



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0122/F	Target Date: 25 March 2020
Proposal: Proposed housing development consisting of 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works	Location: Lands Located Between Killymeal Grange And Dunlea Vale (Former Oaks Park Stadium) Dungannon Co Tyrone
Applicant Name and Address: Landmark Homes (Ni) Ltd 1 Lisgobbin Road Dungannon BT71 7PT	Agent Name and Address: J . Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Summary of Issues: This application is for an extension of an existing housing area within Dungannon. DFI Roads had raised concerns about the intensification of the access onto Killymeal Road and that it would require a Right Hand Turning Lane. Following further consideration this requirement has now been relaxed.	
Summary of Consultee Responses: DFI Rivers - development not inside 1 in 100 year flood area DFI Roads – The development will be subject to Private Streets Determination EHO – NI Water – no capacity in the Dungannon WWTW NIEA – require revised CEMP SES – waiting revised CEMP DFI Rivers – surface water ponding remediation accepted, planning to consider if culverting on watercourse acceptable	

Characteristics of the Site and Area:

This site is located to the rear of Killymeal Grange, a residential cul-de-sac, with proposed access through this residential development and onto Killymeal Road. The site has been cleared and there are no features on it, it would appear some drainage works and culverting has taken place. Fill had been brought onto the site to raise ground levels, however it was not clear what previous levels within the site were, or where the fill has originated from. The fill had the appearance of inert building waste, stone, soil and earth. Some vegetation remained along the northern boundary of the wider site, however, most trees and shrubs within this site had been removed.

There is a local woodland and community recreation space located to the east of the site, with the Oaks Centre, a large scale shopping, entertainment, food and commercial centre located to the north west. To the SW is the South West College, Dungannon Primary School, Council Offices, and Dungannon Leisure Centre.

Description of Proposal

This is a full planning application for 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works at the former Dungannon Greyhound Stadium, Oaks Park. The stadium and all buildings relating to the same have not been removed from the site and there is no reference on the ground to the former use of the site.

Deferred Consideration:

This application was before the Planning Committee in January 2022 and it was agreed to be deferred for a meeting with the Service Director and Roads officials to discuss the need for a right hand turning lane (RTL) off Killymeal Road to serve this development.

A meeting was held on 20 January 2022 where the development of the site and immediate area was discussed. The applicant indicated there are land ownership difficulties with providing a right hand turning lane and that it was not necessary anyway due to the right hand turning requirements into the site. It was indicated this may be in the applicants best interests to provide it now as there may be a further phase of development that uses this access and this may just be moving the issue further down the line.

Following the meeting the applicants provided further information to support their position that a RTL is not necessary, they indicated that due to the sites location relative to the town centre and onward connections, the preference for right hand turning is not the dominant movement that would be so disruptive to the traffic flow on Killymeal Road to warrant refusing permission. They highlighted other areas where the need for RTLs have been dropped and a PAC decision which reflects their stance. DFI Roads reassessed the proposal in light of these comments and requested revisions to address Private Streets Design issues and did not raise any further need for a right turning lane. A number of revision were forwarded and now DFI Roads have advised they will adopt the streets and provided conditions that should be attached in the event of this application being approved. As DFI Roads are content to sign off the PSDs I conclude they do not require any right hand turning lane and that the access onto Killymeal Road is safe from a road safety perspective.

The previous report had discussed the overall layout of the development and the provision of open space provision as being generally acceptable. Members will be aware Policy

OS2 Policy In PPS8 has a general requirement for 10% of the site to be given to Open Space where there are more than 25 units and 15% where over 300 units. In this proposal there are 3 areas of open space totalling 3700sqm: approx. 1750sqm along the existing cycle path to the east, approx. 825 in the centre of the site with a cycle path and footpath through it (over the culverted drain) and approx. 1125sqm which will become open space once the temporary waste water treatment works is no longer necessary. The overall area of this site is approx. 1.8ha (18000sqm) so the open space provision is numerically acceptable even without the area for the temp WTTW. Ideally it would be preferable if the open space area was in one location in the form of a central plot of active open space (ie kickabout area or common green), however the policy does not describe what must be provide and where but leaves this to the designer to provide. In light of this and wider green space to the east of the site I consider the provision of open space is acceptable here.

SES have requested additional information in relation to the Construction Environmental Management Plan to ensure that water from the site does not adversely impact on Lough Neagh. The open drain that was in the middle of the site has been culverted, this has been accepted by DFI Rivers as an engineering solution to resolve the standing water issue on the site. As this culvert has been carried out already it is therefore unlikely there will be any further disruption to the water within the culvert during the construction phase of this development. The proposed development includes a temporary waste water treatment works which will have to discharge into a waterway, this will be subject to NIEA Consent to Discharge, which is the regulatory provision for allowing and managing the discharge from the WWTWt. Due to the now existing characteristics of the site, the distance from Lough Neagh (approx. 20 kms of a hydrological link which passes through Dungannon, Killyman open countryside and Tamnamore before it reaches Lough Neagh at Maghery) it is unlikely the proposed development will have any significant impacts on the features of Lough Neagh and as such I do not consider it necessary to request additional information in this regard.

As the proposed development has been considered to meet the requirements of PPS3 in respect of the access requirements and PPS7 and PPS8 for the overall design of housing developments and provision of open space, I recommend this application is approved.

Conditions/Reasons for Refusal:

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

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

2. All hard and soft landscape works in the areas of open space identified 'A', 'B' and 'C' as detailed on drawing no 12Rev1 bearing the stamp dated 05 OCT 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved or in accordance with an agreed timescale for phasing of the landscaping agreed in writing with Mid Ulster District Council. Any tree, shrub or other plant identified in the landscaping scheme dying

with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to ensure a quality development.

3. Prior to the occupation of each dwelling hereby approved the landscaping and site boundaries of that unit shall be provided in accordance with the details on drawing no 12Rev1 bearing the stamp dated 05 OCT 2021 and the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to ensure a quality development.

4. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-howto-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

5. After completing all remediation works under Condition 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

6. The development hereby permitted shall not commence until such time as the applicant has provided adequate evidence to the Council that either:
 - NIEA have granted a consent to discharge for the temporary waste water treatment works or
 - NI Water will allow connection to the public sewerand this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition.

Reason: In the interests of public health.

7. None of the dwellings hereby approved shall be occupied until the developer has provided written confirmation that either:
 - the temporary waste water treatment works has been installed and fully commissioned to the satisfaction of NIEA or
 - NI Water have granted a connection for the entire development into the public sewers.and this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition.

Reason: In the interests of public health.

8. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval. The detailed drainage network design as subsequently agreed shall be provided prior to the commencement of any of the houses hereby approved.

Reason – To safeguard against flood risk to the development and elsewhere

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

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

10. No dwellings hereby permitted shall be occupied until the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase.

Reason To ensure the orderly development of the site and road works necessary to provide satisfactory access to each dwelling.

PSD01 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 05 Rev 4 bearing the date stamp 29 NOV 2022.

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

PSD02 Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in the service strips determined for adoption.

Reason: To ensure access to service strips and prevent damage to services.

Signature(s)

Date:



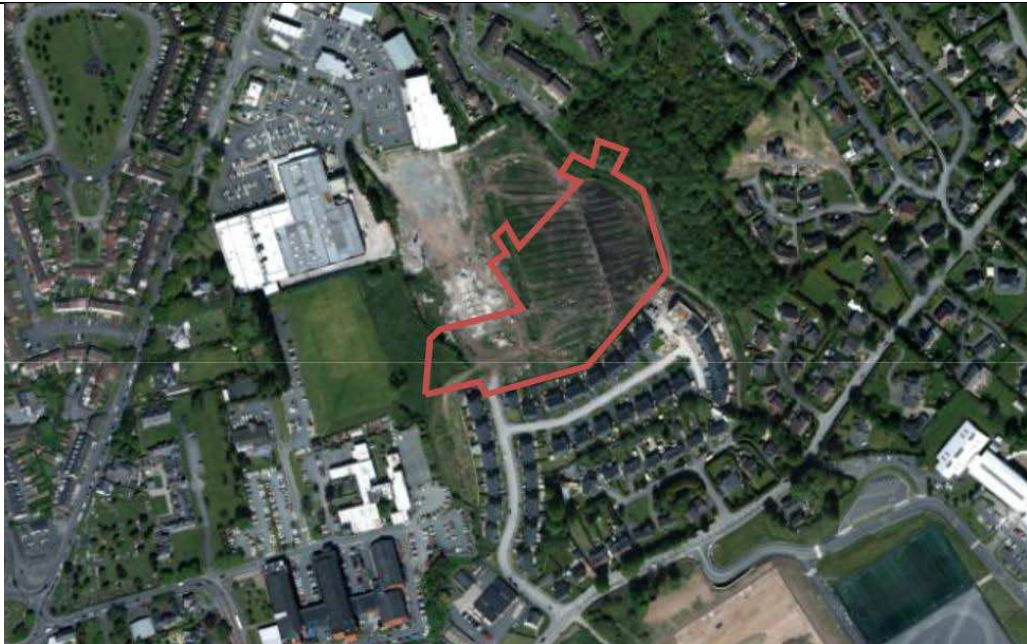
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0122/F	Target Date:
Proposal: Proposed housing development consisting of 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works (revised scheme)	Location: Lands located between Killymeal Grange and Dunlea Vale (Former Oaks Park Stadium) Dungannon Co Tyrone
Referral Route: Refusal	
Recommendation:	Refuse
Applicant Name and Address: Landmark Homes (NI) Ltd 1 Lisgobbin Road Dungannon BT71 7PT	Agent Name and Address: J . Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The proposal is contrary to PPS3 in that the agent has failed to provide a right hand turning lane and this will result in road safety issues.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Characteristics of the Site and Area

Description of proposal

This is a full planning application for 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works at the former Dungannon Greyhound Stadium, Oaks Park. The stadium and all buildings relating to the same have not been removed from the site and there is no reference on the ground to the former use of the site.

Characteristics of Site and Area

This site is located to the rear of Killymeal Grange, a residential cul-de-sac, with proposed access through this residential development and onto Killymeal Road. At the time of my site visit the site seemed to have been fairly recently cleared for development, and it seemed that some drainage works and culverting had taken place. Fill had been brought onto the site to raise current ground levels, however it was not clear what previous levels within the site were, or where the fill has originated from. The fill had the appearance of inert building waste, stone, soil and earth.

Some vegetation remained along the northern boundary of the wider site, however, most trees and shrubs within this site had been removed.

There is a local woodland and community recreation space located to the east of the site, with the Oaks Centre, a large scale shopping, entertainment, food and commercial centre located to

the north west. To the SW is the South West College, Dungannon Primary School, Dungannon Council Offices, and Dungannon Leisure Centre.

Planning Assessment of Policy and Other Material Considerations

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

Area Plan

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 Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose and is marked as white land in the area plan. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria.

Relevant Planning Policy

SPPS Strategic Planning Policy Statement
 PPS7 Quality Residential Environments
 PPS8 Open Space, Sport and Outdoor Recreation
 PPS15 Planning and Flood Risk (revised) 2015
 PPS6 Planning, Archaeology and the Built Heritage
 PPS3 Access, Movement and Parking
 PPS2 Natural Heritage

Design Guide Creating Places

Planning History

M/2005/1356/O- Provision of mixed residential development of 120 dwellings and realignment of existing road, at Dungannon (Oaks Park) Stadium, Oaks Road, Dungannon. Permission was granted 14/10/2011.

Representations

No 3rd party objections or letters of support have been received on this application.

Recommendation

The Strategic Planning Policy Statement provides no change in direction or clarification in relation to policies relevant to this application, which I have listed above.

In 2011 the principle of 120 dwellings was found to be acceptable on the site of the former greyhound track in Dungannon, which this subject site forms the southern portion. At the time of this decision the Dungannon and South and South Tyrone Area Plan 2010, PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation were in place and these policy provisions have not changed, nor does the SPPS provide a change in policy direction. PPS15 Planning and Flood Risk (revised) was introduced in September 2015 and is therefore a new policy consideration that has to be considered as part of this assessment.

This subject application is for 34 dwelling units. Drawing No. 02 submitted along with this application shows a wider proposed conceptual layout for the site, indicating a total of 81 dwellings. This is a substantial decrease of the 120 units that were granted in principle under the 2005 application.

In terms of the proposed layout, I find the proposal to be in keeping with the policy criteria of QD1 of PPS7. The density is reflective of what has been granted recently in the surrounding area, and is reflective of what currently exists in the area, and is much less to what was granted under the 2005 application in a similar policy context. The proposed dwellings are of a design acceptable for the site and surrounding area. The height, scale, massing, plot sizes, garden sizes and finishes of the buildings and ancillary works are reflective of the area and are acceptable. There is sufficient parking, private amenity space, means of access, landscaping and infrastructure to deal with waste water and storm water and no consultees have raised objections on these issues. Proposed levels within the site are acceptable and there will be no issues of overlooking, overshadowing or over dominance of neighbouring property. NIEA have raised some concern over the loss of trees on this site. However, at the time of my site visit there was no evidence of any trees on this site as the site had been cleared. Some boundary trees to the north have been retained, with everything else removed. The site does not benefit from a Tree Protection Order and there was none in place at this time of this application. Given that there is a large local woodland and openspace area designated to the east of the site I find this to be an acceptable compensation for any trees lost. From previous orthos of the site it is unclear as to the exact quality of these trees and benefit of this area to wider biodiversity in the area. The proposal also provides communal open space and compensatory tree planting which is shown on drawing No. 12 rev1 date received 05/10/2021. I find this to be acceptable in the wider context of this particular site and environment and do not require any further information from the agent in this regard as suggested by NIEA. There were no natural or historic conservation interests identified on my site visit, and none are known at this site at present, and no consultees have identified any at this time.

In terms of developing housing on an area of open space, this was visited under the previous permission M/2005/1356/O. PPS8 was in existence at this time and the principle of 120 dwellings were found to be acceptable. I do not intend to revisit under this assessment under this consideration.

PPS15 Planning and Flood Risk has been introduced from the original permission. The agent has provided a Drainage Assessment and Rivers Agency now agree with the principle of this assessment in that it is not within a flood plain and will not cause flooding or drainage problems elsewhere. Rivers Agency did however highlight to the Planning Department of Mid Ulster that an open watercourse through the site had been culverted. Policy FLD4 allows for the culverting of a watercourse where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof, or, where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action. In support of the culverting of this site, the engineer employed by the applicant suggested that to leave the watercourse running through the site would mean that over 50% of the land would not be able to be developed. This solution was sent to Rivers Agency for comment who raised no objections with the solution. On discussion with senior colleagues it was considered acceptable in this case given the wider social and economic benefits from additional housing on this centrally located urban land within Dungannon.

DfI Roads have objected to this proposal in terms of PPS3 Access, Movement and Parking. As the proposal will result in over 50 or more dwellings turning onto the public road network then it is advised that a right hand turning lane is required. DfI Roads acknowledge the information provided by the agent's road engineers however, without a right hand turning lane recommend that the proposal is refused for the following reasons;

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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

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 as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

DfI Roads are Council's statutory consultee when it comes to road safety issues. At this time I advise Members that the proposal should be refused for the road safety reasons stated.

Other Consideration

Some land contamination issues were raised by NIEA and SES on this site. These have been addressed by the agent and NIEA have no concerns subject to planning conditions should permission be granted.

SES have yet to complete a HRA on this site as it has not been demonstrated that the proposal will not have a detrimental impact on European Protected Sites at this time. SES require comment from NIEA on a recently submitted CEMP and depending on NIEA's response will determine if SES can complete their HRA or not. The HRA will have to be completed prior to any decision being reached.

Environmental Health do not raise any objections to this proposal in terms of detrimental impacts to residential amenity or human health subject to conditions in relation to land contamination and the temporary sewage treatment plant that is proposal.

No consultees have specifically raised any significant environmental impacts at this time, so a negative EIA screening has been completed.

In light of the above considerations, I recommend that planning permission is refused for the reasons stated.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

That planning permission is refused for the following reasons;

Refusal Reasons

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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

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 as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	20th July 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 24 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 26 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 28 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 30 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 32 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 34 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 36 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 38 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 40 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 42 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 46 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 48 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 50 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 52 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 58 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, Dungannon Primary School Circular Road Dungannon	
Date of Last Neighbour Notification	6th July 2021
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2020/0428/F	Target Date: 21 May 2020
Proposal: Development consisting of 1 no. detached dwelling and 2no. semi-detached dwellings (two storey)	Location: Adj 86 Coleraine Road Maghera
Applicant Name and Address: Mr Michael Young 37 Craigadick Road Maghera	Agent Name and Address: James Hughes Architect 10B Fallylea Road Maghera BT46 5JT
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area Site of 0.26 hectares located between an abandoned 2 st dwelling (No 86) and more recent housing development to west and south. Elevated site with 2 means of access onto the Coleraine road, one of which is via a shared arrangement with No 88 Coleraine Road to the North. Site generally well enclosed with fir trees and hedging to shared boundaries (gappy in places) with close board fencing already in place between the site and existing housing.	
Description of Proposal Development consisting of 1 no. detached dwelling and 2no. semi-detached dwellings (two storey)	

Deferred Consideration:

This application was formally amended on the 28th Nov 2022 to reduce the scheme to 3 No. dwellings (one block of semi-detached) and a single detached unit. This represents a significant reduction in the proposal from its initial 6 No. dwellings when originally submitted.

An impediment to the overall orderly development of the site has been the applicants desire to retain the old now vacant dwelling at No 86 Coleraine Road resulting in it proving difficult to develop around it (it is understood No 86 will be removed at a later stage under a possible further phase of the development of this relatively small site.

Following a visit to the site in November 2022 I took the view that all development proposed under this application should be limited to the SW half of the site therefore improving the separation distances between occupied dwellings such as No 88 and some of those dwellings in the existing Hawthorn development to the rear which sit at a lower level. The Council had received an objection from the occupant of No 88 to the last set of plans which proposed Unit 3 closer to their property leading to concerns relating to:

- loss of privacy.
- a 2m fence being insufficient to maintain privacy along the adjoining boundary
- That a 3m high wall along this boundary would be better to reduce overlooking.

The amended plans of 28 Nov 2022 have removed unit 3 from its intended position and moved it south to create a semi-detached block with previous unit 2. Upon re notification of this amendment, and at the time of writing this report, there has been no further objection to the proposal.

I asked the agent to clearly show all existing and proposed vegetation on the sites boundaries / all new means of enclosure and levels. In examining the amended scheme I note that there is now an acceptable degree of separation from existing residential units to the rear of Units 2 and 3 and whilst unit 2 will sit gable end to a dwelling to its southern side, the limitation of this units gable to that property has been sensitively enough designed to limit any overlooking with a narrow utility window and upper floor landing window proposed.

Unit 1 is to site closer to Coleraine Road and will have no detrimental impact on neighbouring amenity given this position. Overall design of the units is appropriate in my view to the mix of house types and finishes exhibited in the immediate area.

Access is directly onto the Protected Route but will utilise an existing access used by No 86. The site location plan has been amended to indicate as per the agents assertion to me, that the application has no means of accessing adjoining lands to provide an access via the existing estate road itself. DFI Roads note the use of an access onto the MTR but do not raise any other road safety concerns. Given this I do accept the proposal against PPS3 Policy in relation to the site having no ability to access via an alternative means via a minor road.

In considering carefully the reduced scheme, the clarification of boundary treatment, levels and overall house design and improved separation distances to existing properties I am of the view that this proposal is now acceptable and meets the overall aims and objectives of PPS7 QD1 in

particular. As such it should provide when constructed a quality residential environment and complement this existing residential area.

The following conditions are required:

1. The development hereby approved shall commence within 5 years from the date of this permission.

Reason: Time limit.

2. No development hereby permitted shall commence until the vehicular access has been constructed in accordance with the approved drawing No. 02/4 bearing the datestamp 24 Nov 2022.

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

3. All existing vegetation as shown on approved drawing No. 02/4 datestamped 24 Nov 2022 shall be retained unless as otherwise specified on this plan. All new soft landscaping and related boundary fencing shown on this plan shall be provided prior to the occupation of any of the properties hereby approved.

Reason: In the interest of visual amenity and to protect the amenity of adjoining properties.

4. None of the dwellings hereby permitted shall be occupied until the means of sewage disposal and all drainage works have been completed in accordance with details submitted to and approved in writing by the Council.

REASON: In the interest of public health and to safeguard against flooding and standing water.

Conditions/Reasons for Refusal:

Approval Conditions

Signature(s):Melvin Bowman

Date: 14 December 2022

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0428/F	Target Date:
Proposal: 5no Detached Dwellings (Amended Plan)	Location: Adj 86 Coleraine Road Maghera
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Younger Homes 1 Hall Street Maghera	Agent Name and Address: James Hughes Architect 10B Fallylea Road Maghera BT46 5JT
Executive Summary: Proposal considered against prevailing planning policy. It is considered the proposal fails to comply with Policy QD1 and Policy QD2 of PPS7, Policy LC1 of APPS 7 and Policy AMP3 of PPS3. No letters of representation received.	
Signature(s):	



Comhairle Ceantair
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District Council

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing advice
Non Statutory	NI Water	No Objection
Statutory	DFI Roads - Enniskillen Office	Standing advice

Representations:

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

Characteristics of the Site and Area

The site is located within the settlement limits of Maghera as defined in the Magherafelt Area Plan 2015. The proposal site is within urban white land, however the land immediately west and also to the east are zoned for housing. The application site comprises the associated land/garden of No. 86 Coleraine Road. The chalet dwelling house of No.86 is currently uninhabited and rundown and is set within a mature residential curtilage. No.86 is located outside the red line, however within the applicants control as indicated in blue on Drawing 01. The site is located on elevated ground, approximately 2 to 3 metres higher than the road level. The site currently has two existing accesses onto the public road, the adjacent public road network is a protected route. The boundaries of the site are currently defined by mature vegetation and trees,

with a brown dashed retaining wall, approximately 2 metres high, also defining the roadside boundary. It is noted that an existing footpath runs along the front boundary. The immediate surrounding context is urban, characterised by residential development of varying size, scale and design. When travelling in a south-westerly direction along this stretch of the public road, it is noted the character gradually becomes more urbanised. Travelling north-easterly, away from Maghera, the development pressure decreases with the character gradually changing to a more rural context.

Description of Proposal

This application seeks full planning permission for 5 no. dwelling units on lands adjacent to 86 Coleraine Road, Maghera.

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 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

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

LA09/2019/0105/F - Alterations and extension to dwelling - 86 Coleraine Road, Maghera – Permission Granted 21/03/21

H/2003/0624/O - Site of housing development - 86 Coleraine Road, Maghera – Application withdrawn 01/03/04

H/2006/0141/F - Housing Development (18no. Dwellings) to include 5no detached, 1no semi-detached, 8no townhouses & 4no apartments - Lands around 82 Coleraine Road, Maghera – Permission Granted 15/05/07

H/2007/0322/F - Proposed two storey dwelling - Site no.9, The Hawthornes, Maghera - Permission Granted 22/01/08

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.

Magherafelt Area Plan 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Maghera and located on white land with no specific zoning or designation. To the east and west of the application site are zoned housing committed sites. 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 and there are no key site requirements on the application site.

This proposal seeks full planning permission for 5 residential dwellings. Drawing 02 Rev 2 date stamped 3rd March 2021 provides details on the proposed siting, design, scale and access arrangements.

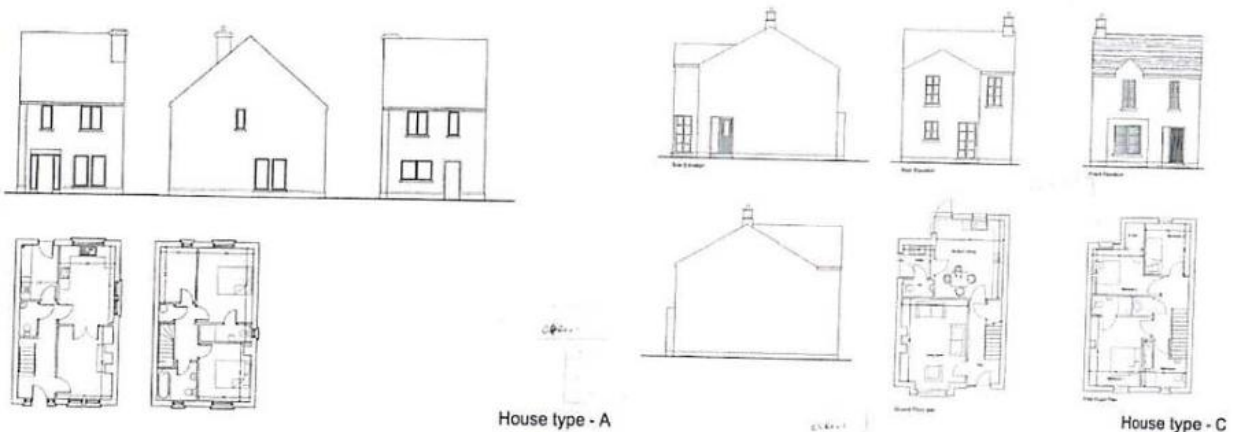
Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered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

- a) The proposed development is residential in nature and located in an area where residential development is prevalent. Whilst the principle of residential development on the site may be acceptable, I have concerns the proposed layout does not create a quality and sustainable residential development. The proposal is for 5 detached 2 storey dwelling units which will surround an existing detached dwelling unit, No.86. The original submitted site plan proposed 6 units comprising 4 detached dwellings and a set of semi-detached dwellings. I relayed significant concerns with the proposed site plan to the agent in two occasions including concerns with the layout and density of the proposal. Drawing 02 Rev 2 provides an amended scheme which alters the layout slightly and removes a dwelling. The amended scheme has been considered and following internal group discussions, it is considered the proposal continues to represent over-development of the site and fails to respect the surrounding context. There is inadequate separate distance between House Type 2 and 3 and the common boundary with onl 2 and

4 metres separation distance respectively. Given the topography of the site, I requested the agent provide site levels which include the FFL of proposed and existing buildings, as well as cross sections to determine the relationship with adjacent properties. To date cross sections have not been provided and the site levels provided in Drawing 02 Rev 2 do not provide adequate detail to demonstrate the proposal is appropriate to the topography of the site. It is considered given the close proximity to the boundaries and difference in site levels, the proposed dwellings would appear overly prominent as a result of the layout. There is also an inadequate separation distance of less than 5 metres between the proposed dwellings House Type 1 and 2 and House 3 and the existing No.86. It is considered dwellings positioned along the roadside plots and at the entrance of the proposed development should be specifically designed to reflect their position within the development (dual aspect). House Type 4 and 5 lack of dual frontage with their associated private amenity space backing onto the public road. It is considered a further reduction in total dwelling units proposed may provide more scope to provide an appropriate layout with adequate separation distances and more suitable siting and orientation. However it is my opinion that the scheme proposed fails to respect the character of the surrounding area.

- 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 site plan Drawing 02 Rev 2 indicate a suitable provision of private amenity space in line with Creating Places with each unit in excess of 40m². However, as stated above the positioning of private amenity space backing onto a public road is not considered appropriate in providing quality residential development. The site is elevated from the public road and currently benefits from by mature trees and hedging defining all boundaries. However, the proposal fails to provide details on retention or provision of vegetation to aid integration and no landscaping plan has been provided. Therefore, it is considered insufficient information has been provided to demonstrate adequate provision of landscaping to soften the visual impact of the proposed development.
- d) The proposal site is situated within the settlement limits of Maghera 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 initially sought to utilise both existing accesses onto Coleraine Road. DfI Roads were consulted and responded requiring clarification of Mid Ulster Council's interpretation of PPS3 AMP 3. It is considered all units should access of one point and the access from the adjacent minor road (Hawthorne Road) is preferable to satisfy the requirements of AMP3. Given 2 plots of land on Hawthorne Road have been outlined in blue on the site location plan, I requested the agent amend the proposal accordingly or provide a detailed explanation as to why access has been proposed from the protected route intensifying existing

semi-detached and detached dwellings finished with a mix of red brick, dark stone and dashed render. The existing dwelling No.86, immediately NE of the application site in which the proposal seeks to surround, is a rundown chalet bungalow with a mixed pitched and hipped roof, finished with dash external walls and concrete roof tiles. This application proposes two house types both of which are two storey detached dwellings with pitched roof and fenestration relatively vertical in their proportions. Whilst I have no major concerns regarding the design, both house types have a blank gable side elevation. It is considered the dwellings on corner plots and facing onto the public road should be specifically designed to reflect their position within the development and incorporate a dual aspect. Furthermore, the current layout arrangement appears to be designed to fit around the existing dwelling of No.86 and I have concerns the proposed layout is not reflective of the immediate character and built form. The density and layout proposed are not sympathetic to the setting of the existing dwelling, particularly the positioning of House 3. It is considered if the existing dwelling is not incorporated into the overall housing scheme, the layout and density requires amendment. The plans submitted fail to detail the proposed materials and finishes, therefore it cannot be determined whether these conform with the best local traditions as per the policy requirements.



- h) Following internal discussions it was the group consensus that the current layout and design is unacceptable and has the potential to create an adverse impact on residential amenity. The private amenity space for House 4 faces onto the road and the separation distance with the existing dwelling No.86 is 7 metres. It is considered this separation distance and siting is inadequate and has the potential to adversely impact on existing and proposed private amenity space. House 2 and 3 are both located less than 5 metres from the common boundary; given the separation distance and difference in ground level, it is considered this has the potential to adversely impact on the residential amenity afforded to the occupants within the adjacent Hawthorne Road in terms of loss of light and loss of privacy to their rear private amenity. It is noted that no proposed landscaping/buffer has been provided to any of the dwelling units, should planning permission be granted appropriate landscaping is required and it is considered the existing natural screening of the site should be retained to protect residential amenity.

- [illegible]

- Page 7 of 11

- i) The proposal seeks permission for a small housing development proposal of 5 unit with the provision of private amenity space and off street parking. I have no significant in terms of crime or health and safety with respect the proposed design.

Policy QD 2 of PPS 7 requires a Design Concept Statement to be submitted with all applications for residential development. Paragraph 4.42 of PPS7 states the submission of Design Concept Statements is necessary to accompany both outline and full planning applications to show how the developer will deliver a quality residential environment on a particular site. To date this has not been submitted for this application.

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
- b) The pattern of development is in keeping with the overall 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

The application site comprises a plot of overgrown land/garden associated with the large detached chalet bungalow, No.86. Whilst it is noted that there are high density housing developments to the SW and NE of the application site, it is considered the proposed density and pattern of development is in appropriate when considered in the context of No.86. It is considered the proposed scheme will detract from the surrounding established character as the proposal represents overdevelopment and the proposed layout could cause a visual or functional disruption to the local character. Whilst the density is considered unacceptable, it is considered the scale and size of dwellings proposed is appropriate and meets the minimum standards set out in the addendum to PPS7.

PPS 3: Access, Movement and Parking - The application site seeks to use an existing access on to Coleraine Road. As previously stated, DfI Roads were consulted and have advised the adjacent road network is a Protected Route and access should be obtained from the adjacent Hawthorne Road. The site location plan includes two parcels of land on Hawthorne Road which have the potential to provide access and are within the blue land, indicating they are under the applicant's control. This was relayed to the agent and he advised this was a mistake and the applicant no longer has ownership of the land on Hawthorne Roads. Despite requesting the site location is amended in November, the agent has failed to amend this mistake and correctly indicate the land under the applicant's control. Policy AMP 3 states

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

- (a) where access cannot reasonably be taken from an adjacent minor road; or*

(b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

Following internal group discussions with the Principle Planner it was agreed as the site location plan has not been amended, the applicant has failed to demonstrate access cannot be reasonably taken from an adjacent minor road. Furthermore, given it has not been determined above that the proposal fails to create a quality residential environment and refusal is recommended, further information or consultation has not been sought to determine whether the nature and level of access onto the Protected Route will compromise road safety. Should members consider the application should be approved, it will be necessary to consider PPS3 policy requirements further to ensure the access will not prejudice road safety or significantly inconvenience the flow of traffic on to the protected route.

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 Plan Policy SETT2 of Magherafelt Area Plan 2015, the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (criteria a) and Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas (criteria b) in that proposed development would result in overdevelopment of the site and the proposed layout fails to respect the surrounding context, character and topography of the site or provide a quality and sustainable residential development.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (criteria c, e, f, g, h) in that insufficient information has been provided to demonstrate;
 - adequate provision is made for public and private open space and landscaped areas as an integral part of the development;
 - the provision of an acceptable movement pattern and appropriate parking;
 - the design of the development draws upon the best local traditions of materials and detailing; and
 - that the layout will not have a detrimental impact on adjacent amenity in terms of overlooking, loss of light, overshadowing, over dominance and other disturbance;
3. The proposal is contrary to Policy QD2 of Planning Policy Statement 7 Quality Residential Environments in that the application is for residential development and a Design Concept Statement has not been provided.

4. The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0561/F	Target Date: <add date>
Proposal: Proposed unit for valeting and cleaning of cars	Location: 15m SE of 82 Corr Road Dungannon
Applicant Name and Address: Dan McNulty 82 Corr Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues:	
Summary of Consultee Responses: DFI Roads – 2.0m x 45.0m sight lines to be conditioned NI Water – water supply available, no waste or storm sewers available Mid Ulster Council EHO – unlikely adverse impact nearest receptor 200m away Shared Environmental Services – may cause concerns if discharging to water environment NIEA – drainage plan acceptable DFI Rivers – service strip to Drumhorrick Branch Drain, east of site	
Characteristics of the Site and Area: This is a rectangular shaped plot located adjacent and east to No. 82 Corr Road, and is flanked between Corr Road to the north and Ballynakilly Road to the south, with access from Corr Road. Along the roadside boundary adjacent to Corr Road there is a 2m high vertical timber fence and access gate. To the south west boundary adjacent to Ballynakilly Road there is a roadside verge and 2m high paladin security fencing. The eastern boundary is not clearly defined and is open to a wooded area of trees boundary beyond the site to the east. A vertical timber fence marks the NW boundary and is a shared boundary with the curtilage of No. 82 Corr Road, which is owned by the applicant.	

Currently on site there is a sizable pitched roofed building/shed with roof lights. There is an external staircase on the eastern gable providing access to first floor. Along the northern elevation there is a sunroom type projecting with glazed wall panels and roof and a garage type roller shutter door opening. To the southern elevation is a large roller shutter door opening. In the NW corner of the site is a newly constructed small prefab garage type single storey shed with roller shutter door to one gable. Most of the site remainder of the site is defined by a large gravel yard hardstand. Between the large building and Corr Road is an open yard defined by concrete apron.

Due to the positioning of the timber fence line at Corr Road sight splays onto this minor road are limited and substandard. In my view access from this site onto the road poses a danger to road safety due to limited visibility.

Adjacent and west of the site is a single storey dwelling with generous garden area which is enclosed by existing tree lined boundaries. Land in the area is used mostly for agricultural purposes and is defined by dispersed single dwellings and farm holdings.

Approx. 1km to the SE of the site is the Cohannon Inn and associated petrol filling station and other retail and food facilities. This also serve as Motorway Services.

Approx. 1km to the NW is McNulty Motors, the owner of which is the applicant of this proposal.

St. Marys GAA grounds is located approx.. 1/2km west of the site.

Description of Proposal

This is a full planning application for a proposed unit for valeting and cleaning of cars.

Deferred Consideration:

This application was before the Planning Committee in October 2020 where it was deferred to allow a meeting with the Planning Manager. A meeting was held via WEBEX on 12 November 2020 where the use of the site and the adjoining buildings were discussed. It was set out this was used by Glass Décor for the display of and creation of art on glass panels through sand blasting to etch the surface. The applicants indicated they bought the entire site and adjacent dwelling and wish to use this site to valet vehicles in association with the car sales further along Ballynakilly Road as the existing site is to constrained.

Members are advised the most appropriate method of establishing the lawful use of a site is thought the submission of an application for a Certificate of Lawful Use or Development. In this case however I feel it is reasonable to take account of the information presented as well as my own observations and 3rd party independent information.

Following the meeting I visited the site and had access to the existing building on the site. The existing building has 2 floors with a single storey annex to one side which appeared to be used for the sand blasting process to etch glass and a conservatory to the other side which was used to display an assortment of different images on the glass. Upstairs appears to have been used for storage purposes and there was an area in the middle of the building which I am advised was used for office use and to display more pieces of work. Planning permission was granted for a domestic garage in 2005 (M/1995/0692) and Building Control also had application for garage in

1995 (D/1005/0587). From my inspection I am content that this building has been used for a commercial purpose for the etching and display of glazing products. Images from Google Street View dating from February 2009 and August 2011 and from OSNI Aerial photography appear to corroborate that this was used for a commercial purpose with its own separate curtilage and independent access. From my own inspection I noted the building was being used to store cars however it is not readily usable for this or easily converted for the proposed car valeting purposes. In light of the above I am of the opinion this was an established commercial operation and there has been a subdivision of the planning unit.

Aerial Photograph – 7 June 2013



Aerial Photograph – 7 June 2013



Google Street View zoomed image to show glass detailing in conservatory February 2009



Google Street View Aug 2011 shows still in use at that time.

PED 3 of PPS4 allows for the expansion of an established economic development use in the countryside. Glass Décor was the original business on the site and it is no longer in existence. From the information presented it would appear there was sales and processes carried out on the site that were a mix of Class B2 Light Industrial Use and Class A1 Retailing, as defined in the Planning (Use Classes) Order (NI) 2015 (UCO). These, I consider are the established uses on the site. The proposed development is for car valeting which the applicant has stated is in connection with his established car sales business further along Ballynakilly Road. The definition of 'industrial process' is set out in the UCO and includes 'the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning or adapting for sale of any article'. I consider the proposed development still falls with Class B2 development as the valeting of cars is not of itself especially noisy or causes sufficient nuisance to be Class B3 – General Industrial use. I am of the opinion this development can be assessed against PED3 of PPS4.

The applicant has indicated there existing buildings cannot be readily altered to accommodate the proposal and I would agree with this as it would necessitate significant structural alterations and removal of part of the existing buildings. As such I consider it is reasonable to allow the erection of a new building on the site. The aerial photographs illustrate the extent of the curtilage of the development, this proposal is not proposing any extension of the curtilage. The proposed building is a low mono-pitched building which has a maximum height of 4.8m, its is to be finished with render painted walls and cladding to the roof. The proposed building is 19.2m long and 9.5m wide with the gable facing towards the Ballykilly Road and 3 roller doors in the tallest elevation that faces towards the existing buildings on the site. I consider the proposed development is appropriate in scale and size for the site and meets with PED3.

PED 9 is also a consideration here and it sets out a number of criteria that should be met. In assessing this policy it is noted there are no other developments or neighbours close to the site to be impacted by the activities or noise. NIEA have been provided with details about drainage from the site and the collection and treatment of the waste water. This is acceptable to them and I consider it important to condition the provision of this before any operations commence on the site. The site is not within any area that floods and DFI Roads have advised an access with sight lines of 2.0m x 45.0m is acceptable and these

can be provided within the applicants control. The site is located at the side of Ballynakilly Road close to a cross roads and sharp bends, where I consider any distraction to road users should be limited, as such I feel it is necessary to condition the use of the site for the valeting purposes only and not for the sale of or display of vehicles for sale. This should reduce the potential distraction to road users and also the sales of vehicles is not encouraged in the open countryside. The development is in the rural area where it is noted the site is predominantly accessed by car though there is no impediment to prevent access by other modes of transport. There is existing vegetation to the east and the buildings to the west provide enclosure to the proposed development, I do however consider it appropriate to condition the provision of native species planting behind the sight lines and along the boundary with Ballynakilly Road. The provision of the landscaping will, in my opinion ensure the site is well screened from view from Ballynakilly Road, a heavily trafficked road approaching sharp corners where any distraction should be discouraged. The native species vegetation will also add to the biodiversity in the area especially given the area of trees to the north.

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.

As I have concluded in the report that the site has an established economic use and the proposal meets with the relevant policies in PPS4, it also meets with CTY1 in PPS21 and as such I recommend this is approved.

Conditions/Reasons for Refusal:

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

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

2. Prior to the commencement of any car valeting on the site the proposed drainage scheme, silt collector with oil separator and holding tank, as detailed on drawing no 02 Rev 4 bearing the stamp dated 1 JUN 2022, shall be provided and maintained to ensure contaminated water from the site is not discharged into the surrounding watercourses.

Reason: To prevent pollution and protect Lough Neagh RAMSAR.

3. Prior to commencement of the development hereby permitted, visibility splays of 2.0 metres by 45.0 metres at the junction of the proposed access with Corr Road, shall be provided in accordance with the approved drawing No 02 Rev 4 bearing the stamp dated 1 JUN 2022. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

4. Within the first landscaping season following the commencement of the development hereby approved, a native species hedge shall be planted to the rear of the sight lines onto Corr Road, and a 5 metre wide landscaping belt of native species trees and hedging shall be planted to the rear of the fence along the boundary with Ballynakilly Road, as indicated on drawing No 02 Rev 4 bearing the stamp dated 1 JUN 2022 and the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: In the interests of visual amenity to ensure the provision, establishment and maintenance of a high standard of landscape.

5. The development hereby approved is for the valeting of vehicles only and shall not be used for the sale or display for sale of motor vehicles.

Reason: In the interests of road safety and to prevent unauthorised uses on the site. safeguard residential amenity.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0561/F	Target Date:
Proposal: Proposed unit for valeting and cleaning of cars	Location: 15m SE of 82 Corr Road Dungannon
Referral Route: Refusal	
Recommendation:	Refuse
Applicant Name and Address: Dan McNulty 82 Corr Road Dungannon BT71 6HH	Agent Name and Address: CMI Planners LTD 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report**Site Location Plan**

Representations: None Received

Description of proposal

This is a full planning application for a proposed unit for valeting and cleaning of cars.

Characteristics of site and area

This is a rectangular shaped plot located adjacent and east to No. 82 Corr Road, and is flanked between Corr Road to the north and Ballynakilly Road to the south, with access from Corr Road. Along the roadside boundary adjacent to Corr Road there is a 2m high vertical timber fence and access gate. To the south west boundary adjacent to Ballynakilly Road there is a roadside verge and 2m high paladin security fencing. The eastern boundary is not clearly defined and is open to a wooded area of trees boundary

beyond the site to the east. A vertical timber fence marks the NW boundary and is a shared boundary with the curtilage of No. 82 Corr Road.

Currently on site there is a sizable pitched roofed building/shed with roof lights. There is an external staircase on the eastern gable providing access to first floor. Along the northern elevation there is a sunroom type projecting with glazed wall panels and roof and a garage type roller shutter door opening. To the southern elevation is a large roller shutter door opening. In the NW corner of the site is a newly constructed small prefab garage type single storey shed with roller shutter door to one gable. Most of the site remainder of the site is defined by a large gravel yard hardstand. Between the large building and Corr Road is an open yard defined by concrete apron.

Due to the positioning of the timber fence line at Corr Road sight splays onto this minor road are limited and substandard. In my view access from this site onto the road poses a danger to road safety due to limited visibility.

Adjacent and west of the site is a single storey dwelling with generous garden area which is enclosed by existing tree lined boundaries. Land in the area is used mostly for agricultural purposes and is defined by dispersed single dwellings and farm holdings.

Approx. 1km to the SE of the site is the Cohannon Inn and associated petrol filling station and other retail and food facilities. This also serve as Motorway Services.

Approx. 1km to the NW is McNulty Motors, the owner of which is the applicant of this proposal.

St. Marys GAA grounds is located approx.. 1/2km west of the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Dungannon and South Tyrone Area Plan 2010: the site is located in the open countryside, old green belt, and policies PPS21 Sustainable development in the countryside and Strategic Planning Policy Statement (SPPS) apply.

Relevant Planning Policy

SPPS- Strategic Planning Policy Statement
PPS21- Sustainable Development in the Countryside
PPS4- Planning and Economic Development
PPS3- Access, Movement and Parking
PPS2- Natural Heritage
PPS15 (revised)- Planning and Flood Risk

Planning History

M/1981/0240- retirement dwelling, replacement shop, filling station and general meal store, permission granted.

M/1991/0481- Petrol filling station/shop and dwelling, permission refused.

3rd party representations/objections

None received at the time of report writing

Consideration

This proposal is a full planning application for a valeting and cleaning of cars business in the countryside. There is no conflict between policy contained within SPPS and PPS21 or PPS4 in relation to this planning application.

PPS21 is the overarching policy for all development in the countryside. Policy CTY1 of PPS21 sets out the type of development that is considered acceptable in the countryside, including;

- the reuse of an existing building in accordance with Policy CTY4; and
- non-residential development such as industry and business uses in accordance with PPS4 Planning and Economic Development.

Policy CTY4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. The justification and amplification then goes on to state that there are a range of older buildings in the countryside, including some that have been listed, that are no longer needed for their original purpose. These can include former school houses, 19 churches and older traditional barns and outbuildings. The reuse and sympathetic conversion of these types of buildings can represent a sustainable approach to development in the countryside and for certain buildings may be the key to their preservation. Part (b) of CTY4 also states that where the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality.

Therefore my interpretation of this policy is that the aims of CTY4 is to protect older vernacular style buildings in the countryside that are of a certain architectural merit or feature. The building that exists on site is a modern looking building at looks like it was build around the same time as the dwelling located to the west. It is of pitched roof construction, with a single storey corrugated

Perspex lean-to extension added at a later stage. Its walls are plastered brick/block construction. The plan of the building is square, measuring approx. 15m by 15m. Openings to the building are defined by roller shutter door opening and modern pvc window and door openings. There is outdoor metal stair case providing access to the loft of the building. There as been a modern sunroom extension added to the northern elevation of this building with glass wall and roof panelling, which also has the appearance of modern construction. I am of the view that this building is not a suitable building for conversion that the aims of CTY4 had in mind, and can therefore discount this policy.

Policy PED 2- Economic Development in the Countryside of PPS4 sets out the circumstances where proposals for economic development use/business use are considered to be acceptable in the countryside and include;

- The Expansion of an Established Economic Development Use - Policy PED 3
- The Redevelopment of an Established Economic Development Use - Policy PED 4
- Major Industrial Development - Policy PED 5
- Small Rural Projects - Policy PED 6

In support of this application the agent has provided the following information;

- A supporting statement date stamp received 24 Aug 2020 stating that the site was last used by a business trading as Glass D?cor (allegedly from approx.. 1994 to 2017);
- A number of ortho and Google Earth photos to demonstrate that the site was in commercial use for the said period;
- Accounts dated 1997;
- Invoices dated 2000-2005;
- A case made by the agent that the proposal should be assessed under policy PED4 given that an economic use was established on the site since 1997.
- The agent has indicated that this business will be used as ancillary to the applicants existing business, McNulty Car Sales, which is located approx. 1km NW of the application site. The agent has also stated that there will be no car sales from this proposed site, that there will only be a car valeting and car wash facility at the site, and that members of the public can also drop in to have their cars washed and/or valeted.
- The power wash facility will use simple soap and water. Cleaning products will be used for the internal cleaning of cars.

Due to the sensitive nature of the invoices and accounts data provided this information has not been uploaded to the Planning Portal.

At the time of my site visit I could not get into the site as the wooden gated access from Corr Road into the site was secured and locked. 5 cars were parked between the large building on site and Corr Road in the North Western corner. A further 5 or 6 cars were parked on the far side of the building between it and Ballynakilly Road. There was no sign of any business or activities taking place at the yard or within any of the buildings on site.

There is no clear planning history on this site for any commercial use, except back in 1981 when there was permission for a retirement dwelling, replacement shop, filling station and general meal store, permission granted (M/1981/0240). In 1991 permission was refused on this site for a Petrol filling station/shop and dwelling (M/1991/0481). This planning history does not establish any commercial use on this site.

While there may have been a Glass Decor business operating for this site in the past, it is not clear which part of the site or buildings this was from or if it was carried out from the adjacent dwelling site, No. 82. Plus the accounts/invoices are only up to 2005 and there has been no evidence submitted to show that this use was in operation up to 2017.

Ortho images of the site from over the years indicate that the hardstand and large building have been in place for a period of well over 5 years and are established on this site. These ortho images however are not conclusive that this building and associated yard were used as a commercial business.

The small pre-fabricated building located in the northern corner of the site does not appear in any ortho images. There is no planning permission in place for this building and I have alerted our enforcement team to this.

In my view, the evidence provided is not sufficient to demonstrate that a commercial use is established on this site, and the appearance for the ortho images would suggest that the shed and yard could have just as easily be used as ancillary to the existing dwelling on site. While a commercial use may have operated from part of the site in 2005, it may be that this use ceased and the buildings and yard reverted to an ancillary residential use to the main dwelling. In previous orthos the dwelling and subject site seemed to be as one, and only recently a fence has been erected to separate the property into two separate units.

Policy PED 4 is only applicable where it has been demonstrated that there is an established economic development use on the site therefore this policy is not applicable.

Therefore, this application has to be assessed as a new economic development use in the countryside. While there is scope under policies PED 5 and 6 of PPS4 for new economic development uses in the countryside it is my view the proposal does not represent either a major industrial development or small rural project therefore policies PED5 and 6 are not applicable.

The agent has not provided any more information to demonstrate why this proposal should be allowed at this location and not within the limits of a settlement. I therefore recommend that this application be refused as it is contrary to PPS21 policy CTY1 and PPS4 Policy PED2.

In terms of the integration, the large building and yard are both immune from enforcement therefore can remain in permanence. A new building is proposed on this site measuring approx. 19m long and 9.5m wide and a ridge height of 4.5m high. This building has a mono pitched roof, and the materials and design are out of character with existing established buildings on this site. In my view this building will not integrate onto this site and will look out of character and should therefore be refused in terms of its design in accordance with CTY13 of PPS21.

PPS3

Dfl Roads were consulted on this proposal initially and raised concern over existing visibility splays. The agent provided his own revised block plan to show improved visibility and Dfl Roads responded raising no objections to the proposal subject to planning informatives. However no planning conditions were attached to this response.

The agent has demonstrated that splays of 2.4m by 84m in both directions can be achieved. Should permission ever be granted for this proposal I advise that a condition is put in place that within 3 months from the date of the permission that splays of 2.4m by 84m be put in place in both directions in accordance with drawing No. 02 rev1 and shall be permanently retained thereafter.

PPS2

I sent Shared Environmental Services an e-mail to comment on potential impacts of this proposal on European protected sites. SES replied in June stating the following; -'I have reviewed this application which is 2.5km upstream of Lough Neagh Ramsar site. There is a ditch about 1 - 2 m wide adjacent to the east of the site which is 5m from the car parking and 28 m from the building to be constructed. P1 form states 'nil' water requirement but also states that foul sewage will be treated via a treatment plant. Is this an existing treatment plant for the current dwelling and building with a discharge consent. If so then I am satisfied that there will be no emissions from the site that could have a likely significant impact on Lough Neagh Ramsar site/SPA'.

The agent has indicated in his statement of case that a power car wash will be located at the site so I have sent a formal consultation to SES for comment. At present the agent has not demonstrated that the proposal will not have a detrimental impact on the surrounding natural environment.

NIEA have been consulted and state that they are unable to assess the potential impacts of the proposal on the water environment and require a full Drainage Assessment. As I find the proposal not acceptable in principle I have not requested this additional information.

As there is insufficient information to demonstrate otherwise I find the proposal to be currently contrary to policy NH1 European and Ramsar Sites of PPS2.

PPS15 (revised)

I consulted Rivers Agency for comment as there is an open watercourse adjacent to the eastern boundary and the site is surrounded by Flood Plain. Rivers Agency indicate that the site is not located within a flood plain and that they do not require a Drainage Assessment, however they do require that a 5m maintenance strip is maintained along the open water course to the east.

Other Considerations

There are no issues of land contamination identified by any consultees.

Environmental Health raise no concern over potential impacts of noise, nuisance or general disturbance from this proposal on the adjacent residential development. The block plan includes the adjacent dwelling to be within the same ownership as the application site. Given that both properties are within the same ownership it is unlikely that there will be any complaints. While the owners are the same at present, this may not always be the case so a noise assessment may be required, or at the very least a condition restricting hours of operation should permission be granted. Environmental Health indicate that the nearest sensitive receptor is a dwelling over 200m away and that there will be likely no residential amenity impacts from this proposal.

Neighbour Notification Checked	Yes
Summary of Recommendation: That permission is refused subject to the following reasons for refusal.	
Refusal Reasons <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal falls within any of the range of types of development which in principle are considered to be acceptable in the countryside and therefore does not contribute to the aims of sustainable development. 2. The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that building to be converted is a suitable building in terms of form, character or architectural features and its conversion would not represent a sustainable approach to development in the countryside. 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design of the proposed new building is inappropriate for the site and locality and would not integrate into the landscape. 4. The proposal is contrary to policy PED2 Economic Development in the Countryside of PPS4 Planning and Economic Development in that it has not been demonstrated that the proposal falls within any of the range of developments where an economic development use is considered to be acceptable in the countryside. 5. The proposal is contrary to policy NH1 European and Ramsar Sites- International of PPS2 Natural Heritage in that a Drainage Plan has not been provided to demonstrate that the proposal will not have a significant effect on Lough Neigh. 	
Signature(s) Date:	

ANNEX	
Date Valid	19th May 2020
Date First Advertised	2nd June 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 82 Corr Road,Dungannon,BT71 6HH	
Date of Last Neighbour Notification	12th June 2020
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant): NA Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0146/O	Target Date: 30 March 2021
Proposal: Site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas	Location: Site Between Oakland Villas And 167 Drum Road Cookstown
Applicant Name and Address: Philip And Judith Mitchell 167 Drum Road Cookstown	Agent name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site lies outside any defined settlement limits as defined in the Cookstown Area Plan 2010. The site is located in the rural area, the settlement limit of Cookstown is located approx. 2.2km east of the proposal site. The application site comprises a portion of land located to the rear of the detached chalet dwelling No.167. On the date of the site inspection it was noted there appeared to be recent clearing of the application site. The application proposes to utilise the existing access on to Drum Road via Oakland Villas which currently serves 6 dwellings. Whilst the proposal argues the entrance of the application site to Oakland Villas is existing and in use, it appears recent clearing has taken place and it is noted that there is an ongoing enforcement investigation regarding this. The topography of the site is relatively flat. Close board fencing currently defines the southern boundary separating the site with the curtilage of No.167. The western boundary of the site is defined by mature trees and hedging, whilst the remaining boundaries are currently undefined. There is a medium degree of	

development pressure in the immediate context given the 2 storey terrace dwellings within Oakland Villa to the west of the site and detached dwelling of No. 167 with associated outbuildings to the south east. The wider landscape character is rural with the predominant land use being agricultural fields and dispersed holdings and dwellings. Drum Manor Forest Park is located a short distance to the west.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands Oakland Villas and 167 Drum Road, Cookstown.

Deferred Consideration:

This application was presented as a refusal to the Planning Committee in June 2021 and was deferred for an office meeting. It was then presented to the Planning Committee in December 2021 with a recommendation to approve but there were concerns the applicant did not own the access through Oakland Villas which was created to facilitate the proposed dwelling. Following discussions with both the agent and NIHE it was confirmed the proposed access was not in the control of the applicant. A subsequent amendment to the application was received which shows the access being taken from a secondary access currently serving the applicant's dwelling at No 167 Drum Road, Cookstown.

We have previously addressed the principle of this development and it was considered this dwelling could be recommended for an approval based on Policy CTY 2a. The application does not meet all the criteria of CTY 2a and we previously addressed any concerns this application would set a precedent, which it will not as it is within the spirit of Policy CTY 2a. A dwelling on this site will not have any detrimental impact on the existing rural character of this area and it will constitute a rounding off within an existing cluster of development.

The site has a good degree of enclosure and the existing vegetation will aid the integration of a new dwelling. To ensure the dwelling is in keeping with the existing character of the area a ridge height of 6.5m is recommended, as well as a siting condition so as to protect the amenity of the existing neighbours. A new dwelling at this location will not significantly alter the character of the area and it is considered the application complies with this policy. An approval with conditions is therefore recommended.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

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

Condition 2

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.

Condition 3

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

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

Condition 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.

Condition 5

The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

Condition 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.

Condition 7

The proposed dwelling shall be sited in the area shaded blue on the approved plan 01/1 date stamped 31 May 2022

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and to preserve the amenity

and privacy of the adjoining dwelling.

Condition 8

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

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

Signature(s):Karen Doyle

Date: 16 December 2022



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0146/O	Target Date:
Proposal: Proposed site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road	Location: Site between Oakland Villas and 167 Drum Road Cookstown
Applicant Name and Address: Philip and Judith Mitchell 167 Drum Road Cookstown	Agent name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Characteristics of the Site and Area: The application site lies outside any defined settlement limits as defined in the Cookstown Area Plan 2010. The site is located in the rural area, the settlement limit of Cookstown is located approx. 2.2km east of the proposal site. The application site comprises a portion of land located to the rear of the detached chalet dwelling No.167. On the date of the site inspection it was noted there appeared to be recent clearing of the application site. The application proposes to utilise the existing access on to Drum Road via Oakland Villas which currently serves 6 dwellings. Whilst the proposal argues the entrance of the application site to Oakland Villas is existing and in use, it appears recent clearing has taken place and it is noted that there is an ongoing enforcement investigation regarding this. The topography of the site is relatively flat. Close board fencing currently defines the southern boundary separating the site with the curtilage of No.167. The western boundary of the site is defined by mature trees and hedging, whilst the remaining boundaries are currently undefined. There is a medium degree of development pressure in the immediate context given the 2 storey terrace dwellings within Oakland Villa to the west of the site and detached dwelling of No. 167 with associated outbuildings to the south east. The wider landscape character is rural with the predominant land use being agricultural fields and dispersed holdings and dwellings. Drum Manor Forest Park is located a short distance to the west.	

Description of Proposal

This is an outline planning application for a dwelling and garage on lands Oakland Villas and 167 Drum Road, Cookstown.

Deferred Consideration:

This application was presented as a refusal to Planning Committee in June 2021 for the following reasons;

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy CTY 1 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 CTY 8 Ribbon Development of Planning Policy Statement 21 in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Drum Road and would create or add to a ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

It was subsequently deferred for a virtual office meeting with the Area Planning Manager and a meeting was held on 17 June 2021 and the senior planner was asked to re-visit the site and consider policy CTY2a as it is considered that CTY8 cannot be met.

Certain criteria must be met in order to meet the policy for Policy CTY2a – New dwellings in existing clusters. In the policy this states it should be a focal point 'such as' a social/community building/facility.

There must also be a cluster of development which lies outside a farm and consist of 4 or more buildings, of which at least 3 are dwellings. This excludes garages and outbuildings, and I would consider this cluster has more than 4 dwellings and which would constitute the required number. The existing cluster appears as a visual entity in the local landscape.

In the policy there is no exhaustive list of what constitutes a focal point, but rather some examples are given. A focal point is considered as giving a place a 'sense of identity' and somewhere that is well known to the local community with a sense of presence, and so keeping within the spirit of the policy. The agent had mentioned at the office meeting there is a 'Builders Yard' at No.167 which was established since the 1980s. However at the time of my site visit it was evident it was not being used as such, and had not been for a long period of time, and therefore could not be considered as a focal point. However, I would consider the 'Village Green' area to the front of Oakland's Villas, the SW of the site, would fall under this definition.



This should not be seen as setting a precedent for dwellings approved under CTY2a, but rather that is in the spirit of the policy. A dwelling on the site would not have any detrimental impact on the existing rural character of this area and it would constitute a rounding off within an existing cluster of development.

In terms of CTY13 the site has a good degree of enclosure and it is considered the existing vegetation would aid in integrating a dwelling. To ensure the dwelling is in keeping with the existing character of the area I would add a 6.5m ridge height condition, as well as a siting condition to ensure the protection of the amenity of the neighbours.

Objections had been received in relation to the site being regarded as not meeting infill policy, also stating that false information was given in relation to the access to be used and that it was only opened recently. The original case officer dealt with these issues at the time this application was presented to Committee in June 2021 and no further objections have been received.

Policy CTY14 states permission will be granted where a dwelling does not cause any detrimental change for further erode the character of the area. This site would not significantly alter the character of the area and therefore I feel complies with this policy.

Approval with conditions is therefore recommended in this case.

The The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Conditions:

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

7. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

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

Reason: In the interest of visual amenity.

9. The proposed dwelling shall be sited in the area shaded blue on the approved plan 01 date stamped 2 Feb 2021.

Reason: To ensure that the development is satisfactorily integrated into) the landscape in accordance with the requirements of Planning Policy Statement 21 and to preserve the amenity and privacy of the adjoining dwelling.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0146/O	Target Date: 18/05/21
Proposal: Proposed infill site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road	Location: Site between Oakland Villas and 167 Drum Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Philip and Judith Mitchell 167 Drum Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. 2no. letters of objection have been received.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content

Representations:

Letters of Support	1
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The application site lies outside any defined settlement limits as defined in the Cookstown Area Plan 2010. The site is located in the rural area, the settlement limit of Cookstown is located approx. 2.2km east of the proposal site. The application site comprises a portion of land located to the rear of the detached chalet dwelling No.167. On the date of the site inspection it was noted there appeared to be recent clearing of the application site. The application proposes to utilise the existing access on to Drum Road via Oakland Villas which currently serves 6 dwellings. Whilst the proposal argues the entrance of the application site to Oakland Villas is existing and in use, it appears recent clearing has taken place and it is noted that there is an ongoing enforcement

investigation regarding this. The topography of the site is relatively flat. Close board fencing currently defines the southern boundary separating the site with the curtilage of No.167. The western boundary of the site is defined by mature trees and hedging, whilst the remaining boundaries are currently undefined. There is a medium degree of development pressure in the immediate context given the 2 storey terrace dwellings within Oakland Villa to the west of the site and detached dwelling of No. 167 with associated outbuildings to the south east. The wider landscape character is rural with the predominant land use being agricultural fields and dispersed holdings and dwellings. Drum Manor Forest Park is located a short distance to the west.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands Oakland Villas and 167 Drum Road, Cookstown.

The dwelling is being considered as a gap site under Planning Policy Statement 21, Policy CTY 8, Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

PPS 3: Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

- Policy AMP 3 Access to Protected Routes

PPS 21: Sustainable Development in the Countryside

- Policy CTY 1 Development in the Countryside

- Policy CTY 8 Ribbon Development.

- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 letter of support and 2 letters of objection have been received. The address of the letter of support is No.167, which is

outlined in blue within the applicant's control, and the representation states "suitable infill site". The issues outlined in the 2no objection letters are summarised below:

- Both objection letters argue that the application includes false information. The representations state the application attempts to open a new access into the car parking area at Oakland Villas and this was never previously used as an entrance. They state this proposed entrance was only opened up on 08/02/21 involving the removal of 20ft of hedging and cutting down of 3 large trees. It is argued the reference on the block plan that the existing entrance is used to access 6 dwellings at Oakland Villas and the builder's yard for over 30 years with up to 30 vehicles using it per day is false.

Following a review of the original block plan submitted, I requested that the agent remove the annotations to the existing access use / current vehicle numbers accessing the builder's yard as this information is not necessary to be included on drawings. I also requested reference to "Commenced footings for commercial buildings" to be removed as no planning approval relating to commercial buildings was identified and regardless this does not form part of this planning application. The agent has submitted an amended block plan removing these annotations and has also provided what appears to be a land registry map showing the access through Oakland Villas shaded blue which he has advised is a right of way to the premises from this entrance. He also submitted a site layout plan from the 1990s however this Drawing does not include any DOE Planning Service stamps and also does not include the said "commercial building" that is annotated on the original layout plan. On the date of the site inspection, I noted that there appeared to be recent clearing of the application site and proposed entrance. It is noted there is currently an enforcement investigation ongoing with respect the entrance/access from Oakland Villa to the parcel of land subject to this application. Following observations on the site inspection, a review of google street view and aerial images, it appears that the access from the application site to Oakland Villas was not always in place. I requested that the agent amend Q.12 of the P1 Form as this is not "use of an existing unaltered access" and the agent has subsequently amended accordingly.

Planning History

I/1980/0144 - Proposed store for owners use – 167 Drum Road, Cookstown – Permission Granted

I/1993/0031 - Change of use from store, garage and office to manufacturing workshop and stores including construction of new access – Adjacent to Oakland Villas, Cookstown – Permission Refused

Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

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

PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. This application is being considered against Policy CTY 8 of PPS21. Considering the requirements of CTY 8, planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case, it is my opinion that the proposal does not constitute a small gap site within an otherwise substantial and continuously built up frontage and the application site does not respects the existing development pattern along the frontage. It is noted from the submitted block plan that the applicant is relying on No.01 and No.5-6 Oakland Villas; and No.167 Drum Road and the associated outbuilding/garage as a line of three or more existing buildings along the road frontage for the purposes of meeting Policy CTY8. When approaching the site from the west, the rear of the terrace dwellings of No.1-4 Oakland Villas are visible. These dwellings have an eastern orientation and do not face onto Drum Road, set back approx. 18 metres from this public road. When continuing from this approach, the semi-detached units No.5-6 Oakland Villa and the detached dwelling of No.167 only come into clear view when almost at the entrance of Oakland Villas. No.167 is located on the roadside set on a large curtilage with amenity space 22 metres in length to the west of the dwelling. When approaching the site from the east the side elevation of No.167 is viable, whilst they are only partial/isolated views of the front elevation of the terrace block No.1-4 Oakland Villa and little to no views of No.5-6 Oakland Villa which are set back 48 metres from Drum Road. It is noted that the amplification to policy CTY8 states “Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.” However, I do not consider that the terrace block of No.1-4 Oakland Villas; the semi-detached dwellings No.5-6 Oakland Villas; the application site and No.167 are in a line with a common frontage along Drum Road. It is considered the land within the curtilage of No.167 provides a gap between the development of Oakland Villas and No.167 and outbuilding. Whereas the proposed application site is not located along the road frontage, set back approx. 51 metres from the Drum Road and comprising the land to the rear of the curtilage of No.167. The road frontage portion of the site currently serves as the access for dwellings to Oakland Villas and only forms a means of access to the where the dwelling would have to be accommodated. In the context of the size, scale, siting and plot size of existing built form within Oakland Villas, the application site would not respect the existing development pattern. The buildings of No.1-4 and No.5-6 Oakland Villa face into the development, not onto Drum Road and I do not consider they form “a line of 3 or more buildings along a road frontage without accompanying development to the rear”. It is considered an approval of this application would add to a ribbon of development and Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all listed criteria is met. I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings. Given the build-up of development, this cluster could be considered as a visual entity in the local landscape. It is also accepted, given this is an outline application, that the proposed dwelling could be sited and designed to ensure no adverse impact to residential amenity. However, there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. Therefore, it is considered the proposal would also fail under Policy CTY2a.

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. Given the existing, established vegetation to the boundaries of the site and the flat topography, I consider a dwelling and garage could be accommodated without appearing as an overly prominent feature in the landscape. I am content that a dwelling and garage on the site will not be a prominent feature in the landscape given the set back to Drum Road and the flat topography of the site. There are minimal critical views when travelling in an easterly direction, however should planning permission be granted a condition requiring the submission of a landscaping plan to accompany any forthcoming reserved matters application will be required, particularly to ensure integration along the east boundary. Should permission be granted the design of the proposed dwelling would also be a matter for consideration at the Reserved Matters stage.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development. The proposed dwelling will access via Oakland Villas, I do not consider the plot size or siting to respect the traditional pattern of settlement. In my opinion, the proposal has the potential to further erode the rural character of the area and as such is contrary to Policy CTY 14.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have responded with no objections subject to conditions. It is noted that the adjacent road network is a protected route. DfI Roads Checklist provided states "A505 is not accessed directly but via Oakland Villas therefore PPS3 AMP3 not applicable". Annex 1 of PPS21 "Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking" provides exceptions for a development proposal involving access onto a Protected Route in certain cases and removes reference to intensification of an existing access as was previously the criteria within PPS3 (Clarification). Therefore, on the basis of DfI Roads response it is not considered the proposal will prejudice road safety or significantly inconvenience the flow of traffic.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

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

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 CTY 8 Ribbon Development of Planning Policy Statement 21 in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Drum Road and would create or add to a ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

Signature(s)**Date:**



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0146/O	Target Date: 18/05/21
Proposal: Proposed infill site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road	Location: Site between Oakland Villas and 167 Drum Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Philip and Judith Mitchell 167 Drum Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. 2no. letters of objection have been received.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content

Representations:

Letters of Support	1
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The application site lies outside any defined settlement limits as defined in the Cookstown Area Plan 2010. The site is located in the rural area, the settlement limit of Cookstown is located approx. 2.2km east of the proposal site. The application site comprises a portion of land located to the rear of the detached chalet dwelling No.167. On the date of the site inspection it was noted there appeared to be recent clearing of the application site. The application proposes to utilise the existing access on to Drum Road via Oakland Villas which currently serves 6 dwellings. Whilst the proposal argues the entrance of the application site to Oakland Villas is existing and in use, it appears recent clearing has taken place and it is noted that there is an ongoing enforcement

investigation regarding this. The topography of the site is relatively flat. Close board fencing currently defines the southern boundary separating the site with the curtilage of No.167. The western boundary of the site is defined by mature trees and hedging, whilst the remaining boundaries are currently undefined. There is a medium degree of development pressure in the immediate context given the 2 storey terrace dwellings within Oakland Villa to the west of the site and detached dwelling of No. 167 with associated outbuildings to the south east. The wider landscape character is rural with the predominant land use being agricultural fields and dispersed holdings and dwellings. Drum Manor Forest Park is located a short distance to the west.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands Oakland Villas and 167 Drum Road, Cookstown.

The dwelling is being considered as a gap site under Planning Policy Statement 21, Policy CTY 8, Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

PPS 3: Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

- Policy AMP 3 Access to Protected Routes

PPS 21: Sustainable Development in the Countryside

- Policy CTY 1 Development in the Countryside

- Policy CTY 8 Ribbon Development.

- Policy CTY 13 Integration and Design of Buildings in the Countryside

- Policy CTY 14 Rural Character

The Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 letter of support and 2 letters of objection have been received. The address of the letter of support is No.167, which is

outlined in blue within the applicant's control, and the representation states "suitable infill site". The issues outlined in the 2no objection letters are summarised below:

- Both objection letters argue that the application includes false information. The representations state the application attempts to open a new access into the car parking area at Oakland Villas and this was never previously used as an entrance. They state this proposed entrance was only opened up on 08/02/21 involving the removal of 20ft of hedging and cutting down of 3 large trees. It is argued the reference on the block plan that the existing entrance is used to access 6 dwellings at Oakland Villas and the builder's yard for over 30 years with up to 30 vehicles using it per day is false.

Following a review of the original block plan submitted, I requested that the agent remove the annotations to the existing access use / current vehicle numbers accessing the builder's yard as this information is not necessary to be included on drawings. I also requested reference to "Commenced footings for commercial buildings" to be removed as no planning approval relating to commercial buildings was identified and regardless this does not form part of this planning application. The agent has submitted an amended block plan removing these annotations and has also provided what appears to be a land registry map showing the access through Oakland Villas shaded blue which he has advised is a right of way to the premises from this entrance. He also submitted a site layout plan from the 1990s however this Drawing does not include any DOE Planning Service stamps and also does not include the said "commercial building" that is annotated on the original layout plan. On the date of the site inspection, I noted that there appeared to be recent clearing of the application site and proposed entrance. It is noted there is currently an enforcement investigation ongoing with respect the entrance/access from Oakland Villa to the parcel of land subject to this application. Following observations on the site inspection, a review of google street view and aerial images, it appears that the access from the application site to Oakland Villas was not always in place. I requested that the agent amend Q.12 of the P1 Form as this is not "use of an existing unaltered access" and the agent has subsequently amended accordingly.

Planning History

I/1980/0144 - Proposed store for owners use – 167 Drum Road, Cookstown – Permission Granted

I/1993/0031 - Change of use from store, garage and office to manufacturing workshop and stores including construction of new access – Adjacent to Oakland Villas, Cookstown – Permission Refused

Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

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

PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. This application is being considered against Policy CTY 8 of PPS21. Considering the requirements of CTY 8, planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case, it is my opinion that the proposal does not constitute a small gap site within an otherwise substantial and continuously built up frontage and the application site does not respect the existing development pattern along the frontage. It is noted from the submitted block plan that the applicant is relying on No.01 and No.5-6 Oakland Villas; and No.167 Drum Road and the associated outbuilding/garage as a line of three or more existing buildings along the road frontage for the purposes of meeting Policy CTY8. When approaching the site from the west, the rear of the terrace dwellings of No.1-4 Oakland Villas are visible. These dwellings have an eastern orientation and do not face onto Drum Road, set back approx. 18 metres from this public road. When continuing from this approach, the semi-detached units No.5-6 Oakland Villa and the detached dwelling of No.167 only come into clear view when almost at the entrance of Oakland Villas. No.167 is located on the roadside set on a large curtilage with amenity space 22 metres in length to the west of the dwelling. When approaching the site from the east the side elevation of No.167 is visible, whilst they are only partial/isolated views of the front elevation of the terrace block No.1-4 Oakland Villa and little to no views of No.5-6 Oakland Villa which are set back 48 metres from Drum Road. It is noted that the amplification to policy CTY8 states “Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.” However, I do not consider that the terrace block of No.1-4 Oakland Villas; the semi-detached dwellings No.5-6 Oakland Villas; the application site and No.167 are in a line with a common frontage along Drum Road. It is considered the land within the curtilage of No.167 provides a gap between the development of Oakland Villas and No.167 and outbuilding. Whereas the proposed application site is not located along the road frontage, set back approx. 51 metres from the Drum Road and comprising the land to the rear of the curtilage of No.167. The road frontage portion of the site currently serves as the access for dwellings to Oakland Villas and only forms a means of access to the where the dwelling would have to be accommodated. In the context of the size, scale, siting and plot size of existing built form within Oakland Villas, the application site would not respect the existing development pattern. The buildings of No.1-4 and No.5-6 Oakland Villa face into the development, not onto Drum Road and I do not consider they form “a line of 3 or more buildings along a road frontage without accompanying development to the rear”. It is considered an approval of this application would add to a ribbon of development and Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all listed criteria is met. I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings. Given the build-up of development, this cluster could be considered as a visual entity in the local landscape. It is also accepted, given this is an outline application, that the proposed dwelling could be sited and designed to ensure no adverse impact to residential amenity. However, there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. Therefore, it is considered the proposal would also fail under Policy CTY2a.

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. Given the existing, established vegetation to the boundaries of the site and the flat topography, I consider a dwelling and garage could be accommodated without appearing as an overly prominent feature in the landscape. I am content that a dwelling and garage on the site will not be a prominent feature in the landscape given the set back to Drum Road and the flat topography of the site. There are minimal critical views when travelling in an easterly direction, however should planning permission be granted a condition requiring the submission of a landscaping plan to accompany any forthcoming reserved matters application will be required, particularly to ensure integration along the east boundary. Should permission be granted the design of the proposed dwelling would also be a matter for consideration at the Reserved Matters stage.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development. The proposed dwelling will access via Oakland Villas, I do not consider the plot size or siting to respect the traditional pattern of settlement. In my opinion, the proposal has the potential to further erode the rural character of the area and as such is contrary to Policy CTY 14.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have responded with no objections subject to conditions. It is noted that the adjacent road network is a protected route. DfI Roads Checklist provided states "A505 is not accessed directly but via Oakland Villas therefore PPS3 AMP3 not applicable". Annex 1 of PPS21 "Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking" provides exceptions for a development proposal involving access onto a Protected Route in certain cases and removes reference to intensification of an existing access as was previously the criteria within PPS3 (Clarification). Therefore, on the basis of DfI Roads response it is not considered the proposal will prejudice road safety or significantly inconvenience the flow of traffic.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Reasons for Refusal

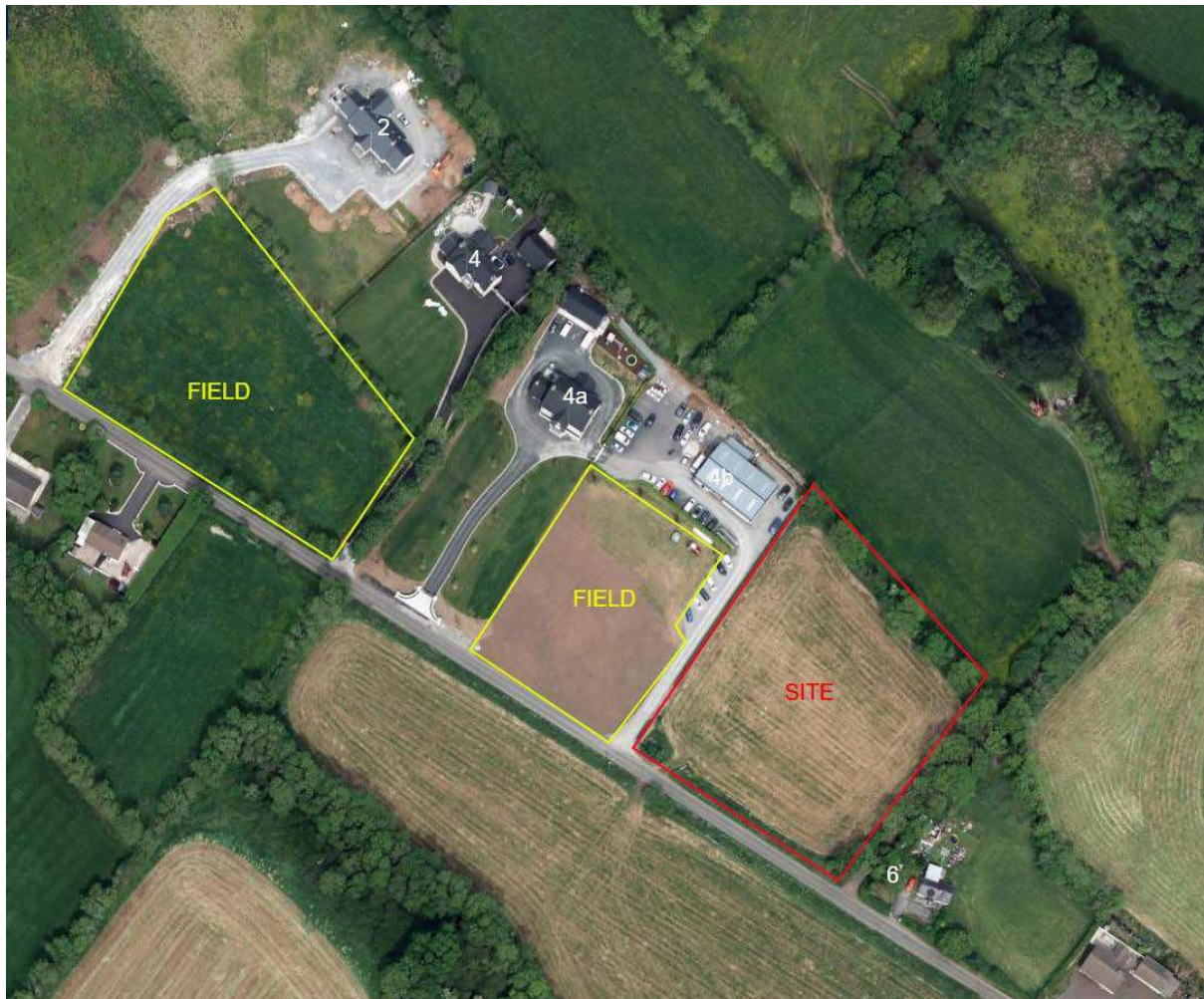
1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to CTY 8 Ribbon Development of Planning Policy Statement 21 in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Drum Road and would create or add to a ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

Signature(s)**Date:**

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0599/O	Target Date:
Proposal: 2 infill detached dwellings and detached garages, shared access	Location: Adjacent and North West of 6 Rogully Road, Loup
Applicant Name and Address: Ashling McNicholl	Agent Name and Address:
Summary of Issues:	
Summary of Consultee Responses:	
<p>Characteristics of the Site and Area:</p> <p>The site is located approximately 0.45km south east of the development limits of The Loup, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as adjacent and to the N.W. of 6 Rogully Road, Loup, Moneymore in which the red line covers a roadside agricultural field that is bounded by mature vegetation on all boundaries. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.</p> <p>Representations</p> <p>Three neighbour notification were sent out however no representations were received.</p>	
Description of Proposal	
<p>Deferred Consideration:</p> <p>This application was presented before the Planning Committee in December 2021 with a recommendation to refuse, where it was agreed by Members to defer the application for an office meeting with the Service Director. Following the office meeting I carried out a site visit.</p> <p>This application is being considered under Policy CTY 8 and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern.</p>	

For the purposes of CTY 8 the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.



It can be seen from the aerial photo, the dwelling at number 4 Rogully Road is set back behind a roadside agricultural field and therefore does not have a frontage to the road. It is clear there is ranch style timber fence to the front of the garden at number 4 which separates the garden from the field in front which is at the roadside. This is also the case with the business premises at number 4b Rogully Road, which is a lawful development following a certificate of lawfulness issued under LA09/2022/0009/LDE. To the fore of number 4b is a mature hedge which separates that property from the roadside field and I therefore do not consider this has a frontage to the roadside. As I do not consider that numbers 4 and 4b have a frontage to the road I do not consider this site to be within a substantial and continuously built up frontage as set out in the policy. Turning to a small gap site sufficient only to accommodate up to a maximum of two dwellings, as the site is not within a substantial and continuously built up frontage the application site does not comprise a small gap site in such a frontage. As I do not consider there is substantial and continuously built up frontage it is therefore not possible for the application site to respect the existing development pattern along the frontage.

Given I do not consider there is a small gap site in a substantial and continuously built up frontage the application does not meet the requirement of the exception allowed for in

Policy CTY 8. If the application is approved it will extend a ribbon of development as new dwellings will have a common frontage and a visual linkage with the other dwellings and business premises along this stretch of the Rogully Road. I recommend a refusal of this application based on the reasons below.

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 addition of ribbon development along Rogully Road as the site is not within a substantial and continuously built up frontage.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, add to a ribbon of development and would not respect the traditional pattern of settlement exhibited in that area and thereby will result in a suburban style build-up of development when viewed with existing and approved building resulting in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0599/O	Target Date:
Proposal: Provision of 2 infill detached dwellings with associated detached garages, shared access onto Rogully Road and landscaping	Location: Adjacent and to the N.W. of 6 Rogully Road Loup Moneymore
Referral Route: To Committee - Refusal - Contrary to CTY 1, 8 and 14 of PPS 21.	
Recommendation:	REFUSE
Applicant Name and Address: Ashling Mc Nicholl 1 Rogully Road Loup Moneymore	Agent Name and Address: Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 0.45km south east of the development limits of The Loup, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as adjacent and to the N.W. of 6 Rogully Road, Loup, Moneymore in which the red line covers a roadside agricultural field that is bounded by mature vegetation on all boundaries. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.

Representations

Three neighbour notification were sent out however no representations were received.

Description of Proposal

This is an outline application for the provision of 2 infill detached dwellings with associated detached garages, shared access onto Rogully Road and landscaping, the site is located adjacent and to the N.W. of 6 Rogully Road, Loup, Moneymore.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Cookstown Area Plan 2010. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

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

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

With regards to the continuous and built up frontage, I note that immediately east of the site sits two detached dwellings Nos. 06 and 08 Rogully Road both sharing a common

frontage onto the public road. I note that the character of the area is sporadic dwellings on the road side with farm groups established up the laneway. To the west immediately sits a detached shed with further detached dwellings further west, however this detached shed has no planning permission which has been raised to enforcement. Despite this, I would still contend that the shed does not share a common frontage as it is set back with an intervening agricultural field between the shed and road but as such it cannot be counted as part of the continuous and built up frontage. Therefore I contend that the gap is between No. 6 and 4a Rogully Road, with this in mind I am content that this would be able to constitute as a continuous and built up frontage. In terms of the gap, whilst I note that this application has applied for two dwellings in line with what the policy allows, I hold the opinion that the gap between Nos. 04a and 06 Rogully Road would be able to accommodate more than two modest sized dwellings. I hold the view that this would be contrary to CTY 8 as this is seen as an important gap any permission would lead to a build up of dwellings and create a ribbon of development along the Rogully Road.

I note that the agent provided additional information to trying to demonstrate how the site complies under CTY 8 referring to similar applications approved within the district. Upon review of the additional information I hold the view that none of the applications share similarities with this application and nothing submitted was sufficient in changing my view that this application fails under CTY 8.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the opinion that an appropriately designed dwelling with a ridge height no more than 7.5m with adequate landscaping, existing and proposed, would not conflict with this policy in relation to integration.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I note that the character of the area is currently characterised by individual dwellings set by the roadside or buildings set up back of the road on laneways with important gaps providing visual breaks. In this instance a dwelling would lead to the loss of an important visual break and change the rural character as a result of a build up of dwellings, in addition to creating and leading to ribboning.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response requested amended plans showing the 2.4 x 70 metre sightlines and the red outline extended to demonstrate deliverability of sightlines. As such these were subsequently submitted, in which DFI Roads confirmed that they were content subject to conditions, showing compliance under PPS 3.

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

<p>Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.</p> <p>I have no flooding or residential amenity concerns.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation:</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>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.</p> <p>2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is able to accommodate more than two dwellings permitted under this policy and would create a ribbon of development along the Rogully Road.</p> <p>3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if permitted would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	14th April 2021
Date First Advertised	27th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4a Rogully Road Moneymore The Owner/Occupier, 4b Rogully Road, Moneymore, Londonderry, BT45 7TR The Owner/Occupier, 6 Rogully Road Moneymore Londonderry	
Date of Last Neighbour Notification	6th May 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0599/O Proposal: Provision of 2 infill detached dwellings with associated detached garages, shared access onto Rogully Road and landscaping Address: Adjacent and to the N.W. of 6 Rogully Road, Loup, Moneymore, Decision: Decision Date: Ref ID: I/1977/0361 Proposal: 11 KV O/H LINE Address: BALLYROGULLY, LOUP Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0905/O	Target Date: <add date>
Proposal: Proposed 2 No Detached Dwellings and waste water treatment plant (Revised Concept Scheme)	Location: To Rear Of Houses 9-11 Killyveen Park Granville Dungannon Co.Tyrone House Numbers
Applicant Name and Address: Jim Fay 16A Killybracken Road Granville Dungannon BT70 1NU	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Summary of Issues: This application is for housing outside the defined settlement limits for Granville. The development will not contribute to urban sprawl and will provide a definite edge to the settlement at this location.	
Summary of Consultee Responses: DFI Rivers – no policy issues raised, require access to maintain the stream and ensure 5m strip kept to access any culverted stream DFI Roads – have provided conditions to be attached in the event of an approval MUDC EHO – no objections to the proposal, have suggested conditions to be attached	
Characteristics of the Site and Area: The site is on the boundary of the settlement of Granville as defined in the Dungannon and South Tyrone Area Plan 2010. To the west and within the settlement limit is urban in character with mainly residential with a mix of semi-detached and detached dwellings. Across the road from the proposed access is the rear of Granville Primary School. To the	

east of the site and outside the settlement limit is rural with agricultural fields and detached dwellings on single plots.

The application site is a portion of land to the rear of a cul-de-sac of semi-detached dwellings at Killyveen Park. The site is currently overgrown with trees and other vegetation. The site is accessed off the Killybracken Road along an agricultural lane.

Description of Proposal

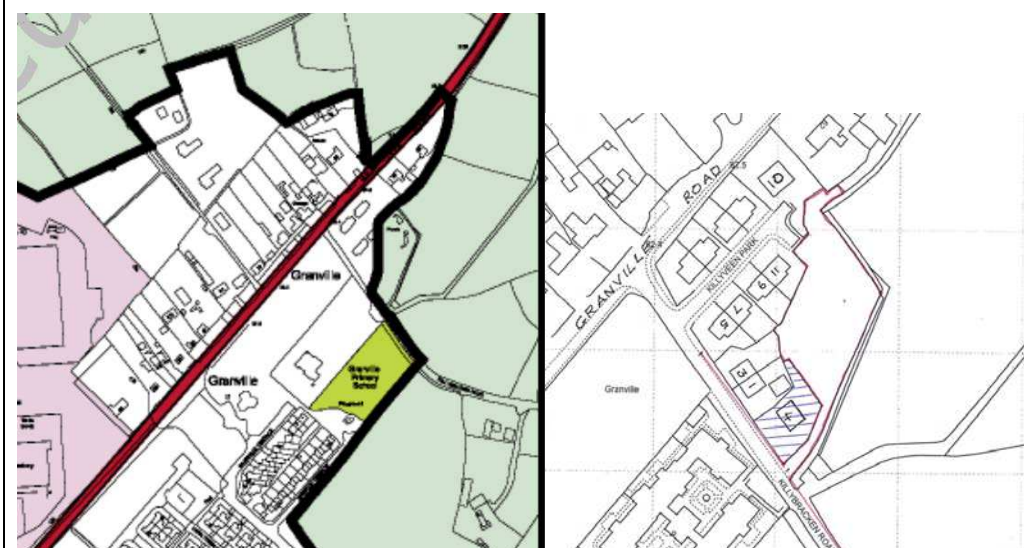
This is an outline application for proposed 2 No Detached Dwellings and waste water treatment plant at land to rear of houses 9-11 Killyveen Park, Granville, Dungannon.

Deferred Consideration:

This application was for 3 dwellings and was before the Planning Committee in November 2021 where it was deferred for a meeting with the Planning Manager. A meeting was held virtually on 18 November 2021 and the applicant made submissions that there was no land available in Granville for new development, only 20 houses have been built there in the last 20 years and any other land that is within the settlement limits is accessed off an substandard roadway which requires significant improvement and has prevented development.

Following a site inspection and consultation with NI Water, in respect of the waste water treatment works for Granville, the application was amended to 2 dwellings and on site treatment of waste water. A revised concept plan was submitted that shows how 2 dwellings could be located on the site and identifying the site assets and constraints and how development could be shaped by these.

Members will be aware that settlement limits are defined to promote and to contain development and usually where development goes beyond these defined limits then it could result in urban sprawl into the open countryside. This piece of ground is unused land set behind a small group of houses at the northern edge of Granville and is overgrown with scrub vegetation. The existing houses have screen fences to the rear of them and it is difficult to know if the fences form the settlement limit or if it is merely an arbitrary line on the map. See the images below showing the Area Plan Extract, site location map and aerial photograph with application site identified.





To the east side of the application site is a watercourse that flows north, which is a definite boundary that could provide a natural end to the settlement at this point. The application site is set behind the cul-de-sac and is not readily visible from Granville Road or Killybracken Road. Any development on this site would, in my opinion, constitute rounding-off at this location and will not add to urban sprawl.

It is noted there are few development opportunities for Granville, it is predominantly characterised by the large industrial estate and a social housing development with large areas of protected open space. Other lands, within the settlement limits to the northeast side of the road are accessed off Eskragh Road, a minor road which can only accommodate a single lane of traffic. The applicant has advised this will require improvement and has not been developed. Members are advised planning was granted for 5 houses under applications M/2003/0988/O (granted OPP 06.10.2004) and subsequent Reserved Matters M/2007/1405/RM (granted on 13.02.2008). This permission identified the need to upgrade Eskragh Road and the junction where it meets Granville Road if there was to be any more than 5 houses developed. None of these houses have been built though there may have been a lawful start on the development as aerial photographs indicate there was development carried out on the site before 31 August 2010.



Another site was approved at planning appeal, M/2007/0900/O (PAC Ref 2008/A0140), this had been refused as Roads indicated the threshold for improvements to the road had been met and Eskragh Road required improvement. The appeal was allowed and OPP was granted on the grounds of administrative fairness grounds as other development accessed onto the road was not required to upgrade the road. Outline Planning Permission was again granted for this site on 10 April 2018 under reference LA09/2017/1659/O.

The above makes it clear there are other opportunities in Granville that can be developed and as such members are advised not to rely on the lack of development potential as a grounds to make an exception for development outside the settlement limits.

As I have indicated above, it consider the proposed site could be considered as rounding off and for this reason I consider an exception could be made at this location for these 2 houses.

Members are advised the policies contained in PPS7 – Quality Residential Environments are also applicable here as it sets out in the preamble that it applies to all residential developments except single houses in the countryside. Policy QD1 sets out 9 criteria to be considered, these are primarily related to the design of the proposed development and will be assessed when the details are submitted. In my opinion the site could accommodate 2 dwellings, as indicted in the concept layout, which could be in accordance with the published criteria. 2 dwellings here could be sited and orientated to have the rear walls facing the rear walls of the existing dwellings, maintaining adequate separation distances to prevent overlooking, have necessary parking and private amenity space, be reflective of the existing development in the area and link into the existing public footways. Any development here would, in my opinion increases the security to the existing dwellings as this area of ground is currently open with no surveillance of it.

In light of the above it is my recommendation that planning permission for 2 houses is granted as an exception on this site.

Conditions:

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

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

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

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

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

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

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the RS1 form attached to DFI Roads response dated 2 November 2022, including visibility splays of 2.4m x 60.0m in both directions, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

4. 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 Department, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

5. No development hereby approved shall commence until such time as the applicant has

provided adequate evidence to the Council that either:

- NI Water will allow connection to the public sewer or
- written consent to discharge for septic tanks has been granted

and this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition or .

Reason: In the interests of public health.

Signature(s)

Date:



Comhairle Ceantair
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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: 02/11/2021	Item Number:
Application ID: LA09/2021/0905/O	Target Date:
Proposal: Proposed 3 No Detached Dwellings	Location: To rear of houses 9-11 Killyveen Park Granville Dungannon Co.Tyrone
Referral Route: <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.	
Recommendation:	Refusal
Applicant Name and Address: Mr Jim Fay 16a Killybracken Road Granville Dungannon BT70 1NU	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is on the boundary of the settlement of Granville as defined in the Dungannon and South Tyrone Area Plan 2010. To the west and within the settlement limit is urban in character with mainly residential with a mix of semi-detached and detached dwellings. Across the road from the proposed access is the rear of Granville Primary School. To the east of the site and outside the settlement limit is rural with agricultural fields and detached dwellings on single plots.

The application site is a portion of land to the rear of a cul-de-sac of semi-detached dwellings at Killyveen Park. The site is currently overgrown with trees and other vegetation. The site is accessed off the Killybracken Road along an agricultural lane.

Description of Proposal

This is an outline application for proposed 3 No Detached dwellings at land to rear of houses 9-11 Killyveen Park, Granville, 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

Adjacent site beside the proposed access

M/2014/0188/O - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 31.03.2015

LA09/2015/1147/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Refused 17.05.2016

LA09/2016/0762/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 09.09.2016

The above planning approvals are relevant as the site is also outside the settlement limit and was approved on the principle that a dwelling on this site would not have an unacceptable impact on the visual amenity of the area.

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

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

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 and on the boundary of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The site is in the countryside so SETT 1 does not apply. The site is not within any other designations or zonings.

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 stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the south east boundary of the settlement limit of Granville and as such, any development to the west of the site inside Granville cannot be considered in the assessment as shown in figure 1 below. As noted the application site is outside the settlement limit.

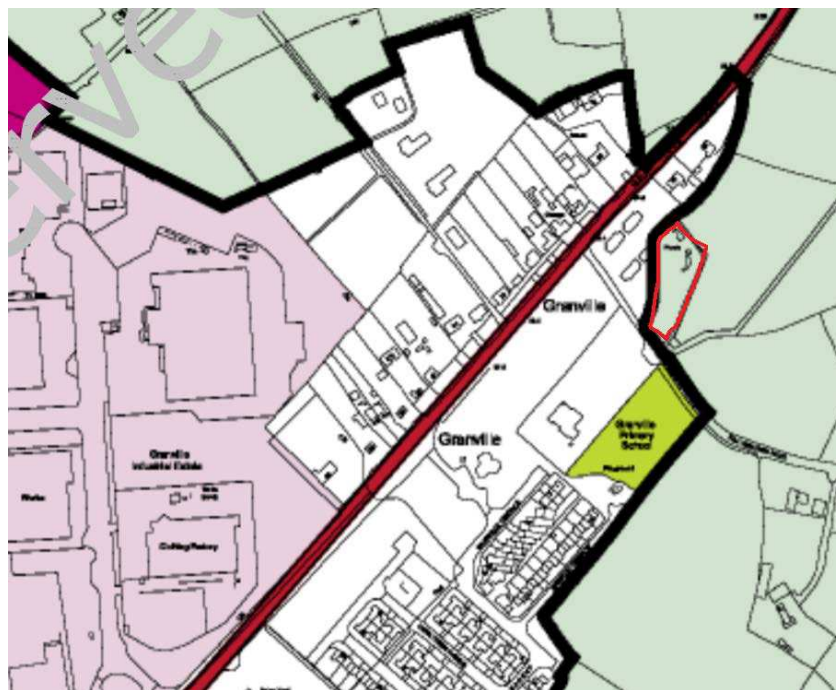


Figure 1 – Snapshot from the DSTA Plan 2010 and the red line is the application site

CTY 15 – The Setting of Settlements

The application site is on the southeast boundary of the settlement limit of Granville and the proposal is for 3no. dwellings at the site. The cul-de-sac of Killyveen Park is on the north west boundary and the site is a field which is currently overgrown with trees as

shown in figure 2 below. I consider if the proposal will result in urban sprawl which is contrary to policy and lead to the further development of the settlement limit of Granville.

CTY 13 – Integration and Design of Buildings in the Countryside

The site is currently overgrown with trees so at the time of my site visit it was difficult to ascertain existing ground levels as shown in figure 2 below. However there are minimal critical views from along the Killybracken Road and the Granville Road, so I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 2 – Photograph of the site at the site visit

Along all boundaries of the site there is a post and wire fence. But as shown above in figure 2 there is existing vegetation so as much of this along the boundaries should be retained as possible. As the site sits behind existing dwellings I am consider this will assist in the integration of the proposed dwellings into the landscape.

As this is an outline application no details about the design of the dwelling have been submitted and any design would be consider at the Reserved Matters Stage.

Overall, I am of the opinion the proposed dwellings would integrate into the landscape.

CTY 14 – Rural Character

As stated previously I am content the dwellings will not be unduly prominent in the landscape. The application site is on the boundary of the settlement limit of Granville and as such would result in the further development of existing housing into the countryside. This will result in urban sprawl which is to be discouraged and consequently will have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

DFI roads were consulted as a new vehicular access is being created and responded with no concerns subject to visibility splays of 2.4m x 60m in both directions.

Other Considerations

There are no NED or HED issues at the site. There is a watercourse which runs along the eastern boundary of the application site and Rivers Agency were content with the proposal subject to a 5m maintenance strip along the boundary. There is a drain along the south east boundary of the dwelling approved under LA09/2016/0762/RM and this was culverted as part of this approval.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY 1, CTY 14 and CTY 15 in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.
3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1302/F	Target Date 29 October 2021
Proposal: Proposed infill dwelling and domestic double garage	Location: Approx 35M N.W. Of 92 Lisclare Road Stewartstown
Applicant Name and Address: James Coyle 54 North Street Stewartstown	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: This proposal was a replacement dwelling but it was not demonstrated the existing building had been a dwelling. The proposal was amended to infill development due to the existing approved and under construction development either side. The proposal is within the spirit of the infill policy.	
Summary of Consultee Responses: DFI Roads - approve with conditions	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. ½ way between Stewartstown to the northwest and Killeen to the southeast. The site is an irregular shaped plot comprising a roadside field. The field sits adjacent the Lisclare Rd and contains a relatively centrally located single storey building of agricultural appearance. The building has an elongated rectangular floor plan and broken pitched roof construction with concrete walls, a corrugated metal roof part exposed (see Fig 1 below). The building, which comprises 3 attached units, runs relatively parallel to and is accessed	

off the Lisaclare Rd via 2 agricultural gates, one located adjacent the northwest boundary the other adjacent the southeast boundary. A wooden d-rail fence defines the roadside boundary of the site and a mix of mature tree and hedgerow vegetation defines the southeast/east and northern boundaries of the site. The boundaries to the east of the site are relatively open defined in part by post and wire fencing. Whilst the site sits just southeast of a hollow in the landscape with the land rising steeply along the Lisaclare Rd immediately to the southeast and steeply along the Lisaclare Rd just beyond the site to the northwest the land within the site is relatively flat.



Fig 1: Building on site comprising 3 attached units

Due to vegetation bounding the site and within the wider vicinity, critical views of it are relatively short distant from the Lisaclare over a distant of approx. 100m before and passing along its roadside frontage on both approaches (see Figs 3 & 4 below).



Fig 2: View of site and building on it on southeast approach



Fig 3: View of site and building on it on northwest approach

The surrounding area is characterised primarily by agricultural lands interspersed with detached dwellings, ancillary buildings and farm groups. The site backs onto agricultural lands to the northeast; and is bound to the southeast by land containing a new 2-storey dwelling under construction (see 'Planning History' - LA09/2020/0671/F) and to the northwest by a field that appears recently opened up and in part gravelled (see 'Planning

History' – most recently LA09/2021/0780/F).

No. 88 Lisacclare Rd, a 2-storey dwelling, sits just northwest of the site and a small number of dwellings in the wider vicinity including a farm group, no 95 Lisacclare Rd, located at the opposite side of the road and a 2-storey dwelling, no. 96 Lisacclare Rd, located to the other side of the aforementioned dwelling under construction.

Description of Proposal

This is a full planning application for a proposed replacement dwelling and domestic double garage to be located on lands approx. 35m NW of 92 Lisacclare Road Stewartstown.

Deferred Consideration:

This application was before the Planning Committee in June 2022 where it was agreed to defer to allow a meeting with the Service Director. A meeting was held on 16 June 2022 and additional information about the status of the old building was discussed and the current approved and under construction development in and around the site.

Following the deferral meeting I visited the site and noted there was a new dwelling well under construction to the north of the proposed site. I also inspected the existing building and while I noted a fireplace in the building, I was unable to determine if there was a chimney with it. The building had low ceilings and the upper floor was more akin to a hayloft, with no internal arrangement that I could see to access the upper floor. I was not persuaded this building had any characteristics of a dwelling or was formerly a dwelling.

The proposed site is set between a new 2 storey dwelling that is well under construction which has a detached garage approved with it (LA09/2021/0780/F figs 1, 2, 3) and a group of buildings that were approved as a replacement dwelling to the south (LA09/2020/0671/F figs 4, 5, 6)



Fig 1, 2, 3 dwelling to the north LA09/2021/0780/F

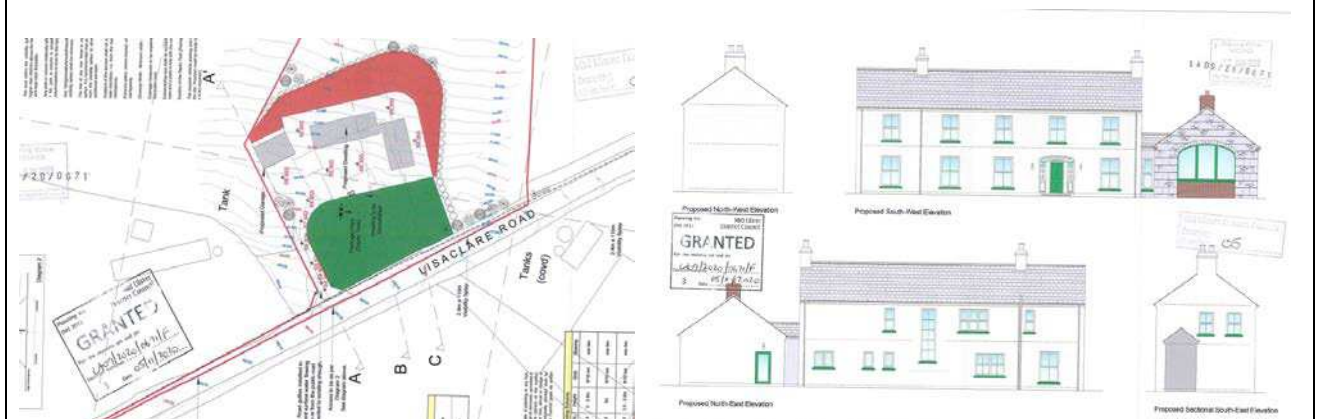




Fig 4, 5 & 6 dwelling and garage to south LA09/2020/0671/F

From the approved plans it is clear the proposed site sits between them and there are 2 buildings to the south (2 storey dwelling and double detached garage) and one building to the north (2 storey dwelling), these have a common frontage to Lisclare Road and as such would meet the definition for a gap site in policy CTY8 if it were not for the existing buildings on the site. Members should be aware the existing buildings will be removed to allow this new dwelling to be built. Strictly speaking this is not a gap site at the moment, however the applicant could demolish the existing buildings and on the site and it would, in my opinion fully meet the criteria for a gap site. The proposed dwelling is a 1 ½ story which sits in with the existing development here and is not prominent in the landscape.

As I have set out above, this is not a gap site, but I do consider it is within the spirit of the policy for a gap site and infill development, as such I recommend this application is approved.

Conditions/Reasons for Refusal:

Condition 1

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

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

Condition 2

Prior to commencement of any development hereby approved, the vehicular access including visibility splay lines of 2.4m x 110.0m in both directions shall be provided in accordance with the details as shown on drawing No 03 bearing the stamp dated 3 SEP 2021. The area within the visibility splay 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.

Condition 3

All hard and soft landscape works as detailed on drawing no 03 bearing the stamp dated 3 SEP 2021 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying 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 visual amenity.

Signature(s) Phelim Marrion

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

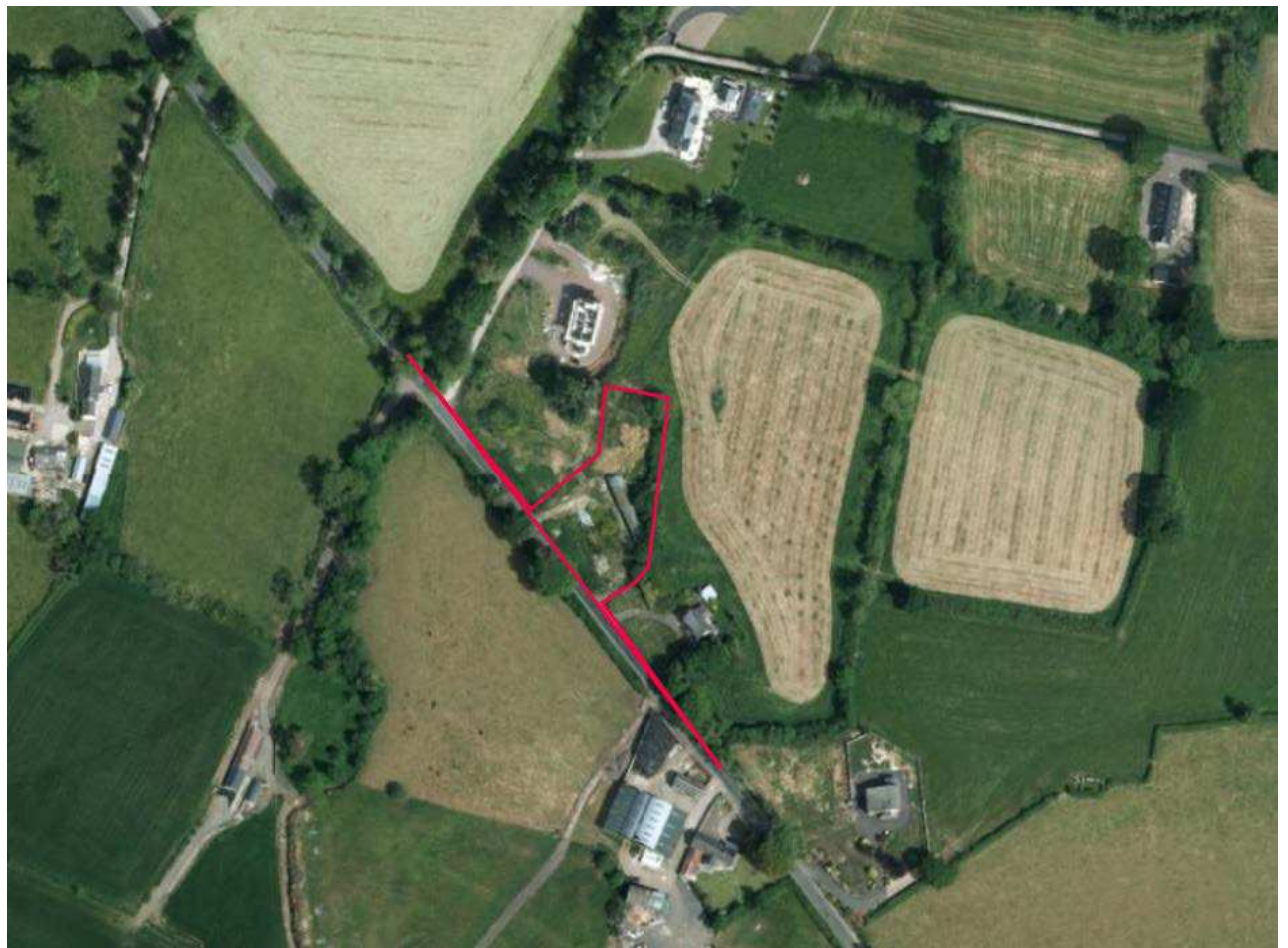
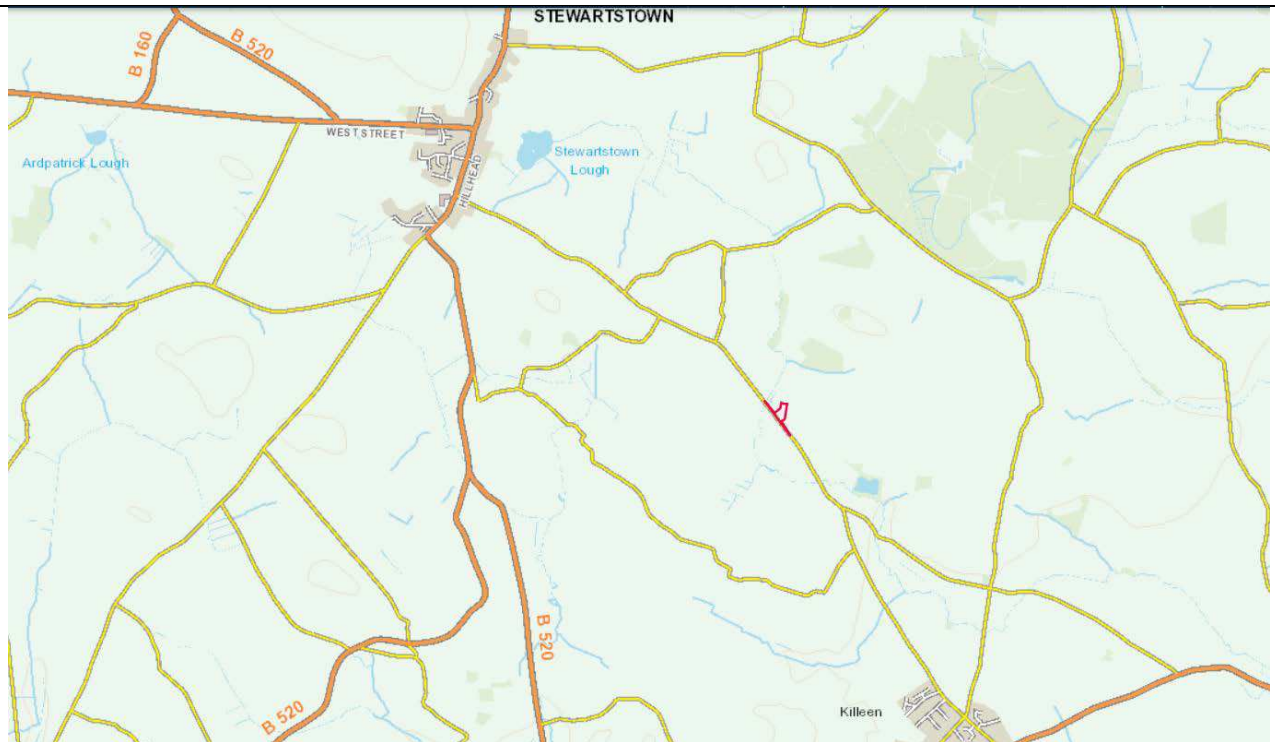
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1302/F	Target Date:
Proposal: Proposed replacement dwelling and domestic double garage	Location: Approx 35m N.W. of 92 Lisacclare Road Stewartstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: James Coyle 54 North Street Stewartstown	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Site Visit Report

Site Location Plan:



Date of Site Visit: 28th September 2021 & 27th April 2022

Description of Proposal

This is a full planning application for a proposed replacement dwelling and domestic double garage to be located on lands approx. 35m NW of 92 Lisacclare Road Stewartstown.

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. ½ way between Stewartstown to the northwest and Killeen to the southeast.

The site is an irregular shaped plot comprising a roadside field. The field sits adjacent the Lisacclare Rd and contains a relatively centrally located single storey building of agricultural appearance. The building has an elongated rectangular floor plan and broken pitched roof construction with concrete walls, a corrugated metal roof part exposed (see Fig 1 below). The building, which comprises 3 attached units, runs relatively parallel to and is accessed off the Lisacclare Rd via 2 agricultural gates, one located adjacent the northwest boundary the other adjacent the southeast boundary. A wooden d-rail fence defines the roadside boundary of the site and a mix of mature tree and hedgerow vegetation defines the southeast/east and northern boundaries of the site. The boundaries to the east of the site are relatively open defined in part by post and wire fencing. Whilst the site sits just southeast of a hollow in the landscape with the land rising steeply along the Lisacclare Rd immediately to the southeast and steeply along the Lisacclare Rd just beyond the site to the northwest the land within the site is relatively flat.

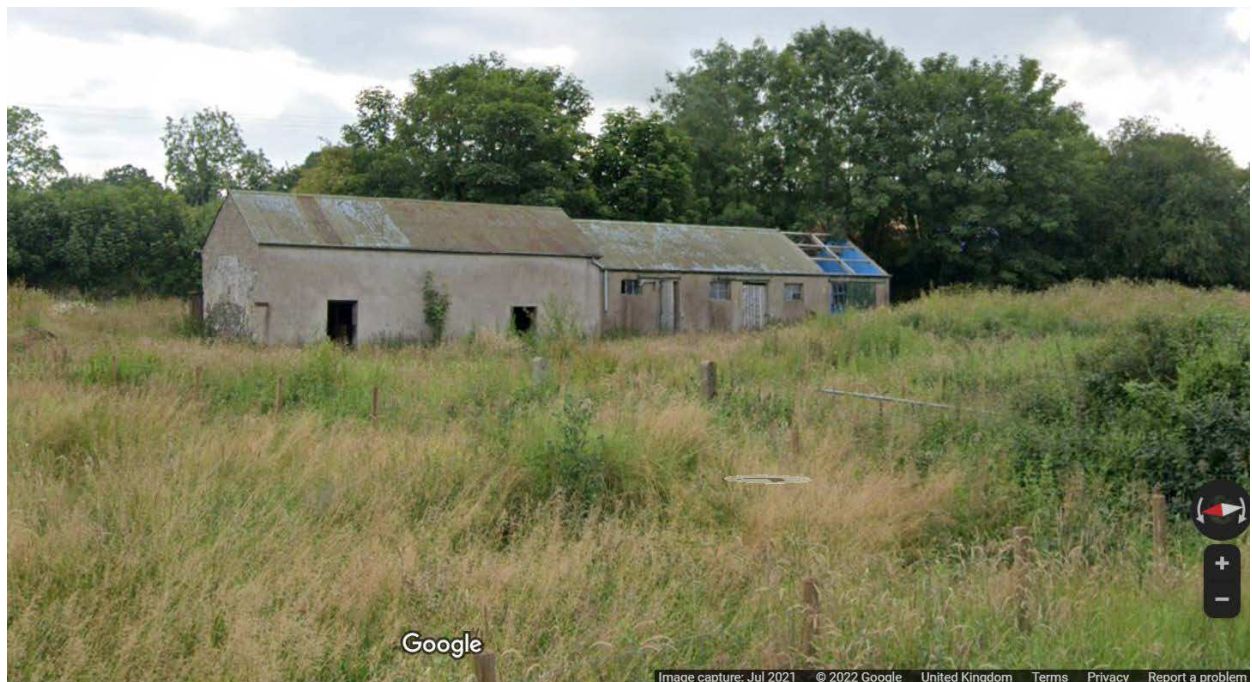


Fig 1: Building on site comprising 3 attached units

Due to vegetation bounding the site and within the wider vicinity, critical views of it are relatively short distant from the Lisacclare over a distant of approx. 100m before and passing along its roadside frontage on both approaches (see Figs 3 & 4 below).



Fig 2: View of site and building on it on southeast approach



Fig 3: View of site and building on it on northwest approach

The surrounding area is characterised primarily by agricultural lands interspersed with detached dwellings, ancillary buildings and farm groups. The site backs onto agricultural lands to the northeast; and is bound to the southeast by land containing a new 2-storey dwelling under construction (see 'Planning History' - LA09/2020/0671/F) and to the northwest by a field that appears recently opened up and in part gravelled (see 'Planning History' – most recently LA09/2021/0780/F).

No. 88 Lislaclare Rd, a 2-storey dwelling, sits just northwest of the site and a small number of dwellings in the wider vicinity including a farm group, no 95 Lislaclare Rd, located at the opposite side of the road and a 2-storey dwelling, no. 96 Lislaclare Rd, located to the other side of the aforementioned dwelling under construction.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

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.

Relevant Planning History

- LA09/2016/1707/O - Site for Farm Dwelling and Garage - 70m NW of 92 Lisclare Rd Stewartstown - Granted 20th March 2017
- LA09/2020/0067/F - Proposed Dwelling and Garage and an amendment to a previously approved access under LA09/2016/1707/O - 70M North West of 92 Lisclare Rd Stewartstown - Granted 1st June 2020
- LA09/2021/0780/F - Change of house type from that approved under LA09/2020/0067/F - 70m NW of 92 Lisclare Rd Stewartstown - Granted 5th August 2021

The above applications relate to gravelled lands immediately northwest of the site.

- LA09/2020/0671/F - Proposed replacement dwelling and garage - 92 Lisclare Rd Stewartstown Dungannon - Granted 5th November 2020

The above applications relate to a 2-storey dwelling under construction to the southeast of the site.

Consultees

1. DfI Roads were consulted in relation to access arrangements as the proposal seeks to construct a new access onto the Lisclare Rd. DfI Roads responded raising no objections to the proposal, subject to standard conditions and

informatives. Accordingly, subject to these conditions and informatives I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

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. The current proposal has applied under one of these instances - a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 – Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

The building to be replaced under this proposal is largely intact albeit missing a small portion of roof towards the southeast gable (see Fig: 1, further above). However, its external appearance and internal layout appears agricultural in nature and to have always been used for this purpose. The entire building is divide into 3 units, the first unit (with a higher ridge to northwest side) and the second (middle) unit both contain cattle pens and the third unit contains electrics indicating last used as a milking parlour. Whilst a fireplace sits within a cattle pen in the first unit (see Fig 4, below) both internally and externally a flue is not visible. Whilst there are openings in both unit 1 and 2, the windows in unit 2 appear too high to be domestic in nature (see Fig 5, below). Unit 3's openings and electrics all indicate use as a milking parlour (see Fig 6, below). I am not convinced what appears to blocked up windows in unit 1 are enough to demonstrate this building was lasted used as a dwelling.



Fig 4 & 5: Fireplace located with cattle pen in unit 1 & windows in unit 2, respectively

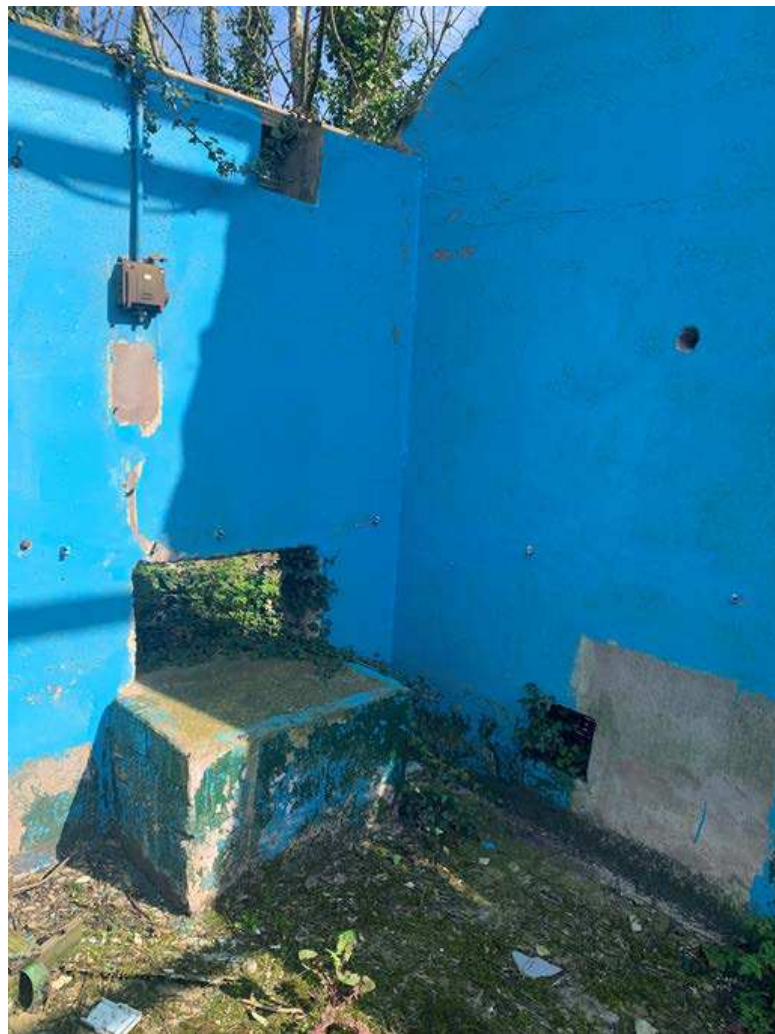


Fig 6: Internal of unit 3 showing location of compressor for tank cooling

Whilst Policy CTY 3 also states that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling this is only where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. I do not consider the replacement of the existing agricultural building on agricultural lands with a new dwelling including garage, residential curtilage and access would bring any environmental benefits in this instance. A replacement dwelling particularly as is the case here a 2-storey dwelling including garage, residential curtilage and new access would a significantly greater visual impact when viewed from the Lisaclare Rd than the agricultural building typical of the countryside it is to replace.

Bearing in mind the above the agent was contacted and asked to provide clarification as to what Policy this application for a new dwelling and garage was being sought under and details how it complies. The agent was advised there does not appear to be an existing dwelling on site to replace therefore Policy CTY3 of PPS21 does not apply. He was also advised the SPPS and Policy CTY 4 of PPS21 allows for The Conversion and Reuse of Existing Buildings subject to criteria but not the replacement.

Subsequently, the agent advised the new dwelling and garage is being sought under replacement. That the existing building has windows, doors and a chimney still evident. He also submitted historical maps he advised showed the building in-situ in 1860 and the more recent imagery shows it, as it currently stands, in place in 2010 through to 2020.

The additional information submitted has been considered, however my opinion remains as before that there is insufficient information to demonstrate the building was a dwelling. Whilst the historical information submitted by the agent appears to show the footprint of the building to be replaced on site in part from 1846; in its entirety in 1900; and google maps from 2008 show it externally in its current state through to today, OSNI maps show there was another building just to its north as early as 1846. I consider the building to its north may have been the dwelling on site and the current building the associated farm building. OSNI indicates the building to the north may have been replaced around the same time a new house no. 92 Lisaclare Rd was erected to the south of the site and the building being sought for replacement (see Figs: & , below. Alongside my earlier consideration of the building on site and the historical maps / googles maps, I am still not convinced this building was constitutes a replacement dwelling.

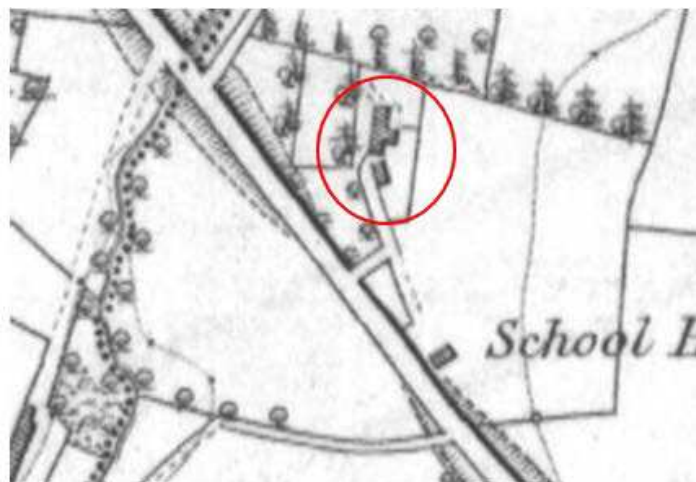


Fig 7: OSNI Historical Second Edition (1846-1862) showing two buildings on site the small appears to be the northwest (1st) unit



Fig 8 & 9: OSNI Historical Third Edition (1900 – 1907) & OSNI Historical Fourth Edition (1905 – 1957), respectively showing what appears to be extensions to the original 2 buildings.

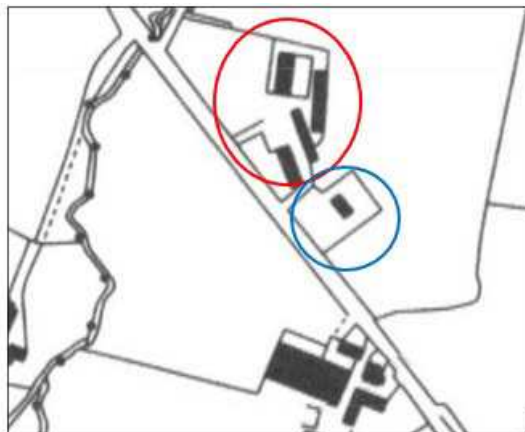


Fig 10: OSNI Historical Third Edition (1957 - 1986) appears to show original building on site to the north (see Fig 7) replaced with new farm shed and a new dwelling no. 92 Lisaclare Rd circled blue erected o southeast.

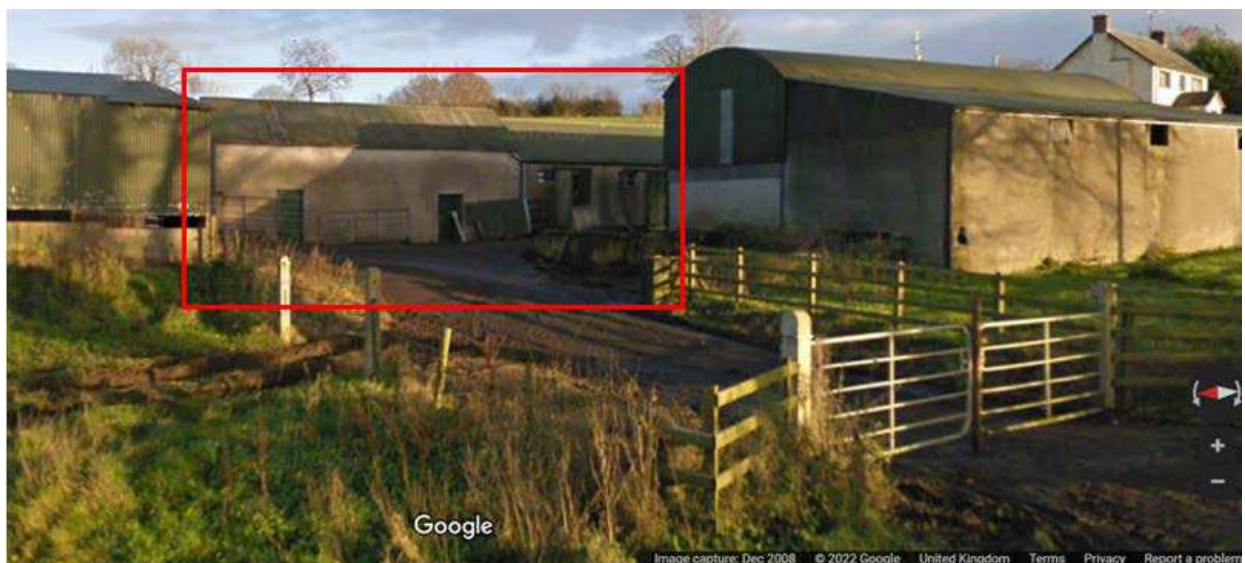


Fig 11: Google image of building as it stands today on site captured in December 2008. The surrounding agricultural building have since been removed and no. 92 Lisaclare Rd the associated dwelling see above to the northeast corner is in the process of being replaced under a recent planning permission.

Additional considerations

Had a replacement opportunity existed I would have had no significant concerns regarding the proposal adversely impacting the amenity of existing or potential neighbouring properties to any unreasonable degree given the mature trees and hedgerow vegetation bounding the site and separation distance that would be retained.

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

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Refusal Reasons

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1618/F	Target Date: 4 January 2022
Proposal: Proposed storage shed, yard repositioning of existing saw and associated ancillary works	Location: Adjacent To 51 Knockanroe Road Cookstown
Applicant Name and Address: Reid Engineering Ltd 55 Knockanroe Road Cookstown	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Summary of Issues: This application is for a new storage shed and relocation of a saw and extension of a yard at an existing and established engineering business. Objections have been received about the proposed development.	
Summary of Consultee Responses: DFI Roads – no objections to use of unaltered access EHO - recommend a number of conditions, namely hours of operation, noise levels, and noise assessment if a reasonable complaint is received.	
Characteristics of the Site and Area: The site lies in the open countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is rural in character and is characterised by agricultural fields, detached dwellings on single plots and farm complexes. The site comprises a shed at the Reid Engineering site as well as the extended yard area and existing access. The site access is off the Knockanroe Road is positioned in the south west corner of the site. It sweeps up in a northern curve and enables entrance to the yard area where there is an existing shed in the north corner.	



The yard area is a mix of finishes and there were some items being stored externally surrounding the main shed. There is a large boundary wall along the northern and north eastern side and there were a number of cars parked in the central parking area.



There are two existing dwellings within the blue line to the west which front onto the main road and there are plans for a new dwelling approved within the site. There is also a neighbouring property namely no.57 in close proximity to the East.



Description of Proposal

The proposal seeks full planning permission for a new storage shed, yard repositioning of existing saw and associated ancillary works. The proposed shed is L shaped with the main body of the building 13.6m wide x 24.6m long and a 10.0m x 6.0m outshot to the east side. The building is proposed at 9.5m in height at the south elevation and 8m at the north elevation with smooth render walls to the bottom and grey cladding to the upper walls and roof. There is a pedestrian door with steps up to the yard area in the north and east elevations, the south elevation has 2 large roller doors and 2 pedestrian doors facing into the new yard with the finished floor level of the building level with the yard. The existing saw and rollers are to be repositioned at 90degrees to their existing position. The saw will be enclosed in a new 3.7m x 4.0m building with acoustic panelling on the walls and roof and the rollers will have a 3m concrete wall to the east side and a mono-pitched cladding roof over. It is proposed to provide an extended yard area where the dwelling was and landscaping on part of the east and west boundaries as well as along the south boundary.



Deferred Consideration:

This application was deferred at the Planning Committee in July to allow further consideration of letters of objection that were received and to consider the conditions proposed by the objector.

Following the deferral a meeting was held with the objectors where the issues they have with this current proposal were set out as well as the issues with other development at the site and other planning permissions that have been granted here.

Since the meeting amended plans have been received that have provided information to demonstrate the vehicles accessing the site have adequate parking and turning space and that additional landscaping has been provided along the boundaries. These plans were notified to neighbours and an additional letter of objection has been received.

This application is for the expansion of an established business in the countryside and the policy context has been set out before as PED3 – Expansion of an established Economic Development Use in the Countryside and PED 9 – General Principles of PPS4 – Planning and Economic Development. Members will be aware that CTY1 of PPS 21 allows development that is in accordance with PPS4.

There are a number of planning permissions on the site which set out the existing and established site size for the purposes of PED3 consideration:

I/2014/0246/F was approved on 27 June 2017 for the retention of the engineering workshop, this included the store, ancillary accommodation and storage yard. (Fig 1)

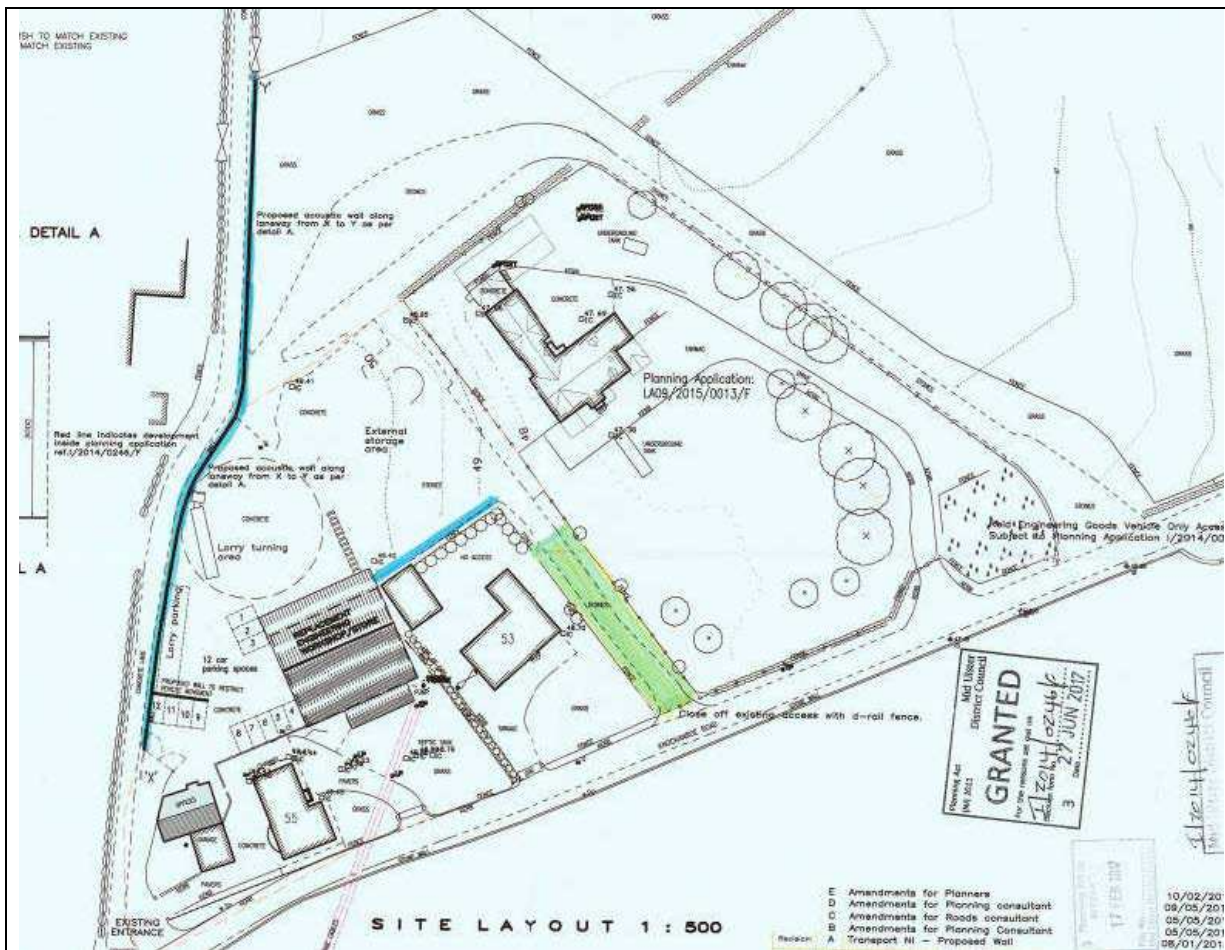


Fig 1 – approved layout for I/2014/0246/F

I/2014/0074/F was also approved on 27 June 2017 and this related to alteration of an existing access and laneway (Fig 2). This permission was applied for by Reid Engineering and I do not have any doubt that it was in relation to the existing premises and operations here for Reid Engineering. Therefore, I consider this is also part of the established economic development for the purposes of assessment of PED3.

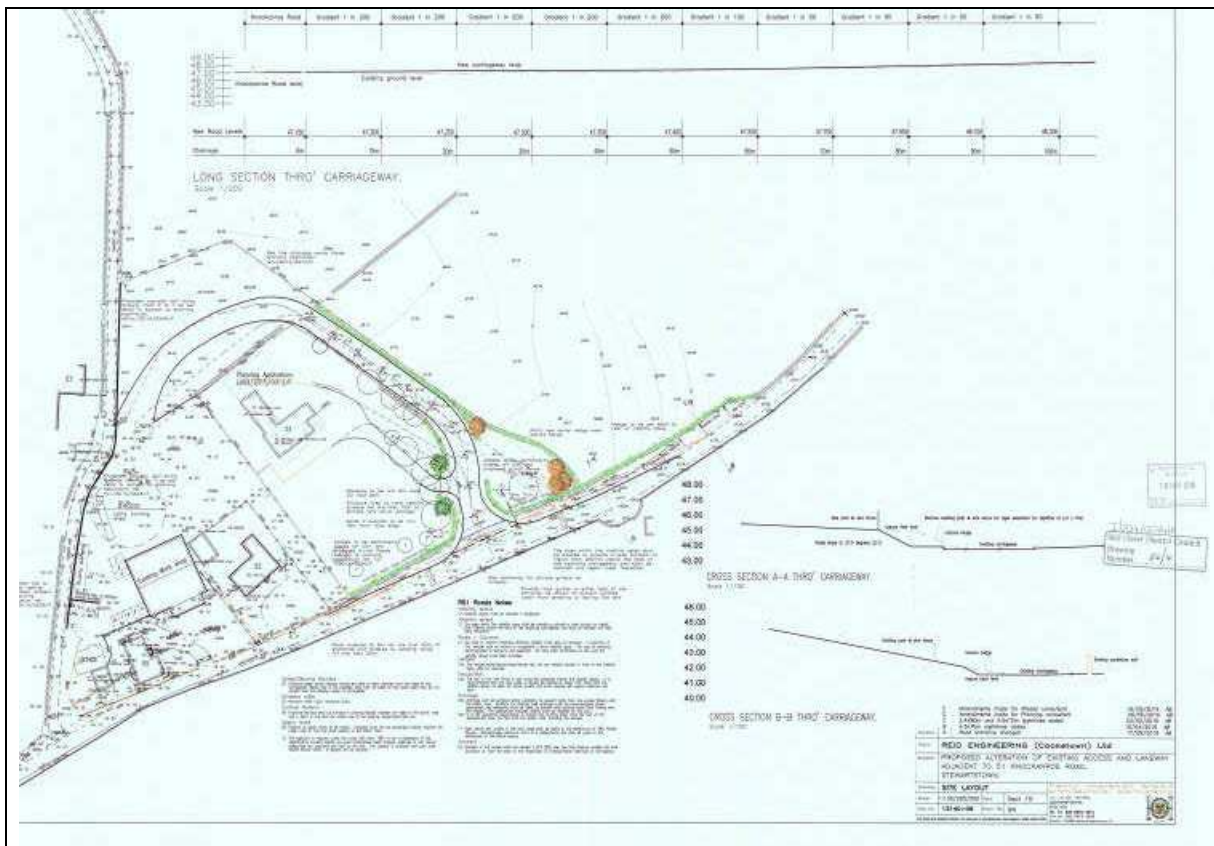


Fig 2 – approved layout for I/2014/0274/F

Fig1 and Fig 2 above show the approved site area, which is approximately 8700sqm in area, the proposal will result in the expansion of the site by approx. 1950sqm to just over 10600 sqm. This is just over 1/5th or a 22% increase in the site area. I do not consider this is a major expansion of the existing site for this established economic development. The policy normally requires the expansion to be through reuse or extensions to the existing buildings. The approved storage yard area is located to the rear of the existing approved engineering workshop and is currently used for outdoor storage of steel and finished products, it is also where the existing saw and enclosure are located. The applicant wishes to build this new store for the storage of the materials inside, at my visit it was clear the area was well used for storage and as such I consider this is a reasonable request. To extend the existing building could result in new development moving closer to the existing neighbours as well as creating issues with circulation around the yard. I consider it has been demonstrated that a new building is necessary for the expansion of the business. Where new buildings are proposed these should be in proportion to the existing buildings and integrate as part of the overall development. Members will be aware that integration can be provided by existing buildings, landform or vegetation. This proposal is for a building which has a ridge height 9.5m above the finished floor level. It is noted the existing building at the front is 8.5m in height, however, the proposed building is to be dug into the ground at the northern end and so will have a ridge height of 8.0m above the yard at that side. The existing building on site is approx. 440sqm in area and the proposed building is approx. 400sqm in area. The size and scale of the proposed building are, in my opinion comparable with the existing building on the site. The proposed building will be set back from the roadside behind existing single storey development and will group with the existing. While it will be obvious in the local area, the critical views I observed are limited to approach from the north, where the vegetation in the lane is beginning to filter views and immediately in front of the site. I do not consider the appearance to be discernibly different from the agricultural complexes located on a prominent location both sides of Dufless Road approx. 300 metres to the south. I do not consider the proposed development will harm the rural character or appearance of the local

area.

Policy PED9 – General Principles must also be considered here and it is clear the objectors have raised some concerns about the proposal and how this will impact on them. I consider it necessary and appropriate to consider the element of PED9 individually.

(a) it is compatible with surrounding land uses;

There is a current engineering business on the site that has been granted planning permission, the proposed development is for relocation of an existing saw within a new building as well as providing a new wall and roof to cover the rollers, new sheds for storage and new yard area. The proposal is, in my opinion ancillary to the existing engineering business and as such can be compatible with the existing land uses provided residential amenity is not adversely affected by the proposed development

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

The neighbours have advised the proposed development will have an adverse impact on their amenity due to noise for the proposal. The objectors have referred to noise limits set in a previous decision that limits noise to 44dB and that the proposal will have noise levels at 50dB. Condition 9 attached to planning permission ref I/2014/0246/F states 'The noise associated with the engineering shed shall not exceed LAeq(1 hour) of 44dB, with no greater than a 5dB penalty for the character of the noise when measured from the rear garden of 53 Knockanroe Road.' This is a specific condition relating to 1) the engineering shed that was granted planning permission and 2) the property at no 53 Knockanroe Road and is not therefore not an enforceable condition in respect to any other properties in the locality. It is noted the applicants now own No 53 Knockanroe Road as it has been identified in blue land associated with this application. That said this current proposal is for a new storage shed, yard area and repositioning of the existing saw in a new building and does not have any impacts on the existing approved engineering building.

As stated by the objectors there is the potential for more activity on the site as a result of this expansion. Amended plans have been provided to show additional landscaping and the turning area for any lorries within the new yard area. This new yard area will be enclosed by the new shed and the wall and building for the relocated saw. I also consider the new 3m high wall and the new shed will provide some acoustic screening of the new yard area, at present the yard area is not screened off and vehicles have to navigate around the existing saw in the yard bringing the traffic closer to No57 Knockanroe Road. The relocation of the saw will allow transport of materials between the new yard and the existing engineering shed to be moved further away from no 57 Knockanroe Road, the closest 3 rd party property to the development. I consider the movement of the traffic on the site away from no 57 will improve the situation for that property. I note there is a condition on the pervious permission that relates to directional broadband reversing beepers, while it is unlikely there will be separate forklifts and plant for this development and the existing approved engineering shed, I consider it is appropriate to attach a condition to this permission requiring these are fitted.

The current saw position is immune from enforcement action in its current position and there is a condition on the pervious permission requiring the housing to be upgraded. This proposal will result in the saw and the rollers being contained within an enclosed area where it has been demonstrated there will be a reduction in the noise from the saw, when operating, from 53dB to 50dB. I note the objectors have advised this is not acceptable at these levels and that any argument of betterment is not accepted as they refer to the 44dB as being the limit for noise. Whilst I have sympathy with the objectors, it is clear the existing saw can operate at these levels and the noise report does show there is detriment with the noise levels reduced from the saw if it is properly contained as proposed. I feel it is necessary to attach conditions in respect of construction of the new walls, roof and enclosure for the saw and rollers are completed before the saw becomes operational in its new position and the new shed is substantially complete before the saw becomes operational in the new location.

The objector has also set how the proposed shed will be visible from the upstairs of no 57 and advises it will tower over the existing house. The proposed shed will be 30 metres from No 57 Knockanroe Road at its closest point, the ridge height of No 57 is identified as 65.56m and the ridge height of the new building will be 58.6m, just over 2 meters above it. The new building, as already identified, will be lower than the existing engineering building by 0.5m and it will have limited views due to the existing landform and vegetation. It is likely to caused some overshadowing of No 57 Knockanroe Road in the late afternoon, early evening time as it is south west of the property, however this is likely to be more pronounced in the winter time and for a short period of time. Given the 30 metre separation it is unlikely to block out all the light and will cause a shadow in direct sunlight. While there may be overshadowing I do not consider it is to such an extent and degree that it would have such an adverse impact on No57 so as to warrant refusing planning permission. The proposed building will be visible from in and around No57, however it is set at least 30 meters away and therefore I do not consider it will have such an overbearing impact due to its size and closeness. Given all of the above I do not consider the proposal will have a significant impact on the amenity of the nearby residents.

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

The proposed site includes the remains of a dwelling which has had the roof removed and is enclosed with conifer trees to the rear. Some of the trees will be removed to allow the new yard to be accessed off the existing lane and there will be new landscaping provide to compensate for this. I do not consider the proposal will have any adverse impact on the local biodiversity or remove any protected features.

On the opposite side of Knockanroe Road is Tievana House and its gate lodge, both Listed Buildings. These buildings are separated from the application site by the public road and other domestic properties. It was recognised in the appeal decision against the enforcement notice 2014/E0018 that HED had advocated conditions in respect of the access, which is directly opposite the gate lodge. It is important to note there is also an extant permission for a new dwelling opposite the gate lodge which will be much closer than the proposed development. Given its located behind existing development and limited views of the site with the listed buildings, I consider any impacts will not be significant and once the landscaping matures this will effectively conceal the development from view with the listed buildings.

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

The site is not within an area that floods, it is developing on areas that have already been developed so will not increase the amusing of new impermeable surfaces by over 1000sqm, which would necessitate a drainage assessment.

(e) it does not create a noise nuisance;

As set out above, EHO have considered the noise impacts and have identified there is betterment from the proposed scheme.

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

The relocation of the saw does not result in any new waste being generated on site and the storage building is to contain materials that are currently already stored on site.

(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;

The proposed development may increase traffic to the site, however it is located on a minor rural

road and is currently accommodated.

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

It is proposed to utilise an existing unaltered access which has been approved for the engineering business. Amended plans show there is room to allow 40 foot lorries to turn inside the new yard area and therefore vehicles will be able to enter and exit the site in a forward gear. The objectors have asked about the existing access lane at the rear of the site, if it will still be required. The proposal does not address this, though it is reasonable to assume that as the parking and servicing can be carried out in the new yard, there will be less traffic along the lane and therefore a reduction in issues from it. It is also notable that there will be enhanced landscaping along that boundary of the site also to assist the development to integrate into the landscape.

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

This development is in the rural area and it is recognised it is not always possible to support alternative means of transport to these sites.

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

The proposed buildings are similar in appearance to the existing on site and there is additional landscaping on the majority of the boundaries that is native species which should support the local biodiversity.

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

The proposal is primarily for a new building to allow materials and finished articles to be stored under cover, the existing storage area will be screened from the road by the existing wall behind No 53 Knochanroae Road and additional landscaping is proposed on the majority of the boundaries to further screen of these views.

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

The existing access and site security are not being altered by this proposal.

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

The proposed development is located beside the existing engineering works, the new shed will be obvious in the landscape however it must be read in conjunction with the existing built development as well as the landform, existing and proposed landscaping. The objector has identified areas they say the proposed development will be visible from and these are identified below



Pic 1 Existing shed when viewed close up from the north



Pic 2. Existing shed when viewed from Ardtrea, longer distance view from north with argic group in the foreground



Pic 3 & 4. Existing shed and site viewed from Lisboy Road



Pic 5 & 6 Existing shed when viewed from the south on Knockanroe Road and with agricultural group in the foreground



Pic 7 Existing shed when viewed from the south on Knockanroe Road

While the new building will be visible from Ardtrea to the north, it is seen with the existing development on this prominent site. Members could refuse the proposal on the grounds of its prominence, however there are a number of other groups of buildings that are on prominent sites in this locality, albeit these are agricultural buildings. The proposed colour of the cladding, goosewing grey, will in my opinion, reduce the visual impact of the proposal as it is generally seen with a similar sky colour. I consider the proposal will only be critically viewed from Ardtrea and will be seen with the backdrop of the sky. The proposal does, in my opinion meet all the other criteria in PED4 and this limited view in an area that has other similar groups on prominent sites would not in my opinion be so out of character as to warrant refusing the proposal.

Other grounds of objection:

General dislike of proposal:

This is a personal choice and if the proposal meets with the planning policy or there are exceptions that must be considered then it should be approved

Did not receive notification about the proposal,:

Neighbour notification is a statutory requirement as set out by Article 8 (1) (b) of the Planning (General Development Procedure) Order NI 2015 which states:

Subject to Article 3, where an application for planning permission is made to the council or, as the case may be, the Department, the council or, as the case may be, the Department shall—

(b) serve notice of the application to any identified occupier on neighbouring land in accordance with paragraph (2);

“neighbouring land” means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width;

“identified occupier” means the occupier of premises within a 90 metre radius of the boundary of the application site;

To be notified about a proposal the neighbour must first share a boundary with the application site then be within 90 metres of the boundary. In this case Tievena House, while it may have a boundary as its laneway sits opposite the red line of the application site, the building is not within 90 metres of the red line of the site. That said, as the occupier has objected they have been notified about amended plans. Members are advised that notification of neighbours was carried out in line with the Council's obligations and letters were returned for 48 Knockanroe Road (appears unoccupied see photo below), 49 Knockanroe Road and 57A Knockanroe Road where the addressee was unknown and 51 Knockanroe Road as it was inaccessible.



No 48 Knockanroe Road

In light of the above it is my recommendation this application is approved with the conditions attached.

Conditions

Approval Conditions

Condition 1

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

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

Condition 2

All hard and soft landscape works as detailed on drawing no 02Rev1 received 28 OCT 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of any of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Condition 3

The hours of operation for the business, hours for deliveries to and despatching off goods and any other activities associated with the business shall not occur outside the following hours:

08:00 - 18:00hrs Mon- Fri

08:00 - 14:00hrs Sat

No operations on Sundays.

Reason: In the interests of neighbouring amenity.

Condition 4

No metal working or fabrication shall be undertaken in the sheds or yard area hereby approved.

Reason: In the interests of neighbouring amenity.

Condition 5

Any mobile plant being used in conjunction with the sheds and relocated saw or operating in the yard area hereby approved shall be permanently fitted with directional broadband reversing beepers.

Reason: In the interests of neighbouring amenity.

Condition 6

There shall be no paint spraying undertaken in the yard or sheds hereby approved, at any time.

Reason: In the interests of neighbouring amenity.

Condition 7

The sheds hereby approved shall be used only for storage purposes as defined in Class B4 of the Planning (Uses Classes) Order (NI) 2015 in association with the adjoining

engineering business.

Reason: In the interests of residential amenity and to control the uses on the site.

Condition 8

The saw shall not be operated in the new position until the new sheds, enclosure building, 3 metre high acoustic wall and canopy have been fully completed in accordance with the construction details and materials and in the location as specified on drawing no 02rev1 received 28 OCT 2022, drawing nos 03, 04, 05 and 06 date stamped received 09 NOV 2021, Noise Impact Assessment prepared by AONA Environmental Consulting Ltd date August 2021 and supplementary report dated 23rd March 2022.

Reason: To safeguard residential amenity.

Condition 9

No operations in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawings to provide adequate facilities for parking, servicing and circulating within the site as detailed on drawing No 02Rev1 received 28 OCT 2022. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition10

The noise level(s) (LAeq, 1 hour) from the area outlined in red on drawing number 01 date stamped 9th November 2021 shall not exceed 50 dB(A) when measured 3 metres from the façade and 1.5 metres above ground of No. 57 Knockanroe Road.

Reason: To protect nearby residential amenity

Condition11

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the owner or occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 3 of the submitted noise impact assessment date stamped 9th November 2021. Details of any noise monitoring shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall then be notified a minimum of 2 weeks in advance of the date of commencement of the noise monitoring. The council shall then be provided with a suitable report relating to the noise monitoring exercise and detail any necessary remedial measures. Any remedial measures required shall be carried out to the satisfaction of the Council within 4 weeks of approval of the remedial report, and shall be permanently maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity

Signature(s)

Date:



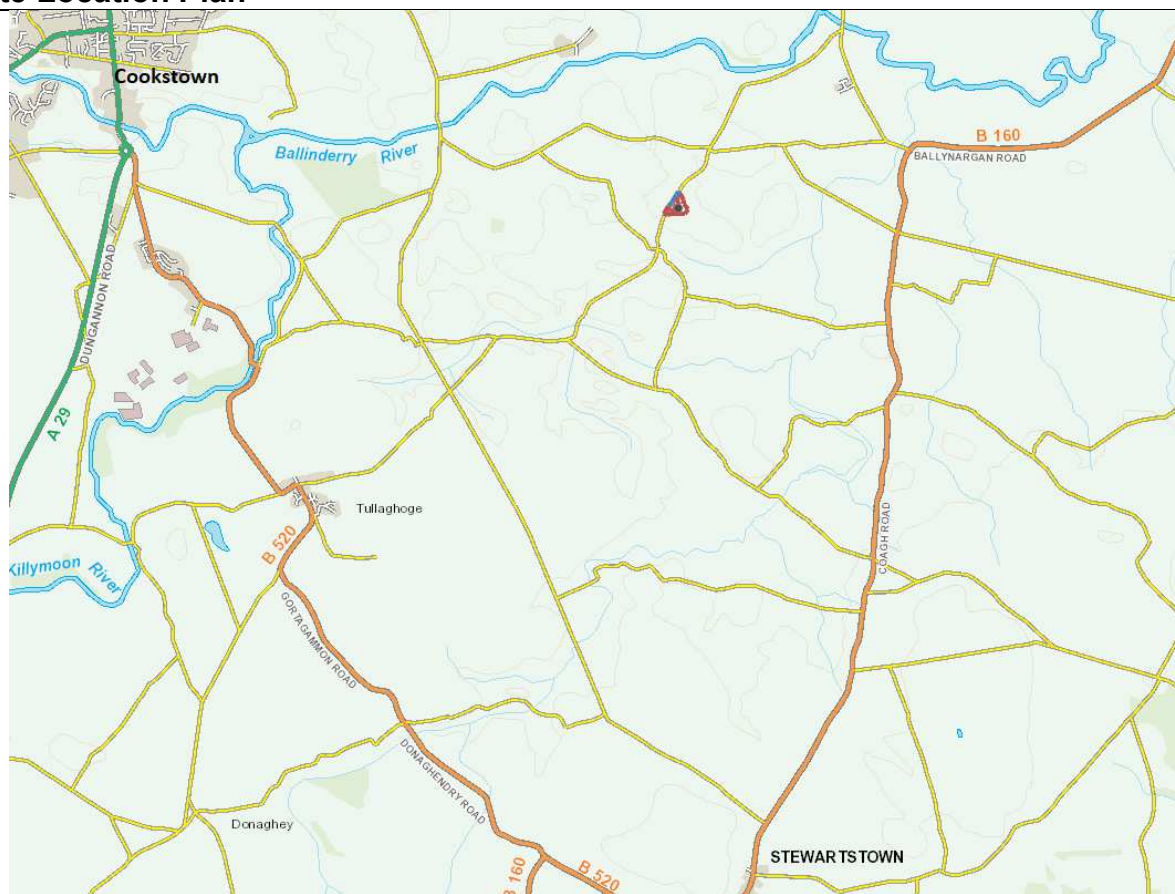
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1618/F	Target Date:
Proposal: Proposed storage shed, yard repositioning of existing saw and associated ancillary works	Location: Adjacent to 51 Knockanroe Road Cookstown
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Reid Engineering LTD 55 Knockanroe Road Cookstown	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

The site lies in the open countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is rural in character and is characterised by agricultural fields, detached dwellings on single plots and farm

complexes. The site comprises a shed at the Reid Engineering site as well as the extended yard area and existing access.

The site access is off the Knockanroe Road is positioned in the south west corner of the site. It sweeps up in a northern curve and enables entrance to the yard area where there is an existing shed in the north corner.



The yard area is a mix of finishes and there were some items being stored externally surrounding the main shed. There is a large boundary wall along the northern and north eastern side and there were a number of cars parked in the central parking area.

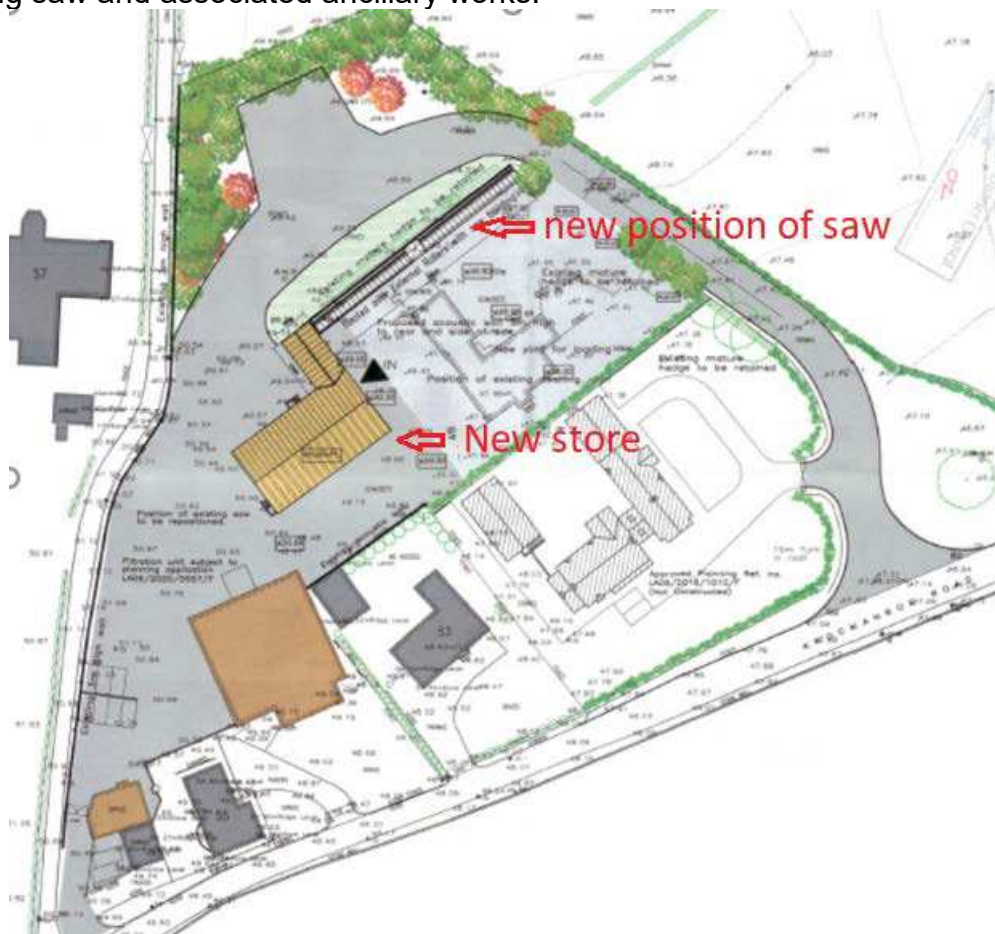


There are two existing dwellings within the blue line to the west which front onto the main road and there are plans for a new dwelling approved within the site. There is also a neighbouring property namely no.57 in close proximity to the East.



Description of Proposal

The proposal seeks full planning permission for a new storage shed, yard repositioning of existing saw and associated ancillary works.



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, a number of third party objections were received from Ms Reid who owns a property abutting the boundary of the site for Reid Engineering.

The first objection was received on the 21st December 2021. The main concerns outlined were surrounding inaccuracies of the proposed application, namely the intended use as storage, lack of turning and parking areas for vehicles, incomplete noise impact assessment, lack of elevations for all parts of the proposal.

A second objection was received on the 13TH April 2022. This representation offered additional concerns including; alterations to the access, inaccurate figures provided in terms of travel onto the site, creation of piecemeal expansion of the site, lack of information of traffic flow through and around the site, out of hour usage of the site and a cumulative impact of increased noise.

Since the time of writing and agreement on this report a further representation was received from the objector.

These further comments raise a number of concerns;

The first concern was surrounding the idea of 'betterment' in the EHO response, arguing that there was still a significant adverse impact. As discussed in the report above, there may still be an adverse impact on the amenity at number 57, however, the noise is resulting from a use and buildings that already lawfully exist, EHO has suggested that this proposal will result in a betterment therefore it will not have any further negative impact on the residential amenity.

Again states that the piecemeal development of the site is eroding residential amenity. The same response is appropriate to this point in that there will be no further negative impact on the residential amenity resulting from this development.

In addition, concerns were raised with regards the wording of the conditions suggested by EHO. The condition states 'following a reasonable noise complaint from the occupant of a dwelling'. However, the objector suggests the word reasonable is not clear and the wording of occupant is prejudice against the owner. I have discussed this concern in group and it was agreed to include the word owner as well as occupier.

Finally, the objection requests the shed be conditioned for storage only. This will be conditioned in any approval notice.

Planning History

I/2010/0091/LDE - Storage and fabrication of structural steel and associated items - 55 Knockinroe Road, Cookstown, BT80 8RX – Permitted Development

I/2010/0253/F – Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation - 55 Knockinroe Road, Cookstown, BT80 8RX – Permission Granted 30.11.2010

I/2013/0110/F - Proposed retention of offices for engineering works - 55, Knockanroe Road, Stewartstown –Permission Granted 05.07.2013

I/2014/0074/F - Proposed alteration of existing access and laneway - To the rear of 51 Knockanroe Road Stewartstown Dungannon BT71 5LX – Permission Granted 30.06.2017

I/2014/0246/F - Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard - 55, Knockanroe Road, Cookstown – Permission Granted 28.06.2017

LA09/2017/1426/F - Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard (acoustic assessment received) - 55 Knockanroe Road, Cookstown – Permission Granted 17.02.2020

LA09/2016/1015/F - Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works (agent's rebuttal to objectors NIA) - Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown – Permission Refused 19.12.2017

LA09/2020/0557/F – Proposed retention of filtration unit for a plasma cutter including its proposed enclosure at premises at 51 and 55 Knockanroe Road, Cookstown. –
CURRENT

Consultees

Environmental Health were consulted on two occasions and as the proposal is for the erection of a new shed a Noise Assessment was required. The initial response from EHO raised questions about the assessment, namely the locations of vehicle movements as well as confirmation of the acoustic performance of Kingspan KS1000 and clarification on other points. Subsequently these questions were answered in correspondence received 29th March 2022, and upon further inspection EHO replied satisfied that the modelling submitted fully considers movement of vehicles around the site. The response also states that the noise levels will have a significant adverse impact at the objectors house, however, an overall noise reduction of 3dB can be achieved compared to the existing noise conditions and therefore betterment in terms of noise impact. EHO also goes on to recommend a number of conditions, namely hours of operation, noise levels, and noise assessment if a reasonable complaint is received.

DFI roads were consulted and have responded that they have no objections to the use of the existing unaltered access. There is no intensification of use at the site and adequate visibility splays are in place.

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 plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Cookstown Area Plan 2010.

The Strategic Planning Policy Statement for Northern Ireland sets out the Departments Regional Planning Policies and provides guidance for the Councils to take into account in their Local Development Frameworks. Until the Council has adopted its own LDP, current regional policy as set out in the suite of Published Planning Policy Statement provides the planning policies for consideration unless the SPPS provides a

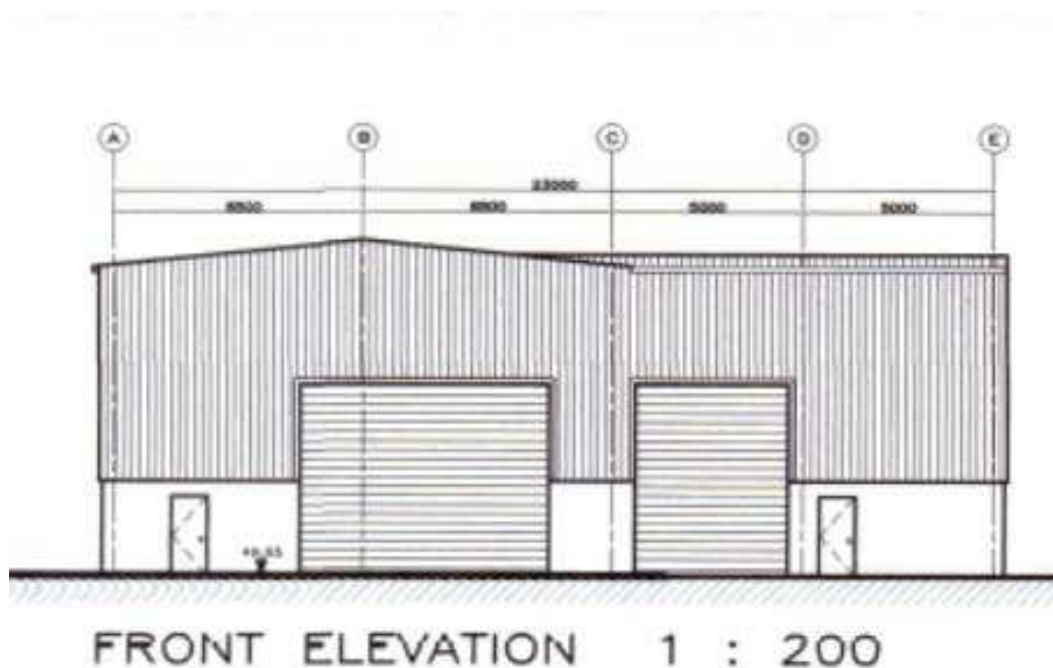
different policy direction or offers clarification, and then the policy in the SPSS is given determining weight. I do not consider the SPSS has changed any policies in relation to economic development within the countryside.

Planning Policy Statement 4 – Planning and Economic Development

Policy PED3 – Expansion of established economic development use in the countryside

The proposal is for the erection of a storage shed, yard repositioning of existing saw and associated ancillary works. The building is 394m² approx. 9m in height with two roller shutter doors on the NE elevation. The external finishes will match the existing shed, concrete base and cladding upper walls and roof. The building is proposed as a large storage area, with the existing saw moving further to the North East. The nearest point of the saw was approx. 28 metres from number 57 in its current position, the new position will mean the nearest part of the saw is now 34 metres away, and therefore, it is my opinion that there will not be a significant change.

On balance I am content the scale, massing and use will not detract from the character of the site or the surrounding area. There are limited critical views of the proposed extension from the public road and there is no major increase in the site area.



PPS 4 – Policy PED 9 General Criteria for Economic Development

The extension is for the erection of a storage shed, yard repositioning of existing saw and associated ancillary works, I am content this is compatible with the surrounding land use. It is my opinion that the proposal will not cause significant harm to the amenity of nearby residents. A thorough noise impact assessment was carried out and assessed by the EHO who also gave substantial consideration to the objectors concerns and their conclusion is that an overall noise reduction of 3dB can be achieved compared to the existing noise conditions and therefore betterment in terms of noise impact. EHO also goes on to recommend a number of conditions, namely hours of operation, noise levels, and noise assessment if a reasonable complaint is received. Therefore they offer no objection to this proposal.

It is my opinion that the proposal is acceptable in terms of scale and massing, the intended use as storage is acceptable given the growing nature of the site, and it is important that this use will be conditioned, the repositioning of the saw does not raise significant issues and I am content there will not be an unacceptable impact on neighbour amenity in terms of noise, pollution, loss of light. There are no issues with emissions or effluent. The proposal will have no impact on the existing access. It is stated on the P1 form there is no expected increase in persons or vehicles attending the site. The objector raised a query surrounding the validity of this point, however, again I visited the site on three occasions and did not witness any exceeding levels of vehicle movement. In addition DFI visited and assessed the site and did not offer any objection. A movement pattern was not required. There is no outside storage as part of the proposal.

Conditions

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.

The hours of operation of the business shall be as follows

Monday to Friday	08:00 – 18:00 hours
Saturday	08:00 – 14:00 hours
Sundays	No operations

Reason: To protect nearby residential amenity

The noise level(s) ($L_{Aeq, 1 \text{ hour}}$) from the area outlined in red on drawing number 01 date stamped 9th November 2021 shall not exceed 50 dB(A) when measured 3 metres from the façade and 1.5 metres above ground of No. 57 Knockanroe Road.

Reason: To protect nearby residential amenity

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the owner or occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 3 of the submitted noise impact assessment date stamped 9th November 2021. Details of any noise monitoring shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall then be notified a minimum of 2 weeks in advance of the date of commencement of the noise monitoring. The council shall then be provided with a suitable report relating to the noise monitoring exercise and detail any necessary remedial measures. Any remedial measures required shall be carried out to the satisfaction of the Council within 4 weeks of approval of the remedial report, and shall be permanently maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity

The building hereby approved shall be used only for the purposes of storage in association with the established use on this site and for no other purpose in Use Class B4 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To protect the amenity of the adjoining residential premises and committed sites.

Neighbour Notification Checked Yes

Signature(s)

Date:

ANNEX	
Date Valid	9th November 2021
Date First Advertised	23rd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 49 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 51 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 53 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 55 Knockanroe Road,Cookstown,Tyrone,BT71 5LX The Owner/Occupier, 55a ,Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 57 Knockanroe Road Dungannon Tyrone The Owner/Occupier, 57a ,Knockanroe Road,Dungannon,Tyrone,BT71 5LX Julie Reid E-mail Address Julie Reid Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1618/F Proposal: Proposed storage shed, yard repositioning of existing saw and associated ancillary works Address: Adjacent to 51 Knockanroe Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2017/1419/DC Proposal: Discharge of Condition No.4 of approval I/2014/0246/F Address: 51 Knockanroe Road, Cookstown, Decision: Decision Date:	

Ref ID: LA09/2019/1219/PAD

Proposal: Proposed shed , repositioning of saw, acoustic wall and extension to yard area

Address: Engineering yard at 51 and 55 Knockanroe Road, Stewartstown,

Decision:

Decision Date:

Ref ID: LA09/2016/1015/F

Proposal: Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works (agent's rebuttal to objectors NIA)

Address: Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown,

Decision: PR

Decision Date: 19.12.2017

Ref ID: LA09/2016/1010/F

Proposal: Proposed replacement and repositioning of existing dwelling and garage and extension of site curtilage (amended plans / description)

Address: 51 Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 20.07.2018

Ref ID: LA09/2019/1015/LDE

Proposal: Existing office extension to workshop.

Address: Land at 55 Knockanroe Road, Stewartstown, BT71 5LX.,

Decision: PG

Decision Date:

Ref ID: LA09/2017/1426/F

Proposal: Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard (acoustic assessment received)

Address: 55 Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 17.02.2020

Ref ID: LA09/2020/0557/F

Proposal: Retention of filtration unit for a plasma cutter including its proposed enclosure (Additional Information Noise Assessment Provided)

Address: Premises at 51 and 55 Knockanroe Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2001/0426/O

Proposal: Proposed One and a Half Storey Residential Dwelling

Address: Site Opposite 48 Knockanroe Road, Ardtrea, Stewartown

Decision:

Decision Date: 10.01.2002

Ref ID: I/2000/0194/O

Proposal: Storey and half house and domestic garage.

Address: 30 metres East of 48 Knockanroe Road, Cookstown.

Decision:

Decision Date: 26.05.2000

Ref ID: I/1993/0212

Proposal: 11KV Rural Spur

Address: KNOCKAROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2010/0091/LDE

Proposal: Storage and fabrication of structural steel and associated items

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date:

Ref ID: I/2000/0297/O

Proposal: Replacement Dwelling

Address: 59 Knockanroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 28.07.2000

Ref ID: I/2003/0601/RM

Proposal: Replacement Dwelling

Address: 59 Knockinroe Road Tievenagh Cookstown

Decision:

Decision Date: 17.09.2003

Ref ID: I/2005/0707/O

Proposal: Proposed site for dwelling and garage (domestic)

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 01.02.2006

Ref ID: I/2008/0061/F

Proposal: Site for dwelling-amendment to condition No.7 in relation to Outline planning permission ref no: I/2005/0707/O to increase ridge height to 6 metres.

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.04.2008

Ref ID: I/2009/0017/RM

Proposal: Proposed dwelling and garage

Address: 100m North West of 59 Knockinroe Road, Cookstown

Decision:

Decision Date: 18.08.2009

Ref ID: I/2004/0597/O

Proposal: Proposed Dwelling

Address: 90m South East of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 15.09.2004

Ref ID: I/2005/0301/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 09.05.2005

Ref ID: I/2005/0634/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 16.06.2005

Ref ID: I/2004/0913/O

Proposal: proposed dwelling

Address: 90m S.E. of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 25.01.2005

Ref ID: I/2006/0661/RM

Proposal: Dwelling & garage

Address: 150metres (approx) NW of 59 Knockinroe Road, Cookstown

Decision:

Decision Date: 19.12.2006

Ref ID: I/2003/0807/O

Proposal: Dwelling and Garage

Address: 150 metres (approx) north west of 59 Knockinroe Road, Cookstown. BT80 8SR

Decision:

Decision Date: 13.11.2003

Ref ID: I/2008/0420/RM

Proposal: Single storey dwelling and garage

Address: 90m south east of 53 Knockanroe Road, Ardtrea

Decision:

Decision Date: 21.10.2008

Ref ID: I/2003/0814/O

Proposal: Proposed dwelling

Address: Lands 70m East of 48 Knockanroe Road Ardtrea Cookstown

Decision:

Decision Date: 29.03.2004

Ref ID: I/2004/0831/O

Proposal: Site for dwelling & garage

Address: 150 Metres (approx) South East of 55 Knockinroe Road, Tievenagh,
Cookstown

Decision:

Decision Date: 14.04.2005

Ref ID: I/2004/0999/RM

Proposal: Dwelling & garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 30.12.2004

Ref ID: I/2010/0447/F

Proposal: Alterations to previous approval ref: I/2008/0420RM including relocation of access

Address: 90m South East of 53 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 10.12.2010

Ref ID: I/2013/0357/F

Proposal: Steel and timber store for Engineering works (Amended Plans and Supporting Statement)

Address: To the rear of 57 Knockinroe Road, Dungannon,

Decision: AGREE

Decision Date: 08.12.2014

Ref ID: I/2014/0246/F

Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard

Address: 55, Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 28.06.2017

Ref ID: I/2002/0703/O

Proposal: Dwelling and Garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.05.2003

Ref ID: I/2005/0705/F

Proposal: Extension to dwelling with disabled adaptations.

Address: 51 Knockinroe Road, Cookstown

Decision:

Decision Date: 26.09.2005

Ref ID: I/1994/0158

Proposal: Site for Dwelling

Address: OPPOSITE 41 KNOCKADOO ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/1998/0529

Proposal: Proposed dwelling & garage

Address: ADJACENT TO 53 KNOCKINROE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0403

Proposal: Bungalow

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2002/0680/F

Proposal: Proposed dwelling and garage

Address: Adjacent to 55 Knockanroe Road, Stewartstown

Decision:

Decision Date: 30.12.2002

Ref ID: I/1990/0016

Proposal: Dwelling and Garage

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0058

Proposal: Dwelling and Garage

Address: 50M SOUTH EAST OF 55 KNOCKANORE ROAD TIEVENAGH
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2010/0253/F

Proposal: Proposed extension and alterations to existing engineering workshop/store &
ancillary accommodation

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date: 30.11.2010

Ref ID: I/2013/0110/F

Proposal: Proposed retention of offices for engineering works

Address: 55, Knockanroe Road, Stewartstown,

Decision: PG

Decision Date: 05.07.2013

Ref ID: I/1993/0185

Proposal: Domestic Garage

Address: 55 KNOCKANROE ROAD, TIEVENAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1991/0300

Proposal: Improvements to Dwelling

Address: 55 KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2015/0013/F

Proposal: Extension and alterations to existing dwelling

Address: 51 Knockanroe Road, Stewartstown, Dungannon, BT71 5LX,

Decision: PG

Decision Date: 09.07.2015

Ref ID: I/2014/0074/F

Proposal: Proposed alteration of existing access and laneway

Address: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX,

Decision: PG

Decision Date: 30.06.2017

Ref ID: LA09/2015/0528/PAD

Proposal: New shed and ancillary works

Address: Adjacent to 50 Knockanroe Road, Stewartstown,

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 05

Type: Existing Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1678/F	Target Date: 14 January 2022
Proposal: Proposed two storey family dwelling and attached garage	Location: South Of 179 Coash Road Killyman Dungannon
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: No objections received The proposed dwelling does not take into account the scale and character of the existing development in the ribbon.	
Summary of Consultee Responses: DFI Roads have requested amended plans to show 2.4m x 45.0m sight lines and minor changes to the detailing in the access. Have advised Council to be sure the applicant controls the lands for the access.	
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 agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road. The application site is a portion of a larger agricultural field between other dwellings and	

has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging

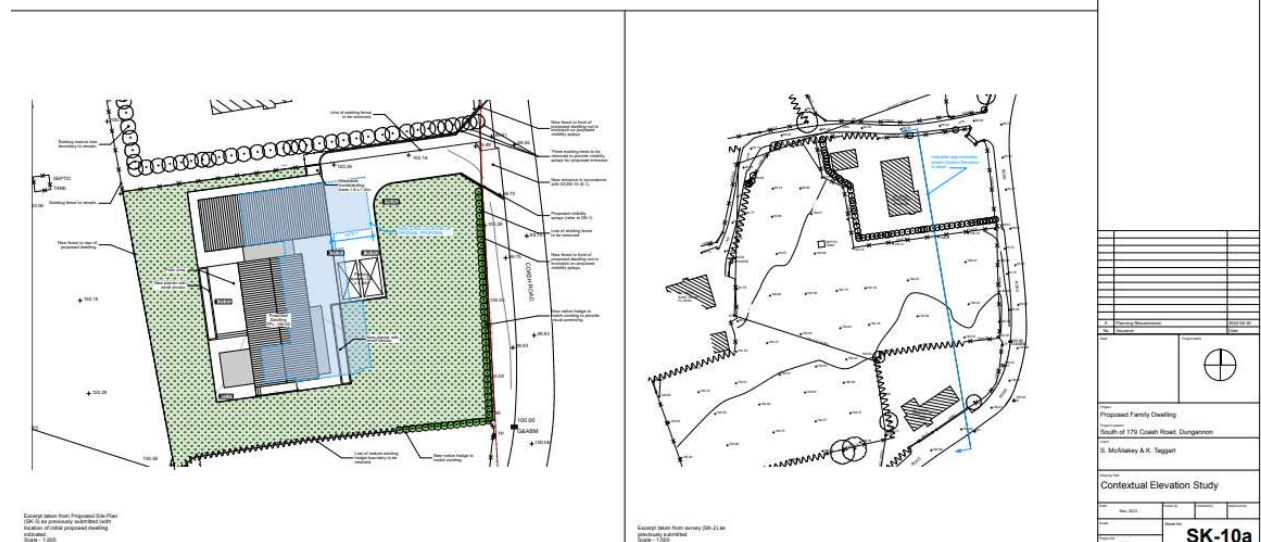
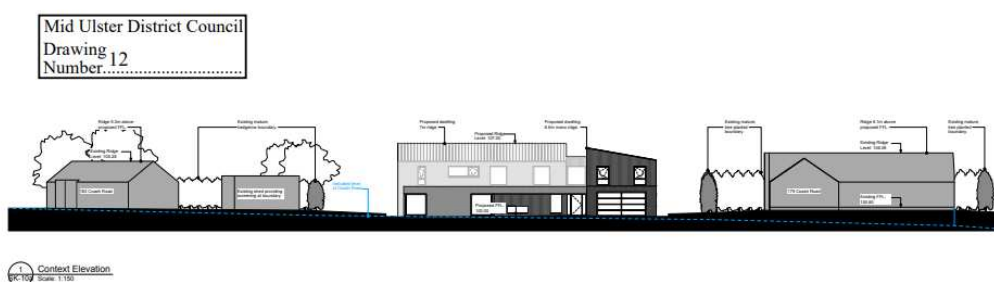
Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in August 2022 where it was deferred for a meeting with the Service Director and in November 2022 where it was deferred for a members site visit.

Following the meeting the architect provided additional clarification and advised the proposed dwelling will require a small cut of 0.4m in the site and that it will not require any significant cutting or retaining walls. Further the architect advised that if approved he would be ensuring the dwelling would be constructed in accordance with the approved drawings. Drawing 12 provides the clarification the agent wished members to be aware of.



At the members site visit on 22 November the members were provided with the architects submission as well as the extract from 'Building on Tradition – Design Guide for Rural NI (pages 74 – 77) where it discusses infill development and acceptable infill.

The submission from the architect is available on the planning portal. At the site visit members were shown the existing buildings and CTY8 was discussed especially where it requires new development to respect the pattern in terms of size, scale, siting and plot size. In this case the development either side has a strong sense of scale, single storey development. It was noted the road is a minor road and there was not heavily trafficked.

Following the site visit the applicant was advised of the need to reduce the proposal and offered the opportunity to consider a resubmission. They have advised they have already reduced the height of the proposed dwelling, resited further back in the site and are seeking a decision on the proposal currently before the Committee.

I note this is a minor road and views of the site are limited to in front of the proposed site, however it is clear there is a strong sense of scale here. I consider the proposed dwelling does not respect that scale and as such does not meet the exception to the infill policy and as such I recommend this application is refused.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.
2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.
3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1678/F	Target Date: 14 January 2022
Proposal: Proposed two storey family dwelling and attached garage	Location: South Of 179 Coash Road Killyman Dungannon
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: No objections received The proposed dwelling does not take into account the scale and character of the existing development in the ribbon.	
Summary of Consultee Responses: DFI Roads have requested amended plans to show 2.4m x 45.0m sight lines and minor changes to the detailing in the access. Have advised Council to be sure the applicant controls the lands for the access.	
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 agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road. The application site is a portion of a larger agricultural field between other dwellings and	

has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging.

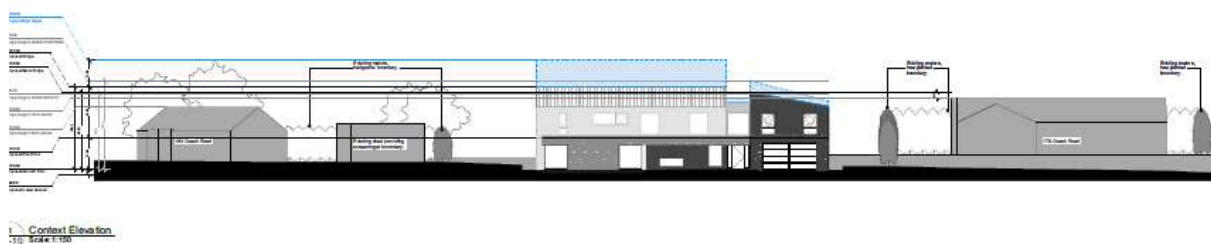
Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in August 2022 where it was deferred for a meeting with the Service Director - Planning. At a meeting on 11 August 2022, infill policy was discussed and the principle of development was accepted, the issue relates to the design of the development and how it respects the adjacent development.

Amended plans were submitted for consideration which reduced the height of the building in the landscape by reducing the ground level and the overall height of the dwelling.



Members are advised the exception to the policy does not mean that any development on the gap site will be acceptable, it specifically requires any new development '*respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*'

The illustration above, provided by the applicants in support of the proposal, clearly shows the proposed development is a 2 storey dwelling within a line of bungalows and low buildings. Having visited the site I was aware of a strong emphasis on this scale of development which is low elevation and single storey in appearance. This is particularly of note in the cottage and associated buildings to the south which have very low ridge heights (Fig 1) The gable fronted bungalow to the north also has a low ridge and appearance of single storey (Fig 2), as does the single storey dwelling further to the north (Fig 3).



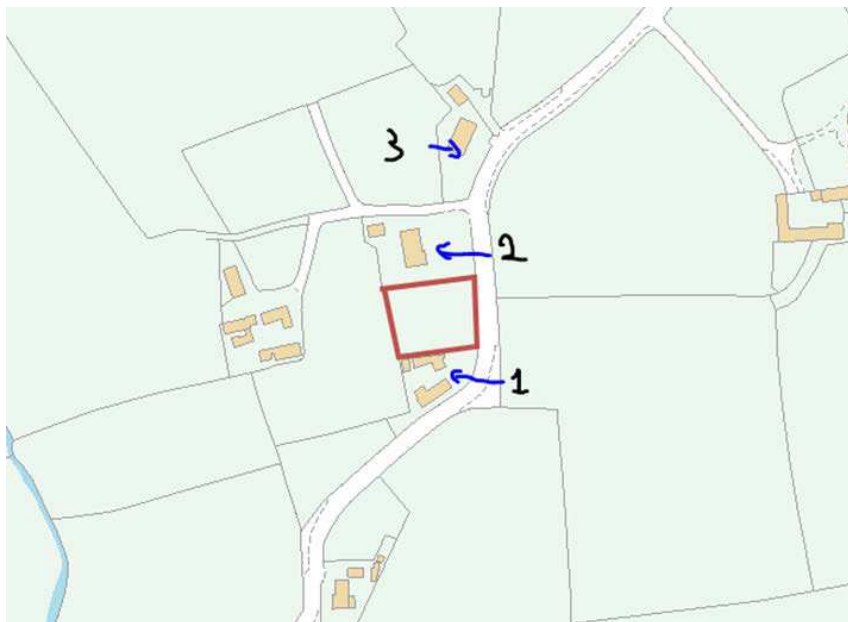
Fig 1 – dwelling to the south



Fig 2 – bungalow to north



Fig 3 – dwelling further north



DFI Roads had requested amended plans showing sight line, these have been provided and show the access with sight lines of 2.4m x 45.0m.

I note this is a minor road and views of the site are limited to in front of the proposed site, however it is clear there is a strong sense of scale here. I consider the proposed dwelling does not respect that scale and as such does not meet the exception to the infill policy and as such I recommend this application is refused.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development

if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.

2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.

3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

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: 05/07/2022	Item Number:
Application ID: LA09/2021/1678/F	Target Date:
Proposal: Proposed two storey family dwelling and attached garage	Location: South of 179 Coash Road Killyman Dungannon
Referral Route: 1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling. 2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality. 3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.	
Recommendation:	Refusal
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: The proposal is for a dwelling with a 7.5m ridge height and a T-shaped form. The proposed dwelling has a contemporary finish with a mix of brick, stone and wood cladding as external finishes. The other dwellings along the row are modest single storey with the appearance of rural dwellings. I consider the proposal does not fit with the existing pattern of development along the row and will be prominent in the landscape.	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The 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 agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road.

The application site is a portion of a larger agricultural field between other dwellings and has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging.

Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, 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 recent 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 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 a larger agricultural field with a roadside frontage onto Coash Road. Abutting the southern boundary is a dwelling at No.183 with a garden area to the front of the dwelling and I am content No. 183 has a frontage to the road. Abutting the northern boundary is a dwelling at No. 179 and to the north of No.179 is another dwelling at No. 173. I am content both No. 179 and No. 173 have garden areas which front onto the road. I am content there proposal is a small gap site within a substantial frontage of 3 or more buildings along Coash Road.

The application site has a roadside frontage of 35m and No. 183 has a frontage of 60m but this is around a bend in the road. To the north No. 179 has a frontage of 33m and No. 173 has a frontage of 37m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to 2 dwellings. 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 2 dwellings.

The predominant house type along this stretch of road are modest single storey dwellings and the applicant has proposed a two storey/one and half storey dwelling. The proposed dwelling has the form of two long buildings perpendicular to each other in a T shape. The design is contemporary in a barn style with varying sizes of long windows. The proposed external materials are grey profiled metal on the roof, grey aluminium windows and doors, natural stone on the ground floor, brick and wood cladding on sections of the upper floor. In comparison the scale and massing of the surrounding dwelling is simple rural dwelling with slate roof tiles and pebble dash or render walls.

The level of the site is at a higher level than the road level and the site is level with dwellings on either side. In discussions with the agent and the senior planner the applicant was asked to reduce change the design to fit with the surrounding dwellings. The dwelling has been pushed further back on the site and the ridge height reduced. The agent states that the dwelling will cut into the ground as shown in figures 1 and 2 below.

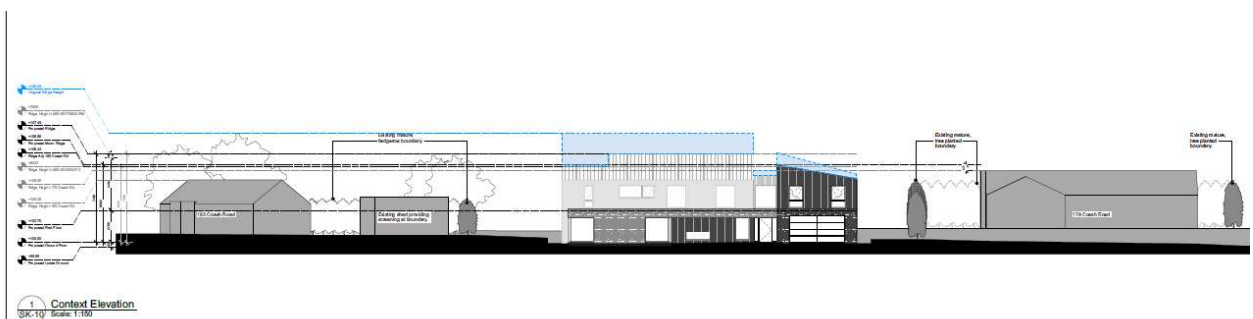


Figure 1 – Street scene of proposed dwelling in context of surrounding dwellings

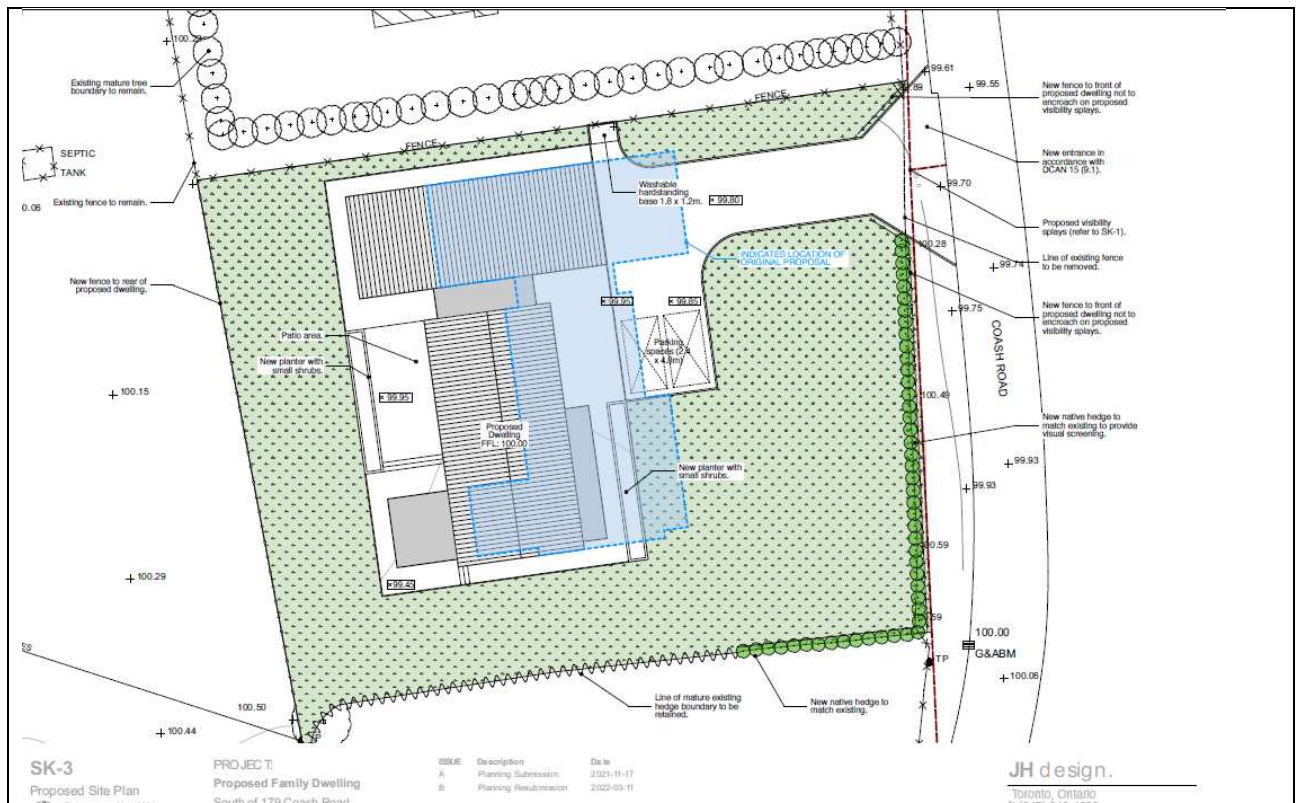


Figure 2 – Site Plan of the dwelling pushed further back

Even-though the ridge height of the dwelling has been reduced I still consider the scale and massing of the dwelling does not fit with the size and scale of nearby dwellings. The policy in CTY 8 states the proposal should respect the existing development pattern and this is not the case with this proposal. Figure 3 shows the proposed roadside elevation in comparison with what currently exists as shown in figure 4.

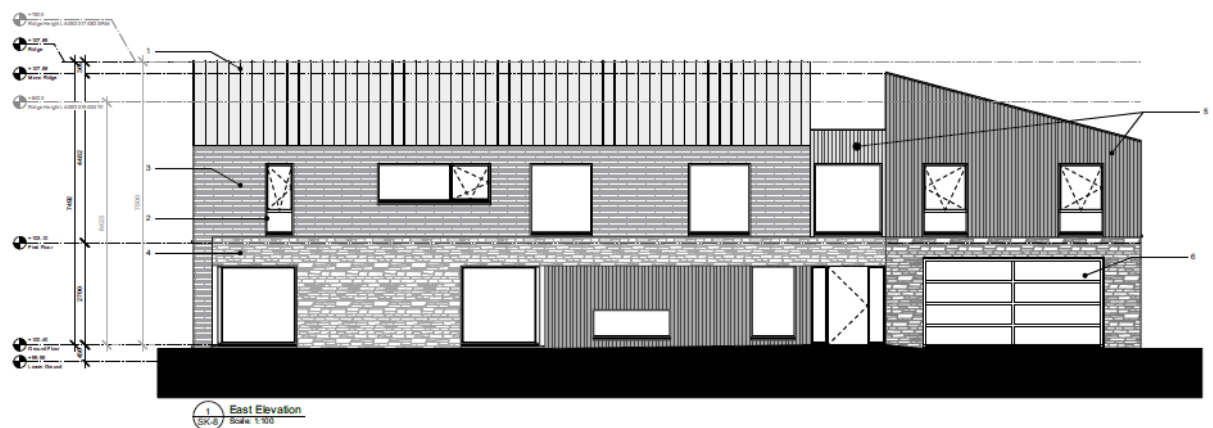


Figure 3 – Snapshot of roadside view of proposed dwelling



Figure 4 – Photos of other dwellings along the row

Overall I consider the proposal does not meet the criteria in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger field with a flat topography and the dwelling has been pushed further back on the site. I am of the opinion the scale and massing of the dwelling is out of character when compared with what currently exists along the row and the building will be prominent. There are established boundaries along the north and south of the site and new hedging has been proposed along the roadside boundary. I have no concerns about a sense of enclosure at the site as there are other buildings along the row.

CTY 14 – Rural Character

I consider the proposal will be prominent and does not respect the traditional pattern of settlement in the immediate area.

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
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Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY8, CTY13 and CTY14 in PPS 21.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.

2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.

3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2022/0168/O	Target Date: 6 April 2022
Proposal: Proposed domestic dwelling and garage in a cluster	Location: 25M North Of 2 Coltrim Lane Moneymore
Applicant Name and Address: Mr Mark Hamilton 50 Cookstown Road Moneymore	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area The site is located approximately 1.1km south west of the development limits of Moneymore in the rural area, as defined in the Cookstown Area Plan 2010. The site is proposed to be accessed from an existing access which serves a residential dwelling and Railway Karting. The area is characterised with a mix of agricultural uses, dwellings, Railway Karting and J&K Coaches.	
Description of Proposal This is an outline application for a proposed dwelling and garage in a cluster.	

Deferred Consideration:

This application was presented before the Planning Committee in June 2022 with a recommendation to refuse. Members agreed to defer the application for an office meeting with the Planning Manager which took place 16 June 2022.

Following the office meeting I carried out a site visit. It is apparent from the site location plan the agent is relying on the existence of two focal points, 3 dwellings and 2 approved outline sites to meet the tests of Policy CTY 2a of PPS 21.

CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of the six criteria are met. The key issues in this case are

- Cluster does not appear as a visual entity in the local landscape.
- The cluster is associated with a focal point.

If the first three criteria can be met it follows that the site is assessed as to whether it can meet the last three criteria of CTY 2a.

Dealing with the first criteria, it states the cluster of development must lie outside of a farm and consist of four or more buildings of which at least three are dwellings. There are three dwellings with some outbuildings, and it can be said there is a cluster of development, therefore fulfilling the first criteria.

There is an area of land accessed off the Coltrim Road which is currently used as a bus park by JK Coaches. The second criteria require the cluster to appear as a visual entity in the local landscape. Due to the distance and vegetation between the buildings in the cluster it is my opinion these do not appear as a visual entity in the local landscape. The third criteria require the cluster to be associated with a focal point. I agree the bus park can be considered as a focal point, but as the cluster of development does not appear as a visual entity in the landscape it cannot be read as being associated with this focal point and the agent is relying on the approval of two infill dwellings, which have only been approved at outline stage and not yet built, for further dwellings in a cluster.

The agent then refers to a focal point at the Railway Karting track on the site location plan. In assessing if there is a cluster of development, I will go through each of the three aforementioned criteria.

Once again it is clear the agent is relying on the as yet unbuilt dwelling houses which have been approved at outline state. Whilst the dwellings at Nos 2 Coltrim Lane and 50 Cookstown Road can be read together from certain vantage points, they cannot be read with the required third dwelling at No 46 Cookstown Road, and as such they do not read as part of a visual entity as part of a cluster of development. As I do not consider there is a cluster of development which can be read as a visual entity, the cluster is not associated with a focal point, either at Railway Karting or J&K Coach park.

It is apparent the agent is trying to marry the two focal points together and rely on sparsely located houses to create the cluster as a visual entity. This is not within the spirit of the policy. No 46 Cookstown Road cannot be read from any public viewpoints and so it fails to read as

contributing to a cluster of development and does not appear as a visual entity in the local landscape. In trying to achieve this, the agent has created a site which he contends has a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The red line has been drawn in such a way that shows there is development on at least two sides. However, the two sites with outline approval have not been built and a large red line has been drawn to include both No 2 Coltrim Lane and No 50 Cookstown Road and therefore only one side of the proposed site is bounded by other development in the cluster. The agent has also identified No 48 Cookstown Road as a residential dwelling to be included in the number of dwellings for the purposes of the cluster. This is not a residential dwelling, and this is confirmed with a check of the Valuation and Lands Agency register which confirms this is a non-domestic building.

It is my opinion, for the various reasons above, the cluster of development does not read as a visual entity in the local landscape. I therefore conclude the site does not provide a suitable degree of enclosure and it is not bounded on at least two side with other development in the cluster. The site will visually intrude into the open countryside. There are no issues of concern with regards to an adverse impact on residential amenity.

For the reasons above I consider the application fails to meet the first five criteria of Policy CTY 2a and a refusal is being recommended.

Conditions/Reasons for Refusal:

Approval Conditions

Signature(s):Karen Doyle

Date: 20 December 2022

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0168/O	Target Date:
Proposal: Proposed domestic dwelling and garage in a cluster	Location: 25m North of 2 Coltrim Lane Moneymore
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 2a of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Mark Hamilton 50 Cookstown Road Moneymore	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh 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

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 - Contrary to CTY 1 and 2a of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.1km south west of the development limits of Moneyore, from such the site is located in the open countryside as per defined by the Cookstown Area Plan 2010. The site is identified as 25m North of 2 Coltrim Road, Moneyore, in which the red line covers a portion of a much larger agricultural field. I note that the intention is to use an existing access that already serves a residential dwelling and go kart facility. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings and go kart facility nearby.

Representations

Four Neighbour notifications were sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed domestic dwelling and garage in a cluster, the site is identified as 25m North of 2 Coltrim Lane, Moneymore.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 -Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

Upon review of the guidance I am content that the cluster lies outside a farm and consists of four or more buildings, wherein three of which are dwellings. I note that two sites have been approved to the north of No. 2 Coltrim Road however these are only outline approvals. However, given the distance between the dwellings it is not clear that the cluster appears as a visual entity.

In terms of a focal point, the agent has identified the 'go kart facility' north of the 50 Cookstown Road and the 'Bus park' along Coltrim Road as the second. I am content that both can be constituted as focal points in their own right. However taking the 'go kart facility' first, whilst I acknowledge that it has association with no. 50 Cookstown Road, it does not have any association with No.2 Coltrim Road given the separation distance between the two so cannot be seen to have association with the whole cluster. Likewise, the 'bus park' appears to have association with No.2 Coltrim Road but no association with Nos. 46 and 50 Cookstown Road. As such I hold the view that the application has failed to demonstrate an associated focal point with the cluster.

In terms of enclosure I note that the site bounds with two dwellings one on the eastern boundary and one on the southern boundary, wherein I am content that the site is suitably bounded and will subsequently be absorbed into the cluster without significantly altering the existing character of the area. Finally, I am content that a dwelling in this location is unlikely to have an adverse impact on residential amenity. Given the issues with being a visual entity and the focal point I hold the view that the application fails under CTY 2a.

I note that the agent confirmed that there were no other cases that this application could be considered under, upon review of the remaining policies under CTY 1 I would agree with this, as such it will be taken forward as a refusal.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 8m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refusal	
Reasons for Refusal:	
<p>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.</p>	

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point or is not located at a cross-roads.

Signature(s) 

Date: 8/5/22.

ANNEX	
Date Valid	9th February 2022
Date First Advertised	22nd February 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Coltrim Road, Moneymore, Londonderry, BT45 7QG The Owner/Occupier, 2 Coltrim Lane, Moneymore, Londonderry, BT45 7YZ The Owner/Occupier, 46 Cookstown Road Moneymore Londonderry The Owner/Occupier, 50 Cookstown Road Moneymore Londonderry	
Date of Last Neighbour Notification	24th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: I/2000/0190/F Proposal: Use of land for cart track Address: Adjacent to no 46 Cookstown Road Moneymore Decision: Decision Date: 20.12.2000 Ref ID: I/2000/0827/F Proposal: Replacement dwelling Address: Railway View Cookstown Road Moneymore Decision: Decision Date: 28.02.2001 Ref ID: LA09/2018/0500/LDP Proposal: Proposal for the erection of a new dwelling & garage. Address: Coltrim Lane, Moneymore (Approx. 220m from junction with cookstown road)., Decision: PR Decision Date: Ref ID: LA09/2017/0810/F Proposal: New Dwelling Address: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road),	

Decision: DEF

Decision Date:

Ref ID: LA09/2020/1244/O

Proposal: Proposed infill dwelling & garage (site 2).

Address: 25m NE of 2 Coltrim Road Moneymore.,

Decision: PG

Decision Date: 02.03.2021

Ref ID: LA09/2017/1490/F

Proposal: Retrospective widening of existing access and laneway (amended description)

Address: Adjacent to 50 Cookstown Road, Moneymore,

Decision: PG

Decision Date: 07.06.2018

Ref ID: LA09/2020/1238/O

Proposal: Infill dwelling & garage (site 1)

Address: 70m NE of 2 Coltrim Road Moneymore,

Decision: PG

Decision Date: 15.02.2021

Ref ID: LA09/2016/1259/F

Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F

Address: Adjacent to 46 Cookstown Road, Moneymore,

Decision: PG

Decision Date: 27.06.2017

Ref ID: I/2002/0208/F

Proposal: Reduction in the area of car parking area from that originally approved under planning permission I/2000/0565.

Address: Cart Track, adjacent to No 46 Cookstown Road Moneymore

Decision:

Decision Date: 23.12.2002

Ref ID: I/2001/0619/F

Proposal: Office and Store

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 13.01.2004

Ref ID: I/2000/0565/F

Proposal: Use of land for cart track

Address: Adjacent to 46 Cookstown Road Moneymore

Decision:

Decision Date: 18.06.2001

Ref ID: I/1999/0490/O

Proposal: Dwelling house

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 14.04.2000

Ref ID: I/2001/0257/F

Proposal: Bus parking area with ancillary facilities including small building - office, WC and canteen

Address: 120 metres south east of Coltrim Cross Roads Coltrim Lane Moneymore

Decision:

Decision Date: 01.10.2002

Ref ID: I/2000/0334/F

Proposal: Dwelling

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 08.11.2000

Ref ID: I/2004/0081/F

Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2 No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies

Address: Adjacent to no. 46 Cookstown Road, Moneymore

Decision:

Decision Date: 01.07.2004

Ref ID: LA09/2021/1594/F

Proposal: Part retrospective application for extension to existing car parking area

Address: 80m NW of 48 Cookstown Road, Moneymore,

Decision:

Decision Date:

Ref ID: LA09/2022/0168/O

Proposal: Proposed domestic dwelling and garage in a cluster

Address: 25m North of 2 Coltrim Lane, Moneymore,

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: