

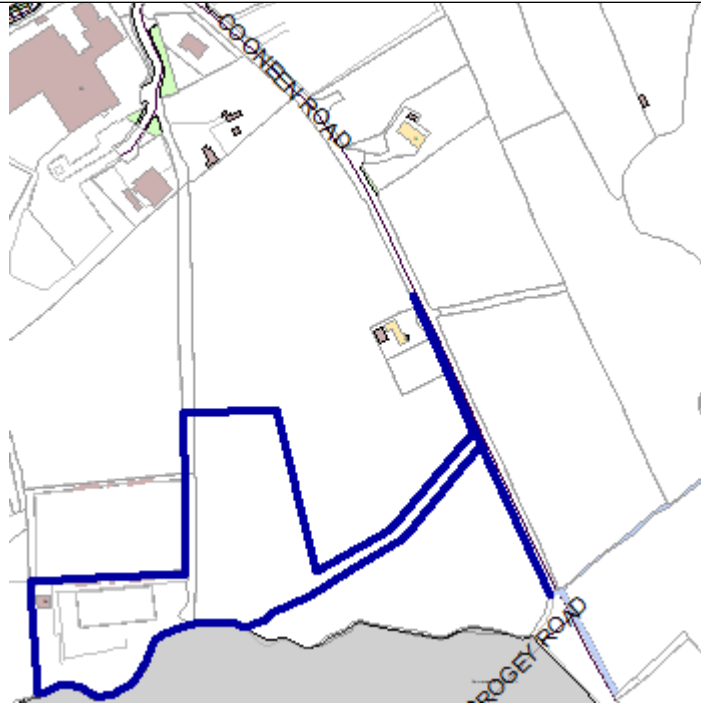


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.1
Application ID: LA09/2021/0970/F	Target Date: 21 January 2022
Proposal: Proposed 3G pitch, 12m high flood lighting, 6m high ball stop fencing, additional car parking, and new access onto Cooneen Road.	Location: 39 Cooneen Road Fivemiletown Tyrone BT75 0ND.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Fivemiletown United Football Club 39 Cooneen Road Fivemiletown	Agent Name and Address: Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary: Approval with conditions	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
Statutory Consultee	NIEA	PRT LA09-2021-0970-F.PDF
Statutory Consultee	Rivers Agency	146668 - Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2021-0970-F.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 at 39 Cooneen Road, Fivemiletown, Tyrone. It is located just outside the settlement limits of Fivemiletown. It includes an existing playing field and takes in the field adjacent to this. A new access is proposed off Cooneen Road. There are fields to the north, west and south of the site and Cooneen Road to the east. To the north is Fivemilwtown Industrial Estate and housing developments. To the immediate south is Fermanagh District.

Description of Proposal

Proposed 3G pitch, 12m high flood lighting, 6m high ball stop fencing, additional car parking, and new access onto Cooneen Road.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The following policies have been considered in the assessment of this application:

Strategic Planning Policy Statement for Northern Ireland (SPPS)
Dunagannon Area Plan 2010
PPS2 - Natural Heritage
PPS 3- Access, Movement and Parking
PPS8 - Open Space, Sport and Outdoor Recreation
PPS21 - Sustainable Development in the Countryside
PPS 15 (Revised)- Planning and Flood Risk

The SPPS recognises that open space, sport and outdoor recreation is important to society now and in the future. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature.

Policy COM1 of the Area Plan - Community Uses of the Dungannon Area Plan states that planning permission will be granted will be granted for community uses within settlement limits provided this would not prejudice comprehensive development, particularly on zoned sites, and where all the following criteria are met:

- there is no significant detrimental effect on amenity;

I am content that the proposal will not have a detrimental effect on amenity of any nearby residents. The residential properties are sufficient distance away not to be affected by the proposal. The proposal proposes floodlighting. Environmental Health were consulted and provided a condition.

- The proposal will not prejudice development on zoned sites, and it is not on phase 2 housing zoning.

There is no issues on the site with the above.

- there is no significant conflict with conservation interests;

The site is not located within a designated area, so will not conflict with any conservation interests.

- The proposal is in keeping with the size and character of the settlement and its surroundings;

I am content that the proposal is of a scale in keeping with the character of the adjacent settlement and its surroundings in the countryside.

- Where necessary, additional infrastructure is provided by the developer

I am content this has been addressed.

- There are satisfactory access, parking and sewage disposal arrangements.

I am content there will be no issues with sewage given the proposed use of the site. DfI Roads are content with the proposed parking and access.

PPS21 - Sustainable Development in the Countryside

Planning permission will be granted for non-residential development in the countryside in the certain cases. Policy CTY1 directs this type of development, outdoor sport and recreational uses, to be assessed in accordance with PPS 8. The proposal is in line with policies CTY13 and CTY14 in terms of integration and no detrimental impact on rural character. A new access is proposed off Cooneen Road, which follows an existing field boundary, it will not significantly change the character of this area.

PPS8- Open Space, Sport and Outdoor Recreation

Policy OS4- Intensive Sports Facilities states for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Although the proposal may not be considered an intensive sports facility, it does provide for a wide range of activities with being a Multi Use Games Area. Permission will only be granted for intensive sports facilities where these are located within a settlement.

The existing playing field, which is within the application site, is noted in the Area Plan as existing recreational and open space, and will be retained as such, with an additional 3G pitch.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency, or timing of the sporting activities proposed, including any noise or light pollution likely to be generated

As previously covered, I am content the proposal will not have an unacceptable effect on the amenity of nearby residents. No objections have been received.

- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage

There will be no adverse impact on any of these features.

- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment

I am content that the design of the development is of a high standard and is of an appropriate scale to the local area. I am satisfied the proposal is of a small enough scale as to not be a dominant feature within the local area.

- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport

I am content that the proposal takes into account the needs of people with disabilities as it provides for disabled parking and access to the proposal is easily accessible. Although parking is provided at the site, the site is also readily accessible by walking and cycling in the local area.

- The road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

DFI Roads have no objections subject to conditions.

With regards the drainage at the site, DfI Rivers were consulted with no objections.

PPS 3- Access, Movement and Parking

A new access is being proposed on Cooneen Road and DFI Roads were consulted and provided two conditions.

PPS2- Natural Heritage

NIEA- NED note the site contains bare ground, buildings, a ditch, grassland, hedgerows, scrub, trees and is adjacent to a watercourse. The agent provided a badger and otter survey and NED are content the proposed development is unlikely to significantly impact protected or priority species or habitats. NED also note no evidence of invasive species were found within the site. Conditions have been provided to be attached to any approval.

In terms of PPS15, FLD1, the development does not lie within the 1 in 100 fluvial or flood plain. FLD3 - There is a designated watercourse along the southern boundary of the site, so a working strip of min width of 5m should be retained for maintenance. Clear access and egress should be provided at all times. DFI Rivers have no objection to the submitted drainage assessment. FLD 4 - the site layout shows that a section of open drain is proposed to be piped. Under FLD4, Artificial modification to a watercourse is only permitted if it necessary for access or for engineering reasons. The agent has stated it is their intention to pipe this drain to provide greater structural stability for the 6m high ball stop fence and also improve health and safety for the applicant group for general access surrounding the fence, ball retrieval and fence maintenance, this reasoning is accepted in terms of meeting the criteria of FLD4. FLD5 is not applicable to the site.

Other policy and material considerations

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the district. Re-consultation on the Draft Plan Strategy 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.

Approval is recommended with conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development hereby approved shall be commenced within 5 years from the date of this permission.

Reason: Time limit.

Condition 2

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

Reason: To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

Condition 3

Within 4 weeks of a written request by the Planning Department, following a reasonable complaint about noise and/or lighting, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise and/or light from the site at the complainant's property. Details of the noise and/or lighting monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect the amenity of residents.

Condition 4

The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 25 JUN 2021, prior to the (commencement/occupation/operation) of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 5

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

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

Signature(s): Emma McCullagh

Date: 21 June 2023

ANNEX	
Date Valid	25 June 2021
Date First Advertised	8 July 2021
Date Last Advertised	6 July 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 25 Ballylurgan, Fivemiletown, Tyrone, BT75 0PT The Owner / Occupier 23 Cooneen Road Fivemiletown Tyrone BT75 0NE The Owner / Occupier 39 Cooneen Road, Fivemiletown, Tyrone, BT75 0ND The Owner / Occupier 27 Ballylurgan Fivemiletown Tyrone BT75 0PT The Owner / Occupier 37 Cooneen Road Fivemiletown Tyrone BT75 0NF	
Date of Last Neighbour Notification	9 July 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2021/0970/F Proposals: Proposed 3G pitch, 12m high flood lighting, 6m high ball stop fencing, additional car parking, and new access onto Cooneen Road. Decision: Decision Date:</p> <p>Ref: M/2011/0335/F Proposals: Proposed new 8m high floodlighting columns and associated floodlight settings. Removal of existing perimeter block wall and erection of new timber fencing. Decision: PG Decision Date: 16-JUN-11</p> <p>Ref: LA09/2022/1695/F Proposals: Replacement of existing grass pitch with 3G pitch Decision: Decision Date:</p>	

Ref: M/1978/0360
Proposals: IMPROVEMENTS TO DWELLING
Decision: PG
Decision Date:

Ref: M/2009/0775/F
Proposals: Rear single storey extension to allow shower room
Decision: PG
Decision Date: 23-OCT-09

Ref: LA09/2022/0092/PAN
Proposals: Proposed 3G pitch, associated 12m high flood lighting, 6m high ball stop fencing, additional car parking and new access onto Cooneen Road
Decision: PANACC
Decision Date: 26-APR-22

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
NIEA-PRT LA09-2021-0970-F.PDF
Rivers Agency-146668 - Final Response.pdf
NIEA-PRT LA09-2021-0970-F.PDF

Drawing Numbers and Title

Proposed Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01
Proposed Plans

Notification to Department (if relevant)

Not Applicable

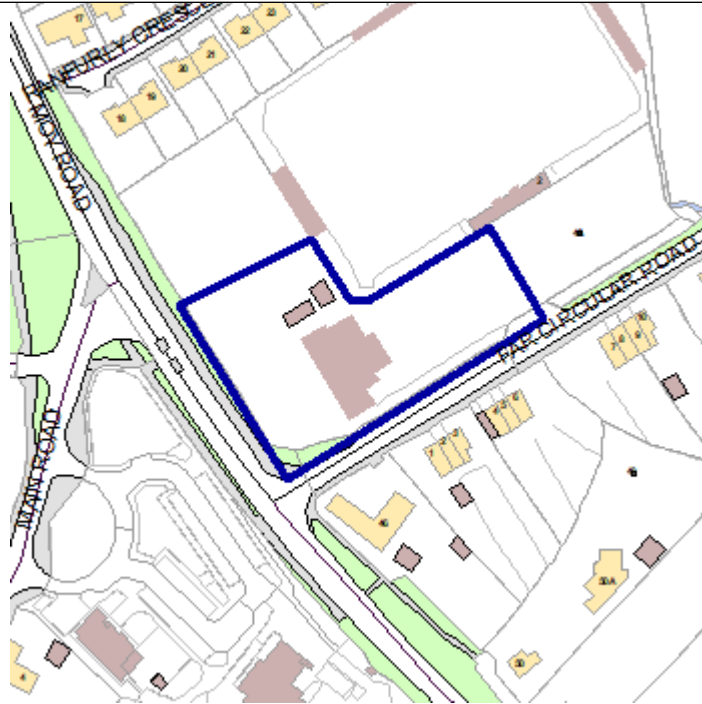


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.2
Application ID: LA09/2021/1256/F	Target Date: 22 October 2021
Proposal: Demolition of club house and construction of indoor training pitch. Extension to ground floor changing rooms to provide more changing facilities to serve the proposed indoor training pitch. Extension to board room to provide new club house in replacement for the club house that is to be demolished.	Location: Far Circular Road Dungannon BT71 6PP
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Dungannon Utd Youth Far Circular Road Dungannon BT71 6PP	Agent Name and Address: Sam Smyth Architecture Unit 45D DGN Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary: There was one letter of objection submitted from a neighbouring resident. The agent is now a member of Mid Ulster District Council's Building Control Department.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
Statutory Consultee	DFI Roads - Enniskillen Office	26-04-2023.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

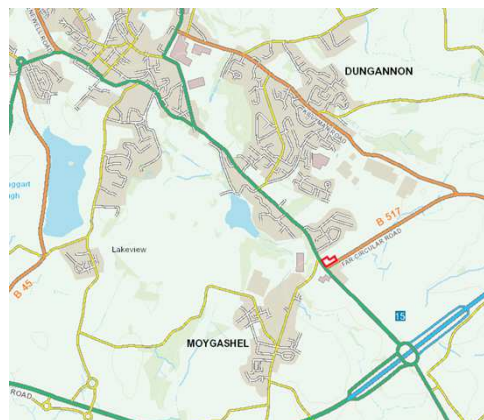
A letter of objection was received from a neighboring dwelling and the agent is currently a staff member of Mid Ulster District Council's Building Control Department.

Characteristics of the Site and Area

This application site occupies a portion of land in the south western corner of the Dungannon Swifts soccer grounds at Stangmore Park. The western boundary of the site runs alongside the A29 Moy Road which is a Protected Route and at a level higher than this site. The south eastern boundary of the site comprises palisade fencing and runs alongside the Far Circular Road which also sits at a level higher than the site, with steps allowing pedestrian access. The north eastern boundary of the site is undefined on the ground as it cuts through the existing tarmaced carpark. The north western boundary of the site is also undefined on the ground as it includes part of the existing outdoor 3G pitch which is enclosed by high nets and low walls.



The site is located within the development limits of Dungannon and is designated as an Existing Recreation and Open Space in the Dungannon and South Tyrone Area Plan. The site is approximately 800 metres from the Stangmore Roundabout and the area surrounding this site contains a variety of uses, within a 250 metre radius of this site are residential, retail, religious and educational facilities.



Planning History

M/2014/0576/O - Proposed 3G training pitch and associated changing rooms. Proposed

conversion of existing grass pitch into a 3G surface. - Approval - 16.04.2015

M/2010/0376/F - Proposed floodlights to football field – Approval - 18.06.2010

M/2010/0183/F - Ground floor extension to existing changing rooms/clubhouse to provide storage – Approval - 29.03.2010

M/2009/0302/F – Proposed new clubroom building to provide new changing facilities - Approval - 09.06.2009

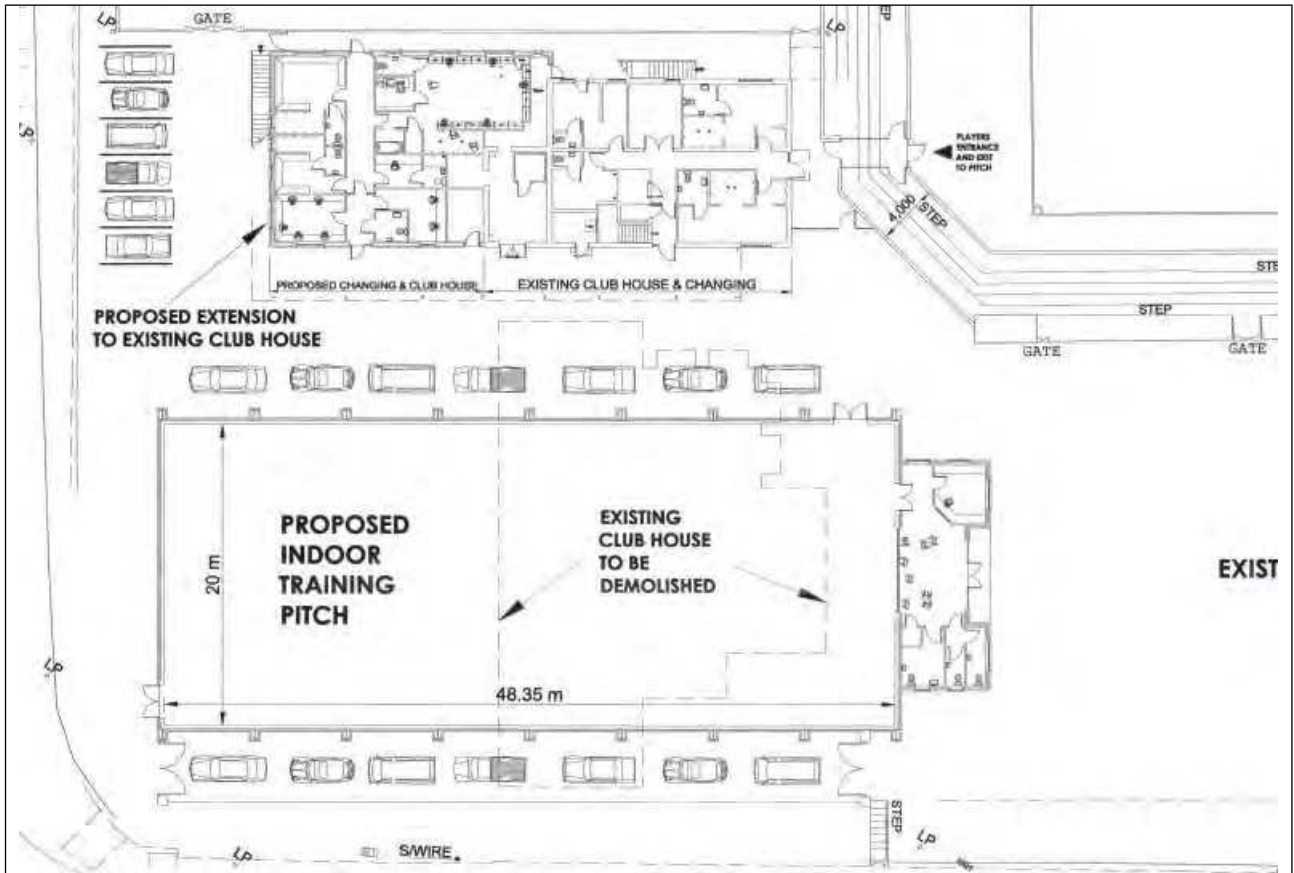
M/2007/1565/F - Proposed new clubroom building to provide new changing facilities. - Approval - 19.03.2008

M/1979/0153 – New Club facilities - Approval

M/1975/0230 – Temporary Clubrooms and Car Park - Approval

Description of Proposal

This application seeks full planning permission for the demolition of club house and construction of indoor training pitch at the Dungannon Swifts football grounds on Far Circular Road, Dungannon. It also includes an extension to ground floor changing rooms to provide more changing facilities to serve the proposed indoor training pitch and an extension to board room to provide new club house in replacement for the club house that is to be demolished.



The indoor training pitch building will cover a footprint of 1,087 sq metres and will occupy the position of the existing clubhouse and some additional land either side. Currently the land to the west of the clubhouse is an informal grassed area which is not marked out in any way. The additional land to the east of the existing building is currently parking space. The indoor pitch building measuring 48.5 metres long and 20.6 metres wide proposes to sit parallel to the Far Circular Road. The rear gable western elevation which faces onto the Moy Road has a set of double doors. The southern elevation has no openings and the northern elevation seeing a set of double doors at each end of the building. This part of the building has a ridge height of 7 metres FGL with blue roof cladding and yellow buff brick walls. A projection on the eastern elevation accommodates the entrance to the building along with changing facilities and toilets. This part of the proposal has a lean to hipped roof with black concrete roof tiles, blue aluminium windows and sandstone cladding.



