

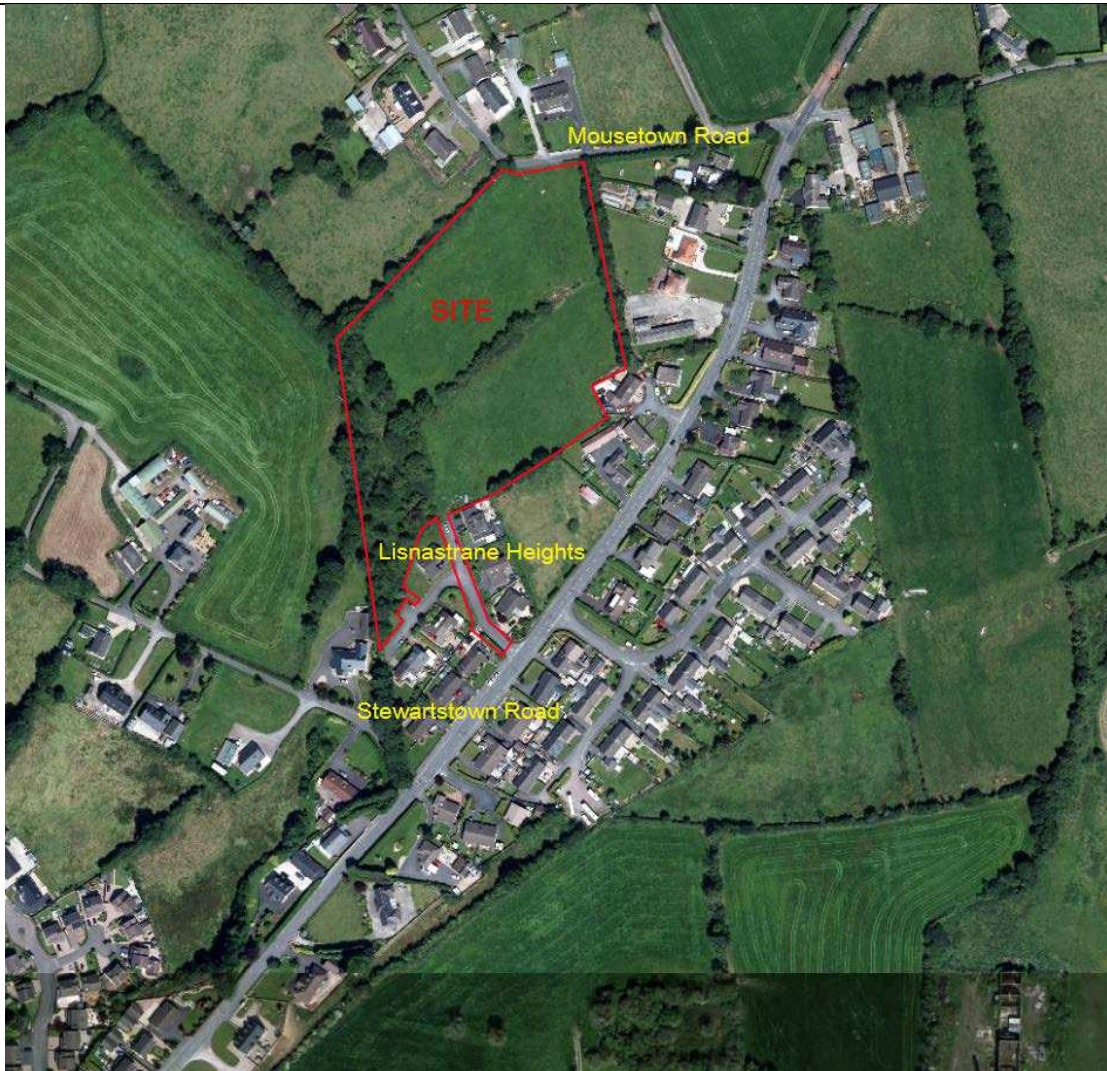


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0565/F	Target Date:
Proposal: Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure	Location: Lands North of No 7 Lisnastraine Heights, Coalisland
Referral Route: Major planning application	
Recommendation:	REFUSE
Applicant Name and Address: McAvoy Roan Pension Fund 76 Ballynakilly Road Dungannon	Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	Add Info Requested
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice

Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	
Representations:		
Letters of Support	None Received	
Letters of Objection	47	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>There have been 47 letters of objection received to date which raise the following concerns.</p> <ul style="list-style-type: none"> - The site location plans and block plans do not match; - The land required for the access is not within the red line; - The proposal is contrary to Policy AMP 2 of PPS 3 as it will prejudice driver and pedestrian safety and inconvenience the flow of traffic; - The proposal is contrary to Policy AMP 1 of PPS 3 and due regard is not given to the specific needs of people with disabilities; - Visibility splays have not been provided; - The existing footpath into Lisnastrane Heights is insufficient for pedestrians to safely access the proposed development; - The existing footpath is not correctly drawn on the plans; - The proposed two storey dwellings will result in an overlooking of the existing dwellings which it is said are predominantly bungalows; - Out of character with the local area; - Negative impact on local wildlife; - There is an issue with the drains and storm water on Colliers Lane; - Some of the lands within the red line of the site are not in the ownership of the applicant; - The proposed development does not accord with the key site requirements of zoning CH 24 of the area plan with regards to vehicular access which should link through to Mullaghmoyle Road; - Vehicular access should be from the Stewartstown Road and not Lisnastrane Heights; 		

- Additional street lighting and increased level of noise will be detrimental to a quiet family life;
- Reassurance is sought that there will be no damage to the existing properties, such as sinkage and subsidence caused by the disused mine shafts;
- Removal of hedges and trees will have a negative impact on the local wildlife;
- A culvert that runs under Washingbay Road and Springisland is not capable of taking an increased amount of down water which will be running from this site;
- The proposed development will devalue the properties in the area;
- Existing children living in the area will no longer be able to play outside due to an increase in traffic;
- Increased pollution and light pollution from street lights;
- Existing residents will suffer from stress should the development proceed;
-

In response to the objections raised I would comment as follows:

- Site location and footprint of block plans do match
- All required lands are situated within the red line of the site boundary
- Roads have concerns with the layout as proposed
- The rear garden depths are a minimum of 10 metres as required in Creating Places
- There is a mix of single, 1.5 storey and 2 storey dwellings in the vicinity of the application site and I do not consider the proposal to be out of character;
- NIEA: NED are content with the findings of the reports and plans submitted;
- The application site is on zoned residential land within the development limits of Coalisland where housing and associated works are to be expected.
- GSNI are content with the proposal subject to conditions
- Rivers Agency are content with the proposal subject to informatives
- Property values are not a material consideration
- Safe areas of public open space have been indicated for the residents to enjoy.

Characteristics of the Site and Area

The site is located within the development limits of Coalisland and is proposed to be accessed off Lisnastrane Heights which is accessed off the Stewartstown Road. The site is located on zoned housing land, CH06, as identified in the Dungannon and South Tyrone Area Plan 2010.

The site comprises currently of grazing agricultural lands. The site rises from the proposed access point up to the Mousetown Road. Neighbouring land uses comprise of residential dwellings and agricultural lands. To the southern end of the proposed site lies dwellings in Lisnastrane Heights as well as another field included in zoning CH06. Along the eastern boundary are the rear of dwellings at Lisnastrane Court. The northern and western boundaries are bounded by agricultural fields. The eastern boundary is bounded by rear gardens of dwellings fronting onto the Stewartstown Road.

Description of Proposal

Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure

Planning Assessment of Policy and Other Material Considerations

The Regional Development Strategy 2035
 Strategic Planning Policy Statement
 Dungannon and South Tyrone Area Plan 2010
 MUDC Local Development Plan 2030 - Draft Plan Strategy
 Planning Policy Statement 2 - Natural Heritage
 Planning Policy Statement 3 - Access, Movement and Parking
 Planning Policy Statement 7 - Quality Residential Environments
 Planning Policy Statement 15 - Planning and Flood Risk (Revised)

The RDS 2035, whilst is not an operational policy, it does provide the overarching framework for NI. Policy RG8 seeks for the varied housing needs of the whole community to be met. The emphasis is on managing housing growth with a focus on developing more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. The provisions of the SPPS are material to all decisions on individual planning applications and appeals. The SPPS states that objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Para 6.133 states that good quality housing is a fundamental need that plays a significant role in shaping our lives and our communities.

Dungannon and South Tyrone Area Plan 2010

This is the current statutory area plan for the former Council District of Dungannon. The site is located on zoned residential land (CH06) in the Area Plan for which there are five key site requirements. The issue of concern in this application is the vehicular access for the proposed residential development. Although the first KSR requires vehicular access from the Stewartstown Road the proposed access is off Lisnastraine Heights. At an office meeting with the agent, roads consultants and DfI Roads Service it was agreed that access can be taken from Listnastraine Heights providing this will meet current standards in PPS3, DCAN 15 and Creating Places. Following the submission of drawings and a number of revised drawings from the agent DfI Roads find the proposed access arrangements unacceptable.

In the latest consultation response from DfI they have made the following comments:

- Review of revised drawing indicates the splays associate with the private access to No 1 Lisnastraine Heights does not comply with the minimum visibility splays requirement and the proposed realignment of the internal road would also result in the visibility splays from existing junction not complying with minimum standards;
- The centre line of the access road being moved closer to the access to house 112 Stewartstown road is not acceptable as the occupant will have to entre/egress their property extremely close to a public road junction, the centre line of the access road must remain in its current location;
- The access road layout and all access arrangements onto the access road to comply with Creating Places, DCAN 15 and PPS 3 AMP 2;

- Review of DCAN 15 tables indicate that visibility splays of 2.4m x 70m are appropriate for the proposed application. However the design of the main access depicts visibility splays of only 2.0m x 70m
- PPS 3 AMP 2 states that planning permission will only be granted for a development proposal involving direct access or intensification of the use of an existing access onto a public road where such an access will not prejudice road safety or significantly inconvenience the flow of traffic. It is the opinion of Dfl this proposal will result in the intensification of an existing road which currently services 11 units by introducing an additional 36 units along a road which currently has pinch points and accesses below the minimum splay requirement;
- A letter from the agent has cited issues with incorrect positioning of walls, fences and maintenance issues with hedges by the existing home owners and that these are matters for Planning to enforce. It should be noted that the submitted design has failed to provide visibility splays of 2.0m x 33m at these accesses as previously advised on numerous occasions to ensure a safe layout.

In response to the comments and refusal reasons advised by Dfl the agent has written to the Council. In summary the agent states the following:

- The gain in public safety, additional housing, compliance with the Area Plan is being jeopardised simply because every box in the ever increasing DCAN 15 isn't ticked;
- The application is on Phase 1 housing lands, equates to 85% of the Phase 1 lands and 9% of the entire Phase 1 and 2 lands. It is unrealistic to expect 9% of the entire phasing to construct and pay for a new entrance roundabout and link road, purchase four dwellings and the remaining lands within Phase 1 which abut the Stewartstown Road;
- The proposal increases the existing Lisnastraine Heights/Stewartstown Road junction from the current 2.4m x 30.90m to 2.4m x 90m. This would provide sightlines well in excess of what Dfl are requesting i.e. 2.4m x 70m. This is accommodated by reducing the parallel parking on the opposite side of the Stewartstown Road to the DCAN 15 width.
- The existing problem with the sight splay was an approval to No 1 Lisnastraine Heights which included a boundary wall which has had the impact of reducing the existing sight splay to less than half of the required distance;
- Dfl Roads were not consulted on the aforementioned house extension and the agent argues this is the single most important issue for the existing and proposed development;
- All but two of the internal driveway sightlines are able to be upgraded to full standards required by Dfl. One existing entrance misses the full standards by 4m on the "Y" distance and the other by 9m.
- All the existing entrances benefit from increased sightlines
- The agent has addressed "X" and "Y" distances to No 112 Stewartstown Road and believes the proposed access arrangements will benefit No 112 rather than concentrating on the reduction in separation distance between the proposed development
- The agent quotes DCAN 15 where it states that in exceptional circumstances a relaxation to the normal access standards may be accepted in order to secure other important planning objectives. The agent believes that constructing a central part of the access road to serve a significant land bank zoned for housing is an important planning objective. He states that to increase a substandard

sightline serving an existing housing development at the boundary to Phase 1 lands is an important objective.

- The agent considers Dfl are using this application to bring a sub-standard access up to today's standard and this is not stated or implied in policy as being a requirement.

Key Site Requirements

In considering comments made by both Dfl Roads and the agent it is clear the current and proposed access arrangements are not to the standard required in policy and guidance documents. The KSR does state that access should be from Stewartstown Road and this access is not. In a meeting with representatives from Dfl Roads during the processing of this application, it was made clear that an access would be considered from Lisnastraine Heights where it met with standards.

Some of the other KSR's refer to the wider CHO06 zoning. Relevant to this portion of land are the following:

- A vehicular access linking through to housing zoning CH24 is being provided.
- GSNI have been consulted on the possibility of mineshafts being sited though not seen. GSNI records indicate abandoned mine shaft located in the northern part of the site. There is some doubt as to the precise location for the shaft. An assessment of the area should be conducted to ensure public safety and integrity of the buildings. GSNI recommend that the Planning Authority, if granting approval, should apply the following conditions to be undertaken prior to the commencement of the development.
- A preliminary ecological appraisal was submitted by the agent and considered by NIEA. The PEA considered the vegetation and the areas of habitat currently on site. NIEA did not raise any concerns at the potential loss of existing areas of habitat.

In terms of the layout of the proposed development I consider it is in accordance with the criteria a, b c and d of Policy QD 1 of PPS 7. Given the size of the site there is no requirement for the applicant to provide neighbourhood facilities in accordance with criteria e. There is a conflict with criteria e with regards to safety of road users, in light of the consultation response from Dfl Roads. I consider the proposal is in accordance with criteria f, g and i. Given the inadequate access and road layout arrangements I consider there is a conflict with criteria h of QD1. The current arrangements will result in an unacceptable adverse impact on existing properties in terms of their amenity, with an additional 36 dwellings being served by a substandard road currently used by the residents of Lisnastraine Heights.

An objection has been received from the resident of number 3 Lisnastraine Court who has raised a concern on overlooking and loss of privacy from site no 6. There is a bedroom window on the extended part of the dwelling. The rear gable wall of site no 6 sits 10 metres from the common boundary. This is considered acceptable in Creating Places and as it is not a room that serves living accommodation I am not giving this determining weight.

MUDC 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 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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse due to issues of road safety concern.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.4 metres by 70.0 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
2. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the proposed access.
3. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking, Policy AMP 2 and Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that it would, if permitted, prejudice the safety and convenience of road users since the carriageway width/visibility splays of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to criteria h of Policy QD1 in that it would, if permitted, create conflict with adjacent land uses and will result in an unacceptable adverse effect on the existing properties of Lisnastraine Heights.

Signature(s)

Date:

ANNEX	
Date Valid	26th April 2018
Date First Advertised	10th May 2018
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR, The Owner/Occupier, 1 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW, The Owner/Occupier, 104 Colliers Lane, Coalisland, Tyrone, BT71 4GP The Owner/Occupier, 105 Colliers Lane, Coalisland, Tyrone, BT71 4GP The Owner/Occupier, 108 Stewartstown Road, Coalisland, Tyrone, BT71 4PF The Owner/Occupier, 110 Stewartstown Road, Coalisland, Tyrone, BT71 4PF The Owner/Occupier, 112 Stewartstown Road, Coalisland, Tyrone, BT71 4PF Martina Fox, 112 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF The Owner/Occupier, 114 Stewartstown Road, Coalisland, Tyrone, BT71 4PF The Owner/Occupier, 128 Stewartstown Road, Coalisland, Tyrone, BT71 4PF The Owner/Occupier, 130 Stewartstown Road, Coalisland, Tyrone, BT71 4PF The Owner/Occupier, 132 Stewartstown Road, Coalisland, Tyrone, BT71 4PF Joseph & Elizabeth Rankin, 132, Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF The Owner/Occupier, 134 Stewartstown Road, Coalisland, Tyrone, BT71 4PF Sean & Olga Ferry, 134 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF Pat Dooley, 14 Lisnastrane Road Coalisland Tyrone The Owner/Occupier, 15 Mousetown Road, Coalisland, Tyrone, BT71 4PJ The Owner/Occupier, 17 Mousetown Road, Coalisland, Tyrone, BT71 4PJ The Owner/Occupier, 19 Mousetown Road, Coalisland, Tyrone, BT71 4PJ P L O'Neill, 19 Mousetown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PJ Sinead Quinn, 2 Lisnastrane Court Coalisland Tyrone Eileen Quinn, 2 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS The Owner/Occupier, 2 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR The Owner/Occupier, 2 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW Paul Quinn, 22 Mousetown Road Coalisland Tyrone Padraig O'Neill, 3 Lisnastrane Heights, Coalisland, Co Tyrone, BT71 4PR Patrick McLernon, 3 Lisnastrane Court Coalisland Tyrone Patrick Gerard McLernon, 3 Lisnastrane Court Coalisland Tyrone Nuala McLernon, 3 Lisnastrane Court Coalisland Tyrone Brian Mc Leron, 3 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS Brian McLernon, 3 Lisnastrane Court, Coalisland, Tyrone, Northern Ireland, BT71 4PS The Owner/Occupier, 3 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR The Owner/Occupier, 3 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW Gillian O'Neill, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR Bronwyn O'Neill, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR Eleanor Gourley, 3, Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR</p>	

Meagan Quinn, 4 Lisnastrane Court Coalisland Tyrone
 Brenda Quinn, 4 Lisnastrane Court, Coalisland, Tyrone, BT71 4PS
 The Owner/Occupier, 4 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR
 The Owner/Occupier, 4 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW
 The Owner/Occupier, 46 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1DB
 Glenn Duffy, 5 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR
 Clare Morris, 5 Lisnastrane Park Coalisland Tyrone
 Sean McGrath, 5-7 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1JW
 Fiona Blair, 6 Lisnastrane Heights Coalisland Tyrone
 Patricia Thornton, 6 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR
 The Owner/Occupier, 6 Lisnastrane Park, Coalisland, Tyrone, BT71 4PW
 Seamus O'Donnell, 6, Colliers Lane, Coalisland, Dungannon, Co Tyrone, Northern Ireland, BT71 4GP
 Thomas Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone
 Siobhan Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR
 Siobhan Whitehouse, 7 Lisnastrane Heights, Coalisland, Tyrone, Northern Ireland, BT71 4PR
 The Owner/Occupier, 8 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR,
 Chris Graham, 9 Lisnastrane Heights, Coalisland, Tyrone
 Stephen McNeice, 9 Lisnastrane Heights, Coalisland, Co Tyrone, BT71 4PR
 Catherine Creaney, 9 Lisnastrane Heights, Coalisland, Tyrone, BT71 4PR
 The Owner/Occupier, 95 Stewartstown Road, Coalisland, Tyrone, BT71 4PF
 The Owner/Occupier, 97 Stewartstown Road, Coalisland, Tyrone, BT71 4PF
 Terence Gervin, 99 Stewartstown Road, Coalisland, Tyrone, Northern Ireland, BT71 4PF
 Dermot Monaghan, MBA Planning, 4 College House, Citylink Business Park, Belfast, Co Antrim, BT12 4HQ
 Sean McGrath, P A Duffy & Co 5-7 Irish Street

Date of Last Neighbour Notification	18th December 2020
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Date of EIA Determination	
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ES Requested	No
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Planning History

Ref ID: LA09/2018/0019/PAN

Proposal: Proposed housing development consisting of 37 no. dwellings - 5 no. detached and 32 no. semi detached with associated roads and services.

Address: Lands to rear of Lisnastrane Heights, Stewartstown Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2017/0665/PAD

Proposal: Proposed housing development to include 51 no. houses (both semi-detached and detached dwellings)

Address: Lands behind Lisnastrane Heights, Stewartstown Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2018/0565/F

Proposal: Housing development consisting of 36 no dwellings (6 no detached and 30 semi-detached), services and infrastructure
Address: Lands North of No 7 Lisnastraine Heights, Coalisland,
Decision:
Decision Date:

Ref ID: M/2003/0717/O
Proposal: Site for proposed dwelling
Address: 30 Metres South West of 114 Stewartstown Road, Coalisland
Decision:
Decision Date: 01.03.2004

Ref ID: M/1996/4028
Proposal: Extension to dwelling
Address: 114 STEWARTSTOWN ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/2005/2126/O
Proposal: Domestic dwelling
Address: To the rear of 136 Stewartstown Road Mousetown Road, Coalisland
Decision:
Decision Date: 21.12.2005

Ref ID: M/2005/1573/F
Proposal: Extension & Refurbishment to Existing Dwelling
Address: 1 Lisnastraine Heights, Coalisland
Decision:
Decision Date: 05.10.2005

Ref ID: LA09/2015/0964/F
Proposal: Proposed single storey extension to side/ rear of existing dwelling to provide a disabled bedroom and bathroom
Address: 3 Lisnastrane Court, Coalisland, BT71 4PS,
Decision: PG
Decision Date: 28.01.2016

Summary of Consultee Responses

GSNI:

GSNI records indicate abandoned mine shaft located in the northern part of the site. There is some doubt as to the precise location for the shaft. An assessment of the area should be conducted to ensure public safety and integrity of the buildings. GSNI recommend that the Planning Authority, if granting approval, should apply the following conditions to be undertaken prior to the commencement of the development.

1. Recommendations as provided by BCD Partnership Ltd are adhered to and completed to ensure public safety and integrity of the structures.
2. On locating any disused mine shaft, an adequate shaft cap is installed as per CIRIA SUP 32 Guidance.

3. A report is submitted to GSNI detailing investigation works pertaining to disused mine shafts and demonstration the completion of works is effective.

The developer should contact GSNI directly to discover what information is available that could assist investigation works at the site.

NIEA:

NED has reviewed the information within the badger survey report and noted that further badger activity has been located outside the site to be developed. NED is content with the finding of the badger survey and advises that a condition must be attached to the decision notice to ensure that sett 1 is protected during the construction phase of the development and that sett 2 must be closed under licence.

Roads

Recommend refusal

Rivers

FLD 1 - Development in Fluvial Flood Plains - The Flood Hazard Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain.

FLD 2 - Protection of Flood Defence and Drainage Infrastructure - An undesignated watercourse lies adjacent to the western boundary of the site. Under 6.32 of the policy a minimum 5m maintenance strip is required. The maintenance strip should be level, marked up on all layout drawings and be protected from impediments (including tree planting), land raising or future unapproved development by way of planning condition.

FLD 3 - Development and Surface Water - The Drainage Assessment indicates the storm water system will be adopted by NIW, therefore NIW will be responsible for checking design calculations, adoption and maintenance of the system.

Consequently DfI Rivers, while not being responsible for the preparation of the reports accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisers.

FLD 4 - Artificial Modification of watercourses - This policy is not applicable to this site

FLD 5 - Development in Proximity to Reservoirs - This policy is not applicable to this site.

NI Water:

There is no objection from NIW. They have confirmed there is available capacity at the WWTW.

Drawing Numbers and Title

Drawing No. 01/1
Type: Site Location Plan
Status: Submitted

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

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

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

Drawing No. 03/2
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 03/3
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 04/2
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 04/3
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 04/4
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05/2
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 05/3
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 06
Type: Site Appraisal or Analysis
Status: Submitted

Drawing No. 07

Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 07/1
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 08
Type: Road Access Plan
Status: Submitted

Drawing No. 08/1
Type: Road Access Plan
Status: Submitted

Drawing No. 09/2
Type: Cross Sections
Status: Submitted

Drawing No. 09/3
Type: Cross Sections
Status: Submitted

Drawing No. 09/4
Type: Cross Sections
Status: Submitted

Drawing No. 10/2
Type: Cross Sections
Status: Submitted

Drawing No. 10/3
Type: Cross Sections
Status: Submitted

Drawing No. 11/2
Type: Cross Sections
Status: Submitted

Drawing No. 11/3
Type: Cross Sections
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Drawing No. 14
Type: Proposed Plans
Status: Submitted

Drawing No. 15
Type: Proposed Plans
Status: Submitted

Drawing No. 16
Type: Housing Concept Plan
Status: Submitted

Drawing No. 17/1
Type: Landscaping Proposals
Status: Submitted

Drawing No. 17/2
Type: Landscaping Proposals
Status: Submitted

Drawing No. 18
Type: Landscaping Plan
Status: Submitted

Drawing No. 18/1
Type: Landscaping Plan
Status: Submitted

Drawing No. 19
Type: Housing Concept Plan
Status: Submitted

Drawing No. 19/1
Type: Housing Concept Plan
Status: Submitted

Drawing No. 20
Type: Roads Details
Status: Submitted

Drawing No. 21
Type: Roads Details
Status: Submitted

Drawing No. 21/1
Type: Roads Details
Status: Submitted

Drawing No. 21/2
Type: Road Access Plan
Status: Submitted

Drawing No. 22
Type: Roads Details
Status: Submitted

Drawing No. 22/1
Type: Roads Details
Status: Submitted

Drawing No. 23
Type: Roads Details
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2020/0025/F	Target Date:
Proposal: Retention of timber cabin for use as storage. Cabin located on same footprint as demolished building.	Location: Site at 42 Main Road Moygashel Dungannon
Referral Route: 1. Objection from a third party.	
Recommendation:	Approval
Applicant Name and Address: Mr Brian Turkington 14 Wellbrook Avenue Dungannon	Agent Name and Address: Arcen 3A Killycolp Road Cookstown BT80 9AD
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Characteristics of the Site and Area

The site is located within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is a mix of residential, convenience shops and hot food outlets. To the west and south of the site are semi-detached and detached dwellings. Adjacent and south of the site is a group of established trees and to the southeast is a day-care facility. To the north of the site are two hot food outlets.

