m but being set back from the main building line. The dwelling has</p>	

a 9.5m gable depth and a ridge height of 7.2m above finished floor level. The dwelling is of traditional design with a single dormer window rising from the wall plate and being centred over a modest flat roofed front porch. A pair of chimneys are centred on the ridge at both gable ends. The design and finishes are traditional and are acceptable in this location.

The dwelling is to be sited to the western end of the site and fronts onto the Gortahurk Road with the access located at the extreme western corner where there is a wide grass verge, thereby providing good visibility.

Relevant planning history

A previous application, LA09/2019/0174/F was submitted on part of this site but was withdrawn after it was recommended for refusal as it was not considered to be a gap site. This was due to the fact the proposed site did not have a frontage which extended to the Iniscarn Road.

Planning Assessment of Policy and other Material 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 – sustainable development in the countryside

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 site is bounded to the north by three existing dwellings, all of which have frontages and accesses directly onto the Iniscarn Road. The frontages of these three dwellings extend to 80m from the crossroads junction. The site is also bounded to the south by two dwellings which have frontages onto the Gortahurk Road, extending to 120m from the crossroads junction. The side amenity space of no.88 extends along the Iniscarn Road by around 30m between the dwelling and the crossroads junction. The proposed site intends to utilise approximately 25m of this frontage.

Therefore in my opinion, a small gap site does exist within an existing substantial and continuously built up frontage of five dwellings. Therefore it meets the policy test in this regard. While the site satisfies the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 – Integration and CTY 14 – rural character.

CTY 13 – Integration

Due to the existing buildings on either side of the proposed site in addition to the existing dwelling located to the rear, at no.49 Gortahurk Road, there are only restricted views of the site on approach from either side. Whilst a dwelling on this site of the size and design as proposed, will be visible, it will be viewed against the existing dwellings on either side in addition to the rising ground all around. Therefore, the dwelling as proposed will

achieve an acceptable degree of integration into the surrounding countryside without having a detrimental impact on visual amenity.

CTY 14 – Rural Character

Although a dwelling on this site will be inter-visible with and will be read with the existing buildings on either side of the site, it is considered to be a gap site. Therefore, while it contributes to the built up form along this stretch of both the Gortahurk Road and the Iniscarn Road, it is still considered to be acceptable. In this case the proposed site is not prominent, it does not result in a suburban form of build-up, it respects the existing settlement pattern along Gortahurk Road and it does not contribute to a ribbon of development as it is considered to be an infill site as described above.

Consultations

Transport NI, Environmental Health and NI Water have all advised that they have no issues of concern with the proposed site.

Recommendation

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposed development should be approved subject to the conditions listed below:-

Conditions

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

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

2. 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.

3. All proposed planting as indicated on the stamped approved drawing no. 02/1 shall be undertaken during the first available planting season following occupation of the dwelling hereby approved.

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

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another

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

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

5. The vehicular access including visibility splays 2.4 x 70 metres west / 2.4 x 67 metres East and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 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.

Signature(s)

Date:

ANNEX	
Date Valid	20th March 2020
Date First Advertised	26th May 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 49 Gortahurk Road Desertmartin Londonderry</p> <p>The Owner/Occupier, 88 Iniscarn Road,Londonderry,Londonderry,BT48 9RW</p> <p>The Owner/Occupier, 90 Iniscarn Road Londonderry Londonderry</p> <p>Damien Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH</p> <p>Damien and Ursula Murray 90 Iniscarn Road,Desertmartin, BT45 5NH</p> <p>Kelly Email Address Geraldine Bradley Email Address Kelly Email Address G Bradley Email Address Michael McGuigan Email Address</p>	
Date of Last Neighbour Notification	11 th June 2020
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2019/0174/F Proposal: Proposed Dwelling & Garage within existing cluster of dwellings. Address: Approx 40m. North/North East of 49 Gortahurk Road, Desertmartin., Decision: WITHDR Decision Date: 20.02.2020</p> <p>Ref ID: LA09/2020/0410/F Proposal: Proposed dwelling and garage Address: Between 88 and 90 Iniscarn Road, Desertmartin, Decision: Decision Date:</p>	

Ref ID: H/1973/0025
 Proposal: LV/MV O/H LINE (C.1192)
 Address: KEENAGHT 'D' - DESERTMARTIN
 Decision:
 Decision Date:

Ref ID: H/1985/0533
 Proposal: SITE OF DWELLING WITH GARAGE
 Address: INNISCARN RD DESERTMARTIN
 Decision:
 Decision Date:

Ref ID: H/1990/0003
 Proposal: BUNGALOW AND DOUBLE GARAGE
 Address: INISCARN ROAD DESERTMARTIN
 Decision:
 Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

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

Drawing No. 03
 Type: Elevations and Floor Plans
 Status: Approved

Drawing No. 04
 Type: Garage Plans
 Status: Approved

Drawing No. 02/1
 Type: Site Layout or Block Plan
 Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1st September 2020	Item Number:
Application ID: LA09/2020/0446/F	Target Date:
Proposal: Proposed change of house type to previously approved Ref. M/2006/1301/RM	Location: Land opposite and S.W. of 165 Favour Royal Road Augher
Referral Route: recommendation to Refuse	
Recommendation:	Refusal
Applicant Name and Address: Finbarr Mc Quaid 163 Favour Royal Road Augher	Agent Name and Address: Bernard J Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is full planning application for a change of house type to previously approved ref. M/2006/1301/RM.

Characteristics of Site and Area

This site is an irregular shaped plot cut out of a larger agricultural field and is set back approximately 70m from a shared public access road which accesses onto Favour Royal Road. Augher Village is located approx. 2 mile to the west. Access to the site will traverse an open field, with the site located in the SW corner of the field with mature trees and hedgerow along the western and southern boundaries. All remaining boundaries are open to the field, with a small maintained hedgerow located at roadside.

The site is low lying and relatively flat. Some site clearance has taken place on site, and gravel/hard-core has been laid at the access and there is evidence some of the roadside verge/earth bank has been cut back to create sight splays.

Along this dead-end road (which is also part of Fever Royal Road) there are a number of detached dwellings and a farm holding at the end of road. There is also forest areas

along this stretch of road. Adjacent and south is No. 163 Favour Royal Road, while opposite the site is 3 no. dwellings.

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

The site is located in the open countryside as defined in the Dungannon and South Tyrone Area 2010 where SPPS and PPS21 are applicable. There are no specific area plan policies relevant to this proposal.

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

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

Representations

None received

Relevant planning history

M/2003/0514/O- outline planning permission was granted on this site for a 2 storey dwelling and garage on 15.05.2003.

M/2006/1301/RM- reserved matters was granted for a 2 storey dwelling and garage on 14.11.2006.

Therefore to secure the above permission development had to commence on site prior to 14.11.2008.

Key Planning Policy

SPPS Strategic Planning Policy Statement

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Planning Assessment

This proposal is for a change of house type to previous permission M/2006/1301/RM. M/2006/1301/RM was granted under a different Regional Rural Policy than currently exists. In order to consider if this proposal is acceptable in principle one of two things have to be established. The first is whether development on this site has lawfully commenced within the lifetime M/2006/1301/RM, including any pre commencement conditions. If this cannot be established, then the proposal has to be considered against

the policy criteria of PPS21 Sustainable Development in the Countryside as this is new policy consideration for all development proposals in the Countryside.

From viewing Council Ortho Maps it is clear that no access point or foundations of buildings have been created on this site on 09/03/2010. At this point the previous permission had lapsed. The agent has not able to produce any evidence, such as Building Control inspection certificates, to prove that foundations had been laid prior to the expiration of the previous permission. Therefore, from the evidence presented, I can say with a strong degree of certainty that development on this site has not been lawfully commenced within the lifetime of the permission therefore no weight can be attached to the previous permission. Had it been demonstrated that the previous permission was lawfully commenced, then I would be in a position to consider the proposed amendments to the house type as presented in this subject application, as the previous permission would have been secured and a dwelling completed on the site.

However, no weight can be attached to the previous permission. Therefore I have to consider the proposal under the policy provisions of the current regional rural policy PPS21.

Strategic Planning Policy Statement- The policy provision of SPPS do not impact on the policy provisions of PPS21 Sustainable Development in the Countryside, which is the applicable policy for assessing planning applications in the countryside, until such times as the new area plan is adopted.

There are certain circumstances where the development of a dwelling is considered acceptable in the countryside, subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has not provided a case where this proposal could be considered acceptable under the provisions of Policy CTY1 of PPS21. On assessing the application on the ground I am of the view that the proposal does not meet any of the policy criteria contained within PPS21.

I therefore have to recommend to Members that this proposal is recommended as a refusal as it is contrary to policy CTY1 of PPS21.

In terms of the proposed house design, the proposed house design is almost identical to what was previously granted in 2006. In my view rural design considerations, integration and impacts on rural character considerations are broadly similar now to those that were considered previously. Given that the size, design and siting are almost identical I find the proposed design acceptable in this instance for this site and locality.

It has also been clarified by DfI Roads that existing suitable visibility splays are in place.

Other Policy and Material Considerations

The site is not subject to flooding and there are no land contamination issues to consider.

This site is not located with or adjacent to an International, National or Locally protected or designated site. In my view, there will be no detrimental environmental impacts.

Should Committee Members decide to overturn my recommendation then I am of the view that the proposed design, access, and landscaping proposals are acceptable, with similar conditions to M/2006/1301/RM being applied.

Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission be refused for the following reason.	
Refusal Reasons 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal falls within any of the range of types of development which in principle are considered to be acceptable in the countryside and therefore does not contribute to the aims of sustainable development.	
Signature(s) Date:	

ANNEX	
Date Valid	30th March 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 163 Favour Royal Road,Augher,Tyrone,BT77 0EW The Owner/Occupier, 165 Favour Royal Road Augher Tyrone The Owner/Occupier, 165a,Favour Royal Road,Augher,Tyrone,BT77 0EW	
Date of Last Neighbour Notification	28th May 2020
ES Requested	No



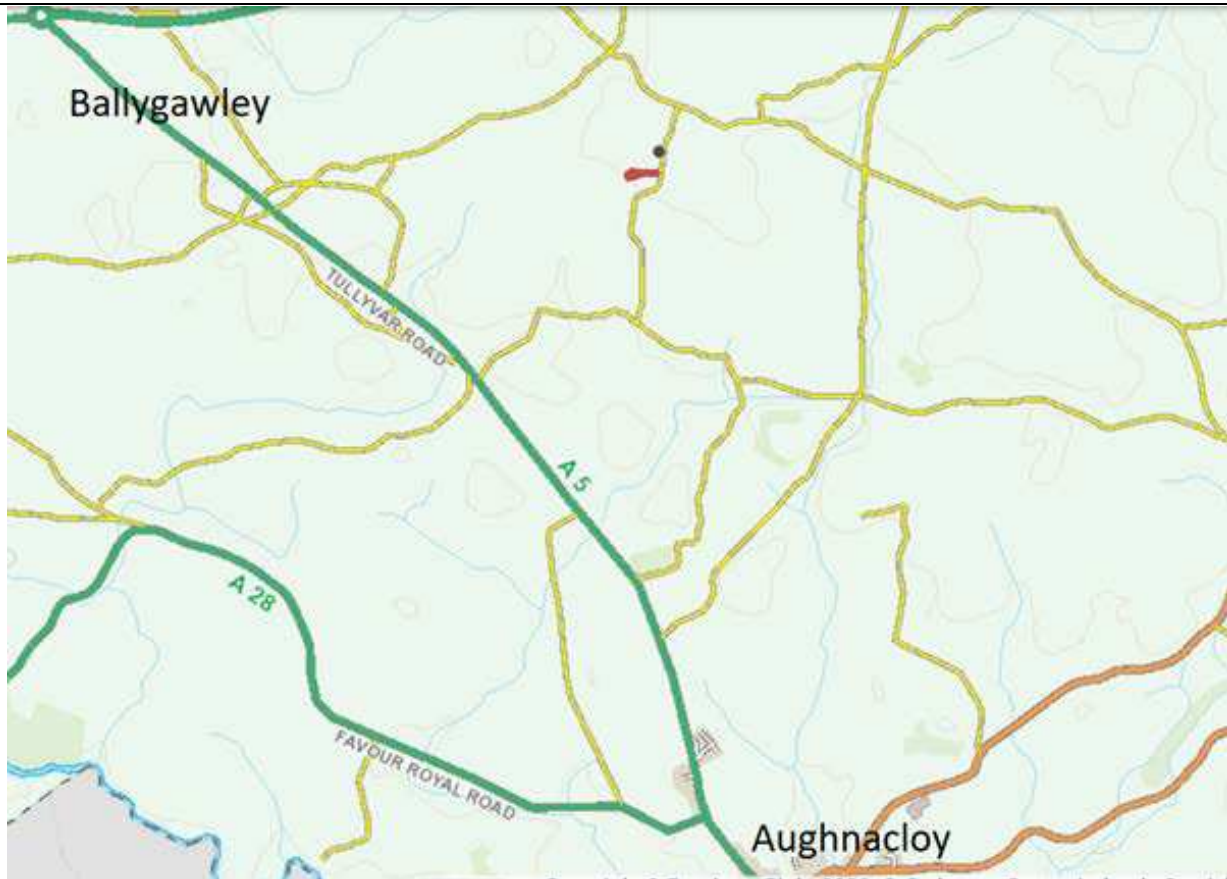
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0479/F	Target Date:
Proposal: Change of house design / location as previously approved under M/2008/1007/F	Location: 200m SW of 28 Aghaloo Road (26 Aghaloo Road) Aughnacloy Co Tyrone
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Con Carey 82 Creevelough Road Bantry Dungannon BT70 1LN	Agent Name and Address: J Aiden Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	3	
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 approx 200 metres South West of of 28 Aghaloo Road, Aughnacloy. It lies in the open countryside as defined by the Dungannon Area Plan 2010 in a rural area characterised by a scattering of dwellings and farmsteads located along the roadside. It is located a short distance to the SE of the settlement limits of Ballygawley.



The site comprises a small triangular plot in the corner of a much larger agricultural field. The northern boundary is undefined, the south and west boundaries are defined by a row of mature native species hedgerow and trees. The land slopes from the North to the South and the land is currently being used for agricultural grazing.

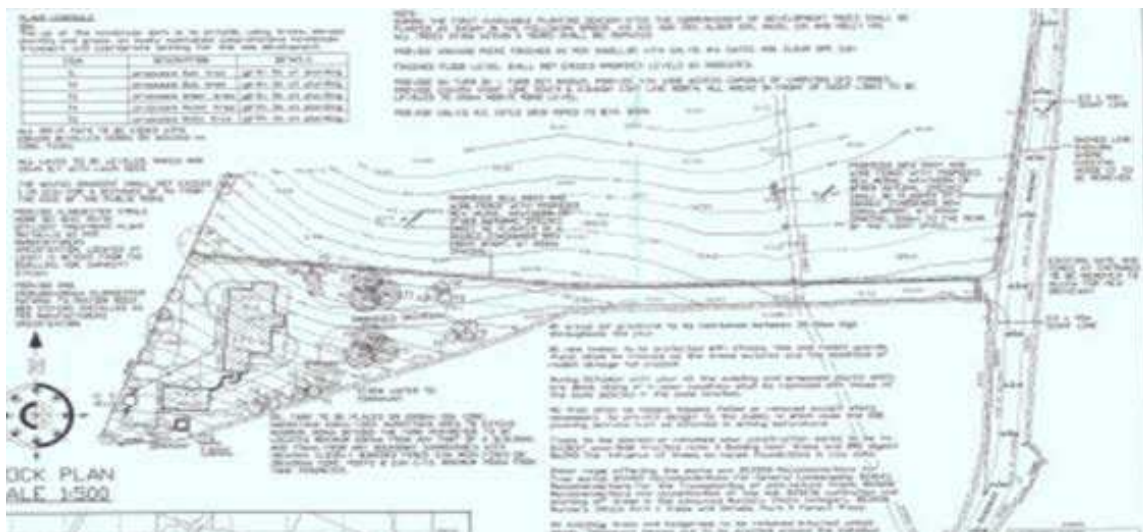


Description of Proposal

The proposal seeks full planning permission for a change of house design / location as previously approved under M/2008/1007/F. As seen below the application seeks to move the footprint forward approx. 20 metres closer to the road.



Revised Siting



Approved siting

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy
Dungannon Area Plan (CAP) 2010

PPS1

PPS3

PPS21

- Policy CTY 1 - Development in the Countryside
- Policy CTY 13 - Integration and Design
- Policy CTY 14 - Rural character

Strategic Planning Policy Statement (SPPS)

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

Planning History

M/2008/1007/F - Approval for dwelling and garage. GRANTED - 12.11.2008

LA09/2017/1730/NMC - Alterations to approved dwelling. GRANTED - 12.02.2018

Objections / comment received from 3rd Parties;

There have been three objections received in relation to this proposal.

Numbers 27 and 30 Aghaloo road which are located a short distance to the north of the site as well as number 19 Aghaloo which is a approx.. 0.5 km to the south have all made representation with regards to this proposed change of house type.

No.19 owns the adjoining field and raised concerns over the drainage and soakaways.

No.27 raised issues with regards to lack of neighbour notification of their property and also with regards to the development having commenced with the correct time frame.

Number 27 is over 120 metres away from the site and across the main Aghaloo road, however, as a precaution they were added to the mailing list and were duly notified on 11th June 2020. The original planning permission would have expired 12.11.2013 and the agent has submitted confirmation from building control on the date 21.09.2011 foundations were in place. Ortho Photography from June 2013 also confirm this.

Detached two storey dwelling and garage at 26 Aghaloo Road, Skey, Aughnacloy, Co. Tyrone, BT69 6BY

A Building Regulations application was submitted to this Office on 16-09-2011.

The following inspections have been carried out by this Department:-

20/09/2011 - trial hole

21/09/2011 - foundation - garage rear wall and right side wall
foundation - rear corner of dwelling sunroom



No.30 has raised concerns over loss of light, views and privacy.

No.30 is located over 80 metres to the north of the site, this is more than an adequate distance to ensure there will be no overlooking, loss of light or infringement on their privacy. The applicant also proposes to plant a boundary hedge along the northern boundary further reducing any impact.

The principal of development was granted on the site 12.11.2008 and information including building control confirmation has been presented that satisfies the council that the development was commenced in time. As the development was commenced, the applicant can build the dwelling they have approval for and there is a fall back position that would allow a dwelling to be built on this site. This proposal is in substitution of the approved and commenced development and is not for an additional dwelling. Given the fallback position a dwelling has already been accepted on this site.

Assessment of design

In this case the applicant has proposed a change of house type involves moving the footprint of the dwelling, with the same access, however, the overall design of the dwelling has changed from a storey and a half split level to a traditional tow storey dwelling, whilst the overall size of the dwelling proposed appears larger than previously approved as the ridge height has increased, the new proposal has removed the two storey garage and has a much narrower frontage, albeit one larger body.



Proposed critical front elevation.



Approved critical front elevation.

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 even with the increased ridge height of the dwelling, it would still blend in successfully with its immediate and wider surroundings and is comparable to other buildings in the vicinity. Furthermore as the site has decent boundary vegetation, is some distance from the roadside and the proposal includes a landscaping plan, therefore it is considered that the site has the capacity to easily absorb a dwelling of this size and scale. I have no concerns regarding integration.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. The design was discussed and it was agreed that the proposal is more simple and traditional and is in my opinion even more suitable for this site.

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

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

Recommendation - Approval.

Neighbour Notification Checked

Yes

Conditions

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

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

2. Prior to commencement of the development hereby permitted, visibility splays shall be provided in accordance with the approved drawing No.01 bearing date stamped 15 April 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

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

Reason: In the interests of visual amenity.

4.Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Department.

REASON: To safeguard the site and adjacent land against flooding and standing water.

Informatives

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

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	15th April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Harold Turner 19 Aghaloo Road Aughnacloy Tyrone The Owner/Occupier, 26 Aghaloo Road,Aughnacloy,Tyrone,BT69 6BY The Owner/Occupier, 26a ,Aghaloo Road,Aughnacloy,Tyrone,BT69 6BY Fraser TAYLOR 27 Aghaloo Road Aughnacloy Tyrone The Owner/Occupier, 27 Aghaloo Road,Aughnacloy,Tyrone,BT69 6BY The Owner/Occupier, 28 Aghaloo Road Aughnacloy Tyrone Avril Coote 30 Aghaloo Road Aughnacloy Tyrone The Owner/Occupier, 30 Aghaloo Road,Aughnacloy,Tyrone,BT69 6BY	
Date of Last Neighbour Notification	11th June 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0479/F Proposal: Change of house design / location as previously approved under M/2008/1007/F Address: 200m SW of 28 Aghaloo Road, (26 Aghaloo Road), Aughnacloy, Co Tyrone, Decision: Decision Date: Ref ID: LA09/2017/1730/NMC Proposal: Enlarges lower ground floor garage door, move internal garage staircase resulting in moving ground floor garage doors, adjacent window and addition of store rear elevation window. Address: 200m SW of 28 Aghaloo Road, Aughnacloy, Decision: CG	

Decision Date:

Ref ID: M/2007/0007/F

Proposal: Overhead single phase line on wood poles (06/08367)

Address: Beside 28 Aghaloo Rd, Skey, Ballygawley

Decision:

Decision Date: 11.04.2007

Ref ID: M/2008/1007/F

Proposal: Proposed dwelling and garage

Address: 200m SW of 28 Aghaloo Road, Aughnacloy

Decision:

Decision Date: 12.11.2008

Ref ID: M/2006/0519/O

Proposal: Proposed Dwelling and Garage

Address: 200m South West of 28 Aghaloo Road Aughnacloy

Decision:

Decision Date: 25.09.2006

Ref ID: M/2006/0549/O

Proposal: Proposed Dwelling and Garage

Address: 100m south of 28 Aghaloo Road Aughnacloy

Decision:

Decision Date: 05.10.2006

Ref ID: M/2010/0052/F

Proposal: Proposed dwelling

Address: 100m south of 28 Aghaloo Road, Aughnacloy, Co Tyrone

Decision:

Decision Date: 28.06.2010

Drawing Numbers and Title

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 st September 2020	Item Number:
Application ID: LA09/2020/0499/O	Target Date: 6th August 2020
Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8	Location: Approx 51m South East of No 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ
Referral Route: Refusal	
Recommendation: Refusal	
Applicant Name and Address: Emmet O'Hagan 86 Iniscarn Road Keenaght Desertmartin BT45 5NJ	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

No issues raised by any third parties.