The extension to the clubhouse and changing building which sits to the north of the

indoor pitch building is proposed on the western elevation of the building. This will see an additional footprint of just under 200 sq. metres to provide changing facilities at ground level and a function room with bar on the first floor. It will have a footprint of 7.8 metres FGL to match the existing building and finishes to match also.

Consultations and Representations

Environmental Health have taken into consideration the objector's comments and note the building of this indoor pitch will act as a barrier to the proposed extended clubhouse thus reducing any potential nuisance for residents along the Far Circular Road. They have no objections subject to a condition regarding any reasonable noise complaint being reported from this site.

DfI Roads were consulted and they requested information on

- Number of staff.
- Number of players / competitors.
- Number of spectators.
- Gross floor area of clubhouse / function room.
- Net floor area of Players' Lounge / Members Area

After discussing this proposal and the requests of DfI Roads, it was decided this information was not deemed necessary. This proposed development of the Indoor Pitch would not be utilised during times when a match is being played and therefore there will be no intensification of this existing access.

A total of 13 neighbours were notified about this proposed development.

There was 1 letter of objection received about this proposal from the residents of a dwelling directly adjacent to the existing clubhouse. They had concerns over noise levels and operating times. They said there were ongoing issues with noise from the clubhouse in the evenings and at night when functions are occurring. They had concerns regarding the use of this proposal as it has the potential to accommodate more people which could result in more noise. The objector also has concerns stating that the Far Circular Road is not fit for purpose and that during match times cars and buses are parked along this road making it very unsafe.

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. 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 on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The Council submitted the

Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The SPPS states that planning considerations for ancillary development to existing sport and outdoor recreation facilities will include, location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport, floodlighting, landscaping, public safety, nature conservation, biodiversity, archaeology or built heritage. As the site lies within the settlement limit of Dungannon as defined in the DSTAP, SETT 1 – Settlement Limits and COM 1 – Community Uses are relevant policies.

The neighbouring objector highlighted concerns regarding this proposal as identified above. Mid Ulster District Council's Environmental Health department visited the site and taking the objectors concerns into consideration, they have no objection to this proposed development. They went on to say the proposed building for the indoor pitch would actually provide a buffer to any noise. Any issues of noise can be reported to the Environmental Health Department who will investigate who will investigate complaints and determine if there are any unacceptable noise levels. I am content this proposal is sensitive to the character of the Dungannon and will not have an unacceptable impact on neighbour amenity. There is no Phase 2 Housing zoning or other zoned sites which could be prejudiced by this proposal. There are no Historic or Natural conservation designations which this proposal could conflict with. I am content the scale of this proposal is in keeping with the size and character of Dungannon. The site sits below the main road network which aids integration into the surrounding area which has a multitude of different uses. There is no additional infrastructure required by this proposal, no change to the access of this site and it complies with other relevant policy provisions.

DSATP safeguards all major areas of existing open space for that use through the zoning of the relevant areas such as this application site. As the site is zoned as Existing Recreation and Open Space, it is further protected by the provisions of PPS 8 Open Space, Sport and Outdoor Recreation. Policy OS 1 - Protection of Open Space in PPS 8 states development will not be permitted where it would result in the loss of existing open space or land zoned for the provision of open space. Planning permission will normally only be granted to proposals which are ancillary to the open space use of the land and which meet the requirements and guidance contained within DSTAP.

Para 5.8 of PPS 8 states that in relation to playing fields and sports pitches in urban areas, there may be exceptional circumstances where it is demonstrated that the

retention and enhancement of the facility can only be achieved by the redevelopment of a part of the area.

As the proposal would provide an extension to existing clubhouse and changing facilities and provide a new indoor pitch, I am satisfied these are ancillary features which will facilitate the enhanced operations of the existing recreation area. This enhancement will be advantageous for the wider community as it will be able to accommodate more people and improve fitness levels contributing to a healthier population.

This proposal would not have an adverse effect on the recreational potential or overall amenity of the site. I am content this proposal complies with OS 1 in that the established use on this site will not be changed but enhanced, therefore it complies with the policy requirements of PPS 8.

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

This site is within the grounds of an established residential amenity in Dungannon town and this proposed development will enhance the existing changing room facilities while also providing a covered indoor pitch. Taking the objectors issues into consideration, I am content any noise issues can be dealt with through the reporting of any noise nuisances to Mid Ulster District Council's Environmental Department who will then investigate. The issues regarding traffic seem to be referring to match days in particular, which is outside of the realms of this planning application as the proposed development will not be utilised at these times. I am satisfied this proposed development complies with the policy provisions of SETT 1 and COM 1 in DSTAP, as well as PPS 1 and the SPPS and recommend approval subject to 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

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 relevant guidance and procedures. Details of the noise monitoring survey shall be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To ensure protection of residential amenity.

Signature(s): Cathy Hughes

Date: 22 June 2023

ANNEX	
Date Valid	27 August 2021
Date First Advertised	7 September 2021
Date Last Advertised	7 September 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 4 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 5 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 6 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 2 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 7 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 2 Main Road Moygashel Tyrone BT71 7QR The Owner / Occupier 18 Ranfurly Crescent Dungannon Tyrone BT71 6PH The Owner / Occupier 1 Stangmore Terrace Dungannon Tyrone BT71 6PP The Owner / Occupier 19 Ranfurly Crescent Dungannon Tyrone BT71 6PH The Owner / Occupier 21 Ranfurly Crescent Dungannon Tyrone BT71 6PH The Owner / Occupier 20 Ranfurly Crescent Dungannon Tyrone BT71 6PH The Owner / Occupier 46 Moy Road Dungannon Tyrone BT71 7DT The Owner / Occupier 3 Stangmore Terrace Dungannon Tyrone BT71 6PP</p>	
Date of Last Neighbour Notification	17 November 2021
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: M/1997/0720

Proposals: Turnstiles and Toilet Block

Decision: PG

Decision Date:

Ref: M/2005/2148/E

Proposals: Improvements to Moygashel Waste Water Treatment Works.

Decision: 211

Decision Date:

Ref: M/1979/015301

Proposals: NEW CLUB FACILITIES ON VACANT GROUND ADJACENT TO EXISTING PLAYING FIELDS

Decision: PG

Decision Date:

Ref: M/1979/0153

Proposals: NEW CLUB FACILITIES

Decision: PG

Decision Date:

Ref: M/2004/0576/A

Proposals: 2 no. 48 sheet Advertisement hoarding

Decision:

Decision Date:

Ref: M/1975/0230

Proposals: ERECTION OF TEMPORARY CLUB ROOMS AND CAR PARK

Decision: PG

Decision Date:

Ref: M/2008/1022/LDP

Proposals: Improvements to Moygashel Waste Water Treatment Works

Decision: PG

Decision Date: 25-MAR-09

Ref: M/2014/0576/O

Proposals: Proposed 3G training pitch and associated changing rooms. Proposed conversion of existing grass pitch into a 3G surface

Decision: PG

Decision Date: 11-MAY-15

Ref: M/2009/0302/F

Proposals: Proposed new clubroom building to provide new changing facilities

Decision: PG
Decision Date: 09-JUN-09

Ref: M/2007/1565/F
Proposals: Proposed new clubroom building to provide new changing facilities.
Decision: PG
Decision Date: 21-MAR-08

Ref: M/2010/0183/F
Proposals: Ground floor extension to existing changing rooms/clubhouse to provide storage
Decision: PG
Decision Date: 04-MAY-10

Ref: M/1990/0001
Proposals: Illuminated Sign
Decision: PG
Decision Date:

Ref: M/1989/0630
Proposals: Spectators Stand
Decision: PG
Decision Date:

Ref: M/2008/0482/F
Proposals: Proposed mixed business/recreational building incorporating a retail outlet, storage provision and a keep fit gym facility
Decision: PG
Decision Date: 24-JUL-08

Ref: M/2009/0226/A
Proposals: Shop Sign
Decision: CG
Decision Date: 20-APR-09

Ref: M/2007/0275/O
Proposals: Proposed printing works and shop 2 storey.
Decision: PR
Decision Date: 17-AUG-07

Ref: M/2009/0224/F
Proposals: Proposed mixed business and recreational single storey building incorporating a retail outlet (shop and printing works) and keep-fit suite (with changing rooms and showers)
Decision: PG
Decision Date: 08-JUL-09

Ref: M/2010/0376/F

Proposals: Proposed floodlights to football field

Decision: PG

Decision Date: 10-AUG-10

Ref: LA09/2021/1256/F

Proposals: Demolition of club house and construction of indoor training pitch.

Extension to ground floor changing rooms to provide more changing facilities to serve the proposed indoor training pitch.

Extension to board room to provide new club house in replacement for the club house that is to be demolished.

Decision:

Decision Date:

Ref: M/2005/1798/A

Proposals: 1 No A8 sheet ad . Horadings

Decision: CG

Decision Date: 23-NOV-05

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

DFI Roads - Enniskillen Office-26-04-2023.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Elevations and Floor Plans Plan Ref: 03

Elevations and Floor Plans Plan Ref: 04

Cross Sections Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

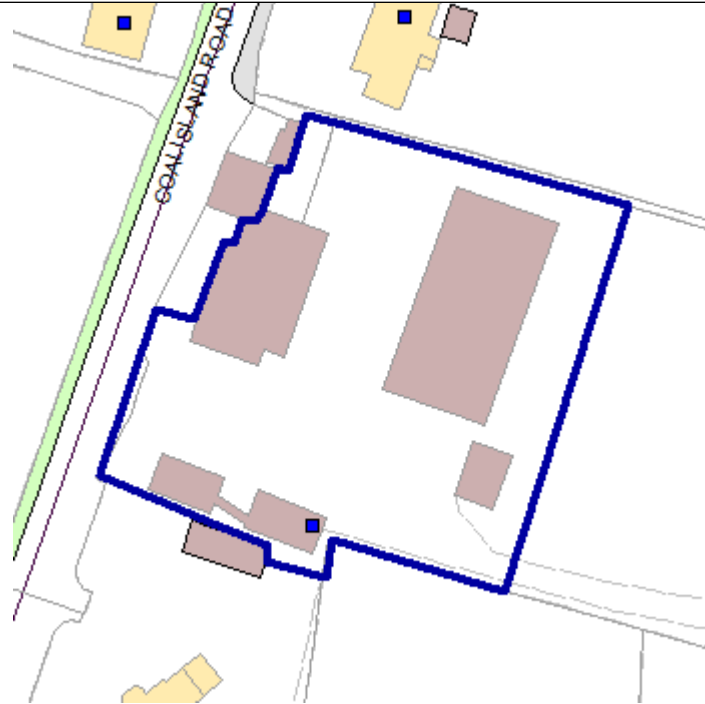


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.3
Application ID: LA09/2022/1363/F	Target Date: 23 December 2022
Proposal: Replacement of Fire Damaged Workshop/Store with a new increased size workshop/store	Location: 31 Coalisland Road Dungannon BT71 6LA
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Kevin Donnelly 31 Coalisland Rd Dungannon BT71 6LA	Agent Name and Address: Mr John Aidan KELLY 50 Tullycullion Road DUNGANNON BT70 3LY
Executive Summary: There were objections from an adjacent property to this application.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation response.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - recon response.docx

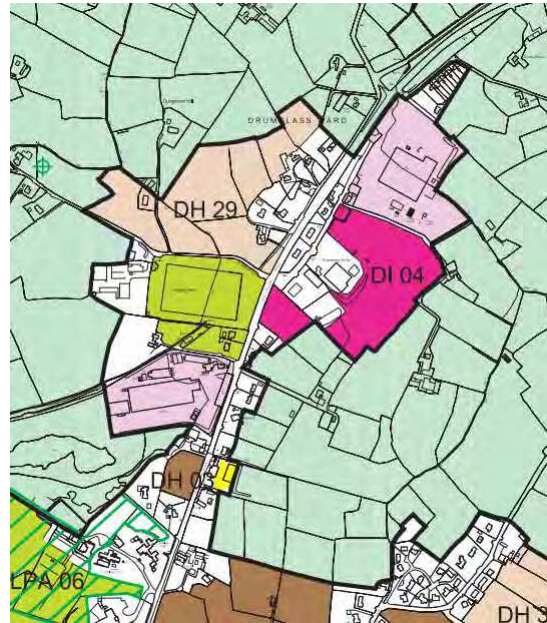
Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

This application site is located at No 31 Coalisland Road, Dungannon and occupies a square shaped plot of land. It sits to the east of the A45 Dungannon to Coalisland Road and measures 0.5 hectares. It lies within the northern part of the development limits of Dungannon and is not zoned in the Dungannon and South Tyrone Area Plan (DSTAP). As indicated in yellow on the map below, this site is located just within the confines of the settlement limits of Dungannon, with the area surrounding the site comprising a variety of uses. These range from educational to the south at Sperrinview Special School and Oakridge Social Education Centre, light industry at RM Engineering to the north on the opposite side of the road, community facilities at St Malachy's Edendork GAC as well as the adjacent Car Wash and surrounding residential properties.



Within the site there are 2 small buildings one of which has a corrugated roof which are sited along the vegetated southern boundary. A blue shipping container sits parallel to the road and along the western boundary of the site. The existing workshop sits in the north eastern corner of the site.

The northern boundary of the site is well vegetated and treed, defining the curtilage of this site and the neighbouring bungalow at No 35 Coalisland Road. The site is approximately 65 metres deep from the roadside as it rises in an easterly direction. The eastern boundary is an earthen bank which is also the settlement limit of Dungannon. This boundary separates the adjacent land which sits at a higher level than this application site and is also within the applicant's ownership. This land adjacent to the site is located in the countryside as is evident from the Map from DSTAP and it is accessed via a concreted lane from the yard area of the site and currently there are some materials stored throughout the site outside uncovered. The southern boundary of the site is vegetated with a concrete wall closer to the access separating the site from the curtilage of the large 2 storey dwelling Enfield and its associated outbuildings. The

western boundary of the site goes along the roadside at the southern corner and is a gated access with a wire security fence. This boundary is then a concrete wall which runs along the front of the shipping container and continues along to the rear of the old forecourt building. Immediately adjacent to and between this application site and the road for part is an old petrol filling station. The old building associated with this former Oaks Road Service Station is sits adjacent to and outside of the north western corner of the site. The associated canopy is still erect and the forecourt is currently utilised by Gold Valeting Centre and Car Wash.



Planning History

M/1989/0150/F - Extension to Workshop (Workshop to be extended was approved in 1988 but has not yet been built) - Beside 31 Coalisland Road Lurgaboy Dungannon

M/1987/0671 - WORKSHOP FOR FABRICATION OF MOBILE CLASSROOM - Adjacent To 31 Coalisland Road, Lurgaboy, Dungannon

M/1984/0465 – DWELLING - Coalisland Road, Lurgaboy, Dungannon -

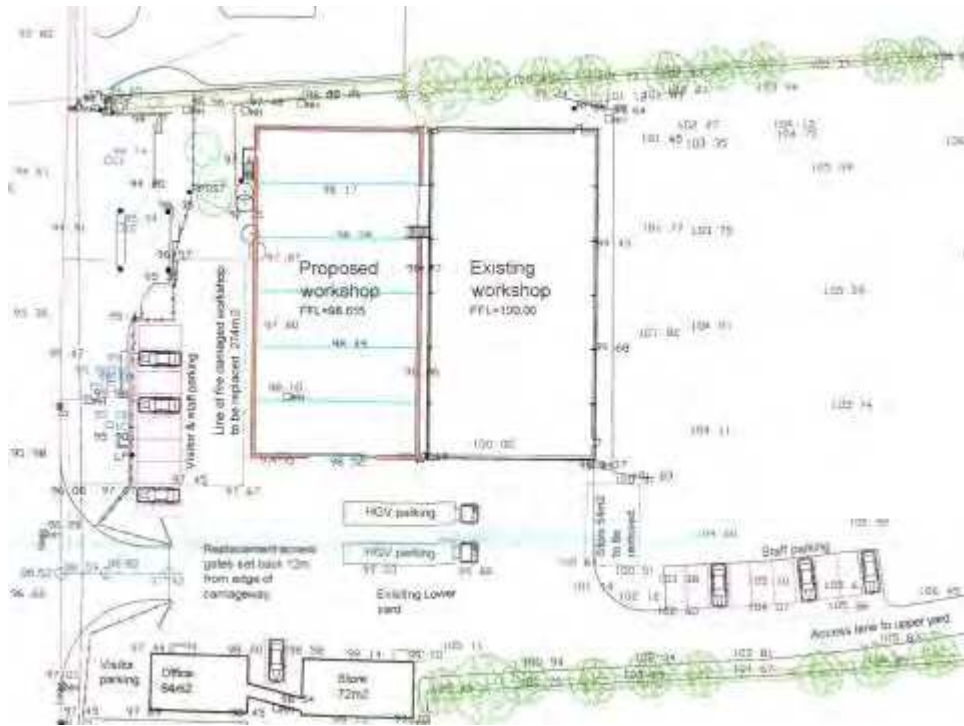
M/1979/0722 - WORKSHOP AND OFFICES FOR PLANT MACHINERY -

M/1978/0629 – PRIVATE DWELLING HOUSE - Coalisland Road, Dungannon

M/1974/0410 - PETROL FILLING STATION STORE - Upper Annagher, Coalisland

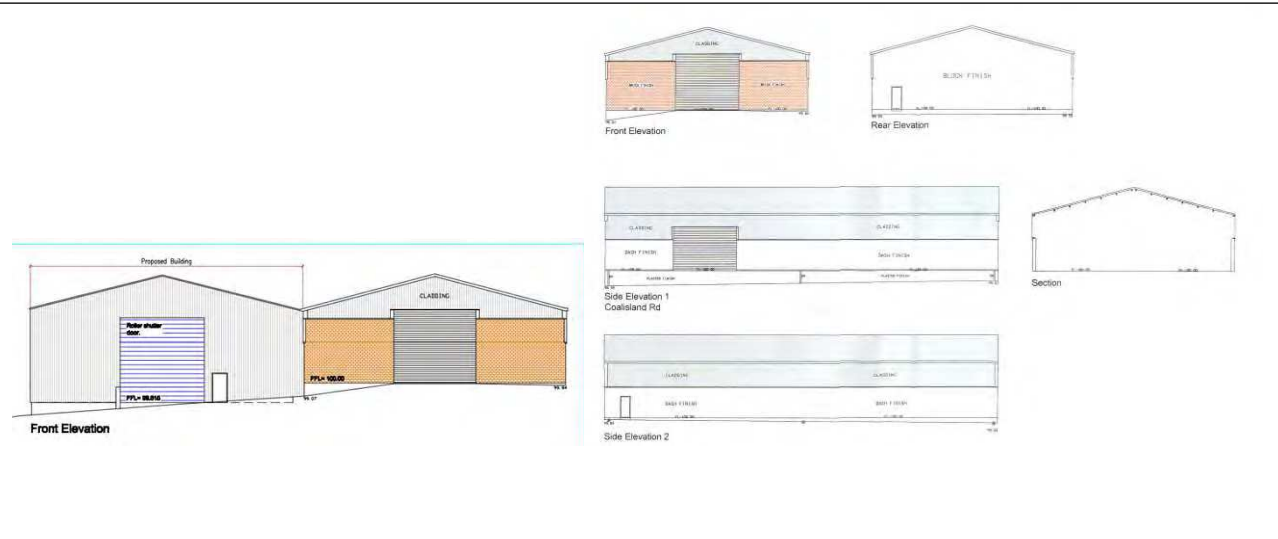
Description of Proposal

This application seeks full planning permission for the replacement of a fire damaged Workshop/Store with a new increased size workshop/store at 31 Coalisland Road, Dungannon.



