



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.1
Application ID: LA09/2022/0525/F	Target Date: 18 November 2022
Proposal: Development of 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating and galvanising plant. Development of new Right-hand turn access provision from Sandholes Road and all other associated car parking, servicing, infrastructure and site works	Location: Lands To The Rear & East Of 20 Sandholes Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: LCC Group Ltd 16 Churchtown Road Cookstown BT80 9XD	Agent Name and Address: Tsa Planning 20 May Street Belfast BT1 4NL
Executive Summary: Approval is recommended with conditions	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0525 F Lands to Rear & East of 20 Sandholes Road.doc
Statutory Consultee	NIEA	LA09-2022-0525-F.PDF
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	520899 final.pdf520899 final.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-0525-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	NIEA	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	Previously answered

Statutory Consultee	DFI Roads - Enniskillen Office	Previously answered
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	NIEA	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2022-0525-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0525 F LCC Sandholes Rd.doc
Statutory Consultee	Rivers Agency	185033 final.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0525 F Lands To The Rear & East Of 20 Sandholes Road Cookstown.doc
Statutory Consultee	MUDC Environment and Conservation Team	LA0920220525F Reply.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

Letters of Support	0
Letters Non Committal	1
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located on vacant grassland undeveloped land. Site boundaries are defined by post and wire fencing and existing hedgerows.

The site is mainly characterised by industrial uses, with the nearest occupied dwelling being No.21 across the road. There are sporadic residential units within the surrounding area.

Adjacent land uses included Ballyreagh Industrial Estate, Ballyreagh Bus Park, Sperrin Tube Supplies and Scotts Contracts Ltd.

The site falls largely within Development limit of Cookstown on land zoned for Industrial/Business as per CAP 2010. A small portion of the site outside the limits is a natural rounding off , and there will be a small part of Warehouse and hardstanding

concrete yard.

It is approx 2.5 km south of Cookstown.

The site has a hydrological connection to Lough Neagh and Lough Beg SPA and Lough Neagh ASSI which are approx 15km away.

LA09//2022/1135/F is a current application adjacent to the site, for development of a business park up to 16 units, which is currently under consideration.

Description of Proposal

Development of 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating and galvanising plant. Development of new Right-hand turn access provision from Sandholes Road and all other associated car parking, servicing, infrastructure and site works

LA09/2017/1518/PAN was submitted on the site as this is a major application and the 12 weeks' time frame has more than passed for this submission to be valid.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

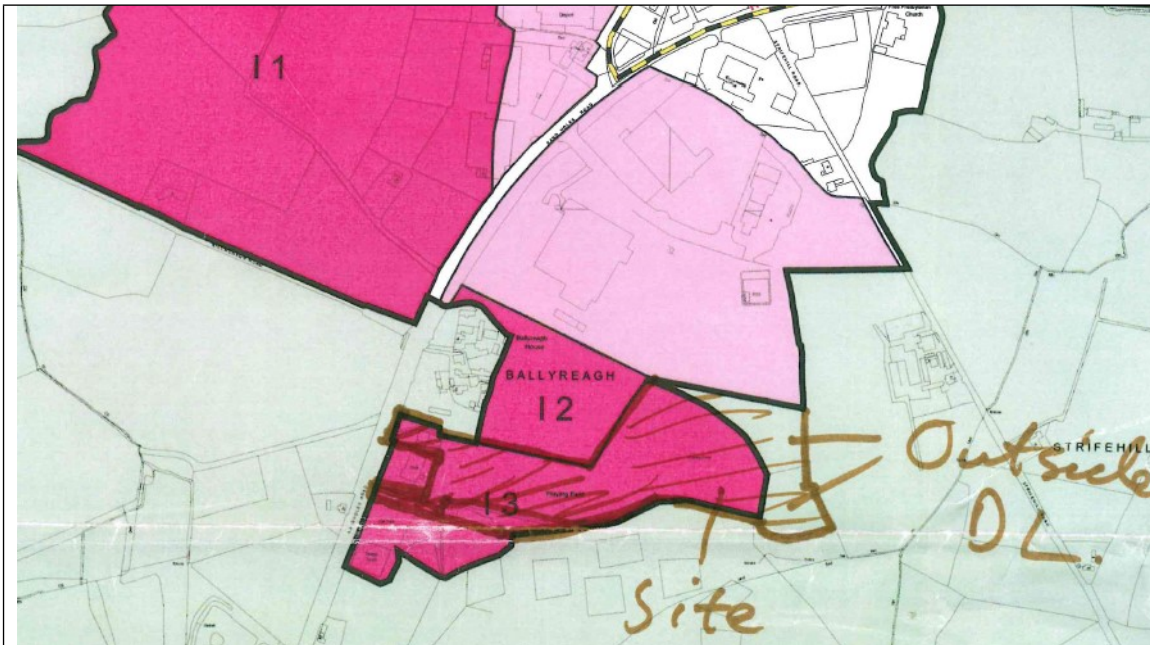
The relevant policy considerations include;

RDS, SPPS, CAP 2010, PPS2, PPS3, PPS4, PPS6, PPS15, PPS21

PPS4- PED1 & PED9

PED 1 outlines the principles for economic development in settlements so will be relevant in this case for B3 general industrial use. The site mainly lies within the settlement limits with a natural rounding off including a small portion of land outside.

PED9 relates to the general criteria for economic development.



A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The site is within existing industrial zoned land within the CAP 2010, in a well-established industrial area. There are mainly industrial/commercial properties nearby. The proposed buildings form, scale and nature is appropriate to the area.

Part of the site is outside the settlement limit however the site is flat and respects the natural boundaries and this minor incursion is logical as it reflects the nature of site and is viewed as a rounding off.

(b) it does not harm the amenities of nearby residents;

There is sufficient distance to nearby properties that their amenity is protected and the proposed planting shown will aid this also.

(c) it does not adversely affect features of the natural or built heritage;

The site is in close proximity to a number of archaeological sites including an enclosure and a prehistoric site uncovered during excavation in advance of development. HED (historic division) has considered the impacts of the proposal and are content the proposal satisfies PPS6 policy requirements subject to conditions for the agreement and implementation of a developer funder programme of works.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

DFI Rivers were consulted from a drainage and flood risk perspective in line with SPSS and PPS15.

The application is affected by an undesignated open watercourse. A 5m maintenance

strip has been marked on the site plan, this is required under 6.32 of the policy FLD2 - Protection of flood defence and drainage infrastructure, and so has been met.

FLD3 - Development and surface water.

Flood risk on the site will be managed using a SuDS. Commenting on the efficiency of the proposed SuDS is outside the knowledge of DFI Rivers and advises Planning to make comment. FLD3 has been satisfactorily dealt with.

There is no indication of any plans showing alterations to any watercourses of FLD4 will not apply.

FLD1 and FLD5 do not apply.

(e) it does not create a noise nuisance;

The scheme originally included 4 Serviced industrial sites Use Classes B2/3/4. Env Health raised issues with these and they were subsequently removed from the proposal. The Galvanised plant and RHT lane remains part of the proposal.

EH were re-consulted on amended plans and replied on 19/09/23. In relation to No.18 Sandholes Road, it is mentioned in EH response dated 9/11/22 has it been considered within the noise impact assessment? The Agent responded to this in Feb 2023 stating No.18 'appears to be a derelict property, this property was not on the pointer data set used as part of the receptor identification exercise'.

On the response dated 19/09/23 EH have said that Planning should satisfy themselves no.18 is a derelict property, as if it were not deemed derelict the acoustic calculations would need to be re-evaluated to take into consideration a shorter distance of the nearest noise receptor.

Any site visits carried out by MUDC (planning and EH) shows the property not be residential in nature, some evidence of commercial/industrial use was at the site, these uses appear to have been long established and the residential has not be for consideration time. The tests for a property that is not residential would be much less than for a dwelling.

It has been stated by the agent that applicant seeks 24hour operation and EH are aware of this.

EH do however go on to state 'the applicant may wish to reconsider night time working or alternatively reassess the impact noise applicable to the activities to be undertaken'.

The agent was asked to clarify this situation and has confirmed that all stages of the fabrication/preparation/coating and galvanising will at all times take place entirely within the building as a result of the process being mainly automated.

In considering this, it would seem to offer reasonable assurance that there should be no anticipated loss of amenity as a result of outdoor activity. It is understood that vehicle movements to and from the site will continue to take place including during night time.

Should the property at No.18 at some stage in the future become occupied, any matters which may arise relating to noise or nuisance can be dealt with via the powers available to Env health Dept of MUDC.

(f) it is capable of dealing satisfactorily with any emission or effluent;

A CEMP was submitted to show mitigation impacts of Environmental issues, noise,

water etc and all relevant bodies were consulted on and commented with no objections. NI Water stated there is available capacity at WWTW but there may be network issues in the area, however a condition can be added to address this issue.

(g) the existing road network can safely handle any extra vehicular traffic The proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

DFI Roads were consulted on amended plans and do not offer any objection. They have provided conditions to be attached to any approval.

(i) a movement pattern is provided that, 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;
This has been adequately addressed and there are no issues.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

Scale & massing of the proposed galvanising plant building is in keeping with the existing area. Finishes are acceptable for this type of development, cladding, render and roller shutter doors with glazed panels, factory has a flat roof.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
Site boundaries are post and wire fencing with some existing planting.
Site plan shows detailed landscaping scheme, existing trees to be retained and those to be planted. This will ensure good separation between the existing and proposed units and aid with a good level of integration and enclosure for the site and for neighbouring properties and form public viewpoints.

(l) is designed to deter crime and promote personal safety; and

No issues, this criteria has been met.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The majority of the site is located outside of the countryside, within the settlement limits of Cookstown. Integration is adequate in terms of the provided planting plan. There will be retention of heavy belt of trees and add trees to rear of Sperrin Tube Supplies are adequate.

Within the site are listed trees so MUDC Environment and Conservation team were consulted for comment. Further information was submitted relating to detail on fences and tree survey and report and conditions have now been provided.

Overall the proposal meets with the criteria of PED9 of PPS4.

PPS6

NIEA, NED has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns subject to conditions. NED acknowledges receipt of Ecological Surveys for Bats (May 2023) and they are content with the findings of the survey and considers that provided the mitigation recommended is implemented, the proposal is unlikely to have a significant impact on the local bat population.

No badger setts were found within the site, however badger hair was found on boundary fences showing it would be suitable for foraging badgers and as they are protected by Wildlife (NI) Order 1985 so NED would highlight that no works may occur within 25m of a badger sett without a wildlife licence having been obtained from NIEA. NED are content all recommended mitigation measures to protect badgers are included in the final CEMP.

Conditions were provided by NIEA.

No formal objections were received on the application. A representation was received on behalf of the owners of 14 Sandholes Road stating their interest in the application and in particular DFI Roads. They have been informed of amended plans received and have not forwarded any objection.

Approval with conditions is recommended.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

The vehicular accesses including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No IBH0765/4000 dated April 2023 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.

Condition 3

No other development hereby permitted shall be commenced until the road works including the right turning lanes as indicated on Drawing No IBH0765/4000 dated April 2023 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.

Condition 4

On completion of the highway works the applicant shall, within the required time, submit and conclude stage 3 and stage 4 road safety audits as required in accordance with DMRB GG199.

Reason: In the interests of road safety

Condition 5

No vegetation clearance or demolition of buildings shall take place between 1 March and 31

August inclusive, unless a competent ecologist has undertaken a detailed check for active

bird's nests immediately before clearance/demolition and provided written confirmation that

no nests are present/birds will be harmed and/or there are appropriate measures in place to

protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Condition 6

No development activity, including ground preparation or vegetation clearance, shall take

place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall

be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

a) Construction methodology and timings of works;

b) Pollution Prevention Plan; including suitable buffers between the location of all

construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;

- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Mitigation measures as detailed in the Ecological Impact Assessment and Outline Construction Environmental Management Plan;
- e) Details of appropriate mitigation measures to protect protected and priority species;
- f) Environmental Emergency Plan;
- g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species.

Condition 7

Prior to the commencement of any site works, all required protective fencing and signage will be in situ, as per approved plans insert TCP and TPP references dated insert date and shall be implemented in accordance with BS5837:2012 Trees in relations to design, development and construction - Recommendations. The protective fencing must remain in situ during the construction phase.

Reason: To protect and conserve the high-quality visual amenity and landscape value

Condition 8

Prior to the commencement of any site works, all proposed recommended tree works, in accordance with the submitted Arboricultural Impact Statement prepared by Dr. P. Blackstock, December 2022, and on behalf of insert applicants details as per tree survey sheets insert reference numbers dated insert date, will be completed in accordance with BS3998:2010 Tree Work - Recommendations

Reason: To protect and conserve the high-quality visual amenity and landscape value

Condition 9

None of the units hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

Condition 10

All Roller shutter doors shall remain in the closed position except for access and egress purposes

Reason : Protection of residential amenity

Condition11

All forklift truck activities shall be conducted within the building as presented on drawing No 02/03 dated 3 August 2023.

Reason : Protection of residential amenity

Condition12

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 : Protection of residential amenity

Condition13

The existing natural screenings along existing boundaries of this site, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works. Any proposed planting should be carried out in accordance with that shown on the same site plan 02/03 dated 3 August 2023.

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

Condition14

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.

Signature(s): Emma McCullagh

Date: 21 September 2023

ANNEX	
Date Valid	22 April 2022
Date First Advertised	3 May 2022
Date Last Advertised	3 May 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier C D E Group, Kilcronagh Business Park, Sandholes Road, Cookstown, Co. Tyrone, BT80 9HJ</p> <p>The Owner / Occupier 20 Sandholes Road, Cookstown, Tyrone, BT80 9AR</p> <p>The Owner / Occupier CDE Group Manufacturing, Ballyreagh Business Park Cookstown Tyrone BT80 9DG</p> <p>The Owner / Occupier 24 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier 21 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier 14A Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier Sperrin Tube Supplies 14 Sandholes Road Cookstown Tyrone BT80 9AR</p> <p>The Owner / Occupier Northern Ireland Rural Women's Network, Unit 5, The Old Clubhouse, 20 Sandholes Road, Cookstown, Co. Tyrone, BT80 9AR</p> <p>The Owner / Occupier Emerson, Ballyreagh Industrial Estate, Cookstown Tyrone BT80 9DG</p> <p>The Owner / Occupier Raygar, 20 Sandholes Rd, Cookstown, BT80 9AR</p> <p>The Owner / Occupier Ellickson Engineering, The Old Clubhouse, 20 Sandholes Road, Cookstown, Co. Tyrone, BT80 9AR</p> <p>The Owner / Occupier Mr D Scott 55 Killygarvin Road Cookstown BT80 9BG</p> <p>The Owner / Occupier Carol@cmcilvar.com</p>	
Date of Last Neighbour Notification	31 August 2023
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: I/1987/0264

Proposals: WINNING AND WORKING OF LIMESTONE, SANDSTONE, MUDSTONE AND DRIFT OVERBURD

Decision: PG

Decision Date:

Ref: LA09/2022/1135/F

Proposals: PROPOSED DEVELOPMENT OF BUSINESS PARK TO INCLUDE UP TO 1 BUSINESS UNITS (USE CLASS B1/B2/B3 & B4), ACCESS ARRANGEMENTS (PROVISION OF RIGHT HAND TURN LANE) FROM SANDHOLES ROAD, LANDSCAPING, CAR PARKING, SERVICING AND ANCILLARY SITE WORKS

Decision:

Decision Date:

Ref: I/2004/1190/F

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

Decision: PG

Decision Date: 29-JUN-05

Ref: I/1974/0224

Proposals: CAR PARK

Decision: PG

Decision Date:

Ref: LA09/2021/1734/PAN

Proposals: Proposed development of business park to include up to 16 business units (use class likely B1/B2/B3& B4), access arrangements (provision of right hand turn lane from sandholes road, landscaping, car parking, servicing and ancillary site works.

Decision:

Decision Date: 10-FEB-22

Ref: I/2003/0462/A41

Proposals: Alterations

Decision: 205

Decision Date: 09-JUL-03

Ref: I/1992/0188

Proposals: Extension to Social Club

Decision: PG

Decision Date:

Ref: I/2002/0378/F

Proposals: Change of use from social/recreational use to warehouse/light industrial use and minor alteration to front elevation

Decision: PG

Decision Date: 30-OCT-02

Ref: I/2000/0093

Proposals: Site for entrance road to industrial estate.

Decision:

Decision Date:

Ref: I/2006/0936/F

Proposals: Two Manufacturing and Storage Units and Associated Site Works

Decision: PG

Decision Date: 02-JUN-09

Ref: I/2004/1242/F

Proposals: Modifications to existing road layout to provide right turn access

Decision: PG

Decision Date: 15-DEC-04

Ref: LA09/2017/1518/PAN

Proposals: Construction of a new Facility for the assembly of wet processing equipment

Decision: PANACC

Decision Date: 11-MAR-19

Ref: I/1994/0298

Proposals: Industrial Estate for I.D.B

Decision: PG

Decision Date: 15-FEB-95

Ref: I/2004/1085/F

Proposals: Proposed concrete manufacturing factory, including ancillary staff area, offices & site works

Decision: PG

Decision Date: 15-DEC-04

Ref: I/1996/0474

Proposals: Provision of additional access heads, erection of sub-station including access to same and associated works

Decision: PG

Decision Date: 16-JAN-97

Ref: I/2007/0900/F

Proposals: Proposed Manufacturing Unit

Decision:

Decision Date:

Ref: I/1995/0338

Proposals: Laying out of Lands for Industrial Plots, Construction of Service Road and Associated Services

Decision: PG

Decision Date: 23-JUL-96

Ref: I/2013/0168/F

Proposals: Reduction and reconfiguration of previously approved factory and offices (I/2012/0121/F), including the fit out of first floor to provide offices, kitchen and storage. Revised reduced parking layout, including alterations to HGV parking and internal movement pattern. Repositioning of storage areas and oil tanks.

Decision: PG

Decision Date: 29-AUG-13

Ref: I/2012/0121/F

Proposals: New factory unit and the re-development of redundant turning head to provide access and parking facilities

Decision: PG

Decision Date: 18-OCT-12

Ref: LA09/2022/0544/PAN

Proposals: Proposed extension of works to the existing industrial building (Emerson/ Copeland facility) and will include new assembly/work shop area, paintline, offices and extension of car parks and associated works

Decision: PANACC

Decision Date:

Ref: I/2009/0429

Proposals: The relocation of the existing internal waste recycle area to a new external waste recycle area, the raising of the floor in the existing waste recycle area with associated elevational changes and the erection of a new 60000 litre oil storage facility with associated bund wall at the Copeland Factory, Ballyreagh Industrial Estate, Sandholes Road, Cookstown.

Decision: 461

Decision Date:

Ref: I/1996/0449

Proposals: Site for Factory Unit

Decision: PG

Decision Date:

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure)

approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: I/2002/0629/F

Proposals: Installation of mobile stone crushing plant

Decision: PG

Decision Date: 16-JAN-03

Ref: I/1974/0020

Proposals: SPOIL DUMP (SITE 3)

Decision: PG

Decision Date:

Ref: LA09/2021/0782/PAN

Proposals: Proposed development of business park to include serviced industrial sites (use classes B2/B3/B4) and 1no. class B3 industrial warehouse to operate as metal fabrication/coating and galvanising plant. Development of new right-hand turn access from Sandholes Road and all other associated car parking, servicing and site works.

Decision: PANACC

Decision Date: 16-AUG-21

Ref: LA09/2017/0265/PAD

Proposals: Business Park and Industrial Estate with new right turn lane

Decision: PAD

Decision Date: 01-JAN-18

Ref: I/2005/1499/Q

Proposals: Proposed Hot Food Outlet, CTN Outlet, Restaurant, Office, Showroom, Trade Centre.

Decision: 211

Decision Date: 24-JUL-07

Ref: LA09/2016/0584/F

Proposals: Proposed extension to rear of building to create additional storage space external covered area

Decision: PG

Decision Date: 12-AUG-16

Ref: LA09/2022/0525/F

Proposals: Development of business park to include serviced industrial sites (use Classes B2/B3/B4) & 1 no Class B3 industrial warehouse to operate as metal fabrication/preparation/coating & galvanising plant. Development of new right-hand turn access provision from Sandholes Road & all other associated car parking, servicing, infrastructure & site works

Decision:
Decision Date:

Ref: I/1987/0017
Proposals: 11 KV O/H LINE
Decision: PG
Decision Date:

Ref: I/2003/1030/F
Proposals: Retention of change of use to create a traveller's stopping site (amended plans)
Decision:
Decision Date:

Ref: LA09/2016/1772/LDE
Proposals: Retention of ancillary storage yard and 2 no. buildings associated with Scott Contracts Ltd at 20 Sandholes Road, Cookstown
Decision: PG
Decision Date: 16-MAR-17

Ref: LA09/2018/1304/F
Proposals: Proposed Covered storage shed.
Decision: PG
Decision Date: 05-MAR-19

Ref: LA09/2017/0996/PAD
Proposals: Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site
Decision:
Decision Date:

Ref: LA09/2020/0850/F
Proposals: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance
Decision:
Decision Date:

Ref: LA09/2017/0912/PAD
Proposals: Extension to Industrial Lands
Decision: PAD
Decision Date: 01-JAN-18

Ref: LA09/2019/1140/F
Proposals: Proposed garage - to replace a number of garages
Decision: PG

Decision Date: 23-OCT-19

Ref: LA09/2017/0240/F

Proposals: Erection of workshop and offices for the repair and paint spraying of vehicles car wash facility, staff/visitor car parking, short term storage of vehicles awaiting collection, 2m high security fence and entrance gates and associated site works (Relocation of existing business from Chapel Street, Cookstown)

Decision: PG

Decision Date: 07-JUN-18

Ref: LA09/2016/1272/PAD

Proposals: Erection of workshop and offices with site works forming carparking and short term storage of vehicles awaiting collection

Decision: PAD

Decision Date: 01-JAN-17

Ref: I/2004/1356/O

Proposals: Demolition of existing outhouses and sheds and replaced with a new workshop for the repair and maintenance of motor vehicles

Decision: PG

Decision Date: 07-NOV-05

Ref: I/1992/0160

Proposals: 11 KV O/H Line

Decision: PG

Decision Date:

Ref: I/2010/0297/F

Proposals: Retention of new waste storage building and bunded oil storage facility. Also retention of alterations to existing building to include raised floor levels and storage area at the Copeland Factory, Cookstown

Decision: PG

Decision Date: 26-JAN-11

Ref: I/2007/0901/F

Proposals: Proposed extension and alterations to existing scroll compressor manufacturing facility.