More information required from NIEA regarding impact on listed building immediately to the east.

Characteristics of the Site and Area

The site is located approximately 3km South East of Draperstown along the Iniscarn Road.

The site is slightly elevated above the Iniscarn Road, which dips into a bend at this point. Immediately north of the site is a small bungalow, no 86 Iniscarn Road and immediately west of the site is a shed, which is within the curtilage of no 86 Iniscarn Road and is separated from the site by a D-Rail Fence. The shed appears to be used for some sort of car repair, given its larger scale and the prevalence of car tyres/wheels lying in close proximity. The site can be accessed via an access, which is already in place from the Iniscarn Road, or via no 86 Iniscarn Road.

Immediately south of the site is a well-treed gorge with a small stream. Beyond this is no 82 Iniscarn Road, which is a larger bungalow, elevated above the road and accessed via a sweeping uphill driveway.

Directly opposite the site is the old St. Patricks RC church, which is a grade B listed building.

The area is undulating landscape with rolling hills rising towards Slieve Gallion to the west. There are a considerable amount of single dwellings along this stretch of Iniscarn road, some of which have associated farmyards/farm buildings. The character of the area is predominantly rural in nature.

Description of Proposal

The proposal is for an infill dwelling and domestic garage based on CTY 8.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21 Sustainable Development in the Countryside
- CTY1 (PPS21) - Development in the Countryside
- CTY 8 (PPS 21) - Ribbon Development
- CTY 13 (PPS 21) - Integration and Design of Buildings in the Countryside
- CTY 14 (PPS 21) - Rural Character
- PPS15 – Planning and Flood Risk
- PPS 2 – Natural Heritage – NH 6 Areas of Outstanding Natural Beauty
- PPS 6 – Archaeology and the Built Heritage - BH 11 - Development affecting the setting of a Listed Building
- PPS 3 - Access, Movement and Parking
- MUDC Local Development Plan 2030 draft Plan Strategy

Magherafelt Area Plan 2015 (MAP)

The site is located in the countryside and should be assessed as such.

The site is also located within the AONB and therefore PPS 2 – NH6 should be considered in relation to this proposal.

SPPS

The SPPS provides a regional framework of planning policy that will be taken into account in the preparation of the MUDC draft Plan Strategy document (DPS). The DPS has not been adopted and therefore the transitional arrangements in the SPPS will apply. These transitional arrangements require the Council to take account of the SPPS and existing planning policy documents with the exception of PPS1, PPS5 and PPS9. Section 6.73 of the SPPS relates to development in the countryside and makes provision for a new dwelling in a small gap site in a substantial and continually built up frontage. Section 6.77 states that 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.

PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out which types of development will be acceptable in the countryside and under which policy they should be considered. In this scenario, the application is for an infill dwelling and therefore must be assessed under CTY 8.

CTY 8 states that planning permission will be refused for a building which adds or creates to a ribbon development. An exception will be made however for the development of a small gap site sufficient to accommodate a maximum of 2 dwellings within a substantial and continuously built up frontage, providing this respects the development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built up frontage is defined as a line of three or more buildings along a road frontage without accompanying development to the rear.

To the immediate north of the site there are two buildings in the form of 86 Iniscarn Road and the aforementioned large 2 bay shed. It is my view that this shed may well be used for some form of car repair and is not exclusively a domestic shed. However, regardless of use it is still a substantial building. The shed does not benefit from any planning permission but I have reviewed ariel photography of the site and it appears to have been in existence as far back as December 2014, which would make it lawful.

However, the shed does not have a road frontage. The shed and the hardstanding surrounding it are bounded by a D-Rail Fence and then immediately beyond this fence is a portion of the field that includes the site proposed for the dwelling. It is therefore not possible to claim that the shed is situated “along a road frontage” in accordance with CTY 8. The following images illustrate how the shed in question is located behind a separate fence which defines its curtilage and which separates it from the larger part of the site, resulting in it not having a frontage onto the Iniscarn Road.



To the immediate south of this site is no. 82 Iniscarn Road, which appears separated from the site by the area of trees, which has been alluded to above and appears separate from the other two buildings by virtue of the bend in the road.

Para. 5.33 of CTY 8 states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. It is not my opinion that no 82 is visually linked with no. 86 nor indeed with the shed beside no 86. When approaching the site from the north along the Iniscarn Road, the northern gable of no 86 and the old Church building are the only buildings that are apparent. When approaching from the south, at no. 82, the bend in the road and the dense vegetation in the gorge make it impossible for there to be any visual linkage between no. 82 and the other buildings.

The image below shows the view towards the site from the south when approaching from no. 82 Iniscarn Road – there is no visual linkage with the site in question;



The following image shows the view when approaching from the north towards no 86 and how there is also not a clear visual link between all the relevant buildings from this perspective;



Given all of the above, I am of the view that the criteria for a infill opportunity within an existing ribbon of development has not been met for the following reason;

- There is no common road frontage between the three buildings, as the shed adjacent to no 86 does not have a road frontage.
- There is no visual linkage between the three buildings.

With regards **CTY 13 and CTY 14**, I am content that a dwelling on this site would integrate into the landscape and would not have a detrimental effect on rural character. The rising land from to the south west and the matures trees immediately south of the site and also within the eastern portion of the site, provide an adequate backdrop to aid integration. I feel a dwelling with a ridge height of no greater than 6m would be in keeping with the dwellings in the immediate vicinity and would integrate satisfactorily on the site.

PPS 15 – Planning and Flood Risk

The southern boundary of the site is located adjacent to but not within the 1 in 100 year fluvial flood plan according to the Strategic Flood Map. DFI Rivers have been consulted as a precautionary measure but have raised no issue in relation **FLD 1** of PPS 15. In relation **FLD 2**, DFI Rivers require a 5m maintenance strip to be maintained along the boundary with the adjacent watercourse. This is something which can be addressed as part of any Reserved Matters application.

Polices **FLD 3**, **FLD4**, and **FLD 5** are not applicable to this site.

PPS 6 – Archaeology and the Built Heritage

St Patricks Old RC Church is a grade B listed building, located immediately to the east of the site and is viewed in conjunction with no.86 when approaching from the north along Iniscarn Road. Policy **BH 11** states that planning permission will not normally be granted for a development, which adversely affect the setting of a listed building. I have consulted Historic Environment Division in relation to the impact of this proposal on the setting of the listed building. They have requested additional information before they can provide a substantive response.

The site is immediately adjacent to a historic bridge, which is a scheduled monument. HED (Historic Monuments) have stated that on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 3 – Access, Movement and Parking

DFI roads have no objection to this proposal subject to the imposition of conditions.

MUDC Local Development Plan 2030 draft Plan Strategy

A re-consultation process was launched on 25th March 2020 in relation to the draft Plan Strategy of the MUDC Local Development Plan 2030. This re-consultation will run until the 18th September 2020. I see nothing in this proposal, which would prejudice the contents of the DPS, but in any case, given the current stage of preparedness of the document, it cannot be given determining weight.

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

I am of the opinion that this proposal does not constitute an exception to policy CTY 8. Therefore, refusal is recommended.

Conditions/Reasons for Refusal:**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not amongst the range of developments which are considered in principle to be acceptable in the countryside and 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 the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Cookstown Road and will also adversely impacting on the rural character of this area of countryside.

Signature(s)**Date:**

ANNEX	
Date Valid	23rd March 2020
Date First Advertised	26th May 2020
Date Last Advertised	26 th May 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 82 Iniscarn Road Desertmartin Londonderry The Owner/Occupier, 85 Iniscarn Road, Desertmartin, BT45 5NJ The Owner/Occupier, 86 Iniscarn Road Desertmartin Londonderry	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	N/A
Planning History Ref ID: LA09/2020/0499/O Proposal: Proposed Site for a Dwelling and Domestic Garage: Based on Policy CTY 8 Address: Approx 51m South East of No 86 Iniscarn Road, Keenaght, Desertmartin, BT45 5NJ, Decision: Decision Date: Ref ID: H/1986/0020 Proposal: 2 NO BUNGALOWS Address: SITES 2 & 3 GLEN ROAD, MAGHERA Decision: Decision Date: Ref ID: H/1988/0014 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 86 MONEYSHARVAN ROAD MAGHERA Decision: Decision Date: Ref ID: H/1989/0330 Proposal: MOBILE HOME Address: 86 INISCARN ROAD DRAPERSTOWN	

Decision:
Decision Date:

Ref ID: H/1986/0366
Proposal: SITE OF BUNGALOW 86 INNISCARN ROAD, DESERTMARTIN.
Address: 86 INNISCARN ROAD, DESERTMARTIN.
Decision:
Decision Date:

Ref ID: H/1989/0218
Proposal: BUNGALOW
Address: 86 INNISCARN ROAD DESERTMARTIN
Decision:
Decision Date:

Summary of Consultee Responses

DfI Roads – No objection subject to conditions

DfI Rivers – Adjacent to but not within the Strategic Flood Plain. 5M maintenance strip required in relation to adjacent watercourse.

NIEA HED – Further information required regarding the impact on the neighbouring listed building. No objection in regards to impact on historic bridge within site.

Drawing Numbers and Title

Drawing No. 01
Type: Location Map
Status: Submitted

Drawing No. 02
Type: Location Map
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: LA09/2020/0501/O	Target Date:
Proposal: Proposed Site for Dwelling and Garage Under CTY 10	Location: Approx 80 Metres South West of 110 Mullaghboy Road Bellaghy
Referral Route: Committee- Applicants brother is an elected member	
Recommendation: Approval	
Applicant Name and Address: Robert Milne 48 Ballydermott Road Bellaghy	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	
Signature(s): Ciaran Devlin	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Three neighbor notification letters were sent out, however no representations were received in connection with this application. Consultations were issued to DfI Roads and DAERA who had no objections to the proposal subject to conditions.

Characteristics of the Site and Area

The site is located approximately 2.7km North West of the development limits of Bellaghy, in the open countryside as defined by the Magherafelt Area Plan 2015. The site is identified as being 80m South West of 110 Mullaghboy Road, Bellaghy. The existing site is currently an agricultural field which raises in gradient from east to west. The northern and eastern boundary of the site is defined by a strong hedgerow with a number of mature trees on the eastern boundary. The south and south eastern boundary is defined with post wire fencing and hedgerows. The western boundary has a post wire fence and a hedgerow, with an agricultural lane running adjacent to it, which has an agricultural field gate used to access the site. The existing farm buildings are located adjacent to the site, to the western boundary along with two other dwellings to the north of the site. The remainder of the surrounding area is agricultural fields with the lane used to access the site extending further south west to a number of other dwellings.

Description of Proposal

This is an outline application for a dwelling and garage under CTY 10.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

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' 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 dwellings on farms. Section 6.77 states that 'roposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

In respect to criteria (a) a consultation was issued to DAERA in which they have confirmed the Farm Business Id is currently active and has been in existence for more than 6 years. Therefore, the proposal meets this criteria.

I am content that following a site history check and review of the farm maps provided, no dwellings or development opportunities have been sold off from the farm holding within the last 10 years.

As this is an outline application, details on the siting and design have not been provided however, the location for proposed dwelling is located adjacent to the existing farm buildings as identified in yellow on drawing 01. As a result, the site is visually linked with an existing group of buildings and the proposal will take its access from the existing lane.

Therefore, I am content that the proposal complies with the policy criteria set out in policy CTY 10 of PPS21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. As much of the existing landscaping should be retained for any future development, new landscaping would be required at the entrance to the site, given the lack of the existing and additional landscaping would be required along the southern boundary. Therefore, a landscaping plan would be necessary as part of any future Reserved Matters application. Due to the surrounding landform and surrounding development existing and the existing ground level of the site, which rises in gradient from east to west, I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 7m above finish floor. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

Other Material Considerations

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

I have no flooding, ecological or residential amenity concerns.

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approve subject to conditions

Conditions

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

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

2. 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 the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

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. 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.

6. The existing mature trees and vegetation along the entire site boundaries shall be retained except where it is required to provide access and / or 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.

7. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying 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 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 and shall include sight splays of 2.4m x 100m in both directions onto the public road and a forward sight distance of 100m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1.This permission does not 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 is not to be construed as binding the Department in respect of any application required, or consent, agreement or approval obtained for or in connection with a Conservation Area Grant, an International Fund for Ireland Grant or an Urban Development Grant, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.

Signature(s)**Date:**

ANNEX	
Date Valid	23rd April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 McKennas Lane, Bellaghy, BT45 8JJ The Owner/Occupier, 110 Ballydermott Road, Bellaghy, BT45 8LG The Owner/Occupier, 110 Mullaghboy Road, Bellaghy, Londonderry, BT45 8JH The Owner/Occupier, 5 McKennas Lane, Bellaghy, BT45 8JJ The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2005/0661/F Proposal: Replacement two storey dwelling & detached garage Address: 5 McKenna's Lane, Mullaghboy Road, Bellaghy Decision: Decision Date: 19.10.2005 Ref ID: LA09/2020/0501/O Proposal: Proposed Site for Dwelling and Garage Under CTY 10 Address: Approx 80 Metres South West of 110 Mullaghboy Road, Bellaghy, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



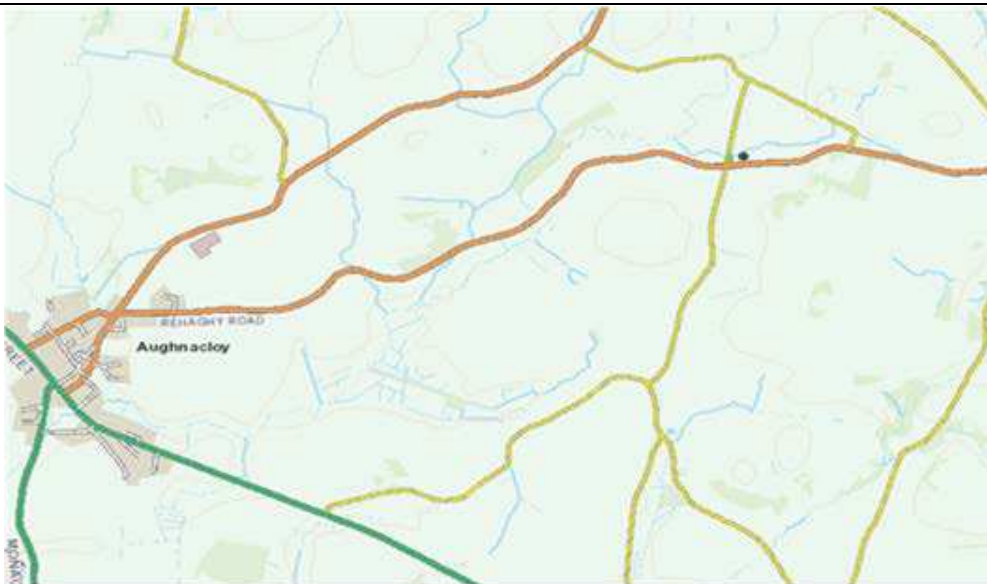
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0509/O	Target Date:
Proposal: Site for dwelling	Location: Lands approx. 40m West of 32 Rehaghy Road Aughnacloy
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Liam Mc Killion Gort Road Dungannon	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

The site lies within the open countryside outside all other areas of constraint as depicted by the DASTAP 2010. It is located along the Rehaghy road which links the settlements of Aughnacloy and Eglis, just a short distance to the NE of Aughnacloy.



The site comprises a small triangular shaped field located approx. 40m West of 32 Rehaghy Road, Aughnacloy. The level of the site is lower than that of the existing main rehaghy road and is situated in the NE corner of a crossroads. As can be seen from the below diagram the area has come under significant development pressure with a number of single houses scattered around the immediate vicinity.

The site itself has decent level of boundary vegetation cover with mature trees and hedgerow on all sides with an added post and wire fence along the roadside. There is a small agricultural gate allowing access to the field in the South West corner.



Description of Proposal

The proposal seeks Outline planning permission for a site for a dwelling, (cluster)

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.

Dungannon Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a - New Dwellings in Existing Clusters

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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.

One objection was received from the owner of number 32 Reghahy Road, the concerns that they raised includes;

Overlooking

Loss of privacy

Overdevelopment of area

Access/road safety issues.

With regards to the overlooking and loss of privacy issues, the site boundary is located some 32metres from the rear yard of number 32. There is also a row of thick mature hedgerow between the sites which will be important to condition is retained.



With regards to the claim the area is overdeveloped, this is addressed with the policy consideration of PPS21 CTY2A below. The site would appear to meet the criteria of a cluster.

With regards to the roads or access concerns, DFI roads are the competent authority, they were consulted and replied with no concerns subject to conditions including sight splays of 2.4m x 60m and 60 metre forward sight distance.

Planning History

There is not considered to be any relevant planning associated with the site.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Within the supporting statement the application was proposed to comply under CTY 2a and CTY 8 respectively. To take each one separately, to start CTY 2a states that planning permission will 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 cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other 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
- Development would not adversely impact on residential amenity.

In terms of the first criteria, I note that the site lies outside of a farm but it is difficult to determine if there is a cluster there at all, it appears to be a rough cluster of development approx. 150 metres either direction from the crossroads inclusive of nine dwellings and a number of garages and associated outbuildings, wherein the site intends to fit within. Continuing on from this, it does appear to be a cluster and therefore seen as one visual entity.

In the submitted plans, the agent has not identified a focal point in which they believe is associated with the site/cluster, however, they have highlighted as per policy that it is located at a crossroads. The site is located within the NE corner of the crossroad junction between the Rehaghy and Glencrew Roads.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. I am content that the site bounds on the eastern boundary with No.32 Rehaghy Road and a further dwelling to the western boundary, it is also partially bounded along north western boundary by no.30 Rehaghy road. In addition planning application LA09/2020/0106/0 was approved for a dwelling within an existing cluster directly opposite the site.

In my opinion 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, aided by the decent level of vegetation cover and proposed planting along the eastern boundary.

Finally, in this location I am of the opinion that a dwelling is unlikely to have an adverse impact on residential amenity.

For the above reasons it is evident that the proposed development has complied with policy CTY 2a.

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 this is an outline application no design details etc. have been submitted however the site is relatively small in size and therefore there would not be much options for siting. From review of the proposal I am of an opinion that an appropriately designed dwelling would not be prominent in the landscape. The proposed site has existing vegetation along all boundaries which should be retained where possible and supplemented with additional landscaping to further aid integration, therefore a landscaping scheme is required in any 'Reserved Matters' application. I am of the opinion that if permitted the dwelling should be restricted to a 7.5m ridge height from finished floor level.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature, the proposed site is in a cluster which is in effect build up, however, it meets all the criteria for a dwelling in a cluster and will not extend further into the open countryside therefore does not further erode the rural character outside the cluster.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted and responded stating DfI Roads do not offer an objection subject to the conditions as per attached RS1 Form being complied with at Reserved Matters Stage.

Having considered all of the above and the fact that the proposal site is within an identifiable cluster of development an approval should be recommended with suitable conditions.

Conditions

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

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

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

2. 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. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including Visibility Splays of 2.4m x 60.0m to North direction and to junction of Rehaghy Road to South direction, including a forward sight distance of 60m, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

4. The proposed dwelling shall have a ridge height of less than 7.5 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.

5. 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.

6. All hard and soft landscape works shall be carried out in accordance with the approved details on the approved drawings and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

7. The existing natural screenings of the site, along the Eastern boundary, on approved drawing ref 01, date stamped received 27th April 2020 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 at number 32 Rehaghy Road 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. 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.

Neighbour Notification Checked

Yes

Signature(s)

Date:

ANNEX	
Date Valid	27th April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 30 Rehaghy Road, Aughnacloy, Tyrone, BT69 6EW The Owner/Occupier, 30a Rehaghy The Owner/Occupier, 32 Rehaghy Road, Aughnacloy, Tyrone, BT69 6EU Derek Foster 32, Rehaghy Road, Aughnacloy, Tyrone, Northern Ireland, BT69 6EU The Owner/Occupier, 73A Carnteele Road AUGHNACLOY BT69 6EP	
Date of Last Neighbour Notification	28th May 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0509/O Proposal: Site for dwelling Address: Lands approx. 40m West of 32 Rehaghy Road, Aughnacloy, Decision: Decision Date: Ref ID: M/2002/1360/O Proposal: Dwelling House and Domestic Garage Address: Approximately 220 metres East of 33 Rehaghey Road, Aughnacloy Decision: Decision Date: 16.01.2003 Ref ID: M/2005/0532/RM Proposal: Proposed dwelling & domestic garage Address: Approx 220m East of 33 Rehaghey Road, Aughnacloy Decision: Decision Date: 19.05.2005	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0608/O	Target Date: 11/09/20
Proposal: Proposed dwelling and garage	Location: Site adjacent to 9a Falgortrevy Road Maghera
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY2a	
Recommendation:	Refusal
Applicant Name and Address: Shaun Kelly 29 Hawthorne Road Maghera BT46 5FN	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The application site lies within the rural area outside any defined settlement limits as defined in the Magherafelt Area Plan 2015. The proposal site comprises a small roadside plot of land currently accessed via an agricultural gate on to Falgortrevy Road, adjacent to the junction with the A6 Glenshane Road, a protected route. The immediate surrounding context is rural, characterised by single detached dwellings, sprawling agricultural fields and dispersed farm complexes. Located in proximity to the application site to the north, on the opposite side of the A6 Glenshane Road, is Maghera GAA grounds. There is a gentle incline when travelling easterly on this section of Falgortrevy Road and the proposal site is located on land slightly lower than the ground level of the adjacent Glenshane Road. On the date of the site inspection, it was noted that there has been a recent clearing and levelling of the site. The southeastern boundary is currently relatively undefined and the remaining boundaries are well defined by established trees and hedging.

Description of Proposal

This is an outline planning application for a dwelling and garage adjacent to 9a Falgortrevy Road, Maghera.

The dwelling is being applied for as a dwelling in an existing cluster under Planning Policy Statement 21, Policy CTY 2a.

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
Magherafelt Area Plan 2015
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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. 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.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside.

It was unclear from Drawing No.01 date stamped 29th May 2020 which policy under PPS21 the agent was relying on for this proposal therefore justification was sought. A Supporting Statement and Concept Plan (Drawing No.02) were received on 09/07/20 which detailed the proposal was being sought as a new dwelling in an existing cluster as per Policy CTY2a of PPS21.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of 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 application site abuts the existing road network to the east and south. Immediately west of the application site is the detached dwelling of No.9a Falgortrevy Road. It is noted further northeast of the application site at the opposite side of the A6 Glenshane Road, there are three detached dwellings. However these are located over 100 metres away and when viewed on the ground there does not appear to be a visual linkage with these dwellings due to the separation distances, landform and siting.