The new workshop will sit adjacent to the existing workshop and although it is the same width and length and will occupy a similar footprint, due to the ground sloping to the roadside, it will have a higher ridge height but will be the same height as that which is currently there.

A shutter door is proposed on the front southern gable with a fire exit door in the north western corner of the building. A roller shutter door is located along the western elevation of the existing building which will connect to this new proposed building. This application also proposes a new double gate with black IbeX fencing 2.4 metres in height along the front of the site and along the western boundary. This application will see the removal of the shipping container with some 19 car parking spaces are provided as well as 2 HGV parking spaces provided.



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.

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 on 24th September 2020 and the period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Dungannon and South Tyrone area Plan (DSTAP) is the relevant plan for this site, which sits outside of any settlement. Plan Policy IND 1- Industry and Mixed Business Use states that planning permission will normally be granted for industry, storage and distribution, and other appropriate business uses within these areas where the proposed development meets the key site requirements identified in Part 3 of the Plan.

The SPPS affirms the planning system has a key role in achieving a vibrant economy and aims to facilitate economic development needs in ways consistent with the protection of the environment and the principles of sustainable development. Planning should facilitate economic development in a sustainable manner while also supporting the re-use of previously developed economic development sites and buildings where they meet the needs of particular sectors. All applications for economic development

must be assessed in accordance with normal planning criteria, with consideration given to access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development. The SPPS retains the policy provisions of PPS 3 and PPS 4, of which are applicable to this proposed development.

This proposed development seeks to replace a workshop/store which was later destroyed by fire and measured 274 sq. metres, as is visible in the 2016 orthophotograph below. The new proposed building has a footprint of 670 sq. metres and would result in the current workforce doubling to 10 staff if permission is granted. It is an extension to Port-A-Com Ltd the business currently on the site who manufacture mobile buildings. This proposal will fall under the Class B2 and Class B4 in the Planning (Use Classes) Order NI 2015.



Policy PED 1 - Economic Development in Settlements in PPS 4 states that any proposal for Class B2 - Light industrial and B4 - Storage or Distribution units will be permitted where it is demonstrated that the scale, nature and design of the proposal is appropriate to the character of the settlement and it is not incompatible with any nearby residential use. Policy states a proposal will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location.

Although this application site does not lie within an area zoned in DSTAP specifically for industrial use, there is an existing industrial use on this site due to the presence of the applicant's business and the planning histories confirm this has been long established here. I therefore regard this site as an existing area of employment and is in compliance it with Policy PED 1.

Policy PED 9 General Criteria for Economic Development states a proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The applicant's business is long established on this site as is evident from the 2003 orthophotograph below and the planning permissions referred to earlier in this report. There is a history of industrial enterprise in this vicinity of the town, with a large light industrial business located 150 metres to the north west of this site at RM Engineering which is on the old site where Tyrone Brick operated.



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

A total of 5 neighbouring properties adjacent to the site were notified and there were 2 letters of objection to this proposal from an adjacent neighbouring dwelling. The objector noted that a sunroom on the southern gable of their dwelling would be impacted by this proposed building. Concern was raised about having to continuously clear soot from the site as a result of the fire and a new workshop on this site will only accentuate the risk of the event occurring again. The objector also mentioned noises of hammering and banging coming from the existing shed from 7 AM will only intensify with the proposed increase of employees as a result of this proposed development.

Due to the existing intervening vegetation along the northern boundary of the site, I would not be overly concerned regarding any further loss of light. It is in the applicant's own interest and that of their staff and adjacent property owners that fire and safety regulations are adhered to, which are outside of the realm of planning control. With regards to any potential noise nuisance, as is detailed below the restriction on operational hours from this proposed building will ensure that noise will only be permitted

during the aforementioned days and times noted in the condition. Any contravention of these conditions can be dealt with by Mid Ulster District Council's Environmental Health Department.

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

There are no natural or built heritage issues with this proposal.

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

The site is not located within any designated flood plain or an area susceptible to flooding.

(e) it does not create a noise nuisance;

Environmental Health were consulted on this proposal and upon visiting the site they noted that the nearest 3rd party sensitive receptor is located <10m north from the proposed development. Taking this into consideration along with the presence of the intervening vegetation and the concerns highlighted by the objector as discussed above, they have recommended conditions be attached to any permission in order to ensure residential amenity is not negatively impacted. These conditions restrict the hours the business can operate from this proposed building, the hours of deliveries or despatching of goods to the proposed development as also curtailed and any construction or manufacturing of products in the external yard areas of the business. I am satisfied these conditions attached to any permission will minimise any noise nuisance from this proposed building, and non-compliance with these conditions if found to be correctly reported will be subject to investigative site inspection of the business to determine if there are any breaches of condition.

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

From the information submitted this proposal does not involve the discharge of any emissions 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;

DFI Roads were consulted and they requested additional information:

Showing the 2.4m x 120m visibility splays in both directions from entrance which

requires the utility pole within the road verge to be set back.
Transport Assessment Form detailing vehicular movements per day.
Provision of and layout of the required 18 parking spaces, of which one is adequate for disabled parking and 2 HGV parking bays one for each workshop.
Indicate 18m turning circle area for HGV,s.

Following the submission of amendments, DfI Roads are content that subject to the provision of visibility splays this proposal complies with the provisions of PPS 3.

(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;

As this site is located within the settlement limits of Dungannon, public transport is available along the main road and the site is very accessible by car. This site is safe and accessible for pedestrians as there is a footpath on the opposite side of the road also.

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

In terms of layout and design, the proposal is of appropriate design and it matches what is currently on site.

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

I am content that due to the presence of existing vegetation along the northern and southern boundaries of this site and the set back distance from the road that enclosure of this site is acceptable.

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

This proposal including the erection of new fencing along the western roadside boundary of the site which will further enhance security of the site.

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

This application is within the development limits of Dungannon.

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

I am content having considered the concerns of the objector that this proposal meets the policy requirements of the SPPS, the Dungannon and South Tyrone Area Plan as well as PED 1 and PED 9 in PPS 4 and therefore is recommended for approval 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(es) including visibility splays of 2.4m x 120m both directions and any forward sight distance shall be provided in accordance with Drawing No 01 Rev 1 dated 24th March 2023 prior to the commencement/occupation/operation 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 access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40)

minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Condition 4

No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No(s) 01 Rev 1 bearing date stamp 24th March 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. The parking facilities detailed in Drawing No 01 Rev 1 bearing date stamp 24th March 2023 shall be open for use during all hours of business.

Reason: To ensure the safety of customers and staff.

Condition 5

There shall be no site operation at the proposed development site outside 07:00 hours - 18:00 hours Monday to Friday, 07:00 hours - 13:00 hours Saturday, and no site operation at the proposed development site on Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 6

There shall be no deliveries or despatch of goods to the proposed development outside 07:00 hours - 18:00 hours Monday to Friday, 07:00 hours - 13:00 hours Saturday, and no delivery or despatch of good on Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise

Condition 7

There shall be no construction or manufacturing of products in the external yard areas of the business, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect residential amenity from noise.

Condition 8

The development hereby permitted shall be used only for the purposes specified in Class B2 - Light Industrial and B4 - Storage or Distribution, as defined in the Planning (Use Classes) Order (NI) 2015.

Reason: To protect nearby residential amenity from noise and odour

Signature(s): Cathy Hughes

Date: 22 June 2023

ANNEX	
Date Valid	9 September 2022
Date First Advertised	22 September 2022
Date Last Advertised	22 September 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier RNN 30 Coalisland Road Dungannon BT71 6LA</p> <p>The Owner / Occupier 28 Coalisland Road Dungannon BT71 6LA</p> <p>The Owner / Occupier 32A Coalisland Road Dungannon BT71 6LA</p> <p>The Owner / Occupier 35 Coalisland Road Dungannon BT71 6LA</p>	
Date of Last Neighbour Notification	27 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2012/0076/F Proposals: Replacement of existing dwelling and proposed domestic garage Decision: PG Decision Date: 02-APR-12</p> <p>Ref: M/1990/0383 Proposals: BP Oil Re-Imaging of forecourt Decision: PG Decision Date:</p> <p>Ref: M/1977/0300 Proposals: REMOVAL OF 2 NO PETROL TANKS AND INSTALLATION OF 1 NO 8,000 GALLON TANK Decision: PG Decision Date:</p> <p>Ref: M/1974/0410</p>	

Proposals: PETROL FILLING STATION STORE

Decision: PG

Decision Date:

Ref: M/2003/0820/A41

Proposals: Existing use of land

Decision: 300

Decision Date: 16-JUL-03

Ref: LA09/2022/1363/F

Proposals: Replacement of Fire Damaged Workshop/Store with a new increased size workshop/store

Decision:

Decision Date:

Ref: M/2004/1696/Q

Proposals: Proposed site for Housing

Decision: 300

Decision Date: 10-NOV-04

Ref: M/2006/2136/LDP

Proposals: Proposed sun room extension to dwelling

Decision: PG

Decision Date: 26-JUN-08

Ref: M/1984/0465

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1987/0671

Proposals: WORKSHOP FOR FABRICATION OF MOBILE CLASSROOM

Decision: PG

Decision Date:

Ref: M/1989/0150

Proposals: Extension to Workshop (Workshop to be extended was approved in 1988 but has not yet been built)

Decision: PG

Decision Date:

Ref: M/1978/0629

Proposals: PRIVATE DWELLING HOUSE

Decision: PG

Decision Date:

Ref: M/1979/0722

Proposals: WORKSHOP AND OFFICES FOR PLANT MACHINERY

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation response.docx

Environmental Health Mid Ulster Council-Planning response.pdf

DFI Roads - Enniskillen Office-Roads Consultation - recon response.docx

Drawing Numbers and Title

Proposed Plans

Site Location Plan Plan Ref: 2511-103

Proposed Elevations Plan Ref: 2511-104

Site Location Plan Plan Ref: 01 Rev 1

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.4
Application ID: LA09/2022/1510/F	Target Date: 1 February 2023
Proposal: Erection of clad steel frame building to cover existing external concrete storage yard and associated site works	Location: Meteor, 7 Corchoney Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Meteor Electrical 7 Corchoney Road Cookstown BT80 9HU	Agent Name and Address: ARC-EN 3A Killycolp Road Cookstown BT80 9AD
Executive Summary: <p>This is an application for the erection of a large steel portal framed building to cover an existing external storage yard at Meteor Electrical. Meteor Electrical are electrical wholesalers, who operate from a 200,000 square ft warehouse based around 8Km west of Cookstown town centre.</p> <p>The site is positioned to the rear of a large commercial site on the minor Corchoney Road and just a short distance off the main A505 Drum Road which is a Protected Route.</p> <p>A single objection was received from a neighbour raising the issues listed below.</p> <p>The proposal meets the policy considerations of Policies PED 3 and PED 9 of PPS 4 in relation to the expansion of an established economic business in the countryside. All consultees - DfI Roads, Environmental Health, DfI Rivers and NI Water all responded to the consultation advising that they had no issues of concern subject to advice and/or suggested conditions.</p> <p>The proposed development is therefore presented to Committee with a recommendation to approve subject to the suggested conditions as listed below.</p>	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response LA09-22-1510.pdf
Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1510-F.pdf
Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1510-F.pdf
Statutory Consultee	Rivers Agency	58013 - Final Response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1510-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

One representations has been received in relation to this application and relates to the following issue:-

The objector resides at No.1 Corchoney Road which was not listed as a neighbour, However, the objector also owns a dwelling at No.11 Corchoney Road which was notified as a neighbour. No. 11 is vacant and derelict, as advised in the objection. Any further communications should be sent to No.1 Corchoney Road.

- Although No.11 was neighbour notified, it was not entitled to be as it is unoccupied and as there is an agricultural field between the dwelling and the site, it is not immediately adjacent to the proposed site . The objectors property at No. 1 is not adjacent to the site and therefore is not entitled to neighbour notification.

Health and safety aspects of the works as well as the proposed development creating a sheer cliff face on the site boundary which has implications for livestock and anyone tending the livestock.

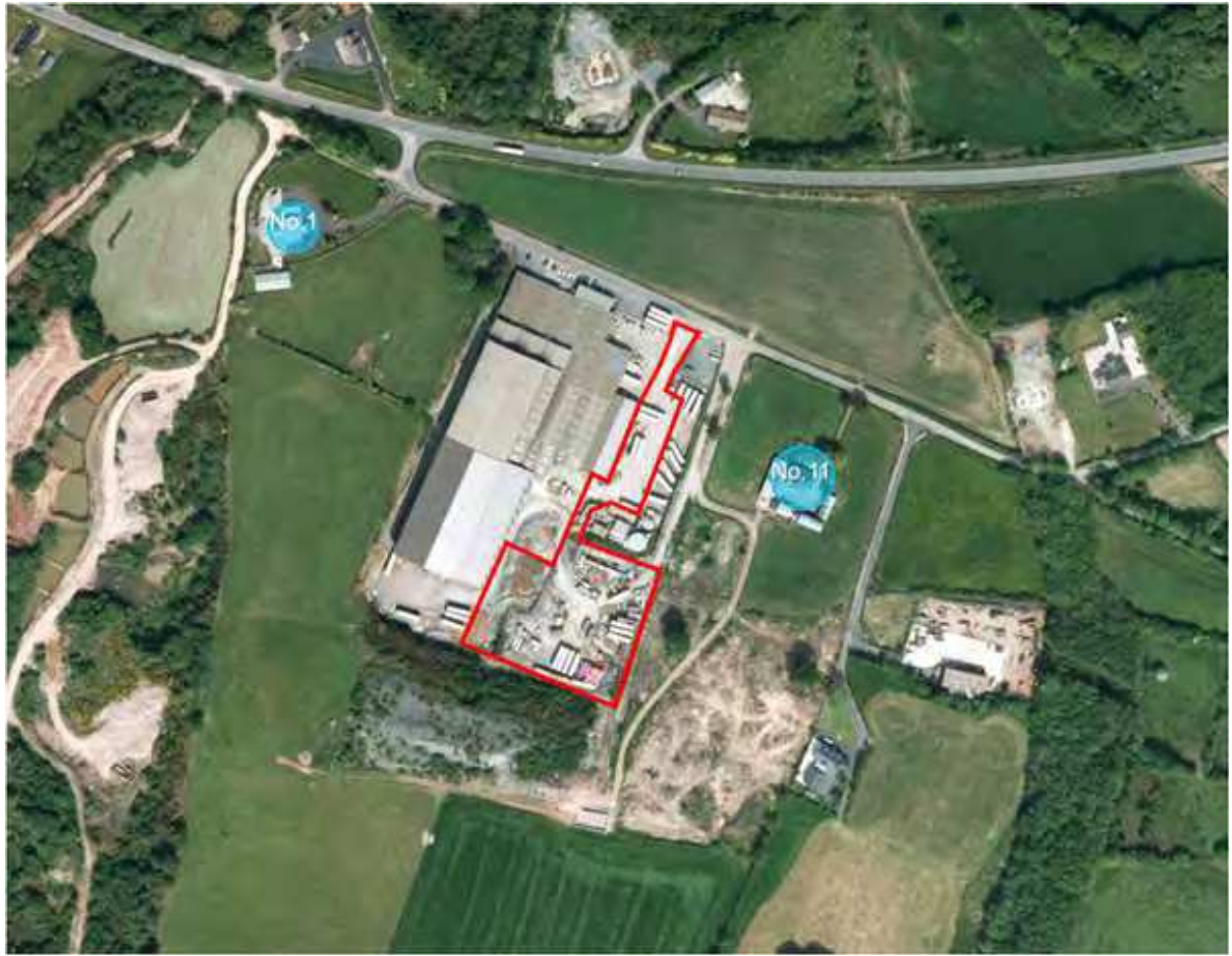
- The health and safety of all persons working or attending the site is not a planning issue and is regulated by other legislation. It is however, a matter of concern for the proposed developer to consider. The proposed development necessitated the excavation of ground levels down to the same level as the existing ground levels. Although this resulted in a cliff face, the provision of a boundary fence to keep livestock secure is a matter for the livestock owner.

The applicant is progressing without planning approval.

- It is not an offence to undertake a development without planning approval. However, any development undertaken in the absence of the necessary statutory approvals is at the developers own risk.

Have the works on site been inspected by Building Control and Health and Safety.

- Building Control were notified regarding the proposed development and advised that they would issue a letter requesting a building control application. Health and Safety Executive do not comment on the erection of industrial sheds and have not been consulted.



The above map shows the application site outlined in red with the objectors property at No 1 to the north west and the vacant/derelect dwelling at No.11 to the east.

Characteristics of the Site and Area

The site is located outside any defined settlement limits as identified in the Cookstown Area Plan 2010. The site encompasses a portion of a large electrical wholesale business which has a 140m frontage onto the Corchoney Road. The business has an office/administration building with visitor parking to the front and large warehousing/storage facilities towards the rear of the site. The majority of the site is secured by paladin security fencing. The site is accessed via an existing concrete yard and accesses directly onto the Corchoney Road, close to the north east corner of the site. The site, which had been excavated at the time of inspection, is fairly flat and sits at the same levels as the rest of the existing units. The agricultural land to the south west sits at a higher level and is around 5m higher. This high ground wraps around the southern corner of the proposed building to the extent that the amended plans include a level access into the first floor from the external ground levels.



Level access into the first floor level

The surrounding area is rural in nature and located on a minor road, however, the main A505 Drum Road is located in close proximity and there are public views into the site on approach from the east along Drum Road and also from the south east on approach along the Corchoney Road. The proposed building consolidates and is viewed in association with Meteor's overall site and associated buildings.

Description of Proposal

The proposal, is for the erection of cladded steel frame building to cover existing external concrete storage yard and associated site works.



The proposed building with first floor area

The proposed shed measures 54.5m x 30.5m with an eaves height of 20.4m and a ridge height of 24.5m above finished floor level. The building was originally proposed as a single storey building but has been amended and erected as a two storey building.

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.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2015

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

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

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, one third party objection was received as noted above.

Relevant History on Site

I/1983/0260 – Change of use from store to factory – Approved

LA09/2021/1372/F – Retention of lean to shed to the high bay area to facilitate kit assembly & retention of extension to the docking area – Approved 18.08.2022

Key Policy Considerations/Assessment

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.

Cookstown Area Plan 2015 - The site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland states that the guiding principle for policies and proposals 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, consistent with strategic policy elsewhere in the SPPS. 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. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal, as such existing policy will be applied.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4 – Planning and Economic Development. PPS 4 advises that economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' in the Planning (Uses Classes) Order (NI) 2015. I am content there is an established economic business on the site, therefore the proposal is for the extension of an established economic use in the countryside and Policy PED of PPS 4 is applicable.