Decision: PG

Decision Date: 20-AUG-08

Ref: I/2014/0244/F

Proposals: Proposed extension and alterations to existing Scroll Compressor manufacturing facility

Decision: PG

Decision Date: 25-NOV-14

Ref: I/2010/0270/F

Proposals: Provision of 4 no. sets of ribbon windows to the front, side and rear elevation to Copeland plant at Ballyreagh ind. Estate Cookstown

Decision: PG

Decision Date: 29-JUL-10

Ref: I/2007/0428/F

Proposals: Extension of existing access road to serve additional development lands; provision of foul, storm and road drainage systems.

Decision: PG

Decision Date: 18-FEB-08

Ref: I/1974/0021

Proposals: SPOIL DUMP (SITE 1)

Decision: PG

Decision Date:

Ref: I/1974/0019

Proposals: SPOIL DUMP (SITE 2)

Decision: PG

Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09-22-0525 F Lands to Rear & East of 20 Sandholes Road.doc

NIEA-LA09-2022-0525-F.PDF

Historic Environment Division (HED)-

Rivers Agency-520899 final.pdf520899 final.pdf

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DFI Roads - Enniskillen Office-

Environmental Health Mid Ulster Council-

NIEA-

Environmental Health Mid Ulster Council-

NIEA-

DFI Roads - Enniskillen Office-Previously answered

DFI Roads - Enniskillen Office-Previously answered

Historic Environment Division (HED)-

NIEA-

Environmental Health Mid Ulster Council-

NIEA-PRT LA09-2022-0525-F.PDF

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Environmental Health Mid Ulster Council-LA09 2022 0525 F LCC Sandholes Rd.doc

Rivers Agency-185033 final.pdf

Environmental Health Mid Ulster Council-LA09-22-0525 F Lands To The Rear & East Of 20 Sandholes Road Cookstown.doc

Drawing Numbers and Title

Technical Specification Plan Ref: 26
Technical Specification Plan Ref: 25
Technical Specification Plan Ref: 24
Technical Specification Plan Ref: 23
Technical Specification Plan Ref: 22
Technical Specification Plan Ref: 21
Technical Specification Plan Ref: 20
Technical Specification Plan Ref: 19
Roads Details Plan Ref: 18
Roads Details Plan Ref: 17
Levels and Cross Sections Plan Ref: 16
Levels and Cross Sections Plan Ref: 15
Technical Specification Plan Ref: 14
Technical Specification Plan Ref: 13
Existing Site Survey Plan Ref: 12
Technical Specification Plan Ref: 11
Site Layout or Block Plan Plan Ref: 10
Landscaping Plan Plan Ref: 09
Landscaping Plan Plan Ref: 08
Levels and Cross Sections Plan Ref: 07
Proposed Elevations Plan Ref: 06
Proposed Floor Plans Plan Ref: 05
Proposed Floor Plans Plan Ref: 04
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 02/1

Notification to Department (if relevant)

Not Applicable



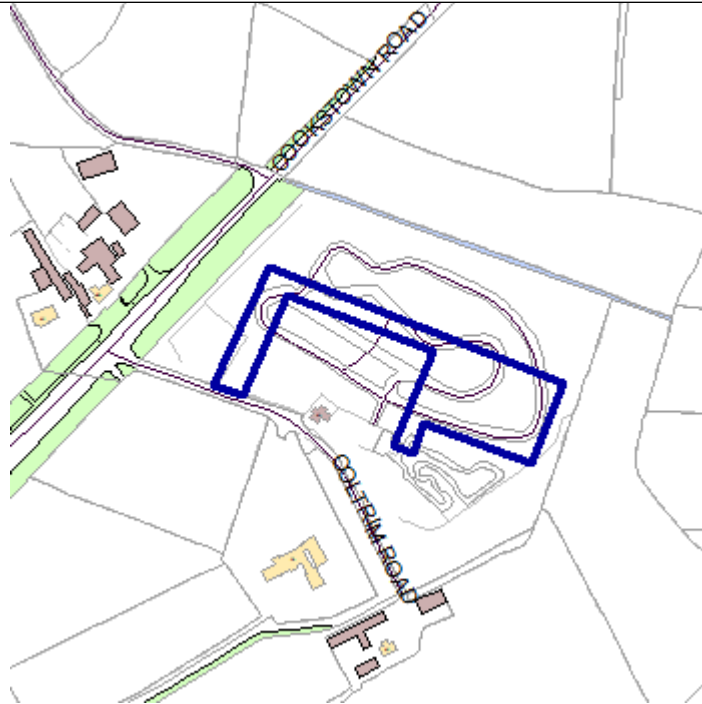
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.2
Application ID: LA09/2022/0667/F	Target Date: 7 September 2022
Proposal: Application for the relocation of previously installed flood lighting poles around the race track.	Location: Lands At 48 Cookstown Road Moneymore BT45 7QF
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Railway Karting 48 Cookstown Road Moneymore BT45 7QF	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: <p>Application is for relocation of existing floodlighting poles surrounding existing karting business.</p> <p>Karting business is currently under investigation for operating outside approved opening hours under LA09/2020/0180CA.</p> <p>3 Objections received and 5 letters of support. The objections relate primarily to noise and the fact that the lights enable the track to operate outside approved opening hours. These reasons aren't relevant to this application which relates solely to the lighting poles.</p> <p>Issues of impact of light pollution also raised and these have been addressed under assessment of policy OS7 of PPS8.</p> <p>Proposal has been found to comply with PPS 8.</p> <p>Environmental Health and DFI Roads have no objection.</p> <p>Recommendation is to approve.</p>	

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Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0667 F retrospective application for floodlighting poles around the race track.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0667 F retrospective application for floodlighting.doc

Representations:

Letters of Support	1
Letters Non Committal	1
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located approximately 1km SW of Moneymore and adjacent to the main Cookstown – Moneymore A29 Road.

The site consists of a karting track which has planning permission under a historic application and which operates as Railway Karting. The site is surrounded by mature trees to the north and east and on the western roadside boundary there is a soil bund which has been created and it has trees planted along it, presumably with the intention of screening the karting activity from the traffic passing on the protected route.

There is an access to the karting track available off the main A29 Road although this was closed during my site visit. The main access to the site appears to be off Coltrim Lane via an avenue which serves no. 50 Moneymore Road, a large detached dwelling which appears to be linked to the karting track by virtue of this access.

No. 2 Coltrim Lane is also close by as is a dwelling and farmyard located directly across the main A29 road. There is an existing coach hire yard (JK Coaches) approximately 400m south west of the site. There are three dwellings immediately to the east of the site which are located approx. 235, 215 and 250m away. The addresses of these dwellings are 21, 19 and 17a Moneyhaw Road, respectively. There are three further dwellings which are located further away to the east, over 300m away and these include 21b and 23 Moneyhaw Road.

The area is outside the settlement limits but given the nature of the main traffic route which runs along the site boundary, the nearby industrial style coach yard and to an extent the karting track, it cannot be said that the immediate area has a rural character.

Description of Proposal

The proposal relates to the re location of floodlighting poles which are already in existence around the approved karting track.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policies are relevant;

- Cookstown Area Plan
- SPPS
- PPS 21 – Sustainable Development in the Countryside

- PPS 8 – Outdoor Sport and Recreation

Cookstown Area Plan

The site is located in the countryside as per the Cookstown Area Plan and is adjacent to a protected route. Therefore, the relevant planning policies for the rural area will apply.

SPPS

In outlining its regional objectives relating to outdoor sport and recreation, the SPPS states at para. 6.201 that the planning system should facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents. It also states at para. 6.213 that the impact of floodlighting will be a relevant planning consideration when assessing all proposals relating to outdoor sport and recreation.

PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out the range of non residential development types that are considered to be appropriate in the countryside. One of these categories of development which are deemed acceptable is development relating to outdoor sports and recreation, in accordance with PPS 8. PPS 8 therefore is the default policy for assessing this development.

PPS 8 – Outdoor Sport and Recreation

Policy OS 7 of PPS 8 states that applications for development of floodlighting associated with sports and recreation uses will be acceptable where a range of criteria are met. These criteria are set out and considered in the paragraphs below.

a) there is no unacceptable impact on the amenities of people living nearby

The is the obvious impact which could potentially arise from the provision of floodlighting poles such as the ones proposed as part of this application. The nearest dwellings to the race track are number 43 and 45 Cookstown Road which are approx. 120m and 140m away from the track, respectively. 43 is no longer occupied and 45 is located opposite the entrance to the track from the main dual carriageway (unused at time of my visit). Neighbour notifications have been sent to this property and no objections have been received in reply.

From my own experience of passing the track at night when the lights are operational, I am off the opinion that all the lighting is pointing inward towards the track and there is virtually no outward spill of lighting experienced. Whilst the relocation of the existing lights will mean that this experience which I describe will be somewhat altered, the lighting assessment report still describes limited overspill of lighting whilst providing a more uniform lighting pattern around the track. This is backed up by the light spill graphic which has been submitted by the applicant and also via technical drawings submitted as part of the Lighting Impact Assessment submitted by SH Lighting Consultancy.

Environmental Health have been consulted and after considering the Lighting Impact Assessment have no reason to object to the proposal provided conditions are imposed on the hours of operation of the lighting and the height, position and specification of the lighting does not change from that included in the lighting impact assessment. They have stated that the report demonstrates that “*artificial light overspill at nearby properties is predicted to be within the guidelines set by the Institute for Lighting Practitioners*” and that they have no reason to disagree with the report.

b) there is no adverse impact on the visual amenity or character of the locality

As mentioned above, the character of the area is characterised primarily by the main dual carriageway A29 road which given its nature and large volume of fast-moving traffic means that the area, whilst being located in the countryside, does not have a typical rural feel. Added to this are the nearby coach business / coach park as well as the karting business in question and these things further erode the rural character of the area. I am therefore of the view that the floodlighting proposed here will not have a significantly detrimental impact on the character of the area because the character is not a typically rural one.

I have experienced the floodlighting when passing during darkness and whilst the glow of lighting is visible from the main road it is not enough to result in the character of the area being altered in my opinion.

c) public safety is not prejudiced

The obvious threat to public safety caused by these lights is the overspill of lighting onto the main A29 protected route. As has been outlined above, the lighting at present is all inward towards the kart track and has minimal overspill outside of the track. As also has been mentioned above, I have experienced the floodlighting when passing during darkness and whilst the glow of lighting is visible from the main road it is not enough to result in an increase in danger to passing traffic, in my opinion. Whilst the relocation of the existing lights will mean that this experience which I describe will be somewhat altered, the lighting assessment report still describes limited overspill of lighting whilst providing a more uniform lighting pattern around the track.

DFI Roads have also been consulted and do not offer any objection.

OTHER MATERIAL CONSIDERATIONS

There have been 9 representations in relation to this objection

There have been 5 representation expressing support which have been submitted in relation to this proposal. There have been three objections. In addition there was 1 email from Patsy McGlone MLA which is non-committal and asks the planning department to look into issues raised by an objector.

The three objections are considered below;

Objection from 21 Moneyhaw Road

This objection raises the following issues which are considered below;

- The floodlights will enable the track to open past its permitted operating hours

This is not a valid planning reason to oppose the lights. This application examines the merits of the proposed changes to lighting, when assessed against the relevant planning policy. The issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

Objection from Amanda McIvor

This objection raises the following issues which are considered below;

- Light pollution
- Continued operating hours outside of the approved times
- Noise and Loud Music that come from the site

The issue of light pollution has been considered above under assessment of relevant planning policy. A technical lighting assessment has been prepared and considered by environmental health and they have concluded that the levels of lighting are acceptable.

In relation to the lighting being an enabler to the site operating outside of its permitted hours, as per the last objection, the issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

The lights will not directly cause any noise pollution so the objections about noise are not relevant to my assessment of this application.

Objection from 21B Moneyhaw Road

- Loud and Intrusive Noise from the karting track
- Track is not complying with winter opening hours as per condition 2 of approval
- Lights enable later opening hours in the winter months

As per the last objection, the floodlights are not a direct causal factor in the production of noise. Therefore, I can not consider any noise generation from the track when assessing this proposal.

the issue regarding the opening hours of the track is being investigated as a breach of condition by the enforcement team. This is a separate issue from application for the lights in their own regard.

The issue regarding the alleged non-compliance with approved opening hours relating to the karting activities is not something which this application can address. The recourse for this issue is via the enforcement process where I believe a Breach of Condition Notice has been served under case LA09/2020/0180CA.

Letters of Support

Letters of support have been received from no. 2 Coltrim Road, 19 Moneyhaw Road, 44 Cookstown Road, 30 Cookstown Road and a further letter from William Jordan who lives nearby but has not provided an address. They state that they live close by and have experienced no issues with the karting track and one representation supports the job creation brought to the local area.

Summary of Recommendation:

Approve is recommended

Given all of the above, I am satisfied that the policy complies with the relevant planning policy and this has been explained at length in the preceding paragraphs. I have also considered the letters of objection as laid out above as well as taking on board the letters of support.

Having considered all these factors, I recommend that this application is approved subject to the following conditions.

Approval Conditions

Condition 1

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

Reason: Time Limit.

Condition 2

Lighting hereby approved shall not be operational anytime between 23:00 - 07:00 hrs

Reason: To protect night-time amenity at nearby sensitive dwellings.

Condition 3

Light intrusion from the proposed development into windows at nearby sensitive properties shall not exceed 5 Ev (lux) anytime between 07:00 - 23:00hrs

Reason: To protect amenity at nearby sensitive dwellings.

Condition 4

The location, height and specification of the proposed lighting shall comply with design criteria as outlined within 'Floodlighting Exchange Drawing' dated 18/1/23, reference SHD807-SHD-HLG-RAIL-DR-EO-Lighting Layout-R0.

Reason: To protect amenity at nearby sensitive dwellings

Signature(s): Colin McKeown

Date: 20 September 2023

ANNEX	
Date Valid	25 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 43 Cookstown Road Moneymore Londonderry BT45 7QF The Owner / Occupier 45 Cookstown Road Moneymore Londonderry BT45 7QF The Owner / Occupier 46 Cookstown Road Moneymore Londonderry BT45 7QF	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-LA09 2022 0667 F retrospective application for floodlighting poles around the race track.doc DFI Roads - Enniskillen Office-Roads Consultation full approval.docx Environmental Health Mid Ulster Council-LA09 2022 0667 F retrospective application for floodlighting.doc	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

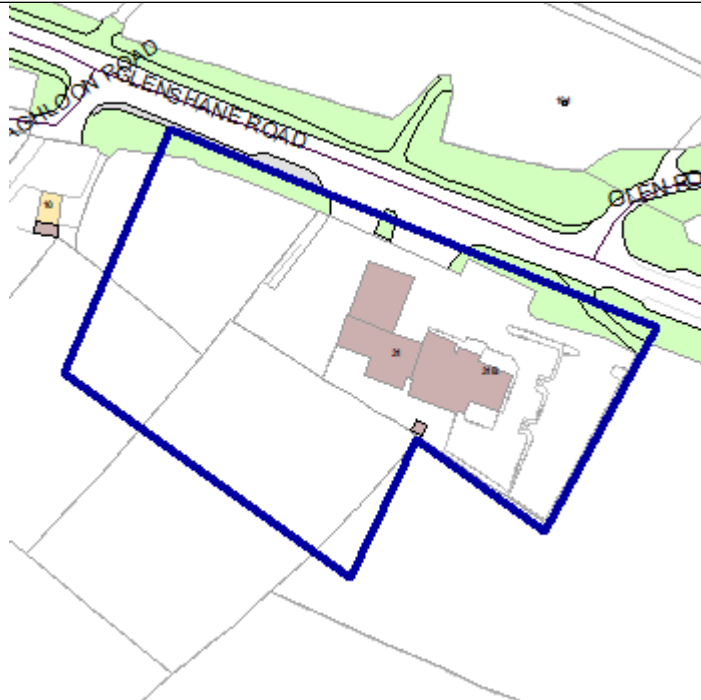


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.3
Application ID: LA09/2022/1243/F	Target Date: 6 March 2023
Proposal: Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area	Location: 31-32 Glenshane Road Maghera BT46 5JZ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: James Molloy 31-32 Glenshane Road Maghera BT46 5JZ	Agent Name and Address: Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.docx
Statutory Consultee	Rivers Agency	643615 - Final Response.pdf
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1243-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 1243 F PFS Glenshane Road.doc
Statutory Consultee	NIEA	PRT LA09-2022-1243-F ADV.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Non Statutory Consultee	Shared Environmental Services	LA09-2022-1243-F - HRA.pdf
Statutory Consultee	NIEA	
Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 3.docx

Statutory Consultee	NIEA	PRT LA09-2022-1243-F.PDF
Statutory Consultee	NIEA	PRT LA09 2022 1243 F.pdf
Statutory Consultee	NIEA	
Representations:		
Letters of Support	0	
Letters Non Committal	0	
Letters of Objection	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
<p>The site is located at 31-32 Glenshane Road, Maghera as known as 'Glenshane Services'. The site is long established as a shop and Petrol filling station and canopy. Adjacent is the Oakleaf roadside restaurant at the bottom of the Glenshane Pass. It is approx 350m NW of the settlement of Glen. Access to the site is from Glenshane Road and a left filter/slowing lane and a right turning lane is provided. There is substantial level of car parking at the forecourt and outside the shop. Part of the site is made up of parts of 4 fields.</p>		
Description of Proposal		
<p>Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area. The Oakleaf Restaurant will not be redeveloped, the shop which is now attached will be demolished and relocated.</p>		
Planning Assessment of Policy and Other Material Considerations		
<u>Policy Consideration</u>		
<p>This is a major planning application and appropriate pre application processes have been carried out and the application submitted with a Community Consultation Report and follows submission of LA09/2021/0312/PAN.</p>		

Relevant Planning History

The retail petrol filling station has no relevant planning history.

Extant permission for a hotel on the site under LA09/2021/0004/O.

Key policy Consideration

RDS 2035

The site is located on the A6 so on a Key Transport Corridor in NI linking Belfast and Derry as set out in the RDS. Although not an operational policy but the guidance is a material consideration in the assessment of the application. In general the proposal is supported by this policy as it seeks to broaden existing services to cater for better tourism traffic such as coaches and buses.

Magherafelt Area Plan 2015

There is no policy the plan conflicts with.

Local Dev Plan 2023 draft plan strategy

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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS

This policy sets out over arching policy on all development plan making and management functions. It is introduced to facilitate the plan-led system and existing PPS's and PSNRI provisions will be cancelled when Councils have adopted a new plan strategy for their areas. SPPS states that any conflict between the SPPS and retained policies , any retained policy must be resolved in favour of the SPPS, but where the SPPS is silent or less prescriptive on a policy matter this should not be judged to lessen the weight to be afforded to the retained policy. As a consequence, the application remains assessed against PSRNI, IC15 and PPS21.

SPPS states that planning authorities should take a positive approach to appropriate economic development proposals. They should also encourage proposals that could make an important contribution to sustainable economic growth.

In terms of retail development, the SPPS encourages a town centre first approach to retail. This approach is to ensure the vitality and viability of a town centre is protected and enhanced, than that out of town centre retail developments do not have a negative impact on the health or attractiveness of a town centre. Inappropriate retail development has the potential to draw footfall away from town centres to development that may be served better by private car, as there is more better parking and less congestion. This results in developments that do not feed into the aims and objectives of sustainable development, increases dependency on the private car and detracts from use of public transport, as well as deflecting investment from town centres, and potentially increasing vacancy rates within centres.

With that said, there may be other circumstances where retail development may be considered acceptable outside of town centres.

Paragraph 6.279 of the SPPS states that retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

The following paragraph, 6.280, states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

In this case, it is proposed to demolish an existing convenience shop that is associated with an existing petrol filling station and restaurant on the Glenshane Road, just outside the limits of the small settlement of Glen, with Maghera being located approximately 2

km to the east. It is proposed to replace the existing convenience store that sells everyday household groceries, and offers refreshment facilities for motorists such as tea and coffee machines, toilets, and convenient hot food, on the busy Glenshane Road that links Derry to Magherafelt and which is a Protected Route. The existing restaurant on site, The Oak Leaf, will remain untouched. The site will be extended to the south and east into current agricultural land, and the site is located in the open countryside outside any defined settlement limits.

The agent makes the point that the majority of the building is designed for hot food purchases, toilets, seating for travellers to relax and eat their food before continuing on their journey. The retail element clearly secondary to the main function of the building which is a petrol filling station providing traveller services.

Economic benefits are laid out in the submitted report. It represents an investment in the area of £4 million. About 50 construction jobs will be supported during the development. Once open the site will generate another 22 jobs which will boost the local community economy.

Retail consideration

SPPS

A Retail Need Statement has been provided. As the proposal provides 202sqm of retail area there is no requirement for a Retail Impact Assessment as it does not meet the required threshold to provide this.

The SPPS does not identify petrol filling stations as a main town centre use. They should be located close to a road to allow them to fulfil their core function.

The SPPS requires a sequential test for retail and in paragraph 6.283 the SPPS requires all applications for retail or town centre type developments above a threshold of 1000 square metres 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.

It is assumed that the new facility is of a size that would have a 5 min catchment. Maghera is the only substantial settlement within this catchment area, and analysis is based around this settlement. It is concluded that there are no suitable sites for this proposal within Maghera. Plus, given the function of this facility, to locate within a settlement, away from a main trunk road would detract from it's function and usefulness as providing a convenient break for motorists.

The submitted Retail Need Statement also concludes that Maghera has a health provision of similar convenience provision, and that there is headroom to allow for more

of this type of development within this catchment. The health of Maghera town is also above average for NI and the report concludes that this proposal would not detract significant numbers from Maghera that would have a detrimental impact on the vitality and viability of the settlement, nor would it detract from future investment.

I have no reason to find that the proposal would have a detrimental impact on Maghera retail proffer, or the vitality or viability of the settlement. Plus, the economic benefits for the area are clear through provision of short-term construction jobs, and long term employment opportunities for the local area. Increased rates will also provide additional revenue for Mid Ulster Council.

I also agree that there is a higher expectation of motorists for up-to-date roadside facilities to cater for their needs, and to provide a leasurable and pleasurable refreshment stop on a long commute. This roadside location one of the key refreshment stops between Derry and Belfast, and the modernisation of this facility will provide a better experience for road users.

PSRNI

The retail aspect of this proposal can also be assessed against the Strategic Planning Policy Statement Town Centres and Retailing, pages 101-105 and A Planning Strategy for Rural Northern Ireland (PSRNI) Policy IC 15 - Roadside Service Facilities, and I agree that these are most applicable.