The site is on a flat land and has a roadside frontage onto the Main Road in Moygashel. The application site is situated on a long rectangular plot, which is currently vacant and there was previously buildings at the field but have since been demolished. There is metal fencing along the roadside boundary of the plot with unauthorised signage located on the fencing.

Description of Proposal

This is a full application for the retention of a timber cabin for use as storage. The cabin is located on the same footprint as a demolished building at 42 Main Street Moygashel.

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

LA09/2019/0357/F - Retention of 20 x 8ft container to house vending machines - Site at 42 Main Road, Moygashel - Permission Refused 6th February 2020 Planning Appeal Dismissed 9th February 2021

Representations

The proposal was advertised and at the time of writing one representation has been received. There are no neighbours directly abutting the site so no neighbour notification has been undertaken.

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 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.

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.

Dungannon and South Tyrone Area Plan 2010

The proposal is located within the settlement limit of Dungannon so SETT 1 – Settlement Limits is the relevant policy, which applies. I am content the proposal is acceptable as it meets all of the following criteria.

Use

The application site is located along the main road in Moygashel where there is a mix of convenience shops, residential and hot food outlets. There are both semi-detached and detached dwellings across the road from the site. 15m north of the site are two hot food outlets Gordy's fish and chip shop and Applejacks café. The applicant has stated on the P1 form the building is used for storage. When I completed my site visit I was unable to gain access to the inside of the building but I did observe there was a kitchen and toilet

and an empty room just off the main entrance to the rear. The applicant sent pictures of the inside to demonstrate the use of the building but this only show a table and chairs in one room, boxes, a filing cabinet and security cameras in another room and gym equipment in another room. However, a supporting statement was received from the applicant by email on 14th July 2020. In this email, it states the building, which is the subject of this application, stores soft drinks, snacks and sealed products for the hot drinks machines. At the time of the application it was indicted the products being stored were for the vending machines. These were located in the metal container which that was refused and dismissed at Planning Appeal. The vending machines and associated building have subsequently been removed as required by the enforcement notice. The applicant was asked what is the purpose of the building which is the subject of this application is it still storage or a dwelling. In emails dated 9th July 2021 and again 30th November 2021 the applicant said the cabin is used as a utility building and mainly for the storage for the vending machine business as they have other vending machines they operate. Subsequently the applicant has confirmed there is no use as an office at the building and this was removed from the description.

Planning appeal 2020/A008 is particularly relevant to this application as it related to the sea container which housed vending machines to the front of the cabin. In this appeal the commissioner discussed the unacceptable use of vending machines in this location. The 3no. vending machines in the sea container were unmanned and operated 24 hours a day. With the application LA09/2019/0357/F there were numerous complaints to Environmental Health about noise and anti-social behaviour at the site. These vending machines at the roadside have since been removed. The applicant has stated the building which is the subject of this application is used for the storage of goods in relation to his vending machine business. Finally, the commissioner stated that the use as a vending machine business is better suited away from residential properties and in a more commercial area. Therefore if vending machines were to be accessible to the public again from this timber building, the use would continue to be unacceptable.

I consider conditioning the use that it is only for the storage of goods and no vending machines are stored at the site is appropriate for this application and would mitigate against the risk of the use beginning again. Members should be aware there is the risk if the application is approved the building could house vending machines and doors open to the public and they could purchase from the vending machines. The site is currently blocked off by fencing and the public would be unable to gain access to the building.

Appearance

The building to be retained is 8.6m in length and 5.7m in width with a ridge height of 3.2m. There is a long rectangular form with a pitched roof. The finishes are dark green timber cladding on the external walls, dark grey window frames and doors, black guttering and slate roof tiles. The building has the appearance of a timber cabin. The use of timber cladding is significant as in planning appeal 2020/A008, reference is also made to the appearance of the sea container. In that appeal the commissioner states the use of proposed timber finishes on the container would not provide the architectural character one would expect of a permanent building. Also it would appear as short term and temporary in the street scene. I am of the opinion this cabin building even though it has timber cladding on the external walls has the appearance of a building with more permanence in comparison with a sea container. The applicant has stated in correspondence he does not intend to use the site for storage permanently and housing

would be his preferred use at the application site and adjoining land. A time limited permission will allow the Council to reassess the appearance of the building periodically to see how the timber cladding weathers to ensure it does not become an eyesore.

In rebuttal to the issue's raised in the planning appeal I consider you need to look at the character of the surrounding area. To the north of the site are 2no. hot food outlets Applejacks and Gordys takeaway. Gordys has timber cladding on its fascia sign and stonework walls on the front elevation as shown in figure 1 below. Applejacks has wooden cladding on the front elevation. Across the public road from the site are single storey dwellings with pitched roofs and cream render walls. There is a mix of finishes and appearances of buildings in the area so I am of the opinion the building will not have an unacceptable impact on the character of the area.



Figure 1 – Image of the external finishes of nearby businesses

The objector states the style of building at the application site is not in keeping with the style of the other buildings along this road as it is wood and the other dwellings are brick. Also, the building is not with linear development as it is set back from the roadside. In critical views from the NE the building is set back behind the building line and the low ridge height of the building means it is not a prominent feature in the landscape. In critical views of the SW housing is set back from the building line so the timber building will not look out of character for the area as shown in figure 2 below.



Figure 2 – Image of the housing to the SW of the site

Amenity

The applicant stated on the P1 form there was 1 no. vehicle for staff and 1 no. for goods at the site each day. In addition, there would be 1 employee and 1 visitor every day. I consider the building will not create an unacceptable impact on neighbouring amenity. There is not going to be high volumes of traffic at the site every day and the use as a storage building will not generate excessive levels of noise and pollution. In the supporting statement, the applicant states there will be one delivery per week and there will be no members of the public to the office.

I consider it would be appropriate that no public customers are allowed to visit the site and limiting the opening hours for deliveries to 9am to 5pm Monday to Friday and no Saturdays and Sundays, to minimise the disruption to neighbouring dwellings nearby.

One representation has been received from Ms Geraldine McGarvey who operates the Kids and Bibs Daycare at 12 Moygashel Lane, south east of the application site. She states the building has a tv aerial and is in use late at night which suggests it is not being used as storage. Also, the building has windows and a decking area which looks into the play area of the daycare. When I completed the site visit I observed there are 2no. windows on the rear elevation and a decking area but due to separation distance from the building to the day care I consider there are no direct views. The building is at least 25m from the nearest boundary of the daycare at No. 12 and there is a 2m high timber fence to the eastern boundary of the site which will block any views. There are no dwellings to the rear or north and south boundaries to block light or loss or privacy or create overshadowing. There are dwellings across the road from the west boundary but there is a container in front which blocks any views.

PPS 3 Access, Movement and Parking

The applicant states on the P1 form there is no alteration to the existing access and states on the P1 form there will be 2no. vehicles at the site throughout the day, 1 for staff and 1 for goods. The building is 49m² and according to Mid Ulster Council's 'Parking Standards' guidance the office would need 1 car parking space per 20m². Thus the proposal needs

three car parking spaces. There is parking to the front of the site which could accommodate at least three spaces.

The objector states there is no parking, loading or turning bay for storage at the site and this is an unsafe access. The tarmacked area in front of the site has not marked out car parking spaces but there is an area is tarmacked down to the café at Applejack's café further south. This tarmacked area is currently used for parking at both the café and Gordy's chippy so could be used as parking for the office. The applicant also states there will be no customers to the office so there will not be an intensification of car parking need at the site.

Planning Strategy for Rural Northern Ireland

DES 2 – Townscape

I am content as the proposal meets all the criteria in SETT 1 it also meets the criteria in DES 2 which relates to appearance of the development, land use, amenity and design. These criteria were discussed previously in the assessment for SETT 1.

Other Consultations

NI Water were consulted and confirmed that even-though there was previously a shop on the site the applicant will still need NI Water permission for a re-connection to the network.

The site is not within any historical, conservation designations or zonings.

Neighbour Notification Checked None Required

Summary of Recommendation

The proposal is recommended for approval as it complies with SETT 1 in the Dungannon and South Tyrone Area Plan 2010 and DES 2 in the Planning Strategy for Rural Northern Ireland.

Conditions:

1. The permission hereby granted shall be for a limited period of 3 years only and shall expire on February 2025.

Reason: In the interests of residential amenity.

2. The building shown on drawing 02 date stamped 08 JAN 2021 shall be used only for storage of goods associated with the applicant's vending machine business and no vending machines should be stored within the building at any time, and no other purpose in Use Class Part B of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: In the interests of residential amenity.

3. The use hereby permitted shall not be open to customers at any time and no goods stored shall be sold to members of the public from the premises at any time. No deliveries shall be taken at, or dispatched from the site outside the following times 09:00 to 17:00 Monday to Friday, nor at any time on Saturdays, Sundays, Bank or Public Holidays.

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

Informatives

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

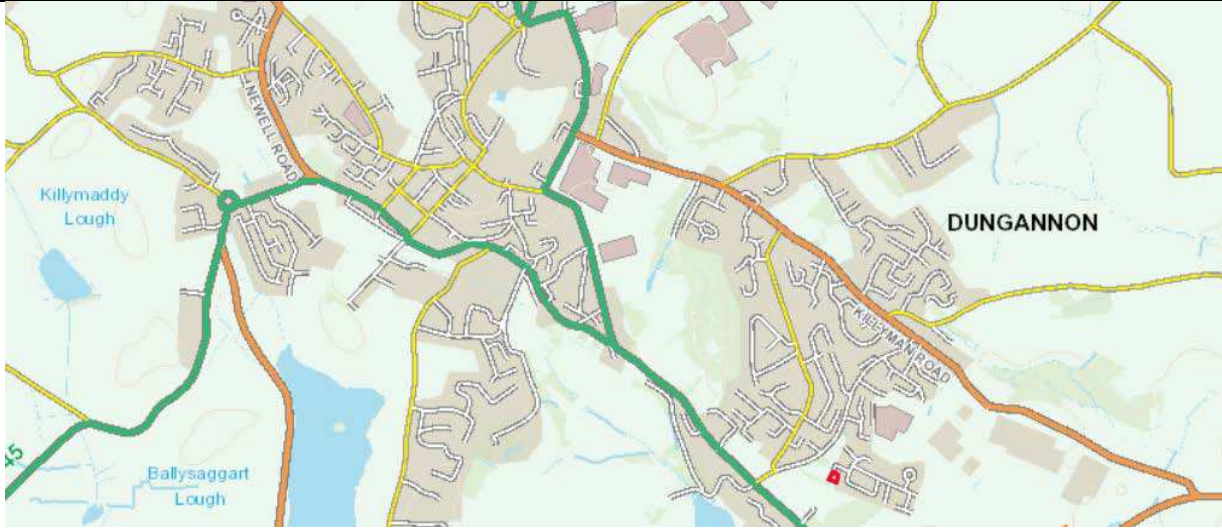
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0892/F	Target Date:
Proposal: New dwelling & detached garage	Location: Site 177 adj to 1 Brookfield Road Dungannon
Referral Route: Objection	
Recommendation: Approval	
Applicant Name and Address: NI031025 Ltd 64 Hall Street Maghera BT46 5AD	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Representations:		
Letters of Support		None Received
Letters of Objection		3
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Characteristics of the Site and Area		
<p>The site is located within the development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. It sits on Phase 1 Housing Land, comprising an established housing development known as 'Brookfield's'.</p> <p>The site is a relatively square shaped plot located south of and adjacent no. 1 Brookfield Road Dungannon, an existing dwelling 2-storey dwelling; and adjacent and southwest / west of nos. 1 & 2 Brookfield Crescent, another 2-storey and a single storey dwelling, respectively.</p> <p>The site sits adjacent and to the outside of a right-angled bend in the estate road, serving Brookfield's, which it is to be accessed off. The site is enclosed by approx. 1.2 – 1.6m high close boarded wooden fencing. The landform in the immediate area falls relatively steeply downwards in a west to east direction, from the Gortmerron Link Road to the site and beyond through Brookfield's. As such, the site whilst relatively flat, sits just below adjacent road level. As the land also fall gently in a south to north direction, the site sits above the level of the bounding properties. A footpath part bounds the frontage of the site along the estate road.</p> <p>The immediate area surrounding the site is primarily residential in nature comprising mixed density housing developments located to both sides of the Gortmerron Link Road. Disused poultry houses exist on a yard located south of the site.</p>		
Description of Proposal		
<p>This is a full application for a 2-storey detached dwelling and single storey detached garage to be located on lands (site 177) adjacent to 1 Brookfield Road Dungannon, an existing dwelling within an established housing development, 'Brookfield's'.</p> <p>The proposed dwelling, which is to be accessed off the Brookfield Road serving the wider housing development, is located relatively central on the site, in line (gable to gable) with no. 1 Brookfield Rd and orientated like no. 1 Brookfield Rd to face in a northwesterly direction.</p> <p>The proposed dwelling has a rectangular shaped floor plan and a pitched roof construction, which slopes down deeper to its front elevation. The front elevation of the property has a two storey front projection offset to the southwest gable and a single dormer extending from the wall plate offset to the northeast side of the property.</p>		

The proposed garage, which has a simple rectangular shaped floor plan and a pitched roof construction, is to be located to the rear northwest side off the proposed dwelling, orientated gable end facing towards the Brookfield Rd. It has a single roller shutter door in its elevation facing Brookfield Rd and two windows in its side elevation facing northeast towards no. 1 Brookfield Rd.

Finishes to the dwelling and garage:

- Roof: black flat profile concrete tile
- Walls: brick finish & painted render
- Rainwater goods: half round seamless gutter and PVC downpipes
- Windows: brown PVC double glazed

Planning Assessment of Policy and Other Material Considerations

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

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

- Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 7: Quality Residential Environments
- Planning Policy Statement 7 (Addendum): Safe Guarding the Character of Established Residential Areas
- Creating Places
- Development Control Advice Note 8 Housing in Existing Urban Areas

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

Planning History

- M/2002/1026/F – Proposed Housing Development – Adjacent Gortmerron Heights Gortmerron Link Rd Dungannon – Granted 22nd December 2004
- M/2005/1969/F – 10 no. additional dwellings and change of house types to sites 64, 65, 86, 90, 93, 94 and 112 to recently approved housing development M/2002/1026/F – Adjacent to Gortmerron Heights Gortmerron Link Rd Dungannon – Granted 19th December 2006
- M/2007/1122/F – Proposed change of house types – 18 Brookfield Crescent Dungannon & 49 Brookfield Dungannon – Granted 9th October 2007
- M/2012/0013/F – Proposed change of house type on site 2, 109 and 112 from detached HT3 to semi-detached HT33 at housing development off Gortmerron

Link Road, Dungannon – Brookfield Development Gortmerron Link Road
Dungannon – Granted 22nd August 2012

- LA09/2016/0122/F - Site 1 2 44 and 109b Brookfield Dungannon – Proposed change of house types from 3no detached dwellings to 6no semi-detached dwellings on sites 1,2 and 44 and change of house type on site 109B from a 2 bedroom semi-detached dwelling to a 3 bedroom semi-detached dwelling – Granted 15th July 2016
- LA09/2020/0913/F - Change of house type on Site 44 (semi-detached dwellings to 1 no HT7 detached) – Site 44 adj to 9 Brookfield Glen Dungannon – Granted 15th September 2020.

The above applications relate to the housing development 'Brookfield Crescent' located adjacent the site. The current site was not included within the above developments.

Consultees

1. DfI (Roads) were consulted in relation to access, movement and parking arrangements for the proposal. Subject to an amended 1:500 block plan received 8th July 2021 to show visibility splays of 2m x 33m and a forward site distance of 33m, where the driveway meets Department property, Roads raised no concerns. Accordingly, I am content the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic, in accordance with Planning Policy Statement 3: Access, Movement and Parking.
2. NI Water (Multi Units West) were consulted on this proposal and responded that there is insufficient capacity at the receiving waste water treatment works to serve the proposal. The agent was contacted to submit further information as to how the applicant intends to address the capacity issue raised. He subsequently detailed that another site within the wider Brookfield development under planning application LA09/2020/0913/F had recently had a change of house type from a set of semi-detached dwellings to a detached dwelling. The agent made the case that in effect alongside LA09/2020/0913/F the current proposal just brings the capacity of the overall development back to that previously approved. Whilst this case was considered a site inspection identified the dwelling approved under LA09/2020/0913/F has not yet been constructed as such Planning has no assurances the previous permission for 2 dwellings would not be implemented. As such the capacity issue raised by NI Water still stands. However, having considered this capacity issue further, I am content it is reasonable to approve this proposal subject to a negative condition being applied to any subsequent decision notice. That no development hereby approved shall commence until NI Water has provided written confirmation they will allow connection to their mains sewers or the developer has obtained all necessary consents for an alternative means of dealing with waste water from the site and this has been provided to Mid Ulster District Council.

The Dungannon and South Tyrone Area Plan (2010) identifies the site as being within the settlement limits of Dungannon on Phase 1 Housing Lands DH 11

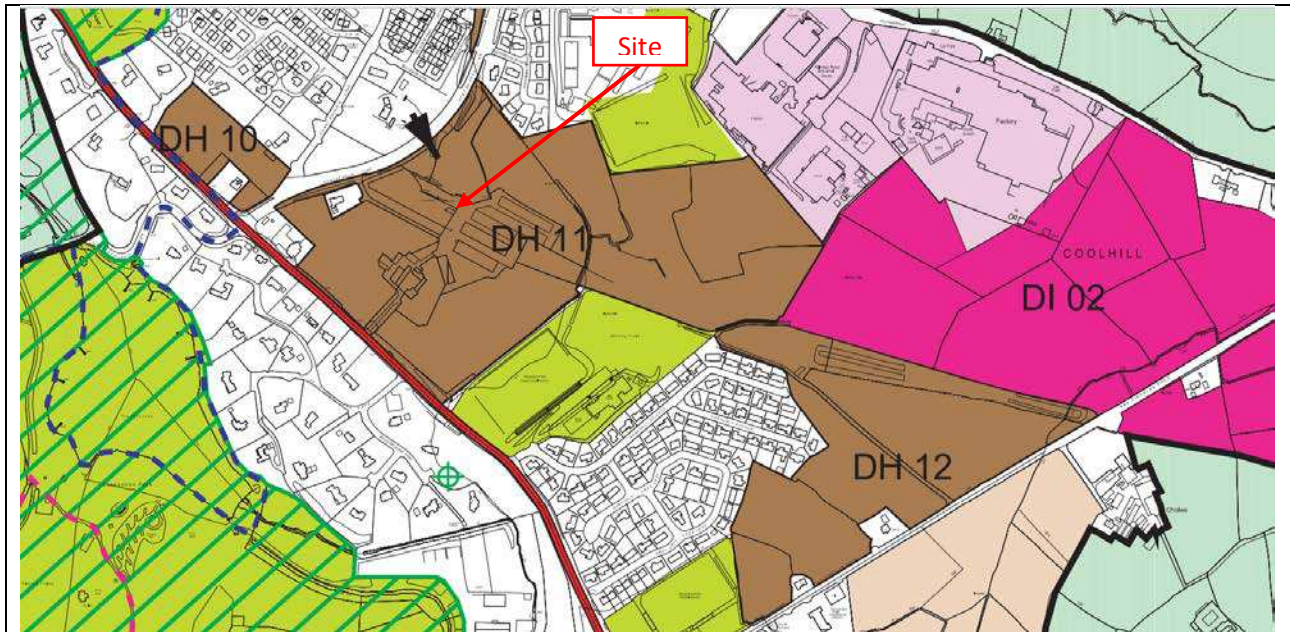


Fig 1: Extract from Dungannon Settlement Map (Dungannon & South Tyrone Area Plan 2010)

Plan Policy HOU 1 Housing Zonings gives favourable consideration to proposals for housing on Phase 1 Housing Land within Settlements subject to compliance with prevailing regional planning policy and the policies and key site requirements contained in the Plan. Plan Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS 3 – Access, Movement; Parking and PPS7 – Quality Residential Environments; and PPS 7 (Addendum): Safe Guarding the Character of Established Residential Areas, it will meet the requirements of SETT1 including Part 3 of the Plan.

Strategic Planning Policy Statement for Northern Ireland – The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied i.e. PPS 7 and the Addendum to PPS 7.

Planning Policy Statement 3 – Access, Movement and Parking – The dwelling is to be accessed off the existing estate road (Brookfield Rd) serving Brookfield’s housing development. As detailed above DfI (Roads) were consulted in relation to the proposed access, movement and parking arrangements for the proposal. Subject to an amended 1:500 block plan received 8th July 2021 to show visibility splays of 2m x 33m and a forward site distance of 33m where the driveway meets Department property Roads raised no concerns. Accordingly, I am content the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic, in accordance with Planning Policy Statement 3: Access, Movement and Parking.

PPS 7 – Quality Residential Environments – PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

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

I am content the proposed dwelling and garage are of appropriate size, scale, design (including finishes) and layout for the site and locality. That they should integrate on to the site, respecting the surrounding residential context, character, and topography of the site. Existing close-boarded fencing provides enclosure to the site.

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

I have no concerns in this regard. DfC's Historic Environment Division map viewer identified no built heritage assets of interest on site and whilst a Listed Building was identified approx. 120m southwest of the site to the other side of disused poultry sheds, it is enclosed by other buildings, as such neither the building or its setting should be impacted by this proposal. Additionally, there are no landscape features on this site.

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

Public open space is not a requirement for this type of proposal and I am content that private amenity space in excess of the 70m² average promoted in Creating Places has been provided within the curtilage of the property. There is no existing vegetation bounding this site. A close-boarded fence encloses the site.

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

I am dealing with an application in which local neighbourhood facilities in their own right would not be required.

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

The site will access onto the estate road serving Brookfield's housing development, which provides footway links onto the Gortmerron Link Rd. This will support walking or

cycling into the Town. The footpaths will support walking and enhance the safety of pedestrians.

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

Adequate in-curtilage parking has been provided to the northeast side of the property.

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

The design and finishes of the proposed dwelling and garage are considered acceptable to the site and locality.

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

I am content neighbouring properties should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing. Whilst the proposed dwelling will be elevated slightly above and sit gable to gable with no. 1 Brookfield's and both properties have main serving windows at ground level and a bedroom window at first floor I am content an existing close-boarded fence separates private amenity and adequate separation distance exists between properties. According, subject to a condition that all windows in the northeast gable elevation of the proposed property be permanently fitted with obscured glass I am content both properties private amenity should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing. In terms of the proposed garage, whilst it may overshadow a small portion of no. 1 Brookfield's garden this is not considered significant to justify a refusal and it is considered it would screen off thus protect private amenity. That said given the close proximity of the garage to the neighbouring boundary with, and windows facing towards, no. 1 Brookfield's I would consider as with the aforementioned gable of the proposed dwelling to condition the windows in the garage to be permanently fitted with obscured glass to prevent overlooking. Guidance within Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. I am content that this distance, at 9-11m, has generally been provided between the proposed dwelling and nos. 1 & 2 Brookfield Crescent to its' rear. The aforementioned separation distance alongside the existing boundary fencing on site; position of the proposed garage; and position and orientation of nos. 1 & 2 Brookfield including no. 1's garage, should protect the amenity of nos. 1 & 2 from the proposed dwelling and vice versa in terms of overlooking and overshadowing. Given the nature of this proposal, I have no concerns regarding noise or other disturbance.

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

The proposal raises no concerns in relation to crime or personal safety as I am satisfied that the dwelling is located adjacent an established residential development whereby there will be enough dwellings close by to deter crime to some degree.

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, unit size is not less than recommended in Annex A of this policy.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 third party objections had been received from Ms Cleary, the owner / occupier of no. 1 Brookfield Rd, a dwelling located adjacent and north of the site.

Ms Cleary raised the following issues 1) a right to privacy, 2) a right to daylight; and 3) water run-off from the site into her property. In relation to the third issue Ms Cleary stated that in the 15 years she has lived in her property she has had a continuous problem with water run-off from the site that has never been resolved with any investigation drawing a blank. 4) Proposal will undermine foundation of her property.

During the processing of this application in order to make the appropriate assessment and address the issues raised by Ms Cleary the agent was asked to provide an amended site layout showing full existing and proposed finished ground and floor levels; and the means of surface water drainage. As detailed earlier in this report and in light of an amended site layout received, I was content neighbouring properties, including Ms Cleary's, should not be adversely impacted by this proposal to an unacceptable degree in terms of overlooking or overshadowing subject to condition. I am also content that Flood Maps NI do not indicate flooding on this site and the issue of site drainage raised has been addressed within the remit of Planning in that the agent has been made aware of the issue and has shown drainage measures to prevent water run-off to Ms Cleary's property. The developer will have the ultimate responsibility for effectiveness of these measures. The developer will also have responsibility for ensuring any development does not undermine the foundations of the objectors property. Foundations are dealt with under building control regulations.

Taking all of the above into consideration I would recommend the approval of this application based on the lack of information on file.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

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

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

2. No development hereby approved shall commence until NI Water has provided written confirmation they will allow connection to their mains sewers or the

developer has obtained all necessary consents for an alternative means of dealing with waste water from the site and this has been provided to Mid Ulster District Council.