- *the cluster appears as a visual entity in the local landscape;*

Given the separation distance with the properties of No.6, 7 and 9, I do not consider the proposal site is located within a cluster which appears 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,*

The application site is located adjacent to a cross-roads which is considered as an acceptable focal point for the purposes of satisfying this criterion of Policy CTY2a.

- *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 bound to the west by the detached dwelling, No.9a Falgortrevy Road. However, the site is not bounded by development on any other side therefore fails to meet this criterion.

- *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 proposal site has existing established screening which provides an acceptable degree of enclosure meaning public views are minimised to close range when approaching and travelling on Falgortrevy Road and Glenshane Road. Therefore, I do not consider the proposal would significantly alter the existing character or appear overly prominent or visually intrude in the landscape.

However, I do not consider the proposal is located within an existing cluster therefore the proposal would not constitute rounding of or consolidating an existing cluster. The agent has relied on the properties of no. 6, 7 and 9 Falgortrevy Road and Watty Graham GAA facilities as the cluster within the local landscape. I do not consider on the ground that the proposal site has a visual linkage with these buildings which are located a minimum of 100 - 200 metres away on the other side of the A6 Glenshane Road.

- *development would not adversely impact on residential amenity.*

Given the separation distance with neighbouring properties and existing natural screening of the site, I do not have concerns with respect adverse impact on residential amenity.

Overall, I do not consider that the proposed development meets all the criteria outlined under CTY2a to merit the granting of permission under this policy.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The application site is located along the roadside however given the existing, established vegetation to the southeast and western boundaries, I consider the proposal site could provide a suitable degree of enclosure for a dwelling and garage without appearing as an overly prominent feature in the landscape. It is considered a dwelling could visually integrate into the surrounding landscape, however the site would require further landscaping and vegetation to the northeast boundary but would not rely primarily on this for integration. I consider the principle of development is unacceptable as it does not meet the criteria within Policy CTY1 and CTY2a, however should planning permission be granted, the design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage. I consider it would be necessary to condition a maximum ridge height of 6 metres, which would be in keeping with the existing built form to ensure integration into the setting.

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 the surrounding environment is suitable for absorbing a dwelling without significantly impacting on rural character and therefore complies with Policy CTY14.

PPS 3: Access, Movement and Parking

DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is not consider a dwelling on the site satisfying Policy AMP2 of PPS3 and would not prejudice road safety or significantly inconvenience the flow of traffic.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 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.

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that;
- the identified site is not located within an existing cluster of development consisting of four or more buildings of which at least three are dwellings;
 - the identified site is not located within an existing cluster which appears as a visual entity in the local landscape;
 - the identified site is not bounded on at least two sides with other development in the cluster; and
 - the development of the site cannot be absorbed into an existing cluster through rounding off and consolidation.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0657/O	Target Date: 24/09/20
Proposal: Proposed Dwelling	Location: Between 66 & 66a Derryoghill Road Dungannon Co.Tyrone
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY8 2no. Objections received – summarised and considered below	
Recommendation:	Refusal
Applicant Name and Address: Eugene Daly 88 Derryfubble Road Dungannon BT71 7PW	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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

Characteristics of the Site and Area

The application site lies within the rural area outside any defined settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site comprises a roadside plot of land to the side and rear of No.66 Derryoghill Road with the red line also including a portion of the existing curtilage of No.66. The adjacent road network is a minor, single-track winding road. The settlement of the Moy is located in proximity to the northeast. The immediate surrounding context is rural characterised predominantly by agricultural fields, however there is moderate development pressure in the immediate context. The site is relatively open to the front with gravel and hard core present particularly around the entrance where there is a metal gate for enclosure. The southern boundary is well defined with established trees. The eastern boundary is currently defined with scattered trees and wooden fencing enclosing the neighbouring property, No.66a. The western boundary of the proposal site is currently undefined however

beyond the red line behind the existing outbuildings, which are located in the western corner of the field, established trees and hedging define the western boundary of the land. There is a gradual incline from north east to south west, with the proposal site on slight elevated ground from that of the adjacent road.

Description of Proposal

This is an outline planning application for a dwelling on lands between 66 & 66a Derryoghill Road, Dungannon.

The dwelling is being considered as a gap site under Planning Policy Statement 21, Policy CTY 8, Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd February 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation period will close on 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 2 objection letters were received, the details of which are outlined and considered below.

Objection Letter One – Josefa Anderson received 7th July 2020

- The proposal will have an adverse impact on the residential amenity of No.66a in terms of overlooking/loss of privacy; dominance; overshadowing/loss of light.

The proposal is for outline planning permission for a dwelling. The siting and design of the dwelling would be a matter for any forthcoming full or reserved matters applications should outline permission be granted. I consider that the issues and concerns outlined could be resolved or addressed at this stage through an appropriate design, siting and scale to ensure no detrimental impact to neighbouring properties.

- The proposal site will create a ribbon of development and should not be considered as a continuously built up frontage as No.66, 66a and the dwelling south of No.66a do not read together and cannot be viewed together at any point when travelling on Derryoghill Road. The accompanying development to the rear should not be included as a substantial built up frontage as stated in Policy CTY8.

The proposal is considered against the relevant prevailing planning policy in detail below. It is considered below that the proposal is contrary to Policy CTY8.

- The existing road network cannot cope with more vehicles.

The proposal has been considered against the prevailing planning policy PPS3 Access, Movement and Parking below. DfI Roads have been consulted and have offered no objections to the proposed access for dwelling.

- The proposal may impact the environment as two properties have underground electric cables and the objectors property has a sewer pipe which runs into soakaway on family land.

The environmental impacts of the principle of a development on the site have been considered. It should be noted Natural Environment Division map viewers have been assessed and there is no natural heritage interests of significance on the site or in close proximity. Should outline planning permission be granted, the concerns with regard underground cables and pipes could be addressed through the siting of the proposal.

Objection Letter Two - Paul Haughey (P Haughey & Co. Solicitors) on behalf of Adrian Anderson received 11th July 2020

- Dispute over ownership of the vast majority of the lands subject to the planning application. Objection letter advises his client has legal ownership of the land.

The agent has completed Section 27 of the P1 Form and signed Certificate A on behalf of the applicant. It was not considered necessary to seek clarification as to land ownership in response to this objection given I do not consider the principle of development is acceptable regardless. In the case that it is considered planning permission should be granted, this may need to be further considered. However, it should be noted that land ownership is a civil matter that is outside the remit of planning.

History on Site

M/2003/0996/O – Proposed dwelling - 80m South of 66 Derryoghill Road, Dungannon – Permission Granted 17/10/03

Key Policy Considerations/Assessment

Dungannon and South Tyrone Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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. 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.

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

PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. PPS21 - CTY 8 states 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 2 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.

In this case, it is my opinion that the proposal does not constitute a gap site within an otherwise substantial and continuously built up frontage.

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. The proposal site comprises a section of the driveway of No.66 Derryoghill Road, a detached single storey dwelling, and a parcel of land immediately adjacent which appears to be currently unused for any purpose. Within the field subject to the application but outside the red line, there are two outbuildings located in the western corner approximately 26 metres from No.66. The outbuildings appear to be associated with the property of No.66. On the date of the site inspection it was noted one outbuilding was secured with a garage design and the other outbuilding is decrepit with a barn like design. Immediately adjacent on the southeastern boundary of the site is a detached storey and a half dwelling, No.66a Derryoghill Road. Adjacent to No.66a to the southeast there is a field with road frontage which is densely populated with established trees. In this case, there are only two buildings in a line along this part of the Derryoghill Road which has a frontage to the public road. The outbuildings to the rear of No.66 do not have a frontage to the road, Policy CTY8 specifically states “without accompanying development to the rear”. The proposal site is not located within a substantial and continuously built up frontage in that there are not three buildings in a line which share a common frontage therefore the proposal is considered to be contrary to Policy CTY 8. I consider that if approved the proposal would reinforce a built-up appearance to Derryoghill Road and would be detrimental to the character, appearance and amenity of the countryside by adding to ribbon development.

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 is of an appropriate design. The application site is located along the roadside however given the existing, established vegetation to the rear which provides a backdrop, I consider the proposal site could accommodate a single storey dwelling with a suitable degree of enclosure without appearing as an overly prominent feature in the landscape. The topography of the site rises therefore the proposed dwelling would be on higher ground than that of the road and adjacent dwelling of No.66 Derryoghill Road. I consider the

principle of development is unacceptable as it does not meet the criteria within Policy CTY1 and CTY8, however should planning permission be granted, the design of the proposed dwelling would be a matter for consideration at the Reserved Matters stage. I consider it would be necessary to condition a maximum ridge height of 5.5 metres to ensure integration into the setting. It is considered a dwelling could visually integrate into the surrounding landscape, however the site would require further landscaping and vegetation to the northeast and southeast boundary but would not rely primarily on this for integration.

In terms of policy CTY14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the existing and established boundary treatment to the northwest and southwest of the site would assist in integrating a dwelling. However, as stated above I do not consider the proposal is located in a continuous and built up frontage therefore the proposal would add to a ribbon of development and results in a suburban style build-up of development when viewed with existing and approved buildings. Therefore I consider the proposal is contrary to Policy CTY14.

PPS 3: Access, Movement and Parking

DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is not consider a dwelling on the site satisfying Policy AMP2 of PPS3 and would not prejudice road safety or significantly inconvenience the flow of traffic.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY8 and CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal site does not constitute a small gap site within an otherwise substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Derryoghill Road.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development.

Signature(s)

Date:



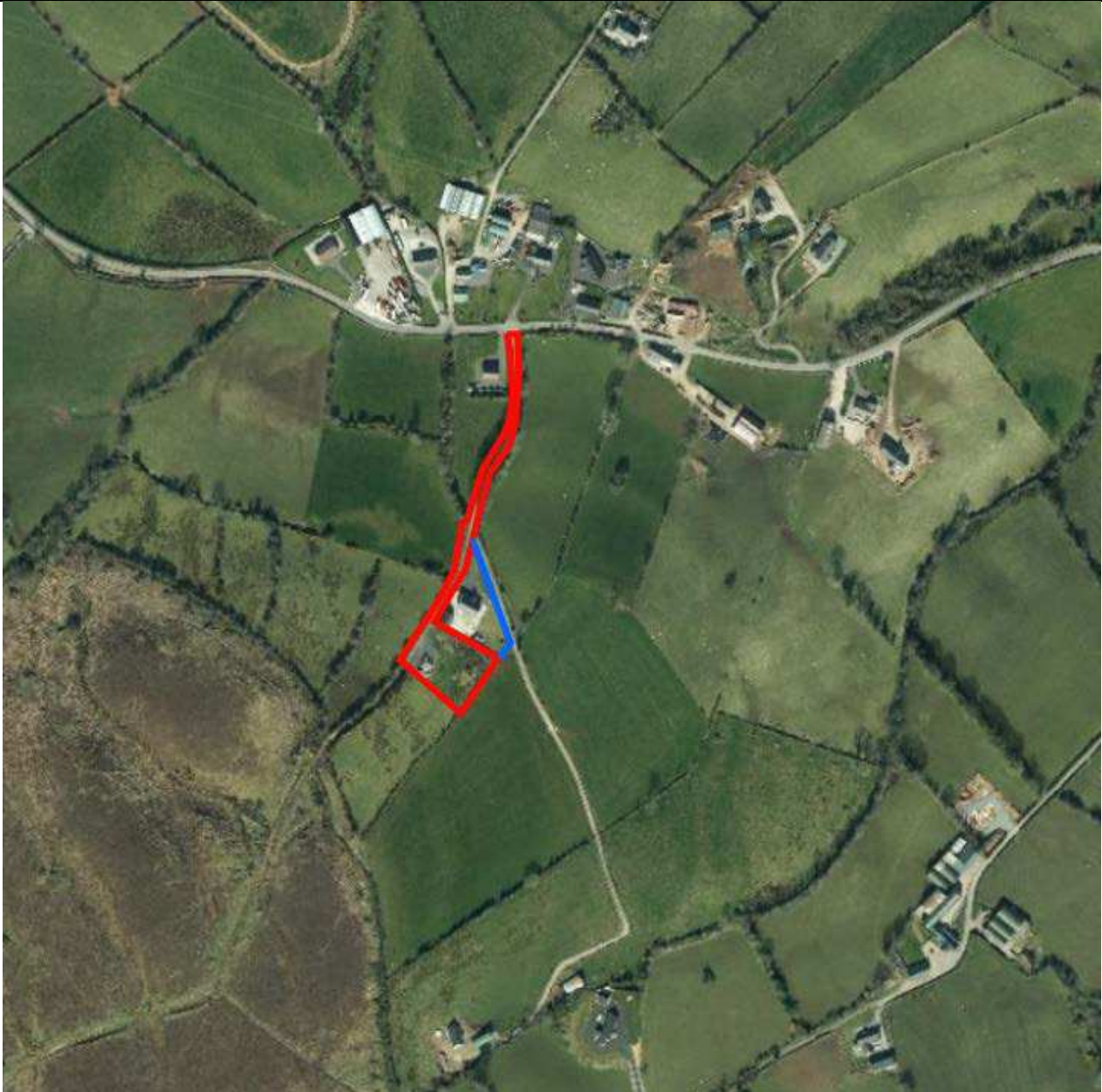
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0696/F	Target Date:
Proposal: Proposed retention of the existing general purpose / storage shed for machinery and vehicles and the extension of the existing site curtilage	Location: 55m South of No 39C Gortahurk Road Draperstown
Referral Route: This application is being presented to Committee as it has attracted two letters of objection and one letter of support.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Fergal McGuigan 39c Gortahurk Road Gortahurk Draperstown BT45 5NN	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

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 letters of objection have been received in respect of this application, in addition to one letter of support.

The issues raised in the objection relate to the following:-

Lorries are being stored and repaired and are using this access;

Road safety;

Brake testing of articulated lorries being undertaken at the bottom of Gortahurk Road;

The letter of support stated that the writer who lives at the end of the Gortahurk Road has never witnessed brake testing of lorries as claimed by the objector.

With regards the issues raised in the objection in respect of the lorries being repaired and using the laneway, no lorries were seen onsite apart from the two vintage/classic vehicles referred to in the main report. No vehicle repairs nor evidence of such was seen on site.

The issues relating to road safety have been considered by DfI Roads, whilst the claim relating to brake testing of lorries does not appear to have any connection with this proposed development. That issue should be raised with the relevant authorities, ie. DfI Roads or PSNI.

Characteristics of the Site and Area

The site is located on the Gortahurk Road and is accessed via a long, steep, tree-lined laneway which leads to the applicant's dwelling and a second additional dwelling which I am led to believe belongs to the applicant's brother.

The shed is set on a flat platform created to the rear of the dwelling, partially by cutting into the sloping landform and using this material to infill the lower part of the site. The site overlooks the rear of the applicants dwelling. The topography of the site is of steeply undulating land which rises steeply from the Gortahurk Road towards the south and on towards Slieve Gallion. The undulating landform provides an effective screen for the shed as there are only very limited and fleeting views of the shed from the Iniscarn Road from where it appears to nestle into the steeply rising landform to the rear, which provides a good backcloth.

Description of Proposal

The proposal is for the retention of a large shed measuring 19.67m x 12.77m and with a wall plate height of 4.9m and a ridge height of 5.995m above ground level. The shed is built with concrete block walls to the lower half and sheeted on the top half with black coloured box profiled cladding the same as the roof. There is one large roller shutter door in addition to a single pedestrian door in the north-western gable.

The shed is set to the rear of the existing dwelling and on higher ground which continues to rise steeply beyond the site towards Slieve Gallion. There is a hardcored yard around the shed which is vacant of any vehicles at time of site inspection. The shed was inspected internally and contained the following:-

1 no. rally car;

2 no classic cars (under covers);

1 small vintage van;

1 classic lorry;

1 security car transporter;
 1 car transporter;
 1 small car trailer;
 1 beach buggy;
 1 vintage tractor and hay shaker
 1 VW Golf.

The interior of the shed was in pristine condition and the applicant's father advised that the walls and roof have been insulated to prevent the vintage/classic vehicles from getting damp.

There was no sign of any tools or machinery being stored within the shed at the time of inspection.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 – Residential extensions and alterations

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

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

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material 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;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (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; and

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



Whilst the proposed shed is larger than the existing dwelling and are constructed using different materials to the existing dwelling, this is not unusual in rural locations. The construction of the shed is typical of sheds in the rural area, most of which tend to be used for agricultural purposes and the shed would be typical of those. The scale and massing are not unduly large as at 240m² the shed would be regarded as a typical sized shed in the rural area. Although it may be regarded as larger than normal for domestic use, however given the number and type of vehicles stored within the shed at the time of inspection, there is clearly a need for a larger than normal storage shed at this site. Given the topography of the surrounding landform and the steeply rising nature of the land along the Gortahurk Road, it is almost impossible to views the shed from this road. The photographs on file show the only view of the shed from the Gortahurk Road, from which it is clear that only a small section of the shed is visible and this is set to the rear of the applicant's dwelling and is well screened by the crest of a hill to the front.



The only other view within an acceptable distance is from between no's 94 & 94A Iniscarn Road from where the shed appears to site slightly higher than the applicants dwelling, but to the rear and against the boundary hedge to the south-east, with the steeply rising ground continuing to rise to the rear. From this public viewpoint, the proposed shed is only seen in a fleeting view and does not appear prominent.



The shed is only close to the applicant's dwelling and is around 250m from the only other dwelling which shares the access lane. There is only one other dwelling closer to the proposed shed, at 220m, but this is located at the end of the access lane and does not share the laneway. The proposed shed has no impact on this other dwelling.

Given the nature of the land around the site, there is little in the line of mature vegetation other than along the access laneway. However, the shed is set well back from these hedges and therefore will not cause an unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. It should also be noted that although the curtilage of the site has been increased and the shed is set outside of the established curtilage, the actual approved curtilage of the dwelling includes around half of the area covered by the yard around the proposed shed. The approved curtilage of the applicants dwelling extends to include the area shaded blue on the map below.



In consideration of the above, in my opinion, given the number and type of vehicles which are being stored in the shed, there is clearly a need for a storage shed of the size proposed and it would be unreasonable to expect the applicant to erect such a shed within the established curtilage of their dwelling. To do so would result in the shed having not only a detrimental impact on the applicants own dwelling but would pull the shed further forward thereby resulting in it being more visible from the Gortahurk Road. Furthermore, to do so, would also reduce the area of parking and the level of amenity space around the applicant's dwelling to an unacceptable level.



No other issues have been raised and the proposed development is therefore considered to be acceptable.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. During the first available planting season following the date of this approval notice, a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing along the north eastern boundary of the site.

Reason: In the interest of visual amenity and to ensure the amenity afforded by existing hedges is maintained.

3. The vehicular access including visibility splays 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 bearing the date stamp 18 Jun 2020 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.

4. The building hereby approved shall be used only for the purpose of general domestic storage or for the storage of domestic vehicles or machinery and for no other purpose in Use Class C1 of the Schedule to The Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

Signature(s)

Date:

ANNEX	
Date Valid	18th June 2020
Date First Advertised	30th June 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 36A Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 38 Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 38a , Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 38b , Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 39 Gortahurk Road Desertmartin Londonderry</p> <p>The Owner/Occupier, 40a , Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 41 Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>The Owner/Occupier, 42 Gortahurk Road, Desertmartin, Londonderry, BT45 5NN</p> <p>Damien Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH</p> <p>Kelly Email Address Kelly Email Address</p>	
Date of Last Neighbour Notification	3 rd July 2020
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2017/1178/F</p> <p>Proposal: Proposed extension to dwelling including roofspace conversion and detached double garage</p> <p>Address: 41 Gortahurk Road, Desertmartin, Magherafelt,</p> <p>Decision: PG</p> <p>Decision Date: 23.10.2017</p> <p>Ref ID: LA09/2020/0696/F</p>	

Proposal: Proposed retention of the existing general purpose / storage shed for machinery and vehicles and the extension of the existing site curtilage
 Address: 55m South of No 39C Gortahurk Road, Draperstown,
 Decision:
 Decision Date:

Ref ID: H/2001/0329/F
 Proposal: Replacement Dwelling
 Address: 7 Keenaught Road, Desertmartin, Magherafelt
 Decision:
 Decision Date: 19.06.2001

Ref ID: H/2003/1006/O
 Proposal: Site of new dwelling and garage.
 Address: 250m North of 39 Gortnahurk Road, Draperstown.
 Decision:
 Decision Date: 23.03.2004

Ref ID: H/2005/0412/F
 Proposal: Proposed dwelling and garage
 Address: 200m North of 39 Gortahurk Road Draperstown
 Decision:
 Decision Date: 03.07.2006

Ref ID: H/2004/0784/O
 Proposal: Site of dwelling and garage.
 Address: Site 200m North of number 39 Gortnahurk Road, Draperstown.
 Decision:
 Decision Date: 18.02.2005

Summary of Consultee Responses

All consultees responded positively

Drawing Numbers and Title

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

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

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0749/F	Target Date:
Proposal: Single storey extension to side of property	Location: 5 Ashwood Heights Cookstown
Referral Route: Approval – To Committee – Applicant works for Mid Ulster District Council	
Recommendation:	APPROVE
Applicant Name and Address: Mr A Mc Creesh 5 Ashwood Heights Cookstown	Agent Name and Address: Don Sonner 26a St Jeans Cottages Cookstown BT80 8DQ
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

Approval - To Committee - Applicant works for Mid Ulster District Council.

Characteristics of the Site and Area

The site is located within the existing residential development known as 'Ashwood Heights' located within the existing development limits of Cookstown as defined by the Cookstown Area Plans 2010. Within the red line sits a detached single storey dwelling with a roof conversion with a large garden to the side and front with a garage to the side. I note that the site is accessed via an existing access. The surrounding and immediate area is characterised by a mix of development inclusive of residential, industrial and agricultural.

Relevant planning history

Four neighbour notifications were sent out however no representations were sent out.

Description of Proposal

This is a full application for a single storey extension to side of property located at 5 Ashwood Heights Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
Cookstown Area Plan 2010

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'.

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials. The proposal can be considered subordinate to the existing dwelling due to the proposal being single storey. For this reason, the scale and massing of the proposal are appropriate. The proposed external materials will match the existing materials of the host property; therefore, the external materials are considered as acceptable.