Policy IC 15 of PSRNI states that the provision of roadside service facilities on the trunk road network in the open countryside may be considered acceptable where there is a clear indication of need. This policy relates to new petrol filling station developments and not for the re-development or extension of existing facilities. Within this policy there is a paragraph that states the upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard.

Policy IC 15 of PSRNI states that the provision of roadside service facilities on the trunk road network in the open countryside may be considered acceptable where there is a clear indication of need. This policy relates to new petrol filling station developments and not for the re-development or extension of existing facilities. Within this policy there is a paragraph that states the upgrading of existing filling stations will normally be acceptable unless increased trade would create or exacerbate a road traffic hazard.

A public consultation was carried out before the submission of the application and no

objections were received from Councillors or the Business Community about potential impacts on the retail provision in the area. No 3rd party objections have been received on this proposal to date.

The Retail Assessment of Need supports the need for an upgrade to a long established service station on A6. The proposal satisfies the relevant retail provisions of the SPPS and PRSNI.

PPS21

The proposal is located outside the settlement limits of Maghera.

This policy deals with development in the countryside and states there are a range of other types of non-residential development that may be acceptable in principle in the countryside.

CTY13 deals with integration and design of buildings in the countryside, it should be visually integrated into the surrounding landscape and should be of an appropriate design.

In this case it is redevelopment and extension to an existing shop and service station to modernise and update it. It will be located in an area where this type of development has been long established and accepted. The existing boundaries surrounding the site are also long established and new planting is proposed to enhance this provided adequate screening for the proposal.

The design, layout and scale of the proposal is acceptable for the site, as it is massing. It sits on low lying ground and will integrate into the landscape causing no detrimental impact, it will have the backdrop of the Sperrins and surrounding buildings of a similar size and scale.

In terms of CTY14 which deals with rural character, the proposal will maintain and enhance the local character and will not be unduly prominent or result in any build up or damage to the existing rural landscape and character of the area.

PPS15

The site is not within a flood plain and is not subject to flooding. A drainage assessment was submitted due to the size of the site and complies with PPS15 of PPS3.

PPS6

This policy deals with built heritage. There is no evidence of any recorded remains/ruins or assets on or near the site. PPS6 therefore does not apply.

PPS3

DFI Roads were consulted and have recommended approval with conditions.

PPS2

NIEA - Natural Heritage raised issues regarding Smooth Newt and the small pool within marshy grassland at the site and if they are suitable for breeding newts.

NED noted the shop planned for demolition had low bat roosting potential due to the gaps along the bottom tiles which lead to the underside of the roof. They recommend a Bat Roost Survey is carried out. Although the adjacent restaurant also has low bat roosting potential, as it not being redeveloped and therefore protected it did not need to be surveyed.

In relation to the invasive species, NED recommends an ISMP is submitted, which should include recommendations for the re-survey for Japanese Knotwood prior to commencement, this could be included as a negative condition.

The agent forwarded supporting information in the ecology statement questioning if a survey was required due to there being no trees or hedgerows and if a negative condition could be attached, the council are seeking advice on this from NED. NED required information to be submitted and a survey was submitted and NIEA re-consulted with.

A bat survey has been submitted and NIEA re-consulted, the findings of the survey show no bats have been found however NIEA have not yet confirmed this despite numerous reminders. If NIEA come back with conditions these will be added and if they issues the agent is aware these will have to be addressed.

PPS4 - PED 9

PED9 relates to the general criteria for economic development.

A proposal for economic development use, in addition to the other policy provisions of

this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (g) the existing road network can safely handle any extra vehicular traffic The proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;
- (i) a movement pattern is provided that, 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;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

Overall the proposal meets with the criteria of PED9 of PPS4 and the above criteria has been met.

DCAN 4 - Restaurants, cafes and fast food outlets.

This provides guidance on hot food restaurants rather than specific to Drive Thru's but is helpful as guidance. These types of applications not located in town centres will be determined on its own merits taking into account rural policy and other material considerations.

The principle of food use on the site is well established, with the existing hot food counter, adjacent Oakleaf restaurant and the approved hotel application would also serve food, it will remain as it is currently and it doesn't form any part of this proposal. As such the sale of food is generally been accepted. There would now be a drive-thru and seating area included inside the building.

EH were consulted and had no objections subject to conditions provided, DCAN 4 is being complied with.

Representations

No 3rd party reps made. I am satisfied that appropriate neighbour notification has been carried out, and that the proposal has been appropriately advertised in the local press.

I consider the proposal to be acceptable and approval with conditions are recommended provided NIEA are content the bat survey findings are accurate and any conditions they recommend will be added.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

Condition 2

No development shall take place until a formal water/sewer application is made and

agreed with NI Water in line with the Water (NI) Order, for all developments, including those where it is proposed to re-use existing connections and this agreement is forwarded for agreement with Mid Ulster District Council to be discharged.

Reason: To protect nearby residential amenity from noise and odour and to ensure the project will not have an adverse impact on the integrity of any European site.

Condition 3

The vehicular access arrangement including visibility splays shall be provided in accordance with the approved drawings 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.

Condition 4

The proposed supermarket and any associated plant and equipment being operated so as not to cause a noise nuisance to neighbouring dwellings.

Commercial deliveries being undertaken within normal business hours. The current hours of operation are:

Monday -Sunday 0500 hrs -2300hours

Compliance with the requirements of Regulation (EC) No 853/2004 on the Hygiene of Foodstuffs.

Compliance with the Health and Safety at Work (NI) Order 1978.

Compliance with the Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013

Proposed Barrier

The acoustic consultancy recommends the construction of a 2.4m high acoustic barrier, this will afford protection to the outdoor amenity spaces of nearby residents.

Therefore, to reduce the noise impact, it is recommended that the following condition is attached to any planning permission granted for the development:

"Acoustic barriers shall be erected within the site as presented on Site Layout Plan

Figure 2 Page 13 of the AONA Acoustic report, date stamped by planning department 24th October 2022. The barriers shall be constructed of either masonry or timber panelling (close lapped with no gaps) and shall have a minimum self-weight of 25kg/M2. The barrier shall be permanently retained and maintained"

Construction Noise

Construction, demolition, engineering works and works of a similar nature should be carried out using the best practicable means available so as to minimize the impact of noise generated by such activities on the nearest noise sensitive dwellings.

Where such activities are to be carried out, consideration should be given to control measures by way of noise generating activities, which are audible at the nearest noise sensitive dwellings.

Therefore, this department would request that the following informative be attached to any Planning Permission granted:

"Noise from construction activities should -

not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c)not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other "quiet" activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between

22.00 hours and 07.00 hours."

Reason: Protection of residential amenity

Condition 5

The existing natural screenings along existing boundaries of this site as shown on landscaping plan 08 of 10 March 2023, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works, and the proposed planting as shown on the same plan.

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

Condition 6

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

Signature(s): Emma McCullagh

Date: 20 September 2023

ANNEX	
Date Valid	8 August 2022
Date First Advertised	23 August 2022
Date Last Advertised	23 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 8 Fallaghloon Road Maghera Londonderry BT46 5JS	
Date of Last Neighbour Notification	7 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2008/0425/F Proposals: Retrospective change to design to one storey extension to the Oakleaf Restaurant (which includes a bar, toilets, storage, entrance lobby) as approved under previous application ref no. H/2006/1024/F Decision: PG Decision Date: 13-FEB-09</p> <p>Ref: LA09/2021/0312/PAN Proposals: Proposed Extension to existing carriageway service area, including redevelopment of existing supermarket to provide deli with hot food provision, drive thru facility, seated dining area, public toilets, stores and staff welfare. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area Decision: PANACC Decision Date: 02-JUN-21</p> <p>Ref: H/2009/0052/A Proposals: Retrospective Restaurant Name / Logo Signage Decision: CG Decision Date: 09-APR-09</p>	

Ref: H/2006/0908/A

Proposals: 1 x double sided free standing display unit

Decision: CR

Decision Date: 22-NOV-07

Ref: H/1997/0190

Proposals: RESTAURANT

Decision: PG

Decision Date:

Ref: H/1994/0217

Proposals: FILLING STATION & AUTO SHOP

Decision: PG

Decision Date:

Ref: H/1997/0107

Proposals: FILLING STATION & SHOP

Decision: PG

Decision Date:

Ref: H/2008/0384/F

Proposals: Extension to existing retail unit, with internal alterations and relocation of existing 2 storey Cabin.

Decision: PG

Decision Date: 21-APR-09

Ref: H/2001/0552/F

Proposals: Extension To Restaurant.

Decision: PG

Decision Date: 04-DEC-01

Ref: H/1993/0425

Proposals: SITE OF FILLING STATION AND AUTO SHOP

Decision: WITHDR

Decision Date:

Ref: H/1977/0150

Proposals: PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: H/1988/0436

Proposals: FILLING STATION AND AUTO SHOP

Decision: PG

Decision Date:

Ref: H/1983/0236

Proposals: FILLING STATION AND AUTO SHOP

Decision: PG

Decision Date:

Ref: H/2006/1024/F

Proposals: Proposed one storey extension to the Oakleaf Restaurant which includes a bar, toilets, storage and entrance lobby

Decision: PG

Decision Date: 27-JUN-07

Ref: LA09/2021/0320/PAD

Proposals: Proposed extension and alterations to existing supermarket and petrol station

Decision: PAD

Decision Date: 25-MAY-21

Ref: H/2014/0046/O

Proposals: Proposed hotel development

Decision: PG

Decision Date: 14-DEC-15

Ref: LA09/2017/1556/PAD

Proposals: Industrial development

Decision: PAD

Decision Date: 03-OCT-18

Ref: LA09/2021/0004/O

Proposals: Proposed hotel development

Decision: PG

Decision Date: 08-MAR-21

Ref: LA09/2022/1243/F

Proposals: Extension to existing carriageway service area, including demolition of existing supermarket and PFS and construction of new PFS with shop, deli with hot food provision, seated dining area, drive thru facility, stores, sanitary and staff welfare facilities. Also includes redevelopment of existing forecourt to provide new fuel pumps, canopy, underground storage tanks with public carparking, HGV parking, bunkering facilities and carwash area

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation 2.docx

DFI Roads - Enniskillen Office-DC Checklist.doc Roads Consultation blank.docx

Rivers Agency-643615 - Final Response.pdf

NI Water - Strategic Applications-LA09-2022-1243-F.pdf
Environmental Health Mid Ulster Council-LA09 2022 1243 F PFS Glenshane Road.doc
NIEA-PRT LA09-2022-1243-F ADV.PDF
DFI Roads - Enniskillen Office-Roads Consultation 2.docx
NIEA-PRT LA09-2022-1243-F.PDF
Shared Environmental Services-LA09-2022-1243-F - HRA.pdf
NIEA-
NIEA-PRT LA09-2022-1243-F.PDF
DFI Roads - Enniskillen Office-Roads Consultation 3.docx
NIEA-PRT LA09-2022-1243-F.PDF
NIEA-PRT LA09 2022 1243 F.pdf
NIEA-

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 01-02 C
Proposed Plans Plan Ref: 09
Site Layout or Block Plan Plan Ref: 01-02B
Roads Details Plan Ref: 07
Site Layout or Block Plan Plan Ref: 01-02
Site Layout or Block Plan Plan Ref: 01-03
Landscaping Plan Plan Ref: 01-10
Site Location Plan Plan Ref: 01-01
Site Layout or Block Plan Plan Ref: 01-02
Site Layout or Block Plan Plan Ref: 01-03
Proposed Floor Plans Plan Ref: 02-01
Proposed Floor Plans Plan Ref: 02-02
Proposed Elevations Plan Ref: 03-01
Cross Sections Plan Ref: 05-01
Proposed Plans Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.4
Application ID: LA09/2022/1268/F	Target Date: 6 December 2022
Proposal: Fridge Recycling Plant, associated yard area, landscaping, weighbridge, nitrogen dioxide silo, parking, access (insitu) and ancillary site works (amended description).	Location: Lands Approximately 39 Metres North Of 52 Creagh Road Toomebridge
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Enva Northern Ireland Ltd 52 Creagh Road Toomebridge BT41 3SE	Agent Name and Address: Clyde Shanks Ltd 7 Exchange Place Exchange Place Belfast BT1 2NA
Executive Summary: Application for Fridge Recycling Plant and associated yard area and siteworks / infrastructure such as access road and weighbridge for ENVA. Site is opposite main ENVA building at present in a built up area of existing industry along Creagh Road. Application presented to committee as it is a departure from policy. Proposal is contrary to; * Policy PED 2 of PPS 4 – does not classify as a development type which is listed in PED 2 as being acceptable in the countryside. * Policy FLD 1 of PPS 15 – located in the q100 flood plain and not deemed an exception. Despite this the fall back position exists of a similar proposal which was approved under H/2015/0078/F and certified as having lawfully commenced under LA09/2020/1574/LDP. This building has been commenced and could be constructed. Overall site area of the approved building is slightly smaller than this proposal and also approx. 2m smaller than in height than the approved building.	

Given the fall back position, the site has been recommended for approval based on the following considerations;

- * The relatively small increase in building size will not have any impact on the character of the area.

- * Increased flood risk is not significant when compared to approved and implemented building

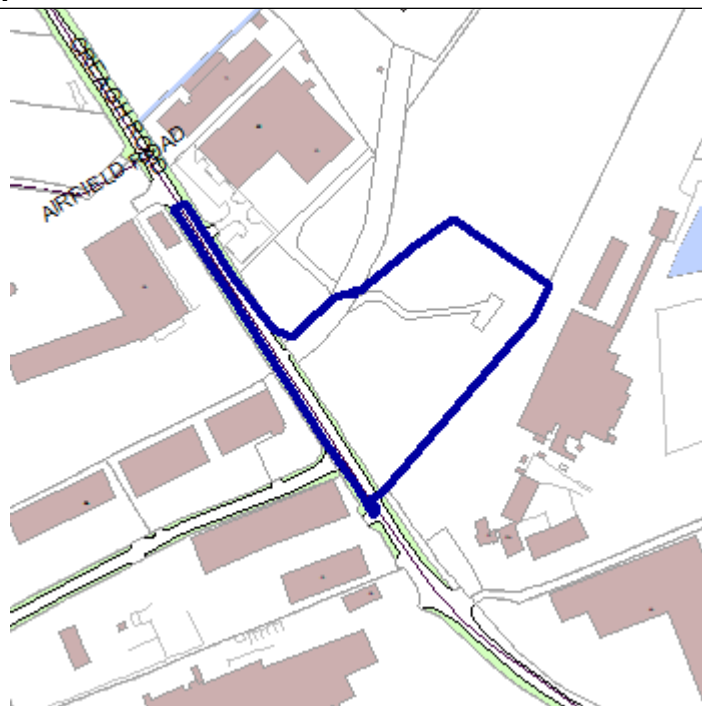
Assessed under Magheraflet Area Plan, SPPS, PPS 21, PPS 4, PPS 3 and PPS 15.

Consultations carried out with NI Water, Environmental Health, DFI Roads, DFI Rivers, Health and Safety Executive and NIEA.

No objections from third parties.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Rivers Agency	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 1268 F Fridge Recycling Creagh Road Toomebridge.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	Rivers Agency	710133 final.pdf
Non Statutory Consultee	NIEA	PRT LA09-2022-1268-F.PDF
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1268-F.pdf
Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1268-F.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1268-F CON.PDF
Non Statutory Consultee	NIEA	PRT LA09-2022-1268-F.PDF

Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	378883 - Final Response 23rd June 2023.pdf
Statutory Consultee	Rivers Agency	515743 - Final Response 9th July 2023.pdf
Statutory Consultee	Rivers Agency	190354 - Final Response 6th April 2023.pdf
Statutory Consultee	Health And Safety Executive For NI	CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE.pdf
Non Statutory Consultee	Health And Safety Executive For NI	CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE (18.04.2023).pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No third party objections have been received. To this proposal. At the time of writing, one neighbour notification has been issued which is still outstanding in terms of the statutory neighbour notification period. This period will expire before the recommendation is presented to planning committee and if any issues are raised by this neighbour then they will be included in an addendum for consideration of members.

Characteristics of the Site and Area

The site consists of a large flat field in a built up industrial area.

The surrounding land use is flat, as is typical of this area of landscape and there is a large industrial presence in the area with established businesses such as ENVA, TopGlass, Macrete, Northstone all surrounding the site. As a result of this, the character of the surrounding area is industrial more so than rural.

The south west boundary of the site is defined by low post and wire fence and sparse hedges. Beyond this boundary is the Creagh Road leading to Toome / Magheraflet. The eastern boundary which separates the site from Northstone is defined similarly. The remaining boundaries it would seem are undefined with a distinct lack of vegetation

characterising all boundaries – as is common in industrial areas.

On site, there is a concrete access road which has been constructed and also some site works which appear to have commenced in relation to this application. I have spoken to the agent about this and advised that all such works are taking place at the applicants own risk.

There is planning history on this site;

- H/2015/0078/F - Proposed Material Recovery and Transfer Facility (MRTF), access, parking, weighbridge and associated site works (PERMISSION GRANTED)
- LA09/2020/1574/LDP - Commencement and implementation of full planning permission H/2015/0078/F for a material recovery and transfer facility (MRTF) access, parking, weight bridge and associated site works (PERMISSION GRANTED – LAWFUL DEVELOPMENT ACCEPTED)

Description of Proposal

Fridge Recycling Plant, associated yard area, landscaping, weighbridge, nitrogen dioxide silo, parking, access (insitu) and ancillary site works (amended description).

The proposal is larger in terms of area and height than the structure approved under H/2015/0078/F and lawfully commenced as verified under LA09/2020/1574/LDP.

The proposal also involves a nitrogen dioxide silo which is a new element, not included in the original approval.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policies are relevant

- Magherafelt Area Plan (MAP) 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21 – Development in the Countryside
- PPS 4 – Planning and Economic Development
- PPS 3 – Access, Movement and Parking
- PPS 15 – Planning and Flood Risk

Magherafelt Area Plan (MAP) 2015

The site is located in the countryside and therefore should be assessed as such in terms of policy.

Strategic Planning Policy Statement

The SPPS states that in relation to development in the countryside, the planning system should aim to achieve appropriate and sustainable patterns of development that support a vibrant rural community. To do this, we should promote development which contributes to a sustainable rural economy and also prohibit inappropriate development in relation to the surroundings and the character of the area.

In relation to economic development in the Countryside, the SPPS states that we should only permit small scale new build economic enterprises in the countryside and in these cases, edge of settlement locations should be favoured over sites in the open countryside.

In the case of this location, it is my view that whilst this area is not within any formal settlement it already has been built up to an extent where rural character does no longer exist. The built up nature of the area and the busy road with heavy traffic volumes passing through it, already means that this site has the feel of a settlement or at the very least, an edge of settlement feel.

PPS 21 – Sustainable Development in the Countryside

CTY 1 of PPS 21 sets out the range of development types that are deemed to be acceptable in the countryside. One of those is industry and business uses in accordance with PPS 4.

PPS 4 – Planning and Economic Development

Policy **PED 2** of PPS 4 sets out the range of circumstances in which economic development in the countryside is acceptable. These are listed below;

- The expansion of an established economic development use in the countryside (PED 3)
- The redevelopment of an established economic development use (PED 4)
- Major Industrial Development (PED 5)
- Small rural projects (PED 6)

In my view, this proposal does not fit within any of these categories of development which are acceptable under policy. It is clearly not capable of being described as a “small rural project” and similarly cannot be classed as a major expansion as it is under the threshold for major development. Neither is it the “re-development” of an established enterprise as it represents a completely new building on a site, not linked to the existing ENVA site.

I am also of the view that the proposal cannot be classed as an expansion of the existing operation. Whilst the proposal might represent an “expansion” of ENVAs business, it cannot be considered to be a physical expansion of the existing site as it is on a totally different site on the other side of a main road and will involve the creation of a new site with a new access point.

I therefore do not view this proposal as an extension of the exiting ENVA site and am of the view that because of this, the site does not meet any of the categories of economic development which can be considered as acceptable under PED 2 of PPS 4.

However, whilst the proposal on its own, is contrary to PPS 4, I must also consider the relevance of the approved MRTF under planning reference H/2015/0078/F. This gave permission for a large industrial building on the same site and sited in the same part of the site. The approved development consisted of a factory that was subdivided into two main factory units with a connecting section.

The site area approved under H/2015/0078/F was slightly smaller than the current application and the approved building is slightly smaller in terms of height and floor area of the one now proposed. H/2015/0078/F gave permission for a building with a floorspace which I calculate to be around 2,950 sq. metres and approx. 12m in height whereas this proposed building is just over 3,500 sq. metres and 14 metres in height.

The proposal approved under H/2015/0078/F was described as a “Material Recycling and Transfer Facility” - which is a different description from the current proposal. However, the nature of the proposal was the same industrial use class (B3) and the approved drawings even show a large part of the approved building to be used for “fridge recycling plant” (Drawing 03 of H/2015/0078/F).

I am therefore satisfied that approval has been granted (and lawfully implemented – LA09/2020/1574/LDP) for a large industrial building for a similar industrial process as to what is currently proposed. The current proposed building is larger in terms of height and site area but the impact will not be significantly greater than the approved building, given that the character of the surrounding area is exclusively large industrial buildings at present.

This therefore is a significant material consideration when assessing this proposal. The principle of the development has already been approved and could be implemented at any time. In my opinion, this is enough to counteract the above consideration that the proposal is contrary to prevailing policy. When this is taken into account, the key consideration then becomes whether or not the additional height and area of the proposal will have an unacceptable visual impact compared to the approved and implemented permission.

Having visited the site twice and assessed the visual impact of the proposal from the main vantage point of the Creagh Road, it is my opinion that the proposal when compared to the approved and implemented proposal will not have a significant impact and will not be detrimental to the character of the area.

PED 9 of PPS 4 lays down a range of criteria for all economic development which must be complied with. These are laid out and considered below;

- a) it is compatible with surrounding land uses;**
- b) it does not harm the amenities of nearby residents;**
- e) it does not create a noise nuisance;**

The development is located within an existing industrial area where the surrounding land use is exclusively industrial. It is my view that the proposed use therefore will not be incompatible with existing land uses nor will it prejudice them in any way. A noise impact assessment submitted with the application has identified some potential sensitive residential receptors which whilst not immediately adjacent to the site have the potential to be impacted by noise. Env. Health have been consulted on this and have stated that they are happy with the development subject to the imposition of conditions.

I am satisfied that this development will not cause any problems nor be in any way incompatible with these nearby land uses.

- c) it does not adversely affect features of the natural or built heritage;**

There are no features of built heritage close to the site. The nearby airfield boundary hails back to WW2 but this has not been afforded any protection status by HED. There are no natural environment features on the site.

- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;**

See assessment of PPS 15 flood risk below

- f) it is capable of dealing satisfactorily with any emission or effluent.**

NI Water have been consulted and have no objections to this proposal.

- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;**

- (h) adequate access arrangements, parking and manoeuvring areas are provided;**

- i) a movement pattern is provided that, 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;**

The proposal will involve access onto a B class road – Creagh Road.

DFI Roads have been consulted and have no objections in relation to the proposal insofar as to how it pertains to road safety, and extra traffic generation.

- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;**

Sustainability and biodiversity value of the site at present is low given the nature of the surrounding areas as an industrial area with a lot of industrial buildings, concrete yards, lighting and access roads. Existing boundaries of the site are not significant.

- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;**

Landscaping plan has been submitted and is acceptable. The character of the area as mentioned above is industrial in nature with most existing businesses having large carpark areas and areas of outside storage which are visible from public view. I am therefore not of the view that the landscaping plan as submitted is necessary and nor will it make a significant contribution to enhancing the character of the overall area.

- (l) is designed to deter crime and promote personal safety**

Site will be part of well secured and monitored industrial facility.

PPS 15 – Planning and Flood Risk

The site is located within the Q100 flood plain, as is much of the existing development surrounding the site. Policy FLD 1 of PPS 15 is relevant therefore.

FLD 1 states that development within the Q100 floodplain will be unacceptable unless it constitutes one of a number of exceptions. This proposal does not fall into any of these exception categories.

H/2015/0078/F was assessed at a time where the flood maps did not indicate that any development would take place in the designated flood plain. However, the DFI Flood Maps were updated in July 2016 and subsequently, the entire site area is now within the flood plain.

The applicant has submitted a FRA and, following comments from DFI Rivers on 6th April 2023, has provided amendments to this FRA on 18th May 2023. The flood risk assessment shows that the proposed building will displace approx. 288 cubic metres of floodwater more than the approved and implemented approval. The FRA also shows the proposed flood plain extents of the impact of the approved and implemented factory as opposed to the proposed factory. There is very little difference in the proposed flood plain extent and on commenting on this, DFI Rivers have stated that the slight changes

in flood plain extent are “not significant” and will not lead to any increase in flood level outside the site. Consequently it has been demonstrated that there will be no increase in flood risk elsewhere as a consequence of the proposed development.

The FRA states that the proposed building has a FFL of 15.00m and that this will result in the building flooding to a level of 230mm in a 1 in 100 year event. It should be noted that the approved and implemented building has a FFL of 14.50m OMD in one half of the building (drawing 04/1 of H/2015/0078/F) and that this would assumedly lead to an even greater flood level in that building if it were constructed (and subsequently flooded).

Given all of the above I am of the view that whilst this proposal is contrary to FLD 1, having given due to weight to the fallback position of the approved and implemented building, it can be deemed to not pose a significantly greater flood risk than the building which has been lawfully commenced. In arriving at this position, I am cognisant of the following factors;

- There is no significant increase in flood extent as a result of this building, as demonstrated in the FRA
- The risk of flooding outside the site has not been increased by this proposed development
- The proposed building will flood to a level of 230mm in a 1 in 100 year flood event. This would be greater if the original building were constructed which has a lower FFL
- There will be “slight” (DFI quotation) differences in flood plain extents ranging from -10mm to +10mm as a result of this development.

In relation to FLD 3 of PPS 15, the applicant has provided a DA which proposes the use of SuDS to manage this development with drainage via the construction of swales. DFI Rivers have commented that they do not have the sufficient expertise to assess and evaluate the efficacy of SuDS. In the absence of such expertise, therefore, I have no option but to defer to the qualified flood risk engineer who has compiled the DA and who in section 5 has outlined how the SuDS can be constructed effectively to manage this proposed development.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that this proposal is approved subject to the following conditions

Approval Conditions

Condition 1

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

Reason: Time Limit.

Condition 2

The vehicular access including visibility splays 4.5 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing Numbers 03 REV 1 (uploaded to planning portal on 13/2/23) and 05 (uploaded to planning portal on 12/08/22) 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.

Condition 3

No other development hereby permitted shall be commenced until the road works including the right turning lane indicated on drawing numbers 03 REV 1 (uploaded to planning portal on 13/2/23) and 05 (uploaded to planning portal on 12/08/22) 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.

Condition 4

The finished floor levels of the building hereby approved shall be as indicated on drawing no 03 rev 1 which was uploaded to the portal on 13/2/23.

Reason: To ensure the development is built in accordance with the approved plans

Condition 5

The walls, roof and roller door structures of the building permitted by this permission shall be installed and maintained in such a condition that ensures they are capable of achieving a weighted sound reduction index of at least 22dB

Reason: To protect Residential Amenity at identified receptors

Condition 6

All Roller shutter doors shall remain in the closed position except for access and egress purposes

Reason: To protect residential development at identified receptors

Condition 7

All fork lift trucks operating within the development site shall be fitted with white noise (full spectrum) reversing alarms

Reason: To protect residential development at identified receptors

Condition 8

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 : Protection of residential amenity at identified receptors.

Signature(s): Colin McKeown

Date: 22 August 2023

ANNEX	
Date Valid	23 August 2022
Date First Advertised	28 February 2023
Date Last Advertised	6 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 51A Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 51 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 63 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 60 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 52 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 50 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier 65 Creagh Road Toome Londonderry BT41 3SE The Owner / Occupier TOPGLASS Unit 1 Toomebridge Business Park, Creagh Road BT41 3UB	
Date of Last Neighbour Notification	22 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: LA09/2020/1574/LDP Proposals: Commencement and implementation of full planning permission H/2015/0078/F for a material recovery and transfer facility (MRTF) access, parking, weight bridge and associated site works Decision: PG Decision Date: 30-MAR-21 Ref: LA09/2020/0488/F Proposals: An application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Conditions No. 2 (Re Vehicular Access) & No. 4 (Re Right Hand Turning Lane) of approval H/2015/0078/F for a Material Recovery and Transfer Facility (MRTF)	

Decision: PG
Decision Date: 22-JUL-20

Ref: H/2013/0410/DETEIA
Proposals: screening and scoping request for a waste electrical and electronic equipment (WEEE) facility to include recovery, recycling and storage of commercial and domestic waste material
Decision: ESNR
Decision Date: 14-APR-14

Ref: H/2009/0670/Q
Proposals: Proposed waste processing and resource recovery facility
Decision: PRENC
Decision Date: 13-NOV-09

Ref: H/2010/0342/F
Proposals: Retention of extensions to existing materials recycling building to facilitate additional processing and lorry loading.
Decision: PG
Decision Date: 07-JUL-11

Ref: H/2015/0078/F
Proposals: Proposed Material Recovery and Transfer Facility (MRTF), access, parking, weighbridge and associated site works
Decision: PG
Decision Date: 07-DEC-15

Ref: H/2001/0343/Q
Proposals: Disposal of Surplus Land
Decision: 211
Decision Date: 01-JUN-01

Ref: H/2004/0480/F
Proposals: Extension to Portal Framed Recycling Facility Unit which Currently Deals with Glass/Paper/Plastics etc.
Decision: PG
Decision Date: 13-OCT-05

Ref: H/1999/0706/F
Proposals: Proposed glass, plastic, cans and paper/board materials recycling facility
Decision: PG
Decision Date: 17-OCT-00

Ref: H/1999/0046
Proposals: NEW WORKSHOP AND OFFICE
Decision: PG

Decision Date:

Ref: H/2004/1440/F

Proposals: Extension to portal framed recycling facility unit which currently deals with glass/paper/plastics etc.

Decision: PG

Decision Date: 13-JUN-06

Ref: H/2004/0699/Q

Proposals: Disposal of surplus land.

Decision: 211

Decision Date: 08-NOV-04

Ref: H/1999/0377

Proposals: SITE FOR INDUSTRIAL UNITS/OFFICE ACCOM.

Decision: PG

Decision Date:

Ref: H/2004/1406/F

Proposals: Relocation and upgrading of existing office and showroom accommodation and associated visitor parking, and proposed weighbridge.

Decision: PG

Decision Date: 27-MAY-05

Ref: H/2007/0004

Proposals: Construction of a glass processing facility, and change of use from current glass recycling facility to transfer of WEEE and Batteries.

Decision: 461

Decision Date:

Ref: H/2002/0876/F

Proposals: Extension To Workshop

Decision: PG

Decision Date: 16-DEC-02

Ref: LA09/2018/0396/F

Proposals: To Vary condition No5 of planning permission H/2007/0263/F

Decision: PG

Decision Date: 08-AUG-18

Ref: H/1997/6009

Proposals: INDUSTRIAL UNITS ADJ TO MACRETE IRELAND LTD 50 CREAGH ROAD
TOOMEBRIDGE

Decision: QL

Decision Date:

Ref: LA09/2016/0518/NMC

Proposals: Non-material change for internal road amendments and reduced area of hardstanding

Decision: CG

Decision Date: 01-JUN-16

Ref: H/2013/0235/F

Proposals: Single wind turbine, access and ancillary works. Turbine hub height 46m and rotor diameter 30m.

Decision: PG

Decision Date: 10-APR-14

Ref: LA09/2015/0617/F

Proposals: LA09/2015/0762/FAmendments to Previously Approved Wind Turbine (H/2013/0235/F) to increase rotor diameter from 30m to 44m and relocate turbine 6.5m NE. No change to approved hub height (46m)

Decision: PG

Decision Date: 20-NOV-15

Ref: H/2004/0358

Proposals: One no. steel portal framed workshop containing light industrial activities & surrounding parking.

Decision:

Decision Date:

Ref: H/2004/0360

Proposals: One no steel portal framed workshop containing light industrial activities & surrounding parking.

Decision:

Decision Date:

Ref: H/2004/0609/F

Proposals: Amendment to previously approved light industrial estate to incorporate 2 no portal framed light industrial units.

Decision: PG

Decision Date: 18-FEB-05

Ref: H/2007/0263/F

Proposals: Construction of a glass processing facility, and change of use from current glass recycling facility to transfer of WEEE and Batteries.

Decision: PG

Decision Date: 27-MAR-08

Ref: LA09/2017/0449/NMC

Proposals: Minor alterations to the site access including the addition of a new sliding gate

Decision: CG

Decision Date: 02-JUN-17

Ref: H/2011/0265/F

Proposals: Proposed development of a 500KW Anaerobic Digestion (AD) Plant including a Combined Heat and Power (CHP) Plant (to generate electricity and hot water), access external feedstock storage area and small office/canteen.

Decision: PG

Decision Date: 29-DEC-11

Ref: LA09/2022/1444/F

Proposals: Proposed change of use to the lands to facilitate the proposed extension to existing hardstanding storage yard, landscaping and ancillary site works.

Decision:

Decision Date:

Ref: LA09/2022/1268/F

Proposals: Fridge Recycling Plant, associated yard area, landscaping, weighbridge, parking, access (insitu) and ancillary site works

Decision:

Decision Date:

Ref: H/2006/0940/F

Proposals: Retention of Material Recovery Facility for Construction and Demolition waste

Decision: PG

Decision Date: 24-SEP-08

Ref: H/2005/1309/F

Proposals: New Roof Tile Manufacturing Facility with Associated External Plant, hardstanding storage area & new road network.

Decision: PG

Decision Date: 15-DEC-06

Ref: H/1999/0550

Proposals: OFFICES WITH STOREROOM

Decision: PG

Decision Date:

Ref: H/1995/0520

Proposals: SIGN

Decision: PG

Decision Date:

Ref: H/2004/0591/F

Proposals: Proposed bulk cement Silos, lorry wash facility and ancillary building containing office area.

Decision: PG

Decision Date: 18-OCT-04

Ref: H/2000/0426/F

Proposals: New Rooftile Factory and Associated External Plant

Decision: PG

Decision Date: 29-NOV-00

Ref: H/2007/0448

Proposals: Proposed erection of covered structure for material recovery facility to store manufactured top soil from inert soils and sand and green waste compost.

Decision: PG

Decision Date: 28-JAN-08

Ref: H/2010/0103/F

Proposals: Extension to existing material recovery facility to include area for processing builders waste and the erection of a storage shed.

Decision: PG

Decision Date: 25-JAN-11

Ref: H/2009/0626/Q

Proposals: Extension to recycling facility.

Decision: 211

Decision Date:

Ref: H/2001/0007/F

Proposals: Site For Manufacturing Contract Furniture

Decision: PG

Decision Date: 23-FEB-01

Ref: H/2001/0347/F

Proposals: Extension to Factory for Manufacturing Contract Furniture

Decision: PG

Decision Date: 22-JUN-01

Ref: H/2003/0387/F

Proposals: Extension to factory.

Decision: PG

Decision Date: 24-JUL-03

Ref: H/2002/0576

Proposals: Industrial Development

Decision: 300

Decision Date: 10-FEB-03

Ref: H/2002/1030/F

Proposals: Industrial Estate (Light Industry)

Decision: PG
Decision Date: 16-FEB-04

Ref: H/2007/0816/Q
Proposals: Approved light Industrial use under H/2002/1030/F to be used for (bulky) retail goods.

Decision: 300
Decision Date: 04-SEP-08

Ref: H/2005/1247/F
Proposals: Steel portal framed workshop and offices containing light industrial activities and surrounding parking - Site 1

Decision: PG
Decision Date: 10-MAR-06

Ref: H/2005/1246/F
Proposals: Steel Portal framed workshop and offices containing light industrial activities and surrounding parking - Site 2

Decision: PG
Decision Date: 10-MAR-06

Summary of Consultee Responses

Rivers Agency-
Environmental Health Mid Ulster Council-
Environmental Health Mid Ulster Council-LA09 2022 1268 F Fridge Recycling Creagh Road Toomebridge.doc
DFI Roads - Enniskillen Office-Full Resp.docx
Rivers Agency-710133 final.pdf
NIEA-PRT LA09-2022-1268-F.PDF
NI Water - Strategic Applications-LA09-2022-1268-F.pdf
NI Water - Strategic Applications-LA09-2022-1268-F.pdf
NIEA-PRT LA09-2022-1268-F CON.PDF
NIEA-PRT LA09-2022-1268-F.PDF
Rivers Agency-
Rivers Agency-378883 - Final Response 23rd June 2023.pdf
Rivers Agency-515743 - Final Response 9th July 2023.pdf
Rivers Agency-190354 - Final Response 6th April 2023.pdf
Health And Safety Executive For NI-CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE.pdf
Health And Safety Executive For NI-CN202302-0007 - Lands approx 39m north of 52 Creagh Rd, Toomebridge BT41 3SE (18.04.2023).pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Landscape Proposals Plan Ref: 04
Levels and Cross Sections Plan Ref: 05
Proposed Floor Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Proposed Floor Plans Plan Ref: 10
Site Layout or Block Plan Plan Ref: 03 rev 1
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 09

Notification to Department (if relevant)

Not ApplicableNot Applicable

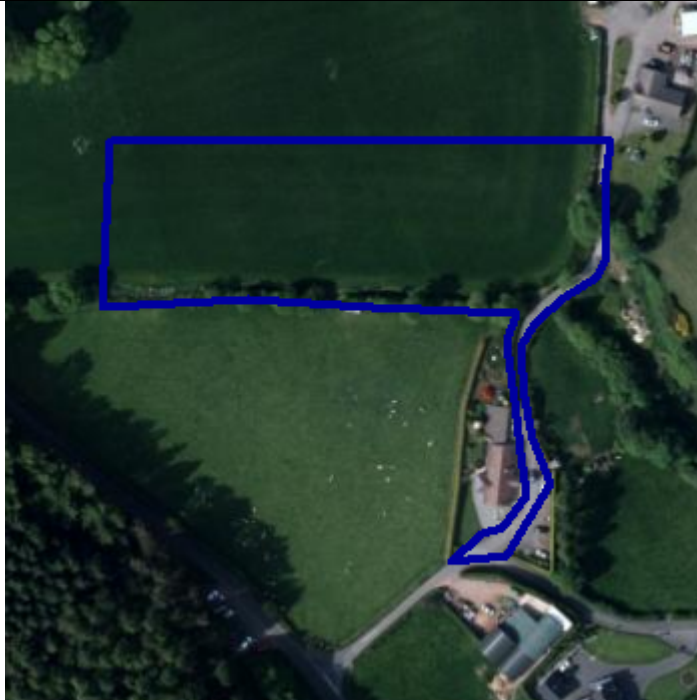


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.5
Application ID: LA09/2022/1359/O	Target Date: 22 December 2022
Proposal: PROPOSED SITE FOR A DWELLING & DOMESTIC GARAGE	Location: Approx 105M North West Of No 25 Brackagh Road, Desertmartin
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr SEAMUS DIAMOND No 25 BRACKAGH ROAD DESERTMARTIN BT45 5NS	Agent Name and Address: Mr BRENDAN MONAGHAN 38B AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SG
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY 1, CTY 8 and CTY 14 of PPS 21.</p> <p>CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as the site cannot be considered a small gap site, and could potentially accommodate up to a maximum of three houses. Development of this site would be considered as ribbon development and would be detrimental to the character, appearance, and amenity of the countryside.</p> <p>CTY 14 – This proposal fails to meet Policy CTY 14 of PPS 21. If permitted a dwelling would appear as a prominent feature in the landscape and would likely cause a detrimental change to and further erode the rural character of the area.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1359-O.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located approximately 105m Northwest of No. 25 Brackagh Road, within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The application site is rectangular in shape, and part of a much larger agricultural

field. The site is a roadside site and will be accessed from Brackagh Road. The roadside boundary and southern boundary are defined by mature vegetation, and as this proposal site is part of a much larger agricultural field the two remaining boundaries remain undefined. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

Description of Proposal

This is an outline application for a proposed site for a dwelling and domestic garage at approximately 105m Northwest of No. 25 Brackagh Road, Desertmartin.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Four neighbour notifications were issued, and no representations were received in connection with this application.

Relevant Planning History

No relevant planning history on this site.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

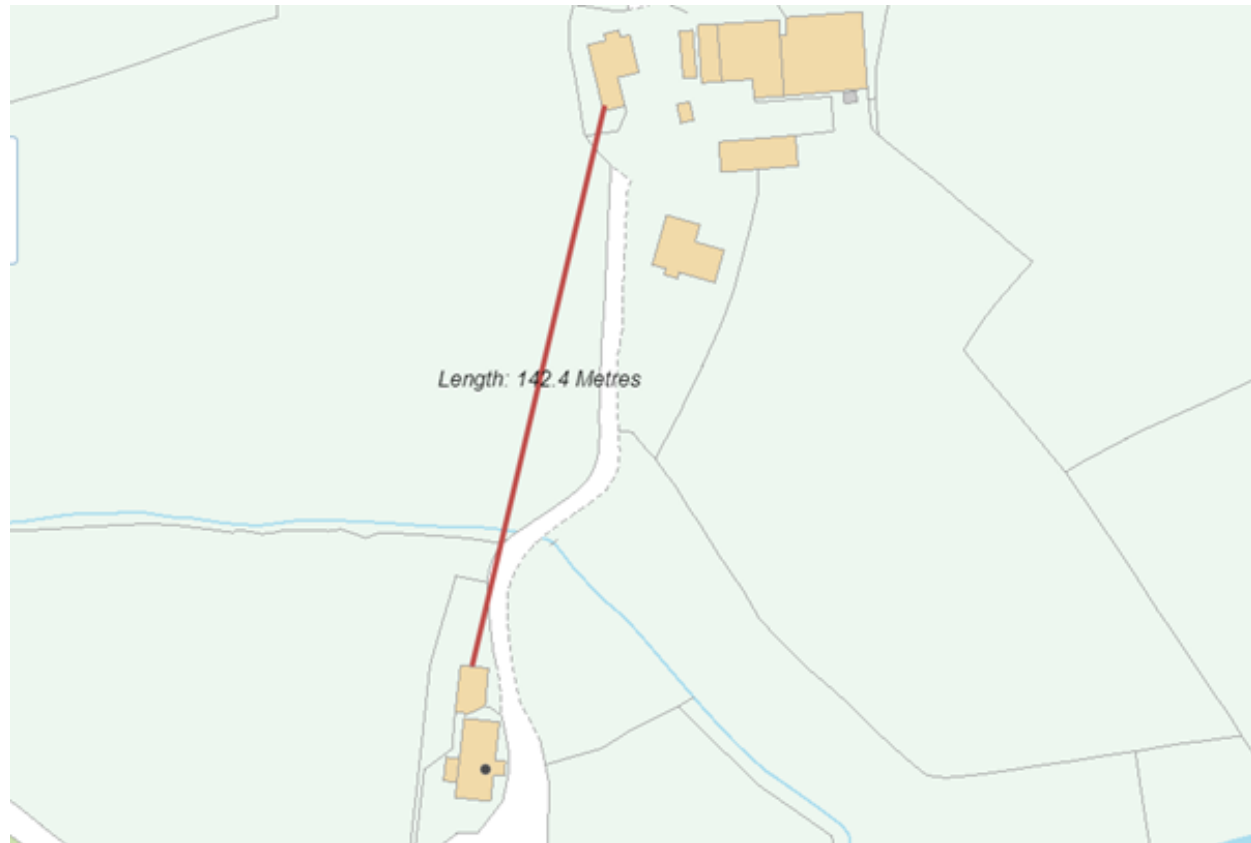
Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry 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.

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 addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. In this instance the application is for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. I do not believe this application site can be considered as a small gap site sufficient only to accommodate up to a maximum of two houses. Between the outbuilding at No. 25 Brackagh Road and the dwelling No. 23 Brackagh Road there is a gap of approximately 142 metres, and approximately 115 metres when measuring from plot to plot. The plot of frontage of No. 25 is approximately 62m, and the plot size of No. 23 is approximately 40m. It is quite clear that this gap could

accommodate three or more houses. Therefore, I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.



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 have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

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. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I note that this application has failed under Policy CTY 8, therefore it will erode rural character and will extend a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

Summary of Recommendation:

Refuse is recommended

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Refusal Reasons

Reason 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.

Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of the countryside, in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

Signature(s): Seáinín Mhic Íomhair

Date: 12 September 2023

ANNEX	
Date Valid	8 September 2022
Date First Advertised	20 September 2022
Date Last Advertised	20 September 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 25 Brackagh Road Desertmartin Londonderry BT45 5NS</p> <p>The Owner / Occupier 23A Brackagh Road Desertmartin Londonderry BT45 5NS</p> <p>The Owner / Occupier 21 Brackagh Road Desertmartin Londonderry BT45 5NS</p> <p>The Owner / Occupier 23 Brackagh Road Desertmartin Londonderry BT45 5NS</p>	
Date of Last Neighbour Notification	29 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1359/O Proposals: PROPOSED SITE FOR A DWELLING & DOMESTIC GARAGE Decision: Decision Date:</p> <p>Ref: LA09/2021/0389/F Proposals: Proposed detached residential dwelling & detached garage. Decision: PG Decision Date: 03-DEC-21</p> <p>Ref: H/1996/0251 Proposals: DWELLING Decision: PG Decision Date:</p> <p>Ref: H/1995/0497 Proposals: SITE OF DWELLING Decision: PG</p>	

Decision Date:

Ref: H/1987/0299

Proposals: ALTERATIONS & ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1980/0061

Proposals: HV O/H LINE (BM 3590)

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-1359-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

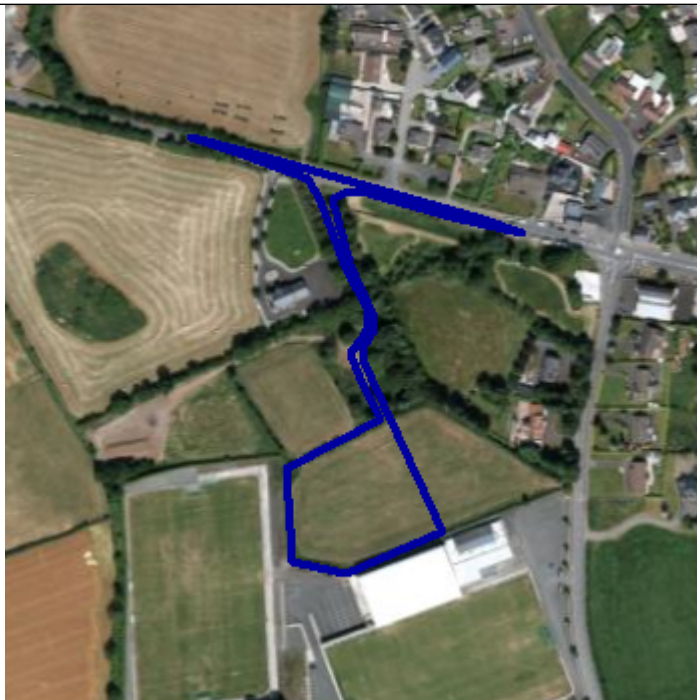


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.6
Application ID: LA09/2022/1367/F	Target Date: 23 December 2022
Proposal: Two Storey Dwelling and Garage under CTY2a	Location: Site 10M North Of 56 Quarry Road Knockcloghrim
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Gerard Ward 82 Gulladuff Road Knockloughrim Magherafelt BT45 8QB	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY1 and CTY 2a of PPS 21.</p> <p>CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>CTY 2a – This proposal fails to meet Policy CTY2a of PPS 21 as the site is not located within a cluster of development in the countryside. The cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1367-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2022.1367.F.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located within the open countryside, just outside the settlement limits of Gulladuff as per the Magherafelt Area Plan 2015. The site is identified as 10m North of No. 56 Quarry Road, Knockcloghrim. The proposal site is part of a much larger agricultural field, and cannot be seen from the roadside. Existing boundaries are defined by large, mature trees, and the remaining boundaries are undefined. East of the site lies the settlement of Gulladuff, containing a mix of development, and to the west the lands are predominately agricultural in nature. Immediately south of the site are buildings and playing fields all of which are part of Erins Own Lavey GAC. There is also a training pitch immediately west of the site.

At the time of site visit, in the field to the north of the application site, the top soil had been stripped and diggers were on site.

Description of Proposal

This is a full application for Two Storey Dwelling and Garage under CTY2a. The site is located 10m North of No. 56 Quarry Road, Knockcloghrim.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Eleven neighbour notification letters were issued in relation to this application, however no representations were received.

Relevant Planning History

LA09/2022/1375/F – Change of house type and relocation of previously approved dwelling and garage with new access onto Main Road. Existing access to be permanently closed. Previous Reference H/2013/0025/F. Permission Granted – 16.01.2023.

LA09/2022/1379/F – Change of house type and relocation of previously approved commenced dwelling and garage with proposed new access onto main road. Existing access to be permanently closed. Previous References: H/2013/0068/F + LA09/2018/1351/F. Permission Granted – 16.01.2023.

LA09/2018/1351/F – Renewal of extant planning approval H/2013/0068/F. Permission Granted – 22.01.2019.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

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

CTY 14 – Rural Character

Building on Tradition – A Sustainable Design Guide for Northern Ireland 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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry 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. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21:

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

This proposal does not meet the criteria of Policy CTY 2a, as the site is not located within a cluster of development in the countryside. With the exception of the GAC buildings building located south of the site, there are no other buildings bounding the site. Policy CTY 2a requires four or more buildings of which at least three are dwellings. North of the site two dwellings have recently been approved (LA09/2022/1375/F and LA09/2022/1379/F), however at the time of the site visit, these developments had not commenced, and therefore cannot be considered as part of the cluster. Immediately East of the site lies an agricultural field, and further East lie dwellings No. 62 and 64 Quarry Road which are located within the Gulladuff Settlement Limit, and therefore cannot be considered as part of the cluster.

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 the size of the proposed dwelling is reflective of the immediate area, and such I am content that the proposed dwelling is unlikely to appear as visually prominent, and given the position and surrounding landscaping is able to visually integrate. I am content that the proposed design is acceptable within this rural context without detriment to neighbouring amenity. As such I am content that the application complies with 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. Upon review of the plans, I am content that the proposed dwelling in this location will not cause a detrimental impact to the character of the area and as

such complies with CTY 14.

Other policy and material considerations

I have no flooding, ecological or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Refusal Reasons

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.

Reason 2

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21: Sustainable Development in the Countryside as the site is not located within a cluster of development in the countryside. The cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Signature(s): Seáinín Mhic Íomhair

Date: 13 September 2023

ANNEX	
Date Valid	9 September 2022
Date First Advertised	20 September 2022
Date Last Advertised	20 September 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 60 Quarry Road Knockcloghrim Londonderry BT45 8NS</p> <p>The Owner / Occupier 60A Quarry Road Knockcloghrim Londonderry BT45 8NS</p> <p>The Owner / Occupier 49 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 62 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 64 Gulladuff Road Gulladuff Londonderry BT45 8NT</p> <p>The Owner / Occupier 61 Gulladuff Road Gulladuff Londonderry BT46 5EN</p> <p>The Owner / Occupier 1 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 2 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 4 Jacksons Drive Gulladuff Londonderry BT45 8NN</p> <p>The Owner / Occupier 3 Jacksons Drive Gulladuff Londonderry BT45 8NN</p>	
Date of Last Neighbour Notification	20 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1982/0031 Proposals: SOCIAL CLUB Decision: PG Decision Date:</p>	

Ref: H/1994/6082

Proposals: SITE OF 4 DWELLINGS GULLADUFF ROAD KNOCKLOUGHRIM

Decision: QL

Decision Date:

Ref: H/2012/0008/F

Proposals: Proposed extension to existing shop and change of use from existing conservatory to dwelling to storage to shop

Decision: PG

Decision Date: 12-MAR-12

Ref: H/1981/0323

Proposals: SITE OF BUNGALOW

Decision: PR

Decision Date:

Ref: LA09/2021/1540/F

Proposals: Retrospective application for part use of a domestic storage shed for the sale of general builders merchandise.

Decision:

Decision Date:

Ref: H/2002/1011/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 19-MAY-03

Ref: LA09/2019/0981/NMC

Proposals: Proposed housing development with 4no. Semi Detached dwellings and private shared access road, Lands between 4 Meadow Villas and 5 Jackson drive.

Repositioning of 4no. Semi Detached dwellings within the approved site.

Decision: CR

Decision Date: 27-AUG-19

Ref: H/1974/0227

Proposals: 11KV AND MV O/H LINES (C.4617)

Decision: PG

Decision Date:

Ref: H/2014/0104/O

Proposals: Proposed dwelling on the farm

Decision: PR

Decision Date: 16-FEB-15

Ref: H/2005/0973/F

Proposals: Replacement Dwelling & Garage

Decision: PG

Decision Date: 07-APR-06

Ref: H/2013/0068/F

Proposals: Change of housetype from previously approved replacement dwelling
H/2005/0973/F

Decision: PG

Decision Date: 11-NOV-13

Ref: LA09/2018/1351/F

Proposals: Renewal of extant planning approval H/2013/0068/F

Decision: PG

Decision Date: 22-JAN-19

Ref: H/2013/0025/F

Proposals: Erection of 1 no. single storey dwelling with attic conversion and garage

Decision: PG

Decision Date: 02-JUL-13

Ref: H/2006/0235/O

Proposals: Site of New Dwelling & Garage.

Decision: APPUH

Decision Date: 15-MAY-08

Ref: LA09/2016/0966/PAD

Proposals: Mixed use application of both residential and commercial use

Decision: PAD

Decision Date: 04-OCT-18

Ref: H/2000/0547/O

Proposals: Site of Dwelling and Garage

Decision: PR

Decision Date: 05-APR-01

Ref: H/2002/0883/RM

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 19-NOV-02

Ref: H/2007/0484/F

Proposals: Retrospective change of access and driveway including pillars and gates at roadside.

Decision: PG

Decision Date: 11-JUN-09

Ref: H/2003/0542/F
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 10-FEB-04

Ref: H/2012/0463/F
Proposals: Multi-sports outdoor skills alley
Decision: PG
Decision Date: 04-FEB-13

Ref: H/1994/0010
Proposals: RELOCATION AND IMPROVEMENT OF ACCESS
Decision: PG
Decision Date:

Ref: H/1997/0111
Proposals: NEW FLOOD LIGHTING AT EXISTING PLAYING FIELDS
Decision: PG
Decision Date:

Ref: H/2007/0696/F
Proposals: Alterations to existing building incorporating single storey front and side extensions to existing club building, to include fitness suite, family activity room, wc's, plant, storage and outdoor play area. Also triple height indoor sports hall with 4no additional basement changing rooms, storage and wc's and site works comprising of the realignment of the existing playing field and spectators terracing area and including revised parking arrangements and fencing to the site frontage.
Decision: PG
Decision Date: 16-JUN-08

Ref: H/1998/0449
Proposals: NEW PLAYING FIELD AND NEW FLOODLIGHTING, GENERATOR AND PERIMETER FENCE
Decision: PG
Decision Date:

Ref: H/1979/0366
Proposals: HV O/H LINE (BM 3066)
Decision: PG
Decision Date:

Ref: LA09/2022/1367/F
Proposals: Two Storey Dwelling and Garage under CTY2a
Decision:
Decision Date:

Ref: LA09/2022/1375/F

Proposals: Change of house type and relocation of previously approved dwelling and garage with new access onto Main Road. Existing access to be permanently closed. Previous Reference H/2013/0025/F

Decision:

Decision Date:

Ref: LA09/2022/1379/F

Proposals: Change of house type and relocation of previously approved commenced dwelling and garage with proposed new access onto main road. Existing access to be permanently closed. Previous References: H/2013/0068/F + LA09/2018/1351/F.

Decision:

Decision Date:

Ref: H/2000/0048/Q

Proposals: Site For Residential Development

Decision: ELR

Decision Date: 15-AUG-00

Ref: H/1995/6040

Proposals: SITE OF RETIREMENT DWELLING GULLADUFF ROAD GULLADUFF

Decision: QL

Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2022-1367-F.pdf

DFI Roads - Enniskillen Office-Full Resp.docx

Environmental Health Mid Ulster Council-LA09.2022.1367.F.doc

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: PLI01

Site Layout or Block Plan Plan Ref: PL03a

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.7
Application ID: LA09/2022/1607/F	Target Date: 27 February 2023
Proposal: Proposed upgrade works to existing agricultural access to provide alternative access and egress for commercial vehicles and staff/ visitor cars to Agri development hub approved under LA09/2018/1213/O.	Location: 170M North East Of Annaghbeg Road/Tamnamore Road Junction, Tamnamore, Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Capper Trading Ltd 124 Tamnamore Road Dungannon BT71 6HW	Agent Name and Address: Collins Design 7 Dublin Road Omagh BT78 1ES
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation.docx
	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below

Characteristics of the Site and Area

The application site is located in the open countryside of the M1 from the settlement of Tamnamore. The M1 motorway defines the south west of the site and the agricultural type access which is the subject of this application, provides access to existing agricultural land from the minor Annaghbeg Road which loops around, from the park and ride and under the motorway to connect with the Tamnamore Road.



Description of Proposal

Proposed upgrade works to existing agricultural access to provide alternative access and egress for commercial vehicles and staff/visitor cars to Agri development hub approved under LA09/2018/1213/O.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning History

LA09/20181213/O – Proposed Agri Development Hub comprising circa 22,000sq m to facilitate processing of straw (pelletisation) and animal feeds, research and development facility and agri-business/logistics centre, associated access ,parking, landscape and environmental enhancement works, Lands At Capper Trading Ltd (Land At Tamnamore) North Of The M1 Motorway, West Of Annaghbeg Road/Junction 14, Permission granted 04.03.2020.

There was also a park and ride scheme, M/013/0170/F approved 12.11.2013.

Planning Assessment of Policy and Other Material Considerations

Assessment

Dungannon and South Tyrone Area Plan, 2010

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

DCAN 15 Vehicular Access Standards

The site is located in the open countryside as defined by the DSTAP, 2010.

Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside.

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 does not contain any specific policies relevant to the application or the site within which it sits. The principal planning policies are therefore provided by PPS 21 and the SPPS.

The 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. 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’.

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 closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan

The policy test for this application is Planning Policy Statement 3:- Access, Movement and Parking.

DFI Roads were consulted on the application and requested clarification and amendments to the information submitted. This was requested and submitted by the agent and they were reconsulted. DFI Roads then responded to say that *‘it is noted that the access to the site entrance will be through a bridge underpass with substandard height clearance. Clearance has been plated at 4.8 metres. The applicant has stated that vehicle heights of its fleet is a maximum of 4.3 metres. It will be the applicant’s responsibility to ensure any development associated vehicle will not impact on the structural stability of the bridge’*. DFI roads had no objections subject to conditions being applied.

The agent has confirmed that this access will be in substitution of the access approved under application LA09/2018/1213/O.

This application site is located partially on the boundary of a floodplain. This proposal relates to application LA09/2020/1213/O, which was approved 04/03/2020. This application site was located within the floodplain and in an undefined area, however this was addressed at this stage and therefore as this application site is partially on the boundary of the floodplain and given the nature of the development, it was not deemed necessary to reconsult DFI Rivers.

Conclusion

The proposed access is compliance with the provision of PPS 3 and DCAN 15 and therefore approval is recommended

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 22-092-A2c published 08 June 2023 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.

Condition 2

The access hereby permitted shall not become operational until the footway Works (including street lighting provision) indicated generally on Drawing No. 22-092-A2c published 08 June 2023 have been fully completed in accordance with the approved plans.

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

Signature(s): Siobhan Farrell

Date: 20 September 2023

ANNEX	
Date Valid	14 November 2022
Date First Advertised	1 December 2022
Date Last Advertised	1 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Roads Consultation 2.docx DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation.docx DFI Roads - Enniskillen Office-Roads Consultation.docx DFI Roads - Enniskillen Office-Roads Consultation 2.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Details of Access to the Public Road Plan Ref: 02 Details of Access to the Public Road Plan Ref: 03 Roads Details Plan Ref: 04	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.8
Application ID: LA09/2023/0324/F	Target Date: 7 July 2023
Proposal: A single two storey dwelling house with driveway	Location: 15 Oaks Road Dungannon BT71 4AR
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Radius Housing Association 3 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Mr Joseph Jeram Unit 1 405 Holywood Road Belfast BT4 2GU
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	23-06-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	14-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	21-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions 21-09-2023.docx Conditions 21-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	04-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	20-06-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	04-09-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	21-04-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	NI Water - Single Units West	LA09-2023-0324-F.pdf

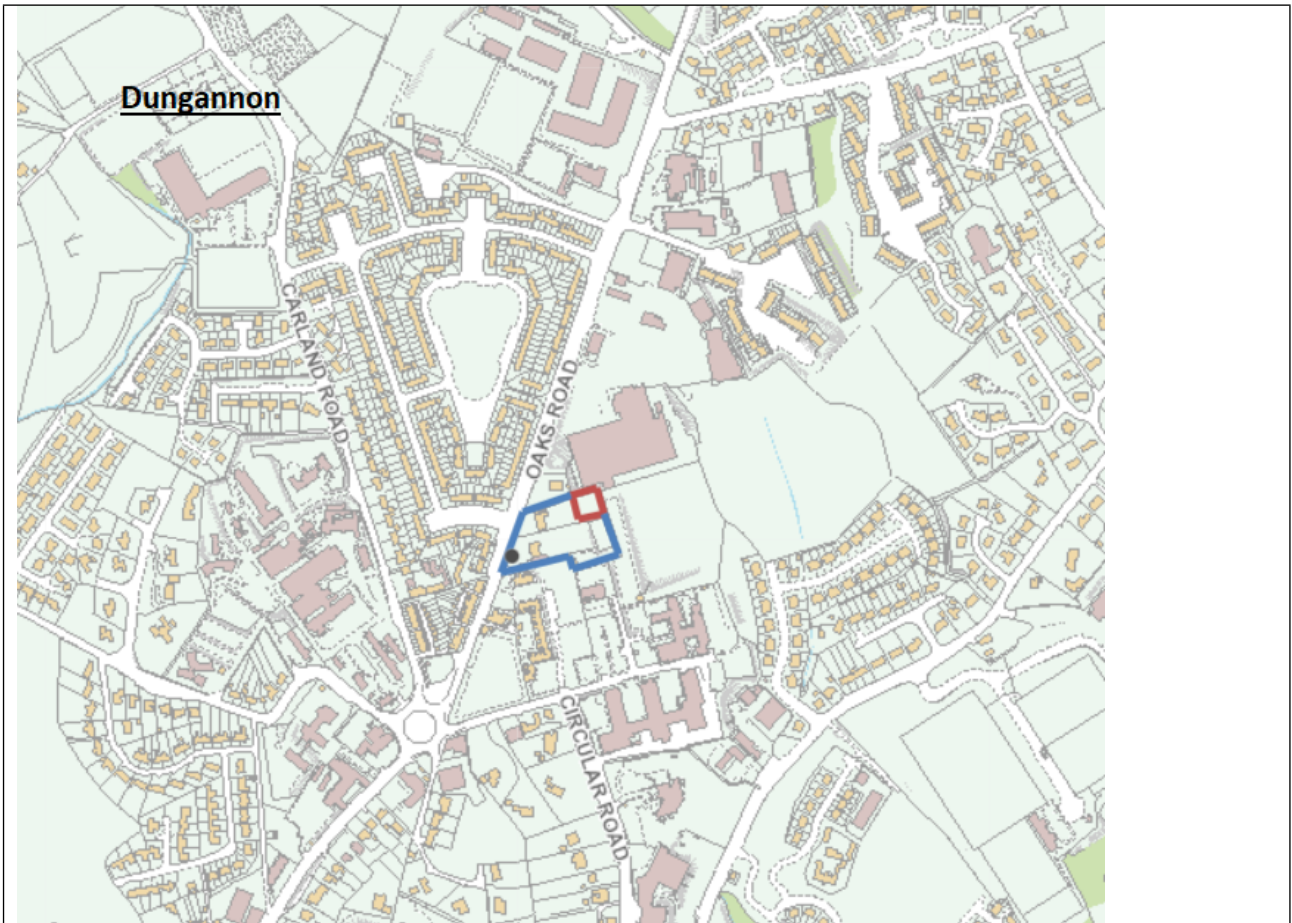
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site lies within the settlement limits of Dungannon, just outside and to the North of the town centre boundary and outside all other areas of constraint as depicted by the DSTAP 2010.



To the North of the site is the Oaks Centre. To the rear or East there is a grass playing field, to the South is the Shiels Charity housing institution and to the West across the Oaks road there is a high density housing area.

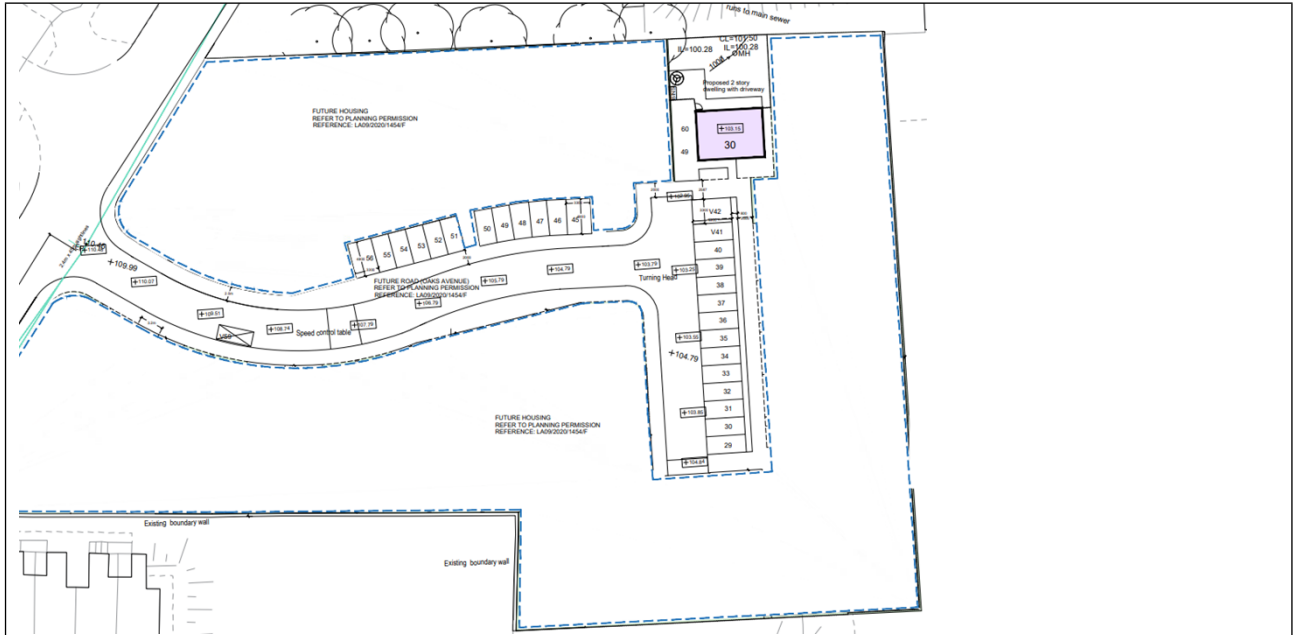


The red line of the site itself is rectangular in shape and in the North East corner of the larger housing site approved under planning reference LA09/2020/1454/F.