Reason: In the interests of public health and to safeguard existing and proposed residential amenity.

3. The dwelling hereby approved shall not be occupied until the drainage indicated on Drawing No. 02(Rev.01) bearing the date stamp received 8 JUL 2021 has been implemented and is fully functional.

Reason: To ensure sufficient drainage measure are in place,

4. All windows in the northeast gable elevation of the dwelling hereby approved shall be permanently fitted with obscured glass.

Reason: In the interests of residential amenity.

5. Windows marked 'A' and 'B' on Drawing No. 4 bearing the date stamp received 27 JUL 2020 shall be permanently fitted with obscured glass.

Reason: In the interests of residential amenity.

6. The vehicular access, including visibility splays of 2m x 33m and any forward sight distance, shall be provided in accordance Drawing No. 2(Rev.01) bearing the date stamp received 08 JUL 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

7. 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 users.

Informatives

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

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.
5. Department for Infrastructure (Roads) comments:

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

The applicant should contact the Department for Infrastructure Roads Service's Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

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

6. Please see NI Water consultation response dated and scanned to the planning portal on the 14th August 2020 for information purposes.

Signature(s)

Date:

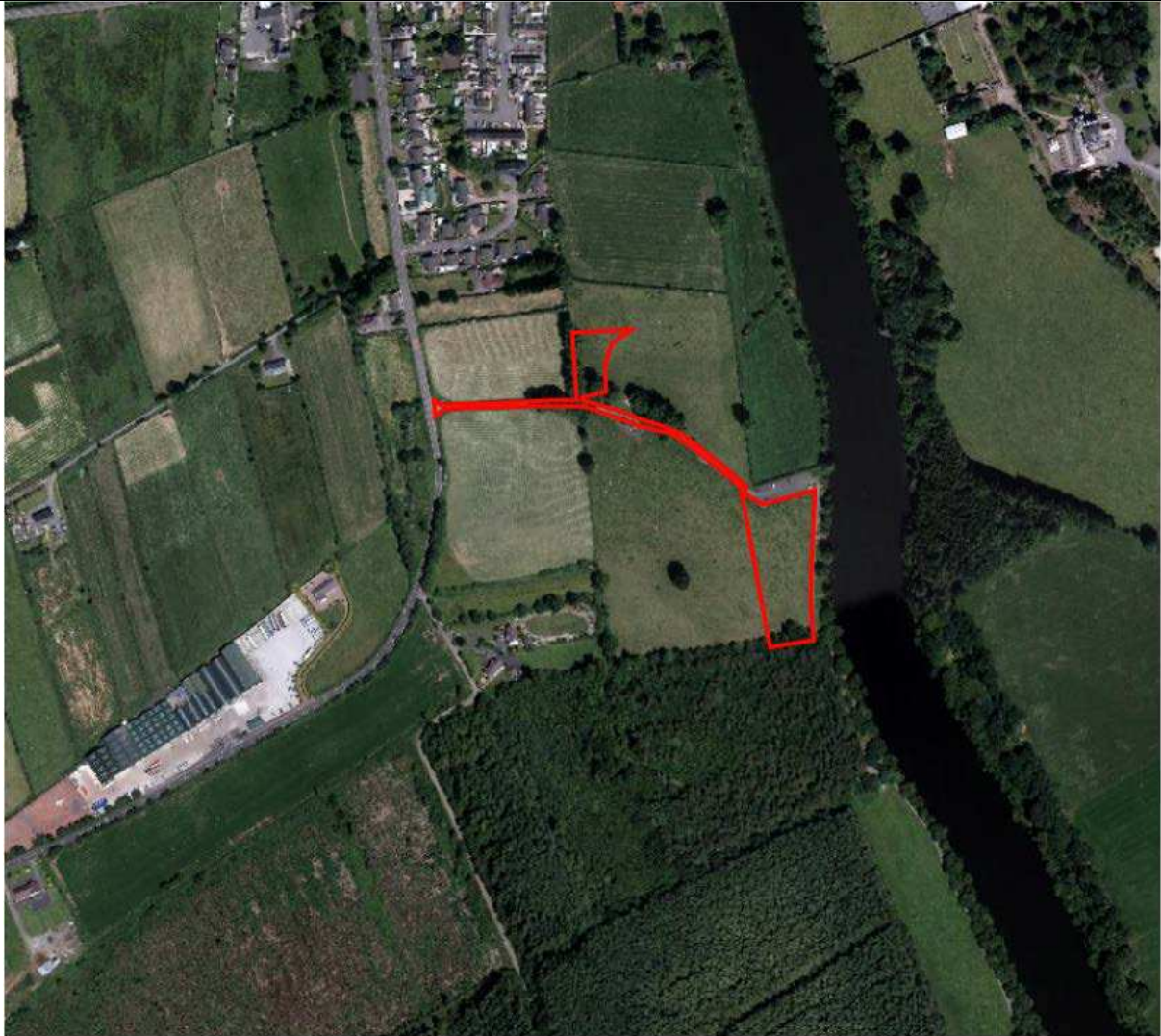


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1378/F	Target Date:
Proposal: Proposed 2 blocks of 5No glamping accommodation to provide tourist facilities at Fishermans Walk.	Location: Site 380m East of 23a Ballymacombs Road Bellaghy.
Referral Route: This application is being presented to Committee as it has attracted two letters of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Ryan McSorley 16 Culbane Road Portglenone BT44 8NZ	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice
Statutory	NIEA	Content
Statutory	NIEA	
Statutory	NIEA	
Statutory	NIEA	
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Two letters of objection have been received in respect of this application and relate to the following issues:-</p> <p>Increase in noise and the impact of this on a residents health issues;</p> <p>Anti-social behaviour attributed to vehicular movements;</p> <p>Disruption;</p> <p>Loss of privacy with direct views into bedroom windows and private amenity space;</p> <p>The fact that the development has commenced prior to receiving approval raises question over the management of the facility with due consideration to local residents;</p> <p>Potential to pitch tents on the site;</p> <p>Discarded food and rubbish attracting vermin;</p> <p>Litter;</p> <p>Located too close to dwellings;</p> <p>Detrimental to visual character;</p> <p>Environmental Health were consulted on the proposed development and did not raise any issues in relation to noise being emitted from the site during its operation. Advice was offered in relation to construction noise, however, this would be temporary.</p> <p>Any issues relating to the use of the existing car park by vehicles in anti-social behaviour is a matter for local policing and is not a planning consideration.</p> <p>As the proposed site is located between 230m and 250m from the rear of the objectors' dwellings and have rear private amenity spaces which extend between 85m to 100m to the rear of the dwellings, it is not accepted that the occupants of any of the proposed glamping pods will have a direct view into bedrooms of either of the objectors' properties. In addition, the proposed pods only have a single bathroom window facing the objectors' properties, therefore it will not be possible for occupants to have a view into bedrooms. From Councils' orthophotographic records, both objectors' properties appear to</p>		

have a mature boundary between their respective rear amenity spaces and the proposed site. Again it is not accepted, given the separation distance between these dwellings and the proposed site, that the occupants of any of the pods will have a view into the rear amenity space thereby resulting in a loss of privacy.

The commencement of the proposed development without first seeking approval is not an offence. Neither is it taken as any indication of how the proposed development would be managed.

The potential to pitch tents on the site does not form part of this proposal and therefore has not been considered in this assessment.

Environmental Health provided advice on 'Refuse' and that all proposed pods should have adequate provision for the storage and disposal of waste. The proposed development would be expected to be maintained in a clean and litter free manner.

As detailed above, the proposed site is in the region of 230m-250m from the nearest dwellings with the proposed pods being a further 15-20m away. These separation distances are accepted as being adequate.

The proposed pods are set back around 320m from the Ballymacombs Road and are finished with a mixture of external materials including charred cladding and intensive sedum roofs. These finishes will help the pods to integrate into the surrounding landscape. Although it is accepted there is a public interest from the laneway leading to the pods, they will be set against the setting of the river bank with the associated mature vegetation and the adjacent forest. It is not accepted that the proposed pods will have a detrimental impact on visual character.

Given the separation distance between the proposed development and any third party dwelling, it is not accepted that the proposal would cause such disruption as to warrant a refusal.

Characteristics of the Site and Area

The site is set on the edge of Glenone, with the access extending along the southern boundary of the settlement. The area between the settlement and the River Bann to the east is designated as an LLPA (GE 03) and extends in a southern direction to the boundary of Portglenone Forest/Glenone Wood. The site is located within the LLPA.

The site is located at the eastern side of a large agricultural field (3.6ha) and is accessed via an existing tarmac laneway leading to an area called Fisherman's Walk. At the end of the laneway there is an existing car park with parking spaces marked out for approximately 40 cars. The car park is used by visitors to the fishing stands which have been provided by Mid Ulster District Council and which are used for casual fishing, including competitions. The car park is also used by visitors who walk along the river bank on the public path which extends approximately 1400m south and 500m north of the car park. The paths also extend through Portglenone Forest/Glenone Wood. The path extends alongside a green area on the western bank of the River Bann.

The site is bounded to the north by a post and wire fence at the car park, by a post and wire fence along the public path to the east, to the south by the forest while the western boundary is undefined and extends into the remainder of the larger field.

There are restricted transient views of the site on approach from Glenone for approximately 60m. However, from this approach, the site is set back 280m from the Ballymacombs Road and a further 40m

to the pods, with any views set against the river corridor and its mature tree lined banks as well as Portglenone Forest/Glenone Wood to the south. There is a public interest from the lane leading to Fishermans Walk, however any view of the pods from this lane would also be set against the same backdrop.

Description of the proposal

The proposal is for the erection of 10 glamping pods in two blocks of five pods each, all of which front onto the River Bann. The pods are aligned along the eastern end of a larger field bordering the banks of the River Bann and immediately adjacent to a larger forest area and involves the clever use of timber cladding and intensive sedum roofs to help blend in with the sites woodland surroundings. The buildings are modest in scale and with mono pitched roofs undulating between heights of 2.7m to 4.0m.

Eight of the pods have an identical layout containing a single two person bedroom/kitchen and a shower room, with the remaining two pods being larger and containing accommodation for four persons in two bedrooms with kitchen and shower room facilities.

The external finishes are:

Walls - charred cladding, black render - grey

Windows - aluminium - colour varies

Roof - Intensive sedum roof

Doors - Natural hardwood colour varies

The site is laid out in such a manner that one gravel access laneway from the existing lane serves all 10 units, with communal open space and dedicated car parking spaces to the rear/west. A small area of more private open space is provided to the front/east of each pod which have meadow landscaping. These areas are bounded by new hedgerows which extend along the existing riverside path and also around the site perimeter. This landscaping will also help the development to achieve a satisfactory degree of integration into the surrounding landscape.

Planning Assessment of Policy and Other Material Considerations

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

SPPS

Magherafelt Area Plan 2015

PPS 16 - Tourism

PPS 21 - Sustainable development in the Countryside

The SPPS recognises the vital contribution that tourism makes to the NI economy. Its regional strategic objectives are to facilitate sustainable tourism development in an environmentally sensitive manner; contribute to the growth of the regional economy by facilitating tourism growth; safeguard tourist assets from inappropriate development; utilise and develop tourism potential of settlements by facilitating tourism development of an appropriate nature and scale; sustain a vibrant rural community by supporting tourism development of an appropriate scale, nature and ensure a high standard of quality and design for all tourist development.

The Magherafelt Area Plan 2015 advises that the potential for growth in tourism in the district rests on the beauty of the landscapes and variety of interests and heritage features to be enjoyed. This includes

the Lower Bann which is recognized for the quality of its natural landscape. The promotion and marketing of tourism in the District is primarily the responsibility of Mid Ulster District Council. MUDC were therefore consulted on the proposal and the Head of Tourism within MUDC advised that they have no objections to the application and would welcome such accommodation on the Lower Bann Corridor. Policy CON 2 relates to Local Landscape Policy Areas and advises that within such areas planning approval will not be granted for development that would adversely effect the intrinsic environmental value and character. Where riverbanks are included within a LLPA it will normally be required that access is provided to the river corridor, as part of the development proposal. A landscape buffer may also be required between any development and the river corridor to maintain its intrinsic environmental value.

The Councils Tourism Strategy states that Mid Ulster has the potential to expand its tourism offer significantly by focusing upon one new tourism strand, currently under development - linked to Seamus Heaney - and two strands that are significant and prominent, but so far undeveloped, relating to Outdoor Activities and to Archaeological sites, the History and Heritage of the island of Ireland, Northern Ireland and the area itself. These strands, or themes, will serve as the strategic core propositions for Mid Ulster, to attract visitors, encourage them to stay longer in the area and ensure that tourism contributes to the local economy.

PPS21 Policy CTY1 permits non-residential development in countryside, such as this proposal, for tourism development as long as such development is in accordance with PPS16. The aim of this Planning Policy Statement (PPS) is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

PPS 16 Policy TSM 5 Self Catering Accommodation in the Countryside states that;
Planning approval will be granted for self catering units of tourist accommodation in any of the following circumstances:

(b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;

In either circumstance (a) or (b) above, self catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

The proposal is for 10 self catering units for tourist accommodation and are seen as complementing the existing fishing stand facilities adjacent to the site. The fishing stands are operated by MUDC and have been used to facilitate both national and international fishing competitions in addition to being available to members of the general public for casual fishing and in that sense are regarded as a significant visitor attraction.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation.

This will be a condition of any planning approval granted for the proposed development.

The overall design of the self catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use. To this end, permitted development rights in respect of plot boundaries will also be removed.

The layout is designed in such a manner that it will not be used for permanent residences. Permitted development rights can be removed by way of condition to prevent such and this will be enforced by MUDC.

TSM 7 - Criteria for Tourism Development is a policy which must be given consideration for this proposal also.

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria (a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

This has been satisfactorily addressed in the submitted site layout;

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The Pods are of high quality design and utilise the existing access leading to the river, the associated paths and forested areas.

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

This site is set back of the public road in excess of 280m and the pods a further 40m and although there will be some transient views from the Ballymacombs Road, these will be set against the backdrop of the existing river corridor and the forest. New hedgerows and trees are proposed to form a parkland landscape around the accommodation. No areas of outside storage are proposed.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

The access laneways are proposed to be gravel which will aid in surface water run-off.

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

Although this is a remote location, the riverside paths area open to the public at all times and therefore the site will have some degree of public supervision in that sense. However, it is in the operators interests to secure the site at all times.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context. In addition to the above design criteria, a proposal will also be subject to the following general criteria (g - o). General Criteria

Not applicable to this proposed development.

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

The proposal will satisfy this requirement and will in no way detract from the site or wider rural location.

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

There are no nearby residents within 230m of the proposed site and therefore in my opinion, the proposed development will not have any effect on nearby residents.

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

There are no features of built heritage on the site. The effects on natural heritage/ecology were considered within the Preliminary Ecological Assessment which was accepted by NIEA.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

The site is hydrologically connected to Bann Estuary SAC which is located approximately 40km downstream. The supporting information was examined by Shared Environmental Services on behalf of MUDC. The location is such that there is a >10m buffer between the development site and the river. Based on the location of the proposal and the distance to the Bann Estuary SAC it is concluded that during construction works there can be no conceivable effects to the SAC features given the nature and location of the SAC. Foul sewage is to a septic tank with the soakaway distant from the river. This will be subject to consent to discharge from NIEA WMU. There will be no operational impacts that could impact on Bann Estuary SAC.

(k) access arrangements must be in accordance with the Department’s published guidance;
DfI Roads have no objections

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
DfI Roads have no objections

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;
DfI Roads have no objections.

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
The site does not access onto a protected route.

(o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided
The proposal utilises and promotes access to the adjoining amenity in my view.

PPS 3 - Access, Movement and Parking

The access arrangements were considered by DfI Roads who advised it is acceptable subject to suggested conditions.

In considering the above, it is my opinion that the proposed development satisfies all the relevant policy considerations and should be approved subject to the following conditions:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions :

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

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

2. The glamping accommodation hereby permitted shall be used only for holiday accommodation and shall not be used as a place of permanent residence.

Reason: The site is located within a rural area where it is the policy of Mid Ulster District Council to restrict development and this approval is hereby granted solely because of its proposed holiday use.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no building, structure, hard surface or enclosure (including swimming pools and gardens) incidental to the enjoyment of the dwelling hereby permitted, or access onto an unclassified road, shall be erected, provided, maintained or improved outside the area as indicated, in red, on the stamped approved location map drawing no. 01/3, received 16th June 2021.

Reason: To preserve the amenity of the countryside.

4. The vehicular access including visibility splays 4.5 x 100 metres and a 100 metre forward sight distance, shall be provided in accordance with Drawing No 01/2 bearing the date stamp 16th June 2021 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.

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no 01/3 bearing date stamp 16th June 2021 to provide adequate facilities for parking 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.

6. When a contractor has been appointed, a detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, should be submitted to Mid Ulster District Council in consultation with NIEA: Water Management Unit for their written agreement prior to works commencing on site.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection

Signature(s)

Date:

ANNEX	
Date Valid	5th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Simon Ball 22, Ballymacombs Road, Portglenone, Londonderry, Northern Ireland, BT44 8NQ Michael Kinoulty	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/1378/F Proposal: Proposed 2 blocks of 5No glamping accommodation to provide tourist facilities at Fishermans Walk. Address: Site 380m East of 23a Ballymacombs Road, Bellaghy., Decision: Decision Date:	
Ref ID: LA09/2017/0348/F Proposal: Proposed housing development consisting of 25 No. Dwellings (18 semi-detached and 7 detached) with associated access ,roads and landscaping) (Amended plans) Address: 70m South West of 21 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 19.02.2019	
Ref ID: LA09/2018/1522/F Proposal: Farm diversification scheme to include replacement of existing agricultural building with new tourist facility, that will comprise of public toilets(to serve Fisherman walk) tourist information facilities, farm shop and cafe Address: Site at Fisherman's Walk Lane-way, Approx 225m South East of 21 Ballymacombs Road, Portglenone, Ballymena, Decision: PG Decision Date: 24.07.2019	
Ref ID: LA09/2020/0414/LDP	

Proposal: Provision of 77 angling stands to replace existing stands, associated resurfacing of access paths
Address: 260m East of 22 Ballymacombs Road Portglenone,
Decision: PG
Decision Date:

Ref ID: H/2002/0703/O
Proposal: Housing Development
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone
Decision:
Decision Date: 05.11.2003

Ref ID: H/2008/0639/O
Proposal: Housing Development.
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone.
Decision:
Decision Date: 13.03.2009

Ref ID: H/2012/0081/O
Proposal: Housing Development (Previous Outline Approval H/2008/0639/O)
Address: 110m South of Ashlea Park, Ballymacombs Road, Portglenone,
Decision: PG
Decision Date: 20.05.2013

Ref ID: H/1976/0301
Proposal: SITE OF HOUSING DEVELOPMENT
Address: BELLAGHY ROAD, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1979/0519
Proposal: SITE OF HOUSING DEVELOPMENT
Address: GLENONE, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1992/0262
Proposal: INTERNATIONAL COARSE ANGLING FACILITIES WITH ASSOC. CAR PARKING AND ACCESS ROADS
Address: PORTGLENONE FOREST AND RIVER BANN BALLYMACOMBS ROAD
PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2002/1170/F
Proposal: 11KV Supply.
Address: Ballymacombs Road, Portglenone.
Decision:
Decision Date: 20.03.2003

Ref ID: H/1992/0578

Proposal: FISHING FACILITIES WITH ASSOCIATED CAR PARKING
Address: PORTGLENONE FOREST AND RIVER BANN BALLYMACOMBS RD
PORTGLENONE
Decision:
Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 01/3
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

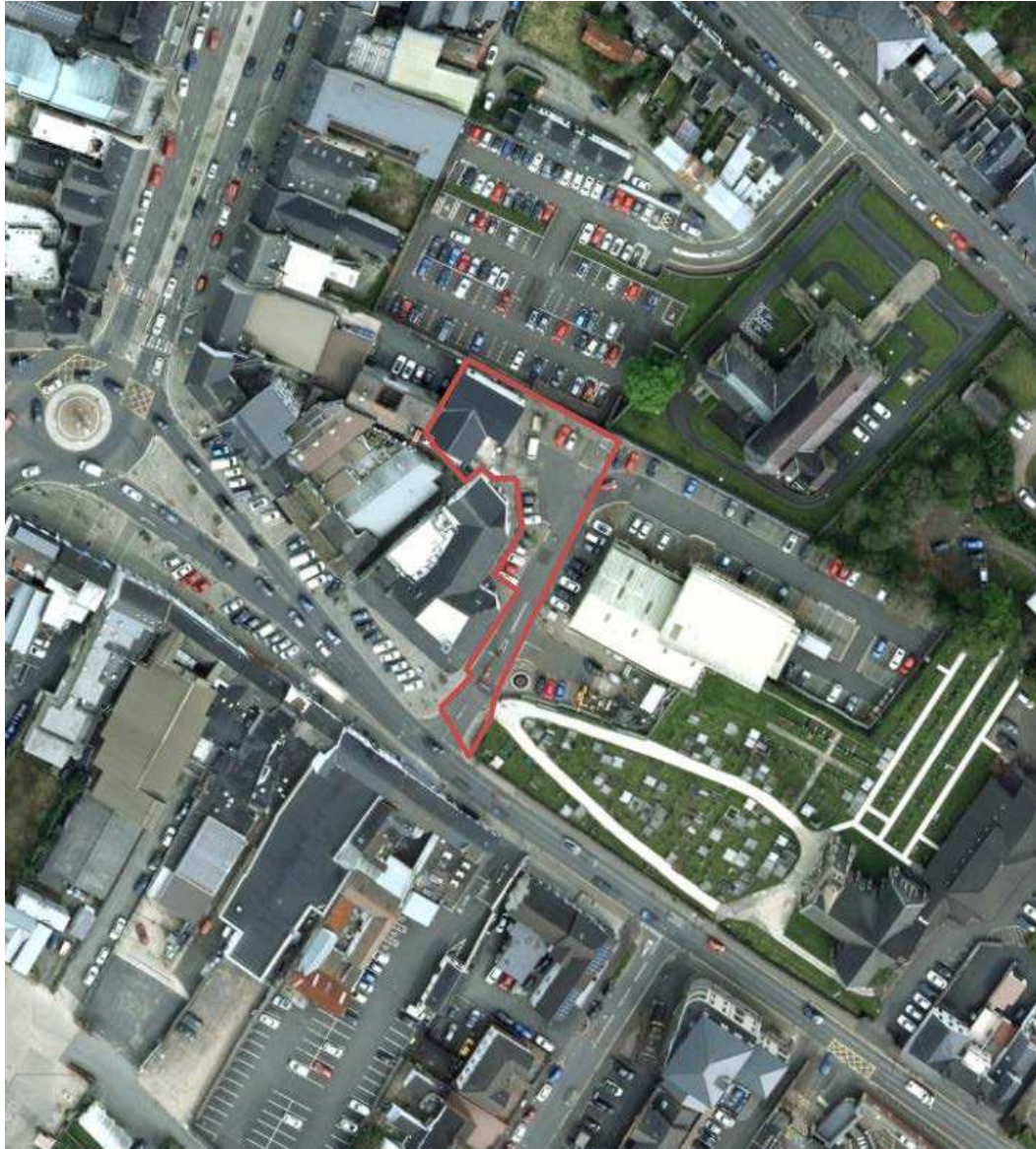


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1637/F	Target Date:
Proposal: Change of use of first floor of unit 12 from storage to two apartments. Addition of a first floor over unit 11 for use as two apartments, together with additional floorspace for access stairs and storage. Four apartments total.	Location: Units 11 & 12, The Diamond Centre, Market Street, Magherafelt. Town parks of Magherafelt.
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: SH Watterson (Machinery) LTD The Diamond Centre Market Square Magherafelt	Agent Name and Address: Ward Design 10 Main Street Castledawson BT45 8AB
Executive Summary: Proposal considered against prevailing planning policy. It is considered in the absence of outstanding additional information, the proposal fails to comply with PPS 7 QD1 (H) and DES2 of PSRNI. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water	Substantive Response
Statutory	Historic Environment Division	Content
Non Statutory	NI Water	Substantive Response
Non Statutory	Environmental Health	Substantive Response

Representations:

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

Characteristics of the Site and Area

The site is located within the settlement limits of Magherafelt and is within the Town Centre Boundary as defined in the Magherafelt Area Plan 2015. The proposal site comprises two buildings which form part of the Diamond Centre and a portion of the associated parking area. The four units subject to this application appear to be currently used for storage. There are varying land uses surrounding the application site including commercial/retail, Magherafelt Medical Centre, Corry Dental Care and Magherafelt Reformed Baptist Church. The First Magherafelt Presbyterian Church grounds are located a short distance to the east and the Church of the Assumption is located in close proximity to the NE. Both Churches are Grade B Listed Buildings. The surrounding area is urban in character and predominantly commercial made up of retail units and restaurants/pubs/cafes.

Description of Proposal

This application seeks full planning permission for 4no. Apartments with the change of use of Unit 12 from storage to 2no. Apartments and the addition of a first floor over unit 11 for the provision of 2no. Apartments with ancillary works located at Units 11&12, The Diamond Centre, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- Planning Policy Statement 12 - Housing in Settlements
- DCAN 8 - Housing in Existing Urban Areas
- A Planning Strategy for Rural Northern Ireland (PSRNI)

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.