PPS4 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside states permission will be granted 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 are of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

The proposal is for the erection of a new two storey building measuring 54.5m x 30.5m which will cover an existing external concrete storage yard. The proposed building is located to the rear of the existing site and behind other existing buildings. Having seen the existing buildings on site, I am of the opinion that they are at full capacity and therefore the proposed building is necessary to allow for the expansion of the business. The footprint of the proposal creates an additional 1662m² giving a total floorspace of 3324m² over the two floors. It is considered that the proposed extension will further consolidate the existing business and help to secure the future of the business. The proposed building is in proportion to the existing buildings and it will integrate with the existing buildings on site. It is my opinion that the proposed development is acceptable in this case, it will not undermine rural character nor does it constitute a major expansion of the site. Although it is acknowledged that there will be views of the proposed building from both the Corchoney Road and the main Drum Road, in my opinion, the proposed building will group with the existing buildings and as it is set to the rear of the site, it will achieve an acceptable degree of integration, without having a detrimental impact on visual amenity.

As well as the policy requirements of Policy PED 3, it is also necessary for the proposed development to comply with Policy PED 9.

Policy PED9: General Criteria for all Economic Development lists 13 criteria proposals should meet;

a) the proposal is compatible with surrounding land use;

Meteor is a long standing business which is established on this site. The proposed expansion will assist in the efficient running of the existing business use in terms of operations carried out on site, as reflected in the P1 form. The proposed extension extends to the rear of the site, it is considered that given the existing use which has approval, the proposal is compatible for this site and locality.

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

Environmental Health have not raised any objections with respect detrimental impact on nearby neighbours subject to conditions. Although one 3rd party objection has been received, it did not raise any issues of the proposed development having a detrimental impact on residential amenity. It is also noted that the objectors dwelling is located 190m from the proposed building and is well screened from that by the existing buildings on site.

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

No built or natural heritage designations have been identified in close proximity of the site.

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

As the proposed building exceeds the 1000m² a drainage assessment was required. Consequently, DfI Rivers Agency were consulted and after assessing the flood risk and drainage assessment, did not raise any issues of concern.

e) it does not create a noise nuisance;

Environmental Health advised that they do not have any concerns regarding the proposal subject

to suggested conditions.

- f) it is capable of dealing satisfactorily with any emission or effluent;
Environmental Health have raised no concern that the proposal will not deal satisfactorily with any emission or effluent. As the proposal is for a storage building, it is not anticipated that it will create 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;
DfI Roads did not raise any issues of concern.
- h) adequate access arrangements, parking and manoeuvring areas are provided;
DfI Roads did not raise any concerns regarding access, manoeuvring or parking.
- 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;
DfI Roads were consulted on this application and have responded with no objections subject to conditions. As the site is located in a rural area, it is inevitable that most journeys to and from the site will be by private car.
- j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
The site layout, associated infrastructure and landscape arrangements are acceptable for this site and locality given the existing established business on site.
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
There are no proposals to change or to add to the existing boundaries, however, as the proposed building is set against and to the rear of similar existing buildings, the impact on visual amenity will be greatly reduced. It is also noted that the proposed building is to cover an existing area of external storage. The proposed building will reduce the amount of external storage and should therefore improve the visual amenity in that area.
- i) is designed to deter crime and promote personal safety;
It is the responsibility of the developer to ensure that the proposal is designed to deter crime and promote personal safety. There is an existing security fencing surrounding the majority of the site which will aid in making the site secure.
- m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.
The proposal will satisfactorily integrate into the countryside as it will read with existing buildings and storage yard and existing landscaping will assist with screening.

The proposal is, in my opinion, acceptable as it meets all the criteria of the above policies and therefore is considered to be capable of approval subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

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 use of the building shall be restricted to storage only.

Reason: To protect residential amenity from noise.

Condition 3

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/1 uploaded to the planning portal on 16th February 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition 4

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

Reason: To protect residential amenity from noise.

Signature(s): Malachy McCrystal

Date: 20 June 2023

ANNEX	
Date Valid	19 October 2022
Date First Advertised	1 November 2022
Date Last Advertised	1 November 2022
Details of Neighbour Notification (all addresses)	
The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	29 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: I/1979/0401 Proposals: BUNGALOW WITH DOMESTIC GARAGE AND STORE Decision: PG Decision Date:</p> <p>Ref: I/1999/0578/F Proposals: Proposed 14.8 metre high extension to existing workshop for storage and use of an Automated 'Speedlock' Pallet Racking system (amended scheme) Decision: PG Decision Date: 02-AUG-00</p> <p>Ref: I/2004/1122/F Proposals: Extension to existing storage building and use of automated pallet racking system Decision: PG Decision Date: 21-JUN-05</p> <p>Ref: I/2008/0004/F Proposals: Proposed replacement domestic dwelling and garage. Decision: PG Decision Date: 19-AUG-08</p>	

Ref: LA09/2021/1372/F

Proposals: Retention of lean to shed to the high bay area to facilitate kit assembly & retention of extension to the docking area

Decision: PG

Decision Date: 18-AUG-22

Ref: LA09/2021/1270/LDE

Proposals: Construction of yard, laneway and access onto public road and use of same for commercial storage ,parking and turning

Decision: PG

Decision Date: 03-OCT-22

Ref: I/2008/0307/Q

Proposals: Proposed sand and gravel extraction.

Decision: 211

Decision Date:

Ref: LA09/2022/1510/F

Proposals: Erection of cladded steel frame building to cover existing external concrete storage yard and associated site works

Decision:

Decision Date:

Ref: I/1983/0260

Proposals: CHANGE OF USE FROM STORE TO FACTORY

Decision: PG

Decision Date:

Ref: I/1981/0287

Proposals: DWELLING HOUSE AND STORE

Decision: PG

Decision Date:

Ref: I/1996/0471

Proposals: Extension to Workshop

Decision: PG

Decision Date:

Ref: I/2006/0969/F

Proposals: Extension to Existing Storage Building & Use of Automated Pallet Racking System (amended drawings and information).

Decision: PG

Decision Date: 23-MAR-09

Ref: I/1997/0527

Proposals: Extension to Workshop

Decision: PG
Decision Date:

Ref: I/2006/0623/F

Proposals: Extension to existing storage building & use of automated pallet racking system

Decision:
Decision Date:

Ref: I/2000/0459/F

Proposals: Extension to existing workshop for dispatch area and offices

Decision: PG
Decision Date: 09-NOV-00

Ref: I/1999/0166

Proposals: Proposed 33 K/V Overhead Line

Decision: PG
Decision Date:

Ref: I/2007/0132/F

Proposals: Single storey steel framed portal building for the repair and maintenance of fleet vehicles.

Decision: PG
Decision Date: 24-OCT-08

Ref: I/2006/0611/F

Proposals: Single storey steel framed portal building for the repair and maintenance of fleet vehicles

Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx
Environmental Health Mid Ulster Council-Planning Response LA09-22-1510.pdf
NI Water - Strategic Applications-LA09-2022-1510-F.pdf
NI Water - Strategic Applications-LA09-2022-1510-F.pdf
Rivers Agency-58013 - Final Response.pdf
Environmental Health Mid Ulster Council-
NI Water - Strategic Applications-LA09-2022-1510-F.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Floor Plans

Notification to Department (if relevant)

Not Applicable

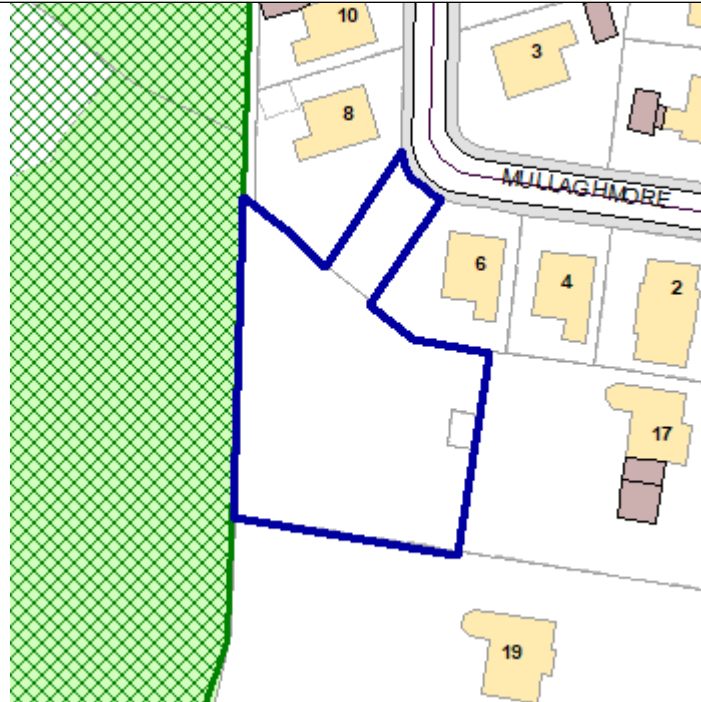


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.5
Application ID: LA09/2022/1675/F	Target Date: 16 March 2023
Proposal: Change of house type and amended siting from previously approved (Ref LA09/2018/0051/F) 4 No dwellings.	Location: Off Mullaghmore, Approx 40M West Of 17 Mullagh Road Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Noel Young 64 Hall Street Maghera BT46 5DA	Agent Name and Address: Mr Joe Diamond 77 Main Street Maghera BT46 5AB
Executive Summary: <ul style="list-style-type: none">o Application for amended siting and house type of 4 houses approved under LA09/2018/0051/F. LA09/2018/0051/F has been commenced - access in and excavation of site.o Houses need to be set back due to a watermain on site which cannot be built overo Houses are now 4 bedroom instead of 3 and ridge height has increased by 0.4mo Objections from 3 houses - 6, 8 mullaghmore and 17 mullaghmore road.o Whilst houses are closer to 6 and 17, there is no significantly greater negative impact than what was approved.o Rear amenity space has increased but is still acceptable - average of 71 sq. metreso Biggest issue was new second floor gable floor window to accommodate 4th bedroom. This window has been removed from plans.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docxDC Checklist.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

- Application for amended siting and house type of 4 houses approved under LA09/2018/0051/F. LA09/2018/0051/F has been commenced – access in and excavation of site.
- Houses need to be set back due to a watermain on site which cannot be built over

- Houses are now 4 bedroom instead of 3 and ridge height has increased by 0.4m
- Objections from 3 houses – 6, 8 mullaghmore and 17 mullaghmore road.
- Whilst houses are closer to 6 and 17, there is no significantly greater negative impact than what was approved.
- Rear amenity space has increased but is still acceptable – average of 71 sq. metres
- Biggest issue was new second floor gable floor window to accommodate 4th bedroom. This window has been removed from plans.

Characteristics of the Site and Area

The site consists of what appears to have been an area of waste ground but which is now undergoing pre development excavation. It is located to the rear of no 17 Mullaghmore Road and also to the rear of nos. 6 & 8 Mullaghmore. The area is a residential area with the typical dwelling being single storey or storey and a half dwellings in detached plots. The site is within the settlement limits of Maghera and directly abuts an LLPA designation to the south and west which has been designated to protect a range of features such as Attractive green slopes, Historical buildings and visual linkage between same, Church of Ireland Rectory, Tree groupings and Stream corridor

Description of Proposal

Change of house type and amended siting from previously approved (Ref LA09/2018/0051/F) 4 No dwellings.

The agent has advised that due to the existence of a water mains, the dwellings cannot be built as approved but must be moved back to allow the mains to be accessible. The new proposal also involves an additional bedroom so the 4 houses now are 4 bedroom as opposed to 3 bedroom, including a second storey bedroom. As a result the ridge height has increased by approx. 0.4m. The ridge height from FFL according to the submitted drawings (04 rev 2) is now approximately 8.7m as opposed to 8.3m as approved under LA09/2018/0051/F

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The principle of 4 no. houses on this site has been established under LA09/2018/0051/F. The permission appears to have been commenced, following my site inspection of 24th February 2023 with an access road constructed and general excavation / clearance of the site.

This application relates to the amended design and siting only therefore. In assessing these aspects of the development, consideration is given to the following policies;

- Magherafelt Area Plan 2015
- PPS 7 – Quality Residential Environments
- Creating Places
- PPS 3 – Access, Movement and Parking

Magherafelt Area Plan 2015

The site lies within the settlement limit on white land. The site abuts LLPA designation MA13. The features of the LLPA have been listed above and will not be compromised by this proposal.

PPS 7 – Quality Residential Environments and Creating Places

As mentioned above, the principle of this development has been approved. Therefore, the assessment for this proposal only relates to the alteration of the siting and house types and how this complies with PPS 7.

In relation to QD1, the only criteria which the amended design could potentially impact upon are listed below with consideration given to each in turn;

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

In order to accommodate the water mains and not build over it, the siting of the houses has been amended and they are being moved “back” towards the east slightly. The 4 houses are being moved back between 2.5 - 3m.

The result is that the private amenity space for each dwelling, to the rear, will be reduced. The initial proposal involved 3 houses with private rear amenity spaces of 85 sq. metres and one of 80 sq. metres. The amended siting proposals will mean that the rear amenity space will be reduced to 2 houses with 70 sq. metres, one with 67 sq. metres and one with 75 sq. metres.

Creating Places defines what is acceptable as an area of private amenity space. It states

that “to promote choice for residents a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq. metres per house or greater.”

The average area of private rear amenity space in this proposal (with amended siting) is 71sq. metres so this is acceptable in terms of provision, when assessed against the guidance contained within Creating Places.

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

The alternative siting arrangements proposed as part of this application will not, in my opinion, have a negative impact on any neighbouring properties. The two properties that have the greatest potential to be affected negatively by this application are no. 6 Mullaghmore and no 17 Mullaghmore Road.

In relation to no 17 Mullaghmore Road, the properties are now closer to the boundary between the site and number 17. The original approval meant that there was a separation distance between the new houses and no. 17 of 34m – consisting of 10m from the proposed dwellings to the boundary and then a further 24m from the boundary to the rear wall of no. 17. The amended siting proposals will result in a reduced separation distance of around 31.5m with the separation distance between the rear wall of the new dwellings and no. 17 being reduced to 6.5m at the shortest point and 7.5 at the longest point.

In relation to separation distances, Creating Places states that;
Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary.

Therefore, whilst the overall recommended separation distance is still achievable in this instance, the recommended guidance of allowing “around 10m” from new properties to the shared boundary cannot be realised. However, having visited the site, I am comfortable with this proposal, given that the overall separation distance is still well above the recommended 20m. It is also apparent that there is a considerable boundary between both sites, and that this boundary bolsters the separation distance between both sites so that impact on the existing property is not significant. It is noted that the proposal also proposes bolstering this boundary with existing planting.

In relation to no. 6 the siting of the proposed dwellings approx. 3m back in the site (i.e. to the east) will bring them nearer to no. 6. The amended house type initially proposed an additional bedroom, which would have had a window on the gable wall overlooking into the kitchen / garden area of no. 6. I am of the view that the increased proximity of proposed houses to no. 6 in conjunction with the additional second floor window would have been unacceptable and would result in a loss of privacy to no.6.

However, upon request, the agent has removed the gable window from the additional bedroom on the second floor and replaced them with a sky light window. Therefore, I am content that while the houses will move closer to the existing dwelling at no 6 and be slightly higher in terms of ridge height, the additional 3m (approx.) of siting and 0.4m (approx.) of ridge height will not lead to an unacceptable adverse impact on no.6 in terms of overlooking, loss of light or loss of privacy.

I am therefore of the view that the proposed amended siting and house types are in compliance with policy QD1 of PPS 7 and the associated guidance in Creating Places.

ASSESSMENT OF OTHER MATERIAL CONSIDERATIONS

There have been three objections to this proposal. I will assess the issues raised in each objection in the order they are raised. Objections have been received from no. 6 Mullaghmore and no. 17 Mullaghmore Road (the two addresses referenced above in my assessment) as well as from no. 8 Mullaghmore.

No. 6 Mullaghmore

An objection has been from no. 6 Mullaghmore. The objector claims that the development will impact negatively on their privacy and will have an unacceptable adverse impact on the objectors property “by virtue of loss of light, noise overshadowing and other disturbance.”

As has been outlined above in my assessment, this proposal is being assessed in terms of only considering the impact of the difference between the already approved (commenced) scheme and the one currently proposed.

The movement of the dwellings back to the east by around 3.5m will, while bringing the development closer to no. 6, not cause any significant impact on neighbouring amenity, in relation no. 6, greater than what was approved under LA09/2018/0051/F. The increase in ridge height is noted although it is small enough (0.4m) so as not to increase any overshadowing impact significantly. The provision of an additional window on gable second floor would have led to loss of privacy but this has been removed by the agent and so this issue has been managed successfully.

No 17. Mullaghmore Road

No. 17 Mullaghmore Road has lodged an objection, raising the following issues as points of concern;

- Changes to separation distance to boundary
- Reduction in level of amenity space
- Loss of privacy and overlooking of new dwellings to no. 17 as a result of reduced separation distances
- Impact on no 6 Mullaghmore
- Capacity of WWTW to cope with new dwellings
- Removal of trees in a TPO

Issues in relation to the separation distances between the site and no. 17 have been addressed in my assessment above. Likewise the issue regarding the reduced amenity space for the proposed dwellings.

The impact of the development on no. 6 has been considered and assessed above.

In relation to WWTW capacity, NI Water have not been consulted as part of this application as it does not propose any new connections to the sewer network / storm network / WWTW over and above what has already been approved under LA09/2018/0051/F.

During my site visit there was no evidence of tree removal along the boundary of the TPO site to the west. However, I have passed the complaint on to our Environment and Conservation team who will investigate the alleged breach of a TPO.

No. 8 Mullaghmore

A letter of objection from no 8 Mullaghmore raises the following issues as objection comments;

- Close to adjoining properties
- Development too high - out of character with mullaghmore
- Increase in traffic and subsequent increase in pollution
- Loss of light
- Loss of Privacy
- Noise
- Out of keeping with the character of the area
- Over Development
- WWTW and Sewage issues
- Removal of protected trees.

The vast majority of issues in this objection relate to the general principal of the location of 4 houses at this site. The application currently under consideration relates to the amended siting and design of houses that *already have been granted* planning permission. Issues such as proximity to no. 8, traffic, WWTW capacity, two storey dwellings being out of character with the area etc. have been considered as part of the initial grant of planning permission.

This application relates to amended siting and change of house type of dwellings that have already been granted approval. From my reading of this objection, the only issues that I can detect which relate to the amended siting and change of house type are the claims that the proposed dwellings will now be “nearer again” to their property (no. 8) and that the loss of privacy will be exacerbated by the “addition of north facing windows.”

In relation to these specific points, the dwellings will be approx. 34m away from no.8 and I do not accept that this is too close for new dwellings to be located to existing dwellings, within an urban area like Maghera. The reference to additional north facing windows has

been addressed via the removal of the 2nd floor gable windows.

The remainder of issues addressed in this objection relate to the general principal of the development which has already been granted permission and which appears to have been commenced in time. The objector has raised issues about noise pollution for the surrounding area as a result of the development. However, this is a residential area, wherein a residential development has been proposed. It is hard to see how noise pollution (other than construction) could arise from this development and so, environmental health have not been consulted.

As mentioned above, the allegation of tree removal within the TPO have been forwarded for investigation.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that the development 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 shall be provided in accordance with Drawing No 02 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Colin McKeown

Date: 19 June 2023

ANNEX	
Date Valid	1 December 2022
Date First Advertised	7 March 2023
Date Last Advertised	13 December 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 17 Mullagh Road, Maghera BT46 5EB The Owner / Occupier 19, Mullagh Road, Maghera BT46 5EB The Owner / Occupier 4, Mullaghmore, Maghera, BT46 5DX The Owner / Occupier 6 Mullaghmore, Maghera, BT46 5DX The Owner / Occupier 8 Mullaghmore Maghera BT46 5DX The Owner / Occupier 3, Mullaghmore, Maghera, BT46 5DX</p>	
Date of Last Neighbour Notification	22 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Roads Consultation full approval.docxDC Checklist.doc	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Proposed Elevations Plan Ref: 04 REV 02
Site Layout or Block Plan Plan Ref: 02 REV 01
Proposed Plans Plan Ref: 03 REV 01
Proposed Elevations Plan Ref: 04 REV 01

Notification to Department (if relevant)

Not Applicable

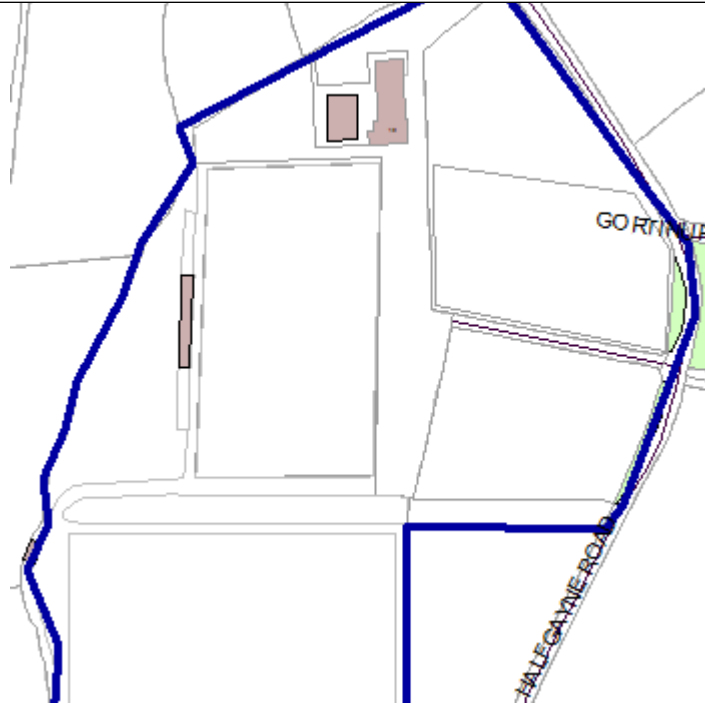


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.6
Application ID: LA09/2023/0053/F	Target Date: 8 May 2023
Proposal: Demolition of existing Hall and Gym buildings to facilitate a proposed new community health and well-being centre and a new covered multipurpose space (4G Pitch) with ancillary accommodation including a new gym and fitness suite; community social spaces; multi-purpose rooms; kitchen/servery and ancillary stores. External works include provision of a new grass pitch (GAA Standards) with floodlighting and ball net stops; a new single storey outbuilding for toilets/ plant and machinery storage; a new terrace hard standing area for spectator viewing; new walking trails and the re-configuration of existing on-site parking with a new vehicular access and associated landscape/ boundary works.	Location: 18 Halfgayne Road Maghera BT46 5NZ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Robert Emmets GAC Slaughtneil 181 Glen Rd Maghera BT46 5LT	Agent Name and Address: Mr Paul Turley 15 Ravenhill Road Belfast BT6 8DN
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NIEA	
Non Statutory Consultee	Rivers Agency	452466 - Final reply.pdf
Statutory Consultee	NIEA	
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2023 0053 F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation full approval.docx
Statutory Consultee	NIEA	PRT LA09-2023-0053-F ADV.PDF
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2023-0053-F F.PDF
Statutory Consultee	Rivers Agency	396101 - Final reply.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	
<p>No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below</p>	
Characteristics of the Site and Area	
<p>The application site is 6.83 ha and is located at Robert Emmet's Gaelic Athletic Club Slaughtneil; a Gaelic Athletic Association club based on the townland of Slaughtneil, near Maghera. The site is located outside the designated settlements limits as identified in the Magherafelt Area Plan, 2015.</p> <p>The site contains existing football pitches (4 no pitches with a mix of 2no senior grade and 2no junior pitches) with club house, community hall and gym buildings clustered to the northern boundary. Access is via 2no. existing vehicular gates onto Halfgayne Road and there is existing on-site (informal) parking areas (bitmac surface) wedged between the main pitch and the 2no. smaller junior pitches adjacent to Halfgayne Road.</p> <p>There is an established residential area (rural dispersed community) located to the South of the site. This small cluster of 6no. houses is called Roughan Glen. To the north of the site is existing mature screen boundary planting with farmyard (out buildings and sheds).</p> <p>To the West is existing boundary planting and farmlands. To the East of the site is the Halfgayne Road.</p>	



The Site & Surrounding Context



Description of Proposal

The applicant seeks full planning permission for the demolition of existing Hall and Gym buildings to facilitate a proposed new community health and well-being centre and a new covered multipurpose space (4G Pitch) with ancillary accommodation including a new gym and fitness suite; community social spaces; multi-purpose rooms; kitchen/servery and ancillary stores. External works include provision of a new grass pitch (GAA Standards) with floodlighting and ball net stops; a new single storey outbuilding for toilets/ plant and machinery storage; a new terrace hard standing area for spectator viewing; new walking trails and the re-configuration of existing on-site parking with a new vehicular access and associated landscape/ boundary works.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

1. Strategic Planning Policy Statement (SPPS)
2. Magherafelt area plan, 2015
3. Planning policy Statement (PPS) 21 – Sustainable Development in the Countryside
4. Planning Policy Statement (PPS) 8 – Open Space, Sport and Outdoor Recreation
5. Planning Policy Statement 3 (PPS 3): Access, Movement and Parking;
6. Planning Policy Statement 6 (PPS 6): Planning, Archaeology and The Built Heritage
7. Planning Policy Statement 15 (PPS 15): Planning and Flood Risk.

Planning History

There is no planning history relevant to the determination of the application

LA09/2022/1691/PAD - New community health and well-being centre and a new covered multi-purpose space with ancillary accommodation including a new gym and fitness suite; community social spaces; kitchen/serverly and stores. External works include provision of non-grass pitch (GAA Standards) with parking and landscape works., PAD concluded 21.03.2023

LA09/2022/1522/PAN - Proposed new community wellbeing centre - consisting of new covered 4G pitch with ancillary accommodation. External works include the provision of a new grass pitch (GAA standards); a new dedicated healthy walking trial within the existing sports grounds to provide healthy club initiatives; a new children playground area with new parking and landscape work, PAN accepted: 13-DEC-22

H/2009/0157/F - Proposed 27m long wall, 3m high, with 2m high ball stopper above, Permission Granted, 12-MAY-09

H/2008/0097/F- Proposed addition of 8No. floodlights to one of the two playing areas, Permission granted, 22-JUL-08

Representations

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

Assessment

The proposed works involves the demolition of existing Hall and Gym buildings to facilitate a proposed new community health and well-being centre and a new covered multipurpose space (4G Pitch) with ancillary accommodation including a new gym and fitness suite; community social spaces; multi-purpose rooms; kitchen/servery and ancillary stores. External works include provision of a new grass pitch (GAA Standards) with floodlighting and ball net stops; a new single storey outbuilding for toilets/ plant and machinery storage; a new terrace hard standing area for spectator viewing; new walking trails and the re-configuration of existing on-site parking with a new vehicular access and associated landscape/ boundary works.

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

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

PPS 21 – Sustainable Development in the Countryside

As outlined above, the site is located in the countryside and therefore PPS 21: Sustainable development in the countryside is applicable. Policy CTY 1 – Development in the Countryside directs us to PPS 8 – Open Space, Sport and Recreation to assess an application of this nature.

PPS 8 – open Space, Sport and Outdoor Recreation

The proposed development will not have an adverse impact on features of importance to nature conservation, archaeology or built heritage. There will be no loss of agricultural land or impact on agricultural activities as the proposal is within the existing curtilage of Robert Emmets GAC Slaughtneil. I do not consider that the proposal will have any significant visual impact on the site and it will be screened by existing vegetation and can be readily absorbed into the landscape. There will be no unacceptable impact on the amenity of any residential dwellings nearby and the proposal does not prejudice public safety and will not create a detrimental or negative effect on the area and is in keeping

with the area in which it sits in terms of scale, form, massing and design. The proposed development is related to the existing recreational use of the site. The proposed facility appears to take into account the needs of people with disabilities and is as far as reasonably possible, accessible by means of transport other than private cars.

The proposed development of this application is related to the existing recreational use of the site and will not result in the loss of any existing open space in accordance with Policy OS 1 of PPS 8. I consider that the proposal complies with the policy provisions therein.

As noted previously, the applicant has not highlighted that the proposed works will intensify the use of the site and as such I am content that the existing access and parking facilities on the site are adequate.

Policy OS 7 – The floodlighting of sports and outdoor Recreational Facilities

There is existing floodlighting around the site and this application includes the addition of floodlighting around the perimeter of the new pitch, as indicated on drawing No 03 REVA. There will be no unacceptable impact on the amenities of people living nearby and I do not believe that there will be any adverse impact on the visual amenity or character of the locality and public safety will not be prejudiced. The Council's Environmental Health Department were consulted on the application and responded to say that they had no objections.

Policy OS1- Protection of Open space

The proposal will result in a loss of approx. 0.28Ha of the existing open space, however I believe that this is only a small loss and the proposal is still adequate in terms of the open space provided and it will have substantial community benefits for the local area.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted on the application and responded to say that they were content with the proposal and offered no objection, subject to conditions. Therefore, I am content that the proposals meets the requirements of the policy as set out in PPS 3.

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

Historic Environment Division were consulted on the application and responded to say that the application site is in close proximity to a number of raths or enclosures (LDY 032:020;021; 022) and the site of an early medieval battle recorded as the Battle of Bealach-Guirt-aniubhair (LDY 032: 082). This application site is also over 6 hectares in size. Our experience has been that large development sites such as this are rarely

archaeologically sterile, and given the known archaeology within the immediate area, there is the potential for previously unrecorded below-ground archaeological remains to be found during ground works for the proposal. Historic Environment Division (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The attached conditions would be appropriate in this case.

Rivers Agency were consulted on the application and requested the following information:

Schedule 6 response from DfI Rivers accepting discharge from the site.

Clear attenuation calculations based on rates stipulated within the Schedule 6 response.

10% additional allowance should be added for urban creep in calculations

Following discussions with the agent, they have said that discussions are ongoing between Rivers and their civil engineering consultant to agree the rate of run-off from the site and they are confident that an accepted outcome will be agreed (even if this rate is set a 'greenfield run-off'). They have requested that the Planning Service accepts the above as a 'negative condition' in order to expediate the determination of the application LA09/2023/0053/F in order to meet with funding timescales. Following discussions with the senior planner a negative condition has been applied to deal with this issue.

NIEA were consulted on the application and responded to say that they had no concerns.

Conclusion

Based on examination of the site, submitted plans and consultation responses, i conclude that the proposal is in keeping with prevailing planning policy and for the reasoning outlined above and approval is recommended.

Summary of Recommendations

Approve, subject to the conditions outlined below

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 access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03 published 17 January 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 operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03 published 17 January 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition 4

The access gradient(s) to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

Condition 5

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- o The identification and evaluation of archaeological remains within the site;
- o Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- o Post-excavation analysis sufficient to prepare an archaeological report, to

publication standard if necessary; and

o Preparation of the digital, documentary and material archive for deposition.

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

Condition 6

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 5.

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

Condition 7

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 5. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

o Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Condition 8

A Schedule 6 approval with final calculations must be submitted to Council for approval prior to commencement of any works hereby approved.

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

Condition 9

No development shall commence on site until a revised Drainage Assessment has been submitted, which makes provision for the safe disposal of surface water runoff from the site and a safe point of discharge and safe rate of discharge agreed and formally submitted to the Council for agreement with Rivers Agency.

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

Signature(s): Siobhan Farrell

Date: 22 June 2023

ANNEX	
Date Valid	23 January 2023
Date First Advertised	7 February 2023
Date Last Advertised	7 February 2023
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 1 Roughan Glen Maghera BT46 5GD The Owner / Occupier 2 Roughan Glen Maghera BT46 5GD The Owner / Occupier 3 Roughan Glen Maghera BT46 5GD The Owner / Occupier 4 Roughan Glen Maghera BT46 5GD The Owner / Occupier 5 Roughan Glen Maghera BT46 5GD The Owner / Occupier 7 Roughan Glen Maghera BT46 5GD The Owner / Occupier 44 Gortinure Road Maghera BT46 5PA The Owner / Occupier 45 Gortinure Road Maghera BT46 5PA</p>	
Date of Last Neighbour Notification	15 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0157/F Proposals: Proposed 27m long wall, 3m high, with 2m high ball stopper above Decision: PG Decision Date: 12-MAY-09</p> <p>Ref: H/1976/0042 Proposals: RECREATION HALL Decision: PG Decision Date:</p> <p>Ref: H/1982/0366</p>	

Proposals: RECREATION HALL

Decision: PG

Decision Date:

Ref: H/1998/0500

Proposals: PRE-SCHOOL PLAYGROUP

Decision: WITHDR

Decision Date:

Ref: H/1992/6080

Proposals: PRE-SCHOOL PLAY GROUP SLAUGHTNEIL GAA CLUB HALFGAYNE RD
MAGHERA

Decision: QL

Decision Date:

Ref: H/1996/6074

Proposals: NEW CHANGING ROOM PAVILION AND MULTI-PURPOSE ART VENUE
SLAUGHTNEILL GAC HALFGAYNE ROAD MAGHERA

Decision: QL

Decision Date:

Ref: H/2008/0388/F

Proposals: 11 KV supply.

Decision: PG

Decision Date: 22-OCT-08

Ref: H/1997/0074

Proposals: NEW CHANGING ROOM PAVILION AND MULTI-PURPOSE ART VENUE

Decision: PG

Decision Date:

Ref: H/2008/0601/F

Proposals: +Proposed wind turbine. (Output of 225k/w and 31 metres to the hub)

Decision: PG

Decision Date: 16-SEP-11

Ref: H/1990/0366

Proposals: SPECTATOR'S TERRACE AND COVERED AREA

Decision: PG

Decision Date:

Ref: LA09/2023/0053/F

Proposals: Demolition of existing Hall and Gym buildings to facilitate a proposed new community health and well-being centre and a new covered multipurpose space (4G Pitch) with ancillary accommodation including a new gym and fitness suite; community social spaces; multi-purpose rooms; kitchen/servery and ancillary stores. External works

include provision of a new grass pitch (GAA Standards) with floodlighting and ball net stops; a new single storey outbuilding for toilets/ plant and machinery storage; a new terrace hard standing area for spectator viewing; new walking trails and the re-configuration of existing on-site parking with a new vehicular access and associated landscape/ boundary works.

Decision:

Decision Date:

Ref: LA09/2022/1691/PAD

Proposals: New community health and well-being centre and a new covered multi-purpose space with ancillary accommodation including a new gym and fitness suite; community social spaces; kitchen/servery and stores. External works include provision of non-grass pitch (GAA Standards) with parking and landscape works.

Decision: PAD

Decision Date: 21-MAR-23

Ref: LA09/2022/1522/PAN

Proposals: Proposed new community wellbeing centre - consisting of new covered 4G pitch with ancillary accommodation. External works include the provision of a new grass pitch (GAA standards); a new dedicated healthy walking trial within the existing sports grounds to provide healthy club initiatives; a new children playground area with new parking and landscape works.

Decision: PY

Decision Date: 13-DEC-22

Ref: H/1991/6031

Proposals: RESIDENTIAL DEVELOPMENT HALFGAYNE ROAD MAGHERA

Decision: QL

Decision Date:

Ref: H/2003/0405/F

Proposals: New playing field.

Decision: PG

Decision Date: 08-JUL-03

Ref: H/2008/0097/F

Proposals: Proposed addition of 8No. floodlights to one of the two playing areas

Decision: PG

Decision Date: 22-JUL-08

Ref: H/2014/0116/F

Proposals: Proposed single storey building for gym facilities

Decision: PG

Decision Date: 21-MAY-14

Summary of Consultee Responses

NIEA-

Rivers Agency-452466 - Final reply.pdf

NIEA-

Environmental Health Mid Ulster Council-LA09 2023 0053 F.pdf

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation full approval.docx

NIEA-PRT LA09-2023-0053-F ADV.PDF

Historic Environment Division (HED)-

Environmental Health Mid Ulster Council-

NIEA-PRT LA09-2023-0053-F.PDF

Rivers Agency-396101 - Final reply.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Location Plan Plan Ref: 02

Site Layout or Block Plan Plan Ref: 03

Site Layout or Block Plan Plan Ref: 04

Proposed Floor Plans Plan Ref: 05

Roof Details Plan Ref: 06

Proposed Elevations Plan Ref: 07

Cross Sections Plan Ref: 08

Existing Site Survey Plan Ref: 09

Notification to Department (if relevant)

Not Applicable

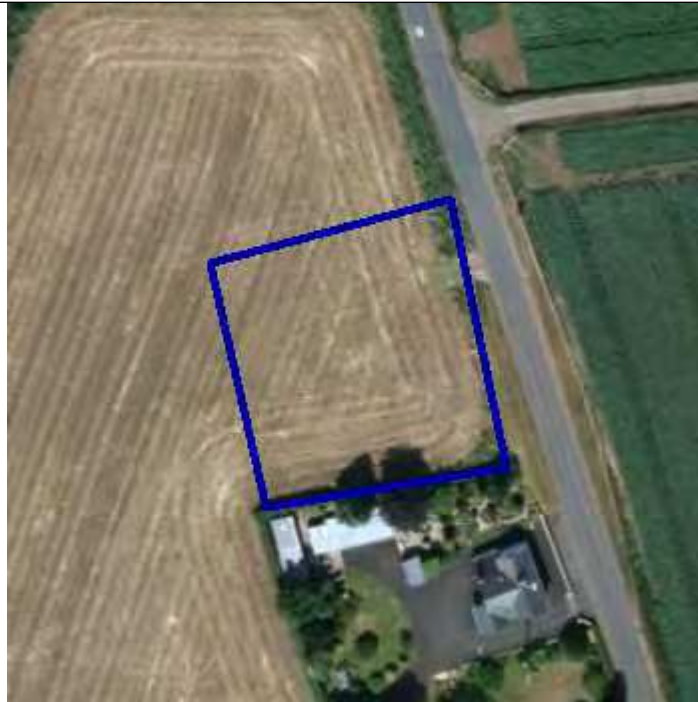


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.7
Application ID: LA09/2023/0147/O	Target Date: 26 May 2023
Proposal: Proposed site for dwelling and garage	Location: Adj and North of 11 Tamlaght Road, Kilrea
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Terence Birt 8 Bogashen Road Portglenone Ballymena BT44 8LZ	Agent Name and Address: Mr Damien Kearney 2a Coleraine Road Maghera BT46 5BN
Executive Summary: The current application is presented as an approval, however is being presented at Committee following receipt of an objection.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Rivers Agency	308101 - Final reply.pdf
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

The objector's concerns are addressed below:

1. Flooding concerns – Rivers Agency have been consulted and have advised that the site is not located within any floodplains, and have not raised any further concerns.

2. Privacy concerns – The existing dwelling No.11 Tamlaght Road is lower than the site and approximately 13m from the boundary consisting of mature hedgerow. The existing dwelling has 1no. first floor gable window. I am content the neighbouring amenity will not be negatively impacted by this proposal, however a condition can be included to ensure existing boundary is retained, and additional landscaping or screen fencing can be provided to alleviate any amenity concerns.
3. Waste concerns due to slope of ground – The existing dwelling (No. 11) sits at a lower level due to a crest to the north of No. 11. The topography of the application site tends to fall southwest rather than towards the neighbouring property. The onus will be on the homeowner to ensure waste is adequately dealt with.
4. Impact on value of objector's property – This is not a material planning consideration.

Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is identified as land adjacent and North of No. 11 Tamlaght Road, Kilrea. The front (eastern) boundary is defined by a 1m high open timber fence, and the southern boundary is defined by mature hedgerow. The remaining boundaries to the north and west are undefined as the site forms part of a much larger agricultural field. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings, and industrial units.

Description of Proposal

This is an outline application for proposed site for dwelling and garage. The site is located adjacent and North of No. 11 Tamlaght Road, Kilrea.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

One neighbour notification letter was issued in relation to this application and one objection has been received.

Relevant Planning History

LA09/2023/0148/O - Adjacent and South of Killygullib Orange Hall, Tamlaght Road, Kilrea – Proposed site for dwelling and garage – Pending Consideration.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft 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 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

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 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. The gap between the existing dwelling at No. 11 and Killygullib Orange Hall is sufficient only to accommodate two dwellings. Immediately south of the south is a storey and a half dwelling and garage (No. 11), and immediately north of the site is a vacant plot for which there is an outline application under consideration, and further to the north of the site is the Orange Hall Building. For the purpose of this assessment, I am content that this can be deemed a substantial and built-up frontage. It is also my opinion that given the size of the host field, and the plot sizes along this section of road, a dwelling on this proposed site would represent an acceptable infill opportunity that respects the adjacent plot sizes. Ribbon development is cited as being detrimental to rural landscapes, creating a built-up appearance to roads. I have accepted that the existing development constitutes a substantial and built-up frontage as defined in CTY 8. As such, another dwelling in this location will not create build-up, but instead will add another dwelling into the existing ribbon of dwellings. I therefore consider that the infilling of this gap site will not be detrimental to the rural character of this area.

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 am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform and surrounding development and I feel it necessary to restrict the ridge height to be no more than 6.5m from finish floor level. 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 have a detrimental impact on the character of the area and would be able to comply under CTY 14.

Other policy and material considerations

I have no ecological or residential amenity concerns.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.

Habitats Regulations Assessment

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

As required by Section 62 of the Planning Act (Northern Ireland) 2011, 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 later of the following dates:-

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

Reason: Time Limit.

Condition 2

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

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

Condition 3

The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion, and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, 'Building on Tradition'.

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

Condition 4

The proposed dwelling shall have a ridge height of less than 6.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape, and in keeping with the character of surrounding development and landform.

Condition 5

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

Condition 6

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

Reason: To ensure the dwelling integrates into the landform.

Condition 7

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with Mid Ulster District Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Condition 8

The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Condition 9

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Condition10

A 1.8m high solid timber fence shall be provided along the southern boundary of the site.

Reason: In the interest of residential amenity and to prevent overlooking.

Condition11

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

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

Signature(s): Seáinín Mhic Íomhair

Date: 25 May 2023

ANNEX	
Date Valid	10 February 2023
Date First Advertised	21 February 2023
Date Last Advertised	21 February 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 11 Tamlaght Road Kilrea Londonderry BT51 5UL	
Date of Last Neighbour Notification	21 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0147/O Proposals: Proposed site for dwelling and garage Decision: Decision Date:</p> <p>Ref: H/1993/0077 Proposals: UTILITY ROOM Decision: PG Decision Date:</p> <p>Ref: H/1994/0270 Proposals: EXT TO DWELLING Decision: PG Decision Date:</p> <p>Ref: H/2004/1577/O Proposals: Site of Dwelling and Garage. Decision: PR Decision Date: 03-JUL-06</p> <p>Ref: LA09/2023/0148/O Proposals: Proposed site for dwelling and garage</p>	

Decision:
Decision Date:

Ref: H/2005/0488/F
Proposals: Sunroom Extension to Dwelling
Decision: PG
Decision Date: 19-OCT-05

Ref: H/1976/0426
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Ref: H/1987/0198
Proposals: ALTERATIONS & ADDITIONS TO HOUSE
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
Rivers Agency-308101 - Final reply.pdf
Historic Environment Division (HED)-

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: 4 July 2023	Item Number: 5.8
Application ID: LA09/2023/0247/F	Target Date: 19 June 2023
Proposal: 2 no agricultural buildings, livestock and machinery storage	Location: 180M NW of 10 Fallylea Lane Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: S Kelly 141 Fivemilestraight Maghera BT46 5JP	Agent Name and Address: No Agent
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	Shared Environmental Services	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.0247.F (2).doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2023.0247.F.doc
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0247-F.DOCX
Statutory Consultee	NIEA	PRT LA09-2023-0247-F.PDF
Non Statutory Consultee	Shared Environmental Services	
Statutory Consultee	NIEA	PRT LA09-2023-0247-F.PDF
Statutory Consultee	Shared Environmental Services	LA09-2023-0247-F - HRA No LSE 09.06.23.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	
<p>Summary of Issues</p> <p>The proposal does not fully comply with Policy CTY 12 of PPS 21 as this application is for first time farm buildings on a farm. The policy is silent on this matter however, in this instance given the site history (LA09/2022/1571/F) members could consider the application an exception to policy.</p>	
<p>Characteristics of the Site and Area</p> <p>The site of the proposed development is located in the rural countryside approximately 1.7 miles west and outside of the Maghera settlement limit, as defined in the Magherafelt Area Plan 2015. The red line of the application includes the whole existing agricultural field with access via an existing laneway which adjoins the Fallylea Lane. The field slopes upwards from the road and is almost completely out of sight from both approaches along the Fallylea Lane due to its strong natural boundaries marked by mature trees and hedgerow. The proposal is to be sited at the north western corner of the site. Neighbouring buildings consist of three dwellings (nos. 9, 10 and 11 Fallylea Lane) which are all located adjacent to the road, south and south west of the application area. The site is surrounded by agricultural fields along the western, northern and eastern boundaries. The wider surrounding environment consists mostly of agricultural fields with spread out scatterings of dwellings. The application site sits just 250m north east of the A6 Glenshane Rd.</p> <p>Representations</p> <p>No third party representations have been received.</p>	
<p>Description of Proposal</p> <p>This is a full planning application for 2 no agricultural buildings, livestock and machinery storage.</p> <p>Site History</p> <p>LA09/2022/1571/F- Dwelling on farm with detached domestic garage. Site 150M NW Of 10 Fallylea Lane Maghera. Under consideration.</p> <p>This application was presented to the planning committee on 7th March 2023 with the recommendation to refuse as the dwelling was unable to site with buildings on the farm as there was none. It was deferred for an office meeting, and it will be considered as a</p>	

material consideration as part of this planning application. At the office meeting it was decided that both applications will be presented to the planning committee at the same time and that the application for the farm dwelling could be considered an exception to policy by members.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside

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

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

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

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;*
- (b) in terms of character and scale it is appropriate to its location;*
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;*
- (d) it will not have an adverse impact on the natural or built heritage; and*
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

Firstly, DAERA were consulted and confirmed the farm business is active and established. With regards to criteria A the agent has stated that there is a need for the building for the storage of machinery and to accommodate his animals during lambing season. I consider there is a need for the buildings and criteria A is satisfied.

With regards criteria B I am content it is appropriate for the rural location and it integrates into the local landscape, views of the site from a public vantage point are very limited given the topography of the land and the strong mature boundaries, therefore criteria C is also satisfied.

NIEA and SES were consulted to ensure there would be no impact on the natural

heritage. Water Management Unit is content with the proposal subject to the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to DAERA Standing Advice, and any relevant statutory permissions being obtained. Natural Environment Division had no concerns in relation to Natural Heritage – informatives are provided. SES were firstly informally consulted and responded requesting a formal consultation. On receipt of additional information supplied by the applicant SES confirmed they were content with the proposal. Additionally, Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 13/06/2023. This found that the project would not be likely to have a significant effect on any European site.

From this I am content the proposal complies with criteria D of the policy.

With regards to any impacts on residential amenity, I am content the proposal is sufficiently removed from any third party dwellings to cause any nuisance. Environmental Health were consulted and confirmed they had no concerns.

As the proposal is for a new building, the applicant is also required to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

As the proposal is to be the first agricultural building on the holding, the proposal cannot comply with the above policy requirements. The policy is silent on the provision for first agricultural buildings and as such this proposal fails to meet the policy criteria. However, given the site history and the deferred office meeting which took place on application LA09/2022/1571/F which is being presented at this planning committee meeting, the only issue identified on that application was that no farm buildings were present for the dwelling to cluster or visually link with. If approved and built these farm buildings, which the case has been accepted are needed would allow the dwelling to cluster with existing buildings and allow the farmer to obtain his first farm buildings. As such, members are advised to accept this proposal as an exception to policy as the policy is silent on the provision for first agricultural buildings.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I am content the proposal will integrate with existing boundaries being retained, allowing the building to blend with the landform and existing

trees. The site is excellent in terms of integration and will not be visible from public view points.

Policy CTY 14 states that Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned, I am content the proposal will not be a prominent feature in the landscape. The proposal is using an existing laneway so this will have no impact on the surrounding area.

PPS 3: Access, Movement and Parking

DfI Roads were consulted to ensure the access arrangements are acceptable. They have provided conditions to ensure visibility splays are provided and retained.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy 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.

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

No livestock other than sheep are to be housed in the proposed shed at any time without the prior written consent of the council.

Reason: To ensure the project is not likely to have a significant effect on any European site.

Condition 3

The existing mature vegetation of the site as indicated on drawing No. 02 shall be permanently retained.

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

Condition 4

The vehicular access including visibility splays 2.0 x 33 metres South and 2.0 X 45 metres North and any forward sight distance, shall be provided in accordance with Drawing No. 05 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Ciaran Devlin

Date: 16 June 2023

ANNEX	
Date Valid	6 March 2023
Date First Advertised	21 March 2023
Date Last Advertised	21 March 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Fallylea Lane Maghera Londonderry BT46 5JU The Owner / Occupier 10 Fallylea Lane Maghera Londonderry BT46 5JU The Owner / Occupier RNN 7 Fallylea Lane Maghera Londonderry BT46 5JU	
Date of Last Neighbour Notification	9 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0247/F Proposals: 2 no agricultural buildings, livestock and machinery storage Decision: Decision Date:</p> <p>Ref: H/1981/0299 Proposals: ALTERATIONS AND ADDITIONS TO HOUSE Decision: PG Decision Date:</p> <p>Ref: LA09/2022/1571/F Proposals: Dwelling on farm with detached domestic garage Decision: Decision Date:</p> <p>Ref: H/1975/0308 Proposals: RECONDITIONING FARMHOUSE Decision: PG Decision Date:</p>	

Ref: H/1982/0229
Proposals: BUNGALOW
Decision: PG
Decision Date:

Ref: H/1987/0511
Proposals: SITE OF BUNGALOW
Decision: WITHDR
Decision Date:

Ref: H/2004/0671/O
Proposals: Site of Dwelling.
Decision: PR
Decision Date: 03-JUL-06

Ref: H/1987/0361
Proposals: RENEWAL OF PERMISSION IN RESPECT OF SITE OF REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: H/1984/0216
Proposals: SITE OF REPLACEMENT DWELLING
Decision: PG
Decision Date:

Ref: H/1988/0369
Proposals: SITE OF REPLACEMENT BUNGALOW
Decision: PG
Decision Date:

Ref: H/1989/0260
Proposals: REPLACEMENT BUNGALOW
Decision: PG
Decision Date:

Ref: H/2002/0884/O
Proposals: Site of bungalow and garage.
Decision: PG
Decision Date: 19-DEC-02

Ref: H/2005/0971/F
Proposals: Bungalow & Garage
Decision: PG
Decision Date: 10-MAY-06

Ref: H/1977/0127
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: H/1974/0438
Proposals: SITE OF SUBSIDY BUNGALOW
Decision: PG
Decision Date:

Ref: H/1974/0272
Proposals: SITE OF SUBSIDY BUNGALOW
Decision: WITHDR
Decision Date:

Ref: H/2007/0534/F
Proposals: Garage.
Decision: PG
Decision Date: 15-FEB-08

Ref: H/1979/0440
Proposals: HV AND MV O/H LINE (BM 3141)
Decision: PG
Decision Date:

Ref: H/1979/0058
Proposals: HV AND MV O/H LINE BM 2676)
Decision: PG
Decision Date:

Ref: H/1978/0202
Proposals: SITE OF FARM DWELLING
Decision: PR
Decision Date:

Ref: H/2006/0131/F
Proposals: Single storey side extension to dwelling
Decision: PG
Decision Date: 22-MAY-06

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full Resp.docx
DFI Roads - Enniskillen Office-Full Resp.docx
Shared Environmental Services-
Environmental Health Mid Ulster Council-LA09.2023.0247.F (2).doc

Environmental Health Mid Ulster Council-LA09.2023.0247.F.doc
DAERA - Coleraine-Consultee Response LA09-2023-0247-F.DOCX
NIEA-PRT LA09-2023-0247-F.PDF
Shared Environmental Services-
NIEA-PRT LA09-2023-0247-F.PDF
Shared Environmental Services-LA09-2023-0247-F - HRA No LSE 09.06.23.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Existing Floor Plans Plan Ref: 04

Notification to Department (if relevant)

Not Applicable

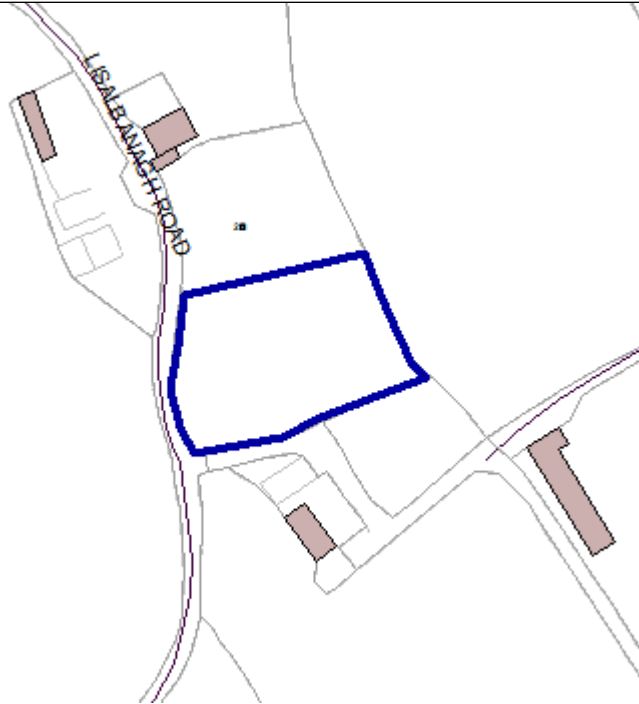


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.9
Application ID: LA09/2023/0359/O	Target Date: 12 July 2023
Proposal: Proposed Infill Dwelling and Garage	Location: Land Approx. 190M South East of 2 Lisalbanagh Road, Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Richard Brown 46 Megargy Road Magherafelt BT45 5HP	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 1, 8 and 14 of PPS 21.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Rivers Agency	297475 - Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Dfi Roads require drawings for this application - up load to portal.
Statutory Consultee	DFI Roads - Enniskillen Office	Dfi Roads Response 16/05/2023.

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 at lands approximately 190m southeast of No. 2 Lisalbanagh Road, Magherafelt, falling within the open countryside.

The front (western side) of the site is defined by a mature hedge, whilst the northern and southern boundaries are defined by a wire and post fence. The rear (eastern) boundary is defined by a line of mature trees and vegetation.

I note the immediate and wider setting is characterised predominately agricultural land uses with a scattering of residential dwellings and associated outbuildings.

Description of Proposal

This is an outline application for a proposed infill dwelling and garage located at lands approximately 190m south of No. 2 Lisalbanagh Road, Magherafelt.

Representations

One neighbour notification letter was issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted and have no objection to the proposal subject to the inclusion of a condition.
- Rivers Agency were consulted as a portion of the site lies within an area of predicted pluvial flooding and have provided guidance for developers.

Planning History

LA09/2023/0108/RM - Land Approx 90M SE of 2 Lisalbanagh Road, Magherafelt - Proposed Infill Dwelling and Garage – Permission Granted 02.05.2023.

LA09/2023/0107/RM - Land Approx 60M SE of 2 Lisalbanagh Road, Magherafelt - Infill Dwelling and Garage – Permission Granted 02.05.2023.

LA09/2022/1140/O - Land Approx 90M South East Of 2 Lisalbanagh Road, Magherafelt, BT45 5HR - Dwelling and Garage – Permission Granted 16.12.2022.

LA09/2021/0611/O – L and Approx. 60M SE Of 2 Lisalbanagh Road, Magherafelt, BT45 5HR - Proposed infill dwelling and garage. – Permission Granted 09.02.2022.

LA09/2019/1538/F - Land Approx. 160M S.E Of 2 Lisalbanagh Road, Magherafelt - Proposed dwelling and garage on a farm – Permission Granted 11.02.2020.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the open countryside, approximately 1.9km west of the settlement limits of Magherafelt. There are no other zonings or designations on the site.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be considered 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 21 – Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 8 – Ribbon Development.

Policy CTY 8 states that "an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale siting and plot size and meets other planning and environmental requirements".

The application is seeking an infill site between No. 2B Lisalbanagh Road and an outbuilding located to the south of the site. Immediately north of the site there is a dwelling, and further north is an old outbuilding, both of which I am content represent development along the frontage.

The outbuilding to the south of the proposed site is set back approximately 25m from the road and is accessed via a laneway that runs along the southern boundary of the application site. This outbuilding therefore does not have road frontage.

In my opinion, the development mentioned does not constitute the definition of a substantially built-up frontage which is described as 'a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

A new building will be unacceptable where;

(a) It is a prominent feature in the landscape; or

- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes, and other natural features which provide a backdrop; or*
- (f) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

The current proposal is for outline planning permission and details of the design have not been submitted at this stage. It is considered that the site has the capacity to absorb a dwelling of suitable size and scale.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

This application is not deemed acceptable under any of the policy headings in PPS 21 and it is therefore considered that a new dwelling at this location will cause a detrimental change to the rural character of this area which is contrary to CTY 14 as it will result in a suburban style build-up of development when viewed with existing buildings in the area.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 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 of 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.

Habitats Regulations Assessment

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:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - 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 - Development in the Countryside in that the proposed site does not represent a substantial and built-up frontage and would, if permitted, result in ribbon development along the Carrydarragh Road.

Reason 3

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this part of the Carrydarragh Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Zoe Douglas

Date: 31 May 2023

ANNEX	
Date Valid	29 March 2023
Date First Advertised	11 April 2023
Date Last Advertised	11 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 2B Lisalbanagh Road Magherafelt Londonderry BT45 5HR	
Date of Last Neighbour Notification	26 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1140/O Proposals: Dwelling and Garage Decision: PG Decision Date: 16-DEC-22</p> <p>Ref: LA09/2023/0107/RM Proposals: Infill Dwelling and Garage Decision: Decision Date:</p> <p>Ref: LA09/2023/0108/RM Proposals: Proposed Infill Dwelling and Garage Decision: Decision Date:</p> <p>Ref: LA09/2021/0611/O Proposals: Proposed infill dwelling and garage. Decision: PG Decision Date: 09-FEB-22</p> <p>Ref: LA09/2019/1538/F Proposals: Proposed dwelling and garage on a farm</p>	

Decision: PG
Decision Date: 11-FEB-20

Ref: LA09/2015/0134/F

Proposals: Proposed 2No.broiler poultry sheds with 4No.feed bins, 2No. gas tanks, a biomass boiler shed ,with fuel bin and an office, changing and standby generator building (to contain in total 74000 broilers)

Decision: PG
Decision Date: 03-DEC-15

Ref: LA09/2023/0359/O

Proposals: Proposed Infill Dwelling and Garage

Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
Rivers Agency-297475 - Final Response.pdf
DFI Roads - Enniskillen Office-Dfl Roads require drawings for this application - up load to portal.
DFI Roads - Enniskillen Office-Dfl Roads Response 16/05/2023.

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.10
Application ID: LA09/2023/0373/O	Target Date: 14 July 2023
Proposal: Proposed replacement dwelling	Location: 270M SE of 101 Barnaghs Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Sean O'Donnell Dungoran Road Donaghmore Co.Tyrone	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

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

Characteristics of the Site and Area

The site is located within the rural countryside, outside any defined settlement limit identified in the Dungannon and South Tyrone Area Plan 2010, approx. 2.7km northwest of Cappagh and 0.76km east of Mid Ulster's Council's boundary with Omagh and Fermanagh Council.



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is an L-shaped plot cut from the south side of a small forest of trees. It is set back approx. 260m to the west of, and accessed off, Barnaghs Road via an existing gravelled laneway (see Fig 5, further below). The laneway continues along the south side of the site and host forest to serve a small dwelling, no. 101 Barnaghs Road, located approx. 270m to the northwest of the site.

Whilst much of the site is covered by trees of the host forest an area that is clear of trees contains a single storey unoccupied building (see Figs 3 & 4, below). The building, which is the subject of this application, has an elongated rectangular floor plan and pitched roof construction. Finishes to the building include stacked stones to its walls; corrugated metal to its roof; and wooden window frames and doors. All window and door openings are in the front (southeast facing) elevation of the building.



Fig 3: Photo of front (southeast facing) elevation of the building to be replaced



Fig 4: Photo of gable (southwest facing) elevation of the building to be replaced

Views into the site and of the building on it are limited due to its location well set back

from the public road; and the trees of the host forest that enclose and screen it on all but the southwest side. From the only public view (see Fig 6, further below), which is long distance from Barnagh's Road on the southwest approach to the site's access off Barnagh's Road, the building on site can just be seen with the tree of the host forest providing it with a backdrop.



Fig 5: Photo of access and lane serving the site off Barnagh's Road



Fig 6: Photo of site from Barnagh's Road on the southwest approach to the site's access off Barnagh's Road

The area surrounding the site is remote and rural in nature defined by dispersed single dwellings, ancillary buildings, and farm holdings. The landscape is undulating and fairly

exposed with splatters of forest.

Description of Proposal

This is an outline planning application for a proposed replacement dwelling with use of an existing access onto the public road and laneway. The building to be replaced is located 270m SE of 101 Barnaghs Road Dungannon.

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.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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.

Relevant Planning History

On site

No relevant history

Adjacent Site

LA09/2018/1566/O – dwelling and garage – 500m SE of 101 Barnagh Road Altmore
Dungannon - Mr Sean O'Donnell – Refused 4th December 2019

The proposal above, made by the same applicant as the current proposal, was located at the Barnagh roadside. It sat adjacent and to the southside of the access off Barnagh

Road to the proposed site. It was refused as contrary to:

- 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.
- Policy CTY10 of PPS 21 in that the proposed dwelling does not cluster with an established group of buildings at the farm.
- Policy CTY13 of PPS 21, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. To date no objections have been received from any interested third party.

Consultations

N/A

Key Policy Considerations

Dungannon and South Tyrone Area Plan – The site is located in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside – Is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in CTY1 of PPS21. The current proposal has been submitted under one of these instances, a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 – Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

Having carried out a site inspection and investigation of orthophotography available I am not content that a replacement opportunity exists on this site under Policy CTY3. Having carried out a site inspection I do not consider the building to be replaced exhibits the essential characteristics of a dwelling. Further investigations of orthophotography did not show any sign of the building on site between 2006 and 2020 (see Fig 7, further below). There was no available orthophotography after 2020. This investigation indicated, as it had appeared on the date of site inspection, that the building has just recently been constructed in loose stacked stones to its walls and with corrugated metal sheeting to its roof. This consideration was reinforced by the location of what appeared to be excess stones in its recent construction that existed just to the northwest side of the building. As

such, the proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Bearing in mind the above the agent was contacted on the 23rd May 2023 and asked to provide more information about the building on site as Planning had no evidence of the building to be replaced on any aerial photographs. This information was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis within 14 days from the date of the email.

To date no additional information has been provided to demonstrate this was a dwelling. As such, the opinion remains that the proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced does not exhibit the essential characteristics of a dwelling and therefore should be refused.



Fig 7: Photo of pile of what appeared to be excess stones that existed just to the northwest side of the building



Fig 8: Orthophotography flow on the 22nd March 2006



Fig 9: Orthophotography flow on the 4th April 2007



Fig 10: Orthophotography flown on the 24th March 2011



Fig 11: Orthophotography flown on the 7th June 2013



Fig 12: Orthophotography flown on the 9th May 2016



Fig 13: Orthophotography flown on the 30th September 2017



Fig 14: Orthophotography flown on the 31st May 2020

Other Policy and Material Considerations

In addition to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map Viewer (NED) available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Flood Maps NI indicate no flooding on site.

Taking all the above into consideration I would recommend the refusal of this application.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be replaced does not exhibit the essential characteristics of a dwelling.

Signature(s): Emma Richardson

Date: 22 June 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 No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2018/1566/O Proposals: Proposed dwelling and garage Decision: PR Decision Date: 04-DEC-19 Ref: LA09/2023/0373/O Proposals: Proposed replacement dwelling Decision: Decision Date:	
Summary of Consultee Responses -	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable

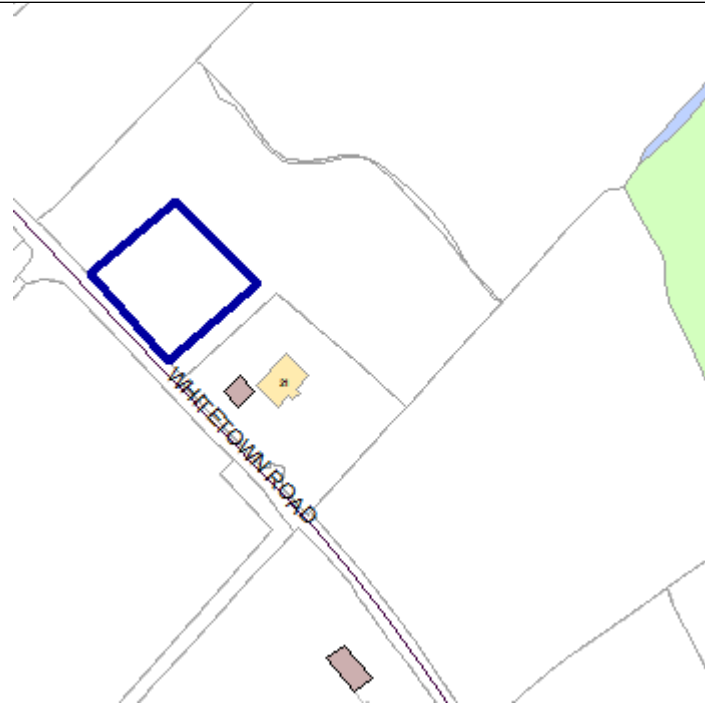


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.11
Application ID: LA09/2023/0404/F	Target Date: 19 July 2023
Proposal: Retention of Amended House Type that Previously Approved under LA09/2020/0459/RM	Location: 72M NW of 21 Whitetown Road Newmills Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr David Weir 46 Lisnamonaghan Road Castlecaufield Dungannon BT70 3NH	Agent Name and Address: Mr Philip Caddoo 44 Rebaghey Road Aughnacloy BT69 6EU
Executive Summary: Three objections received from the neighbouring property at No.21 Whitetown Road. The following issues raised : Levels Ridge Height of Dwelling Application Form Visibility splays Loss of neighbouring amenity through noise and overlooking	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

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

Representations:

Letters of Support	0
Letters Non Committal	0
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 in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The predominant land uses in the surrounding area are agricultural fields, groups of farm buildings and dwellings on single plots. Located approx. 1.5 km north of Newmills this triangular roadside site is adjacent

and NW to No. 21 Whitetown Road. There is a roadside grass verge approx. 1 1/2m wide, behind which is a mature maintained hawthorn hedge approx 1.5m high.

On the opposite side of Whitetown Road to the NW is a row of 3 dwellings, the end being a farm holding with associated outhouses and sheds. There is also a dwelling and garage set up a private laneway opposite the application site. The area is defined mostly by single dwellings, farm holdings and agricultural land.

Description of Proposal

This is a full application for retention of Amended House Type that Previously Approved under LA09/2020/0459/RM at 72M NW of 21 Whitetown Road, Newmills Dungannon.

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

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, three third-party representations have been received from the same objector.

The objector is Mr John Robinson who lives at 21 Whitetown Road which comprises of a dwelling and garage beside the application site.

The following issues have been raised.

1. Mr Robinson states that the finished floor level of the property including the garage have been built at a level which exceeds what was approved in the reserved matters. The proposed elevations on the reserved matters plans show the underbuild is 0.45m. The objector states in his view the finished floor level is at least 2m above the ground level that existed before building work commenced. From my observations on my site visit I agree that finished floor level is about 2m about existing ground level. This current application is to retain the dwelling and garage at the new levels and assess the impact on the landscape and neighbouring properties.

2. The outline and reserved matters applications were approved under the address 72M NW of 21 Whitetown Road. The applicant has submitted the same address for this application and the objector has stated this address is inaccurate. The objector states there is approximately 6m between the sites and I acknowledge there is a gap of 6m between the boundaries of the application site and No.21. I consider the address is accurate because someone looking at the site would still know the dwelling to be retained is in this approximate area.
3. The applicant has filled out on the P1 form that the application does not relate to a farm dwelling and does not involve an agricultural building. The original approval LA09/2018/0153/O related to a farm dwelling, but this application is for the retention of a change of house type I consider the proposal does not need to re-consider the farm case in CTY 10. I am content the principle of development has already been established.
4. The applicant has filled out on the P1 form that there is no increase in the expected vehicular daily movements. The objector states this is inaccurate as there has never been anyone living at the property how is it possible the vehicular movements will not increase. The access was considered by DFI roads in the outline approval and the visibility splays were conditioned. Roads were consulted again with this application and were content with the proposal.
5. The objector has raised the issue of neighbour notification and has stated that the three dwellings across the road should have been neighbour notified. No.21 is the only property which abuts the red line of the application site and other dwellings do not abut the red line of the site so would not be neighbour notified.
6. The objector has raised the issue of certificate A and that this is inaccurate. The objector states that a portion of third-party land at No.21 is needed to obtain the sight lines and he does not give permission for the use of his land for the visibility splays. The second objection letter received on the 4th May 2023 specifically relates to the visibility splays. The objector has shown that the dwelling in this application will use a portion of the verge already in place at No.21 for their visibility splays. It is stated the objector does not authorise the use his verge. However, the owner of No.21 needs the verges at this property to stay in place to achieve his visibility splays. This is the case when two dwellings are sited beside each other as they are effectively sharing the visibility splays.
7. The objector has raised the issue of noise and loss of residential amenity which will be considered later in the planning assessment process.

Planning History

LA09/2018/0153/O - Proposed dwelling and garage - 72M North West Of 21 Whitetown Road, Newmills – permission granted 4th July 2018

LA09/2020/0459/RM - Proposed dwelling and garage - 72M North West Of 21 Whitetown Road, Newmills – permission granted 4th August 2021

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

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

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 not within any settlement limits within the Dungannon and South Tyrone Area Plan 2010 so SETT1 does not apply. The site is not within any other designations or zonings within the Plan.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In 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.

Principle of Development

LA09/2018/0153/O granted approval on the 4th July 2018 for a dwelling and garage under the CTY 10 policy for a dwelling on a farm. Subsequently a reserved matters application was submitted. LA09/2020/0459/RM granted reserved matters approval for a dwelling and garage on 4th August 2021. In line with condition 1 ‘time limit’ the outline and RM approvals had to be commenced by the later of the following dates, 5 years from the approval or 2 years from the reserved matters. The expiry date of 5 years from the outline approval is 3rd July 2023 and the reserved matters is 3rd August 2023.

The outline and reserved matters approvals had an access pre-commencement condition that the visibility splays and access should be provided prior to the

commencement of any works, or any other development permitted.

Condition 2 of LA09/2020/0459/RM states

The vehicular accesses, including visibility splays of 2.4 metres by 70metres in both directions at the access on to the public Road, shall be provided in accordance with Drawing No.03a date stamped 6th May 2021 prior to the commencement of any other development hereby permitted and shall be retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

The dwelling is at roof level and an access has been cleared at the site. There were already grass verges at the site in both directions, so I am content the visibility splays are in place. I am content there is a fall-back position and there is a live application at the site. The remainder of the assessment will consider the change in design and landscaping.

CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character

LA09/2020/0459/RM previously granted approval for a single storey dwelling with a ridge height of 5.4m as shown in figure 1 below. The proposal is for the retention of the dwelling and garage which is currently being built at the application site as shown in figure 2. In terms of massing the current dwelling has the same footprint as the dwelling in LA09/2020/0459/RM. There are no changes to the design and external materials, so I have no concerns about the design of the dwelling.

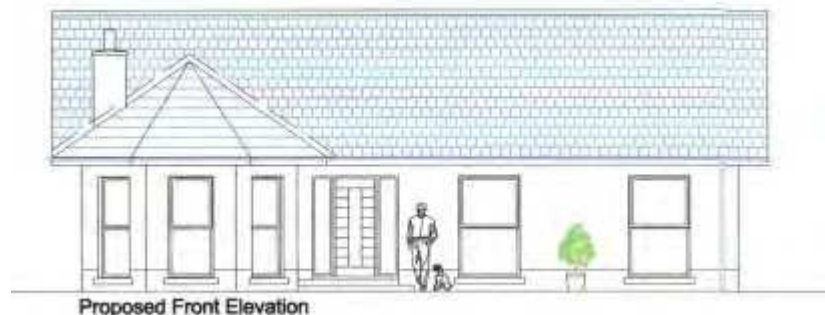


Figure 1 – Image of the approved plans in the Reserved Matters.



Figure 2 - Image of the front elevation of dwelling under construction.

The Whitetown Road slopes downwards from east to west and the topography of the site originally sloped downwards from the roadside to the rear boundary as shown in figure 3.



Figure 3 – Image of land sloping downwards.

The main change to the proposal and mentioned by the objector are about the ridge height of the dwelling as it was approved as 5.5m above existing ground level and it was previously a sloping site. The dwelling to be retained is a one and half storey dwelling and has a ridge height of 6.5m above finished floor level. In terms of levels, the applicant has not dug into the slope but instead built up from the existing ground level. Figure 4 from the site visit show that the finished floor level of the dwelling is approximately 2m higher than the existing ground level and the dwelling has been raised up higher than the original approval. The objector states that when you take into consideration the rise in the finished floor level and the increase in ridge height the dwelling is at least 3m higher than previously approved.



Figure 4 – Site Visit Photographs showing the rise in levels at the application site.

I would accept the principle of a one and half storey dwelling at this site as No.21 is also a one and half storey so that scale and house type has been established in the area. I am content the proposal will not be a prominent feature in the landscape as it is sited in the same location as was previously approved. I acknowledge the site is now at a higher ground level as the land has been built up and the ridge height is also 1m than the previous 5.5m approval. However, I consider the dwelling will not be prominent in critical views especially to in the northwest direction where there is a long straight road.

Landscaping

Condition 4 of LA09/2020/0459/RM stated -

All hard and soft landscape works as detailed on Drawing No 03a bearing the stamp dated 6th May 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

When I completed my site visit, I observed no new landscaping had been planted at the site and the hedging along the roadside has been removed to provide the visibility splays. I feel it is appropriate to condition the landscaping is put in place to assist in the integration of the dwelling and garage into the landscape.

Neighbour Amenity

In terms of the levels the objector Mr Robinson has stated that the finished floor level of the dwelling and garage is now at least 2m above the existing ground level. As stated previously the public road slopes downwards from No.21 to the bottom of the road. No. 21 is also at a higher ground level than the application site. The objector states that the higher finished floor level results in an unacceptable loss of privacy in his rear amenity space. In terms of the windows, it is stated that the gable windows of the dwelling to be

retained provide unrestricted viewing over the fence into the rear of No. 21. It is stated the occupants of the dwelling can see into No.21's back yard resulting in a total loss of privacy and loss of enjoyment of their external space. The objector stated if the proposed dwelling had been built at the correct height viewing from ground level would not have been possible. It is stated the dwelling is 7m above a new raised ground level and the applicant has shown on the elevations it is 6.5m above finished floor level. The objector states this is 9m above pre-existing ground levels when you consider how the land has been raised up. Also, the objector states how this can be acceptable when the ridge height was conditioned at 5.5m above ground level to allow the dwelling to satisfactorily integrate into the landscape.

The applicant has shown the first-floor gable window blocked up so there will be no views from this window into No.21's rear amenity space. As shown in figures 6 and 7 standing at the side of the application site facing towards No.21 you are still at a lower ground level than No. 21. Landscaping was proposed in this direction and was conditioned to be planted in the first planting season following commencement of the development. At the time of my site visit there was no planting on any boundary at the site. I feel it is appropriate to condition that new landscaping is started within 6 weeks of a decision. If the conditioned planting was completed, I am content this would reduce direct views from the gable side windows of the dwelling towards No.21.

The main amenity space at this dwelling is to the rear of the property where the land has been raised up the most. As shown in figure 8 any direct views towards No.21 will be blocked by the garage.



Figure 5 - View standing in the rear garden of No.21 facing the application site.



Figure 6 - View standing at the front of the dwelling and facing the rear amenity space of No.21



Figure 7 - View standing at the side of the dwelling and facing the rear amenity space of No.21



Figure 8 - View from the rear amenity space of the proposed dwelling facing No.21.

In terms of the garage as shown in figure 9, the applicant has submitted revised plans to show the upper floor window obscure glazed. The objector has stated that what happens if the window is opened, and a more acceptable solution would be to fit a skylight to the rear of the roof. I feel it is appropriate to condition that the window is permanently obscure glazed.



Figure 9 – View from No.21 of the garage

Overall, I am content the proposal meets all the criteria in CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

Summary of Recommendation:

Approve is recommended

The proposal is recommended for approval as it complies with CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

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.

Condition 2

One dwelling only shall be constructed within the site outlined in red on Drawing No 01- date received 04 APR 2023.

Reason: This permission is granted solely as a substitute for the permissions for a dwelling previously granted on the site under Ref: LA09/2018/0153/O and LA09/2020/0459/RM and is not for an additional dwelling.

Condition 3

Within 3 months from the date of this approval, visibility splays of 2.4m x 70m in both directions shall be provided in accordance with the approved Drawing No.02 Rev 1 date received 09 MAY 2023, or as may otherwise be agreed in writing with the Department. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

Condition 4

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

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

Condition 5

Gates or security barriers at the access shall be located at a distance from the edge of

the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

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

Condition 6

Within 3 months from the date of this approval, all landscaping comprised in the approved details of landscaping on drawing No.02 Rev 1 date received 09 MAY 2023. Any tree shrub or other plants identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

Condition 7

The gable window as shown on approved drawing 03 Rev 1 date received 09 MAY 2023 shall be permanently blocked up.

Reason: In the interests of neighbouring amenity.

Condition 8

The gable window as shown on approved drawing 04 date received 06 JUNE 2023 shall be permanently obscure glazed.

Reason: In the interests of neighbouring amenity.

Signature(s): Gillian Beattie

Date: 19 June 2023

ANNEX	
Date Valid	5 April 2023
Date First Advertised	18 April 2023
Date Last Advertised	18 April 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 21 Whitetown Road Dungannon BT71 4ES	
Date of Last Neighbour Notification	9 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2023/0404/F Proposals: Proposed Retention of Amended House Type that Previously Approved under LA09/2020/0459/RM Decision: Decision Date:</p> <p>Ref: LA09/2020/0459/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 04-AUG-21</p> <p>Ref: LA09/2018/0153/O Proposals: Proposed dwelling and garage Decision: PG Decision Date: 04-JUL-18</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Roads Consultation - Full response.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 Rev 1
Proposed Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

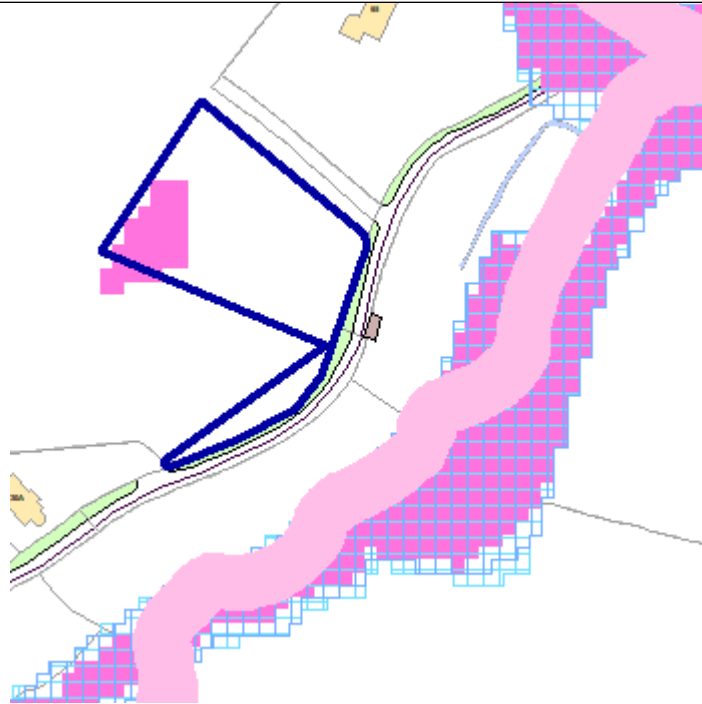


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.12
Application ID: LA09/2023/0487/O	Target Date: 11 August 2023
Proposal: Proposed Dwelling and Garage	Location: Adjacent to & South West of 65 Mullybrannon Rd, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Peter O'Donnell 34 Culrevog Rd Dungannon BT71 7PY	Agent Name and Address: Mr John Aidan KELLY 50 Tullycullion Road DUNGANNON BT70 3LY
Executive Summary: One objection received. Gap too large and when considered with adjacent application LA09/2023/0488/O the site could accommodate up to four dwellings. There are not three or more buildings with a frontage to the road. The proposal will create ribbon development and lead to a suburbanized build-up of development along this stretch of road.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in

character and the predominant land uses are agricultural fields, groups of farm buildings and dwellings on single plots. There is minimal pressure in the surrounding area from the construction of single dwellings and the area is not suburbanized. The application site is half of a larger agricultural field and there is established hedging along the roadside frontage.

Description of Proposal

This is an outline application for proposed dwelling and garage at Adjacent to & South West of 65 Mullybrannon Rd, Dungannon.

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

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.

An objection comment was received from Mr Richard Averall who lives at No.30A Dunseark road, Dungannon. This property is approximately 150m from this site. The objector's main issues are that the proposal conflicts with the local plan and does not comply with the infill policy criteria. In terms of the development plan this site is out any settlements and is not within any designations so the plan does not apply. In terms of whether the proposal meets the infill policy this will be considered in the policy assessment.

Planning History

LA09/2023/0488/O - Proposed dwelling and garage - Adjacent to and North West of 30A Dunseark Road, Dungannon – Under Consideration

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that 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 dwelling opportunities. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In 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.

Policy CTY 8 – Ribbon Development

The application site is one half of a larger agricultural field which is at a bend in the Duneasrk road. To the southwest of the site is a single storey dwelling at No.30A as shown in figure 1 below.



Figure 1 – Image of the dwelling at No.30A Dunseark road

There is a garden and parking and turning area to the front and side of the dwelling. I am content the dwelling has a frontage to the public road. There is a garage to the rear of the dwelling, but I believe the garage does not have a frontage to the public road.

To the northeast of the site is a dwelling and garage at 65 Mullybrannon Road and as shown there is a dwelling and garage. I am content the dwelling has a frontage to the public road, but I do not consider the garage has a frontage as it is set back behind the dwelling. I consider there isn't a line of three or more buildings along this stretch of the road.

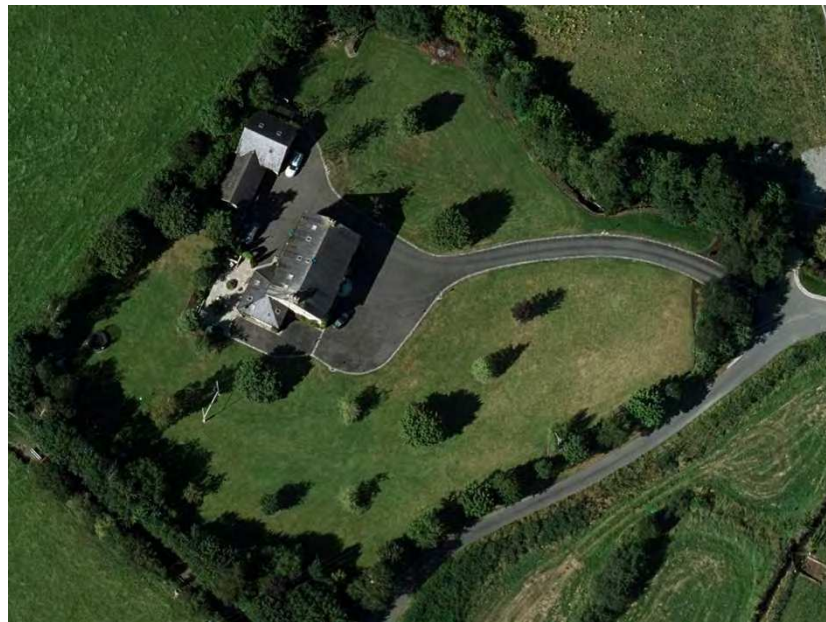


Figure 2 – Image of the dwelling at 65 Mullybrannon Road

The application site has a roadside frontage of 60m and the adjacent site for

LA09/2023/0488/O has a frontage of 73m. No.30A to the southwest has a frontage of 70m and No. 65 to the northeast has a frontage of 116m. The proposal is for only one dwelling at the site. There are large frontages to both adjacent dwellings and other dwellings along the road but I believe there is the potential to fit more than two dwellings at the site and the adjacent site. I consider the gap is too large at the site when considered in combination with the adjoining site at LA09/2023/0488/O.



Figure 3 – Image of the site along the row

There are a mix of house types along this stretch of road as No.30A is single storey and No.65 is two storey. However, the land at site is elevated in relation to the public road and rises by at least 2m from road level.

The objector has stated he does not consider the proposal meets the infill policy. I consider this proposal is not considered an exception within policy CTY 8 as a gap site as at least two dwellings or more could be sited at this site and the adjacent site.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut out of a larger agricultural field where the topography of the site is at a higher level than the road level. There is established hedging along the roadside and southwest boundaries and the remaining boundaries are undefined. As the site is at a bend in the road there are limited critical views in both directions, and I would recommend additional planting along the undefined boundaries to assist with the integration into the landscape. There is a one and two storey along this stretch of road but as there is an elevated topography.

CTY 14 – Rural Character

The land is elevated from the roadside to the back of the site. The site is half of a larger agricultural field and I acknowledge there is the potential for more than two dwellings at this site when combined with LA09/2023/0488/O. The proposal would create a ribbon of development which is detrimental to rural character. As there is the potential for at least three dwellings on this and the adjoining site I consider the proposal will result in a suburbanised build-up of development.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard.

The applicant is proposing a new access off Dunseark road and DFI Roads were consulted as the statutory authority. Roads have no concerns subject to visibility splays of 2.4m x 60m in both directions and 60m forward sight distance. It was also stipulated the access should be at the most southwesterly boundary and paired with the site at LA09/2023/0488/O.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, flooding, or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal, as it does not meet the policies in CTY 8, CTY 13 and CTY 14 in Planning Policy Statement 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

The proposal is contrary to CTY 1 - Development in the Countryside as there are no-overriding reasons why the development cannot be located within a settlement.

Reason 2

The proposal is contrary to CTY 8 - Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development and the gap is too large and would accommodate more than two dwellings.

Reason 3

The proposal is contrary to CTY 14 - Rural Character of Planning Policy Statement 21 in that the development would be detrimental to rural character.

Signature(s): Gillian Beattie

Date: 19 June 2023

ANNEX	
Date Valid	28 April 2023
Date First Advertised	8 May 2023
Date Last Advertised	8 May 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 30A Dunseark Road Dungannon BT71 7PH The Owner / Occupier 65 Mullybrannon Road Dungannon BT71 7ER	
Date of Last Neighbour Notification	3 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2003/0876/F Proposals: Erection of dwelling and garage to supersede approval M/2001/0730/O. Decision: PG Decision Date: 23-SEP-03</p> <p>Ref: M/2008/0653/F Proposals: Overhead single phase line on wooden poles (07/06561) Decision: PG Decision Date: 28-AUG-08</p> <p>Ref: LA09/2023/0488/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: LA09/2023/0487/O Proposals: Proposed Dwelling and Garage Decision: Decision Date:</p>	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads outline.docx

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

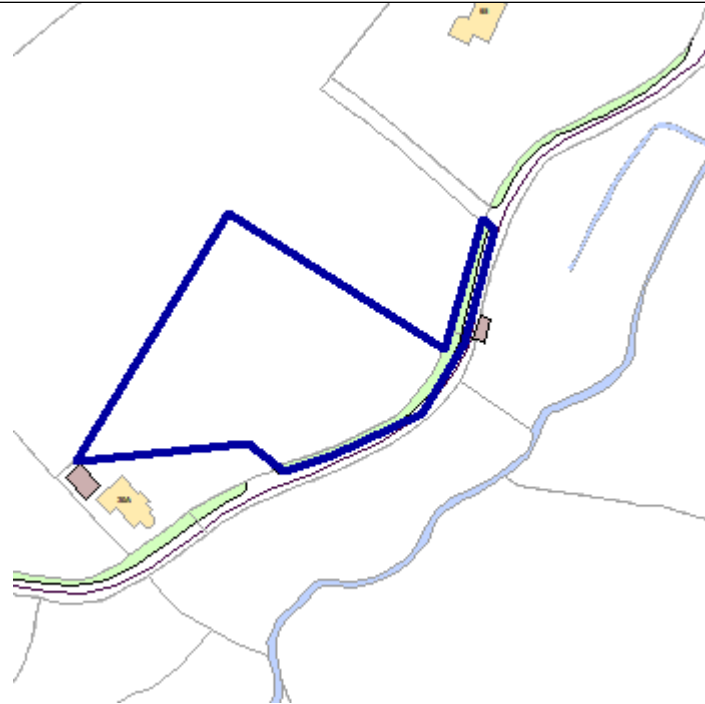


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 July 2023	Item Number: 5.13
Application ID: LA09/2023/0488/O	Target Date: 11 August 2023
Proposal: Proposed dwelling and garage	Location: Adjacent to and North West of 30A Dunseark Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Peter O'Donnell 34 Culrevog Rd Dungannon BT71 7PY	Agent Name and Address: Mr John Aidan KELLY 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: Gap too large and when considered with adjacent application LA09/2023/0488/O the site could accommodate up to four dwellings. There are not three or more buildings with a frontage to the road. The proposal will create ribbon development and lead to a suburbanized build-up of development along this stretch of road.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.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 in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in

character and the predominant land uses are agricultural fields, groups of farm buildings and dwellings on single plots. There is minimal pressure in the surrounding area from the construction of single dwellings and the area is not suburbanized. To the southwest is a dwelling with a large garden area to the front. The application site is half of a larger agricultural field and there is established hedging along the roadside frontage.

Description of Proposal

This is an outline application for proposed dwelling and garage at adjacent to and North West of 30A Dunseark Road, Dungannon.

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

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

Planning History

Adjacent Site

LA09/2023/0487/O - Proposed Dwelling and Garage - Adjacent to & South West of 65 Mullybrannon Rd, Dungannon – Under Consideration

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 outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is not within any other zonings or designations as defined in the Plan.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that 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 dwelling opportunities. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In 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.

Policy CTY 8 – Ribbon Development

The application site is one half of a larger agricultural field which is at a bend in the road. To the southwest of the site is a dwelling at No.30A as shown in figure 1 below.



Figure 1 – Image of the dwelling at No.30A Dunseark road

There is a garden and parking and turning area to the front and side of the dwelling. I am content the dwelling has a frontage to the public road. There is a garage to the rear of the dwelling, but I believe the garage does not have a frontage to the public road.

To the northeast of the site is a dwelling and garage at 65 Mullybrannon Road and as shown there is a dwelling and garage. I am content the dwelling has a frontage to the public road, but I do not consider the garage has a frontage as it is set back behind the dwelling. I consider there isn't a line of three or more buildings along this stretch of the road.



Figure 2 – Image of the dwelling at 65 Mullybrannon Road

The application site has a roadside frontage of 73m and the adjacent site for LA09/2023/0487/O has a frontage of 62m. No.30A has a frontage of 70m and No. 65 has a frontage of 116m. The proposal is for only one dwelling at the site. There are large frontages to both adjacent dwellings and other dwellings along the road, but I believe there is the potential to fit more than two dwellings at the site and the adjacent site. I consider the gap is too large at the site when considered in combination with the adjoining site at LA09/2023/0487/O.



Figure 3 – Image of the site along the row

There are a mix of house types along this stretch of road as No.30A is single storey and No.65 is two storey. However, the land at site is elevated in relation to the public road and rises by at least 2m from road level.

I consider this proposal is not considered an exception within policy CTY 8 as a gap site as at least two dwellings or more could be sited at this site and the adjacent site.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut out of a larger agricultural field where the topography of the site is at a higher level than the road level. There is established hedging along the roadside and southwest boundaries and the remaining boundaries are undefined. As the site is at a bend in the road there are limited critical views in both directions, and I would recommend additional planting along the undefined boundaries to assist with the integration into the landscape. There is a one and two storey along this stretch of road but as there is an elevated topography.

CTY 14 – Rural Character

The land is elevated from the roadside to the back of the site. The site is half of a larger agricultural field and I acknowledge there is the potential for more than two dwellings at this site when combined with LA09/2023/0487/O. The proposal would create a ribbon of development which is detrimental to rural character. As there is the potential for at least three dwellings on this and the adjoining site I consider the proposal will result in a suburbanised build-up of development.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

The site does not access onto a protected route, so I have no concerns in this regard. The applicant is proposing a new access off Dunseark road and DFI Roads were consulted as the statutory authority. Roads have no concerns subject to visibility splays of 2.4m x 60m in both directions and 60m forward sight distance. It was also stipulated the access should be at the most southwesterly boundary and paired with the site at

LA09/2023/0487/O.

Other Considerations

I have checked the statutory map viewers and there are no ecological, built heritage, flooding, or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal, as it does not meet the policies in CTY 8, CTY 13 and CTY 14 in Planning Policy Statement 21 – Sustainable Development in the Countryside.

Refusal Reasons

Signature(s): Gillian Beattie

Date: 19 June 2023

ANNEX	
Date Valid	28 April 2023
Date First Advertised	8 May 2023
Date Last Advertised	8 May 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 30A Dunseark Road Dungannon BT71 7PH The Owner / Occupier 65 Mullybrannon Road Dungannon BT71 7ER	
Date of Last Neighbour Notification	3 May 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/2001/0730/O Proposals: Replacement Dwelling Decision: PG Decision Date: 16-OCT-01</p> <p>Ref: M/2008/0653/F Proposals: Overhead single phase line on wooden poles (07/06561) Decision: PG Decision Date: 28-AUG-08</p> <p>Ref: M/2004/1214/F Proposals: Retention of entrance pillars, wing walls and car port. Decision: PG Decision Date: 09-MAY-05</p> <p>Ref: M/1999/0947/F Proposals: Dwelling Decision: PG Decision Date: 29-JUN-00</p> <p>Ref: M/2000/1260/F Proposals: Erection of two storey dwelling - amendment to previous approval (ref. no.</p>	

M/1999/0947/F).

Decision: PG

Decision Date: 16-JAN-01

Ref: LA09/2023/0488/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: LA09/2023/0487/O

Proposals: Proposed Dwelling and Garage

Decision:

Decision Date:

Ref: M/2003/0876/F

Proposals: Erection of dwelling and garage to supersede approval M/2001/0730/O.

Decision: PG

Decision Date: 23-SEP-03

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist 1.doc
FORM RS1 STANDARD.doc
Roads outline.docx

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