The site formerly housed two dwellings have recently been demolished and the site is now an under construction building site. The northern and Eastern boundary is a mature thick hedgerow including trees, the southern boundary has a stone wall and a number of smaller trees scattered along its length. The roadside boundary is defined by a concrete post and wire mesh fence. The land slopes to the rear east and also sits quite a lot higher than the oaks centre to the North.

Description of Proposal

The proposal seeks full planning permission for a single two storey dwelling house with driveway.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

History

LA09/2020/1454/F - 29 dwelling units with associated parking, access, landscaping and wastewater treatment – GRANTED 29.03.2022

LA09/2023/0315/NMC - Update to proposed levels – GRANTED

Assessment

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:

- o Regional Development Strategy 2030
- o Strategic Planning Policy Statement for Northern Ireland
- o Dungannon and South Tyrone Area Plan 2010
- o PPS 3 Access, Movement and Parking
- o PPS 7 Quality Residential Environments
- o PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

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 closed at 5pm on 24th September 2020. The period

for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry 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, there has been one objections received, from concerned neighbours located immediately north of the site.

The objections main issues included;

- drawings not showing surrounding dwellings
- loss of privacy/overlooking
- security
- play area may give rise to anti social behaviour

Assessment of representations

-With regards to the first point concerning the dwelling at number 27 not being shown on the drawings, revised drawing 1B clearly shows the objectors dwelling and a separation distance of 27.8 metres.
-In regards to the second issue of loss of privacy or overlooking, the separation distance are 27.8 metres minimum and the boundary is defined by a closed board fence as well as a row of mature trees and vegetation. It must also be noted there are 4 dwellings already approved between the proposed site and the existing dwelling, therefore it is my opinion that there will not be an unacceptable loss of privacy.

- Finally, with regards to security concerns surrounding the possibility of anti social behaviour at the proposed play area. The play area has already been approved in the same location on the drawings with LA09/2020/1454/F. The proposal will create an additional dwelling in that proximity, which in my opinion will lessen the potential for any anti social behaviour.

Key Policy Considerations/Assessment

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

The Dungannon and South Tyrone Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Dunagannon and outside all other areas of constraint as depicted by the DSTAP 2010.

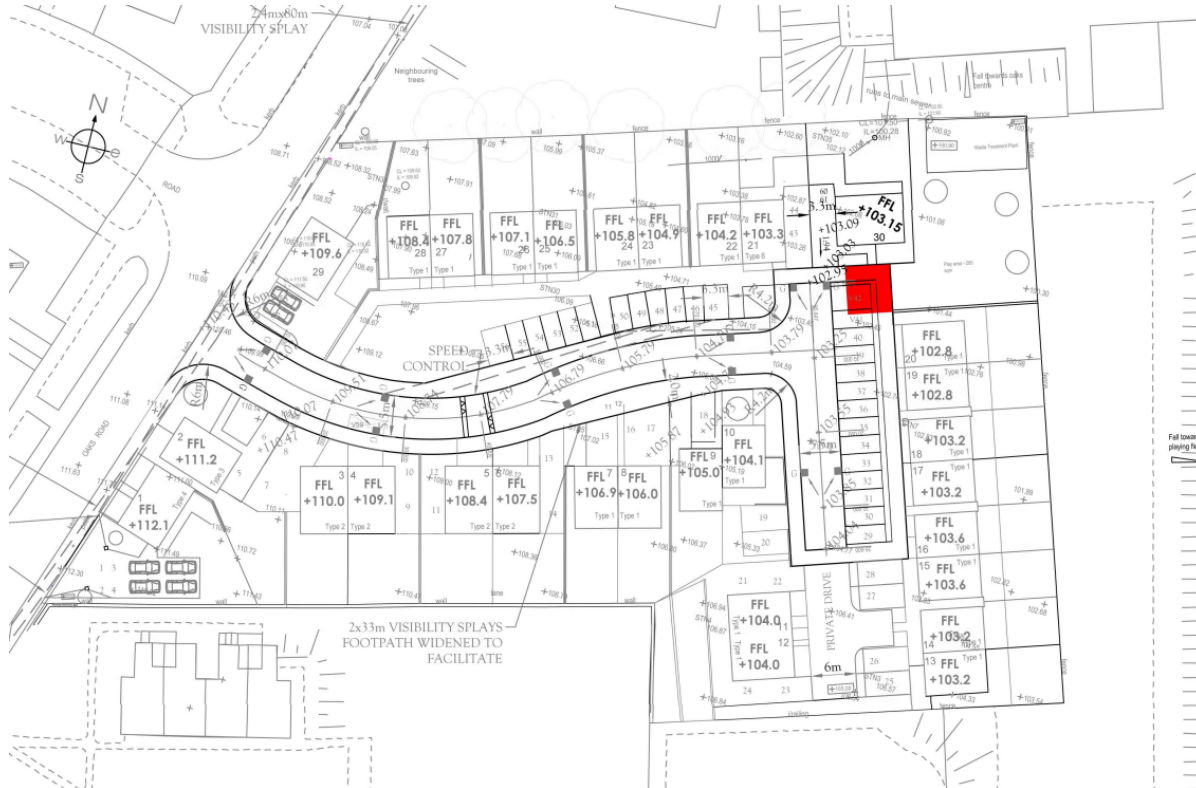
These factors have all been taken into account with the larger scheme for 29 dwellings and this proposal does not have any further detrimental effect. The scale, form, design, and use of materials are considered acceptable and are considered in more detail below.

This proposal seeks full planning permission for a single dwelling. Drawing 07D date stamped 18th

September 2023 provides details on the proposed siting, scale and access arrangements and Drawing 3A date stamped 15th September 2023 details the design and dwelling layout.

Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPSS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

a) The proposal is for a single dwelling unit which would be in the form of a two storey dwelling. It is my assessment that the proposed layout 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, landscaping and hard surfaced areas. The immediate surrounding context is characterised by residential development of a similar scale and design and the density of the proposal is considered an acceptable reflection of the surrounding built form. I consider the development will respect the surrounding character. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and private garden amenity space of ample proportions.



b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.

c) The dwelling has adequate private amenity space enclosed by fencing in excess of the 70m2 recommended in Creating Places. There is high quality railing and fencing, which will soften the developments visual impact and help create a quality residential development.

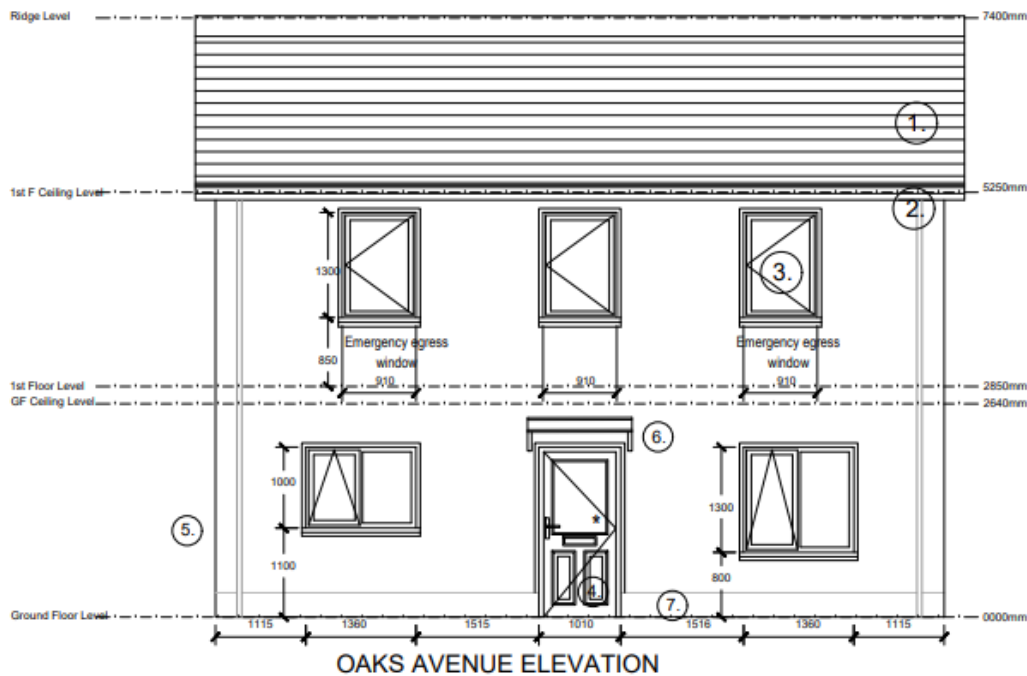
d) The proposal site is situated within the Dungannon settlement limits thus it is considered there is

easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

e) The overall proposal seeks a single access onto the Oaks Road. This application is located at the tip of a turning head and has parking to the front. It was noted on the date of the site inspection the presence of an existing footpath which runs along the front of the overall site. DfI Roads have been consulted and have no objection to the proposal subject to conditions. It is considered an acceptable movement pattern is provided for vehicular, pedestrian and cycle links with local facilities and amenities. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2 of PPS 3.

f) I consider that adequate provision has been made for the provision of in-curtilage and on street parking within the with ample space for 2no parking spaces per dwelling unit.

g) The design and finish of the dwellings do not give me any cause for concern and are typical of built form design found in the surrounding area. The proposal includes two storey detached dwellings finished with grey dash with a grey roof tile. The material and form is reflective of the existing built form within the settlement and overall I consider the design and finishes to be appropriate.



h) This proposed use is residential, and this is in keeping with the land uses in the immediate setting. Generally, residential developments do not generate any unacceptable noise, odours or emissions which would impact on residential amenity. There are residential dwellings located north and northeast of the site. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal.



i) Each unit has private amenity space and private parking provided. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas - I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality. In terms of keeping with the established character of the area, the proposal is residential in nature which is acceptable in the surrounding context. The surrounding area is predominantly residential and there are a mix of house designs and densities from detached dwellings on large plots to higher density development. I consider the proposal is in keeping with existing pattern of development and the design and scale would not have an impact on the overall character and environmental quality of this area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Recommendation Approval

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

As per previous planning approval LA09/2020/1454/F, the waste water treatment plant shall be located as per Drawing number 7D date stamped 18th September 2023 and

shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To protect future site users from foul sewerage.

Condition 3

As per previous planning approval LA09/2020/1454/F, an adequate maintenance programme for the Waste Water Treatment Plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the sewerage treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from odour and noise.

Condition 4

Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval.

Reason : To safeguard against flood risk to the development and elsewhere.

Condition 5

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

The 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.7E published on the planning portal on the 21st of September 2023.

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.

Condition 6

EHO Comments awaiting

Informative 1

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

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department 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.

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Roads Service 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.

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

The decision notice relating to this planning application should be read in conjunction with the conditions / informatives associated with previous approval Application Reference LA09/2020/1454 and all other approvals for this site.

Signature(s): Peter Hughes

Date: 20 September 2023

ANNEX	
Date Valid	24 March 2023
Date First Advertised	3 April 2023
Date Last Advertised	3 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 27 Oaks Road Dungannon Tyrone BT71 4AR The Owner / Occupier 17 Oaks Road Dungannon Tyrone BT71 4AR The Owner / Occupier 15 Oaks Road Dungannon Tyrone BT71 4AR	
Date of Last Neighbour Notification	28 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-23-06-2023.docx DFI Roads - Enniskillen Office-14-09-2023.docx DFI Roads - Enniskillen Office-21-09-2023.docx DFI Roads - Enniskillen Office-Conditions 21-09-2023.docxConditions 21-09-2023.docx DFI Roads - Enniskillen Office-04-09-2023.docx DFI Roads - Enniskillen Office-20-06-2023.docx DFI Roads - Enniskillen Office-04-09-2023.docx DFI Roads - Enniskillen Office-21-04-2023.docx Environmental Health Mid Ulster Council- NI Water - Single Units West-LA09-2023-0324-F.pdf	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Elevations Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Levels and Cross Sections Plan Ref: 06
Roads Details
Site Layout or Block Plan Plan Ref: 07 PSD
Site Location Plan Plan Ref: 01 REV A

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.9
Application ID: LA09/2023/0371/F	Target Date: 14 July 2023
Proposal: Aggregate bagging facility to include production building, enclosed loading hopper, enclosed storage bins, storage silos, enclosed blending area, aggregate elevator, electrical switchroom and all associated ancillary works (part retrospective).	Location: Fp Mccann LTD Knockloughrim Quarry Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: FP McCann Ltd 3 Drumard Road Knockloughrim Magherafelt BT45 8QA	Agent Name and Address: Mr Paul Hamill 105 Nutfield Road Lisnaskea BT92 0HP
Executive Summary: <p>Retrospective application for building housing a bagging plant, production facility, storage bins, hopper and silos. Located on a storage yard within FP MCCANN hard rock quarry site. Some new elements to the proposal but most of the proposal is retrospective. Most significant new element in proposal is an additional storage silo in addition to the three that are existing.</p> <p>Proposal is subject of current enforcement case LA09/2022/0018/CA</p> <p>Consultation carried out with HED (6 listed buildings close by, most notably St. Conlus CofI), NIEA (following completion of Biodiversity Checklist), DFI Roads, NIWater, Env Health.</p> <p>No concerns raised by any consultees. Proposal assessed against PPS 21, PPS 4, PPS 6 and PPS 2. Proposal found to comply with all relevant policy, most notably PED, 2, 3, 9</p>	

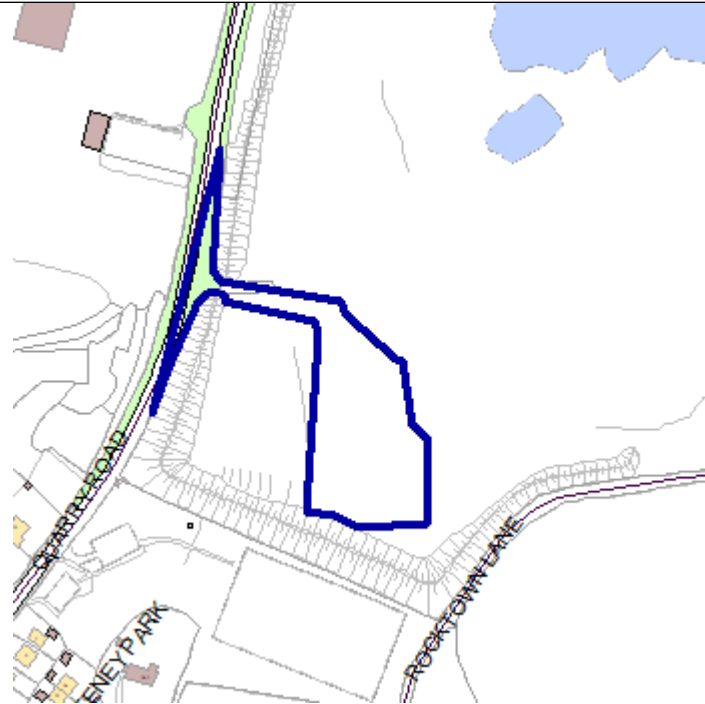
of PPS 4.

1 Objection recieved and considered in report. Objection relates to safety concerns, HGV traffic generated, respiratory illness caused by quarrying activity, impact on drains / sewers and impact of building on character of Knockloughrim, All issues raised in objection adressed by officers report and / or consultee repsonses.

Recommend approve subject to condition limiting operating hours.

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	NI Water - Strategic Applications	LA09-2023-0371-F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-0371-F.PDF
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0371 F FP McCann LTD Knockloughrim Quarry Magherafelt.doc
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

1 Objection received and considered in report. Objection relates to safety concerns, HGV traffic generated, respiratory illness caused by quarrying activity, impact on drains / sewers and impact of building on character of Knockloughrim, All issues raised in objection addressed by officers report and / or consultee responses.

Characteristics of the Site and Area

The site is located at the southern end of the existing FP McCann quarry / storage yard which is just outside the settlement limit of Knockloughrim. At present this part of the site appears to be used for storage of pre-cast concrete products. There is also a large bagging facility on the site which is the subject of this application.

The site is definitively industrial in nature but is located immediately on the edge of the settlement of Knockloughrim. The settlement is quite scenic and possesses a distinct character of mature trees, historic buildings and traditional village streetscape. This is reflected in a number of LLPA designations which cover the settlement and its immediate surroundings.

To the south of the site, behind a large bank of mature trees is a football pitch and a play park, then a primary school. Further south along the Quarry Road leading into Knockloughrim, the main use is residential. There is also a smaller road (Rocktown Lane) which runs adjacent to the south and east of the larger quarry site. This is a road with a medium to high level of residential houses in places but whilst it is adjacent to the main quarry site, is removed from the red line boundary of this application.

Description of Proposal

The proposal is a retrospective application for the shed / building which houses the bagging plant. This building is complete and operational despite not having planning permission. However, the proposal also includes some new aspects to the building such as proposed aggregate bins, proposed blending building and additional storage silo at the southern end of the building as well as three similar silos which are existing.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policy considerations are relevant;

- Magherafelt Area Plan (MAP)
- Strategic Planning Policy Statement (SPPS)
- PPS 21 – Sustainable Development in the Countryside

- PPS 4 – Planning and Economic Development
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 2 – Natural Heritage

Magherafelt Area Plan (MAP)

The site is located in the countryside and therefore rural planning policy will apply (PPS 21). This will be assessed below.

The site is also in close proximity to numerous LLPA designations which surround the village of Knockloughrim. In this case, the features which characterise the LLPA are the trees around the quarry which are an important landscape feature. The existing storage silos are visible just above the tree line. However, in my opinion, views of the silos above the tree line are limited - only really visible from the Hillhead Road at the front of the primary school. Views are extremely limited from the quarry road. It is therefore my opinion that the LLPA features, namely the trees at this location will not be impacted upon in a significant way by this proposal.

Strategic Planning Policy Statement (SPPS)

The SPPS states that the guiding principle for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. Where such proposals involve the construction of new buildings, this can be acceptable where they can be integrated in a satisfactory manner.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 states that economic development (industry and business uses) proposals in the countryside will be acceptable where they are in accordance with PPS 4. Therefore, the default policy for this proposal is PPS 4.

PPS 4 – Planning and Economic Development

Policy PED 2 states that proposals for economic development in the countryside will be acceptable in a number of scenarios, one of which is where they involve the expansion or re development of an established economic development use and accord with the relevant policy which is PED 3.

PED 3 therefore is the operational policy for this development. The site is clearly part of an existing and established enterprise with FP McCanns quarrying and associated activity at this location being long established. This proposal does not expand the operation in terms of physical size but it does appear to add a new dimension to this part of the business in so far as it will introduce a significant element of manufacturing to the site as well as existing quarrying and storage uses.

PED 3 states that *“the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.”* This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited. The area of the site will not be expanding as a result of this development.

PED 3 also states that proposals should be accommodated through existing buildings where this is possible. In this case, this would not be possible on this site as there are no other buildings on the site, other than this one. This building has been erected in a location where it integrates well and is inconspicuous in its immediate environment and integrates as part of the overall development.

I am therefore of the view that this proposal meets the requirements of policy PED 3 of PPS 4.

PED 9 of PPS 4 lays down a range of criteria for all economic development which must be complied with. These are laid out and considered below;

- a) it is compatible with surrounding land uses;**
- b) it does not harm the amenities of nearby residents;**
- e) it does not create a noise nuisance;**

This development is located in what appears to primarily be a storage yard for pre cast concrete products. To the south of the site, behind a large bank of mature trees is a football pitch and a play park, then a primary school. Further south along the Quarry Road leading into Knockloughrim, the main use is residential.

I am satisfied that this development will not cause any problems nor be in any way incompatible with these nearby land uses. I conducted my site visit on a Tuesday morning (13th June) between 10am – 10.30am. It is obviously safe to assume that this is a working time for the facility and during my visit I experienced no issues of noise, dust, fumes, odour which would in any way cause a problem for any of the surrounding land uses.

To confirm this, Environmental Health have been consulted. They have also considered an outward noise impact assessment submitted by the applicant and have stated that noise from this proposal will not detrimentally affect nearby residential amenity. They have however asked for a condition to be imposed limiting opening hours from late evening onwards.

- c) it does not adversely affect features of the natural or built heritage;**

There are no natural environment features close to this site except for the aforementioned LLPA designations which have been considered in the preceding

paragraphs. In relation to the built / historic environment there a number of historic listed buildings nearby – such is rich heritage of the village of Knockloughrim these include former workers cottages and a church. HED have been consulted and have agreed with my assessment that whilst the entirety of the proposal would be more satisfactory if it was kept below the tree line, the limited views of the site / proposal do not have any significant impact on these historic assets. They are therefore content that this proposal complies with policy but that any further development would have the potential to cause an unacceptable impact.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

Development is not located in a flood risk area. Small parts of the site are shown as being modelled for having the potential to be prone to surface water flooding but there is no evidence of surface water flooding being an issue on the site.

f) it is capable of dealing satisfactorily with any emission or effluent.

NI Water have been consulted and have no objections to this proposal.

g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

(h) adequate access arrangements, parking and manoeuvring areas are provided;

i) a movement pattern is provided that, 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;

The proposal involves access to a site which is long established. DFI Roads have been consulted and have no objections in relation to the proposal insofar as to how it pertains to road safety, and extra traffic generation. Parking arrangements for this facility will be provided in the main FP McCann site across the Quarry Road.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

Sustainability and biodiversity value of the site at present is low given the nature as a storage yard with large area of hardcoded yard / gravel paths etc. There are no proposals to remove any existing vegetation which is significant around the site, particularly to the south towards the village of Knockloughrim.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public

view;

This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited. Existing mature boundaries negate the need for boundary treatment as part of this scheme

(l) is designed to deter crime and promote personal safety

Site is part of well secured and monitored existing yard.

(m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

This site is well screened from the Quarry Road when passing and the building is barely visible from this stretch of road. Similarly, as mentioned above, views of the proposal from Knockloughrim village are extremely limited.

Given all of the above considerations, it is my view that the site complies with policies PED 2, PED 3 and PED 9 of PPS 4.

PPS 6 – Archaeology and the Built Heritage

Policy BH 11 states that development proposals which affect the setting of a listed building will not normally be permitted. In relation to this application, there are 6 listed buildings which have been identified as being close to the site and which range from grade A – B2.

Historic Environment Division have been consulted and have stated that whilst the entirety of the proposal would be more satisfactory if it was kept below the tree line which borders the south of the site, the limited views of the site / proposal do not have any significant impact on these historic assets. They are therefore content that this proposal complies with PPS 6 but that any further development would have the potential to cause an unacceptable impact.