Representations

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

History on Site

LA09/2019/1312/F - Change of use of unit 12 to 4 apartments and creation of single apartment above unit 11 with associated elevation and signage changes - Units 11 and 12 The Diamond Centre, Market Street, Magherafelt – Application withdrawn 11/10/19

LA09/2018/1071/F - Vacant offices converted to residential - The Diamond Centre, Magherafelt – Permission Granted 07/03/19

LA09/2015/0665/F - Change of use of existing retail store to provide additional surgery to existing dental practice - Unit 18 The Diamond Centre, Magherafelt – Permission Granted 09/12/15

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 6.137 of the SPPS states ‘the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings. More housing should also be promoted in city and town centres and mixed use development encouraged.’

Magherafelt Area Plan 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Magherafelt and within the designated town centre however on white land with no specific land zoning. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria. The proposal site is located outside the Primary Retail Core and there are no key site requirements specified within the Plan for the application site.

This proposal seeks full planning permission for the change of use of Unit 12 from storage to 2no. Apartments and the addition of a first floor to Unit 11 to provide to 2no. Apartments. NI Water were consulted to ensure there is available capacity for receiving waste water treatment works. NI Water have advised there is available capacity for waste water treatment facilities however have advised the receiving foul sewerage network has reached capacity therefore have recommended connections to the system are curtailed. It is considered should Members consider planning permission be granted for this development, it will be necessary to consider NI Water response and condition that no development should take place on site until the developer demonstrates an acceptable method of sewage disposal agreed with NI Water and provided in writing to Mid Ulster District Council, as well as other conditions NI Water have suggested.

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

- a) The site is located in an area dominated by commercial/retail uses, however planning approval LA09/2018/1071/F previously granted the change of use of vacant offices to residential within the Diamond Centre to east and it is noted there are residential properties in proximity to the site to the southeast on Kirk Avenue. The site is also outside the designated Primary Retail Core. Regional policy encourages housing in urban areas. Overall, I am content that a residential use is acceptable in this area and the development will respect the surrounding area.
- b) The site is located in proximity to Our Lady of the Assumption R.C. Church, King St, Magherafelt, (Grade B) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED have considered the impact of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions. Thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) Due to its town centre location and the restrictions of the site, this proposal has limited areas for communal open space and provision of amenity space is minimal. Creating Places minimum requirement states there should be 10m² per flat. It is noted from Drawing 05 Rev 1 that there is a small provision of communal space to the northeast portion of the site approx. 34m². Following internal discussions, the provision of communal space detailed on the site layout plan is considered acceptable in this instance given the town centre location. Planting does not form any part of this proposal, however given its location it would be onerous to expect the applicant to do so.
- d) The proposal site is situated within the settlement limits of Magherafelt thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) Due to its Town Centre location the apartments will benefit from an existing movement pattern which supports walking, cycling and will meet the needs of those who are disabled. Pedestrians can access the building safely from the existing public footpath network. The site is flat and will allow access for wheelchair user. A footpath runs along site frontage which connects into a wider public footpath network and town bus stop services. There is adequate provision for a range of movement patterns and I do not consider it necessary for any further provision.
- f) DFI Roads were consulted and have offered no objections advising the proposed development fronts directly onto the Diamond Centre Car Park and access from

the Diamond Centre to the public road is satisfactory. In light of this, it is considered the proposal also complies with PPS3.

- g) The proposed design is considered to be sympathetic to the existing built form and surrounding area. The proposal extends Unit 11 from 3.6m to 6.6m ridge height to match Unit 12. The proposed external changes include the addition of first floor windows and the removal of the green cladding and facing brick and addition of white render to the front elevation. The proposed form and external finishes are in keeping with the surrounding character.
- h) The proposal is for a change of use of Unit 12 and addition of a first floor to Unit 11 to create 4no first floor apartments. The proposal will create 9no. Additional windows to the front elevation, 3no. Windows to the rear elevation, 2no. Additional windows to the northern elevation and 5no. Windows to the southern elevation. The front and south elevation face onto a public car park and the north and rear elevation faces onto private parking and the back of commercial properties. It is not considered that the proposal would give rise to unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing to warrant refusal. Environmental Health Department (EHD) were consulted and responded raising concerns with the proximity of the proposal to a busy bar/nightclub and restaurant premises situated on Market Street. EHD advise that bar and restaurants can be associated with high levels of noise from entertainment, kitchen and patron activities, and plant and machinery e.g. refrigeration and ventilation. EHD state future occupants of the proposed apartments would only be separated by a few metres from extraction fans, air conditioning units, outdoor smoking terrace etc. and therefore the proposed development would be undesirable and occupants would be subject to noise disturbance which would impair their quality of life. Therefore EHD requested an acoustic consultant to assess potential noise impact and suitable mitigation and as well as this, an odour impact assessment given the siting of ventilation flues and associated discharge of cooking odours could cause nuisance. The agent's attention was drawn to EHD response and he was asked to address their comments on 20/04/21 with follow up requests on 29/06/21 and 13/08/21. On 21/09/21 the agent provided a supporting statement which argued the concerns are beyond the scope of the Planning Department and are within Building Control's remit. The agent questioned if the concerns offend planning policy and argues that the reference to DCAN4 and DCAN7 within EHD response do not apply and this misreading of guidance places an unfair burden on the applicant. The agent states that given the pub already existing, the onus on odour pollution is entirely on the creator of odours and the construction of apartments does not negatively affect the pub and a city centre location can expect to have noise. EHD were asked to provide comment on this supporting statement and advised this did not address the concerns in relation to existing noise and odour sources. EHD advised that without additional supporting information, they would continue to have concerns regarding the suitability of the proposed land use and therefore will be unable to support this application. This was considered at Internal Group and it was agreed that the agent has been given the opportunity to provide the information required and in the absence of this information, the Planning Department agree with EHD. Paragraph 6.90 of the SPPS states "incompatibility could arise when new residential development is approved in proximity to an

existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance". It is considered that insufficient information has been provided to demonstrate that there would not be an unacceptable adverse effect on proposed properties in terms of noise and odour nuisance which is contrary to this policy criterion.

- i) I have no significant concerns in terms of crime or health and safety with respect to the proposed design. The development is in an area where there is existing street lighting and CCTV.

Policy DES 2 Townscape of PSRNI requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal is for a change of use with addition of first floor to Unit 11. The existing design remains broadly similar and the scale and proposed external finishes of white render are in keeping with the materials of surrounding built form and in my opinion will make a positive contribution to townscape and the character of the area. Policy DES2 states new development should provide reasonable standards of amenity both in the environment which the development creates and in terms of the effect it has on neighbouring properties. Where there is an inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused. As stated above, the Environmental Health Department have raised concerns that existing noise and odour from the neighbouring bar/restaurant could impact the residential amenity of future occupants to the proposed development. The agent has failed to provide acceptable assurances or suitable mitigation with respect to residential amenity and in failing to address this issue the proposal is contrary to this policy.

Development Control Advice Note 8 (DCAN 8) establishes that new development in existing residential areas should appreciate the context and be designed to reinforce local characteristics, while preserving the residential amenity of the area and respecting the privacy of existing residents. It is considered the proposed development of 4 units in this location will not detract from the surrounding established character. It is considered the proposal will not cause a visual or functional disruption to the local character nor result in overlooking or result in a loss of privacy for existing residents.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (Criteria h) and Policy DES2 of A Planning Strategy for Rural Northern Ireland in that insufficient information has been provided to demonstrate that the proposal would not create conflict with adjacent land uses and have a detrimental impact on residential amenity in terms of noise and odour.

Signature(s)

Date:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0283/F	Target Date:
Proposal: Retrospective change of use from domestic garage/store to offices & storage associated with electrical business (Amended plans received)	Location: Rear of 81 Glen Road Maghera.
Referral Route: This application is being presented to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: H.M Electrics Ltd 95 Glen Road Maghera BT46 5JG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Strategic Applications	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	Consulted in Error
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Summary of Issues including representations</p> <p>One representations has been received in respect of this proposed development and relates to the following issue:-</p> <p>Provision of screening along the side of the external staircase and the provision of obscure glazing in the first floor gable window to prevent overlooking of private amenity space.</p> <p>The applicant provided the requested amendments indicating a 2.0m high screen fence along the outer side of the staircase with obscure glazing in the first floor gable window. The objector was notified of these amendments on 7th December 2021, but to date has not made any further comment.</p>		
<p>Characteristics of the Site and Area</p> <p>The site is located on the Glen Road within the settlement of Maghera and within an area of Townscape Character identified in the Magherafelt Area Plan 2015 as MA 14. The site is located between to the rear of the applicants son's dwelling, with a smaller single storey detached dwelling at No. 81A to the west. No.81A has its private amenity space to the rear and to the immediate west of the application site. The common boundary is defined by a 2.0m high laurel hedge, with a 2.7m-2.9m high rendered wall to the rear of the garage and the wall also extends along the eastern boundary with gated access into the adjoining site.</p>		
<p>Description of Proposal</p> <p>This application is for Retrospective change of use from domestic garage/store to offices & storage associated with electrical business.</p>		

The garage is a garage with set within a large plot to the rear of a large two storey detached dwelling on the Glen Road. The garage, which has an 'L' shaped footprint has a gable front with a large roller shutter door with three garage doors to the remainder of the frontage. The ground floor is currently used for the storage of materials and vehicles in connection with the applicant's electrical contracting business while the first floor is used for office accommodation in connection with the same business. There is a small lean-to structure under construction attached to the south eastern side of the garage. This lean-to is subject of a separate application LA09/2021/0271/F which is being run in conjunction with this application.

There is a large vacant site to the eastern side of the site which was the site of the former Parochial House, now demolished. The applicant now owns that site. The site also backs onto a single dwelling at No.1 Glenree and the adjacent agricultural field to the rear, the access to which runs between the two properties. That agricultural laneway is defined by mature hedgerows on both sides and partially screens the site from the private dwelling.

Planning Assessment of Policy and Other Material Considerations

Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/0457/TPD	81 Glen Road, Maghera, BT46 5AP,	Consent to carry out works to Protected Trees	DC GROUP CONSIDERATION	
LA09/2021/0283/F	Rear of 81 Glen Road, Maghera.,	Retrospective change of use from domestic garage/sto	VALID APPLICATION RECEIVED	
LA09/2021/0271/F	Rear of 81 Glen Road, Maghera,	Retention of lean to structure for storage of electrical pr	VALID APPLICATION RECEIVED	
H/2005/1018/O	Approx 25m SE of 83 Glen Road, Magl	Site of dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2009/0080/F	81 Glen Road, Maghera	Proposed detached two storey garage (triple garage, bc	PERMISSION GRANTED	27.08.2009
H/2011/0124/F	81 Glen Road, Maghera,	Proposed Replacement Dwelling and Garage, along wi	PERMISSION GRANTED	15.12.2011
H/2005/1015/O	Land Situated between 81 & 83 Glen F	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2005/1017/O	Adjacent to 79 Glen Road, Maghera	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2013/0106/O	79 Glen Road, Maghera,	Site for 2 no blocks of semi detached dwellings	PERMISSION GRANTED	23.08.2013
H/1983/0067	KILREA ROAD, UPPERLANDS	HOUSE AND GARAGE	PERMISSION GRANTED	
H/2005/1016/O	Approx 20m NE of 81 Glen Road, Mag	Site of Dwelling	APPLICATION WITHDRAWN	10.09.2007
H/2007/0301/O	79 Glen Road, Maghera	Proposed demolition of existing dwelling and replace wil	PERMISSION GRANTED	18.08.2009
H/1996/0553	79 GLEN ROAD MAGHERA	SITE OF 4 DWELLINGS	PERMISSION REFUSED	
H/2001/0573/F	Housing Development, Glen Road, Ma	Change of house types	PERMISSION GRANTED	25.01.2002
H/2003/0825/O	Land around 66 Tirkane Road and Opj	Site of residential development land.	APPEAL DISMISSED	
H/1989/0047	34 DRUMSAMNEY ROAD DESERTM	ALTS AND ADDS TO BUNGALOW	PERMISSION GRANTED	
LA09/2020/0109/CA	81 Glen Road, Maghera, Londonderry, B	Alleged unauthorised hardcored storage yard, unauthor	NEGOTIATE TO RESOLVE	
H/2009/0060CA	81 Glen Road, Craigadick, Maghera, N	TPO Trees	ENFORCEMENT CASE CLOSED	29.06.2011
LA09/2016/0191/CA	81 Glen Road Maghera	Unauthorised works to a TPO	ENFORCEMENT CASE CLOSED	31.10.2018
2004/A292	Land around 66 Tirkane Road and Opj		APPEAL DISMISSED	22.02.2005
TPD/2009/0093	Lands at Glen Road, Maghera	Development Pressure and High quality visual amenity v	TPO CONFIRMED	05.11.2009

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

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

SPPS

Magherafelt Area Plan 2015

PPS 4

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.

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

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process. In these larger settlements appropriate proposals for Class B1 business uses (such as offices and call centres) should be permitted if located within city or town centres, and in other locations that may be specified for such use in a LDP, such as a district or local centre. Elsewhere, such proposals should be determined on their individual merits, taking account of the potential impacts and the likely economic benefits, both local and regional.

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

The site lies within an Area of townscape character as identified in the Magherafelt Area Plan 2015, although as this application is for a change of use, the ATC does not preclude such a use as no new buildings are proposed which would be out of keeping with the existing character of the area.

The proposal is for the change of use from a domestic garage to an electricians store including vehicle storage on the ground floor with the first floor/attic accommodation being used as office accommodation. This would appear to be in association with the applicants electrical business. These uses would fall within use classes B1(a) - Offices and B4 Storage or distribution.

PPS4 Planning and Economic Development

Policy PED 1 Economic Development in Settlements

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

(a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;

There are no suitable sites available within the town centre which could accommodate the proposed electrical and vehicle storage.

(b) it is a firm rather than a speculative development proposal for business use;

As this is a retrospective business proposal, it is not speculative.

(c) the proposal would make a substantial contribution to the economy of the urban area;

The proposal will support the applicants existing electrical business which operates from the rear of the dwelling and will support and maintain local jobs in that area.

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

The proposed site would be regarded as being an edge of town centre location.

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.

Although the site is not specifically identified within the Area Plan for storage or distribution, it is an existing domestic garage at the rear of a dwelling owned by the applicant with a gated access from the dwelling into the curtilage of the garage and it is used in connection with the applicants own business. The proposed use is small scale and in my opinion, it would be acceptable in that sense.

In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

The proposal is not within an existing or proposed industrial/employment area and is therefore assessed on its own merits. The proposal is for electrical and vehicle storage and is used in connection with the applicants own electrical business. This is a small scale operation at the rear of the applicant's sons dwelling and operating from what was approved as a domestic detached two storey garage (triple garage, boat storage area and first floor playroom/games room). In my opinion the proposal is acceptable in that it is for the applicant to run his business form an approved domestic garage and although there are employees working at the premises, the proposal is not seeking permission for retail sales to the public from the premises.

Policy PED 9 General Criteria for Economic Development

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

(a) it is compatible with surrounding land uses;

The proposed use is compatible in that it is contained to the rear of the applicant's son's dwelling with an associated vacant site to the east. To the western side there is a single dwelling, the occupants of which originally objected sue to the potential for overlooking

and loss of privacy. However, this has been satisfactorily addressed by the use of a solid screen and obscure glazing.

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

Due to the provision of a solid screen on the external staircase and obscure glazing on the gable first floor window, the proposal will not cause any loss of amenity to the neighbouring dwelling. Environmental Health did not raise any issues of concern regarding loss of residential amenity.

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

There are no features of natural or build heritage on the site.

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

The site is not affected by flooding;

(e) it does not create a noise nuisance;

The proposal will not create a noise nuisance and Environmental Health have not raised any issues in this regard.

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

The proposal will not generate 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;

Dfl Roads did not raise any issues of concern in this respect.

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

The access arrangements, parking and manoeuvring areas are acceptable to Dfl Roads.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The site is located within 300m of the town centre with good footpath links and thereby supports walking and cycling.

(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, building design, associated infrastructure and landscaping arrangements are acceptable in this regard.

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

No changes are proposed to the existing boundary treatment of the site. There are no areas of outside storage proposed.

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

The site is well secured by fencing and boundary walls.

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

The site is not within the rural area.

PPS 3 - Access, Movement and Parking;

Dfl Roads advised that they have no objections with the proposal subject to suggested conditions.

Environmental Health

Advised that they have no issues of concern subject to suggested conditions.

Recommendation

It is my opinion that this application is acceptable and should be approved subject to the conditions listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below.

Conditions:

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The premises shall be used only for the purposes of office accommodation and storage in connection with the applicant's electrical business and for no other purpose in Use Class B1 and B4 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

3. The vehicular access including visibility splays 2.0 x 45 metres and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 26th October 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. No commercial vehicles shall access the property hereby approved prior to 07:00 hours or post 23:00 hours Monday to Saturday or at any time of a Sunday.

Reason: In the interests of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	25th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Glenree, Maghera, Londonderry, BT46 5JB The Owner/Occupier, 62 Glen Road Maghera Londonderry The Owner/Occupier, 64 Glen Road Maghera Londonderry The Owner/Occupier, 81a Glen Road Maghera Gareth Campbell 81a, Glen Road, Maghera, Londonderry, Northern Ireland, BT46 5AP	
Date of Last Neighbour Notification	7th December 2021
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2019/0457/TPO Proposal: Consent to carry out works to Protected Trees Address: 81 Glen Road, Maghera, BT46 5AP, Decision: Decision Date: Ref ID: LA09/2021/0283/F Proposal: Retrospective change of use from domestic garage/store to offices & storage associated with electrical business. Address: Rear of 81 Glen Road, Maghera., Decision: Decision Date: Ref ID: LA09/2021/0271/F Proposal: Retention of lean to structure for storage of electrical products Address: Rear of 81 Glen Road, Maghera, Decision: Decision Date: Ref ID: H/2005/1018/O	

Proposal: Site of dwelling
Address: Approx 25m SE of 83 Glen Road, Maghera
Decision:
Decision Date: 10.09.2007

Ref ID: H/2009/0080/F
Proposal: Proposed detached two storey garage (triple garage, boat storage area and first floor playroom/games room). Proposed new boundary walls, altered road access and new entrance pillars and gates
Address: 81 Glen Road, Maghera
Decision:
Decision Date: 27.08.2009

Ref ID: H/2011/0124/F
Proposal: Proposed Replacement Dwelling and Garage, along with the retention of a second access, gates, and additional pillars behind boundary wall
Address: 81 Glen Road, Maghera,
Decision:
Decision Date: 15.12.2011

Ref ID: H/2005/1015/O
Proposal: Site of Dwelling
Address: Land Situated between 81 & 83 Glen Road, Maghera
Decision:
Decision Date: 10.09.2007

Ref ID: H/2005/1017/O
Proposal: Site of Dwelling
Address: Adjacent to 79 Glen Road, Maghera
Decision:
Decision Date: 10.09.2007

Ref ID: H/2013/0106/O
Proposal: Site for 2 no blocks of semi detached dwellings
Address: 79 Glen Road, Maghera,
Decision: PG
Decision Date: 23.08.2013

Ref ID: H/1983/0067
Proposal: HOUSE AND GARAGE
Address: KILREA ROAD, UPPERLANDS
Decision:
Decision Date:

Ref ID: H/2005/1016/O
Proposal: Site of Dwelling
Address: Approx 20m NE of 81 Glen Road, Maghera
Decision:
Decision Date: 10.09.2007

Ref ID: H/2007/0301/O

Proposal: Proposed demolition of existing dwelling and replace with proposed private housing development comprising of 4no houses with new access road at 79 Glen Road.

Address: 79 Glen Road, Maghera

Decision:

Decision Date: 18.08.2009

Ref ID: H/1996/0553

Proposal: SITE OF 4 DWELLINGS

Address: 79 GLEN ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0573/F

Proposal: Change of house types

Address: Housing Development, Glen Road, Maghera

Decision:

Decision Date: 25.01.2002

Ref ID: H/2003/0825/O

Proposal: Site of residential development land.

Address: Land around 66 Tirkane Road and Opposite Craigmore Heights, Maghera

Decision:

Decision Date:

Ref ID: H/1989/0047

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 34 DRUMSAMNEY ROAD DESERTMARTIN MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 01

Type: Proposed Plans

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03/2

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0288/O	Target Date:
Proposal: Proposed site for dwelling & garage within a gap.	Location: 30m South of 174A Ardboe Road Cookstown
Referral Route: Objections; Contrary to Policies CTY1 & 3 of (Revised) PPS15: Planning and Flood Risk; and Contrary to Policies NH1, 2, 3 & 5 of PPS2: Natural Heritage.	
Recommendation: Refuse	
Applicant Name and Address: James Devlin 120 Ardboe Road Cookstown BT80 0HU	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is a full planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.		
Characteristics of the Site and Area		
<p>This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh.</p> <p>The site is a flat rectangular shaped plot cut from the roadside frontage and most northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.</p> <p>Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.</p> <p>The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.</p> <p>Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.</p> <p>The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times,</p>		

as previously mentioned, a substantial cluster of dwellings and ancillary buildings has formed around the site and a small fishing quay to its northeast.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Revised Planning Policy Statement 15: Planning and Flood Risk

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.

Planning History

There is no planning history on site however it is noted recent planning application LA09/2021/0738/O on the 8th July 2021 granted permission for a dwelling & garage on lands approx. 50m northwest of the site (30m West of 176 Ardboe Road) under Policy CTY 2a - New Dwellings in Existing Clusters.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. River's Agency (River's) were consulted as Flood Maps NI indicated the eastern half of the site is within the fluvial floodplain and has a small area of pluvial flooding. River's responded as follows from a drainage and flood risk aspect under PPS15 (Revised) Planning and Flood Risk, Policy:
 - FLD1 Development in Fluvial Flood and Coastal Plains - The Strategic Flood Map indicates a large part of the site lies within the 1 in 100 year

fluvial flood plain. Due to the nature of the Strategic Flood Map the geographical extent of predicted flood areas cannot be precisely defined. The recent highest recorded flood level in the area is 13.67m O D Belfast. The return period for this flooding event is unknown. It would be prudent to only build on land above this level. DfI Rivers recommend adding a suitable freeboard (normally 600mm) to this level for all development. The applicant should initially plot this level on a topographic survey of original site levels to allow a more comprehensive response to be provided. Original site levels may be distorted by site work already taken place. Alternatively, the applicant could carry out a flood risk assessment to better define the 100 year floodplain extents.

- FLD3 Development and Surface Water - The site is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

The information above required by Rivers has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from River's, the proposal is contrary to Policies CTY 1 & 3 above, as Planning cannot be satisfied, the proposed development will not flood or cause flooding elsewhere.

3. NIEA were consulted as site is located within the boundary of the Lough Neagh and Lough Beg Ramsar site and partially overlaps the Lough Neagh and Lough Beg Special Protection Area (SPA) and Lough Neagh Area of Special Scientific Interest (ASSI), hereafter referred to as the designated sites. Habitat on-site consists of wet grassland with scrub and mature hedgerows. The site is situated on the shoreline of Lough Neagh, adjacent to a small harbour. There is also a shallow lagoon with emergent vegetation at a distance of approximately 100m.
 - *Water Management Unit (WMU)* responded referring simply to DAERA Standing Advice for Single Dwellings.
 - *Natural Environment Division (NED)* responded that having considered the impacts on natural heritage features of the site on the designated sites and on the basis of information presented they have some concerns and require the following additional information:
 - A Breeding Wader Survey carried out by a suitably experienced ornithologist during the period April to June. This survey is required as NED considers there may be an adverse impact on these selection features of Lough Neagh designated sites.
 - A Preliminary Construction Environmental Management Plan identifying the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. Noting the applicant intends to use a soakaway to treat surface water and a treatment tank for foul sewage NED needs this Plan to undertake a complete assessment of the potential impacts on the designated site features and the competent authority to undertake a robust Habitats Regulations Assessment.

- A Preliminary Ecological Appraisal (PEA) completed by a suitably qualified and experienced ecologist to NIEA survey specifications. This has been requested as NED considers the development may impact breeding waders and other protected species such as otters which has not been addressed.

I am content the standing advice referred to by WMU can be brought to the attention of the applicant via informative. The information above required by NED has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from NED, Planning cannot be satisfied the proposed development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features. As such, the proposal as it stands is contrary to Planning Policy Statement 2 Natural Heritage Policy NH 1 - European and Ramsar Sites – International; Policy NH 2 - Species Protected by Law; Policy NH 3 - Sites of Nature Conservation Importance – National: and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

4. Shared Environmental Services were consulted to assess the potential effects of this proposal on the designated sites it sits within / adjacent. SES responded requesting that they be re-consulted upon submission of the information requested by NIEA NED and NED's substantive response in order to complete a Habitat Regulations Assessment. See reason for NIEA consultation, NIEA response and consideration of that response further above.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst it would appear the site has been submitted under one of these instances, as a small gap site in accordance with Policy CTY8 - Ribbon Development, it is my opinion that it would sit neater under another instance, a new dwelling in an existing cluster in accordance with Policy CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

I believe the site lies within a small cluster of development lying outside of a farm and consisting of four or more buildings of which more than three are dwellings. The cluster comprises approx. 11 dwellings with ancillary garages and outbuildings / sheds located towards the end of a dead end road. The majority of the dwellings in the cluster are located to the immediate west of a small fishing quay, but extend further south to the end of the road.

- The cluster appears as a visual entity in the local landscape.