(b) I am content that the proposed is unlikely to unduly impact upon neighbouring amenity, given the size and location of the extension. I am content that given the separation distances between properties coupled with intervening landscaping that it is unlikely cause a detrimental impact by way of overshadowing or loss of light on neighbouring properties. Due to the subordinate nature and existing boundary definition, no neighbours will be impacted by this proposal.

(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. This proposal will not cause loss of trees or landscape features.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes. A small portion of amenity space to the side of the property will be lost as a result of this proposal however I am content that sufficient amenity space will remain at the front and rear of the property. Car parking is relatively unaffected by the proposal.

I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations.

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

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.	
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.	
Signature(s)	
Date:	

ANNEX	
Date Valid	29th June 2020
Date First Advertised	14th July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 104 Drum Road, Cookstown, Tyrone, BT80 9DN The Owner/Occupier, 4 Ashwood Heights Cookstown Tyrone The Owner/Occupier, 5 Derryloran Industrial Estate, Cookstown, Tyrone, BT80 9LU The Owner/Occupier, 6 Ashwood Heights Cookstown Tyrone	
Date of Last Neighbour Notification	17th July 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0749/F Proposal: Single storey extension to side of property Address: 5 Ashwood Heights, Cookstown, Decision: Decision Date: Ref ID: I/1993/6027 Proposal: Industrial Sites Cloghog Road Cookstown Address: Cloghog Road Cookstown Decision: Decision Date: Ref ID: I/1978/0529 Proposal: PRIVATE HOUSING DEVELOPMENT Address: KIRKSTOWN, COOKSTOWN Decision: Decision Date: Ref ID: I/1990/6061 Proposal: Residential or Commercial use of land Sandholes Road, Derryloran, Cookstown Address: Sandholes Road, Derryloran, Cookstown Decision:	

Decision Date:

Ref ID: I/1990/0304

Proposal: Industrial Estate Development

Address: AT JUNCTION OF DRUM ROAD AND SANDHOLES ROAD COOKSTOWN

Decision:

Decision Date: 17.10.1990

Ref ID: I/1998/0448

Proposal: Relocation of Turning Head at Entrance to Site

Address: DERRYLORAN INDUSTRIAL ESTATE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0107

Proposal: Erection of Workshop for Kitchen Manufacturing

Address: DERRYLORAN INDUSTRIAL ESTATE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/6009

Proposal: Site for Housing (1) Drum Road Opposite Blackhill Estate (2) Sandholes Road Adjacent to Old Rectory Park (3) Castle Road

Address: (1) Drum Road Opposite Blackhill Estate

Decision:

Decision Date:

Ref ID: I/2000/0874/F

Proposal: Proposed extension to BA Kitchen Components.

Address: BA Kitchens, Derryloran Industrial Estate, Cookstown

Decision:

Decision Date: 31.10.2002

Ref ID: I/1994/0378

Proposal: "Advance Factory" (Amended application)

Address: DERRYLORAN INDUSTRIAL ESTATE SANDHOLES ROAD COOKSTOWN

Decision:

Decision Date: 03.04.1995

Ref ID: I/1990/6030

Proposal: Acquisition of Land for LEDU/IDB Derryloran Cookstown

Address: Derryloran Cookstown

Decision:

Decision Date:

Ref ID: I/2001/0847/F

Proposal: Housing Development (15 No Units)

Address: Site adjacent to BA Kitchens, Derryloran Industrial Estate, Cookstown

Decision:

Decision Date: 23.02.2004

Ref ID: I/2000/0043/O

Proposal: Site for housing development (Amended Proposal)

Address: Sandholes Road (off Derryloran Industrial Estate) Cookstown

Decision:

Decision Date: 20.06.2001

Ref ID: I/2001/0575/Q

Proposal: Proposed Housing Development

Address: Sandholes Road Cookstown

Decision:

Decision Date: 02.11.2001

Ref ID: I/2005/0960/F

Proposal: Roofspace conversion, sun lounge extension and new domestic garage.

Address: Site no. 5 Housing Development at Sandholes Road, Cookstown (Ashwood Heights).

Decision:

Decision Date: 16.08.2005

Ref ID: I/1994/4002

Proposal: Improvements to Dwelling

Address: 100 DRUM ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0551

Proposal: Replacement Farm Dwelling

Address: 130 DRUM ROAD, KIRKTOWN COOKSTOWN.

Decision:

Decision Date:

Ref ID: LA09/2015/1064/F

Proposal: Proposed extension to rear of dwelling

Address: 100 Drum Road, Cookstown,

Decision: PG

Decision Date: 16.02.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 03
Type: Existing Plans
Status: Submitted

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

Deferred Consideration Report

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

Summary of Consultee Responses:

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

Characteristics of the Site and Area:

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

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

Description of Proposal

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

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

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

Deferred Consideration:

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

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

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

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

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

PPS 7 policy QD1 states;

(a) the development should respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

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

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

No features of the archaeological /built heritage have been identified in the application site. Existing mature trees along the boundaries of the site have been identified and will be retained as part of the overall development where possible.

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

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

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

The site is located within the village of The Bush which is served by a mix of local services. A development of this size and location does not require its own neighbourhood facilities and while there is no village shop, the village is close to Dungannon and Coalisland to serve the need. I do not consider it appropriate to require a development of this scale to provide further neighbourhood facilities.

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

A footpath links this development into the wider public footpath network of The Bush. DFI Roads have been consulted with the layout and have not considered it necessary to provide any speed restrictions within the development. Existing speed cushions in the village are being repositioned to facilitate the development. No rights of way will suffer detriment from this proposal. DFI Roads raise no objection in relation to road safety or parking provision, subject to planning conditions being attached to any permission including adequate splays being put in place along with appropriate PSD works. I find these conditions to be acceptable. Access to public transport is located within the village, not far from the development site.

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

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

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

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

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

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

The development would appear to be designed to deter crime and promote personal safety in that open space areas are overlooked by nearby dwellings, which front onto the open space areas and provide passive surveillance of these areas. No back alleyways are proposed or areas that may promote antisocial behaviour (such as areas where people can congregate out-of-sight). These types of areas that seem to promote anti-social behaviour do not exist within this development. Private rear amenity areas are also protected by secure fencing/boundary walls.

PPS15 (Revised) Planning and Flood Risk

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

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

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

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual and residential amenity.

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

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

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

Reason: To protect existing trees.

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

Reason; To protect the mature trees on the site.

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

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

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

Reason: To prevent flooding.

Private Street Conditions

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

The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 31 Rev 1 bearing the date stamp 10th July 2020.

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

PSD02. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be occupied until the works necessary for the improvement (including provision of footway crossing points) of a public road have been completed in accordance with the details outlined blue on Drawing Number 31 Rev 1 bearing the date stamp 10th July 2020.

The Department for Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. Council will require the submission of a signed legal agreement between the developer and the maintenance company prior to the occupation of any dwelling hereby approved.
3. The applicant must apply to the DfI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.
4. Your attention is drawn to the comments received from NIWater, DfI Rivers, DfI Roads and NIEA which are available to view on the Planning Portal at www.planningni.gov.uk.



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

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

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

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

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

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

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

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

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

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

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

House types

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

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

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

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

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

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

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

PPS7 – Quality Residential Development

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

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

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

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

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

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

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

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

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

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

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

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

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

Neighbour Notification Checked

Yes

Refusal Reasons

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

Signature(s)

Date:

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

The Owner/Occupier, Bush Nurseries 22 Mullaghteige Road Dungannon The Owner/Occupier, Bush Primary School 21 Mullaghteige Road Dungannon	
Date of Last Neighbour Notification	11th April 2018
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2018/0420/F Proposal: Erection of 10 dwellings (6 Detached and 4 semi detached) Address: Immediately to the rear of and adjacent to Nos 12, 14, 18 and 20 Mullaghteige Road, Bush, Dungannon, Decision: Decision Date:</p> <p>Ref ID: M/1979/0838 Proposal: 1 NO BUNGALOW Address: MULLAGHATEIGUE, BUSH, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/1993/0334 Proposal: Replacement Farm Dwelling Address: 16 MULLAGHTEIGE ROAD BUSH DUNGANNON Decision: Decision Date:</p> <p>Ref ID: M/2001/0390/Q Proposal: Proposed housing for private single storey dwellings and garages Address: Mullaghteige Road The Bush Dungannon Decision: Decision Date: 25.09.2001</p> <p>Ref ID: M/2003/1254/F Proposal: Proposed Dwellings Site 1 & 2 and Access Road Address: Land to Rear of No 12 Mullaghteigue Road, Bush, Dungannon Decision: Decision Date: 21.06.2006</p> <p>Ref ID: M/2002/0199/F Proposal: Proposed dwelling site 4 and access (development) Road Address: Land to the rear of No. 12 Mullaghtiege Road, The Bush, Dungannon Decision: Decision Date: 30.04.2003</p>	

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

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

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

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

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

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

Ref ID: LA08/2017/1352/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

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

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

Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1619/DC

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

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

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/0155/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

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

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

Intermediate Press

Decision: AL

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

Drawing No. 10
Type: Road Access Plan
Status: Submitted

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

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

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

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

Drawing No. 11
Type: Roads Details
Status: Submitted

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

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

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

Drawing No. 03
Type: Site Levels
Status: Submitted

Drawing No. 12
Type: Landscaping Plan
Status: Submitted

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

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

<p>Description of Proposal</p> <p>Proposed dwelling and garage</p>
<p>Deferred Consideration:</p> <p>This application was deferred for an office meeting which took place on the 12th Sept 2019. the meeting was attended by myself, E. McCullagh (Team Lead), Les Ross, Don Sonner (agent) and Mr Quinn (applicant)</p> <p>We agreed that the key focus is relating to the backland nature of this proposal. it was reinforced that the issue of neighbouring amenity remained significant and there remained potential not only from a new dwelling but its outdoor space, means of access etc.</p> <p>The precise degree of private space used by adjoining properties was disputed, for example the orchard area, and that due to the position of the proposed dwelling behind the street frontage that there would be little perception of negative impacts on the residential settlement pattern of the area.</p> <p>Other examples of similar forms of development were argued and a map presented showing these locations. It was maintained that Cookstown had an established form of tandem development.</p> <p>It was concluded that the arguments made would be considered and that a change to the submitted layout may follow to attempt to overcome the issues.</p> <p>On the 3rd Oct 2019 an informal (for info only) proposal was submitted by the agent. These showed a more single storey house, windows to a higher level, driveway altered and garage re-positioned. Existing and proposed planting are promoted to soften impact on neighbouring property.</p> <p>On the 2nd Dec 2019, and having considered the supporting arguments presented as well as having examined the informally submitted alternative proposal with Dr Boomer, i advised the agent that the Councils position remained unchanged. I have looked at the locations of other examples presented. Each case must be determined on its own individual merits but i do not dispute that one will find backland development elsewhere in Cookstown. The very close proximity to adjoining private gardens, narrow plots, difference in levels and means of access with this case are however quite significant.</p> <p>I invited the agent on the 2 Dec that if he sought a decision from the Council on the amended proposal that full detailed plans should be submitted. This has not occurred. The decision to be made remains on the proposal as originally submitted and before the Committee.</p> <p>As a brief Policy reminder, The 2010 Cookstown Area Plan in Policy SETT 1 gives favourable consideration to development proposal within settlement limits. A number of criteria qualify this assurance including detrimental effect on amenity, development being sensitive to the size and character of the settlement in terms of scale, form design etc. Development proposal are required to be designed and implemented in accordance with prevailing regional planning policies. Detailed consideration has been given to the regional policies in my earlier report along with my consideration of some detailed local objection.</p>

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

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

Refusal Reason

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

Signature(s): M.Bowman

Date: 13th March 2020



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	1
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Characteristics of the Site and Area.

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

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

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

Description of Proposal

Proposed dwelling and garage

Planning Assessment of Policy and Other Material Considerations.

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

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

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

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

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

SPPS

Housing in Settlements

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

Regional Strategic Policy

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

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

PPS7

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

Policy QD 1 Quality in New Residential Development

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

All proposals for residential development will be expected to conform to all of the following criteria:

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
- (i) the development is designed to deter crime and promote personal safety. Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

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

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

Addendum to PPS7

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

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

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

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

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

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

Policy DES2 (PSRNI)

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

Development

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

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

Amenity

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

Housing

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

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

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

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

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

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

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

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

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

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

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

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

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

The objector has mentioned a few points;

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

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

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

Summary of Recommendation: Refusal.

Reason for Refusal:

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

Signature(s) M.Bowman

Date: 21st Aug 2019

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

Decision Date:

Ref ID: I/2000/0212/F

Proposal: Domestic Garage, (Retrospective permission)

Address: 13 Fairhill Road, Cookstown

Decision:

Decision Date: 01.06.2000

Ref ID: I/1979/0210

Proposal: IMPROVEMENTS TO DWELLING

Address: 11 FAIRHILL ROAD, COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status:

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

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

Description of Proposal

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

Deferred Consideration:

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

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

Firstly in relation to the fall back position;

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

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

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

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

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

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

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

Neighbours were re-notified of this on 11.02.2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. The temporary vehicular access, including visibility splays of 2.4m x 70m NW and 2.4x 45m SE at the junction of the proposed access road with the Sixtowns Road, and any forward sight distance, shall be provided prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

10. The Council/Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 23/4 bearing the date stamp 15 July 2020.

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

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

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

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

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

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

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

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

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

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

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

Signature(s):

Date



Deferred Consideration Report

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

Additional issues raised in the representations:-

- No safe play area within Woodlands;

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

- Sewage problems;

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

- Impact of privacy;

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

- Maintenance of the open space area in Woodlands;

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

- Only 5 properties were neighbour notified;

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

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

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

- Protection of the countryside and the ecosystems in it;

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

- Other alternatives should be considered;

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

- Potential for further developments;

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

- Depreciation of existing property;

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

- Is there any need for additional dwellings;

The need for further dwellings is market led.

Summary of Consultee Responses:

All consultees have responded positively.

Characteristics of the Site and Area:

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

Description of Proposal

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

Deferred Consideration:

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

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

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

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

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

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

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

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

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 23/2 bearing the date stamp 26 April 2019.

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

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

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

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

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

Informatives

1. This approval notice relates to Drawing No's. 01 which were received on
2. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by Mid Ulster District Council or other statutory authority.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent property for the removal of or building on the party wall or boundary whether or not defined.
4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
5. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
6. This application is included within previous site approved under H/2006/0494/F and H/2013/0066/F. Under these planning applications a PAC decision determined that no more than 50 dwellings are occupied before a right turning lane is provided at Sixtowns Road.
The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.
Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
7. The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service.

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

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

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

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

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

13. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

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

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

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

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

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

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

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

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

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

18. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as foxes/ rabbits/ frogs etc present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org

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

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.
3. Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit for Water Order (1999) consent for an 'emergency overflow'.
4. The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.
5. The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk/>)
6. The applicant should comply with all the relevant Pollution Prevention Guidance (PPG's) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:
PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices
New GPP 02 - Above ground oil storage tanks.
PPG 04 Treatment and disposal of sewage where no foul sewer is available.
New GPP 05 - Works and maintenance in or near water.
PPG 06 - Working at construction and demolition sites.
7. Compliance with the advice in GPP 05 and PPG06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be accessed by visiting the NetRegs website at <http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>
8. Should any culverting or piping of watercourses be required, the applicant will be required to adhere to the guidance detailed in Standing Advice Culverting. Our standing advice can be found by following the link: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>
9. General advice and guidance on private water supplies can be obtained from the DWI' information leaflet 'Is your private water supply safe?' <https://www.daera-ni.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supply-safe-2015.pdf>. More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>
10. Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/>
11. Environment Agency (EA) Guidance on Rainwater Harvesting Guidance can be obtained from: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/geho1110bten-e-e.pdf> (PDF 767KB)
12. It is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

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

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

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

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

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

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

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

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

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

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

Table 1: Construction noise limits

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

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

For committee view

Case Officer Report

Site Location Plan



Consultations:

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

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

Representations:

Letters of Support	None Received
Letters of Objection	45
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of representations have been received in respect of this application and relate to the following issues:-

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

Additional issues raised in the representations:-

- No safe play area within Woodlands;

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

- Sewage problems;

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

- Impact of privacy;

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

- Maintenance of the open space area in Woodlands;

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

- Only 5 properties were neighbour notified;

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

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

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

- Protection of the countryside and the ecosystems in it;

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

- Other alternatives should be considered;

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

- Potential for further developments;

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

- Depreciation of existing property;

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

- Is there any need for additional dwellings;

The need for further dwellings is market led.

Description of proposal

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

Characteristics of the site and area

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

Planning Assessment of Policy and other Material Considerations

Include Development Plan and planning history

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PPS 3 – Access, Movement and Parking.

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

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

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

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

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

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

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

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

Recommendation

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

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approve subject to the conditions listed below:-	
Conditions/Reasons for Refusal:	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The management and maintenance of all trees and shrubs shall be carried out in accordance with the stamped approved 'Memorandum and Articles of Association' received XXXX and the 'Maintenance Specification Schedule' received on XXXXX and shall continue to be maintained in accordance for a period of not less than 20 years or as may subsequently be agreed in writing with the Department.</p> <p>Reason: To ensure the continuity and sustainability of the approved landscape design through its successful establishment and long term maintenance to achieve a quality residential development consistent with Planning Policy Statement 7.</p> <p>3. All hard and soft landscape works as indicated on stamped approved drawing no. 27 date stamped 5th June 2019, shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out in the first available planting season following commencement of the development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5. The existing hedgerows along the northern, eastern and western boundaries of the site shall be retained at a minimum height of 4 metres and the existing trees along the northern, eastern and western boundaries shall be retained at a mature height.</p> <p>Reason: To ensure the maintenance of screening to the site.</p> <p>6. No retained tree or hedge shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.</p>	

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

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

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

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

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

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

9. The Department for Infrastructure hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 23/2 bearing the date stamp 26 April 2019.

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	27th November 2018
Date First Advertised	13th December 2018
Date Last Advertised	3rd January 2019
Details of Neighbour Notification (all addresses) Sharon Mc Eldowney 1 Woodland Grove Draperstown Londonderry Willie MCGILLIAN 1 Woodland Grove Draperstown Londonderry Catherine Lagan 1 Woodland Heights Draperstown Londonderry Sheila Lagan 1 Woodland Heights Draperstown Londonderry Martin McVey 1 Woodland Heights Draperstown Londonderry Brenda McGillian 1 Woodland Heights Draperstown Londonderry Martin Mc Eldowney 10 Woodland Grove Draperstown Londonderry Lucy Murray 10 Woodland Heights Draperstown Londonderry EUNAN MURRAY 10 Woodland Heights Draperstown Londonderry Maresa Heron 11 Woodland Grove Draperstown Londonderry Colm HERON 11 Woodland Grove Draperstown Londonderry SHARON MCCALLION 12 Woodland Grove Draperstown Londonderry SIOBHAN MCDAID 14 Woodland Grove Draperstown Londonderry The Owner/Occupier, 15 Woodland Grove Draperstown Londonderry The Owner/Occupier, 16 Woodland Grove, Draperstown, Londonderry, BT45 7DJ The Owner/Occupier, 18 Woodland Grove, Draperstown, Londonderry, BT45 7DJ Niall Hassan 2 Woodland Grove Draperstown Londonderry Derek McGeehan 2 Woodland Heights Draperstown Londonderry Leah Mcgeehan 2 Woodland Heights Draperstown Londonderry Bernie McGeehan 2 Woodland Heights Draperstown Londonderry	

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

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

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

Ref ID: LA09/2018/1569/F

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

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

Decision:

Decision Date:

Ref ID: LA09/2017/0127/DC

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

Address: Lands at Derrynoyd Road, Draperstown,

Decision: AL

Decision Date:

Ref ID: LA09/2017/0296/DC

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

Address: Derrynoyd Road, Draperstown,

Decision: AL

Decision Date:

Ref ID: LA09/2015/1192/F

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

Address: Derrynoyd Road, Draperstown, Co Derry,

Decision:

Decision Date: 22.09.2016

Ref ID: LA09/2017/0417/F

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

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

Address: Derrynoyd Road, Draperstown,

Decision: PG

Decision Date: 08.02.2018

Ref ID: H/2003/0246/F

Proposal: Change of house types

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

Decision:

Decision Date: 10.06.2003

Ref ID: H/2000/0561/F

Proposal: Housing Development (25 dwellings and garages)

Address: Rear of 38 Derrynoyd Road, Draperstown

Decision:

Decision Date: 23.03.2001

Ref ID: H/2007/0732/F

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

Address: Derrynoyd Road, Draperstown

Decision:

Decision Date: 26.06.2008

Ref ID: H/2003/1026/O

Proposal: Housing development.

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

Decision:

Decision Date: 11.01.2005

Ref ID: H/2005/1294/F

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

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

Decision:

Decision Date: 13.06.2007

Ref ID: H/2009/0405/Q

Proposal: Proposed 2no temporary double mobile classrooms

Address: Gaelscoil na Speirini, Derrynoyd Road, Draperstown

Decision:

Decision Date:

Ref ID: H/2006/0494/F

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

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

Decision:

Decision Date: 19.08.2009

Ref ID: H/2000/0006/F

Proposal: Erection of 25 dwellings

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

Decision:

Decision Date: 09.08.2000

Ref ID: H/2002/0183/F

Proposal: Change of house types and removal of approved wall

Address: Land to Rear of 38 Derrynoid Rd, Draperstown

Decision:

Decision Date: 24.05.2002

Ref ID: H/2000/0602/O

Proposal: Site Of Residential Development

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

Decision:

Decision Date: 12.06.2001

Ref ID: H/2005/0916/O

Proposal: Site of Proposed Residential Development

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

Decision:

Decision Date: 08.08.2006

Ref ID: H/2001/1000/Q

Proposal: Housing Development

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

Decision:

Decision Date:

Ref ID: H/2013/0066/F

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

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

Decision:

Decision Date:

Ref ID: H/2003/0469/F

Proposal: Housing development - 70 Units

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

Decision:

Decision Date: 21.03.2007

Ref ID: H/2003/1474/LDP

Proposal: Sun room.

Address: Derrynoyd Road, Draperstown.

Decision:
Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 27

Type: Landscaping Plan

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 26

Type: Roads Details

Status: Submitted

Drawing No. 24

Type: Roads Details

Status: Submitted

Drawing No. 20/1

Type: Roads Details

Status: Submitted

Drawing No. 22/1

Type: Roads Details

Status: Submitted

Drawing No. 21/1

Type: Roads Details

Status: Submitted

Drawing No. 23/1

Type: Roads Details

Status: Submitted

Drawing No. 25

Type: Roads Details

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Drawing No. 18
Type: Proposed Elevations
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 11
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

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

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

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

Drawing No. 04
Type: Photograph
Status: Submitted

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

Drawing No. 17
Type: Proposed Elevations
Status: Submitted

Drawing No. 16
Type: Proposed Elevations
Status: Submitted

Drawing No. 15
Type: Proposed Elevations
Status: Submitted

Drawing No. 14
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

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

Characteristics of the Site and Area:

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

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

Description of Proposal

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

Deferred Consideration:

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

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

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

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

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

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

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

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

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

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

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



Fig 1 site outlined in red



Photo 1 – site indicated in yellow

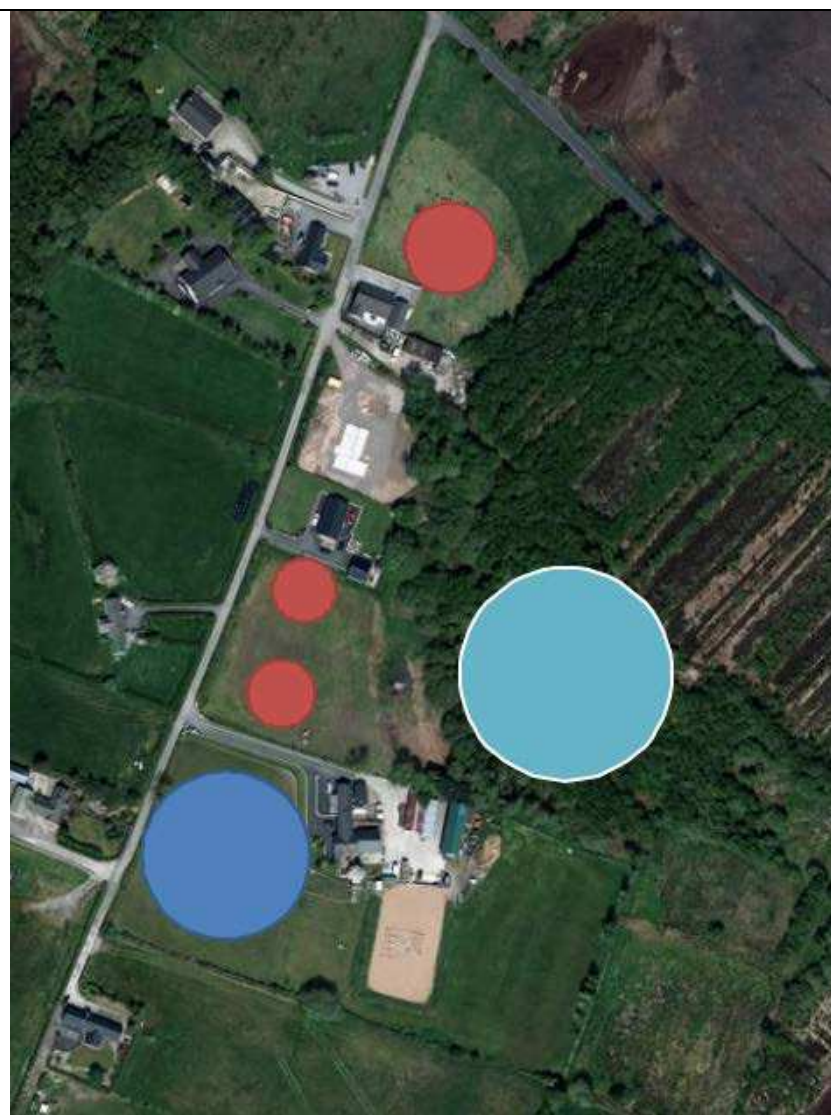


Fig 2 recent aerial photograph
 small red dots indicate approved houses
 large red dot indicates the site
 darker blue dot is location of riding school

Conditions:

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

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

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

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

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

Reason: To prevent urban sprawl.

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

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

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

REASON: In the interests of visual amenity and biodiversity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan****Consultations:**

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

Representations:

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no recent planning history at the application site.

Consultees

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

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

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

Representations

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

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010:

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

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

Planning Policy Statement 21

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

Policy CTY 2a – New Dwellings in Existing Clusters

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

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

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

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

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

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

CTY 13 – Integration and Design of Buildings in the Countryside

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

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

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

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

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

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

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

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

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

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

CTY 14 – Rural Character

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

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

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

PPS 3 – Access, Movement and Parking

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

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

Neighbour Notification Checked Yes

Summary of Recommendation:

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

Reasons for Refusal:

3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
the cluster is not located at a cross-roads or focal point; and development of the site cannot be absorbed into the existing cluster through rounding off.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
the building would, if permitted add to a ribbon of development

Signature(s)

Date:



Deferred Consideration Report

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

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

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

Description of Proposa

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

Deferred Consideration:

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

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

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

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

Conditions

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

Reason: In the interest of visual amenity.

Informatives

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

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

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

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

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

Description of Proposal

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

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

Deferred Consideration:

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

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

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

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

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

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

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

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

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

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

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

Reasons for Refusal:

Refusal Reasons

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

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

Constraints:

DFI Roads no objection apply standard conditions;
DAERA

Relevant Site Histories:

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

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

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

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

The draft Mid Ulster District Council Local Development Plan 2030.

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

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

Cookstown Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 3 – Access, Movement and Parking.

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

PPS21 – Sustainable Development in the Countryside.

Policy CTY 10 – Dwellings on Farms.

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

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

No farm map has been submitted with this application.

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

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

Policy CTY 13 – Integration and Design

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

Policy CTY 14 – Rural Character.

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

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

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

Refusal Reason:

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

Signature(s)**Date:**

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

Summary of Consultee Responses

Dfi Roads – No objections
DAERA – Advice issued

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

Report on	Mid Ulster District Council
Date of Meeting	1st September 2020
Reporting Officer	Chris Boomer - Planning Manager
Contact Officer	Roisin McAllister - Senior Planning Officer (Acting)

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To provide members with a revised Timetable for the production of the new Local Development Plan (LDP) for Mid Ulster District Council Area. This timetable details the key stages, actions and timescales in the plan preparation process.
2.0	Background
2.1	Legislation, namely the Planning (NI) Act 2011, requires the council to produce and review such a timetable when preparing and adopting a LDP. Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 requires that the timetable is approved by resolution of the council prior to submission to the Department for its agreement.
3.0	Main Report
3.1	The revised timetable sets out Mid Ulster Councils programme for the production of its LDP and includes details of the key stages in the process. It will help ensure that the plan process is efficiently managed and that key stakeholders such as consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process.
3.2	Members will be aware that there has been slippage in the date for submission to the Department for Independent Examination which was scheduled for Winter 2019/20. This is due to the identification of a procedural error in the original consultation on the Local Development Plan 2030 – Draft Plan Strategy. A re-consultation on the DPS was initiated in March 2020, however due to lockdown restrictions imposed as a result of the Coronavirus pandemic the closing date for representations to the DPS has been extended to 5pm on 24 th September 2020. This have inevitably caused further slippage to our timetable, which we have now revised for member's consideration.
3.3	The timetable contains revised <i>indicative</i> dates as well as actions for the various stages of the plan preparation process. A number of assessments are required to be carried out in the preparation of the LDP, including a Strategic Environmental Assessment, a Sustainability Assessment, a Habitats Regulations Assessment and an Equality Impact Assessment and Rural Proofing. These are factored into the various key stages in the timetable.

3.4	Formal consultation was carried out with relevant bodies including the Planning Appeals Commission who raised no concerns. Informal consultation on the revised timetable has taken place with the Department for Infrastructure who raised some questions in relation to the timescales allocated to Independent Examination (IE) of the DPS. They indicated that this timeframe should cover the period of time from submission to the Department to cause the Independent Examination, the IE itself and lastly the issue of the Departments binding report to the Council. They refer to 'Development Plan Practice Note 10: Submitting Development Plan Documents for Independent Examination' and note their aim is to consider a Development Plan Document for IE within 8 weeks, Commissioner involvement is anticipated at 9-12 months and a further 8 weeks is estimated for consideration of the PAC's report to the Department.
3.5	<p>In light of this, additional information and amendments have been made to the revised timetable to provide clarity and reflect the recommendations of the Department. Members will note that the timeframe within the timetable extends significantly beyond the 40 months suggested by the Department in their guidance. This extended timeframe is considered to be a realistic reflection of the actions necessary to ensure the production of a sound and robust LDP for the District and reflective of the timescale that would be necessary to address any issues that may arise during the process.</p> <p>The next step in the progressing the revised timetable is to submit it to the Department for agreement.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Members are requested to consider and agree the attached revised Timetable which will then be submitted to the Department for its agreement.
6.0	Documents Attached & References
	LDP Revised Timetable August 2020.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

MID ULSTER DISTRICT COUNCIL LOCAL DEVELOPMENT PLAN REVISED TIMETABLE

August 2020

1.0 Introduction

- 1.1 This revised timetable sets out Mid Ulster Council's program for the production of its local development plan (LDP) and includes details of the key stages in the process. The timetable will help ensure that the plan process is efficiently managed and that the key stakeholders such as the consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process. In relation to public consultation this timetable should be read alongside the Mid Ulster Statement of Community Involvement.
- 1.2 Under **Section 7 of the Planning (Northern Ireland) Act 2011** a council has a duty to prepare, and keep under review, a timetable for the preparation and adoption of the local development plan. Sections 8(4)(a) and 9(4)(a) require both the Plan Strategy and Local Policies Plan to be prepared in accordance with the timetable.
- 1.3 **Regulations 5 to 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015** (LDP Regulations) sets out the requirements for the preparation, form and content, agreement and availability of the timetable.

2.0 Purpose and Status of the Local Development Plan

- 2.1 The purpose of the Mid Ulster Council Local Development Plan, comprising the Plan Strategy and Local Policies, is to inform the general public, statutory authorities, developers and other interested bodies of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within Mid Ulster District Council up to 2030.
- 2.2 The preparation of the LDP will take account of the Council's Corporate Plan and Community Plan so that there is a shared vision for the council area and communities and it will set out the long-term social, economic and environmental objectives for the district. The LDP will also take account of regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, the Regional Development Strategy, the Strategic Planning Policy Statement and Planning Policy Statements.
- 2.3 The Mid Ulster Local Development Plan will replace the Cookstown Area Plan 2010, Dungannon and South Tyrone Area Plan 2010 and the Magherafelt Area Plan 2015. The Plan will be produced in two stages consisting of two separate documents, which will shape development within our district in the period to 2030. The first stage will be a Plan Strategy followed by Local Policies Plan.
- 2.4 Prior to the preparation of the Plan Strategy and Local Policies Plan the Council will identify the key issues in the plan area and will formulate a series of options for dealing with them. This information will be published as a

Preferred Options Paper which will indicate a Council's preferred options for growth and development in their area and will be the basis for consulting with the public and stakeholders who will have an opportunity to put forward views and influence the local development plan from the outset.

- 2.5 The Plan Strategy will establish the strategic direction of the plan in order to provide a level of certainty on which to base key development decisions in the area as well as the necessary framework for the preparation of the local policies plan. The Strategy will set the aims, objectives, overall growth strategy and associated subject policies applicable to the Plan Area.
- 2.6 The Local Policies Plan (LPP) will be consistent with the plan strategy. In contrast to the Plan Strategy the LPP will deal with site specific policies and proposals associated with settlement limits, land use zonings and environmental designations required to deliver the council's vision, objectives and strategic policies. Prior to the publication of the Local Policies Plan (LPP) the Council will publish a Local Policies Plan 'Key Issues' Paper identifying the key issues in the area and will provide the public with the opportunity to comment them to inform the preparation of the LPP. The document will outline key issues such as settlement limits, location of housing and economic development land within the towns, town centre boundaries etc. and invite comments on them.
- 2.7 A Sustainability Appraisal (incorporating Strategic Environmental Assessment) of the Local Development Plan will run in parallel with the preparation of various stages of the plan and will be an ongoing process. The purpose of the Sustainability Appraisal is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of the Local Development Plan. Reports from the various stages of the Sustainability Appraisal will be published at the key stages of the plan preparation as detailed in the Timetable at Appendix 1.

3.0 Timetable of Actions

- 3.1 The Mid Ulster Local Development Plan revised Timetable is set out at Appendix 1. In accordance with Regulation 6 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Timetable contains indicative dates for the various stages of the plan preparation process.
- 3.2 The timetable details the various actions at the key stages of the preparation of the Plan. The timetable also includes those actions that also relate to the Sustainability Assessment and other assessments that are required to be carried out in the preparation of the plan including a Strategic Environmental Assessment, Habitats Regulations Assessment and Equality Impact Assessment.
- 3.3 In accordance with **Regulation 5 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015**, in preparing the timetable, consultation has been undertaken with the Planning Appeals Commission (PAC) and key consultation bodies.

- 3.4 There are a number of factors that may impact on the delivery of the Local Development Plan within the indicative timescales indicated. Annual monitoring of the plan will take place and a report will be produced to inform Members and the Department on progress in meeting the timetable and on the land availability for housing and employment. In the event that progress is not in line with the timetable the Council has the power under the Planning Act 2011 to publish a revised timetable.

4.0 Project Management

- 4.1 Meeting the attached timetable is dependent upon Member involvement, adequate resourcing of the Local Development Plan, brokering agreement with neighboring councils and risk management.

Member Involvement

- 4.2 To date members have made the following key decisions:

- In September 2016 the Council agreed the Preferred Options Paper. This was published in November 2016 and subject to a 12 week public consultation period.
- Following consideration of the representation and other evidence the Council agreed the Draft Plan Strategy with accompanying Sustainability Appraisal (incorporating SEA) on January 2019.
- The draft plan and accompanying documentation was published February 2019 and subject to an 8 week consultation. The representations were then published and subject to an eight week period to allow for counter representations.

- 4.3 Prior to taking a Council decision on submission of the Plan to the Department, an error in the advertisement procedures was identified, resulting in the need to repeat the consultation exercise. The re-consultation period was set for a period of 8 weeks commencing in March 2020 and closing in May 2020. Due to the COVID19 pandemic, the consultation closing date was suspended. In July 2020 Notice of a new closing date in September 2020 was issued. An 8 week period will then be allowed for counter representations.

- 4.4 Members will then make the following key decisions:

- In Winter of 2020-21 having considered any representations, the Council will decide whether they wish to submit the Plan to the Department for independent examination. (If they choose not to, the timetable will need to be amended.)

- By Spring of 2022 the binding report of the Department should have been presented to the Council for adoption of the Plan. The Council will also decide on the Public Consultation paper for the Local Policies Plan, where if required a call for sites in particular sites will be issued.
- In Winter of 2022/23 the council will decide on publication of the Sustainability Appraisal (incorporating SEA) and Draft Local Policies Plan.
- In Summer 2023 the Council will decide on submitting the Plan with any representations to the Department for an Independent Examination.
- In Autumn 2024 the binding report of the Department will be presented to the Council for adoption of the Plan.

Risk Management

- 4.3 The timetable is challenging and there are a number of risks that could slow down the Plan Program. In order to manage risk, a Risk Management Log (Table 1) assesses a variety of risks, processes countermeasures to mitigate delay.

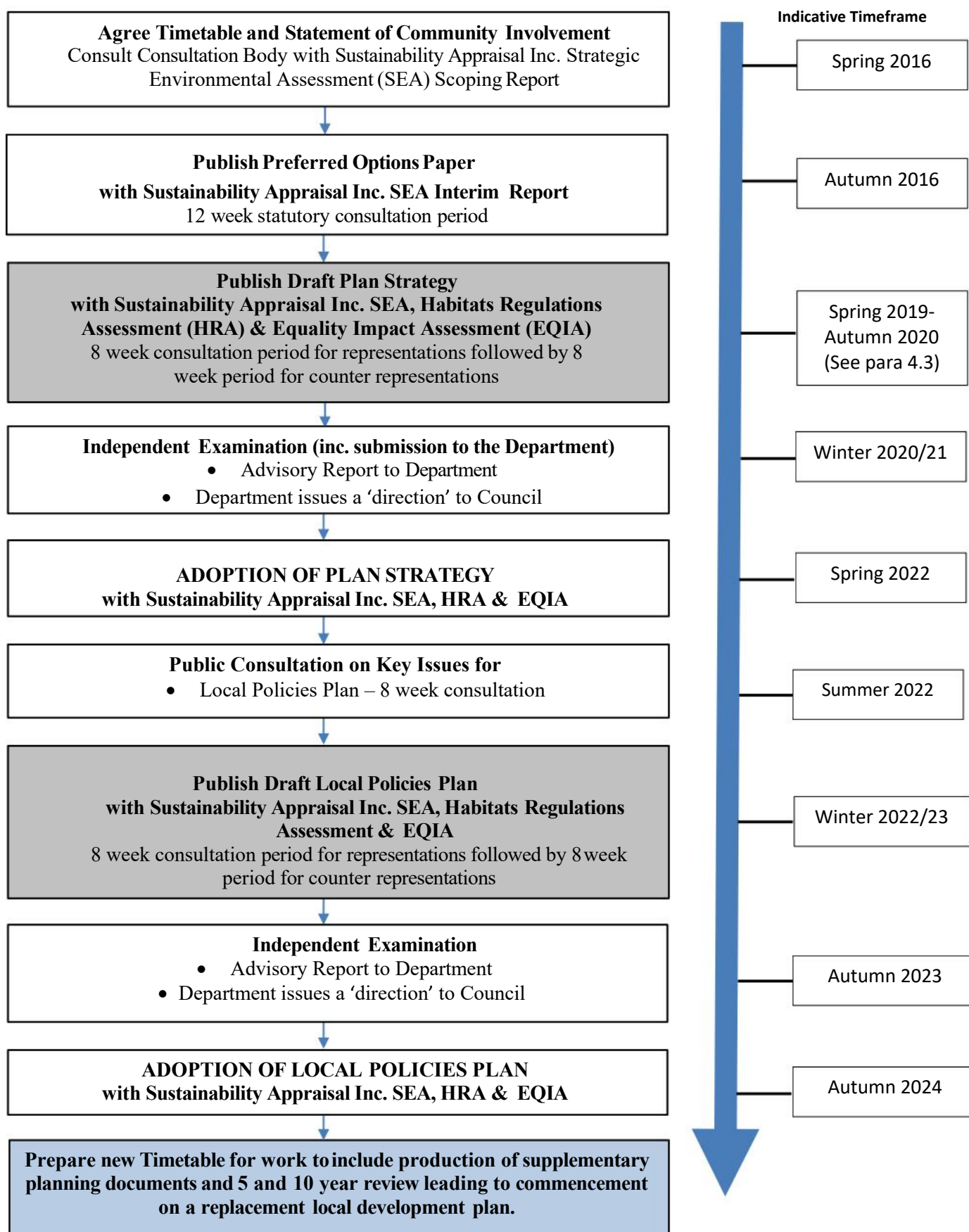
Area of Uncertainty/Risk	Effect	Likelihood	Impact	Response/Counter measure	After response Likelihood	After response Impact
Pandemic (Covid 19)	4. Large	Likely	Significant delays	Social distancing, use of ICT	3. medium	Short to medium delay
Brokering agreement with neighbouring councils	3. Medium	Likely	Significant delays	Ongoing discussion via cross boundary forums.	2. Unlikely	Short term delays
Member Involvement	3. Medium	Likely	Significant delays	Ongoing member engagement	2. Unlikely	Short term delays
Department/PAC involvement in terms of delivery	3. Medium	Likely	Significant delays	Liaise closely with PAC	2. Unlikely	Significant delays
Legal Challenge	3. Medium	Likely	Long term delay	Meaningful consultation and ongoing legal audit	2. Unlikely	Short term delays
Adequate team resources	3. Medium	Likely	Significant delay	Adjustment of service priorities and redeployment of staff	3. unlikely	Short delays

Table 1: Risk Management Log for Mid Ulster Local Development Plan

5.0 Annual Monitoring

- 5.1 An annual monitoring report will be produced to inform Council and the Department on progress in meeting the timetable and on the land availability for housing and employment. If progress on plan production has slipped, the timetable will need to be revised and agreed with the Department in accordance with the Development Plan Regulations.

Mid Ulster Council Local Development Plan Timetable



Report on	Report on Schedule of Proposed Changes to Fermanagh and Omagh District Council's Draft Plan Strategy 2030.
Date of Meeting	1 st September 2020
Reporting Officer	Chris Boomer
Contact Officer	Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to advise members of some of the changes, which have been proposed to the Fermanagh and Omagh District Council's draft Plan Strategy. The report will also advise on the position of MUDC in relation to those various changes
2.0	Background
2.1	Fermanagh and Omagh District Council (FODC) published their draft Plan Strategy for public consultation on 26 th October 2018. Following an 8-week consultation period, they received 322 individual representations. Having considered all of these representations, FODC now propose to make a range of changes to the draft Plan Strategy.
2.2	The extent of any proposed changes has been considered whilst taking account of Development Plan Practice Note 10 (DPPN 10) – "Submitting Development Plan Documents for Independent Examination." DPPN 10 states that there are two kinds of changes which can be made; <ul style="list-style-type: none"> i. Minor Changes – such as minor editing changes for factual correction which do not need public consultation ii. Focussed Changes – changes made in exceptional circumstances which deal with unforeseen issues and which fundamentally impact upon the soundness of the Plan.
2.3	FODC have also identified changes which they view as rational and logical changes to policy and/or policy clarification as a result of issues raised during consultation. These issues whilst not constituting minor changes, are not considered to be a response to any issues relating to soundness.

2.4	The changes, which are being proposed, are now out for public consultation and the 8 week consultation period runs from 16 th July – 11 th September.
3.0	Main Report
3.1	The attached letter details the relevant comments MUDC feel are appropriate to be made in relation to certain proposed changes. It is not been considered expedient to comment on minor editing and grammatical changes. Excluding these minor changes, there are 133 proposed changes. MUDC will not provide comment on each of these changes but having examined them all we feel there are certain aspects of some of the changes which are worthy of comment, particularly where the issues involved are common issues to both jurisdictions and which are issues where a joined up and common approach is considered important.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: None identified
	Human: None identified
	Risk Management: None identified
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are requested to note and agree the contents of the attached letter which will be sent to Fermanagh and Omagh District Council in response to the consultation on the Schedule of Proposed Changes to the draft Plan Strategy 2030 .
6.0	Documents Attached & References
	Appendix 1 – Letter to be sent to FODC.

APPENDIX 1



Mid Ulster District Council
Planning Department
Local Development Plan Team
50 Ballyronan Road
Magherafelt
BT45 6EN
Tel – 03000 132 132
Email – developmentplan@midulstercouncil.org

Sinead McEvoy
Development Plan Team
Fermanagh & Omagh District Council
Strule House
16 High Street
Omagh
BT78 1BQ

September 2020

Dear Sinead,

Local Development Plan 2030 Draft Plan Strategy - Schedule of Proposed Changes

I write in relation to the above matter. Mid Ulster District Council have considered the Schedule of Proposed Changes, which has been published by Fermanagh and Omagh District Council and would make the following comments, which have been laid in the table below for ease of reference.

For expediency, we have not commented upon minor or grammatical changes but we feel there are certain aspects of some of the other changes which are worthy of comment, particularly where the issues involved are issues common to both our jurisdictions and which are issues where a joined up and common approach is considered to be important.

In addition to the comments included in the table below, we note the general trend across the schedule of proposed changes, which removes certain pieces of text either from policy wording or from policy clarification because it is already included in other parts of the draft Plan Strategy. For example, proposed change no. 26 removes the entire policy HOU 8 because it is “adequately covered by other policies in the Plan Strategy”. This general trend of streamlining policy is something, which we welcome, in the interests of removing duplication within the draft Strategy and making it a more condensed and user-friendly document.

The table below sets out the main comments that MUDC would make in relation to the Schedule of Proposed Changes.

FODC PROPOSED CHANGE REFERENCE	DETAIL OF PROPOSED CHANGE	MUDC COMMENT
20	<p>Inclusion of wording to state that housing on un-zoned greenfield land within a village or small settlement will only be permitted where the need cannot be met on zoned land or housing policy areas;</p> <p><i>“The Council will only permit housing on unzoned greenfield land within the settlement limits of a village or small settlement where either;</i></p> <p>(i) <i>The future housing need exceeds the number of existing commitments and there is no evidence of this housing need being met on sites within any Housing Policy Areas”</i></p>	<p>MUDC note the inclusion of this policy wording.</p> <p>Whilst the rationale behind this policy wording is clear, it has the potential to result in less flexibility in terms of available land supply within small settlements. Where un-zoned greenfield land is excluded from development then it can lead to increased demand for zoned land / brownfield sites, which can often increase land values and make it less likely for the land to be released for development.</p> <p>Mid Ulster’s approach is to state that housing in settlements will be acceptable on zoned or un-zoned land where it contributes to a quality residential environment. This will result in a more flexible supply of land within settlements.</p>
30	<p>Alteration of policy wording to state that rounding off / infilling opportunities must be linked with a group of buildings constituting a minimum of 4 buildings, instead of 3 as contained in the original policy.</p>	<p>MUDC welcome this alteration, as it will bring the policy into line with that of Mid Ulster, which states that the cluster must provide a group of <i>“4 or more substantial buildings.”</i></p>

FODC PROPOSED CHANGE REFERENCE	DETAIL OF PROPOSED CHANGE	MUDC COMMENT
31	Increase the amount of affordable housing deemed acceptable in the countryside, at or near a village or small settlement.	NIHE will identify a need in a particular area and if this need exceeds 8 houses then this policy will not be capable of meeting the identified need. The corresponding MUDC policy does not place a cap on number of units, rather it leaves it open so that the policy is <i>“capable of meeting the needs of the rural community as identified by NIHE.”</i>
57	Minerals – inclusion of direct presumption against valuable minerals in Special Countryside Areas; <i>“In considering a proposal for the extraction of valuable minerals including metalliferous minerals, where the site is within a designated area in the Local Development Plan, due weight will be given to the reason for statutory zoning. There will be a presumption against their exploitation within designated Special Countryside Areas.”</i>	MUDC note the inclusion of this policy wording and also note that it is contrary to the provisions of the SPPS which state at para. 6.157 that there will not be a presumption against the exploitation of valuable minerals “in any area.”

FODC PROPOSED CHANGE REFERENCE	DETAIL OF PROPOSED CHANGE	MUDC COMMENT
60	<p>Change of wording in relation to policy MIN04 – Unconventional Hydrocarbon Extraction. Change of wording regarding unconventional hydrocarbon extraction;</p> <p><i>“The Council will not permit the exploitation of unconventional hydrocarbon extraction until <u>there is sufficient and robust evidence on all associated impacts on the environment and human health.</u>”</i></p>	<p>MUDC welcome this change of wording from the original; <i>“it is proved that there will no adverse effects on the environment or public health”</i></p> <p>It is felt that this is a more robust policy wording and accords with the wording of policy MIN 3 of MUDC’s draft Plan Strategy in relation to unconventional hydrocarbons.</p>

Please feel free to contact me should you wish to discuss any of the comments outlined above.

Thank you for the opportunity to comment on the Schedule of Proposed Changes for the draft Plan Strategy.

Kind Regards

A handwritten signature in black ink, appearing to read 'C Boomer', with a long horizontal flourish extending to the right.

Chris Boomer
Planning Manger

Report on	Planning Department Service Improvement Plan 2019-2020
Date of Meeting	1st September 2020
Reporting Officer	Chris Boomer
Contact Officer	Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to provide members with a copy of the Planning Departments Service Improvement Plan (SIP) for the period 2020-2021.
2.0	Background
2.1	The attached SIP shows how the service provided by the Planning Department will contribute to the Council's corporate objectives.
2.2	A SIP was in place for the period 2019-2020 and a section of the attached SIP sets out the performance overview and end of year progress status for that period. Also included in the SIP is a Service Work Plan for the same period, outlining the various actions to be taken by us over the reporting period.
3.0	Main Report
3.1	There are a number of actions and outcomes within the SIP which the Planning Department will report on over the course of the period 2020 -21.
3.2	Also included are a number of risks for the Planning Department and details of mitigation in place to control these in the most effective way. A key risk continues to relate to staff retention and the ability to maintain a full complement of staff needed to deliver an effective service.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Finances are identified in the report. The costs of a new Planning Portal is being dealt with separately.

	Human: Working practice will need to adapt as a result of the pandemic. Home working is now a common feature of that working practice
	Risk Management: Covid 19 and evolving financial situation.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members are requested to note the contents of this report and agree the attached Planning Department Service Improvement Plan 2020-2021.
6.0	Documents Attached & References
	- Planning Department Service Improvement Plan 2020-2021.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Planning Department

SERVICE PLAN - 2020 / 21

Date

Consulted within staff team / / 2020

Discussed & signed off by Director / / 2020

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1.2	Responsibilities	
1.3	Customers & Stakeholders	
1.4	Performance Overview in 2019/20	
2.0	SERVICE WORK PLAN - 2019/20	
2.1	Budget - 2019/12	
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3.0	IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2019/20	
3.1	Council’s Improvement Objectives and Associated Programs - 2019/20	
3.2	Service Contribution to the Corporate Improvement Objectives	
3.3	Risk Management of Service	
4.0	EQUALITY	

1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1 Purpose and Scope of the Service

The Planning Department is led by the Planning Manager and it is responsible for the delivery of a number of functions including the following:

- receiving and making decisions on planning applications;
- enforcing breaches of planning control;
- making tree preservation orders and providing advice on conservation area development; and
- producing a local development plan which will outline how land in Mid Ulster should be used and developed in the future.

1.2 Responsibilities

In order to deliver these services the Planning Department has been divided into 3 separate functions:

1. The Planning Manager

The Planning Manager takes overall responsibility for decision making (as delegated to him), reporting to Committees, and the daily running of the Planning Department. The Head of Development Management and Head of Development Plan report to him: -

- Major Applications team – handling with large proposals for retail, industry, civic and housing developments, both at pre application discussions and following submission of an application.
- Enforcement team – investigating alleged breaches in planning control, serving notices and providing witness for prosecutions.
- Business support team – dealing with finances, correspondence and administration of planning applications. .

2. Local Development Management

This function is led by the Head of Development Management and is primarily concerned with dealing with local applications. These make up 99% of all planning applications. It comprises, two area based teams. One is located at the Magherafelt Councils Offices on the Ballyronan Road, Magherafelt, and the other at the Dungannon Council Offices at Circular Road Dungannon. The respective teams deal with applications in the following Electoral Areas:-

1. Cookstown, Magherafelt, Carntogher and Mayola
2. Dungannon, Clogher and Torrent

In addition to researching and reporting on applications to the Committee on local planning applications, the teams also handle submissions for listed building and conservation area consents, Non material changes, Certificates of lawful development and

other consents under the Planning Act. They are also the front line for providing planning advice on a range of planning matters to all of our customers.

3. Development Plan

The Head of Development Plan takes responsibility for the Development Plan Section and the primary responsibility is the preparation of the Local Development Plan for Mid Ulster District. The section is also responsible for preparing supplementary planning advice, working and liaising with stakeholders on Planning Policy matters. The section also undertakes the Sustainability Appraisal/Strategic Environmental Assessment and deals with other environmental matters such as tree preservation and conservation.

1.3 Customers & Stakeholders

Customers & Stakeholders
• applicants
• agent / architects
• objectors
• complainants in relation to breaches of planning control
• Planning Committee
• Council officers and elected representatives
• Statutory Consultees
• Local Development Plan Consultation Bodies
• Mid Ulster residents, businesses and interested parties

1.4 Performance Overview in 2020/21

The following table provides a progress summary and the impact made by last years' Service Plan (2019-2020). It also details key successes, a summary of the end of year progress, remaining challenges for the Service and how it made a difference.

2020/21 Performance Overview	End of Year Progress Status: Completed/Commenced/Other
<ul style="list-style-type: none"> • To determine 50% of all local applications within 15 weeks <p>Comment & Analysis: What does this mean: This provides an indication of efficiency. Mid ulster is achieving higher than the regional average of 54.1% of applications decided in 8 weeks and it is the 4th fastest of all the Councils.</p> <p>Comparison with last year same reporting period: Last year only 42.9% of applications were decided within 15 weeks, representing a major improvement.</p>	<p>Ongoing: The statutory target has been met with 59.3% of applications dealt within 15 week.</p>
<ul style="list-style-type: none"> • To determine 50% of all Major applications within 30 weeks <p>Comment & Analysis: Finalised Q2 figures show an improvement over Q1. Q3 figures not yet available.</p> <p>What does this mean: With only 12 major applications decided (the third highest no in NI), this target is not really statistically relevant or a good indicator. It really shows major applications are the most complex and take the longest time</p> <p>Comparison with last year same reporting period: a slight dip in performance in that 12.5 % of majors were determined in the timeframe.</p>	<p>Ongoing: No cases were decided within 30 weeks and the average time was 64.7 weeks.</p>

<ul style="list-style-type: none"> • To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint <p>Comment an Analysis This is an indicator of efficiency and shows the efficiency of the Enforcement Section.</p> <p>he statutory target of</p> <p>Comparison with last year – Last years performance of 77.4% has been surpassed.</p>	<p>Ongoing: This target has been surpassed with 91% of cases concluded within 39.</p>
<ul style="list-style-type: none"> • To speed up consultation responses on applications <p>Comment an Analysis The improvement is implicit in the achievement of the local performance targets. This target will not be needed next year.</p>	<p>Complete: Liaison has taken place with the Environmental Health and Road serve to provide a guide on when to consult with</p>
<ul style="list-style-type: none"> • To provide submissions on Appeals, Judicial Reviews, Consultations and Calls for evidence – 100% within response timeframe <p>Comment an Annalysis It is business critical this this is met.</p> <p>Comparison with last year – No change</p>	<p>Ongoing – Over this period all such targets have been within the timeframe set by the external bodies.</p>
<p>To complete the next phase in the preparation of a new local development plan for Mid Ulster – undertake public consultation on the Draft Plan Strategy, consider representations and seek agreement to submit the DPS to the Department for Independent Examination in the Winter 2019/20</p> <p>Comment and Analysis This needs to be carried over for the coming year</p>	<p>Ongoing: The Local Development Plan 2030 - Draft Plan Strategy (and related supporting documents) was published and a consultation tood place with the results assessed. However due to an error in the advertising period the exercise needs to be repeated to ensure legal compliance.</p>

<ul style="list-style-type: none"> • To respond to correspondence within 15 working days (20 days under EIR) <p>Comment and Analysis - This provides a good indication of customer care showing that the number of complaints is relatively low in relation to the work load and that officers are managing to deal with inquiries</p> <p>Comparison with last year This represents a minor improvement</p>	<p>Ongoing: 70% of 310 items of general correspondence cases were answered within the 15 day working target. 19 complaints were handled, of which 11 were concluded within 15 days. 43 FOI/EIR requests were received and 95% were handled within the 20 days.</p>
<ul style="list-style-type: none"> • To provide internal consultation advice on conservation matters on 90% of cases within 10 working days. <p>Comment and Analysis This indicator only assists in showing the performance of one officer and is not helpful in terms of reviewing the performance of the Department as a whole.</p>	<p>Ongoing: Figures for this year are currently unavailable</p>
<ul style="list-style-type: none"> • To speed up consultation responses on applications <p>Work on this is ongoing and discussions have taken place with both Environmental Health and DFI Roads on how best to address this.</p>	<p>Ongoing: Work on this is ongoing and discussions are continuing.</p>
<p>To continue to work with other councils on a new planning portal to promote easier access on-line submission of applications.</p> <p>A decision will be made in 2020 whether to continue with the regional system or whether Mid Uster will provide its independent system</p>	<p>Ongoing: Work on this was ongoing through the year.</p>

2.0 SERVICE WORKPLAN 2020/2021

The coming business year is going to prove particularly challenging as a result of the COVID 19 pandemic, which will inevitably lay to delay in work and financial challenges over the year. The key improvement in the service will be the installment of the new computer system, a project that will take longer than the business year. This said, it is prudent to limit any objectives to; timely decision-making represented by statutory targets; customer care represented by responses to correspondence and progress on the development plan represented by progressing it to submission of the strategy to the Department.

The following tables confirm the resources, financial and people, which the Service has access to throughout 2019-20 to deliver its actions, activities and core business.

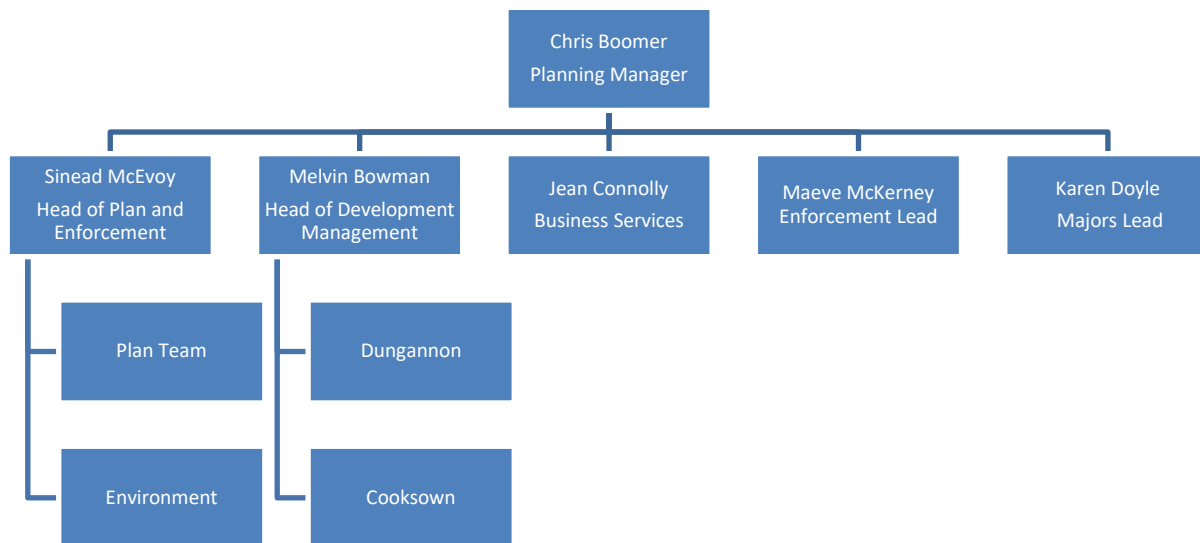
2.1 Budget 2020/21

The initial budget for the year is as shown in the table below. However whether the income will stand up in light of pandemic is yet to be seen and as a consequences opportunities for savings will be sort. Savings of £11080 were identified at July Council meetings.

Service Budget Headings	£
Planning Manager and Administration	462536
Development Management	683061
Development Plan	688754
Enforcement	194236
Gross Budget	
Property Certificate and other Income	97000
Planning Fees Income	156000
Net Budget for 2019-20	371,587

2.2 Staffing Complement - 2019/20

The Management structure at the start of the year is shown in the below diagram and the number of full time equivalents is shown in the table. Over the year it is envisaged that change will be needed to introduce the new computer system. Therefore the enforcement function will be dealt with by the area teams and the team leader will become the change team lead, with responsibility for introducing the new computer system, reviewing standard procedures and correspondence, liaising with stakeholders, and preparing operational guidance on the system. There will be a deed for fluidity between the teams to ensure efficient use of staff resources in response to changing circumstances and the pandemic.



Current Staffing	No. of Staff (FTE)
Planning Manager	1
Head of Service	2
Team Leads/ Managers	6.6
P & T Officers	19.6
Admin Officers	8.4
Total	37.6

2.3 Service Work Plan - 2020/21

This plan confirms the core activities and actions, which will form your Service Work Plan for 2019-20. This should be a high-level capture of the Service activities and work which it will focus on throughout 2019-20. The Plan links to the Council's 2015-2020 Corporate Plan priorities (the Corporate Plan 2015/19 priorities were extended for another year to include 2019 to 2020), Annual Corporate Improvement Plan Objectives, Corporate Indicators and Mid Ulster Sustainable Community Plan themes & outcomes:

SERVICE WORK PLAN

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To determine 50% of local planning applications within 15 weeks	Monitoring of quarterly figures provided in regional statistics	Performance over 2019/20 was strong and well within targets.	To achieve the target	<ul style="list-style-type: none"> Continued to implement revised monthly group meeting arrangements To update out IT hardware to allow for homeworking. To keep staffing under continuous review to ensure the right people are assigned to the right function at the right time. 	Ongoing	Chris Boomer Melvin Bowman	We contribute to the delivery of quality and timely planning decisions.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To determine 50% of Major applications within 30 weeks	Monitoring of quarterly figures provided in regional statistics	In the 2019/20 this objective was not achieved.	Over the period it is aimed to keep pace with the no of applications submitted.	<ul style="list-style-type: none"> Planning Manager continues to have direct oversight of Major applications team Monthly monitoring of performance Greater use of Pre application discussions 	Ongoing	Chris Boomer	We contribute to the delivery of quality and timely planning decisions.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 1.1 Economic Growth - We prosper in a stronger & more competitive economy</i>	<i>CRP 2.1 Creating Growth - Preparation of a local development plan</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To re-consult on the Local Development Plan Draft Plan Strategy, consider all representations received and submit the Draft Plan to the Department to order a public examination	Progress against key actions/milestones	Draft Plan has been prepared and an initial but flawed consultation carried out	<ol style="list-style-type: none"> 1 Carry out consultation 2 Provide for counter 3 Consider objections and submit Plan 	<ul style="list-style-type: none"> • Agree a revised statement of community involvement • Agree a new timetables. • Close consultation on Draft Plan Strategy and Counter representations • Consider representations and Members to submit Draft Plan Strategy to Department before close of 2021. 	<p>July 2020</p> <p>Sept 2020</p> <p>December2020</p> <p>March 2021</p>	<p>Chris Boomer</p> <p>Sinead McEvoy</p>	Provide public certainty on the development of Mid Ulster District for the period up to 2030.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>CRP 3.5 Sustaining our Environment - Efficiencies in processing Planning Enforcement Cases</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of the complaint.	By monitoring monthly and quarterly figures provided by Dfl.	Achieving the targets	To continue to meet the target of processing 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint	<ul style="list-style-type: none"> Continue to hold monthly group meetings Monitor staff resources Provide guidance when transferring function to area teams 	Monthly Ongoing	Chris Boomer Melvin Bowman	Continued efficiencies in processing of enforcement cases.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 1.1 Economic Growth - We prosper in a stronger & more competitive economy</i>	CRP 5.3 Delivering for our People: Improving access to services and customer experience						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To start on the implementation of a new computer system and planning portal for mid Ulster.	By Progress against project timescales	We had spent the last year working with DfI on provision of a	An improved planning system	<ul style="list-style-type: none"> To decide whether to proceed with the regional proposal or our own If independent to set up a team to work with IT sections on procurement of system. To appoint system providers To commence work on implementing new system – 	June 2020 August 2020 Autumn 2020 Into 2021/22	Chris Boomer	New PP that represents best value for the users in Mid Ulster.

3.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE

3.1 Annual Improvement Objectives and Associated Programs

The Council set a number of annual improvement objectives and associated programs (projects and activities) for 2019/20, which aim to bring about improvement. The improvement objectives and key improvement programs, set out Council's contribution to the sustainable Community Plan for the District; against which we can monitor and report progress.

Each Council department provides resources to assist with the improvement activities contained within each improvement project (individual service improvement contribution activity, linked to corporate improvement programs can be found in 3.2 of the service plan). The annual improvement objectives also align to the Council's main corporate planning document, which contains the council's strategic direction and main priorities.

The Council will focus on the following improvement objectives for 2020 to 2021:

- 1. To assist the growth of the local economy by increasing the number of visitors to our district.***
- 2. To improve the average processing time of Local Planning Applications (New).***
- 3. To improve the accessibility of our services by increasing the number available online.***
- 4. To support people to adopt healthier lifestyles by increasing usage of Council Recreational Facilities.***

The objectives in this service plan reflect these objectives:

- to improve the economy through the development plan,
- continue achieve good planning application processing times
- Improve access to services through the new planning portal.

Due to Covid 19 pandemic the improvement objectives for 2019-20 and are to be agreed for 2020/21.

4.0 Equality

The council is committed to fulfilling its obligations under Section 75 of the Northern Ireland Act 1998. This commitment is demonstrated by allocating the appropriate time, people and resources to fulfil our equality duties. The Equality Scheme commits us to implementing our duties effectively and in a timely way alongside implementing this Service Plan. Without impacting upon our obligations, when carrying out our equality duties we will also take into account the desirability of promoting good relations between people of different religious belief, political opinion or racial group. We are also required to take into account the need to promote positive attitudes towards people with a disability and encourage the participation of

people with a disability in public life. Mid Ulster District Council are committed to fulfilling our disability duties and we set out how we intend to do this in our disability action plan.

3.2 Service Contribution to the Corporate Improvement Objectives/Projects

Link to Community Plan Theme:		Corporate Plan Theme						
CMP 1.1 Economic Growth - We prosper in a stronger & more competitive economy		CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace						
Improvement Plan Objective	Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to Achieve (Targets)	How Will we get there?			
					Key Actions	Dates	Owners	Outcome
2.0 To improve the average processing time of local planning applications	To determine 50% of local planning applications within 15 Weeks	Monitoring of quarterly figures provided in regional statistics	In the 2019/20 based on the target was achieved	To continue to deliver timely decisions	<ul style="list-style-type: none"> Continue to implement the revised group meeting arrangements, particularly Team Lead role in delegated applications Ensure full staff complement where possible. Monitor performance on a monthly basis. 	Ongoing	Team Leads Head of Dev Management	efficient and timely decisions
						Ongoing	Planning Manager	Statutory target met teams

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To determine 50% of Major applications within 30 weeks	Monitoring of quarterly figures provided in regional statistics	In the 2019/20 year based on available figures we missed the target	To keep pace with the Major applications and ensure decisions issued	<ul style="list-style-type: none"> Planning Manager continues to have direct oversight of Major applications team Monthly monitoring of performance Greater use of PAD discussions 	Ongoing	Chris Boomer	We contribute to the delivery of quality and timely planning decisions.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>CRP 3.5 Sustaining our Environment - Efficiencies in processing Planning Enforcement Cases</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint.	By monitoring monthly and quarterly figures provided by Dfl.	Targets were met for 2019/2020	To continue to meet the target	<ul style="list-style-type: none"> Continue to hold monthly group meetings Train area teams to take on role Monitor staff resources 	Monthly Ongoing	Chris Boomer Melvin Bowman	Continued efficiencies in processing of enforcement cases.

Link to Community Plan Theme:	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People - Delivery of quality and timely planning decisions implement and organisational strategy for a modern workplace</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To respond to correspondence within 15 working days and FOI/EIR request in 20 working days	By monitoring and our quarterly internal figures.	In the 2019/20 year we achieved a figure of 70%.	Achieve target of 90% responses within 15working days.	<ul style="list-style-type: none"> To ensure staff remain customer focused through team briefings. To monitor performance and provide reminders of due dates 	Ongoing Ongoing Ongoing	Chris Boomer	We provide a customer friendly service.

Link to Community	Corporate Plan Theme						
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it</i>	<i>CRP 1.5 Delivering for Our People – Providing better access to services</i>						
Service Objective	How Will we measure the impact of our work (PI's)	Where are we now? (Baseline data)	What do we want to achieve? (Targets)	How Will we get there?			
				Key Actions	Dates	Owners	Outcome
To improve the accessibility of our services by increasing the number available online by delivering a new planning portal for mid ulster by end of 2021.	By progress in accordance with a business plan.	Dfl presented a proposal to the Council. It was declined and a decision taken to provide our own I T system.	To have commenced on the installation of the new system commenced before the end of 2020.	<ul style="list-style-type: none"> Set up a project team Issue a tender document for suppliers to provide bid. Appoint supplier Review and update standard practice and documentation Liaise with stakeholders 	Aug 2020 Sept 2020 Winter 2020	Dr. Chris Boomer	Progress made on new portal.

3.3 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers, which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

This table illustrates the risks identified to deliver the Services business in 2019-20.

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	<i>Failure to meet major application target</i>	12	<i>Planning Manager continues to have direct oversight of Major applications team. Monthly monitoring of performance. Greater use of PAD discussions. However, it remains that the statutory bench mark to a large degree is unrealistic.</i>
2.	<i>Failure to meet local applications target</i>	10	<i>Whilst good performance was obtained last year, Covid 19 means there is a great deal of uncertainty. Bu accommodating home working and equipping staff with new equipment to facilitate that the planning service can continue reduce that risk to 7. Absence of planning committees, also causes delay so the introduction of web based solutions should assist. The situation should normalize as the year goes on. Monitor, through group meeting (live or virtual), lists weekly lists, etc. will be essential</i>
3.	<i>Failure to progress Local Development Plan 2030 – Draft Plan Strategy to submission to Department for Independent Examination in Winter 2020/2021</i>	9	<i>Covid 19 has the ability to disrupt the re-consultation. By revising the statement of community involvement requirements and utilizing on line communicates should assist on getting the plan back on track. Although building closures are possible and this would lead to delay.</i>

4.	<i>Failure to progress 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint in year 2018/2019.</i>	9	<i>Both Covid 19 and the transfer of the function to the area teams poses risks. The situation will need monitored through monthly group meetings and case management.</i>
5	<i>Failure to make adequate progress procuring and installing a new planning portal</i>	9	<i>A project team shall be set up to work on both procurement and setting up the planning portal. The team will also liaise with stakeholders on the new system.</i>

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 August 2020 in Council Offices, Ballyronan Road, Magherafelt and by Virtual Means

Members Present

Councillor S McPeake, Chair

Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew*, Glasgow, Kearney, Mallaghan, McFlynn, McKinney, D McPeake, Quinn, Robinson

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Kearney, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms McNally, Council Solicitor
Mr Brown, ICT Support
Ms Grogan, Democratic Services Officer

Others in Attendance

Councillor B McGuigan
Councillors Cuddy*, McLean*

LA09/2019/1367/O

Chris Cassidy
Cllr Brian McGuigan

LA09/2019/1540/O

Chris Cassidy
Cllr Brian McGuigan

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7 pm.

The Chair, Councillor S McPeake welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair, in introducing the meeting detailed the operational arrangements for transacting the business of the Committee in the Chamber and by virtual means, by referring to Annex A to this minute.

The Chair also referred to addendum which had been circulated earlier in the day and asked if everyone had seen this document and had time to read it.

All confirmed that they had seen the addendum and had time to read it.

P063/20 Apologies

None.

P064/20 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Mallaghan declared an interest in planning application LA09/2018/1693/F – Housing Development with 14 dwellings, associated site works; installation of 5 speed control ramps, signs and lighting along the Dunamore Road between 28-40 Dunamore Road at lands SW of 30 Dunamore Road and roadworks between 28-40 Dunamore Road, Dunamore for Des Keenan.

Councillor Mallaghan declared an interest in planning application LA09/2019/0305/O – Health care facility accommodation for multiple doctor surgeries and ancillary uses commonly associated with a medical centre; retail, café and car parking primarily accessed off existing Loy Street public car park at 2, 4, 6 and 8 Loy Street, Cookstown and lands to the rear of Nos 4 to 12 Loy Street, Cookstown for MACM (NI) Ltd.

Councillor S McPeake declared an interest in planning application LA09/2019/1543/F – Change of house type and garage from approved H/2014/0441/F) at 20m SE of 29 Broagh Road, Knockloughrim for Sean McPeake

Councillor S McPeake declared an interest in planning application LA09/2019/1562/RM – Dwelling & garage 50m NE of 28 Broagh Road, Knockloughrim for Sean McPeake

P064/20 Chair's Business

The Planning Manager referred to application which was brought to last month's planning committee meeting regarding an application for housing in Dungannon and Cookstown. He said that there was a lengthy objection to it and legally the Council could not make a determination on the application.

This was because under the Act and Regulations certain procedures and wording needed to be followed in relation to pre community consultation.

He said that it was decided to put the application to one side to allow for the pre-application community consultation to be carried out in accordance with the Regulations.

Councillor Kearney sought permission for a 5-minute recess at 9 pm to give the committee an opportunity to withdraw from the meeting to honor the late John Hume to show solidarity with the people of Derry and Ireland.

The Chair agreed to Councillor Kearney's request.

The Planning Manager referred to tonight's agenda and advised due to Covid-19 situation, refusals outlined in Agenda item 4 were being deferred for this committee which was a first. He said that as this was the middle of the summer and people away on holidays, they may not have the opportunity to know their application was being brought forward for consideration.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That all refusals on Agenda Item 4 as listed below be deferred for Office Meetings.

Councillor Cuthbertson said that he understood that one or two applications needed deferring but felt as these were being collated from around 20 July, there was ample time to get it sorted. He said that in his opinion there seemed to be an issue with August meetings every year and unless this committee treats this as a meeting rather than a holiday meeting we were not going to get anywhere and felt that this was quite excessive.

The Chair advised that he could only see this as progress as automatic meetings provided an opportunity for applicants to have their applications brought forward in a fair and impartial way and it was a credit to Mid Ulster Council as some other Councils do not have a meeting in August.

The Planning Manager felt that there seemed to be some confusion amongst some committee members as Mid Ulster does not have a standard approach of taking a recess in August. He stated that there has been no consideration of refusals from March and as most people seek a deferral, it was only fair to give them the opportunity. He said that Mid Ulster wants to give everyone an opportunity and be fair to everyone.

Councillor McKinney concurred with Dr Boomer and stated that he would be happy to agree to the deferrals and give people an opportunity to build up their case and would have no issues.

Matters for Decision

P065/20 Planning Applications for Determination

The Chair, Councillor S McPeake referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting/submission of further information/withdrawn –

Agenda item 4.7 – LA09/2019/1394/O – Dwelling and detached garage, 40m E of 12 Newline Road, Cookstown for Laura Rafferty

Agenda item 4.8 – LA09/2019/1418/F – Site for dwelling & domestic garage at approx. 60m NW of 124 Lurgylea Road, Dungannon for Christopher Kelly

Agenda item 4.9 – LA09/2019/1432/O - Site for dwelling and garage 100m NW of No. 84 Loup Road, Moneymore for Michael O'Boyle

Agenda item 4.10 – LA09/2019/1484/O - Site for dwelling at 50m E of No. 91 Aughrim Road, Magherafelt for Keith Fulton

Agenda item 4.12 – LA09/2019/1553/F – Retention of two storey seminar/training room, office and store at 12 Ballynahone Road, Maghera for Emergency Medical Services (NI) Ltd

Agenda item 4.14 – LA09/2019/1638/F – Infill sites for 2 dwellings and garages adjacent to 7 Coalpit Road, Dungannon for Shaun Kelly

Agenda item 4.15 – LA19/2020/0022/O – Dwelling (infill site) at land adjacent to and S of 14 Drumkee Road, Dungannon for Noel Stephenson

Agenda item 4.16 – LA09/2020/0047/O – Site for dwelling & garage approx. 60m W of 121A Desertmartin Road, Moneymore for Henry and Mark Miller

Agenda item 4.17 – LA09/2020/0062/O – Dwelling at site behind 11 Lodge Villas, Donaghmore for Brian Gates

Agenda item 4.18 – LA09/2020/0179/O – Farm dwelling approx. 71m W of 41 Aughagranna Road, Stewartstown for Brian Morris

Agenda item 4.19 – LA09/2020/0194/O – Dwelling and domestic garage 100m SW of 4 Moboy Road, Pomeroy for Dean McNally

Agenda item 4.20 – LA09/2020/0387/O – Dwelling and garage 82m W of 64 Carralooan Road, The Woods, Magherafelt for John Gribbin

Agenda item 4.21 – LA09/2020/0564/O – Dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy for Cathal Hayden

Agenda item 5.2 - LA09/2019/1158/O Dwelling and garage 50m SE of 8 Scotts Road, Ballyrogull for Thomas McVey - *withdrawn*

LA069/2018/1612/F Additional high welfare broiler poultry house (to house 37,500 max birds), 2 no. feed bins, reception hut/ generator store and associated works at the existing poultry farm approx. 200m NE of No. 106 Knockmany Road, Augher for Roy Wright

Members considered previously circulated report on planning application LA09/2018/1612/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Colvin and

Resolved That planning application be LA09/2018/1612/F approved subject to conditions as per the officer's report.

LA09/2018/1693/F Housing development with 14 dwellings, associated site works; installation of 5 speed control ramps, signs and lighting along the Dunamore Road at lands SW of 30 Dunamore Road and roadworks between 28-40 Dunamore Road, Dunamore for Des Keenan

Councillor Mallaghan withdrew to the public gallery.

Members considered previously circulated report on planning application LA09/2018/1693/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application be LA09/2018/1693/F approved subject to conditions as per the officer's report.

LA09/2019/0305/O Health care facility accommodation for multiple doctor surgeries and ancillary uses commonly associated with a medical centre; retail, café and car parking primarily accessed off existing Loy Street public car park at 2, 4, 6 and 8 Loy Street, Cookstown and lands to the rear of Nos 4 to 12 Loy Street, Cookstown for MACM (NI) Ltd

Councillor Cuthbertson declared an interest in the above item.

Members considered previously circulated report on planning application LA09/2019/0305/O which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That planning application be LA09/2019/0305/O approved subject to conditions as per the officer's report.

Councillor Mallaghan returned to the meeting.

LA09/2019/0718/LBC Replacement of windows and doors at 41 Castletown Road, Aughnacloy for Felicity Dunlop

Members considered previously circulated report on planning application LA09/2019/0718/LBC which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application be LA09/2019/0718/LBC approved subject to conditions as per the officer's report.

LA09/2019/0869/O Dwelling and domestic garage at site to the rear and N of 24 Washingbay Road, Lower Annagher, Coalisland for Mr & Mrs G McClure

Members considered previously circulated report on planning application LA09/2019/0869/O which had a recommendation for approval.

Proposed by Councillor Bell

Seconded by Councillor Quinn and

Resolved That planning application be LA09/2019/0869/O approved subject to conditions as per the officer's report.

LA09/2019/1035/F Change of use from smoking area to beer garden with external bar, smoking area and toilet facility at LJs Tavern, 62 Rainey Street, Magherafelt for JP Forbes

Members considered previously circulated report on planning application LA09/2019/1035/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor S McPeake and

Resolved That planning application be LA09/2019/1035/F approved subject to conditions as per the officer's report.

LA09/2019/1394/O Dwelling and detached garage, 40m E of 12 Newline Road, Cookstown for Laura Rafferty

Agreed that application be deferred for an office meeting.

LA09/2019/1418/F Site for dwelling & domestic garage at approx. 60m NW of 124 Lurgylea Road, Dungannon for Christopher Kelly

Agreed that application be deferred for an office meeting.

LA09/2019/1432/O Site for dwelling and garage 100m NW of No. 84 Loup Road, Moneymore for Michael O'Boyle

Agreed that application be deferred for an office meeting.

LA09/2019/1484/O Site for dwelling at 50m E of No. 91 Aughrim Road, Magherafelt for Keith Fulton

Agreed that application be deferred for an office meeting.

LA09/2019/1543/F Change of house type and garage (from approved H/2014/0441/F) at 20m SE of 29 Broagh Road, Knockloughrim for Mr Sean McPeake

The Chair, Councillor S McPeake withdrew to the public gallery.

The Deputy Chair, Councillor Glasgow took the Chair.

Members considered previously circulated report on planning application LA09/2019/1543/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake

Resolved That planning application be LA09/2019/1543/F approved subject to conditions as per the officer's report.

LA09/2019/1553/F Retention of two storey seminar/training room, office and store at 12 Ballynahone Road, Maghera for Emergency Medical Services (NI) Ltd

Agreed that application be deferred for an office meeting.

LA09/2019/1562/RM Dwelling & garage 50m NE of 28 Broagh Road, Knockloughrim for Sean McPeake

Members considered previously circulated report on planning application LA09/2019/1542/RM which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application be LA09/2019/1562/RM approved subject to conditions as per the officer's report.

Councillor S McPeake returned to the meeting and took the Chair.

LA09/2019/1638/F Infill sites for 2 dwellings and garages adjacent to 7 Coalpit Road, Dungannon for Shaun Kelly

Agreed that application be deferred for an office meeting.

LA09/2020/0022/O Dwelling (infill site) at land adjacent to and S of 14 Drumkee Road, Dungannon for Noel Stephenson

Agreed that application be deferred for an office meeting.

LA09/2020/0047/O Site for dwelling & garage approx. 60m W of 121A Desertmartin Road, Moneymore for Mr Henry and Mark Miller

Agreed that application be deferred for an office meeting.

LA09/2020/0062/O Detached dwelling at site behind 11 Lodge Villas, Donaghmore for Brian Gates

Agreed that application be deferred for an office meeting.

LA09/2020/0179/O Farm dwelling approx. 71m W of 41 Aughnagranna Road, Stewartstown for Brian Morris

Agreed that application be deferred for an office meeting.

LA09/2020/0194/O Dwelling and domestic garage 100m SW of 4 Moboy Road, Pomeroy for Dean McNally

Agreed that application be deferred for an office meeting.

LA09/2020/0387/O Dwelling and garage 82m W of 64 Carralooan Road, The Woods, Magherafelt for John Gribbin

Agreed that application be deferred for an office meeting.

LA09/2020/0564/O Dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy for Cathal Hayden

Agreed that application be deferred for an office meeting.

LA09/2019/0787/O Dwelling and garage 40m SW of 44 Moyagoney Road, Portglenone for Paul Madden

The Planning Manager sought permission to have planning application LA09/2019/0787/O deferred for one month to allow for the submission of further information and opportunity for Officers to access.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2019/0787/O be deferred for one month to allow for the submission of further information.

LA09/2019/1158/O Dwelling and garage 50m SE of 8 Scotts Road, Ballyrogully for Thomas McVey

Application withdrawn.

LA09/2019/1367/O Dwelling and domestic garage at site adjacent to 2a Tonaght Road, Draperstown for Mr Jim Hegarty

Ms McCullagh (SPO) presented report on planning applications LA09/2019/1367/O advising that it was recommended for refusal.

The Chair advised that a request to speak in support of the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy thanked the committee for allowing him the opportunity to address the meeting tonight and advised that this application was for an infill opportunity. He stated that there were three buildings kept between them and that the shed was deemed as

lawful as it had a concrete floor with a solid construction which had been there for approximately 15 years. He stated that the bottom shed only accommodated one additional house and felt that it met the policy as this was three buildings and not three dwellings and only a gap between the buildings.

The Planning Manager sought clarity on what the building was and enquired if it was the small steel structure in the corner of the field.

The Chair advised that a Certificate of Lawfulness was sought for the building to confirm its usage for planning purposes.

Mr Cassidy concurred with the Chair and said that previously it was suggested by the Planning Department that if a Certificate of Lawfulness was granted that this would be a satisfactory measure for the planners. He stated that the applicant had spent £1000 obtaining the certificate.

The Planning Manager asked if there was a record that this had been said. Ms McCullagh advised that the applicant had been advised that a certificate may be applied for by the agent if they wish for consideration to be given to it as a lawful building.

The Planning Manager referred to concerning issues in the past regarding the approval of a sheep shed and advised members there was a need to err on the side of caution.

Ms McCullagh advised that the reason for refusal regarding this application was the ribbon development.

The Planning Manager referred to policy where there was a gap between 2 buildings it may be considered as infill, but only where it would integrate and be in character of the area.

Councillor Clarke said that his recollection of the application was that the size of the structure was not a consideration and felt that there was no definition.

The Planning Manager stated that in planning law any permanent structure can be viewed as a building.

Councillor Clarke stated that it looks as if there were three buildings, next to siting and scale etc and felt there could be an opportunity if to integrate another building if it meets the conditions.

Councillor McKinney said that he knew the road well and felt there was a fine line here due to what might be and might not be acceptable, but would like to give the application the benefit of the doubt as nobody was in a position to say whether it was lawful or not. He referred to a previous application which was approved for a building outside Swatragh which had no floor and agreed that this application should be given justification.

The Chair advised that a request to speak in support of the application had been received and invited Councillor B McGuigan to address the committee.

Councillor B McGuigan referred to the site and stated that he knew the road really well and, in his view, there were two issues here. Firstly, the structure has been there as long as he could remember which was used by a farmer in the field, which integrates the site very well as there was visible vegetation and secondly, any impact on the rural character and the area with the siting of another building wouldn't impact in any way.

The Planning Manager referred to the drawing and stated that it indicated a small house up towards the boundary of the site and following logic would there be a site for another building.

Councillor B McGuigan advised that the gateway on the left of the building located on the left-hand corner of the field was where the building was used by the farmer.

The Planning Manager enquired if the proposed building could be sited towards the centre. He referred to the report where it stated there was no frontage and asked for clarification.

Ms McCullagh advised that the door of the shed was facing towards the southern boundary, and the boundaries agreements suggests that it was well defined with a strong hedge, and around the Sixtowns Road there were trees and hedges defined in that field.

The Planning Manager asked the agent if the applicant would be content with the notion of agreeing to another site within a more central location.

Mr Cassidy said that his applicant would be very happy to agree to the Planning Manager's suggestion of having a more central location.

The Planning Manager said that this could work as the bungalow would be integrate against the existing buildings and hedgerows and should not change the character of the area.

Councillor Clarke referring to the frontage, felt that the site was very similar to the two frontages already there.

Councillor Bell said that he would be happy to approve the application after listening to the debate and felt that everything was taken into account by Dr Boomer and his officers.

Councillor Colvin said that he was astonished that there was building on the site, and if we accept all these little buildings, they will pop up all over the place, but having listened to Dr Boomer's reasonings he would be happy to second the proposal.

The Chair advised that this application was not a clear cut matter, but there was a building on site for 15 years and although he could thoroughly understand Councillor Colvin's point, there was an onus on this committee to make a decision on each application on their own individual merit.

Councillor Black said that it was important that the application was lawfully accepted as it was only acceptable if it doesn't change the character of the area.

The Planning Manager said that he would be happy to proceed with an approval. The rationale being that that the site can be viewed as being within a ribbon, even though the shed did not in itself provide a good book end. However, the natural attributes of the site being small triangular with good boundary mitigated against any adverse impact on rural character. This was on the basis conditions be attached height, siting, landscaping and access.

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/1367/O be approved subject to conditions outlined by the planning department.

LA09/2019/1376/O Dwelling and garage on a gap site 50m S of 39 Baladoogh Lane, Cookstown for Patrick McAleer

Ms McCullagh (SPO) presented report on planning applications LA09/2019/1376/O advising that it was recommended for refusal.

Councillor Mallaghan advised that he knew that part of the world well and would be familiar with the road. He said that he was aware of the dereliction of the existing site where there was frontage, garden and gates etc and in terms of where there was interruption, two or three sites between sites was the case for rural Tyrone. He referred to the more modern bungalow across the road compared to the small house on an acre of land and said that he did not think it was a million miles away and felt it did not warrant a refusal and should be recommended for approval. He suggested a site visit as a possible way forward and asked that this be considered by the Planning Manager.

The Planning Manager enquired about the terms of dereliction and asked if the wall plate met with replacement standards, with Ms McCullagh agreeing it was a possibility.

In response to Planning Manager's query regarding the frontage, Ms McCullagh advised that the problem was that the site was not big enough to accommodate three houses and further advised that there was a previous permission which was not implemented.

In response to query, Ms McCullagh advised that previous permission had been granted on 24 October 2000 but never developed and had now lapsed.

The Planning Manager in referring to previous planning approval, stated that these were granted under different conditions, with policy now stating permission for up to two houses on the site. He said that he had hoped that the previous application was still alive as in his view this works against the application. He stated that there could have been some leeway if the application was still alive as previous permission showed there could've been a possibility to get another house in there.

Councillor Mallaghan said as a planning committee member he was unaware of the 2000 planning permission and wasn't solid in his thinking.

The Planning Manager felt that a site meeting may be off benefit as in some cases it may elevate some concerns.

Councillor Bell stated that there was space in-between and it could be argued that there could've been four or five houses there at one time. He said that there seemed to be a certain amount of space and nowhere was it stated that the space was too narrow.

The Planning Manager suggested that a site meeting be arranged, and common sense applied when dealing with this sort of thing.

Proposed by Councillor Mallaghan
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/1376/O be deferred for a site visit.

LA09/2019/1415/F Replacement dwelling 60m E of 5 Drumgarrell Road, Cookstown for D Conway

Ms McCullagh (SPO) presented report on planning applications LA09/2019/1415/F advising that it was recommended for refusal.

Councillor Bell sought clarification from those members which attended the site meeting to seek their opinions on whether they thought the dwelling was habitable.

Councillor Glasgow said that it was a very interesting site meeting and certainly was merited and stated that when they entered the house the first thing, they saw was a fireplace and felt that pictures do tell a story. He said that in his personal opinion this dwelling was not for agricultural use and that the tin outside was a deterrent for the adverse weather conditions. He was assured that there was evidence there to suggest that it was previously a family home, as windows were intact and could visibly see external walls which fell within the remit of planning approval.

Councillor McFlynn concurred with Councillor Glasgow and said that four people had entered the house and felt that it was structurally sound, with windows and fireplace intact, concrete flooring all the way out to the entrance, paving and stone visible. She said that in her opinion she would also agree that this previously had been a family home which was lived in.

The Planning Manager said that by looking at the photos he felt that some work had been done quite recently and was far from convinced that it was last used as a dwelling. However, he point out that the policy does not require that the last use was as a dwelling, but that it began life as a dwelling and still retained the essential characteristics of the dwelling. He understood that members who had visited the site took the view it did have those essential characteristics.

Councillor Colvin stated that he was also in attendance and could see why officers were hesitant to recommend approval previously but agreed that it met policy.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2019/1415/F be approved.

Councillor McKinney left the meeting at 8.12 pm.

LA09/2019/1540/F Dwelling and garage between 29 & 31 Macknagh Lane, Maghera for Padraig McGuigan

Ms McCullagh (SPO) presented report on planning applications LA09/2019/1540/F advising that it was recommended for refusal.

Councillor McKinney returned to the meeting at 8.16 pm.

The Chair advised that a request to speak in support of the application had been received and invited Mr Cassidy to address the committee.

Mr Cassidy referred to policy 5.33 which states that a road frontage includes a footpath or private lane. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage.

He referred previously circulated correspondence and said that image 1 showed an aerial view of the site. The buildings sited back from the road have a frontage to the road of 35 metres as depicted in images 2 & 3. The area along the frontage was well kept in formal gardens and has electrics installed for a gate. The gaps depicted in red respects the size of frontages on either side.

The Planning Manager stated that this application was back to whole issue of character again and looking at the site, three houses were artificially put along the front and were fairly large.

Ms McCullagh agreed that they were prominent but low storey.

The Planning Manager said what was there was a small tin shed and felt as there was no authorisation it could not be given weight. He stated that the photographs seemed to indicate sizeable distances in a big open field, which would show a house being visible and not closed off and the whole point of policy was that infill in a ribbon meant that there would be no impact in relation to integration or change to rural character. In this instance it appeared the dwelling would not integrate and would lead to a change in rural character.

The Chair advised that a request to speak had been received and invited Councillor B McGuigan to address the committee.

Councillor B McGuigan said that he had listened to the arguments outlined and stated that he had visited the site last Friday to see for himself and by looking at the aerial photos, this did not merit justification. In terms of frontage No. 29 had a substantial frontage, laneways, cables, gate to the front, green area which were kept very well, long type grass etc which continues all along the way to the next house. He advised that 35 metres of frontage was a lot more than the average realm within the countryside and as the road drops away no buildings would be impacting on the landscape along the frontage. He concluded by saying that the aerial view does not do it justice as one side

shows a different view and referred to 5.33 of the policy and stated that there were exceptions which showed no massive impact.

The Planning Manager said that to clarify, policy does not take in a laneway, policy states that there could be an infill and a dwelling could be classed as an infill.

He advised that containment, and rural character were key consideration and felt that a site meeting could be beneficial in this case.

Proposed by Councillor Colvin
Seconded by Councillor Black and

Resolved That planning application LA09/2019/1540/F be deferred for a site visit.

**P066/20 Receive Consultation Response to Fermanagh & Omagh Council on
LA10/2020/0206/F**

The Head of Development Management presented report and sought members agreement on Mid Ulster District Council's response to a consultation request from Fermanagh & Omagh District Council for planning application LA10/2020/0206/F for an energy storage facility consisting of 2 no. battery storage compounds, customer electrical substation compound, a grid electrical substation compound, rainwater harvesting area, site access track and other associated infrastructure, site to be surrounded by deer fencing, 5 no. CCTV locations and gates, South of Classic Marble (Showers) Ltd, 31 Garvaghy Bridge Road, Garvaghy, Dungannon for Engie Developments Ireland Ltd.

Councillor Robinson advised that he knew the area very well and would have some concerns as this comes out onto a protected route of the A5. He said that this road emerges onto the passing lane from Omagh and was a short distance before the entrance which could cause serious problems due to the volume of traffic and high speed on this stretch of road, but wanted the committee to know he wasn't against progress but would have major issues around road safety concerns.

The Head of Development Management advised that this had been accessed already in 2019.

Councillor Robinson advised that there was already a small factory operating at the site.

The Planning Manager stated that Fermanagh & Omagh needed to determine with Roads Service on the safety aspect and said that Mid Ulster Council doesn't have to determine the proposal legitimates, only to give comment and it can choose to give no comment.

Councillor Cuthbertson concurred with Councillor Robinson's comments and stated that the entrance was coming out onto Mid Ulster's area and access onto the protected route and referred to comment by Head of Development Management regarding decision

taken in 2019 and said that Mid Ulster Council did not make the decision and would second Councillor Robinson's proposal if he wished to make one.

Councillor Robinson said he would like his concerns mentioned in the response.

The Planning Manager said that it was reasonable to change comments to say Mid Ulster District Council was mindful that this was a protected route and could have issues regarding road safety.

Councillor Clarke concurred with comments and stated that there was also a hump in the road and a setting sun, and he also raised concern as it wasn't a safe part of the road.

The Chair said that there was a need to focus on the movement of traffic and felt that these comments needed to be implemented into the response.

Councillor Cuthbertson stated that this was a minor road in bad condition going to a windfarm and felt there was considerable amount of time to get it sorted.

The Planning Manager agreed to add to the point on alternative access.

Proposed by Councillor Robinson
Seconded by Councillor Cuthbertson and

Resolved That agree to the following response being issued to Omagh & Fermanagh District Council Planning Department:

- Mid Ulster District Council have no concerns in relation to the access for the development and long-term visual impacts of this development provided a robust and properly detailed traffic management plan and landscaping and maintenance proposals are agreed prior to commencement of development and properly condition for implementation.
- In addition to the recommended response reported on to the Committee, members asked that Fermanagh and Omagh Council give special attention to traffic and road safety due to the increased use of the access onto a Protected Route and fully investigate the alternative minor road as an alternative means of accessing the site.

Matters for Information

P067/20 Minutes of Planning Committee Meeting held on 6 July 2020

Members noted Minutes of Planning Committee Meeting held on 6 July 2020.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor Robinson 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 items P068/20 to P071/20.

Matters for Decision

P068/20 Receive Enforcement Report

Matters for Information

P069/20 Confidential Minutes of Planning Committee Meeting held on 6 July 2020

P070/20 Enforcement Cases Opened

P071/20 Enforcement Cases Closed

P072/20 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.35 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening please raise your hand in the normal way and keep raised until advised to lower
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 4th August 2020

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.12	There are 6 Letters of support rather than 1, as noted in the report.	Members to note
5.2	Application has been withdrawn	Members to note
5.5	Additional letters of support received	Members to note

5 Drumgarrell Road,
Killybearn,
Cookstown
Reference: LA09/2019/1415/F
Address: 60 Meters east of 5 Drumgarrell Road
Proposal: Replacement Dwelling



To Whom it may concern.

We note the application in question is on for rejection. Information has been submitted by Michael Donnelly saying his cattle were free to roam in and out of the building in question in relation to the replacement dwelling. We have lived in the area as stated previously for 36 years and Michael Donnelly only farmed the land between 2005 and 2010 approximately give or take a year. During my time living at 5 Drumgarrell road I have never seen any cattle in and out of the building. It should be taken into consideration, I have a direct line of site from my property onto the building. See attached a photo demonstrating I can view the building from my property. When I purchased my property in 1984 the building in question was exposed and gavels were present. The gavels fell due to adverse weather conditions and the building was eventually covered with tin.

Thomas John and Eileen Quinn



Reference: LA09/2019/1415/F
Address: 60 Metres east of 5 Drumgarrell Road
Proposal: Replacement Dwelling



After reviewing the information presented by both the planning case officer and objectors I would like to take this opportunity to respond to issues raised. After talking to residents in the area it is apparent they disagree with Michael Donnelly and Mary Quinn's version of events. They will be submitting information on this if they haven't already done so. The residents of 60, 40 and 35 years (Victor Nelson, Kevin Madden and Thomas and Eileen Quinn) have never seen cattle entering or leaving the dwelling. They also have stated they have recollection of the exposed building before it was protected by tin. As these residents have lived in and owned their properties in the area much longer than the objectors you would expect them to have a more extensive and accurate local knowledge of the dwelling and area.

In reference to picture 2 in Michael Donnelly's response there is absolutely nothing to identify it as being the dwelling in question. Farmers have access to many farming sheds and as this image has nothing in it to distinguish its location, it could quite simply be the internals of a shed anywhere. So, it far from conclusive and should be discarded in this instance.

The pictures provided by Mary Quinn don't have any relevance to this application and don't fit the narrative the objector is trying to create. Picture 2 provides more questions than answers from such a poor-quality picture it makes it hard to identify if the door is opened or closed and there is no depiction of bedding for cattle present in this or any of the photos.

Photo 3 shows a cow eating out of a trough and had nothing to do with the internals of the building.

Photo 4 is quite simply a cow in a field, whether it is in the area in question or not, its relevance is completely lost on me.

The report from case officer Emma McCullagh states that "the proposal failed to demonstrate that it exhibits the main characteristics of a dwelling". The report from the structural engineer states there are the "remains of a fireplace not present in agricultural building", "a living space/area", and "the building has been used for human habitation". This report and the previous pictures along with newly attached surely must demonstrate that the building demonstrates and exhibits the characteristics of a dwelling. Emma acknowledges that from the site visit that the "existing building was substantially intact with all external walls", had "evidence of domestic sized windows" and evidence of an "internal fire place".

I feel the images attached help better demonstrate the characteristics than ones already submitted in the application. Image 1 shows the front of the house with the front door and the window serving the main room and window serving bedroom (glass smashed out). This image also includes a traditional granite door step. Image 2 is a close view of the granite doorstep.

Image 3 shows the reverse angle and you can clearly see the fireplace which would be used for domestic purposes.

Images 4 shows the main room and door into the lean-to scullery. Image 5 is taken from the door into the scullery looking across the main room towards the

door which takes you into the bedroom. Image 6 shows a view through the door into the bedroom. Image 7 shows the rear of the house with the closest window being for the bedroom and the one beside it being for the main room.

Policy CTY 3, Replacement Dwellings

states 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. As you can see from the images included all of these features exist within the building to be replaced and all external walls are substantially intact.

The policy also states that for the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. Substantial evidence has been submitted to demonstrate that building was previously used as a dwelling. Even if cattle had been roaming into the building as the objectors have stated this would have been by accident and certainly does not erase the fact that it was previously used as a dwelling, and thus is compliant with policy CTY 3. Having regard to the characteristics of the buildings it is clear that it was not designed or used for agricultural purposes.

I trust the above information is sufficient to demonstrate that the building meets the criteria for a replacement dwelling.

Declan Conway

Image 1



Image 2

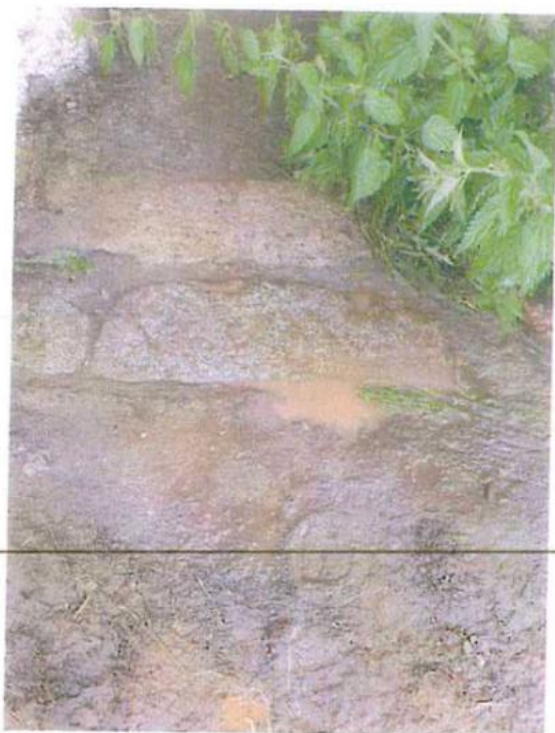


Image 3

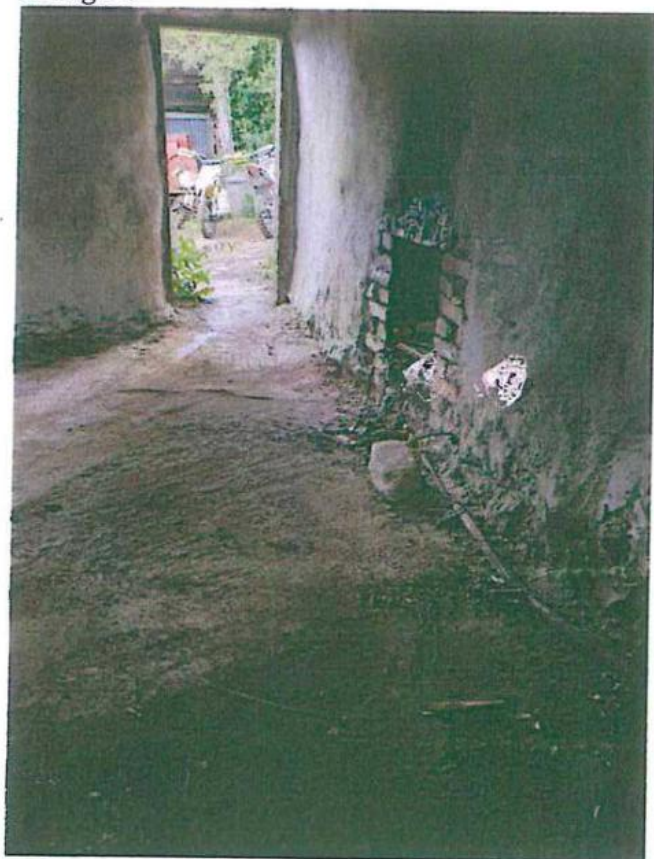


Image 4

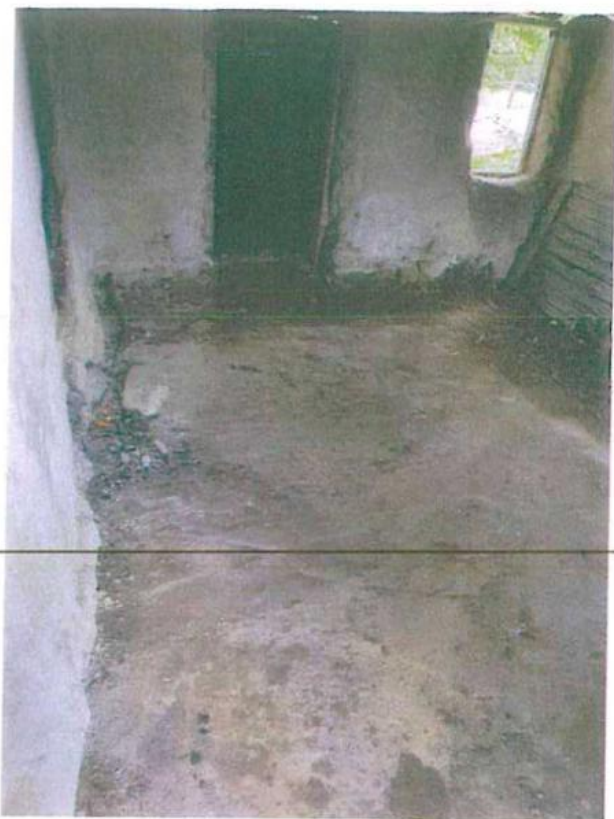


Image 5

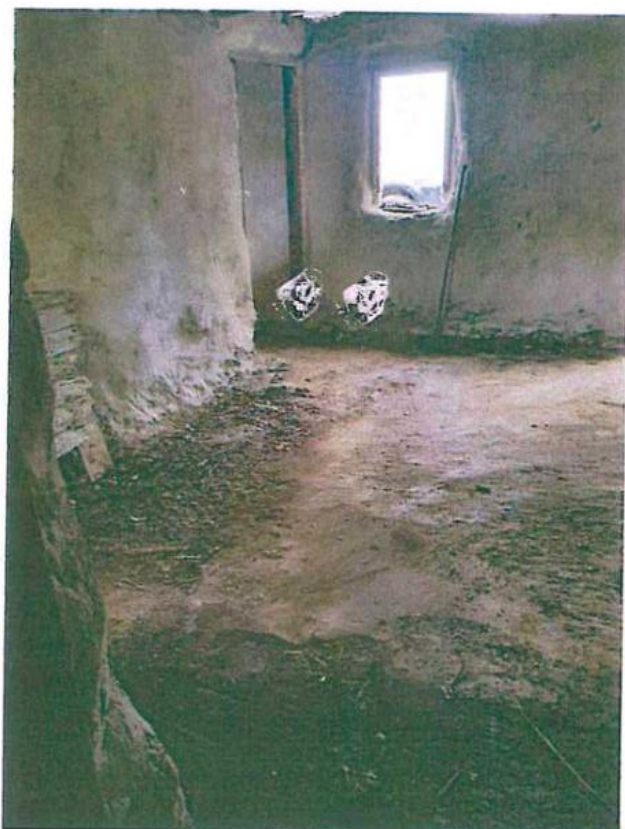


Image 6

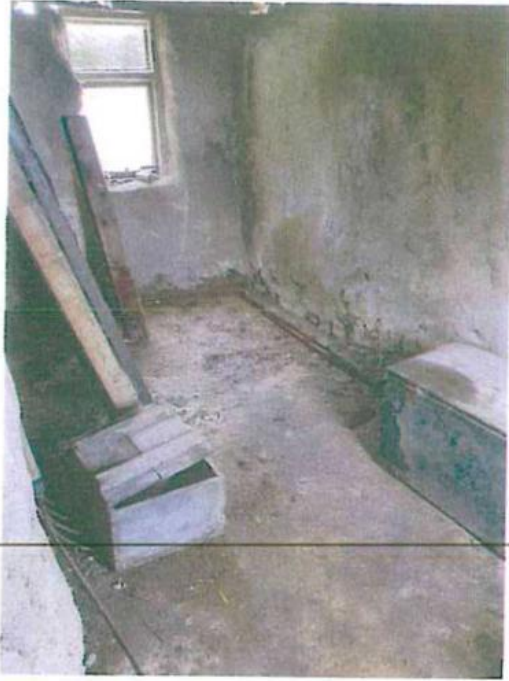


Image 7



Reference: LA09/2019/1415/F

Address: 60 Meters east of 5 Drumgarrell Road

Proposal: Replacement Dwelling

To Whom it may concern,

I note the application is on for rejection and have noticed inaccurate information has been provided by objectors. Michael Donnelly has stated his cattle roamed free between the two plots that weren't subdivided off at the time. He did not seek my permission to do so as I owned the land at the time. I then approached Michael Donnelly and presented him with a bill for grazing my section of the land and the bill remains unpaid. After the bill was presented I installed electric fencing to prevent his cattle coming onto my section of the land. He then stopped grazing my section of the land and shortly after stopped grazing the section owned by Mary Quinn. Therefore, his grievance may have gave him motive for such an objection. Picture 2 in his objection is not of inside the dwelling which I previously owned and there is nothing in the picture which would accurately identify it as being so. Having lived in the area for over 60 years and having farmed all lands in question I have never seen the protected dwelling used for housing cattle. The photos attached by Mary Quinn do not show any cattle coming in and out of the dwelling but only show them in an area around the dwelling. I have already stated in my previous letter of support the reasons for the dwelling being in the condition it is in attached pictures by the objectors. Which was to protect the dwelling from the elements after the gable walls were damaged by a storm.

Signed



1 Drumgarrell Road,
Cookstown,
Co Tyrone,
BT808TA

Reference: LA09/2019/1415/F

Address: 60 Metres east of 5 Drumgarrell Road

Proposal: Replacement Dwelling

I have seen pictures submitted to object to the planning application by Declan Conway. The pictures were put in by Mary Quinn and Michael Donnelly. I remember the house to be replaced before it was covered with tin around 30 years ago and at this stage it had gable walls. It was later covered with tin. Of the 45 years I have lived here I have never seen cattle inside the building. I again would like to mention I am in support of the application

Signed:

Kevin Madden 30.7.2020