PPS 2 – Natural Heritage

There are no designated natural heritage designations, other than the aforementioned LLPA designations affected by this site. Nevertheless, a biodiversity checklist submitted by the agent showed that further ecological information was required and this was submitted via part 3 of the NI Biodiversity Checklist template. Upon subsequent consultation with NIEA, they have stated that there are no natural heritage concerns in relation to this proposal.

OTHER MATERIAL CONSIDERATIONS

There has been one objection lodged to this application; The main points raised by the objector are;

- 1) The visual impact of the plant above the tree line and the impact this has on the scenic character of Knockloughrim
- 2) Dust, and traffic passing from the quarry site and impact on Road Safety. Volume of HGV from the site is already excessive
- 3) Health impacts of silica dust which is a by product of quarrying
- 4) Safety of the site close to play park and football pitch
- 5) The plant is far too close to a primary school.
- 6) Water pollution – drains in village are clogged

In relation to the points raised in the objection, my considerations are as below;

- 1) The plant is indeed visible above the tree line which defines the southern boundary of the site. As stated in my report, whilst the plant is visible, it is not in my opinion, widely visible and its impact upon the character of Knockloughrim is minimal. The only place in the immediate vicinity of the site where the plant is visible from is from the Hillhead Road, adjacent to the Primary School.

This is an opinion which has also been expressed by Historic Environment Division in their assessment of the impact of the proposal on the historic buildings in the locality. Views of the site are possible from the approach to the site on the Quarry Road, leading out of Knockloughrim but these are limited and one has to really try to see the plant in order for it to be visible.

I therefore do not agree with the objector that plant has a detrimental impact on the scenic character / quality of Knockloughrim.

- 2) DFI Roads do not object to this proposal on the grounds of Road Safety. The proposal is part of a large, established quarry site as well as associated activities such as bagging, manufacturing etc. It is not clear to me that the volume of traffic generated by this specific building is significant enough to uphold a complaint about the total volume of traffic generated by FP McCann at this location in general.

During my visit I walked in and around the building in question and it did not seem to me that HGVs would be accessing this site or leaving from this site. It seemed quite inaccessible for HGVs by virtue of the fact that it was surrounded by pre cast products and also served by narrow pathways as opposed to roads suitable for HGVs to access and turn.

I am therefore of the view that the objector is objecting to HGV traffic (and associated dust/fumes etc.) which are emanating from the larger FP McCann site and that is not something which can be controlled by this application process.

- 3) Again, this proposal does not involve any quarrying activity. The objector states that a by product of quarrying is silica dust which can lead to negative impacts on respiratory health. However, the ongoing quarrying activity at the larger FP

McCann site is not subject to this application. I therefore do not consider the apparent production of silica dust by quarrying activities to be a relevant consideration in this application.

- 4) I visited the site during operating hours. My visit also encompassed the play park and football pitch. I parked adjacent to the play park and walked the entire length of the football pitch. I could see nothing that would cause safety concerns in relation to users of the park and pitch. The objector has not been specific in relation to what the safety concerns are but I do not consider the proposal to be incompatible with the park and football pitch - as detailed above.
- 5) Likewise, the objector has not stated what the concerns are about the proposal being too close to the school. My visit encompassed the football pitch which is to the rear of the school as well as a walk along the front of the school (on the Hillhead road). During my visit, some children were playing outside and I would not have any evidence to support concerns that the proposal is “too close” to the school building. Again, the objector has not said why the building is “too close” and therefore it is difficult to fully rebut this point other than to say that from my visit, I would have no concerns about the compatibility or otherwise of the school at this location and the proposed building in its location. It is worth reiterating at this point, that Env. Health have been consulted and have no concerns about this proposal.
- 6) NI Water have been consulted on this proposal and have no objections in terms of sewer or WWTW capacity.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that the proposal is approved, subject to the following conditions.

Approval Conditions

Condition 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.

Condition 2

The development, as annotated on drawing number 02, shall only operate between the following hours:

Monday to Friday

07:00 - 19:00

Saturday

07:00 - 15:00

Reason: To protect neighbouring residential amenity from noise

Signature(s): Colin McKeown

Date: 11 August 2023

ANNEX	
Date Valid	31 March 2023
Date First Advertised	11 April 2023
Date Last Advertised	11 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier St Conlus'S Church (C of I) 341 Hillhead Road Knockcloghrim Londonderry BT45 8QT The Owner / Occupier 12 Quarry Road Knockcloghrim Londonderry BT45 8NR	
Date of Last Neighbour Notification	21 April 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0212/F Proposals: The proposal seeks the consolidation of existing planning approvals on site; retrospective permission for unauthorised works, the regularisation of unauthorised development and the relocation of spoil heaps and the extraction of rock. Decision: Decision Date:</p> <p>Ref: H/1974/0327 Proposals: EXISTING QUARRYING Decision: PG Decision Date:</p> <p>Ref: H/2002/0994/F Proposals: Extension to precast concrete factory. Decision: PG Decision Date: 05-NOV-03</p> <p>Ref: H/2000/0058/F Proposals: Pre-Cast Concrete Factory Decision: PG Decision Date: 27-JUN-00</p>	

Ref: H/2000/0481/F

Proposals: Proposed Mineral Extraction For Basalt Quarry

Decision: PG

Decision Date: 13-MAR-02

Ref: H/1997/0364

Proposals: Change of use of Quarry for Landfill Waste Disposal Facility, Building to include Site Office & provisions for Recycling Facility.

Decision: PR

Decision Date: 15-MAY-08

Ref: H/1974/0299

Proposals: EXISTING QUARRY

Decision: PG

Decision Date:

Ref: LA09/2023/0371/F

Proposals: Aggregate bagging facility to include production building, enclosed loading hopper, enclosed storage bins, storage silos, enclosed blending area, aggregate elevator, electrical switchroom and all associated ancillary works (part retrospective).

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx

NI Water - Strategic Applications-LA09-2023-0371-F.pdf

NIEA-PRT LA09-2023-0371-F.PDF

Environmental Health Mid Ulster Council-LA09-23-0371 F FP McCann LTD

Knockloughrim Quarry Magherafelt.doc

Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Proposed Plans Plan Ref: 08
Proposed Plans Plan Ref: 09
Cross Sections Plan Ref: 10
Proposed Elevations Plan Ref: 11

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.10
Application ID: LA09/2023/0478/RM	Target Date: 9 August 2023
Proposal: Dwelling and garage	Location: 60M NW of 55 Annaghmore Road Castledawson
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Alvin McMullan Esq 55 Annaghmore Road Castledawson BT45 8DU	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
Executive Summary: <p>This is a reserved matters application for a proposed dwelling and garage, presented to the committee as one objection has been received. This proposal has been assessed under all relevant policy - SPPS, Magherafelt Area Plan 2015, PPS3, and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>One objection has been received to date. Issues have been raised regarding the validity of the outline application (LA09/2022/1473/O) that was granted in 2023. Concerns have also been raised over statutory neighbour notification procedures, with the objector stating that the correct procedure was not carried out. These issues have been fully considered in my report and do not merit the refusal of this application.</p> <p>The application is being recommended for approval subject to standard conditions.</p>	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	RM Response.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

One objection submitted by the occupant of 53 Annaghmore Road, Castledawson. Issues raised: Information missing from plans - I am satisfied that all relevant information has been provided on the plans. The objector has not provided any specific details on this for me to investigate further. Invalid Outline Application - During the outline assessment LA09/2022/1473/O the adjacent property referred to by the objector was not occupied at the time the site was visited by the case officer and that is why the property was not notified at that time. The proposal was advertised in local press to capture any other third party who may have an interest in the development. The outline application

was considered as valid and approved on the 17th April 2023. There has been no formal challenge to the approval. This current application is to assess matters reserved under that outline approval. The property in question, number 55a, was provided with a hand delivered NN letter on Friday 11th Aug 2023 @ 11.44 and have not objected to this application to date.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site has no other designations. It is located within part of a larger agricultural field at the rear of 53a Annaghmore Road. The site is accessed by a shared existing laneway. Views from the site are limited from a public point of view with the eastern boundary defined by newly planted trees and the dwellings 53 & 53a screening the site from the road. The southern boundary is currently defined by neighbouring property 55A and the northern boundary undefined. The western boundary is defined by a mixture of trees and hedges. The land of the application site rises and sits at a level above the road and those dwellings adjacent to the roadside. Holistically, the surrounding area is mainly residential in nature with many dwellings surrounding the site and beyond.

Description of Proposal

This is a reserved matters application for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

LA09/2022/1473/O- Dwelling and garage

Granted: 17.04.2023

In line with statutory neighbour notification procedures, 9 neighbouring properties were notified of this application. To date, there has been one letter of objection received in respect of the proposal.

The following policies will be considered in this assessment:

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Magherafelt Area Plan 2015
- PPS 3 – Access, Movement and Parking.
- Planning Policy Statement 21: Sustainable Development in the Countryside

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities.

Mid Ulster District Council Draft Plan Strategy 2030

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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Magherafelt Area Plan 2015

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan.

PPS 3 – Access, Movement and Parking

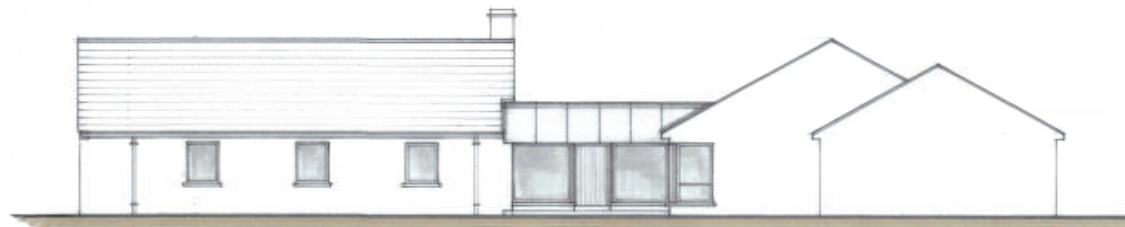
Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The site utilises the use of an existing access. Additionally, DFI roads were consulted and, in their response, stated they have no objection subject to a condition being attached to request access to be constructed in accordance with the attached RS1 form.

Planning Policy Statement 21: Sustainable Development in the Countryside

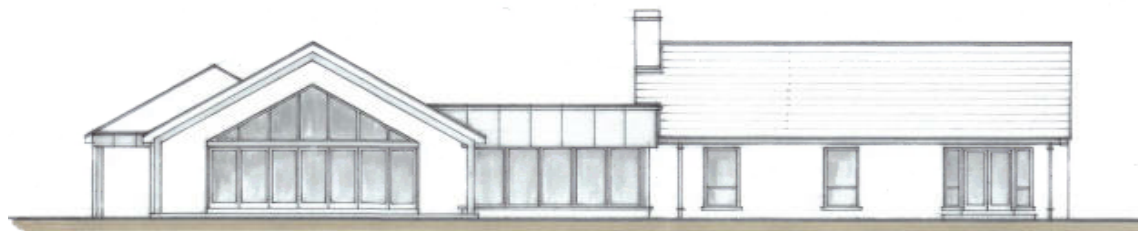
Development in the countryside is controlled under the provisions of PPS21 Sustainable Development in the Countryside. Policy CTY 2a provides an opportunity to gain approval for a dwelling in an existing rural cluster provided the cluster is outside of a farm and consists of 4 or more buildings, 3 of which must be dwellings. The cluster must appear as a visual entity in the landscape and must be associated with a focal point (eg) community building, or is located at a cross roads. The site must provide adequate enclosure and be bounded on at least 2 sides with other development in the cluster. The development of the site should not significantly alter the character of the site or countryside and should not impact on residential amenity. Policy CTY 2a has been established under the 2022 outline permission and all conditions set within have been met.

Policy CTY 13 of PPS21, 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.

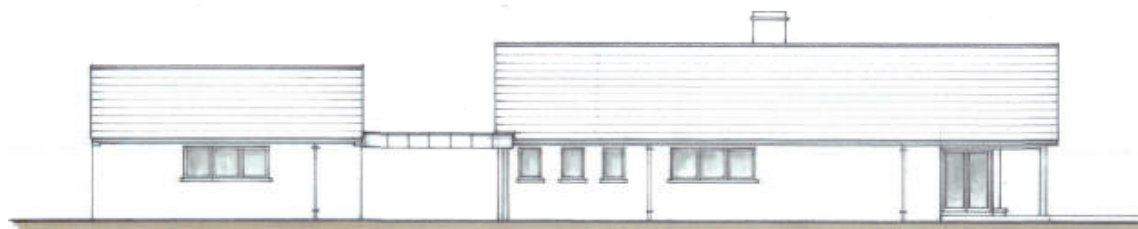
The proposal is for a simple dwelling and garage. In relation to the drawing below, I consider this design and layout to be appropriate for the site. Additionally, the proposed designed will remain integrated into the existing landscape and will not be a dominant feature in the surrounding environment.



Front Elevation



Rear Elevation



Side Elevation

and the level of associated impact on the landscape. I note, to the East of the site lacks natural screening. Although, the proposal of the retention of the new planted tree and additional landscaping will also restrict the level of inter-visibility between the proposed and the surrounding environment and existing properties. Furthermore, with proposed landscaping of rural hedges to the Northern boundary, will further integrate the proposed into the surrounding environment.

The finished materials include smooth rendered walls together with blue / grey roof slates and a maximum ridge height measured at 5.5 metres. The proposal does not add to or elongate the existing development pattern and as such the development cannot be deemed to present a negative impact on the traditional pattern of the surrounding area. Holistically, the proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

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 environment is suitable for absorbing a dwelling and garage of this scale and size. I am content that the proposed will not appear prominent in the landscape and respects the pattern of development in the area. Overall, I am content that the proposed complies with CTY14.

Other Considerations

Relating to impact on neighbouring amenity, considering distance (approximately 42m) and the proposed dwelling position 2.7m above neighbouring properties at the front elevation, I am satisfied that the location of the proposed dwelling is unlikely to have any impact on neighbouring amenity. This is also supported by the proposed plantation of ash/beech trees along the front and side boundaries, which will also help reduced indivisibility between the proposed and neighbouring properties.

Regarding glazing to the front elevation, two of the windows will be conditioned as obscure glazed as they facilitate a shower and bathroom. Also, for the bedroom and hallway I am satisfied that the proposed glazing will not affect privacy of neighbours as these room are not always inhabitable. On the side elevations there is no proposed glazing so will also not affect the privacy and amenity of the neighbouring residents.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

The vehicular access including visibility splays 2.4 x 90 metres and a 90-metre forward sight distance, shall be provided in accordance with Drawing No.02 bearing the date stamp 28th April 2023 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.

Condition 3

The scheme of planting hereby approved shall be carried out during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

Condition 4

The existing mature vegetation on the boundaries of the site shall be permanently retained.

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

Condition 5

The front elevation shower and bathroom windows shall be obscure glazed.

Reason: To protect the privacy of neighbours

Signature(s): Daniel O'Neill

Date: 23 August 2023

ANNEX	
Date Valid	26 April 2023
Date First Advertised	9 May 2023
Date Last Advertised	9 May 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 55A Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 55 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53A Annaghmore Road, Castledawson, Londonderry, BT45 8DU</p> <p>The Owner / Occupier 51 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 53 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 57 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 59 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 58 Annaghmore Road Castledawson Londonderry BT45 8DU</p> <p>The Owner / Occupier 52 Annaghmore Road Castledawson Londonderry BT45 8DU</p>	
Date of Last Neighbour Notification	6 September 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1984/0055 Proposals: BUNGALOW WITH GARAGE. Decision: PG Decision Date:</p> <p>Ref: H/2003/0407/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 18-SEP-03</p>	

Ref: H/2004/0328/RM
Proposals: Dwelling and garage.
Decision: PG
Decision Date: 08-OCT-04

Ref: LA09/2020/1221/RM
Proposals: Dwelling and garage
Decision: PG
Decision Date: 15-JAN-21

Ref: LA09/2018/1128/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 07-NOV-18

Ref: H/1984/0409
Proposals: HOUSE AND GARAGE
Decision: PG
Decision Date:

Ref: H/2014/0091/F
Proposals: Proposed 2no. Infill Dwellings
Decision: PG
Decision Date: 22-SEP-14

Ref: LA09/2017/1517/F
Proposals: Proposed change of house type for 2 dwellings and detached garages from that approved under H/2014/0091/F
Decision: PG
Decision Date: 05-FEB-18

Ref: H/2014/0406/F
Proposals: Proposed new dwelling and garage as part of an existing cluster
Decision: PR
Decision Date: 24-APR-15

Ref: LA09/2023/0478/RM
Proposals: Dwelling and garage
Decision:
Decision Date:

Ref: LA09/2022/1473/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 17-APR-23

Ref: LA09/2019/0097/O

Proposals: Proposed site for replacement dwelling and double domestic garage (Renewal of LA09/2015/1115/O).

Decision:

Decision Date:

Ref: LA09/2019/0099/O

Proposals: Proposed site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O).

Decision: PG

Decision Date: 08-APR-19

Ref: H/1981/0235

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1981/0147

Proposals: SITE OF TWO DWELLINGS

Decision: WITHDR

Decision Date:

Ref: H/2014/0435/F

Proposals: New 33kv 3x200mm AAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Decision: PG

Decision Date: 15-DEC-16

Summary of Consultee Responses

DFI Roads - Enniskillen Office-RM Response.docx

Drawing Numbers and Title

Site Layout or Block Plan

Cross Sections

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.11
Application ID: LA09/2023/0622/O	Target Date: 18 September 2023
Proposal: Dwelling and garage (infill site)	Location: 30M NW of 39 Rocktown Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Samuel Arrell 17 Tayorstown Hill Toomebridge BT41 3RL	Agent Name and Address: Mr Norman McKernan 12 Cennick Road Gracehill Ballymena BT42 2NH
Executive Summary: This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would add to a ribbon of development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside approximately 2 miles outside the Bellaghy settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 0.3 hectare area field sited adjacent to the shared laneway located off the Rocktown Road. A field gate provides the current access to the site along the same laneway. The laneway provides access to approximately 5 existing dwellings. The application site neighbours

no. 39 Rocktown Road, adjacent and east of the site. The curtilage of no. 39 also includes a series of existing garages which continue eastward along the roadside. Boundaries for the application site are only present along portions of the southern and eastern edges of the site, which consist of a few trees and hedgerow along the roadside boundary. Adjacent and west of the site is an empty agricultural field - a portion of which is approved for a dwelling under planning permission LA09/2022/0475/F, though building works have not commenced.

Description of Proposal

The proposed is an outline application for a dwelling and garage (infill site).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Relevant Histories

LA09/2022/0475/F – Extension and repositioning of curtilage as previously approved (LA09/2020/0030/F) and change of house type – 40m N.W of 39 Rocktown Road Castledawson Magherafelt – Permission Granted 25/07/2022.

Note: This permission relocated the approved dwelling further west to what was approved under the LA09/2020/0030/F approval (see below). Condition No. 2 of this permission provides that ‘this permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: LA09/2020/0030/F on the 25.02.2020 and only one dwelling shall be constructed on the site.’ During the site visit for the current application subject to assessment in this report, carried out on 04/07/2023, photographs taken on this day show that construction for the dwelling under the LA09/2022/0475/F approval has not yet commenced.

LA09/2020/0030/F – Proposed dwelling and garage – 40m NW of 39 Rocktown Road Castledawson Magherafelt BT45 8EQ – Permission Granted 25/02/2020.

Representations

To date no third party representations have been received.

Magherafelt Area Plan 2015

The site is located in the rural countryside approximately 2 miles outside the Bellaghy settlement limit as defined in the Magherafelt Area Plan 2015.

Mid Ulster District Council Draft Plan Strategy 2030

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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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'.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the creation of a new access onto the public road. A consultation was made to DfI Roads who provided no objection to the proposed subject to condition. In light of this, I am content that the proposed complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission 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 in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development.

In terms of plot size, I am content that the site would be able to accommodate a dwelling. 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. I am satisfied that the dwelling to the east of the application site identified as no. 39 Rocktown road, as well as the existing garages within its curtilage, represent a set of substantial and built up buildings along the road frontage. However, this application cannot be considered as a viable gap-site dwelling proposal because there exists no development in the form of a substantial building to the west of the site along this road frontage. Instead there are only buildings to one side of the proposed site which means there is no gap site. Thus the approval of this proposal would add to a ribbon of development. This application relies on the dwelling approved to the west of the proposed site under LA09/2022/0475/F, but because the approved dwelling has not been commenced and built to a level where it could be deemed as a substantial building, the proposal fails to meet the infill criteria under Policy CTY 8.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in its vicinity. Having considered the scale and height of dwellings along this laneway, including that of the

LA09/2022/0475/F, it is recommended that a 7 metre ridge height condition from finished floor levels should accompany an approval at this site for a dwelling at this outline stage. While boundaries are scarce, it is accepted that the existing hedgerow and degree of trees along a portion of the southern / eastern boundary would mean that the site would not rely entirely on the use of new landscaping for the integration of a dwelling. The proposed meets the criteria under CTY 13 at this outline stage.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, given the proposal adds to a ribbon of development, the proposed does not comply with Policy CTY 14.

Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

Recommendation

It was agreed with the senior planner to offer the agent, acting on behalf of the applicant, an opportunity to implement the LA09/2022/0475/F approval, satisfying all pre-commencement conditions and building the approved dwelling to at least eaves level height. An email providing this option was sent to the agent on 11/08/2023. With no further information forthcoming and the approved dwelling not built to eaves level height, the proposal still fails to meet Policies CTY 8 and CTY 14 of PPS 21 and is therefore presented to the Planning Committee with a recommendation for refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

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.

Reason 2

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon

of development and would, if permitted, adversely impact on the rural character of this area.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Benjamin Porter

Date: 20 September 2023

ANNEX	
Date Valid	5 June 2023
Date First Advertised	20 June 2023
Date Last Advertised	20 June 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Rocktown Road Bellaghy Londonderry BT45 8LP The Owner / Occupier 39 Rocktown Road Bellaghy Londonderry BT45 8EQ	
Date of Last Neighbour Notification	15 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0536/O Proposals: Dwelling and garage (infill) - renewal of outline planning approval LA09/2018/0944/O Decision: Decision Date:</p> <p>Ref: LA09/2023/0622/O Proposals: Dwelling and garage (infill site) Decision: Decision Date:</p> <p>Ref: H/2000/0699/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 21-NOV-00</p> <p>Ref: H/2005/0288/O Proposals: Site of Replacement Dwelling. Decision: PG Decision Date: 03-FEB-06</p> <p>Ref: LA09/2016/1403/F</p>	

Proposals: Replacement Dwelling and Garage (Amendments Approved under H/2010/0424/F) (Amended drawings submitted)

Decision: PG

Decision Date: 07-MAR-18

Ref: H/2008/0553/RM

Proposals: Replacement Dwelling & Garage

Decision: PG

Decision Date: 21-JAN-09

Ref: H/2010/0424/F

Proposals: Change of house type to that previously approved application H/2008/0553/RM

Decision: PG

Decision Date: 04-MAY-11

Ref: LA09/2016/0504/F

Proposals: Erection of garages for the storage of vintage cars (retrospective)

Decision: PG

Decision Date: 06-JUN-18

Ref: H/1990/0539

Proposals: ALTS AND ADDS TO BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2019/0515/LDE

Proposals: Storage of motor vehicles in association with wedding car hire business

Decision: PG

Decision Date: 01-OCT-19

Ref: H/2004/0393/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 23-MAR-06

Ref: H/2006/1042/RM

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 20-FEB-07

Ref: H/2011/0346/O

Proposals: Off site replacement dwelling approx 20m north of 49 Rocktown Road, Knockloughrim, Magherafelt, BT45 8PN

Decision: PG

Decision Date: 20-FEB-12

Ref: H/2012/0322/F

Proposals: Erection of 1 No. off-site replacement dwelling and garage as previously approved with larger curtilage. (Additional land for Forward Sight Distance).

Decision: PG

Decision Date: 12-FEB-13

Ref: H/2005/0035/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 05-APR-06

Ref: H/2011/0010/RM

Proposals: Erection of single storey dwelling and garage

Decision: PG

Decision Date: 15-FEB-11

Ref: LA09/2017/0721/O

Proposals: Proposed infill dwelling

Decision: PG

Decision Date: 07-SEP-17

Ref: LA09/2020/1487/F

Proposals: New dwelling and garage

Decision: PG

Decision Date: 19-JAN-21

Ref: H/2007/0617/F

Proposals: 11Kv Supply

Decision: PG

Decision Date: 15-OCT-07

Ref: H/2013/0269/RM

Proposals: Proposed 2 storey farm dwelling and domestic double garage with attic store

Decision: PG

Decision Date: 20-MAY-14

Ref: H/2004/0596/O

Proposals: Site of Dwelling and Garage

Decision: PG

Decision Date: 02-FEB-05

Ref: H/2005/0351/F

Proposals: Dwelling and Garage to superceed outline approval H/2004/0596/O

Decision: PG

Decision Date: 24-JUL-07

Ref: H/2012/0195/O

Proposals: Proposed 2 storey farm dwelling and domestic garage

Decision: PG

Decision Date: 13-DEC-12

Ref: LA09/2016/0951/F

Proposals: Revised access to previously approved under LA09/2015/1282/F

Decision: PG

Decision Date: 24-JAN-17

Ref: H/2013/0162/O

Proposals: Farm Dwelling and Detached Garage

Decision: PG

Decision Date: 31-JUL-13

Ref: LA09/2015/1282/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 23-MAR-16

Ref: LA09/2018/1179/F

Proposals: Erection of garage to replace existing storm damaged garage in relation to E wedding car hire business

Decision: PG

Decision Date: 06-NOV-19

Ref: H/2012/0300/O

Proposals: Farm dwelling and detached garage

Decision: PR

Decision Date: 19-FEB-13

Ref: LA09/2018/1133/RM

Proposals: One and a half storey dwelling and Garage.

Decision: PG

Decision Date: 05-DEC-18

Ref: H/2006/0171/RM

Proposals: Dwelling House & Garage.

Decision: PG

Decision Date: 07-AUG-06

Ref: H/2004/0125/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 14-OCT-05

Ref: H/2014/0194/O

Proposals: One and a half storey farm dwelling and garage

Decision: PG

Decision Date: 13-JAN-16

Ref: LA09/2020/0030/F

Proposals: Proposed dwelling & garage.

Decision: PG

Decision Date: 25-FEB-20

Ref: LA09/2022/0475/F

Proposals: Extension and repositioning of curtilage as previously approved (LA09/2020/0030/F) and change of house type

Decision: PG

Decision Date: 25-JUL-22

Ref: H/2013/0335/RM

Proposals:

Dwelling and garage

Decision: PG

Decision Date: 06-NOV-13

Ref: H/2005/0285/O

Proposals: Site of Dwelling and Garage

Decision: PR

Decision Date: 17-AUG-09

Ref: H/2001/0114/RM

Proposals: Dwelling And Garage

Decision: PG

Decision Date: 27-MAR-01

Ref: LA09/2018/0944/O

Proposals: Dwelling and Garage (Infill)

Decision: PG

Decision Date: 05-JUN-20

Ref: LA09/2017/1056/O

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 03-NOV-17

Ref: H/2003/0797/F

Proposals: New 33kv Overhead Electric Line and alterations to existing lines.

Decision:

Decision Date:

Ref: LA09/2021/0211/F

Proposals: Proposed new dwelling & garage.

Decision: PG

Decision Date: 21-OCT-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

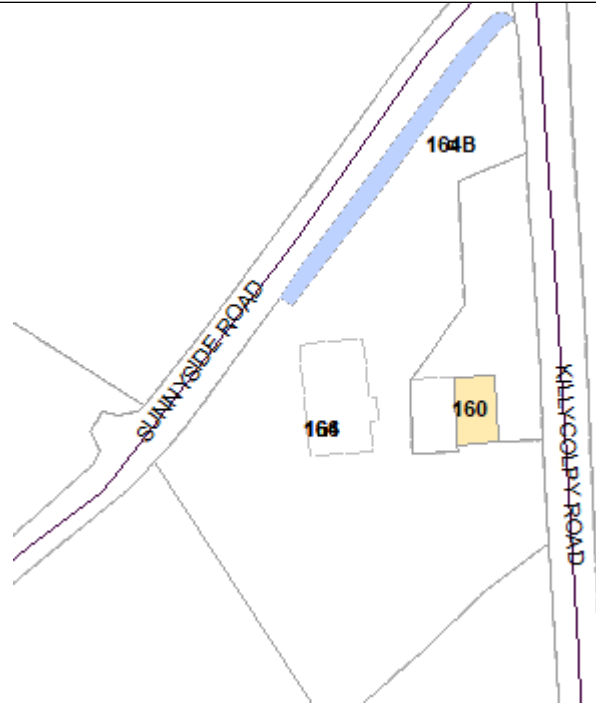


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5.12
Application ID: LA09/2023/0695/F	Target Date: 9 October 2023
Proposal: Proposed portal framed electrical switch room with brick and cladding finishes and a under void for cable access	Location: Moy Park, Dungannon Proteins 152 Killyman Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Ian Warnock 152 Killyman Road Dungannon BT71 6LN	Agent Name and Address: Mr Patrick Conlon 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: Agent is a member of staff in Mid Ulster Council.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No issues raised

Characteristics of the Site and Area

The application site is located at 152 Killyman Road Dungannon, Moy Park, Dungannon Proteins. The application site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The application site is part of the Moy Park Dungannon Proteins which consists of the reddening plant and main factory

building. The application site is just off the main Killyman Road and is surrounded by other factories and buildings within the Killyman Road Industrial Estate.

Description of Proposal

Proposed portal framed electrical switch room with brick and cladding finishes and a under void for cable access.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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.

Planning History

No relevant planning history

Representations

Three (3) neighbouring properties were notified regarding the application and no representations have been received.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Granville. The site is located within the Granville Industrial Estate, which is zoned land for industry and business. There are no other specific designations or zoning.

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 interest of acknowledged importance.

Plan Policy IND 1 - Industry and Business states that within existing areas planning permission will normally be granted for industry, storage and distribution and other appropriate business uses where the development meets the key site requirements contained in Part 3 of the Plan. The introduction of inappropriate non-conforming uses that would prejudice the efficient operation of industrial and business uses will not normally be permitted. The proposal involves portal framed electrical switch room with brick and cladding finishes and a under void for cable access. This proposal is of an appropriate nature for the site.

The proposal is a portal framed electrical switch room with brick and cladding finishes and a under void for cable access. The proposal will comprise of a flat roof and feature a door to the northern elevation, a door to the eastern elevation, as well as a roller door located to the western elevation. The proposal will also be single storey in nature. The materials proposed are also considered acceptable. The scale of the proposal is consistent with amenity space and industrial and mixed business use. The proposal will not result in any intensification at the site, and is providing a service for the existing workforce, with no proposed increase in staff or visitors to the site. I am content the proposal will integrate with this building due to similar finishes.

Policy PED 9 – General Criteria for Economic Development gives the criteria which a proposal for economic development will be required to meet and I will address each of these in turn.

- (a) The proposed extension is compatible with the surrounding land uses, given the sites location within the existing Industrial Estate. There are no individual residential properties within the vicinity;
- (b) There are no nearby residents therefore there will be no harm to any amenities;
- (c) There are no features of the natural or built heritage that it will have an adverse impact on;
- (d) The site is not located within an area of flood risk and will not cause or exacerbate flooding;
- (e) The proposal will not create any increase in noise nuisance given that there is already an existing canteen area present.
- (f) There are no concerns in relation to emission or effluent;
- (g) There are no concerns with regards to road safety or capacity of the local road network as there is no additional traffic being generated.
- (h) It is not felt the proposal will have a significant impact on access arrangements,

parking and manoeuvring areas. This application does not increase the numbers currently working at Moy Park.

- (i) The application is within a zoned area of land in the development limits of Dungannon. There are no impacts on public rights of way that I am aware of. There are a number of bus services, and access for people with impaired mobility is not an area of concern and will also be covered under separate building regulations;
- (j) The site layout, building design and associated infrastructure are considered to be acceptable. No landscaping has been proposed but given the existing open nature of the existing site it is not felt additional landscaping is necessary.
- (k) The proposal will not impact on the existing boundary treatment to the site. There are no areas of outside storage proposed; it is my view that the scale, nature and form of the proposal is appropriate to the location.

Summary of Recommendation:

Approve is recommended

Approval is recommended. minor works in existing industrial area.

Approval Conditions

Condition 1

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

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

Signature(s): RJ McAleer

Date: 5 September 2023

ANNEX	
Date Valid	26 June 2023
Date First Advertised	10 July 2023
Date Last Advertised	10 July 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier Killyman Road Industrial Estate 4 Killyman Road Dungannon Tyrone BT71 6LN The Owner / Occupier Factory Killyman Road Dungannon Tyrone BT71 6LN The Owner / Occupier 163 Killyman Road Dungannon Tyrone BT71 6LN	
Date of Last Neighbour Notification	26 June 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses -	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Existing Plans Plan Ref: 02 Site Layout or Block Plan Plan Ref: 03 Proposed Floor Plans Plan Ref: 04 Proposed Floor Plans Plan Ref: 04/1	

Notification to Department (if relevant)

Not Applicable

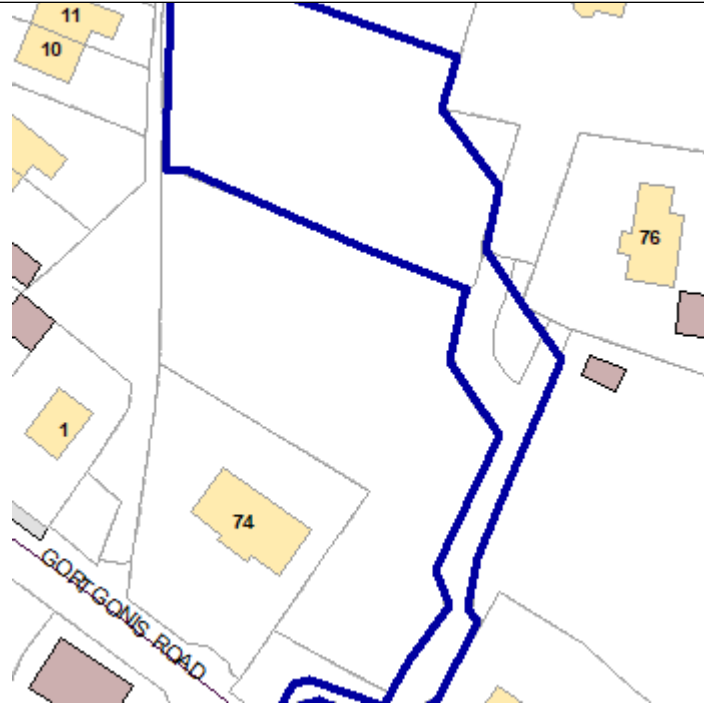


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 3 October 2023	Item Number: 5
Application ID: LA09/2023/0801/F	Target Date: 14 November 2023
Proposal: Retention of domestic garage and store	Location: 25M West of 76 Gortgonis Road Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Tony Canning 76 Gortgonis Road Coalisland Dungannon BT71 4QG	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located at 25M West of 76 Gortgonis Road Coalisland, the application is located within the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. There is a large, stoned laneway that leads to the front of the proposal. The western and southern boundary of the application site is defined by mature hedging 2 metres in height. The western / party boundary

between of the site and nos. 9-14 Gortmanor is defined by approx. 2 high vertical timber fencing; the remaining boundaries are relatively open onto the larger host field, bound only by post and wire fencing.

Description of Proposal

Retention of domestic garage and store

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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.

Representations

Eight (8) neighbouring properties were notified regarding the proposal and one letter of objection have been received.

Planning History

Reference: LA09/2020/0739/F

Proposal: Proposed site for 2no detached dwellings and garages (amended drawings / updated P2 Certificate of land ownership)

Decision Granted: 05.10.2021

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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 closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. SETT 1 is the relevant policy which applies. The site is not within any other designations or zonings within the Plan. I am content as the proposal complies with PPS 7 Addendum it will also comply with SETT 1.

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 interest of acknowledged importance.

Addendum to PPS 7 - Residential Extensions and Alterations: sets out planning policy and guidance for achieving quality in relation to proposals for residential extensions and alterations. No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum). Policy EXT1 of APPS7 indicates that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met.

Scale, Massing, Design and Appearance

The existing garage is located to the northwestern boundary of the proposed dwelling. The garage is two storey with a pitched roof. The garage will feature two roof windows, a garage door to the ground floor southern elevation, a window and door to the ground floor eastern elevation and a ground floor window to the northern elevation. The internal features will include a garage to the ground floor and a store to the first floor. The materials proposed include, grey concrete tiles, plastered painted walls and white upvc windows. The materials proposed considered acceptable. The garage is open to public views however given the fact it is subordinate to the main proposed dwelling, set back and the materials proposed are considered acceptable, I believe there will be no significant impact on the character and appearance of the area.

Neighbour Amenity

Neighbouring properties 9-14 Gortmanor are located to the western side of the garage. Given the adequate separation distance from the properties to the garage as well as these properties being located on higher topography level than that of the garage, I believe there will be no concern regarding overshadowing or dominance on these neighbouring properties. As there are no windows proposed on the eastern elevation of the proposal, I believe there will be no concern regarding overlooking on these neighbouring properties.

Impact on Trees and Environmental Quality of this Area

There are no trees being removed as part of this proposal and I am content the proposed extension will not detract from the environmental quality of the area.

Amenity Space, Parking and Manoeuvring

I consider there is sufficient amenity space remaining within the applicant's curtilage and there will be no detrimental impact on the residential amenity of the adjacent neighbouring dwellings either. Adequate space will remain within the site curtilage for parking and turning.

Representations

There was one objection received regarding the proposal (12 Gortmanor Coalisland). The objection noted that *'what has been built on site has a high eaves level and prominent side gable roof on a footprint that extends almost our entire rear boundary'*.

The policy states that 20 metres back-to-back is acceptable for 2 storey dwellings. However, the distance between the proposal and this neighbouring property is approximately 14 metres, given that this neighbouring property is located on a high topography level as well as the existing boundary treatment the proposal will only cause overshadowing in the morning time and not the rest of the day.

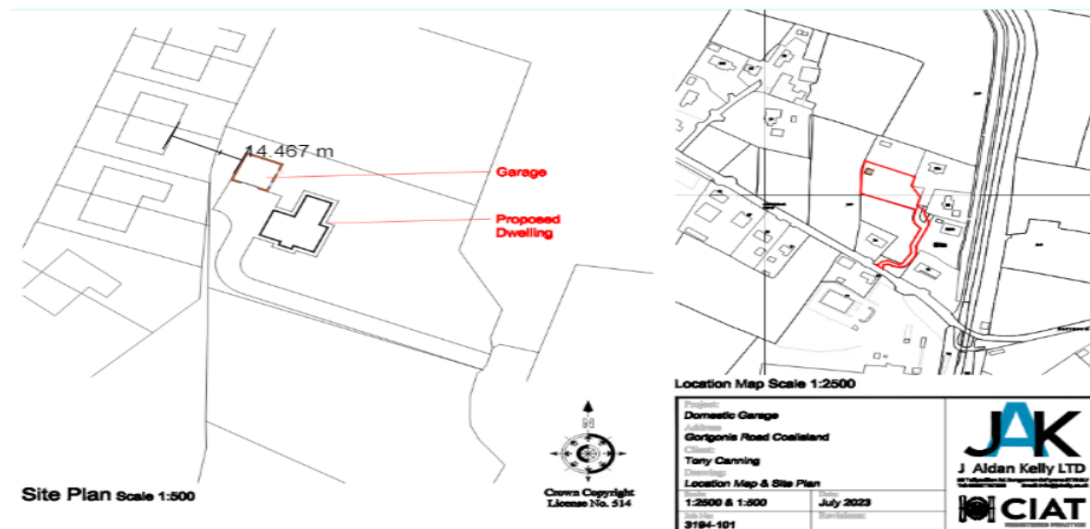


Figure 1 shows the distance between the proposal and the neighbouring property.

The objector had also mentioned that *'The rear garden serving our property is shallow and the result is a dominant structure that seriously reduces outlook from rear windows and results in an un-neighbourly and enclosing form of development, this can be appreciated from rear windows and the garden area'*. The proposal is contrary to policy QD1 (h).

There are no windows located on the western elevation of the proposal therefore overlooking will not be an issue on this neighbouring property. The proposal does not extend towards this property and has a ridge height of approximately 6.4 metres. The proposal is also not in contrary to policy QD1 (h) given its acceptable ridge height and there are no issues with overlooking or significant concerns with overshadowing.



Figure 2 shows the topography level and the existing boundary treatments between the proposal and neighbouring property.

The objector had also mentioned that *'We consider the proposal has a significant impact on our residential amenity, we consider the proposal has a significant impact on our residential amenity, we consider the extant approval, offered a fair compromise, and this proposal re-introduces concerns previously considered unacceptable'*.

There is still enough amenity space between the proposal and this neighbouring property. The proposal does not extend towards the neighbouring property therefore the residential amenity of this neighbouring property will not be affected.

Having evaluated the proposal I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential extension and Alterations and will not cause any issues on any neighbouring properties.

Recommendation: Approval

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

2011.

Reason: This is a retrospective application.

Signature(s): RJ McAleer

Date: 20 September 2023

ANNEX	
Date Valid	1 August 2023
Date First Advertised	15 August 2023
Date Last Advertised	15 August 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 9 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 10 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 11 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 12 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 14 Gortmanor Coalisland Tyrone BT71 4GY The Owner / Occupier 76A Gortgonis Road Coalisland Tyrone BT71 4QG The Owner / Occupier 78 Gortgonis Road Coalisland Tyrone BT71 4QG The Owner / Occupier 79 Gortgonis Road Coalisland Tyrone BT71 4QG</p>	
Date of Last Neighbour Notification	2 August 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2004/0392/F Proposals: Erection of 2 1/2 storey office building and associated parking& landscaping to replace ex. office. Decision: PG Decision Date: 08-APR-05</p> <p>Ref: M/2005/1476/Q Proposals: Proposed Housing Development Decision: 211 Decision Date: 27-SEP-05</p>	

Ref: M/2013/0048/F

Proposals: Proposed extension to existing workshop for engineering purposes.

Decision: PG

Decision Date: 15-SEP-14

Ref: M/1992/0176

Proposals: Erection of casting shed for the manufacture of reinforced concrete beams.

Decision: PG

Decision Date:

Ref: LA09/2021/0530/F

Proposals: Proposed single storey extension to the rear of dwelling. (re neighbour notification due to additional elevation recieved)

Decision: PG

Decision Date: 17-JUN-21

Ref: LA09/2023/0801/F

Proposals: Retention of domestic garage and store

Decision:

Decision Date:

Ref: M/2002/1316/F

Proposals: Dwelling

Decision: PG

Decision Date: 15-SEP-03

Ref: M/2001/0416/F

Proposals: Proposed dwelling (Renewal of M/96/0490)

Decision: PG

Decision Date: 09-JUL-01

Ref: M/1996/0430B

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/1996/0490

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2017/1731/PAD

Proposals: Site for 2 Dwellings

Decision: DECPAD

Decision Date: 12-MAR-18

Ref: M/2006/1505/F
Proposals: 2 no. dwellings and domestic garages
Decision: PR
Decision Date: 21-MAY-07

Ref: LA09/2020/0739/F
Proposals: Proposed site for 2no detached dwellings and garages (amended drawings / updated P2 Certificate of land ownership)
Decision: PG
Decision Date: 05-OCT-21

Ref: LA09/2018/0349/O
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 06-JUN-18

Ref: LA09/2020/1296/RM
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 11-DEC-20

Ref: M/2005/2427/O
Proposals: Dwelling House & Domestic Garage
Decision: PG
Decision Date: 30-MAY-06

Ref: LA09/2015/0930/F
Proposals: Proposed domestic storage building including extension of domestic curtilage
Decision: PG
Decision Date: 20-NOV-15

Ref: LA09/2020/1309/O
Proposals: Proposed dwelling and garage
Decision: PG
Decision Date: 04-FEB-22

Ref: M/2006/2187/F
Proposals: Domestic garage & Sunroom
Decision: PG
Decision Date: 22-MAR-07

Ref: M/1987/0087
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: LA09/2016/0980/F

Proposals: Proposed Change of House Types (No.7 □ 9 Gort Manor)

Decision: PG

Decision Date: 17-OCT-16

Ref: M/2011/0198/F

Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Decision: PG

Decision Date: 08-DEC-11

Ref: M/2001/0469/A41

Proposals: Replacement of existing flat roof on front porch with pitched roof.

Decision: 208

Decision Date: 21-MAY-01

Ref: M/1980/0530

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: M/2012/0453/F

Proposals: Proposed housing development consisting of 22 no 2 storey semi-detached and 2 no 2 storey detached dwellings including access road and link footpath on opposite side of road. Also includes detached garage to each dwelling.

Decision: PG

Decision Date: 09-JUL-14

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Elevations and Floor Plans Plan Ref: 02/1

Notification to Department (if relevant)

Not Applicable