I believe when travelling along road serving the aforementioned cluster of development it appears as a visual entity in the local landscape.

- The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.

The site is associated with a small fishing quay located to the northeast of the site.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

The site is bounded on two sides to the north and west by with other development in the cluster including no. 174a Ardboe Road a roadside bungalow dwelling with outbuildings and no. 178 Ardboe Road, a two roadside dwelling and garage, respectively. The site is afforded a suitable degree of enclosure by the existing development within the cluster and vegetation both on site and within the wider vicinity, which also provides it with a backdrop to views from both the Ardboe Rd and the Lough.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

Due to the enclosed nature of the site and location I am content it could be absorbed into the existing cluster through consolidation with no significant impact on the existing character, or visually intruding into the open countryside.

- Development would not adversely impact on residential amenity.

As this is an outline application the details of the siting, size, scale and design of the dwelling and garage can be considered further under any subsequent reserved matter application. However, I believe a suitably designed dwelling and garage on this site with a 5.5m ridge height should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the separation distances that will be retained; and existing vegetation enclosing the site and neighbouring properties private amenity. Additionally, given the nature of the proposal, a single dwelling and garage, I do not foresee any significant noise, light or traffic pollution arising.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objection had been received. 1 from Sean & Oonagh Coleman, the owners / occupiers of no 178 Ardboe Road, the dwelling

located immediately west of the site at the opposite side of Ardboe Rd; and 1 from Mr Enda Doris, whose family has owned and farmed the land to the south and south west of this site. The issues raised by the objectors included, that the:

- applicant failed to list all neighbouring properties on application form;
- objectors unaware applicant in possession of all lands application relates;
- applicant did not declare site within known floodrisk area on application form;
- applicant declared he was unaware of any protected wildlife on application form. As site close to Lough Neagh probable it has a strong biodiversity index and regardless of any measures to minimise disturbances of wildlife species will have an adverse effect on flora and fauna and wading birds that feed and nest there and other shy species. Environment problems could arise from the septic tanks, soakaways and storm drain run-off;
- if the current site is passed it will lead to more along the loughshore badly affecting numbers of wildlife species.
- site does not comply with PPS21 Policy CTY8 permitting a dwelling in a gap site as it is not located within a line of 3 or more buildings with their own curtilage along an entirely adopted road frontage;
- already high traffic volume and road safety concern along narrow road accessing site including at crossroads adjacent which will increase with the construction of the dwelling being built to the rear of Colemans and if current site approved. Specific concern raised regarding safety of children in their front garden and cycling along the road; and site emerging in front of Sean & Oonagh Coleman's access where the road is 3m wide and two cars cannot pass side by side as such their right of way could be compromised resulting in road safety issues.
- bins for dwellings 178A, B & C are left at Sean & Oonagh Coleman's access gate for collection as the bin lorry has no space to turn. It has to reverse back from the next junction to facilitate collection and so narrow is the road the bank in front of their property is eroded by the lorry's wheels, leaving mud on the side of the road they have to remove weekly. The road cannot sustain an increase of traffic.
- Planning's duty to adhere to Mid Ulster Sustainable Development in the Countryside Policy to, "minimise visual intrusion and protect views" and "protect the environment from inappropriate development". This development would be visually intrusive looking from and towards the Lough and lead to continue over development undesirably altering the character of this environmentally sensitive area. Noting dwelling also being built to the rear of Sean & Oonagh Coleman.
- loss of privacy; and noise, light and traffic pollution; and

The objections raised above have been taken into consideration. Whilst the applicant did not list all neighbouring properties on application form I am content that press advertisement and neighbour notification have been carried out in line with the Council's statutory duty.

In relation to land ownership, any permission granted would not confer title and it would be the responsibility of the developer to ensure he controls all the lands necessary to carry out the proposed development. Nor would any permission alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

As detailed in my assessment of proposal, further above, whilst it would appear the site has been submitted under Policy CTY8 of PPS21 a small gap site, it is my opinion that it would sit neater under and complies with Policy CTY 2a of PP21 a new dwelling in an existing cluster. Noting the Sustainable Development in the Countryside Policy referred to by the objector appears to a policy review for Mid Ulster's new area plan I would reiterate that the site in my opinion complies with Policy CTY2a. That it has the capacity to integrate a dwelling including garage into the identified cluster of development without significantly altering the existing character of the area or adversely impact neighbouring amenity. That a dwelling would integrate using the existing development within the cluster and vegetation both on site and within the wider vicinity to provide it with a sense of enclosure and backdrop to views from both the Ardboe Rd and the Lough. It would not be visually intrusion or impact upon any protected views identified by the area plan; and homeowners have no right to an obstructed view of the Lough.

Whilst concerns have been raised regarding the intensification of the Ardboe Road accessing the site DFI Roads were consulted and raised no concerns regarding the proposal subject to standard conditions therefore I am content it should not prejudice road safety or significantly inconvenience the flow of traffic. There is no evidence that proposed development would pose any significantly greater risk to children within the curtilage of properties along Ardboe or children cycling along this road than a dwelling would to any child within the curtilage of a property in the countryside or cycling along a country road.

In relation to bin collection as stated the bin lorry has no space to turn and already reverses back from the next junction to facilitate bin collection therefore I do see this proposal significantly altering existing serving arrangements.

Despite all of the above, as outlined by the objectors, the applicant did not identify the site as being within an area of known floodrisk or area comprising protected natural heritage. Whilst this itself is not a concern as consultation on these matters has been carried out with the relevant bodies including Rivers Agency, NIEA and SES additional information is required by each consultee in order for them to provide Planning with a comprehensive response and thus Planning to fully assess the proposal (see Consultation's above). In the absence of this information Planning cannot be content the development will not flood or cause flooding elsewhere; and the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated sites or other natural heritage features. All applications, including along the Loughshore, should be assessed on individual merit and this proposal as it stands should be refused.

Additional considerations

The site is located within SG Defence Estates relating to Met Office Radar however this proposal if approved would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling and garage.

Recommendation: Refuse

Insufficient information (required by Rivers Agency, NIEA and SES) has been submitted to demonstrate the development will not flood or cause flooding elsewhere and that the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features.

The information required has been requested on the 09/08/2021, 14/09/2021 and most recently the 19/11/2021 whereby the agent was given 14 days to submit all information that can be provided at this time i.e. Rivers info and update when info will be submitted to address NIEA / SES concerns. The agent was advised that if the information was not provided within the specified timeframe the application would proceed to the next available committee meeting with a recommendation based on the information on file.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal reasons

1. The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not be located within the 1 in 100 year fluvial flood or that the proposal constitutes an exception to the policy.
2. The proposal is contrary to Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate there is no risk of flooding to the development and that the development will not increase flood risk elsewhere outside of the application site.
3. The proposal is contrary to Policy NH1 'European and Ramsar Sites – International' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not have a significant effect on Lough Neagh a European (Special Protection Area) and Ramsar Site.
4. The proposal is contrary to Policy NH2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to harm a European protected species or other statutorily protected species.
5. The proposal is contrary to Policy NH3 'Sites of Nature Conservation Importance – National' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not adversely effect the integrity of Lough Neagh (Area of Special Scientific Interest) or the benefits of the proposed development clearly outweigh the value of the site.

6. The proposal is contrary to Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to result in the unacceptable adverse impact on, or damage to known Habitats, Species or Features of Natural Heritage Importance:

Signature(s)

Date:

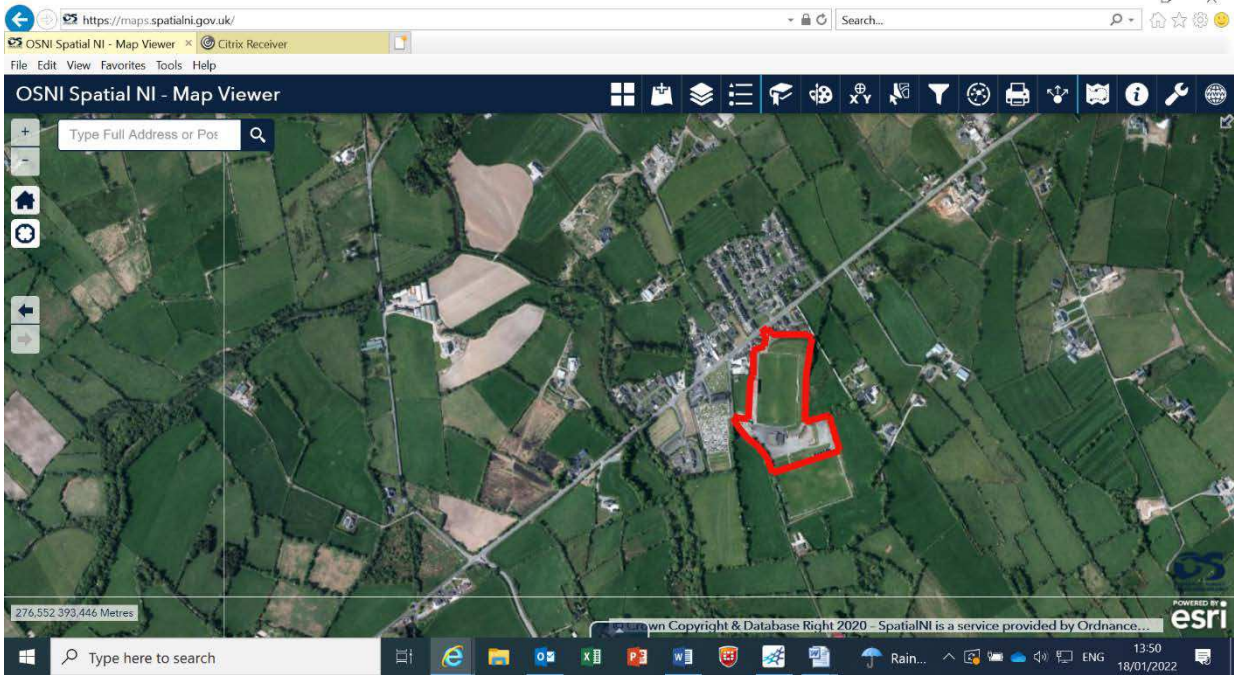


**Development Management Officer Report
 Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0622/F	Target Date: 20/10/21
Proposal: Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works	Location: 10 Corrick Road Straw Draperstown
Referral Route: Major application	
Recommendation:	Approval
Applicant Name and Address: St Colms GAA Ballinascreen 10 Corrick Road Straw Draperstown	Agent Name and Address: Enda Mc Sorley 8 Tonagh Heights Draperstown BT45 7DD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Water - Strategic Applications	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	NIE - Ballymena	Content

Representations:

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

Details of the Proposal:

Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works at 10 Corrick Road Straw Draperstown in compliance with Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation.

Characteristics of the Site and Area

The site is located within the limit of development for Straw as defined within the Magherafelt Area Plan 2015. On site is a GAA sports complex consisting of pitches, clubrooms, spectator accommodation and car parking areas. Boundaries to the site vary including a variety of fences and hedging. Access to the site is provided from both the Corrick and Sixtowns roads. The existing clubrooms is a two storey A line brick structure incorporating function hall, changing rooms and kitchen. Development within the area includes residential and commercial uses to the north, church and graveyard to west with agricultural lands to the east and south.

Relevant Site Histories:

No recent relevant history identified.

Representations:

No representations received from press notice or neighbourhood notification.

Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Northern Ireland Water and Northern Ireland Electricity has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and Other Material Considerations

The site lies within the defined limits of Straw as defined within the Magherafelt Area Plan 2015. The area is identified as existing sports facilities.

The proposed development consists of extension to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works. On site at present is a GAA sports facility incorporating playing field, clubhouse and car parking. The proposed car parking is located adjacent to the eastern side of the existing pitch and the clubhouse extension is proposed to the eastern side of the existing clubhouse. The covered multi-purpose hall has a pitched roof with ridge some 10 metres high and associated flat roofed changing facilities some 4 metres in height.

This application is to be considered under Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation in particular Policies OS 4. As the proposal is for the redevelopment of the existing sports facilities on Corrick Road it will not result in the loss of open space.

Policy OS 4 Intensive Sports Facilities states that the development of intensive sports facilities will only be permitted where these are located within settlements... and continues; in all cases the development of intensive sports facilities will be required to meet all identified criteria. I note that this is an extension to existing established sporting facilities. Based on examination of the site, submitted plans and consultation replies it is my opinion that 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; there is no adverse impact on features of importance to nature conservation, archaeology or built heritage; that the buildings 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; 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; and 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.

Outdoor sports activities could impact negatively on the amenity of nearby residential properties, in terms of noise and lighting. The current sports facility is operational and the application does not propose to alter or extend the outdoor element of the site. I believe that the proposal will not have a negative impact on residential property. The existing clubhouse is located to the southern side of the site and not close to any residential property. In addition the proposal does not include the provision of floodlighting.

Other Policy and Material Considerations:

This application being categorised as major has complied with the requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

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

Reason: Time Limit.

2. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely managed shall be submitted to the Planning Authority for its consideration and approval.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

3. Prior to the commencement of any of the proposed development hereby approved a 1:500 site map shall be submitted and approved by Mid Ulster District Council indicating a working strip of minimum width 5m along the undesignated watercourse which flows along the eastern boundary of the site. The strip should be level and be protected from impediments (including tree planting, hedges,

permanent fencing and sheds),land raising or future unapproved development. Clear access and egress to the strip shall be provided at all times.

Reason: To comply with policy FLD2 of Planning Policy Statement 15: Planning and Flood Risk.

Informatives

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

2. Department for Infrastructure Roads Informatives:

DfI Roads do not offer an objection subject to Council Planning being satisfied with parking provision.

3. Department for Infrastructure Rivers Informatives:

FLD1 - Development in Fluvial and coastal Flood Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure ? This site is affected by an undesignated watercourse which flows along the eastern boundary. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained. It should be level, marked up on a drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds),land raising or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times.

Prospective purchasers whose property backs onto this watercourse are made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD3 - Development and Surface Water - DfI Rivers has reviewed the Drainage Assessment by Flood risk Consulting, dated September 2021 and comments as follows:-

The DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through an online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.

The Drainage Assessment states that this is a preliminary design, therefore DfI Rivers requests that the planning authority includes a Condition as part of its planning permission if granted.

FLD4 - Artificial Modification of watercourses ? Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons.

FLD5 - Development in Proximity to Reservoirs ? Not applicable to this site.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such

as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers.

This should be obtained from the Western Regional Office at 3a St Julians Road, Lisnamallard, Omagh, Co Tyrone, BT79 7HQ.

4. Northern Ireland Electricity comment:

NIE Networks has no objection to make to the planning application based on the planning application and associated documentation that has been submitted.

The proposed development should take into account the position of any NIE Networks? equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks? equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 (Avoidance of Danger from Overhead Electric Lines) and HSE Booklet HS(G)47 (Avoiding Danger from Underground Services). Further information is also available at www.nienetworks.co.uk/Safety-Environment.

Should information be required at this stage regarding the location of NIE Networks? equipment adjacent to the development, please contact NIE Networks with the location details of your proposed development at:

Northern Ireland Electricity Networks Ltd, Distribution Service Centre,
Request for Markup, Carn Industrial Estate, Craigavon, BT63 5QJ.

markups@nienetworks.co.uk

We hope that this information will be of assistance to you. If you require any further clarification or additional information then please do not hesitate to contact us on our Customer Helpline Number: 03457 643 643.

5. Northern Ireland Water comments:

See consultation reply sheet dated 21/5/21.

Signature(s)

Date:

ANNEX	
Date Valid	13th April 2021
Date First Advertised	4th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Shanmullagh Park Draperstown Londonderry The Owner/Occupier, 4 Shanmullagh Park Draperstown Londonderry The Owner/Occupier, 5 Shanmullagh Park Draperstown Londonderry The Owner/Occupier, 6 Shanmullagh Park Draperstown Londonderry The Owner/Occupier, 68 Sixtowns Road Draperstown Londonderry The Owner/Occupier, 7 Shanmullagh Park Draperstown Londonderry The Owner/Occupier, 74 Sixtowns Road Draperstown Londonderry The Owner/Occupier, 76 Sixtowns Road Draperstown Londonderry The Owner/Occupier, 76b Sixtowns Road Draperstown The Owner/Occupier, 8 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner/Occupier, 9 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF	
Date of Last Neighbour Notification	13th May 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0622/F Proposal: Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works Address: 10 Corrick Road, Straw, Draperstown, Decision: Decision Date:	

Summary of Consultee Responses See above
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 Type: Proposed Plans Status: Approved Drawing No. 03 Type: Proposed Floor Plans Status: Approved Drawing No. 04 Type: Existing Plans Status: Submitted Drawing No. 05 Type: Existing Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0719/F	Target Date:
Proposal: Proposed farm dwelling and garage	Location: Approx 25m East of 25 Creagh Hill Road Toomebridge
Referral Route: To Committee – Refusal - Contrary to CTY 1, 8, 10, 13 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Brendan Mulholland 107 Deerpark Road Toomebridge	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee - Refusal

Characteristics of the Site and Area

The site is located approximately 1.1km north of the development limits of Creagh, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the site is identified as Approx. 25m East of 25 Creagh Hill Road Toomebridge, in which the red line covers a small roadside portion of a much larger agricultural field accessed via an existing access. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.

Relevant Planning History

H/2009/0093/O - Site of dwelling on a farm (and garage) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 09.04.2009

H/2009/0424/F - Dwelling on a farm with attached garage (1 storey) - 25m North of 105 Deerpark Road, Toomebridge - Permission Granted 15.10.2009

Description of Proposal

This is a full application for a farm dwelling and garage, the site is located at Approx. 25m East of 25 Creagh Hill Road Toomebridge.

Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside

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

CTY 1 - Development in the Countryside

CTY 10 - Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1992. Went on to confirm that the farm business has made claims in each of the previous six years. From such I am content that the farm business is currently active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were completed I note that two approvals were attained under the farm business number - H/2009/0093/O and H/2009/0424/F. However after further checks these two permissions were permitted in 2009 beyond the ten years. Upon a land registry check however it was clear that this site H/2009/0424/F has been transferred in October 2012 as such it is within the last ten years. As there has been a transfer off the farm in the previous ten years as such it fails under this part of the policy.

With respect to (c), I note that the registered farm address of the business sits approximately 315m south of the site, with the farm buildings sitting approximately 230m south of the site. I note that there are four farm sheds identified I am content that these can constitute as an existing group of buildings on the farm. With this in mind I hold the opinion that the proposed site is too far to be able to visually link or cluster with this existing group. I hold the opinion that the applicant owns lands between the site and the existing group which would be able to successfully visually link and cluster with this group and any dwelling should be located within these lands. The policy states that where practicable to use an existing laneway for access, I note that the intention is use an existing laneway onto the public road. From such I hold the opinion that the application has failed this part of the policy.

As such the application does not comply under CTY 10. I note that other case has been put forward at this point. In that there is no replacement or conversion opportunity, nor does the site lie within a cluster associated with a focal point. I would argue that the site in this position would extend a ribbon of development along the Creagh Hill Road, as such the application would also fail under CTY 8. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that there are a variety of housetypes in the close vicinity of the site as such given this I am content that the proposed dwelling is unlikely to appear as a prominent feature in the landscape. In addition, given the landform and surrounding

landscaping (existing and proposed) I am content that the dwelling and ancillary works would be able to successfully integrate into the landscape. In terms of design, I note that the design is quite simple and has become quite a common housetype seen in the countryside and from such I am content that this is acceptable within this location. However as mentioned previously I hold the opinion that the proposed dwelling in this location is unable to cluster nor visually link with the existing group of buildings on the farm, from such I hold the opinion that application fails under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. Upon review of the site further I hold the opinion that if permitted the dwelling would further extend a ribbon of development along the Creagh Hill Road as such would damage rural character. From such the application has failed under CTY 14.

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.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, as a result I am content that the access is acceptable under PPS 3.

A consultation was sent to Rivers Agency, who in their response confirmed that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood plain. However confirmed that an undesignated culverted watercourse affects the site, the exact positioning is unknown and should be verified on site. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. In addition by way of a planning informative, prospective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

Rivers Agency went on to confirm that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development

and any impacts beyond the site. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. Finally confirmed that FLD 4 and 5 do not apply.

I have no ecological or residential amenity concerns.

I recommend refusal given the failure under CTY 1 of PPS 21.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

- 1.The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Creagh Hill Road.
- 3.The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application. Nor does the proposed new building visually linked or sited to cluster with an established group of buildings on the farm.
- 4.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
- 5.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	10th May 2021
Date First Advertised	25th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Creagh Hill, Toomebridge, Toome, Londonderry, BT41 3SR The Owner/Occupier, 24 Creagh Hill Toomebridge Toome The Owner/Occupier, 25 Creagh Hill Toomebridge Toome The Owner/Occupier, 26 Creagh Hill Toomebridge Toome The Owner/Occupier, 90 Deerpark Road Toomebridge Toome	
Date of Last Neighbour Notification	25th May 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0719/F Proposal: Proposed farm dwelling and garage Address: Approx 25m East of 25 Creagh Hill Road, Toomebridge, Decision: Decision Date: Ref ID: H/2004/0889/O Proposal: Site of Dwelling and Garage. Address: 80m North of 25 Creagh Hill Road, Toomebridge. Decision: Decision Date: 24.10.2005 Ref ID: H/1983/0235 Proposal: HOUSE AND DETACHED STORE Address: CREAGH HILL, TOOMEBRIDGE Decision: Decision Date:	

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

Drawing No. 05
Type: Proposed Plans
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

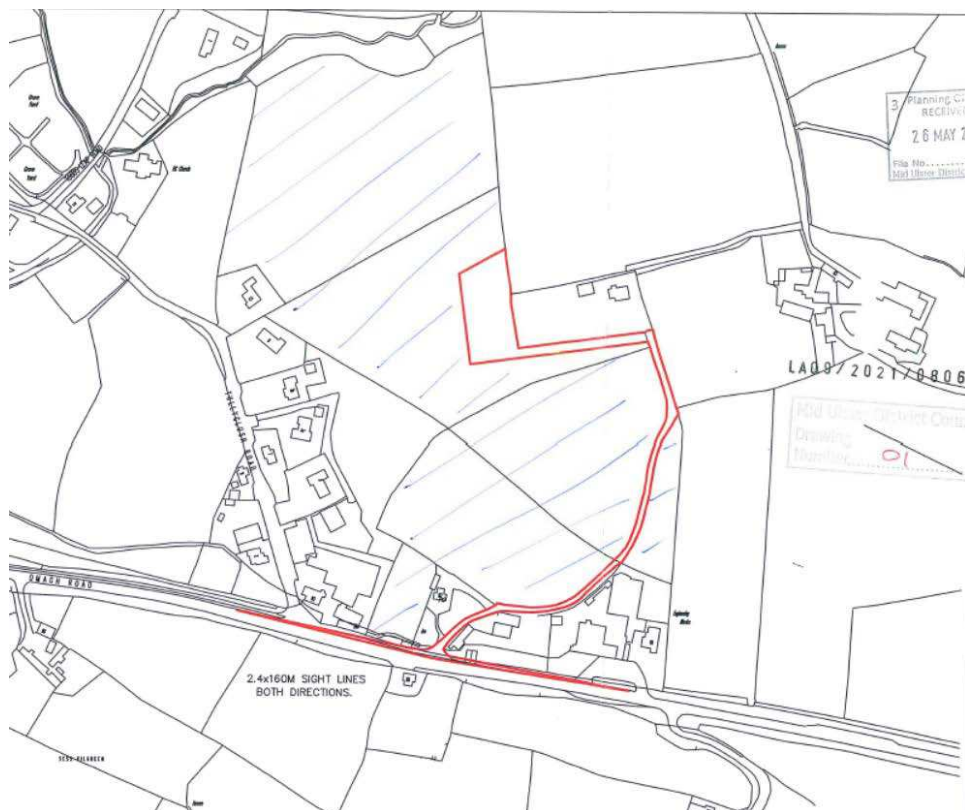
Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/0806/O	Target Date:
Proposal: Proposed dwelling for a non-agricultural business enterprise under policy CTY7	Location: Site 100m West of 89 Omagh Road Ballygawley
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to Policy CTY 7 – Dwellings for Non-Agricultural Business Enterprises in PPS 21 in that a specific need has not been clearly demonstrated why it is essential for one of the firms employees to live at the site of their work.3. Contrary to AMP 2 – Access to Public Roads in PPS 3 Access, Movement and Parking in that the development if permitted would lead to an intensification onto a protected route which would prejudice road safety and conflicts with policy AMP 3 - Access to Protected Routes.4. Contrary to AMP 3 – Access to Protected Routes in PPS 3 Access, Movement and Parking as the proposal is not considered an exception as it does not meet the criteria for a dwelling serving an established commercial or industrial enterprise.	
Recommendation:	Refusal
Applicant Name and Address: Stephen Canavan 89 Omagh Road Ballygawley	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The proposal is a dwelling for a non-agricultural business enterprise. The applicant lives at No. 89 Omagh Road and has a food packing business at a shed at No. 89. Environmental Health have confirmed the business is an established business. It is stated in a supporting email the applicant is now retiring and is passing the business onto his son who needs the	

proposed dwelling. It claimed the business operates evenings and nights and someone needs to be at the site to receive, strip carcasses and package the meat. There already is another approval under CTY10 at the field adjacent to No.89 and this is for the other son who is a farmer. There is farm land associated with No. 89. I do not consider there is a need for another dwelling to serve the business and the proposed dwelling will not be located within the boundaries of the shed and dwelling at No. 89. The proposal is accessed via an existing laneway to the dwelling at No 89 which is off a protected route. In PPS 3 the proposal has to meet CTY 7 to be considered an exception to allow an intensification of the access off the protected route. This application does not meet CTY so consequently it does not meet AMP2 and AMP 3 in PPS 3.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Content

Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groupings of farm buildings and single rural dwellings. The site is accessed off the Omagh Road which is a heavily trafficked road between Omagh and Ballygawley and on towards the dual carriageway to Belfast. 60m west of the access lane is Greenhill Kitchens which is a commercial enterprise with a roadside frontage onto Omagh Road. To the east of the access lane are a group of buildings for Gormely Engineering Works.

The application site is set back from the main road and has a sweeping lane where the topography rises up steeply from the road to the site. Adjacent and to the east is a single storey dwelling and shed at No. 89 Omagh Road. To the west of No. 89 is a field. The site is a cut out of a larger agricultural field where the land rises up steeply to the back of the site. The only vegetation is along the east boundary where there is established hedging and the other boundaries are undefined.

Description of Proposal

This is an outline application for a proposed dwelling for a non-agricultural business enterprise under policy CTY7 at site 100m West of 89 Omagh Road, Ballygawley.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

LA09/2017/0700/O - Proposed dwelling and domestic garage - Site immediately adjacent to and west of 89 Omagh Road Ballygawley – Permission Granted 07.07.2017

LA09/2020/0576/O - Renewal of Previously approved application LA09/2017/0700/O - Lands Adjacent to/west of 89 Omagh Road, Ballygawley – Permission Granted 20.07.2020

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 and is not within any other designations or zonings 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 dwelling associated with a business 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. The proposal is for a dwelling for a non-agricultural business so CTY 7 is the relevant policy which applies.

CTY 7 – Dwellings for Non-Agricultural Business Enterprises

CTY 7 policy states a dwelling for a non-agricultural business enterprise will be granted where it is clearly demonstrated it is essential for one of the firm employees to live at the site.

The agent stated in an email dated 19th October 2021 that the nature of the applicant’s business is that he takes delivery of culled animals such as cattle, sheep and poultry, scarifies all the meat of the carcasses, shrink wraps the meat and either returns it to the

owner or sells it to the public. His main enterprise is providing this specialist service for neighbouring farmers. I consulted Environmental Health and they confirmed Canavan Meats has been a registered food business since 03 December 2003. The applicant Steven Canavan currently resides at No. 89 Omagh Road and the business operates from the shed beside the dwelling as shown in figure 1 below.



Figure 1 – Image of the dwelling and shed where the business operates from

I am content there is an established business at the site and the next section of the assessment will consider the specific need for a new dwelling. The agent states in an email dated 19th October 2021 that the applicant Stephen Canavan is now retiring from the business and his son is planning to take over the business on the same basis as his father. In a supporting statement dated 24th November 2021 the agent states the applicant want to reside in their own dwelling at No. 89 to enjoy their retirement. There was another approval LA09/2020/0576/O for a farm dwelling at the site immediately west and adjacent. This site is for their son Darren Canavan who runs the farm associated with the dwelling. The current application is for their other son Thomas Canavan who is taking over the family business.

I consider there is not a specific need for another dwelling at the site especially as there is already an approval for another dwelling beside No. 89. The agent has stated in an email dated 19th October 2021 that animal carcasses arrive on site at all times of day and evenings depending on those being slaughtered and those dying of natural causes. No invoices have been submitted as evidence to substantiate these claims. I am of the opinion the business could still operate evenings and there is not a specific need for someone to be on call 24 hours a day.

The proposed dwelling is not within the boundaries of the site at No. 89 Omagh Road. There is an approval for a farm dwelling immediately west of the site and the application site is abutting the west boundary of this site. I am of the opinion the proposed dwelling would only integrate if the farm dwelling is built as the proposed dwelling isn't beside the business.

I consider the proposal does not meet the criteria in CTY 7 and is recommended for refusal.

CTY 13 - Integration and Design of Buildings in the Countryside

The land rises up steeply at the application site towards the back of the site. The site is a cut-out of a larger agricultural field so the majority of the boundaries are undefined. I

consider there is the potential for the proposed dwelling to be a prominent feature. A ridge height of 5.5m is recommended due to the elevated land and the surrounding dwelling at No. 89 is a bungalow and the approval for the farm dwelling has a ridge height condition of 5.5m. Additional landscaping is needed around the dwelling to create a greater sense of enclosure at the site. Overall, I am content the proposed dwelling could integrate into the landscape.

CTY 14 – Rural Character

As stated previously there is the potential for the dwelling to be prominent so I consider it is appropriate to have a low ridge height and additional planning. There is already development pressure in the surrounding area from the construction of single dwellings especially along the neighbouring Tullyglush Road. I consider this dwelling will not exacerbate the situation in an already semi-rural area. The proposal will add to a ribbon of development but as the site is set back from the public road I do not see this as a reason for refusal. The proposal will be accessed off an existing laneway. Overall I believe that the proposal will not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads and AMP 3 – Protected Routes

AMP 2 states that access will be granted for direct access or intensification of the use of an existing access where the proposal will not prejudice road safety and does not conflict with AMP 3 Access to protected routes.

DFI roads were consulted as the site is accessed off an existing laneway onto the Omagh Road which is a protected route. DFI Roads as a statutory consultee requested a block plan showing an x distance of 2.4m, where they state this is available to the NW but not to the SE as a pillar and shed need set back. Roads state the y distance need to be 160m to the NW which is available but not to the SE where again the pillar and shed need moved back. In a supporting statement dated 24th November 2021 the agent states the applicant has control of land on either side to achieve the visibility splays. In their consultation response dated 20th August 2021 Roads recommended refusal as they stated the proposal is contrary to AMP 3 as it is the intensification of an existing sub-standard access onto a Protected Route and would prejudice road safety. As the criteria in AMP 2 states that the proposal must not conflict with AMP 3 so the application does not meet AMP 2 in PPS 3.

Policy AMP 3 states that the intensification of an access onto a Protected Route is unacceptable but will be granted in certain exceptions. One of these exceptions is for a dwelling serving an established commercial or industrial enterprise. As previously discussed I consider the proposal does not meet the case for CTY 7. The applicant has stated the visibility splays of 2.4m x 160m are in-situ in both directions and at the time of writing I am awaiting a consultation response from DFI Roads to confirm this.

Other Considerations

Historic Environment

The proposed dwelling is located in close proximity to 3 scheduled monuments, a rath (TYR052:007) which is sited 306m to the south, a Megalithic Tomb (TYR052:008) which is sited 404m to the south west and a landscape feature (two tree clumps ? TYR052:031) 321m to the east of the proposal. In considering the impact on these scheduled monuments I consulted with HED who responded on 14th July 2021 highlighting that they were content

with the proposal. Based on that above I am content that the proposal is satisfactory to the requirements of PPS 6 and Policy BH 2 therein.

There are no ecological issues at the site.

There is surface water flooding at the entrance to the existing lane so I consulted Rivers Agency. The site is 282sqm agricultural field so I am content the proposal does not go over the 1000sqm threshold and require a drainage assessment.

Environmental Health were consulted and confirmed the food packing business at No. 89 is an established business.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the proposal does not meet the criteria in CTY 7 in PPS 21 and AMP 2 and AMP 3 in PPS 3.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 7 – Dwellings for Non-Agricultural Business Enterprises in PPS 21 in that a specific need has not been clearly demonstrated why it is essential for one of the firms employees to live at the site of their work.
3. Contrary to AMP 2 – Access to Public Roads in PPS 3 Access, Movement and Parking in that the development if permitted would lead to an intensification onto a protected route which would prejudice road safety and conflicts with policy AMP 3 - Access to Protected Routes.
4. Contrary to AMP 3 – Access to Protected Routes in PPS 3 Access, Movement and Parking as the proposal is not considered an exception as it does not meet the criteria for a dwelling serving an established commercial or industrial enterprise.

Signature(s)

Date:



Development Management Officer Report
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0845/O	Target Date:
Proposal: Proposed dwelling & Garage.	Location: Lands 50m SE of 13 Magherafelt Road Clooney Tobermore Magherafelt BT45 5PJ.
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	Refuse
Applicant Name and Address: Mark Drennan 35 Main Street Tobermore BT45 5PP	Agent Name and Address: Slemish Design Studio LLP Raceview Mill 29 Raceview Road Broughshane Ballymena BT42 4JJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

No representations have been received in respect of this application.

Characteristics of the Site and Area

The site is a small road frontage field along the Clooney Road and sits between No's. 11 and 13. The site which has a frontage length of 60m, sits approximately 1.5m below road level. A 2m wide grass verge extends along the site frontage with a 1m high thorn hedge to the rear. There is a low conifer hedge along the north western boundary with a 4m high conifer hedge along the southern boundary. A post and wire fence defines the western boundary. The site is relatively flat with an open drain traversing the centre of the site. Due to the existing roadside vegetation, there are only short distance critical views of the site from between no's 11 and 13 Clooney Road.

Description of Proposal

The proposal is an outline application for a site for dwelling and garage within a gap site.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
H/2001/0068/F	Adjacent to 15 Magherafelt Road, Tob	Dwelling	PERMISSION GRANTED	07.06.2001
H/2000/0548/D	Adjacent to 15 Magherafelt Road, Tob	Site of Dwelling	PERMISSION GRANTED	18.12.2000
H/2001/0123/F	11 Magherafelt Road, Gortamney, Tob	Extension To Dwelling	PERMISSION GRANTED	21.08.2001
H/1991/0269	BETWEEN 11&13 MAGHERAFELT R	SITE OF DWELLING	PERMISSION REFUSED	
H/1984/0193	13 MAGHERAFELT ROAD, TOBERM	ALTERATIONS AND ADDITIONS TO BUNGALOW	PERMISSION GRANTED	
H/1986/0049	13 MAGHERAFELT ROAD, TOBERM	ALTERATIONS AND ADDITIONS TO BUNGALOW	PERMISSION GRANTED	
H/2001/0508/Q	Magherafelt Road, Tobermore, Magher	Site Of Dwelling	PRE APPLICATION ENQUIRY - NO	
LA09/2021/0845/D	Lands 50m SE of 13 Magherafelt Road	Proposed dwelling & Garage.	NEIGHBOURS NOTIFIED	
H/1999/0031CA	15 Magherafelt Road, Gortamney, Tob	Non Compliance	ENFORCEMENT CASE CLOSED	

Planning Assessment of Policy and Other Material Considerations

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP ? Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

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

Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015.

PPS 21 - sustainable development in the countryside

The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

When travelling in a south-easterly direction, the site is bounded to the north west by No.13 a single storey detached dwelling, which has associated outbuildings but these are set to the rear of the dwelling. Beyond No.13 is the site and then to the south east is No.11 which is surrounded by a mature hedge but is not visible from the Clooney Road. Two other dwellings share the same access as No.11 but these dwellings are set to the rear of No.11 and neither have a frontage to the Clooney Road. Therefore only No's. 11 and 13 have frontages to the public road and it is clear that there are only two buildings in this line, one on each side of the proposed site. Whilst there is undoubtedly a gap, it is not within what constitutes a substantial and continuously built up frontage of at least three buildings. Any dwelling on this site would create a ribbon of development along this road frontage and therefore the proposed site is contrary to Policy CTY 8 in this respect.



The aerial map above shows the curtilage of the site and surrounding buildings. No.13 is to the north west outlined in blue, with No.11 to the south east outlined in green. No's. 11a and 15 are outlined in orange and purple respectively. The map clearly shows that only No's. 11 and 13 have frontages to the Clooney Road.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 - Integration and CTY 14 - rural character.

CTY 13 - Integration

As the proposed site is set between two existing dwellings, a dwelling of a similar scale and design could be erected on this site without having a detrimental impact of visual amenity and which would achieve an acceptable degree of integration. Therefore the proposal does not offend this policy.

CTY 14 - Rural Character

The site is not considered to be a gap site and there will only be transient views of the site on approach from either direction due to the dwellings on either side. However, if this gap was to be developed with a dwelling, then the three dwellings would constitute a ribbon of development along this stretch of the Clooney Road. A dwelling on the proposed site would result in a suburban form of development when read with other existing buildings to such an extent as to result in a change of character of the rural area and therefore the proposal is contrary to this policy.

Consultations

DfI Roads and NI Water advised that they have no objection to the proposed development, however, DfI Rivers advised that the proposed site is located partially within a predicted flood area as indicated on the Surface Water Flood Map and it is therefore the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Recommendation

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons listed below.

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Clooney Road.
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 as it would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	4th June 2021
Date First Advertised	15th June 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 11 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 11a ,Magherafelt Road,Tobermore,Londonderry,BT45 5PJ</p> <p>The Owner/Occupier, 12 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 13 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 15 Magherafelt Road Tobermore Londonderry</p> <p>The Owner/Occupier, 15a Magherafelt Road Tobermore</p> <p>The Owner/Occupier, 18 Magherafelt Road,Tobermore,Londonderry,BT45 5PJ</p>	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2021/0845/O Proposal: Proposed dwelling & Garage. Address: Lands 50m SE of 13 Magherafelt Road, Clooney, Tobermore, Magherafelt BT45 5PJ., Decision: Decision Date:</p> <p>Ref ID: H/1991/6121 Proposal: SITES FOR DWELLINGS MAGHERAFELT ROAD TOBERMORE Address: MAGHERAFELT ROAD Decision: Decision Date:</p> <p>Ref ID: H/1991/0269 Proposal: SITE OF DWELLING Address: BETWEEN 11&13 MAGHERAFELT ROAD TOBERMORE</p>	

Decision:
Decision Date:

Ref ID: H/1986/0049
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW
Address: 13 MAGHERAFELT ROAD, TOBERMORE
Decision:
Decision Date:

Ref ID: H/1984/0193
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW
Address: 13 MAGHERAFELT ROAD, TOBERMORE
Decision:
Decision Date:

Ref ID: H/2001/0508/Q
Proposal: Site Of Dwelling
Address: Magherafelt Road, Tobermore, Magherafelt
Decision:
Decision Date:

Summary of Consultee Responses

DfI Roads and NI Water advised that they have no objection to the proposed development.

DfI Rivers advised that the proposed site is located partially within a predicted flood area and it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

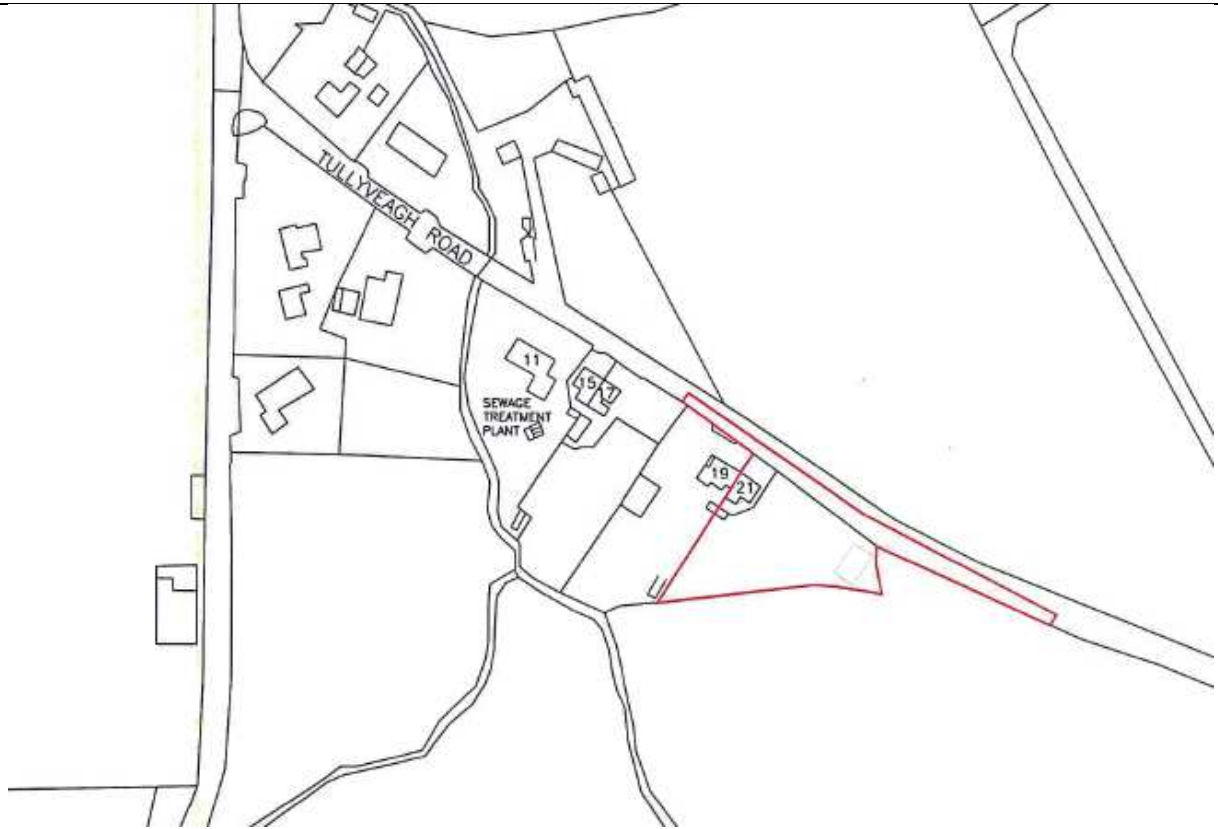


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0994/O	Target Date:
Proposal: Proposed infill site for a dwellinghouse in accordance with CTY8 of PPS21	Location: Adjacent to 21 Tullyveagh Road Doorless Cookstown
Referral Route: Approval – The applicant/agent works in MUDC.	
Recommendation:	APPROVAL
Applicant Name and Address: Mr Patrick Conlon 16 Gortreagh Road Cookstown BT80 9ET	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

No issues. No representations received.

Characteristics of the Site and Area

The red line of the site includes a roadside portion of lands at lands adjacent to 21 Tullyveagh Road, Cookstown. The application site includes a paddock/garden area and an existing garage which is currently under construction as approved under LA09/2019/0664/F. The surrounding area is made up with a number of residential properties to the NE, however beyond that the lands are rural in nature.

Description of Proposal

Outline planning permission is sought for an infill site for a two storey dwelling.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 11, 15, 19 and 21 Tullyveagh Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2019/0664/F - 21 Tullyveagh Road, Doorless, Cookstown - Proposed domestic garage, amenity area with curtilage expansion to enable works - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The Cookstown Area Plan 2010 identifies the site as being in the rural countryside with no other zonings or designations within the plan.

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this road frontage. At present, there is 6 dwellings west of the site and there is a garage currently under development to the east of the site which was substantially complete during the site visit. Therefore, taking into consideration what is on the ground at present, I am satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal meets this policy requirement. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this road. Policy CTY 8 notes that an infill opportunity must "respect the existing pattern along the frontage in terms of size and scale" and therefore the "2 storey dwelling" which was originally proposed in the description has been removed and any forthcoming approval for a dwelling at this site will be conditioned to have a maximum 5.5m ridge height.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. 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 this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be forthcoming. Conditions will be attached to this application to ensure that any forthcoming design is appropriate for the site.

The applicant has noted that they intend to create a new access from Tullyveagh Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.5m x 45m in both directions and a 45m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. 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.

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

Reason: In the interests of visual amenity.

5. The dwelling hereby permitted shall have a ridge height not exceeding 5.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

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

Reason: To ensure the dwelling integrates into the landform.

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	30th June 2021
Date First Advertised	13th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 15 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 19 Tullyveagh Road Cookstown Tyrone The Owner/Occupier, 21 Tullyveagh Road Cookstown Tyrone	
Date of Last Neighbour Notification	2nd August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0664/F Proposal: Proposed domestic garage, amenity area with curtilage expansion to enable works Address: 21 Tullyveagh Road, Doorless, Cookstown, Decision: PG Decision Date: 07.08.2019 Ref ID: LA09/2021/0994/O Proposal: Proposed infill site for a two storey dwelling in accordance with CTY8 of PPS21 Address: Adjacent to 21 Tullyveagh Road, Doorless, Cookstown, Decision: Decision Date: Ref ID: I/1979/0181 Proposal: IMPROVEMENTS AND EXTENSION TO DWELLING Address: 19 TULLYVEAGH ROAD, COOKSTOWN Decision: Decision Date:	

Ref ID: I/1980/0365
Proposal: DOMESTIC GARAGE
Address: 19 TULLYVEAGH ROAD, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2009/0035/F
Proposal: Proposed extension and alterations to dwelling to include side extension for living room, rear extension for bedroom and kitchen, new front porch and reroofing of entire dwelling, works to include internal alterations
Address: 21 Tullyveagh Road, Doorless, Cookstown
Decision:
Decision Date: 03.03.2009

Ref ID: I/1996/0086
Proposal: 11 kv rural spur (system improvement)
Address: APPROX 180M SE OF JUNCTION OF LOWER GRANGE ROAD & TULLYVEAGH ROAD COOKSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1007/O	Target Date:
Proposal: Proposed dwelling (Revised siting on block plan)	Location: Site adjacent to 113 Back Lower Road Brockagh Dungannon
Referral Route: 1. Objection from third parties at neighbouring dwellings.	
Recommendation:	Approval
Applicant Name and Address: Owen Campbell 158 Annagher Road Coalisland Dungannon BT71 4NF	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The proposal is for an infill dwelling within the curtilage of No. 113 which is one half of a pair of semi-detached dwellings. There are three buildings with a frontage to the road for the purposes of CTY 8 and the size of the plot is in character with the other plots. I am content the proposal meets the criteria for an infill dwelling under CTY 8 in PPS 21.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The surrounding area is rural in character but there is a lot of development pressure in the area from the construction of single dwellings. The main land uses in the area are agricultural fields, single dwellings with a roadside frontage and groups of farm buildings. To the west of the site are 2no. semi-detached dwellings at 113 and 115 and to the east is a detached dwelling at 111.

The application site is a flat portion of land within the curtilage of No. 113 and currently serves as the garden area for this dwelling. Along the rear and roadside boundaries are hedging, and along the boundary with No. 111 is a low wooden fence. As the site is within the boundaries of No. 113 there is no boundary treatment to the west.

Description of Proposal

This is an outline application for a proposed dwelling at a site adjacent to 113 Back Lower Road, Brockagh, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, eight third party objections were received.

An objection was received by letter on the 5th August 2021 from the residents of No. 111 Back Lower Road. However as this letter was anonymous it cannot be considered a formal objection but I wrote to the occupants on the letter and they subsequently submitted a formal objection on the 16th August 2021. Further objection were submitted on the 17th October 2021 and 21st December 2021. No. 111 is the dwelling abutting the east boundary of the site and has the granny flat which is discussed later in the report.

An objection was received by letter on the 5th August 2021 from the residents of No. 115 Back Lower Road. No. 115 is the other half of the pair of dwellings immediately west of the site.

An objection was received by letter on the 9th August 2021 from the residents of No. 113 Back Lower Road. A further objection was submitted on the 26th October 2021. No. 113 is the half of the pair of dwellings directly abutting the site to the west. No. 113 is currently within the curtilage of the application site and serves and their garden.

All objectors have raised similar issues which I will summarise and rebut below.

Road Safety – The objectors state this proposed dwelling is coming out on the brow of a hill. It is also stated a previous application I/2006/0675/O was withdrawn as the applicant was unable to obtain the sight lines and this situation has not changed. In rebuttal, the topography of the road is relatively flat but is just before a bend in the road. DFI roads were consulted about the proposal and had no concerns subject to visibility splays and informatives.

Noise – This is a quiet country area resided by elderly. In rebuttal I do consider an additional dwelling will create significant noise in the area.

Previous Planning Decisions – in 2005 and 2006 there were applications withdrawn due to the fact planning was not granted due to site lines. Again Roads have stated the sight lines are available. The applicant has stated on the P1 form that he owns the land either side to achieve the splays.

Granting of another dwelling in the countryside – In granting planning permission you will be making a quite scenic area built up. In rebuttal, for a dwelling to be approved in the countryside it has to meet a policy in PPS 21 for the principle of the dwelling to be acceptable. The concept of whether the dwelling will lead to the area being too built up will be discussed in CTY 13 and CTY 14 later in the assessment.

The objectors of No. 111 raise more site specific concerns which are discussed later in the assessment. They state the proposed dwelling will create overlooking and loss of privacy, loss of light and overshadowing as the site sits on higher ground. In addition, road safety and access but these have already been rebutted.

On the 17th October 2021 an objection was received from the occupants of No. 111 Back Lower Road. This objection was received following re-neighbour notification as the applicant has submitted revised plans for a dual access. The objector states they now have an extension to the rear of their property which I am aware of and will discuss in the assessment. They state the proposal will invade their privacy and there are two other established trees on the boundary line which are not shown on the plans. Landscaping is considered at the Reserved Matters Stage. A further objection was submitted on the 21st December 2021 which states that the visibility splays cut across a corner of the garden of No. 111 and the site is on higher land and will have an unacceptable impact on the light at No. 111. If trees need to be removed for visibility splays this is a third party matter between the applicant and neighbouring properties.

On the 26th October 2021 an objection was received from the occupants of No. 113 Back Lower Road. This objection was received following re-neighbour notification as the applicant has submitted revised plans for a now dual access. It is stated the proposed dwelling is too close to No 113 and the siting of the dwelling will block their lighting and impact on their privacy. Again the issues about neighbour amenity are discussed in the assessment.

Planning History

No recent planning histories at the application site.

Adjoining Histories

LA09/2016/0828/F - Proposed single storey extension to existing dwelling (for granny flat) (amended proposal) - 111 Back Lower Road Killycolpy Dungannon – Permission Granted 16.12.2016

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.

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown Area Plan 2010 and is not within any other designations or zonings 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. As this proposal is for an infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

The application site is a portion of land within the curtilage of No. 113 along Back Lower Road. There are three dwellings along this stretch of road with a pair of semi-detached dwellings to the west at No. 113 and 115 as shown below in figure 1. These dwellings both have gardens that face onto the road so I am content they have a common frontage to the road.



Figure 1 – Photograph from the site visit from 113 and 115 Back Lower Road

Figure 2 below shows the dwelling to the east at No. 111 which has a garden frontage onto the road so I am content the site has a common frontage to the road.



Figure 2 – Photograph from the site visit of No. 111

I am content there proposal is a small gap site within a substantial frontage of three or more buildings along Back Lower Road.

The application site has a roadside frontage of 28m, No. 115 has a frontage of 49m, No. 113 has a frontage of 12m excluding the application site, and the dwelling to the east at No. 111 has a frontage of 55m. There are varying frontage along this short stretch of road and the average frontage is 36m. So the site is only slightly smaller than the average frontage. The proposal is for only 1 dwelling at the site. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than two dwellings.

Along this stretch of road it is mainly single storey so a single storey dwelling would be the only house type that would fit with the existing character.

As shown in figure 4 below the applicant originally submitted a block plan to demonstrate the location of the proposed dwelling on the site. The dwelling will be sited only a few metres from the boundary with No. 111 and had a garage and a rear return. No. 111 is a slightly lower ground level and the dwelling at No. 111 is three metres from the boundary fence with the application site. If the proposed dwelling was sited further back in the plot it would not fit with the established building line of the other dwellings. As shown in figure 5 below to the rear of No. 111 there is a granny flat with 5no. windows facing onto the boundary and will be adjacent to the rear return of the proposed dwelling. The windows on the granny flat are for main rooms such as a kitchen and bedroom. An initial proposal had a rear return on the dwelling which will create unacceptable loss of amenity to the occupants to No. 113 by overshadowing, dominance and loss of privacy, as shown in figure 3 below.



Figure 3 – View of the site facing onto No. 111

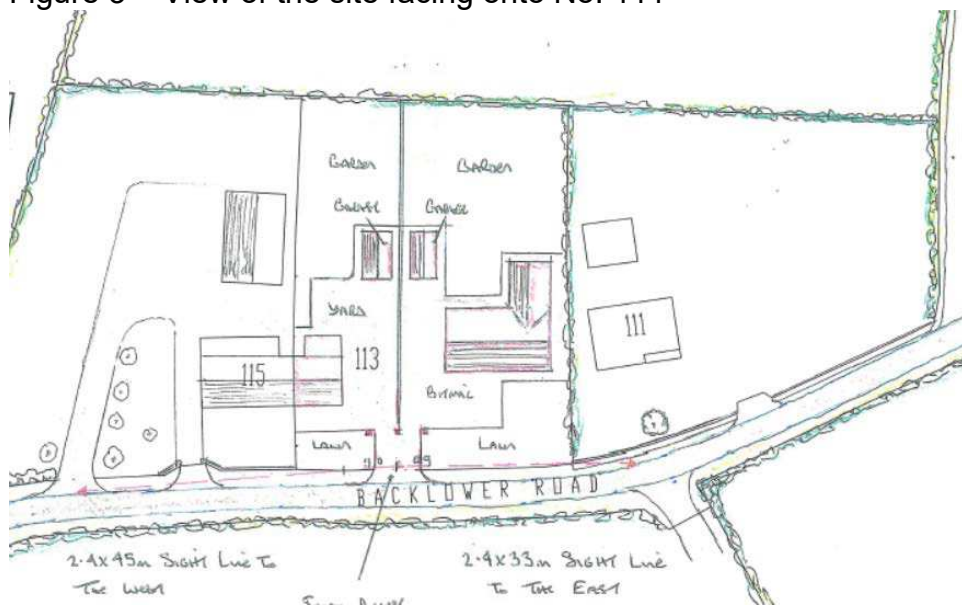


Figure 4 – Snapshot of the initial block plan submitted

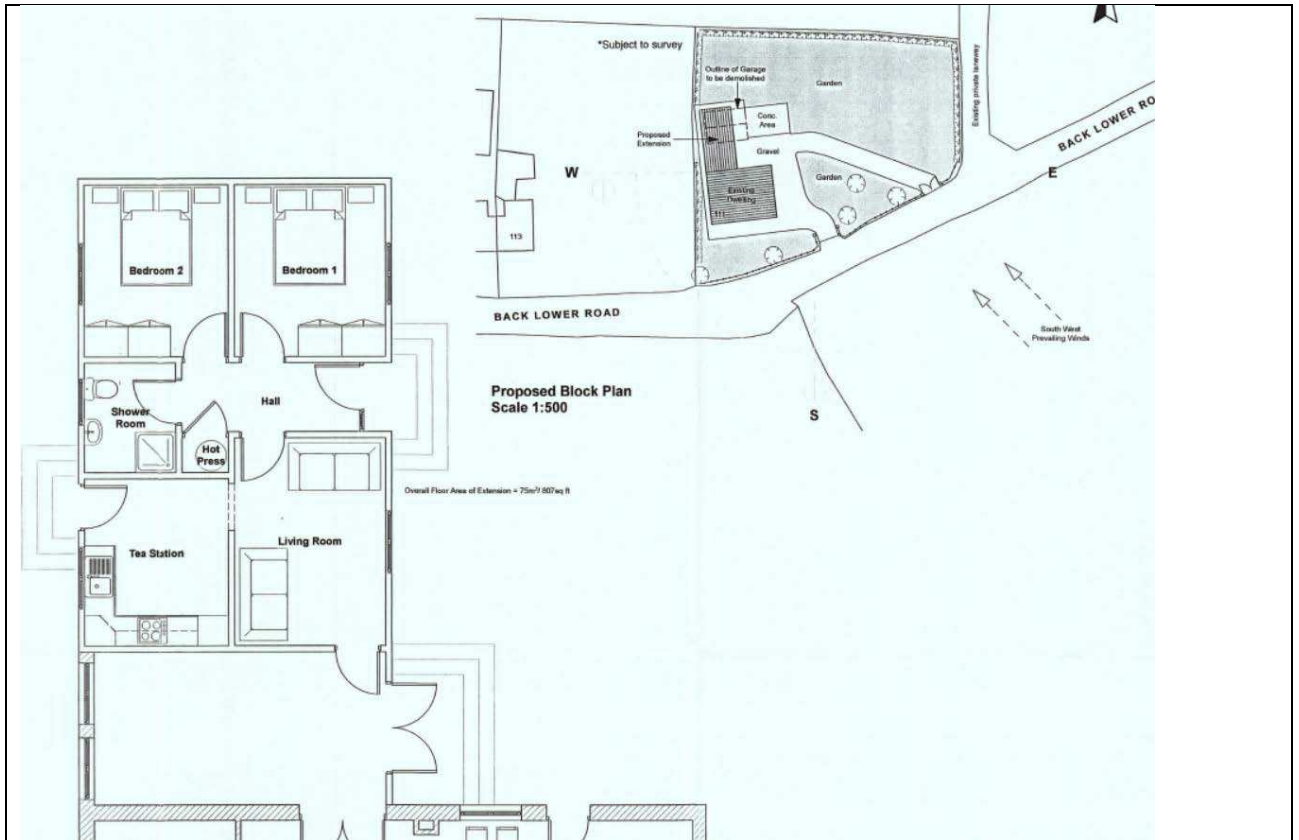


Figure 5 – Screenshot from planning approval LA09/2016/0828/F at No. 111

The occupants of No. 113 to the west have made a further objection since the revised plans for the access were submitted. They state the proposal would lead to a loss of light to windows in their property and invade their privacy. As this is an outline application the design of the dwelling has not been submitted, but a block plan showing a concept of where the dwelling will be situated has been.

After discussions with the Planning Manager, it was agreed a revised plan needed to be submitted to address the concerns of the objectors about dominance, loss or privacy and loss of light. Consequently the proposal removes the garage and rear return and pushes the dwelling slightly further forward on the site. I am content the revised plans are acceptable as the proposed dwelling will be at the same building line as No. 111 and No. 113. The proposed dwelling will no longer be adjacent to the granny flat at No. 111. I feel it is appropriate to condition obscure glazing on the gable walls of the proposed dwelling to minimise loss of privacy to No. 113 and No. 111. As the rear return has been removed I am content the proposed dwelling will not create unacceptable loss of light to the granny flat at No. 111.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is on a portion of land with a flat topography and a direct frontage onto Back Lower Road. The site is just before a bend in the road. I consider the proposal will not be a prominent feature in the landscape as it would site with other dwellings in critical views in both directions along the road.

There is hedging along the roadside and rear boundaries but some of the roadside boundary would have to be removed for visibility splays. Although I am content there is a suitable degree of enclosure at the site.

As this is an outline application the design will be considered at the reserved matters stage.

I consider the proposed dwelling will blend with the existing buildings and not lead to unacceptable neighbour amenity.

Overall, I am content the proposal integrates into the landscape sufficiently.

CTY 14 – Rural Character

I am content the proposed dwelling will not be a prominent feature in the landscape. As the site is between other dwellings I am content the proposal will not result in a suburban style build-up of development. I recommend a ridge height condition so a modest single storey dwelling can only be placed on the site which would fit with the traditional pattern of settlement in the area. I consider the access will not damage rural character.

PPS 3 – Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

I am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval as it meets the criteria in CTY 8, CTY 13 and CTY 14 in PPS 21 – Sustainable Development in the Countryside.

Conditions

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

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

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

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

3. No development shall take place until a plan indicating existing and proposed floor levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

4. The proposed dwelling shall be sited in the area shown on the drawing No 02 Rev 1 date stamped 30 NOV 2021.

Reason: To preserve the amenity and privacy of the adjoining dwelling.

5. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape.

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

Reason: In the interest of visual amenity.

7. During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm as indicated in green on Drawing No 02 Rev 1 date stamped 30 NOV 2021.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity.

8. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

9. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45m to the west and 2.4m x 33m to the east shall be provided in accordance with drawing 02 Rev1 date stamped 30 NOV 2021. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

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

no extension or enlargement (including alteration to roofs) shall be made to the dwelling house hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of this dwelling requires detailed consideration to safeguard the amenities of the surrounding area.

11. All windows on the gable walls of the dwelling house hereby permitted shall be obscure glazed.

Reason: To protect neighbour amenity.

Informatives

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

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

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site

- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a Transportni drainage system.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1089/O	Target Date:
Proposal: Proposed outline planning for 2no. dwellings (Additional Plans Submitted)	Location: Lands to the rear of 41 Millburn Street, Cookstown.
Referral Route: <ul style="list-style-type: none"> • 1no. Objection received • The applicant and agent are employees of Mid Ulster District Council 	
Recommendation:	Approval
Applicant Name and Address: William Wilkinson 26 Upper Kildress Road Cookstown BT80 9RS	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content
Statutory	Rivers Agency	Advice
Non Statutory	NI Water	Substantive Response
Statutory	DFI Roads - Enniskillen	Standing Advice

Representations:

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

Characteristics of the Site and Area

The site is located within the development limits of Cookstown and adjacent to an Area of Townscape Character as defined within the Cookstown Area Plan 2010. The site is located to the rear of existing terrace housing along Milburn Street. The application site is set back approximately 45m from the public road and accessed via a laneway which is identified in the extant area plan as a walkways and cycle route and leads to Dunmore Close. The site comprises a small portion of land with an outbuilding/sheds located on site. The boundary adjacent to the laneway is defined by close board fencing approximately 2m in height, the remaining boundaries are defined by mature hedging

and trees. The site has a relatively flat topography. The surrounding area is urban in character with a mix of land uses, predominantly residential.

Description of Proposal

This planning application seeks outline planning permission for 2no. Dwellings located on lands to the rear of 41 Millburn Street, Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- Planning Policy Statement 12 - Housing in Settlements
- PPS 15 – Planning and Flood Risk
- DCAN 8 - Housing in Existing Urban Areas

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received from the occupier of No.45 Millburn Street. The concerns outlined in this letter are summarised below:

- A safe means of access cannot be provided to the standards required by policy. The access is located within 2/3 of the left hand sightline of the adjacent Moneymore Road/Millburn Street junction and the right hand visibility splay cannot be provided in accordance with DCAN15 Para 2.1 and Fig 1.
- Objector has expressed concern that the existing laneway/proposed access, which he has a right of way, was only ever intended for light traffic and would be unsuitable for construction traffic and delivery of materials associated with the

development and his property which immediately abuts the laneway could be at risk of damage from this unsuitable construction traffic.

I will aim to consider all concerns and points raised in the objection letter in turn below:

- DfI Roads are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) to provide advice on road safety. Having reviewed the proposed access arrangements, DfI Roads have not provided any objections or comments which suggest the proposal will prejudice road safety or significantly inconvenience the flow of traffic. Following receipt of the objection letter, DfI Roads were asked to provide comment and they have responded that the proposal is acceptable subject to conditions. The provision of the necessary visibility splays prior to the commencement of development will be conditioned to any forthcoming approval. It will be the applicant's responsibility to comply with all conditions attached to any forthcoming approval and failure to do may result in planning enforcement action. With respect potential damage to the objector's property during the construction phase, it is considered that these concerns would be a civil matter to be discussed between the relevant parties outside the remit of planning. Whilst it is noted that the construction phase has the potential to give rise to some level of disturbance, it is considered as this is for a short term period only it would not warrant the refusal of planning permission and any damage to property would be a legal/civil matter.

History on Site

I/2015/0063/F - Erection of replacement domestic garage (for disabled use) 45 Milburn Street, Cookstown, BT80 8EG – Permission granted 22/05/15

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Cookstown and located on white land with no specific zoning or designation. Immediately east of the application site is a designated Area of Townscape Character. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks outline planning permission for 2no. Residential dwellings. As this is an outline application, no details of the design have been included and will be a matter for consideration should a reserved matters or full application be forthcoming. However, the submission of a block/concept plan which demonstrates how 2no. Dwellings would be accommodated and sited on the proposal site was requested. Drawing 02 date

stamped 2nd November 2021 provides an indicative plan which indicates the proposal will be made up of 1 set of semi-detached dwelling units with a northern orientation. The proposed layout will be considered below and if considered acceptable an appropriately worded condition could be attached to any forthcoming approval requiring this layout/siting.

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

- a) The proposal is for 2 dwelling units which would be in the form of 1 sets of semi-detached properties as per the submitted concept plan (Drawing No. 02). It is noted that the proposed dwelling units are located to the rear of the terrace of dwellings along Milburn Street on a small plot of land which appears to act as garden space with an outbuilding and clothes line currently present on site. The site is accessed via a private laneway and it was noted on the date of the site inspection some of the surrounding plots were overgrown. Paragraph 4.8 of PPS7 advises analysis of context is particularly important for backland development in established residential areas. While such development can usefully contribute to housing supply, great care will be needed to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas, for example through inappropriate design or overdevelopment. Having considered the proposal at the internal group meeting with the Principle Planner, it is considered that the development would not appear inappropriate and would respects the surrounding context given the history of backland development within Cookstown settlement limits. The indicative plot size and scale of dwelling appears to be acceptable to the setting. However this will be a matter of further consideration, along with the design, should permission be granted and a reserved matters application forthcoming.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) The submitted concept plan Drawing 02 has indicated a suitable level of private amenity space. On the date of the site inspection, it was noted that existing mature boundaries defines the site and it is considered appropriate to condition this to be retained and where necessary new additional planting will be provided.
- d) The proposal site is situated within the settlement limits of Cookstown thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) The proposal seeks to use an existing private access onto Milburn Street. It was noted on the date of the site inspection the presence of an existing footpath along

this public road. DfI Roads have been consulted and have no objection to the proposal subject to conditions. In light of this, it is considered the proposal is in accordance with PPS3 AMP 2. It is considered an acceptable movement pattern is provided for vehicular, pedestrian and cycle links with local facilities and amenities.

- f) I considered that adequate provision has been made for the provision of in-curtilage parking on the site. Drawing 02 provides an indicative site layout and indicates 2 parking spaces per dwelling. This again will be considered further at Reserved Matters stage when further detail is provided.
- g) As this is an outline application no form or detailing has been given. The surrounding character is residential with varying design and scale in the locality. It is considered a modest 2 storey design could be accommodated on site reflecting the surrounding character and built form.
- h) As stated previously, it is considered appropriate to condition that the existing vegetation is to be retained and reinforced where necessary with additional planting. Landscaping will be a further consideration at reserved matters stage, however should planning permission be granted it is considered necessary to condition a landscaping scheme is provided to be approved by Council. In terms of overlooking, loss of light and overshadowing, the proposed layout indicated in Drawing 02 provides a separation distance from neighbouring properties of approximately 20 metres. I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal subject to the submission of a suitable design at reserved matters stage.
- i) The proposal seeks permission for 2 dwelling units, each with private off street parking and amenity space. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

Further to that above Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria:

- a) The proposed density is not significantly higher than that found in the established residential areas – This proposal is for 2 units, west of the site are two storey terrace dwellings and further north there are detached and semi-detached properties. It considered the proposed density is appropriate and acceptable in this setting.
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area – The proposal is located to the rear of existing properties, however having considered the proposal in the context of the surrounding character and pattern of development within Cookstown settlement in this instance it is considered the proposal will not have a negative impact on the character and environmental quality of the established residential area.

- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7 - As this proposal is an outline application the precise details of the scale and size of dwellings has not been provided. However, having considered the concept plan provided it is considered the minimum standards could be accommodated and this will be a consideration at the reserved matters stage should an approval be granted.

Development Control Advice Note 8 (DCAN 8) establishes that new development in existing residential areas should appreciate the context and be designed to reinforce local characteristics, while preserving the residential amenity of the area and respecting the privacy of existing residents. It is considered the proposed development of 2 units in this location will not detract from the surrounding established character. It is considered the proposal will not cause a visual or functional disruption to the local character. The proposal will be considered to ensure the new development will respect that of adjacent housing and safeguard the privacy of the existing residents at reserved matters stage.

Additional Considerations -

NI Water were consulted to ensure there is available capacity for receiving waste water treatment works. NI Water have advised there is available capacity for waste water treatment facilities at Cookstown however have advised a high level assessment has indicated potential network capacity issues therefore have recommended connections to the public sewage and surface water system are curtailed. This was considered at internal group and it was agreed that should planning permission be forthcoming it will be necessary to condition that no development should take place on site until the developer demonstrates an acceptable method of sewage disposal agreed with NI Water and provided in writing to Mid Ulster District Council.

Whilst the proposal is not located within a fluvial flood plain, the site is located partially within a predicted flooded area as indicated on surface water flood maps. Rivers Agency were consulted and have offered no objections advising it is the developers responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. In light of Rivers Agency response, it is considered the proposal is not contrary to any policies within PPS 15 Planning and Flood Risk and an informative will be attached to any forthcoming approval drawing the applicant's attention to DFI Rivers Planning Advisory and Modelling Unit response.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

Conditions

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

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

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

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

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

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

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

4. The layout shall be in general conformity with the stamped approved concept plan Drawing 02 bearing the date stamp received 2nd November 2021 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

5. The existing mature trees and vegetation along the east, west and south boundaries shall be permanently retained at a minimum height of 1.2m unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

6. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

7. During the first available planting season following the occupation of any of the development hereby approved, or within a time period otherwise agreed with the Council, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a landscaped belt along the south eastern and south western boundaries of the site outlined in red and all other landscaping and areas

of public open space provision within the site. 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. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of residential and visual amenity.

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

Reason: To ensure there is a satisfactory means

9. No development hereby permitted shall commence until formal water / sewer connection has been agreed in writing between the applicant and Northern Ireland Water and provided to the Planning Department and the applicant has received written confirmation that the Council has agreed discharge of this condition.

Reason: To ensure that satisfactory means of sewage disposal is achieved and in the interest of safeguarding residential amenity and public health.

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs, new window openings and erection of outbuildings) or provision within its curtilage of any building or enclosure shall be made to the dwelling house hereby permitted without the grant of a separate planning permission from the Council.

Reason: To safeguard adjacent residential amenity.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

4. The applicant should consider all comments considered in the consultation response Rivers Agency dated 13th September 2021.

5. The applicant's attention is drawn to NI Water consultation response dated 17th August 2021.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

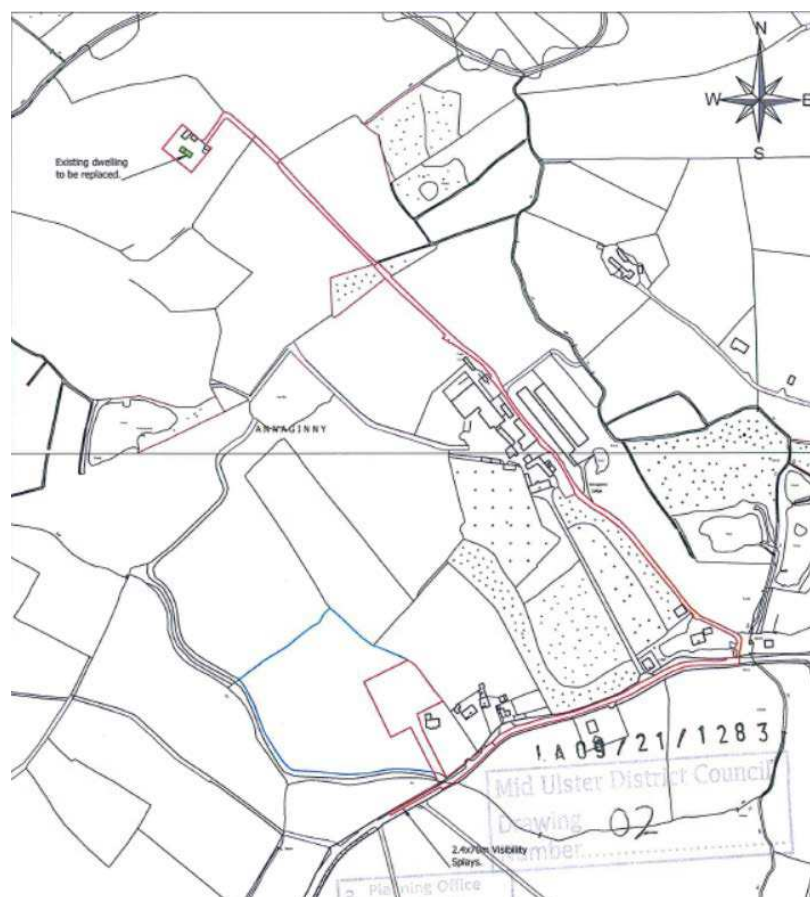
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1283/O	Target Date:
Proposal: Off Site Replacement dwelling and garage.	Location: 50m NW of 26 Annaginney Road Dungannon
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.	
Recommendation:	Refusal
Applicant Name and Address: George McIvor 101 Mullaghmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge
Executive Summary: When I completed my site visit the building to be replaced is overgrown with vegetation and it was difficult to determine whether it was a dwelling. The agent was asked twice for the building to be cleared and no response has been received. The agent was asked twice for justification why the dwelling needs to be sited off-site and no response has been received. Therefore I am unable to determine if the proposal meets CTY 3 – Replacement Dwellings.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection

Representations:

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

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 with a mix of single dwellings with a roadside frontage, farm holdings and agricultural fields. The site is accessed off Annaginney Road which is a minor road which serves as a link road between the main Cookstown Road and the settlement of Newmills. The site is split into two sections as this is an off-site replacement. Along a lane at No. 38 Annaginney Road is a group of farm buildings. To access the building to be replaced is through the farm holding and through two

field to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

Description of Proposal

This is an outline application for an off Site Replacement dwelling and garage at 50m NW of 26 Annaginney Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning histories at the application site.

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 and is not within any other designations or zonings 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 replacement opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

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. As this proposal is for a replacement dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

The building to be replaced forms part of a group of buildings that are currently derelict. When I completed my site visit the building is currently very overgrown with vegetation so it is difficult to ascertain if the building is a dwelling. I emailed the agent on both the 26th October 2021 and 11th November 2021 to ask for the vegetation to be cleared back so I can determine if the building is a dwelling. At the time of writing no response has been received. I cannot definitively state there is a building to be replaced due to a lack of information. I have attached an image from the latest orthophotography to show how overgrown the buildings are.



Figure 1 – Orthophotography of the site

The applicant has proposed an off-site location for the replacement dwelling which is 600m south west of the group of buildings. In both emails dated 26th October 2021 and 11th November 2021 the agent was asked to provide justification for siting the proposed dwelling off-site. The criteria in CTY 3 states an alternative siting should have landscape, heritage, access or amenity benefits. At the time of writing no justification has been provided so I consider the proposal does not meet this criteria in CTY 3. The site where the buildings to be replaced is a large site and I consider is not restricted that it could not accommodate a dwelling as stated in the policy in CTY 3. The current site where the buildings are located is along a lane and set well back from the public road. I consider there are no landscape or amenity benefits. The existing access to the buildings is along a lane to a farm holding and the buildings are accessed along the lane through the farm and back a further two fields. The applicant has not shown on the site location plan that the nearby farm holding on the lane is within the applicant's control. There may be access issues as the building to be

replaced is along a shared laneway and two field back along an agricultural track. But issues along a shared laneway are a material planning consideration but travelling through a farm holding may create health and safety issues. Overall, I am of the opinion the proposal does not meet the criteria in CTY 3.

CTY 13 - Integration and Design of Buildings in the Countryside

The applicant has proposed to site the dwelling in a portion of a larger field behind 26 Annaginney Road, Dungannon. The land at the site is at a slightly higher ground level than the land at No. 26. But there are minimal critical views of the site in both directions so I am content the proposal will not be a prominent feature in the landscape. As shown in figure 2 below the site has a relatively flat topography.



Figure 2 – Image from the site visit of the site

There is established hedging on the east and south boundaries as shown in figure 2 but the remaining boundaries are undefined. I am content there is a suitable degree of enclosure at the site.

A new access is proposed which runs along the west boundary of No. 26 which I am content is acceptable. DFI roads are content subject to visibility splays of 2.4m x 60m in both directions. The applicant will need a portion of the land at No. 26 but have served notice on them.

Overall, I am content a dwelling in the proposed location would integrate into the landscape as it would site behind an existing dwelling.

CTY 14 – Rural Character

I am content the siting of the proposed dwelling will not be unduly prominent or lead to a suburbanised build-up of development as there are already a number of dwellings in this area. A dwelling in the proposed location would not be detrimental to rural character and a single storey dwelling would fit the traditional pattern of settlement in the area. I consider a new access in this location would not damage rural character as it would run along the existing boundary.

PPS 3 – Access, Movement and Parking

Policy AMP 2 (Access to Public Roads) is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access, or in the intensification of the use of an existing access, onto a public road where:

- It will not prejudice road safety or significantly inconvenience the flow of traffic
- The proposal does not conflict with Protected Routes policy

DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays. The site does not access onto a protected route so this does not apply in this case.

Other Considerations

GSNI were consulted and confirmed the proposed site is not within an area of abandoned mines.

There are no other NED, HED or flooding issues at the application site.

Neighbour Notification Checked **Yes**

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY1 or CTY 3 – Replacement Dwellings in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.
3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

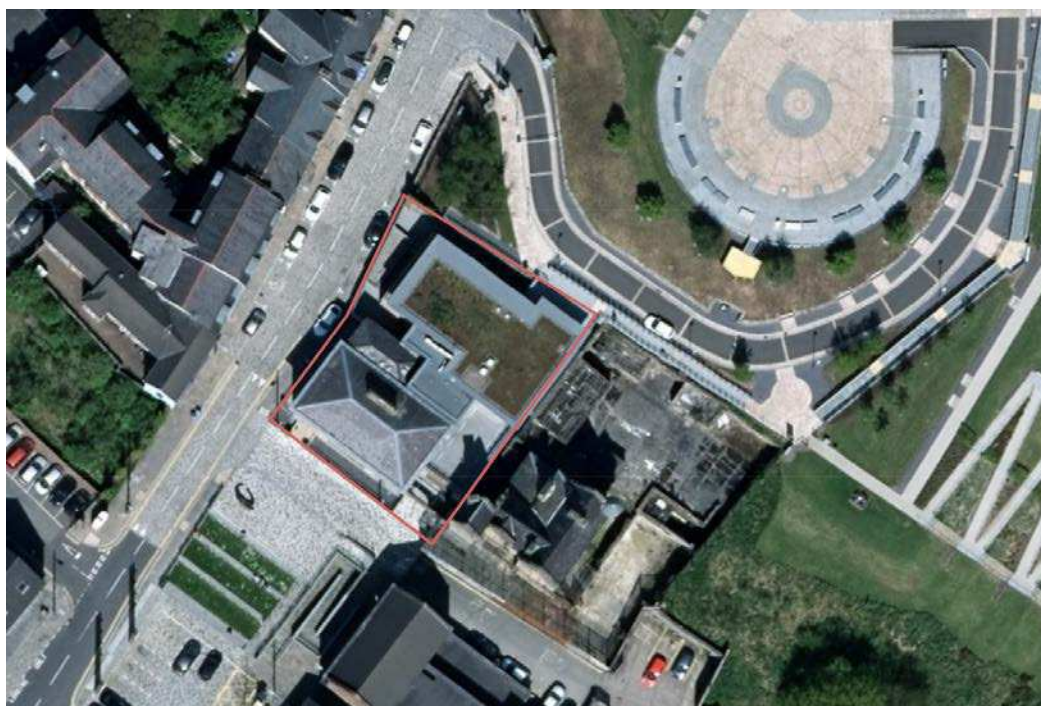
Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1380/A	Target Date:
Proposal: 2No. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames	Location: Ranfurly House Arts & Visitor Centre 26 Market Square Dungannon BT70 1AB
Referral Route: 1. Mid Ulster Council Application	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Circular Road Dungannon BT71 6DT	Agent Name and Address: Horscroft Design 2 Fair Hill Cushendall Ballymena BT44 0ND
Executive Summary: The proposal is to fix 2no. banner signs to the front elevation of Ranfurly House which is operated by Mid Ulster Council. HED had initial concerns about the signs and its impact on the listed building. However revised drawings have been submitted and HED are now content.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and predominantly retail, services and tourism.

The application site is Ranfurly House which is a listed building at the top of the Market Square in Dungannon. The building has external finishes of stonework walls.

Description of Proposal

This is an application for advertisement consent for 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

At the time of writing, no third party objections were received. No neighbour notification nor press advertisement has taken place as there is no statutory requirement to do so, and the Council do not feel that it was necessary to carry them out.

Planning History

M/2011/0273/F - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill – Permission Granted 21.03.2012

M/2011/0279/LBC - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill - Ranfurly House, Market Square Dungannon – Consent granted 20.03.2012

M/2013/0309/F - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Permission Granted 11.03.2014

M/2013/0308/LBC - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Consent Granted 11.03.2014

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 located within the town centre and settlement limits of Dungannon so SETT 1 and ROS1 is the relevant policy which applies. I am content as the proposal complies with PPS 17 it will also comply with SETT 1 and ROS1.

Area of Archaeological Potential

The application site is within the designation AAP 13 which is Dungannon Area of Archaeological Potential and Plan Policy CON 3 in the Dungannon and South Tyrone Area Plan. I am content as the proposal is for advertisements and there is no other developments there is minimal impact on archaeological remains. There is no need for an archaeological assessment.

Area of Townscape Character

The site is within Dungannon ATC so CON 5 in the Dungannon and South Tyrone Area Plan applies. I am content the proposed advertisements will not have an unacceptable impact on the character and appearance of the ATC. I have no concerns about the scale, design and detailing of the signs.

SPPS – Strategic Planning Policy Statement for Northern Ireland:

The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

Planning Policy Statement 17 – Control of Outdoor Advertisements

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 states consent will be granted for the display of an advertisement where it meets the policy in terms of amenity and public safety.

Amenity

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

The site is within the settlement limits and town centre designation of Dungannon, and also with Dungannon Area of Townscape Character. The signs are also within an Area of Archaeological Potential.

The proposal is for 2no. long banner signs on the front elevation of listed building HB13/20/009 which is Ranfurly House. The banner signs are 1m in width and 5.4m in length, and are made of mesh material. The banner will hang from aluminium welded brackets which are fixed to the building and there is LED floodlighting attached to the lower bracket. The signs will be illuminated at times of low light. Figure 1 below shows a visual image of the banner signs on the building. Whilst the site is within an Area of Townscape Character I am content that this application would not adversely impact on any historical features.



Figure 1 – Snapshot of the submitted drawings showing the position of the banner signs on the building.

HED were consulted as the signs are on a listed building and had concerns about the initial proposal submitted. Consequently a revised scheme has been submitted with the top of the banner will be at the point on the window where the arch begins and the width reduced a few inches in proportion. There is also a reduction in the LUX level of the external lighting.

I have no concerns with the scale and design of the signage. I consider the proposal will not have a negative effect on the general characteristics of the area, and their position on the host building and its scale and size in relation to the building is considered acceptable. The proposal does not result in clutter when read with other advertisements on the building and in the surrounding area. There are no other advertisements on the building and other signs are located on the facades of shops within the town centre.

I don't envisage any public safety issues with regards the proposed signage, it is not located close to any road signs and its appearance cannot be easily confused with roads signage. The proposed signage does not include any moving features, moving parts or flashing lights therefore there I do not consider there is a need to consult DfI Roads on the application. There is low level illumination on the banners but I am of the opinion it is low level and will not result in glare to drivers and create a road safety hazard.

I recommend approval as the proposal respects amenity and does not prejudice public safety.

Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building

Policy BH9 in PPS 6 states that consent will be granted for an advertisement on a listed building where it is carefully designed to respect the architectural form and detailing of the building. The banners will be on the front elevation of listed building HB13/20/009 and is adjacent to another listed building at HB13/20/010. In assessing this application, I consulted with Historic Environment Division (HED) of the Department of Communities, as the competent authority in assessing the impact of the advertisement on the listed building. HED have concerns the proposed banner does not respect the listed building, and feel that high level banners and particularly between windows which cover large expanses of wall should be avoided. HED also had concerns about the fixing of the banner to the wall of the listed building and feel that as there are lampposts in front of the building this would be more acceptable. The agent had discussions with HED and a revised scheme has been submitted which HED are now content with. I am of the opinion the banner signs will not have an unacceptable impact on the listed building itself and its wider setting. As shown in figure 1 the signs will fit in an elongated space between the windows and will not cover a large extent of the front elevation. I am content the illumination of the banner signs is subtle.

PPS 6 Addendum - Area of Townscape Character

Policy ATC 3 – The Control of Advertisements in an Area of Townscape Character

As discussed earlier in the assessment I am content the proposal maintains the overall character of the area and does not prejudice public safety. As the proposal complies with PPS 17 it also complies with ATC 3.

Other Considerations

The site is within the statutory 200m buffer zone of archaeological site and monument TYR054:017 – Dungannon Castle or O’Neills Castle. HED had no concerns about the impact of the banners on the castle as they provided no comments.

Neighbour Notification Checked None Required

Summary of Recommendation:

The proposal is recommended for approval as it complies with Policy AD1 in PPS 17 and PPS 6.

Conditions

1. The signage shall be erected in the position shown on the approved plan No. 02 Rev 1 date stamped 13 JAN 2022.

Reason: In the interests of visual amenity, road safety and convenience of road users.

2. The illumination level of the proposed signage must comply with the Institution of Lighting Professionals Technical Report No 5 `Brightness of Illuminated Advertisements.

In the interests of visual amenity, road safety and convenience of road users.

3. The advertisement hereby approved shall not comprise sequential displays; or otherwise include moving parts or features; or feature intermittent lighting in a manner designed to give the appearance of movement.

Reason: In the interests of visual amenity.

Informatives:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

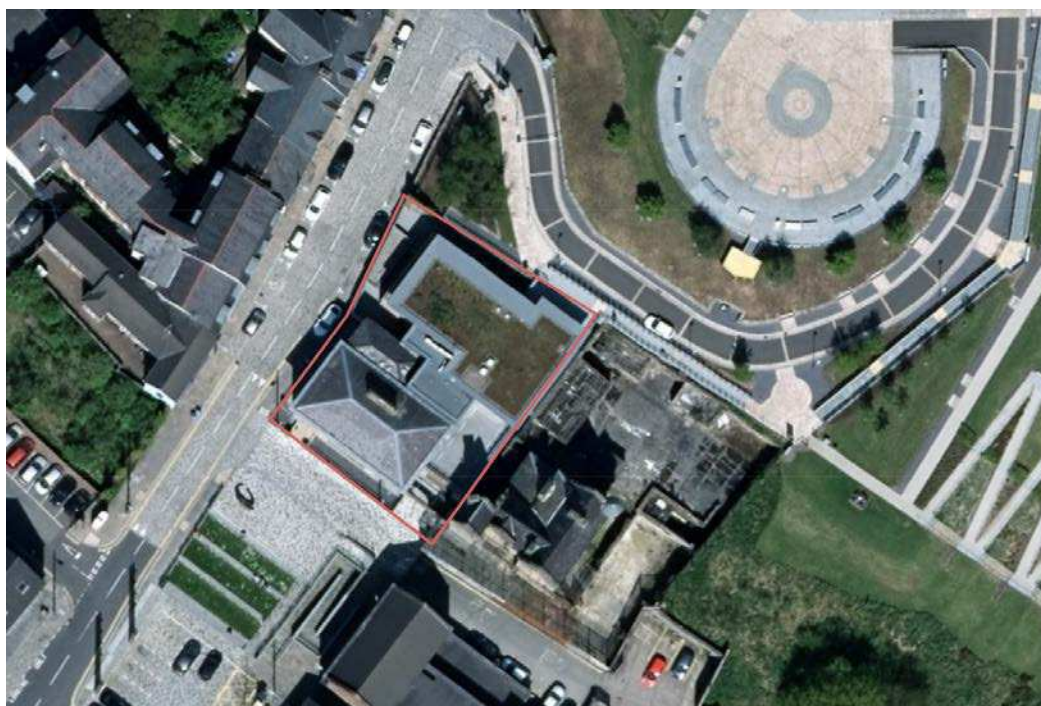
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1397/LBC	Target Date:
Proposal: 2 no banner signs, fixed to front elevation on PPC aluminium frames	Location: Ranfurly House Arts & Visitor Centre 26 Market Square Dungannon
Referral Route: 1. Mid Ulster Council Application	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Circular Road Dungannon BT71 6DT	Agent Name and Address: Horscroft Design 2 Fair Hill Cushendall Ballymena BT44 0ND
Executive Summary: The proposal is to fix 2no. banner signs to the front elevation of Ranfurly House which is operated by Mid Ulster Council. HED had initial concerns about the signs and its impact on the listed building. However revised drawings have been submitted and HED are now content.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and predominantly retail, services and tourism.

The application site is Ranfurly House which is a listed building at the top of the Market Square in Dungannon. The building has external finishes of stonework walls.

Description of Proposal

This is an application for listed building consent for 2NI. Banner Signs, Fixed to Front Elevation on PPC Aluminium Frames at Ranfurly House Arts & Visitor Centre, 26 Market Square, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

At the time of writing, no third party objections were received. No neighbour notification nor press advertisement has taken place as there is no statutory requirement to do so, and the Council do not feel that it was necessary to carry them out.

Planning History

M/2011/0273/F - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / arts facilities with access onto Castle Hill – Permission Granted 21.03.2012

M/2011/0279/LBC - Refurbishment of existing listed building including extensive internal re-organisation and construction of new build extension to provide interpretation and community / art facilities with access onto Castle Hill - Ranfurly House, Market Square Dungannon – Consent granted 20.03.2012

M/2013/0309/F - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Permission Granted 11.03.2014

M/2013/0308/LBC - Refurbishment of existing listed building and removal of outbuildings - Dungannon Barracks, Market Square, Dungannon – Consent Granted 11.03.2014

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 located within the town centre and settlement limits of Dungannon so SETT 1 and ROS1 is the relevant policy which applies. I am content as the proposal complies with PPS 17 it will also comply with SETT 1 and ROS1.

Area of Archaeological Potential

The application site is within the designation AAP 13 which is Dungannon Area of Archaeological Potential and Plan Policy CON 3 in the Dungannon and South Tyrone Area Plan. I am content as the proposal is for advertisements and there is no other developments there is minimal impact on archaeological remains. There is no need for an archaeological assessment.

Area of Townscape Character

The site is within Dungannon ATC so CON 5 in the Dungannon and South Tyrone Area Plan applies. I am content the proposed advertisements will not have an unacceptable impact on the character and appearance of the ATC. I have no concerns about the scale, design and detailing of the signs.

Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 6 has been retained under transitional arrangements. This is an advertisement at a Listed Building and it is therefore assessed against the Policy provision contained within Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building.

PPS 6 – Planning, Archaeology and Built Heritage**Policy BH9 – The Control of advertisements on a Listed Building and Policy BH11 – Development affecting the setting of a Listed Building**

Policy BH9 in PPS 6 states that consent will be granted for an advertisement on a listed building where it is carefully designed to respect the architectural form and detailing of the building. The banners will be on the front elevation of listed building HB13/20/009 and is adjacent to another listed building at HB13/20/010. In assessing this application, I consulted with Historic Environment Division (HED) of the Department of Communities, as the competent authority in assessing the impact of the advertisement on the listed building. HED have concerns the proposed banner does not respect the listed building, and feel that high level banners and particularly between windows which cover large expanses of wall should be avoided. HED also had concerns about the fixing of the banner to the wall of the listed building and feel that as there are lampposts in front of the building this would be more acceptable. The agent had discussions with HED and a revised scheme has been submitted which HED are now content with. I am of the opinion the banner signs will not have an unacceptable impact on the listed building itself and its wider setting. As shown in figure 1 the signs will fit in an elongated space between the windows and will not cover a large extent of the front elevation. I am content the illumination of the banner signs is subtle.

Overall, I am content the proposal complies with all the relevant criteria.

Neighbour Notification Checked None Required

Summary of Recommendation:

The proposal is recommended for approval as it complies with SETT 1, RSO1, CON5 in the Dungannon and South Tyrone Area Plan 2010 and PPS 6.

Conditions

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

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

2. The signage shall be erected in the position shown on the approved plan No. 02 Rev 1 date stamped 13 JAN 2022.

Reason: In the interests of visual amenity, road safety and convenience of road users.

3. The illumination level of the proposed signage must comply with the Institution of Lighting Professionals Technical Report No 5 'Brightness of Illuminated Advertisements.

In the interests of visual amenity, road safety and convenience of road users.

Informatives:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1497/F	Target Date:
Proposal: Retention of existing access, walls and pillars	Location: 22 Ballynagowan Road Stewartstown Dungannon
Referral Route: 1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised. 2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings. 3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character. 4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.	
Recommendation:	Refusal
Applicant Name and Address: Enda & Nuala Devlin 22 Ballygowan Road Stewartstown	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary: The proposal is for the retention of an access, walls and pillars onto the Ballynagowan Road. LA09/2019/0037/F granted planning permission for a building to serve as a garage and private art studio associated with the dwelling at No. 22 Ballynagowan Road. The new	

access serves this building. The building has been moved further forward on the site and the building is being used for commercial purposes. This is contrary to condition 4 of LA09/2019/0037/F which states the building shall not become a separate planning unit used as a commercial premises.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is 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 predominantly characterised by agricultural fields, groups of farm buildings and single rural dwellings.

The application site comprises a new access onto Ballynagowan Road and a gate constructed in timber close boards. There is also blockwork pillars with spacing between them for wrought iron railing. The gates and pillars are set back from the roadside boundary. Alongside the new access is an existing lane to the dwelling and outbuildings at No. 22 which is the applicant's home address. At the site is a building which has the appearance of an agricultural shed which was approved under LA09/2019/0037/F.

Description of Proposal

This is a full application for the retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

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 objections were received.

The first objection was received on the 19th October 2021 and no address has been given, just the name James F. The second objection was received on the 17th November 2021 and the signature was unreadable. The third objection was received on the 20th December 2021 and again was anonymous, just signed concerned environmentalist. But all three letters raise similar issues which are summarised and rebutted below.

Road Safety Issues

The Ballynagowan Road is a minor road and there are now two lanes coming from this property and where is the need for another access at the site. The objector states there is the potential for two separate vehicles to be accessed off both lanes at the same time which will create a road safety issue. In addition, the road is not suitable for industrial use as there are already a number of farms along the road. In terms of road safety DFI Roads were consulted as were content subject to achieving visibility splays of 2.4m x 60m in both directions. I would agree with the objector and would have concerns about the need for another access from this site. The nature of the use of the building is discussed in the assessment.

The Prominence of the Walls and Pillars

The objectors states the walls and pillars are a prominent feature in the landscape. The objector states they do not meet the criteria in CTY1, CTY13 and CTY14 in PPS 21. It is stated the new access does not integrate well into the landscape and this is an agricultural area, and the height and style of the pillars is inappropriate for the landscape.

As discussed below I consider the walls and pillars are prominent and will have an unacceptable impact on rural character.

Use of the building for non-domestic uses

The objector states that it is clear the building at the application site is not a domestic property. In rebuttal this issue is discussed in the assessment below.

Administrative Issues with the P1 form

The applicant has ticked Q12 which is for the existing unaltered access to a public road and this is something which can be rectified by the applicant.

The objectors state Q25 has not been filled and it is claimed the use is operating as a commercial enterprise from the building. The objector also states a Transport Assessment is needed. The assessment whether the use at the building is commercial is considered below. DFI Roads were consulted and were content with the road safety of the new access subject to visibility splays.

Planning History

LA09/2019/0037/F - Proposed domestic garage and private art studio - 22 Ballynagowan Road, Stewartstown, Dungannon – Permission Granted 10.05.2019

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.

Cookstown Area Plan 2010

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

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

PPS 3 Access, Movement and Parking

Policy AMP 2 (Access to Public Roads) is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access, or in the intensification of the use of an existing access, onto a public road where:

- It will not prejudice road safety or significantly inconvenience the flow of traffic
- The proposal does not conflict with Protected Routes policy

Ballynagowan Road is not a protected route so there is no conflict with this part of the policy.

DFI Roads have been consulted with this application and have advised that a new access is acceptable subject to visibility splays of 2.4m x 60m in both directions.

Overall, I am content the proposal will not prejudice road safety or conflict with the Protected Routes policy but as discussed below consideration is also given to the number of access points along a road and the nature and scale of the development at the site. In this case the planning history for the building at the site is particularly relevant in the discussion.

LA09/2019/0037/F granted approval for a building which would serve as a garage and private art studio. As this was a domestic building it was proposed the garage would be accessed via the existing laneway off Ballynagowan Road. This proposal is for retention of a new separate access to the studio. As shown in figure 1 below this building was to be located in the southwest corner of the site close to the dwelling and shed at No. 22.



Figure 1 – Snapshot of approved block plan in LA09/2019/0037/F

In this application currently being assessed the applicant has shown the garage/studio further forward on site than what was approved. In an email dated 4th January 2022 the applicant acknowledges that the location of the building is not in the exact siting but still within the original red line. They state the ground level in the field from the dwelling at No. 22 falls away towards the roadside and it was more cost effective to build towards the roadside. In the assessment for LA09/2019/0037/F it was agreed the design similar to an agricultural shed and the proposed location in the corner of the shed would assist in integration in critical views of the building. So it was approved the building would be as close as possible to the existing group of buildings at No. 22 and use the existing laneway.

Condition 4 of LA09/2019/0037/F states the building shall not become a separate planning unit used as a commercial premises. In an email dated 4th January 2022 the applicants state the art studio and domestic garage is not used for commercial purposes. I have concerns that the studio is being used for a commercial business. The studio is registered as 22A Ballynagowan Road on Spatial NI as a separate address and as shown in figure 2 has a post box. There is a website Devlin in Design associated with this address as on the website the studio has this address as a contact point. The applicants argue the studio and

garage are not used for commercial purposes and only store art materials, work on large pieces and have delivery of materials to this building. The applicants also state they work irregular hours on a number of pieces and argue they are artists and not a commercial business with pieces of art on display and a shop that customers can come in and browse to buy. The website states they have been in business for over 15 years and work on private or commercial projects and list all the businesses they have done work for. The businesses include hotels, cruise ships, universities and restaurants. In a supporting statement for planning approval LA09/2019/0037/F the applicants stated they currently worked out of a unit at Castlebay Business Centre and they did not work regular 9 to 5 hours. They needed the flexibility of having a studio near to their dwelling to take on more contracts.



Figure 2 – Image from the site visit showing a separate address for the studio

I consider the retention of the new access is not acceptable as there is no need for an additional access to the site and no justification has been provided why an additional access is needed to the building if the use is only for domestic purposes. I am of the opinion an access that may serve a commercial enterprise would be detrimental to the rural character of the area. The main uses within the surrounding area are agricultural farm holdings and residential in single dwellings.

Overall I consider the proposal does not meet the criteria in AMP 2 in PPS 3.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

CTY 13 – Integration and CTY 14 – Rural Character

As shown in figure 3 below the new access runs along the boundary of the existing lane which I consider is acceptable.



Figure 3 – Image from Google Maps July 2021

Figure 4 shows an image of the walls and pillars on the site. The gate has external materials of close board wooden boards and the pillars are proposed sandstone walls/pillars with wrought iron railing between the walls and pillars.



Figure 4 – Image from the site visit of wooden gates and pillars

The concrete pillars are 2.4m in height and at the time of my site visit on the 12th November 2021 they were under construction and had blockwork finishes. The applicant has shown in submitted the pillars will be finished in sandstone and will have wrought iron railing in between the pillars. I am of the opinion the scale, massing and design of the pillars and walls is excessive for an entrance in the countryside. The walls and pillars sweep round in a large semi-circle and are set back from the road which is unacceptable for an access in a rural area. As stated in paragraph 5.71 in PPS 21 on occasion new accesses can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing. Consequently the walls and pillars are detrimental to rural character and do not meet criteria e in CTY 14.

I consider the proposal does not meet CTY 13 and CTY 14 in PPS 21.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the access, walls and pillars are detrimental to rural character and no justification has been provided why a separate access is needed to the building if it is for domestic use. The building approved under LA09/2019/0037/F has not been constructed in the approved location and is being used for commercial use.

Reasons for Refusal:

1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised.
2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings.
3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.
4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.

Signature(s)

Date: