



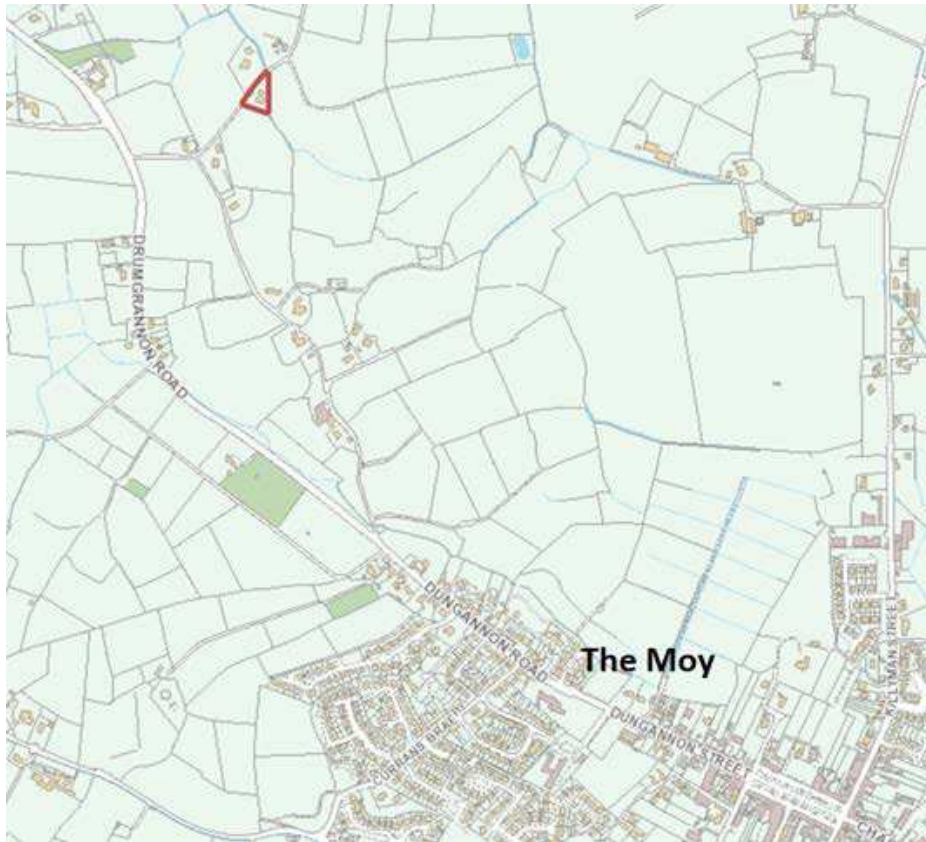
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0152/F	Target Date:
Proposal: Retention of the storage building and its use for the packaging and storage of hand made dog treats produced in the adjoining and attached garage	Location: 19 Major's Lane Moy Dungannon
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Bernard Mackle 19 Majors Lane Moy Dungannon	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies in the open countryside a short distance to the North West of the settlement limits of The Moy and outside all other areas of constraint as depicted by the DSTAP 2010.



The red line of the site is triangular in shape and includes a large two storey dwelling with a large rear return, and decent garden space to both sides North and South. There is also a detached two storey garage with external stairs to the north with a further aluminium clad shed/garage type structure further North again. It is finished in a cream paint with dark coloured roof and a roller front door. This building is also internally linked to the garage.

Description of Proposal

The proposal seeks full planning permission for the retention of the storage building (5m x 10m) and its use for the packaging and storage of handmade dog treats produced in the adjoining and attached garage.

Planning Assessment of Policy and Other Material Considerations

History

LA09/2018/0132/LDE - Small Bakery producing handmade dog treats in garage attached to the house ? Permitted Development 12.09.2018

The site was granted a certificate of lawfulness in 2018 as the applicant had provided business invoices and receipts, bank accounts, phone bills, all relate to the pet bakery at number 19 Majors Lane, Moy spanning back to 2011.

Objections

One objection was received from the owner/occupier of the dwelling situated opposite and NW of the site. The main concerns are;

- Ongoing odour issues with the existing and permitted dog bakery.
- Location for the existing pet bakery is unsuitable
- Excess traffic caused by the existing pet bakery
- Use of objectors driveway for parking of vehicles associated with pet bakery
- General disruption and noise from the existing pet bakery



Assessment

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

- SPPS Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan.
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- PPS 3 - Access, Movement and Parking

- PPS 4 - Planning and Economic Development
- PPS 21 - Sustainable Development in the Countryside

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

There are no flooding issues or natural heritage issues affecting the site. The closest third party dwelling is located to the immediate North West of the site, number 20 Majors Lane. Given the nature of the development (ie) manufacturing and storage of pet food, it was necessary to consult with Environmental Health with regards to any impact on residential amenity. Environmental Health have visited and monitored the site, in addition they have also considered the submitted Odour report and responded stating they are satisfied that odour from the pet bakery has no adverse impact on nearby residential amenity and have no objection to the granting of any planning permission.

The SPPS does give specific provision for Economic Development, Industry and Commerce subject to a number policy provisions. It does not present any change in policy direction with regards to industrial development in settlements. As such, existing policy will be applied (ie) PPS4.

DSTAP 2010

The site lies just North of and outside the development limits of The Moy and in the open countryside. It is not subject to any key site requirements. I do not consider there any policies within the plan that deal with industrial development in the countryside.

Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

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

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

Planning Policy Statement 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS21 allows a number of types of development in the countryside, where it relates to business development if the policies contained within PPS 4 - Planning and Economic Development are met then the proposal will meet with CTY1.

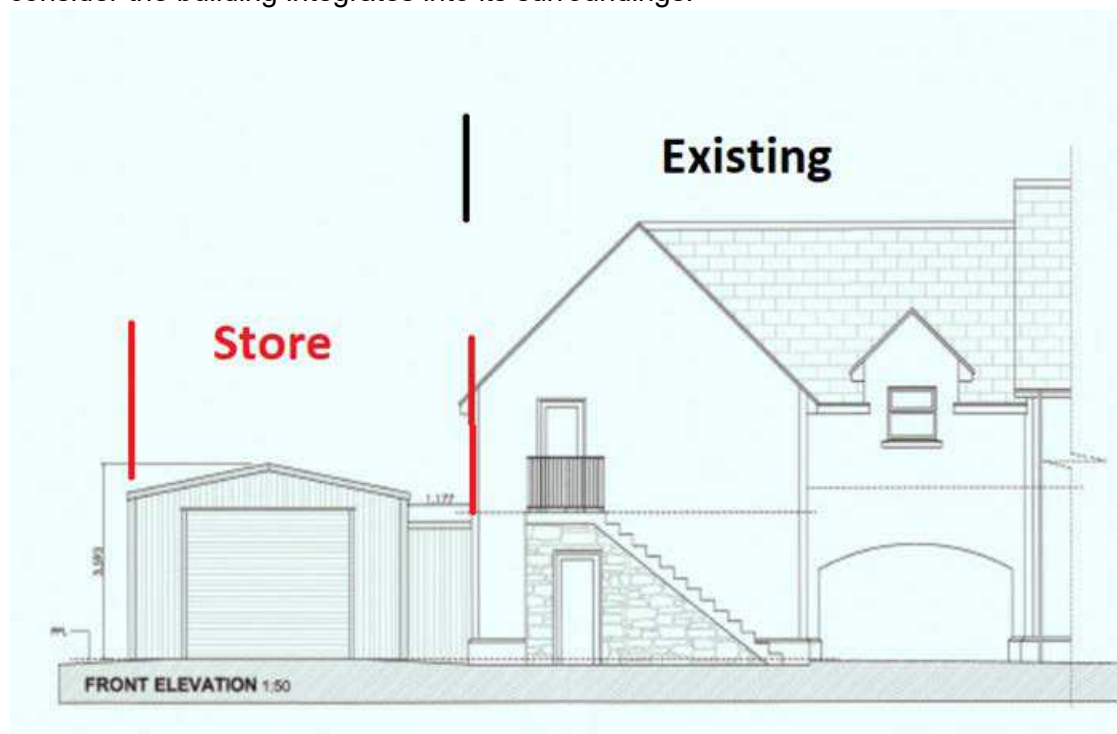
Policy PED2 of PPS4 allows economic development in the countryside where it meets with other specified criteria in policies PED3 - PED6 and the general criteria in PED9 is relevant to the consideration of all economic development proposals.

This proposal is for the retention of a building associated with an established business 'pet bakery? (established under CLUD - LA09/2018/0131/LDE) for the manufacturing and storage of pet food and as such I consider this is the expansion of an established economic development use, as such the provisions of Policy PED 3 apply.

PED3 - Expansion of an Existing Industrial Development in the Countryside.

Policy PED 3 states the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Aerial photographs of the site indicate the footprint of the building to be retained is within the existing established site and as such there is no increase in the site area because of this development. The proposal is for the retention of a building with a floor space of approx. 50sqm in area. Views of the building from the surrounding public road network are somewhat limited with the existing buildings to the south and a mature backdrop of vegetation. As the building is relatively small and attached to the existing building, it appears as a small side extension. I consider the building integrates into its surroundings.



In addition to Policy PED 3, this proposal is required to meet the requirements of Policy PED 9 - General Criteria for Economic Development, which for the following reasons I consider it does:

- this proposal is considered compatible with the surrounding land uses given the existing the existing use on site, it is a small store to be used to keep up to a max of 10 pallets. This will avoid the need for constant delivery of completed product as well as cutting the need for any outside storage which would have more of an impact on surrounding residential amenity.
- The building is located within the existing yard, there may be issues relating to noise and odour, however I do not think, given the existing development and uses around it, as well as the distance from existing and approved residential properties, that this building will unduly exacerbate any existing issues. Environmental health comments are in agreement with this.

- It will not adversely affect features of the natural or built heritage as there are no features of built heritage on site or in the immediate vicinity.
- There are no flooding issues or natural heritage issues affecting the site.
- There will be no effluent and no concerns regarding emissions have been raised.
- This proposal does not involve the creation of a new access unto a public road or intensification of the site.
- The site is located within a rural area, access to the site is gained from the existing and there is a movement pattern providing acceptable links to public transport.
- The building does not include any new landscaping or infrastructure, it is of an appearance similar to a small domestic garage. It does not propose any outdoor storage.
- The proposal does not involve any new fences, as the site is self-contained and well secured, it is generally designed to deter crime and promotes personal safety.

Taking account if all of the above, I consider this proposed development can be considered to meet PED3 of PPS4 and can be approved.

Neighbour Notification Checked

Yes

Conditions

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Informatives

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

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

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	4th February 2019
Date First Advertised	21st February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 20 The Major'S Lane Dungannon Tyrone The Owner/Occupier, 22 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 24 The Major'S Lane,Dungannon,Tyrone,BT71 7FG The Owner/Occupier, 91Major'S Lane, Dungannon, Tyrone, BT71 7FG Derek McMullan Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0152/F Proposal: Retention of the storage building and its use for the packaging and storage of hand made dog treats produced in the adjoining and attached garage Address: 19 Major's Lane, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2018/0131/LDE Proposal: Small Bakery producing handmade dog treats in garage attached to the house Address: 19 Majors Lane, Moy, Decision: PG Decision Date: Ref ID: M/2005/0596/O Proposal: Traditional dwelling Address: 90m South West of 93 Major Lane, Dungannon Decision: Decision Date: 20.09.2005	

Ref ID: M/2001/0922/O
Proposal: Traditional Style Two Storey Dwelling & Garage
Address: Adjacent to 93 Major Lane, Dungannon
Decision:
Decision Date: 25.10.2001

Ref ID: M/2006/0322/RM
Proposal: Traditional dwelling
Address: 90m South West of 93 Major Lane, Dungannon
Decision:
Decision Date: 03.05.2006

Ref ID: M/2008/0214/F
Proposal: Retention of development from that previously approved under application M/2006/0322/RM namely removal one outshot to southern elevation and provide 2 no. windows of first floor on western elevation.
Address: 90m South west of Major Lane, Dungannon
Decision:
Decision Date: 12.06.2008

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



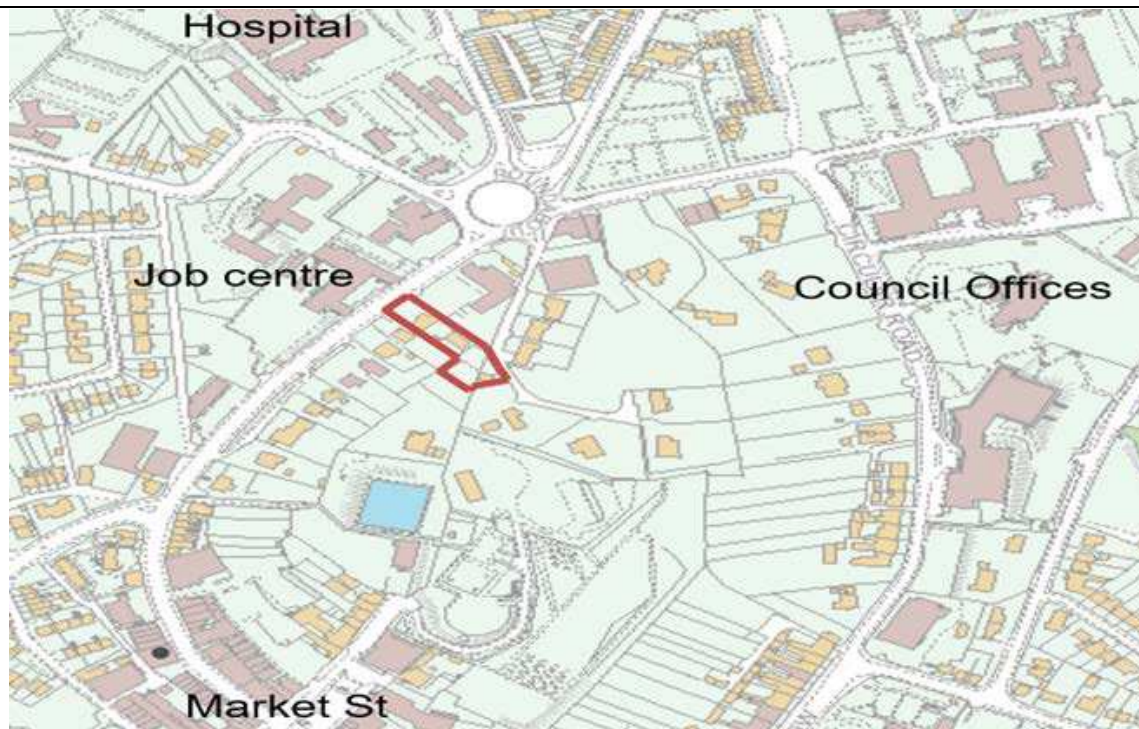
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1305/F	Target Date:
Proposal: 8 No. two storey apartments within 2 blocks (amended drawings)	Location: 63 Thomas Street Dungannon
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Farasha Properties Ltd 34 Culrevog Road Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Environmental Health Mid Ulster Council	Advice

Representations:

Letters of Support	None Received
Letters of Objection	17
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The objections were received in two waves, the first 10 objections raised the following;

- Loss of privacy, overlooking
- Out of character with the area
- Additional traffic congestion on Castlefields
- Overdevelopment of site
- Lack of open space
- Refuge collection point
- Inadequate parking
- Lack of integration
- Red line incorporating part of Castlefields road outside of the natural boundary
- The P.A.P on to Castlefields
- Lack of proper boundary along Castlefields
- in turn leading to increased noise,
- residents using Castlefields as through road etc parking

After numerous amended drawings the new scheme the neighbours were re-notified and a further 7 objections were received, these letters raised some of the previous concerns but additionally;

- Lack of on site parking, reduction to 8 spaces not adequate.
- Further increase in railings and extend area covered
- Waste water treatment plant concerns e.g maintenance smells.

Characteristics of the Site and Area

The site lies within the settlement limits and the town centre boundary of Dungannon, the small triangular south eastern corner lies within zoned housing land, it lies outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site sits between a multi use education centre to the north east and a line of residential buildings to the south west. The immediate dwelling to the south west is a mix use residential home and dental practice. At the time of site visit there were two buildings on the site, a two storey building towards the front of the site and a smaller single storey building toward the rear which is currently disused but was previously a doctors surgery. The larger building sits centrally on the site and has a large two storey front projection, it is finished in white dash and a tarred driveway. There is also a small low cropped hedgerow along the roadside. The single storey building to the rear is a mix of cream dash and red brick and sits gable ended to the road. There is also a small garage type building on the very rear corner of the site with two roller shutter doors. The land rises gradually from the roadside west to the east rear of the site.



Description of Proposal

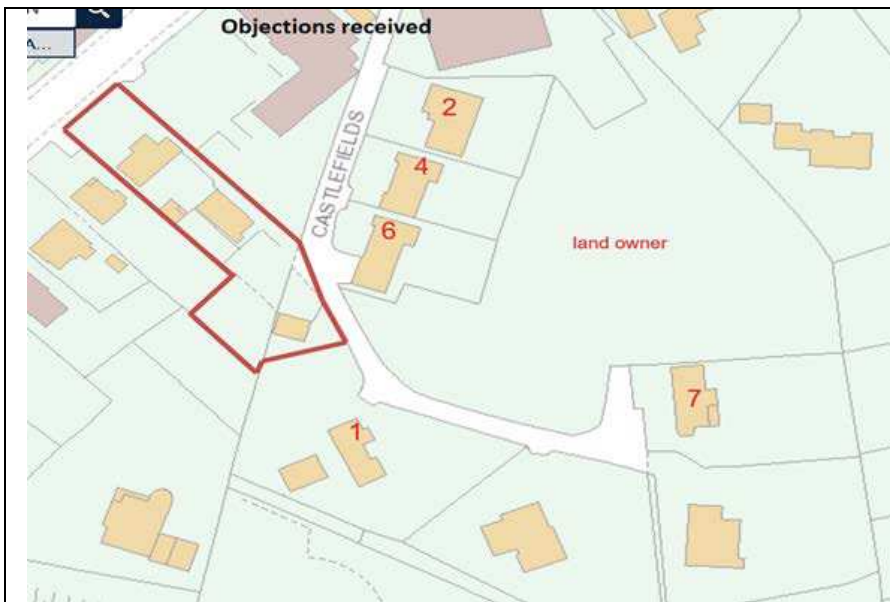
The proposal seeks full planning permission for 8 No. two storey apartments within 2 blocks



Planning Assessment of Policy and Other Material Considerations

Representations.

17 Objections have been received in total.
 Numbers 1(x2), 2(x2), 4(x2), 6(x3), 7 Castlefields.
 The owner of the land behind Castlefields (x2).
 There were two other objections giving their address as Castlefields Only.
 There were 3 objections from 71 The Grange.



Objectors concerns;

The objections were received in two waves, the first 10 objections raised the following;

- Loss of privacy, overlooking
- Out of character with the area
- Additional traffic congestion on Castlefields
- Overdevelopment of site
- Lack of open space
- Refuge collection point
- Inadequate parking
- Lack of integration
- Red line incorporating part of Castlefields road outside of the natural boundary
- The P.A.P on to Castlefields
- Lack of proper boundary along Castlefields
 - in turn leading to increased noise,
 - residents using Castlefields as through road etc parking

After numerous amended drawings the new scheme the neighbours were re-notified and a further 7 objections were received, these letters raised some of the previous concerns but additionally;

- Lack of onsite parking, reduction to 8 spaces not adequate.
- Further increase in railings and extend area covered
- Waste water treatment plant concerns e.g maintenance smells.

Consideration of objections.

-With regards overlooking, loss of privacy issues, - an amended scheme has been received with a lower ridge height, also the apartments have been orientated and designed so as to only have small narrow bedroom window overlooking Castlefields at first floor level. In addition the applicant has proposed a higher boundary along the rear to ease overlooking fears.

-With regards to the character of the area, the site lies within the TCB and many other examples of apartments are evident. I also feel that in this case the blocks of 4 apartments have been styled and designed so as to appear similar to the large detached properties along Thomas St.

-With regards to the objectors concerns relating to additional traffic on Castlefields, the applicant has an existing right of way onto Castlefields which they have chosen to keep closed up to avoid any outflow

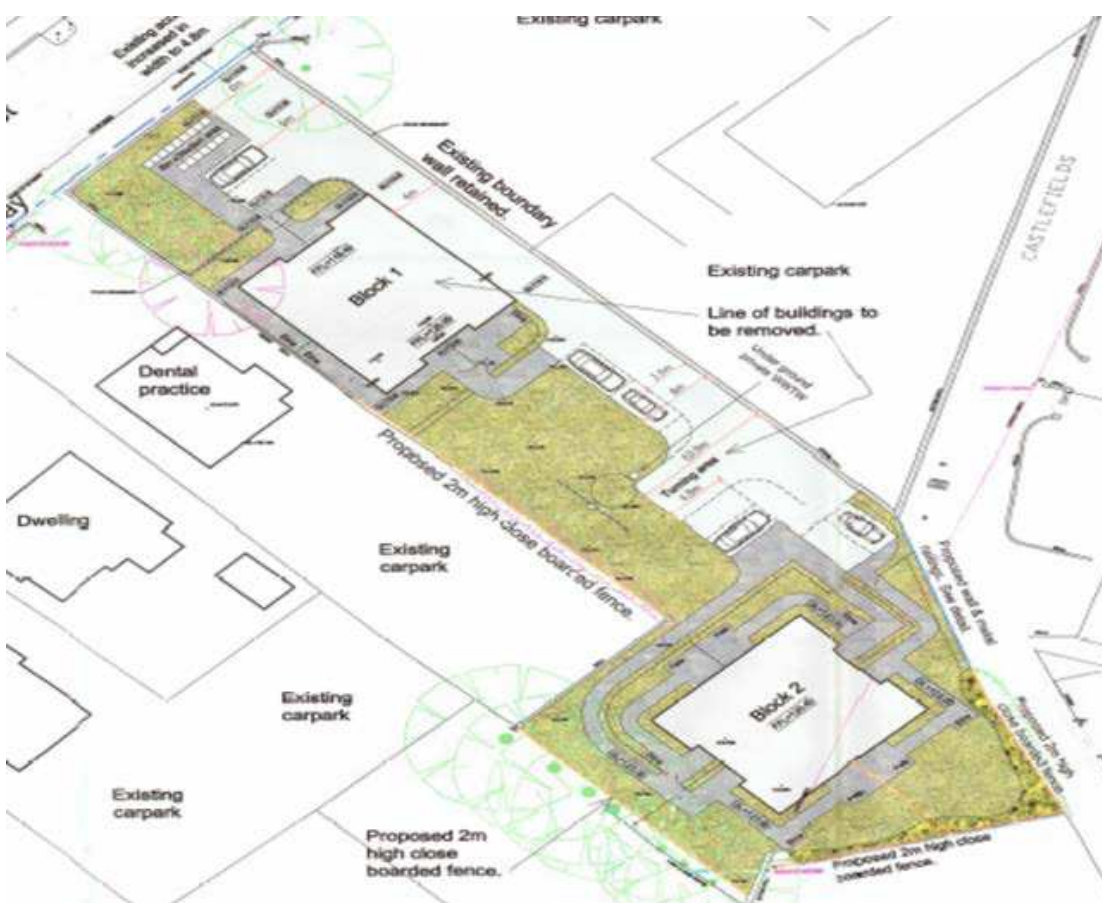
onto that small development. Furthermore since receiving the objections they have closed up the pedestrian access point and increase the boundary at the rear from 1.2 metres to 2 metres to further discourage anyone from hopping over that wall as per the concerns, in addition after the most recent meeting with the objectors, it was agreed to increase the 2 metre railing around the side boundary as well to further deter this movement.

-With regards to overdevelopment of the site, lack of open space and parking. The most recent layout has redone the parking to allow for a greater area of open space which meets the current required standards, including individual areas per apartment, as well as this DFI roads have been consulted and have no objections to the new scheme.

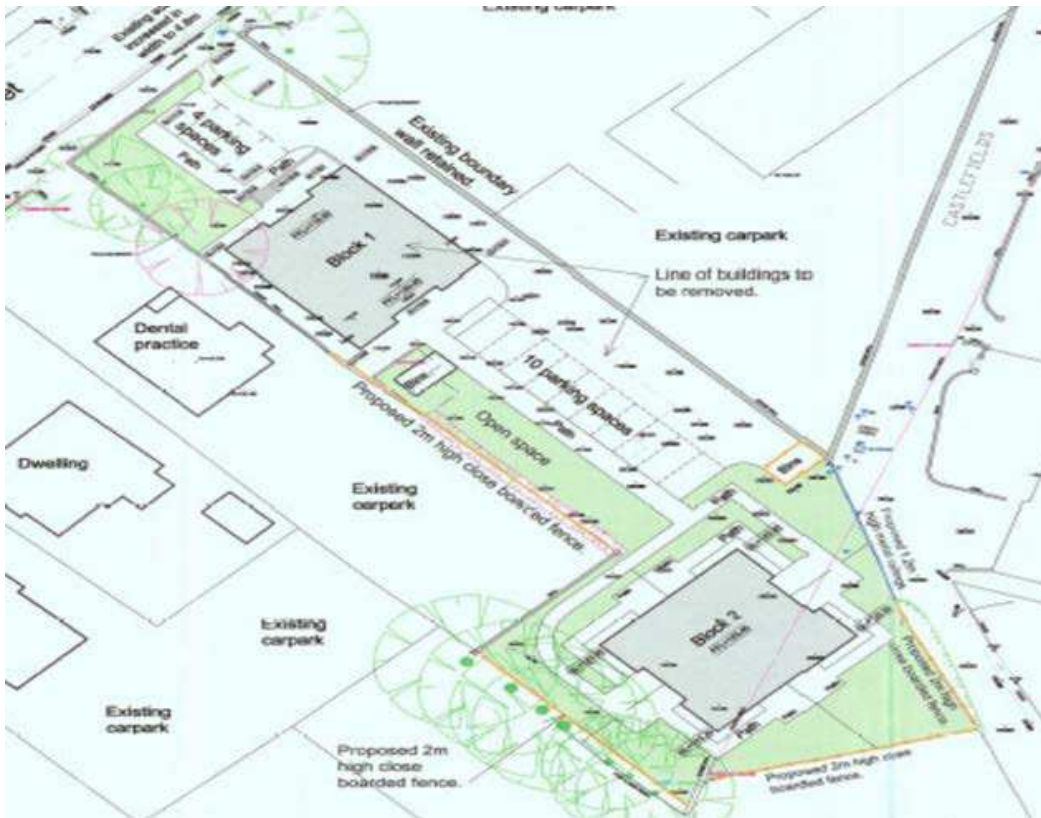
-With regards to the concerns over the bin collection point in close proximity to the houses at Castlefield, the recent layout has shown this to be moved to the front of the site at the furthest point from the objectors.

-With regards to the lack of integration, boundary definition, red line queries and P.A.P. The applicant has proposed to remove the P.A.P and increase the rear east boundary to a 2 metre high wall with railings to ease any fears of through flow on foot. In addition the scheme also proposes to retain the exiting vegetation and erect a 2 metre high closed board fence along the south and west boundaries. The applicant also provided land registry maps to prove ownership of all the land within the red line, this appears to include a small portion of the private lane to the rear.

-And finally with regards to the WWTP, as Dungannon WWTW are at capacity, the applicant has proposed a high quality Viltra Oxcrete sewerage treatment plant and has submitted all details pertaining to it. The Environmental health Department were consulted with these details and had no objections. The WWTP also comes with a 24 hour breakdown service in the case of emergency. This proposal is a viable alternative when connection to the mains sewers is not available.



Most recent scheme above



Original scheme above.

History

LA09/2019/0811/PAD - Proposed apartments - 63 Thomas Street, Dungannon.

Assessment

The following policy documents will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 ? Quality Residential Environments.
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Area
- Planning Strategy for Rural NI
- DCAN 9 Residential and Nursing Homes
- Parking Standards

Strategic Planning Policy Statement (SPPS)

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The site is in an area of archaeological importance. Historic Environment

Division (HED) have been consulted and have advised that the proposal will not have a negative impact on archaeology in the area. The proposal will not impact on any priority habitat or designated sites. The proposal will not impact on residential amenity by way of overlooking, loss of light or unacceptable noise levels.

Dungannon and South Tyrone Area Plan 2010

The site is within the development limits of Dungannon as defined in the DSTAP 2010 and is outside the defined Town Centre Boundary. It is not subject to any Area Plan Designations or Zonings. As such, existing planning policy should be applied.

Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. However 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. It should be noted that the proposal does not raise any conflict with either of these policies. Policy GP1 - General Principles Planning Policy and Policy COY1 - Community Uses is applicable to this application

Planning Policy Statement 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access to a public road. DFI Roads have been consulted and have raised no concerns in relation to road safety or traffic flow.

Policy AMP 7 deals with Car Parking and Servicing Arrangements. It advises that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Departments published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. This site is not in an area of parking restraint and DFI Roads have not raised any concerns in relation to Parking. The TAF submitted with the application. 8 new spaces are being provided within the red line of the site which equates to over 1 space per unit which may be under the requirements. The original scheme provided 14 parking spaces, however, in order to accommodate a turning area for service vehicles a total of 6 spaces were dropped, however, it is my opinion that due to the town centre location, the availability of on street parking, existing car parks in the surrounding area as well as the style of development being apartments, a lower end of onsite parking standards can be accepted.

Planning Strategy for Rural NI (PSRNI)

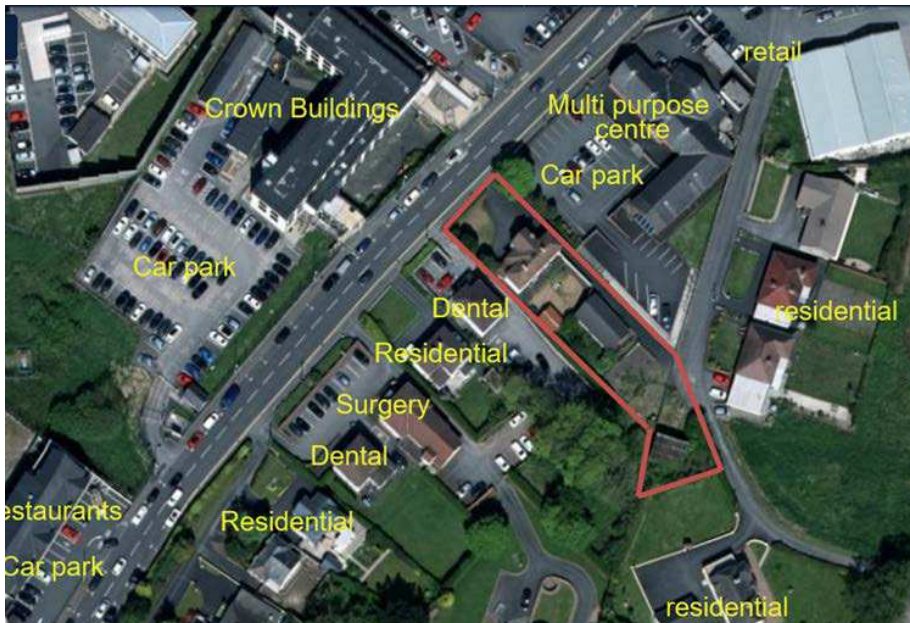
Policy DES 2 (Townscape) is relevant to this assessment. This proposal will not have a negative impact on the character of this area. It will not detract from any existing streetscape or architectural interest.

Planning policy Statement 7 - Quality residential Environments

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

a) The immediate surrounding area is a mix of residential, offices and retail, all the surrounding buildings are a mix of two and three storeys with community and local facilities available close by with a local convenience shop, playing fields, supermarket, and restaurants all within the close proximity, there is a dental practice, doctor surgery, multi purpose centre and crown buildings all within the immediate vicinity.

The principle of residential development is generally acceptable within the development limit of Dungannon and this proposal respects the use of the surrounding area which is largely residential. Whilst this development is apartment style its design of two blocks is such that it will respect the building line along Thomas street. In addition the proposed building (block 1) will replace an existing building of similar size.



b) There are no archaeological features in the immediate vicinity of the site.

c) Based on the site plan the applicant has submitted it is clear that there is adequate space to provide adequate private amenity space for each unit.

d) Given the nature, scale and location of the development, there is no requirement for public open space to be provided as part of this application, however, the proposal involves a generous green area between the two blocks. In this case the site is also located within the town centre and close to other areas ie leisure centre, hill of oneill, highway to health

e) The location of this site within the settlement limits of Dungannon supports walking and cycling and there is convenient access to public transport.

f) In the previous Pre Application Discussions (LA09/2019/0811/PAD) parking was discussed and the proposal is deemed acceptable in terms of parking and turning areas for service vehicles when considering the town centre location and surrounding availability of alternative car parking. Additionally it is not considered that the proposal will conflict with existing land uses.

g) The proposed building recognises the original characteristics of the area in terms of size, scale, form and materials. The critical elevation which is onto Thomas street incorporates the appearance of a two storey dwelling with windows with vertical emphasis, 2 number traditionally panelled doors, cream

rendered walls on the ground floor and a red brick first floor drawing from the best local traditions of the surrounding area.

h) I am content this proposal should not have a significant detrimental impact on the adjacent land uses. I am content there will be no impact on the neighbouring property at Castlefields to the rear, or to the properties along Thomas Street in terms of noise disturbance and loss of privacy as the existing boundary wall is being retained and enhanced with fence and railings. I am satisfied there will be no issues with overlooking, overshadowing or loss of privacy at the neighbouring properties as previously discussed in the consideration of objections.

i) There are no concerns regarding crime and personal safety with this proposal.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) This proposed development would increase the density of the development with the previous use, however, I would not have any concerns this would considerably alter the character of this established area.

(b) The pattern of development in the immediate area is a mix of large two and three storey buildings and I consider the type of building proposed, would not have an impact on the overall character and environmental quality of this area.

(c) the units are built to a size not less than those set out in Annex A

Other considerations

The site is not subject to flooding and neighbouring land use will not be detrimentally impacted. There are no land contamination or public health issues to consider. The building is not listed therefore LBC is not required.

Environmental Health have been consulted with regard to smells/fumes, refuse and litter and have raised no objections. Based on this I am satisfied that the proposal is adequately designed to avoid a significant adverse impact on neighbouring amenity.

Neighbour Notification Checked

Yes

Conditions

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

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

2. The waste water treatment plant shall be located as per Drawing Site Layout Rev 06 date stamped 11th August 2020 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved.

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

3. An adequate maintenance programme for the waste water treatment plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the waste water treatment plant, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To safeguard public health and in the interest of safeguarding residential amenity.

4. Within 4 weeks of a written request by Mid Ulster District Council, following odour complaint from the occupant of a dwelling, which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of emissions from the plant.

Reason: To safeguard residential amenity.

5. Any works required to resolve odour issues shall be carried out by an approved operator. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To safeguard residential amenity.

6. Prior to commencement of the development hereby permitted, visibility splays of 2.0 metres by 60.0 metres at the junction of the proposed access with the public road, shall be provided in accordance with the approved drawing No. 6 bearing the date stamp 11 August 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.6A dated 25th November 2020 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Informatives

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

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

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land

owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

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

A monetary deposit will be required to cover works on the public road.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	7th October 2019
Date First Advertised	22nd October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) Aileen McMorrow "Knocknarea", 4 Castlefields, Dungannon, BT71 6DZ The Owner/Occupier, 1 Castlefields Dungannon Tyrone Mary Watkins 1 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ . The Occupier 1 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ Veronica Knox 117 Drumnasoo Road, Portadown, BT62 4EX The Owner/Occupier, 2 Castlefields Dungannon Tyrone Charlotte McCaughan 2 Castlefields, Dungannon, Co Tyrone, BT71 6DZ Charlotte McCaughan 2 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ P Marshall 3 The Cairn, Bush Road, Dungannon, Co Tyrone, BT71 6QB P Marshall 3 The Cairn, Bush Road, Dungannon,BT71 6QB The Owner/Occupier, 4 Castlefields Dungannon Tyrone A McMorrow 4 Castlefields,Dungannon,BT71 6DZ The Owner/Occupier, 59 Thomas Street,Dungannon,Tyrone,BT70 1HW The Owner/Occupier, 6 Castlefields Dungannon Tyrone Mary McElroy 6 Castlefields, Dungannon, BT71 6DZ Mary McElroy 6 Castlefields, Dungannon, Tyrone, Northern Ireland, BT71 6DZ Mary McElroy 6 Castlefields,Dungannon,BT71 6DZ The Owner/Occupier, 61 Thomas Street,Dungannon,Tyrone,BT70 1HW The Owner/Occupier, 63 Thomas Street,Dungannon,Tyrone,BT70 1HW Steven White 7 Castlefields,Dungannon,BT71 6DZ	

Veronica Knox 71 The Grange,Lurgan,BT67 9BU Veronica Knox 71 The Grange,Lurgan,BT67 9BU D. Hanna Castlefield, Dungannon, BT71 6DZ D Hanna Castlefields,Dungannon,Co Tyrone,BT71 6DZ The Owner/Occupier, Crown Buildings Thomas Street Dungannon The Owner/Occupier, Crown Buildings,Thomas Street,Dungannon,Tyrone,BT70 1EN The Owner/Occupier, Multi Purpose Centre 65 Thomas Street Dungannon	
Date of Last Neighbour Notification	18th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0811/PAD Proposal: Proposed apartments Address: Thomas Street, Dungannon, Decision: Decision Date: Ref ID: LA09/2019/1305/F Proposal: 8No. two storey apartments within 2 blocks Address: 63 Thomas Street, Dungannon, Decision: Decision Date: Ref ID: M/1976/0435 Proposal: MULTI-PURPOSE EDUCATION CENTRE Address: DRUNGLASS PRIMARY SCHOOL, THOMAS STREET, DUNGANNON Decision: Decision Date: Ref ID: M/1991/6043 Proposal: Bank Thomas Street Address: Thomas Street Decision: Decision Date: Ref ID: M/2000/0541/F Proposal: Conversion and extension of dwelling to create dental surgery with provision of car parking	

Address: 61 Thomas Street Dungannon

Decision:

Decision Date: 17.01.2001

Ref ID: M/2000/1314/F

Proposal: Erection of replacement dwelling.

Address: 1 Castlefields, Dungannon.

Decision:

Decision Date: 04.09.2001

Ref ID: M/1978/0781

Proposal: REPLACEMENT (MOBILE) WAITING-ROOM AND RECEPTION FOR SURGERY

Address: 63 THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1976/043503

Proposal: CHANGE OF USE TO MULTI PURPOSE EDUCATION CENTRE

Address: DRUMGLASS PRIMARY SCHOOL THOMAS STREET, DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 05

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1318/O	Target Date:
Proposal: (Amended Description and Plans) Proposed site of replacement dwelling and detached domestic garage	Location: 440m South East of 28 Leitrim Road Castledawson
Referral Route: Approval - objections received.	
Recommendation:	Approval
Applicant Name and Address: Mr R J Mawhinney 59 Leitrim Road Castledawson	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support		None Received
Letters of Objection		2
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received

Summary of Issues

There were two objections received in relation to this proposal from neighbouring properties, 28 and 28a Leitrim Road. The issues raised within these objections include:

- Contrary to Policy CTY 3 of PPS 21
- Off site location for replacement
- Overlooking and amenity concerns

Characteristics of the Site and Area

The site is located at lands approx. 440m SE of 28 Leitrim Road, Castledawson in the rural countryside as defined by the Magherafelt Area Plan 2015. Within the red line of the site is the existing access arrangement and a portion of a larger agricultural field which has the remains of an old dwellinghouse. The proposed site is set back of the roadside a considerable distance and views of the site are limited as a result. There are a number of existing dwellings and agricultural buildings located along the existing laneway. The surrounding area is defined by agricultural land uses, interspersed with single dwellings and associated farm buildings.

Description of Proposal

Outline planning permission is sought for a proposed site for replacement dwelling and garage.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 24, 26, 28, 28a, 29, 30 and 34 Leitrim Road. At the time of writing, two objections were received. The contents of these objections will be discussed in detail later in the report.

Planning History

There is not considered to be any relevant planning history associated with this site.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 - Draft Plan Strategy

The Magherafelt Area Plan 2015 identifies the site as being in the rural countryside, located North East of Castledawson Settlement Limit.

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The remains of the structure in question are minimal in places, however I feel it can still demonstrate that there had been a dwelling on site at one time. There are the remains of a fireplace and portions of walls remaining which show how the dwelling was split up internally. The remains of the dwelling to be replaced can be seen the figure 1 below.



Figure 1 – Shows the walls remaining



Figure 2 – Fireplace evident on site

Particular attention was given to the Ministerial Statement which was published in 2013 following discussions with our Principal Planner, Melvin Bowman. This statement reviews the operation of PPS 21 with a section that deals solely with Replacement dwellings. The statement note that a greater degree of flexibility can be applied in relation to dwellings where all four walls may not be substantially intact. In terms of the application site, there is significant portions of the walls intact in comparison to the example referred to in the ministerial statement and this application also benefits from the other characteristics evident including door openings and fireplaces. On balance, I am content that the structure in question can be used for a genuine replacement opportunity.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the other dwellings in this vicinity. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted.

Representations

There were two objections received in relation to this proposal from neighbouring properties, 28 and 28a Leitrim Road. The issues raised within these objections include:

- Contrary to Policy CTY 3 of PPS 21
- Off site location for replacement
- Overlooking and amenity concerns

The objections both feel that the proposal is contrary to Policy CTY 3 of PPS 21 in that it doesn't exhibit the essential characteristics of a dwelling and is not substantially intact. I feel that this issue has been dealt with previously, referencing the ministerial statement which allows a degree of flexibility where all of the external walls may not be intact. They also noted that they felt it was unreasonable to site the proposed dwelling three fields away where it would overlook their properties.

Most of their concerns refer to the original site location plan which had a number of potential options for siting of a dwelling. The site location plan was amended to reduce the red line which also removed the 'preferred siting' which was located to the rear of both objectors properties. The amended plan also meant that the proposed replacement would be within the curtilage of the existing structure to be replaced. I feel that the amended site location plan, description and address change alleviates most of the concerns raised by the objectors. Re-neighbour notification was carried out following the amended plans and forms being received and no further comments were received.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from 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. 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.

Signature(s)

Date:

ANNEX	
Date Valid	9th October 2019
Date First Advertised	22nd October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 26 Leitrim Road, Castledawson, Londonderry, BT45 8BW F Morgan 28 Leitrim Road, Castledawson, BT45 8BW The Owner/Occupier, 28 Leitrim Road, Castledawson, Londonderry, BT45 8BW G McGlinchey 28A Leitrim Road, Castledawson, BT45 8BW The Owner/Occupier, 28a Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 29 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 30 Leitrim Road, Castledawson, Londonderry, BT45 8BW The Owner/Occupier, 34 Leitrim Road, Castledawson, Londonderry, BT45 8BW	
Date of Last Neighbour Notification	26th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1318/O Proposal: Proposed off site replacement dwelling and detached domestic garage Address: 50m South of 28 Leitrim Road, Castledawson, Decision: Decision Date: Ref ID: LA09/2017/0448/NMC Proposal: Moving the approved dwelling by 3m to the north and 2m to the west and providing a linked carport and garage to the rear Address: 30 Leitrim Road, Castledawson, Decision: CG Decision Date:	

Ref ID: LA09/2016/1097/O

Proposal: Proposed site of infill dwelling and domestic garage for residential purposes

Address: 30m East of 30 Leitrim Road, Castledawson,

Decision: PG

Decision Date: 09.02.2017

Ref ID: H/1995/4007

Proposal: IMPROVEMENTS TO DWELLING

Address: 32 LEITRIM ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2004/0435/O

Proposal: Site of dwelling and garage.

Address: Adjacent to 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 01.11.2005

Ref ID: H/2000/0722/O

Proposal: Site of dwelling and garage

Address: 70m East of 30 Leitrim Road, Castledawson

Decision:

Decision Date: 12.03.2001

Ref ID: H/2002/1088/RM

Proposal: Dwelling and garage

Address: 70m East of 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 25.02.2003

Ref ID: H/2003/0433/F

Proposal: Dwelling and garage.

Address: 120m North of, 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 08.02.2005

Ref ID: H/2002/1164/O

Proposal: Site of dwelling and garage.

Address: 30m North East of 30 Leitrim Road, Castledawson.

Decision:

Decision Date: 23.03.2004

Ref ID: H/2000/0717/O

Proposal: Site of dwelling and garage

Address: 120m North of 30 Leitrim Road, Castledawson

Decision:

Decision Date: 12.03.2001

Ref ID: H/2004/0370/O

Proposal: Site of dwelling and garage.

Address: 90m North of 32 Leitrim Road, Castledawson.

Decision:
Decision Date: 25.11.2005

Ref ID: H/2000/0830/O
Proposal: Site of Dwelling and Garage
Address: Approx 170m NW of 32 Leitrim Road, Castledawson
Decision:
Decision Date: 18.02.2002

Ref ID: H/2004/1074/RM
Proposal: Dwelling and garage
Address: Approximately 170m North West of, 32 Leitrim Road, Castledawson
Decision:
Decision Date: 09.12.2004

Ref ID: H/2015/0022/F
Proposal: Replacement dwelling and domestic detached garage
Address: 30 Leitrim Road, Castledawson,
Decision: PG
Decision Date: 27.05.2015

Ref ID: H/2004/1253/F
Proposal: Dwelling & Garage
Address: Adjacent To 26 Letrim Road, Castledawson
Decision:
Decision Date: 20.11.2006

Ref ID: H/2001/0968/O
Proposal: Site of Bungalow & Garage
Address: Adjacent to 26 Leitrim Road, Castledawson
Decision:
Decision Date: 18.01.2002

Ref ID: H/2009/0474/F
Proposal: Change of house type to bungalow with bedrooms in roofspace and attached domestic garage
Address: Adjacent to No 26 Leitrim Road, Castledawson
Decision:
Decision Date: 09.03.2010

Ref ID: H/1984/0075
Proposal: BUNGALOW
Address: LEITRIM ROAD, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2003/0797/F
Proposal: New 33kv Overhead Electric Line and alterations to existing lines.
Address: Creagh, Leitrim, Killyberry, Edenreagh, Drumlamph, Rocktown, Drumard South, Gulladuff, Blachtbogy, Carricknakielt, Beagh, Knocknakielt, Mullagh.

Decision: Decision Date: 02.03.2005
Summary of Consultee Responses No consultees.
Drawing Numbers and Title
Drawing No. 01a Type: Site location Plan Status: Amended Plan Submitted Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0108/F	Target Date:
Proposal: Provision of 1 2/3 storey dwelling house and associated screened utility yard	Location: 50m North of 53A Ballymacombs Road Portglenone
Referral Route: Approval- Objections received	
Recommendation:	Approval
Applicant Name and Address: Eunan Cassidy 53A Ballymacombs Road Portglenone BT44 8NS	Agent Name and Address: Gerard Scullion Architects Ltd 23 Hawthorne Road Maghera BT46 5FN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Neighbour notification and press advertisement was carried out in line with statutory requirements. Three written objections have been received at the time of writing in relation to this planning application. The main points of objection are based on the following issues:

- Privacy and shading issues due to the size and location of the proposed dwelling
- The proposal does not meet the policy criteria of CTY 8 in PPS 21
- The proposal does not meet policy CTY 10 of PPS 21 and an alternative site is available at other lands included in the farm maps.
- Alleges a development opportunity has been sold off from the farm and no further development should be granted for 10 years.

- The applicant owns 53A Ballymacombs Road and cannot be considered as a farmhouse.

Characteristics of the Site and Area

The site is located within the open countryside approximately 2km south of the settlement limits of Clady, as per the Magherafelt Area Plan 2015. The site is identified as being 50m north of 53A Ballymacombs Road, Portglenone. The red line of the site includes a private shared laneway, which is accessed from the Ballymacombs Road and leads into an existing agricultural field that is located between No. 53A and 53C Ballymacombs Road. The field rises gradually from the south eastern corner to the north west, until it reaches its highest point and levels out towards the corner of the site. The ground level sits above the dwelling to the south and at the highest point sits slightly higher than the ground level at the dwelling to the north. The site relatively well screened with existing hedgerows and trees located at all boundaries. The trees to the north of the site are weak in terms of screening benefit and given the topography of the site and surrounding areas, the site is visible from the Ballymacombs Road. The surrounding area is mainly agricultural land given the rural location, with two dwellings bounding the site and single dwellings located sporadically throughout the surrounding area.

Description of Proposal

This is a full planning application for a one and two thirds storey dwelling and associated screened utility yard.

Planning Assessment of Policy and Other Material Considerations

Planning History

H/2005/0306/F- Dwelling House and integral garage approximately 70m NW of 53A Ballymacombs Road, Bellaghy. Permission Granted- 23.12.2005.

Planning Assessment of Policy

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21- Development in the Countryside

PPS 3- Access, Movement and Parking

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore; transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for

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

The application was originally submitted to be assessed as an infill opportunity. However, during the course of the application, the previous case officer discussed the application at a group meeting and it was agreed the application did not meet the policy criteria of CTY 8 therefore, farm information was submitted by the agent for the application to be considered under policy CTY 10.

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

I am content that the site is a small gap, which could accommodate up to a maximum of two houses. However, I do not believe the dwellings share a common frontage. The dwelling to the north is accessed via a private laneway to the west of the site, with the property facing eastwards. The dwelling to the south is accessed from the same laneway but from a southern access point. This application proposes taking access from the same shared laneway, adjacent to the access to No.53a and extending north to the site. I am of the opinion that the application site and the dwelling to the south would have frontage to the shared laneway but the dwelling to the north shares a separate frontage. Therefore, fails to meet policy CTY 8.

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

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

With regards to criteria a, a consultation was issued to DAERA who have confirmed that the farm business ID provided has been in existence for more than 6 years and that claims have been made from the farm business in each of the last 6 years. From this I am content that the farm business provided is active and established and meets criteria a. It should be noted that the applicant is not the owner of the farm business ID, but instead owns lands that are being claimed under the farm business ID. The business ID has been offered up to the applicant and the P1C form has been completed and signed

by both the applicant and the farmer which is acceptable and in this case I am content the proposal meets criteria a.

In regards to criteria b, following a search of available records, no dwellings or development opportunities have been sold off from the farm holding. Objections received claim that an approval granted under LA09/2020/0103/O is a development opportunity which has been sold off. However, following a check, the site is not contained within lands included on the farm holding. A land registry check was also carried out and does not provide any further evidence to support the objection. The policy relates directly to the farm holding and no dwellings or development opportunities have been sold off from this farm holding, therefore I am content the application is in compliance with criteria b.

Regarding criteria c, the policy states that the dwelling must be visually linked or clustered with an established group of buildings on the farm. However, as the farm business has been offered up and the applicant is not the owner of the farm; and in this case, only owns a few fields claimed by the farmer, the siting potential of a dwelling is limited. As has become precedent, if there are no sites available which are visually linked to or cluster with an established group of buildings on the farm, an alternative site can be considered which is well screened and can meet the policy criteria of CTY 13 & CTY 14. From the maps and evidence provided, the applicant does not appear to own any buildings that are contained on the farmlands, provided as part of this application. Therefore, I am content with the siting of the proposed dwelling, being located adjacent to the applicants dwelling.

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. Upon review of the submitted plans and undertaking a site visit, I am of the opinion that the proposed building will integrate well into the surrounding area. Although the site rises from the northeast corner of the site to the north west corner, given the screening of the site and the two dwellings located either side, I do not believe the building will be a prominent feature in the landscape. I am content that the site has established natural boundaries and can integrate into the landscape, without the need to rely on new landscaping. I am content ancillary works will integrate with their surroundings. I am content that the design is of a high quality, appropriate for the countryside setting, and blends with the landform.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned the building is of a high quality design and will integrate well into the existing surroundings therefore, it will not be an unduly prominent feature in the landscape. It will not result in a suburban style build-up of development when viewed with existing and approved buildings.

A number of objections have been received which have raised concerns surrounding the design and position of the proposed dwelling. As a result, amended plans were received since the original submission, which have moved the dwelling further away from the northern boundary and slightly lower down the existing slope in the field. The objector also raised concerns regarding the size and location of the dwelling and that it would cause a loss of light and privacy issues. However, following the revised plans submitted I am content with the current proposed location. The proposed dwelling is now located

approximately 24m away from the dwelling to the north and is not in line with this dwelling. I am content that on balance, any concerns surrounding privacy and loss of light have been overcome with the repositioning of the dwelling and the re-design of the elevation, which now includes semi opaque glass, which will overcome any concerns surrounding lack of privacy. However, given the location of the dwelling I do not believe there will be any issues with overlooking or loss of privacy given the distance between the dwellings, the landscaping that is currently in place. In addition, the windows that face the property at a first floor level are not highly populated living spaces, in that it is a hallway linking the bedrooms and bathroom at this level.

PPS 3 - Access, Movement and Parking;

DfI Roads were consulted and offered no objection subject to conditions and informatives.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

I have no flooding or ecological concerns.

PPS 3 - Access, Movement and Parking;

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

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

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

2. No development shall take place within the approved site until the vehicular access, including visibility splays and any forward sight distance, has been provided in accordance with Drawing No. 02 REV 01 bearing the date stamp 03 JUL 2020. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

5. All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 REV 02 date stamped 03 JUL 2020 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives written consent to any variation.

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

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order

1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:

ANNEX	
Date Valid	27th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 53a Ballymacombs Road Portglenone The Owner/Occupier, 53b ,Ballymacombs Road,Bellaghy,Londonderry,BT44 8NS The Owner/Occupier, 53c Ballymacombs Road Bellaghy Joe McErlean Email Joe McErlean Email Joe McErlean Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2000/0285/RM Proposal: Dwelling and garage Address: 140 Metres South Of 53 Ballymacombs Road, Bellaghy Decision: Decision Date: 19.07.2000 Ref ID: H/1999/0010 Proposal: SITE OF DWELLING Address: 140M SOUTH OF 53 BALLYMACOMBS ROAD BELLAGHY Decision: Decision Date: Ref ID: H/2005/0306/F Proposal: Dwelling house and integral garage Address: Approx 70m NW of 53A Ballymacombs Road, Bellaghy Decision:	

Decision Date: 09.01.2006

Ref ID: H/2006/0692/F

Proposal: Change of house type

Address: Approx. 70m North West of 53A Ballymacombs Road, Bellaghy, Magherafelt

Decision:

Decision Date: 21.03.2007

Ref ID: H/1996/0562

Proposal: SITE OF DWELLING AND GARAGE

Address: OPP 46 BALLYMACOMBS ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2006/0184/F

Proposal: Alts & Adds to dwelling.

Address: 53A Ballymacombs Road, Portglenone,

Decision:

Decision Date: 16.05.2007

Ref ID: H/1996/0693

Proposal: DWELLING AND GARAGE

Address: 400M SOUTH OF 43 BALLYMACOMBS ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/2005/0554/O

Proposal: Site of proposed for bungalow.

Address: Approx. 90m North West of 53 Ballymacombs Road, Bellaghy.

Decision:

Decision Date: 28.12.2006

Ref ID: LA09/2020/0108/F

Proposal: Provision of 1 2/3 storey dwelling house and associated screened utility yard

Address: 50m North of 53A Ballymacombs Road, Portglenone,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title
Drawing No. 01 REV 01 Type: Site Location Plan Status: Submitted Drawing No. 02 REV 02 Type: Proposed Floor Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0147/F	Target Date:
Proposal: Variation of condition 11 of previous planning permission, Ref LA09/2016/0470/F, to allow extension of time.	Location: 111 Ballynakiilly Road Coalisland
Referral Route: Objection received	
Recommendation:	Refusal
Applicant Name and Address: Formac Limited 22 Listamlet Road Moy Dungannon	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

One objection has been received from a resident of the nearby Cranebrook Crescent, they raised concerns to the variation of any of the agreed conditions, stating that the conditions were put in place for the health and safety of surrounding residents and should be adhered too.

Characteristics of the Site and Area

The site is located within the settlement limits of Ballynakilly and outside all other areas of constraint as depicted by the DSTAP 2010. It lies just a short distance to the North of the M1

Motorway and south of the larger settlement of Coalisland. There is also a small lake directly south of the site.



The red line of the site includes a complex of buildings that are contained within the settlement limits for Ballynakilly, the east and south part of the site are outside the settlement limit. The buildings are currently used for a variety of industrial and storage purposes. The yards areas are to the east, north and south of the existing buildings. Currently the areas are used for car parking, storage of steel and materials, parking and turning areas to serve the buildings on the site and areas for loading and unloading.

There are 6 buildings in total on the site: There are 4 at the south west corner and they are linked together and have barrel roofs, these were former agricultural buildings and have openings on the west and east sides. The large shed in the middle of the site has an A line roof with grey walls and roof panels, it has 2 large roller doors that open towards the north east and one roller door to the north and south elevations. The building to the north of the site has grey cladding to the upper walls and roof, a roller door to the west and sliding doors to the south.



There is a mature hedge to the north of the site, with an electricity substation, a childrens play park and residential development to the north of it. Access is onto the Ballynakilly Road and is via an existing access to the east.

Description of Proposal

The proposal seeks full planning permission for Variation of condition 11 of previous planning permission, Ref LA09/2016/0470/F, to allow for an extension of time.

Condition 11 of planning application reference LA09/2016/0470/F stated that;
 ?The vehicular access, including visibility splays of 4.5m x 120.0m and any forward sight distance, shall be provided in accordance with Drawing No. 06 Rev 6 bearing the date stamp 26 OCT 2018 within 6 weeks of the date of this decision (06.06.2019). The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2016/0470/F - Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution ? GRANTED - 6.6.2019

LA09/2016/1223/F - Retention of 3 hard standing areas incidental to the use of the engineering workshop ie, storage provision, car parking, turning and circulation space ? GRANTED - 15.01.2019

Objections

One objection has been received from a resident of the nearby Cranebrook Crescent, they raised concerns to the variation of any of the agreed conditions, stating that the conditions were put in place for the health and safety of surrounding residents and should be adhered too.

Assessment

Development Plan and Key Policy Consideration

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan (DSTAP)
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking

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

The principle of development has already been approved on the site under planning application LA09/2016/0470/F and this application refers only to the variation of condition 11 of that planning permission.

Condition 11 under planning application reference LA09/2016/0470/F states:

The vehicular access, including visibility splays of 4.5m x 120.0m and any forward sight distance, shall be provided in accordance with Drawing No. 06 Rev 6 bearing the date stamp 26 OCT 2018 within 6 weeks of the date of this decision. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Members will be aware that application was a retrospective application for the retention of the uses on the site. The applicant proposed these amendments to the access to satisfy DfI Roads concerns about the safety of the access. The applicant had a 4 month period in which to appeal any conditions of the planning permission and did not do so, instead choosing to ask the Council for an extension of time. For the purposes of clarity, 6 weeks from the date of the decision notice was 16th July 2019 and the applicant now seeks to extend that date by 18 months to 16th January 2021.

Supporting statement 1

The applicant submitted a brief statement describing that the applicant sought the extension of time due to the complexity and onerous nature of the works to be carried out to comply with condition 11. They also detail that due to cabling along the site frontage, condition 11 required substantial enabling works to facilitate the road widening and that a 6 week timeframe was not reasonable. The applicant has not provided any evidence or proof to support this claim.

DfI Roads were consulted and responded;

It is noted that the reason for delay in complying with condition No 11 is due to relocating of services within the verge. DfI note that no information has been submitted detailing evidence of correspondence / negotiations with the various service providers to support this claim.

The applicant has not specified a timeframe for proposed works associated with the constructing the proposed access. DfI Roads therefore cannot agree a variation of condition No 11.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads have considered the proposed amendments to the access and have advised the improvements are necessary to serve the operations and uses on the site. Members should note the applicant has had ample time in which to carry out these works and has not done so. The access to this site is dangerous as it does not meet the standards that are necessary for the volume and type of traffic that is attracted to the site. It is considered that the proposed variation in condition does not comply with policy AMP2 of PPS3.

Other considerations.

It must also be noted that the applicant has also submitted a second statement of support dated 16/06/2020, which outlines that due to the nature and extent of works associated with condition 11 and in particular the right hand turning lane a 6 week time frame was not reasonable. Within the supporting statement the agent has also suggest due to Covid 19 a further extension of time for a region of as additional 12 months is sought. The applicant however, has not specified an exact date of when the 12 months is sought from or too, nor amended the RCV1 form, therefore

it is my opinion that I consider the application based on the proposal described in question 6 on the RC1 Form.

Conclusion

Given current road speeds and the existing approved use of the site, it is my view that allowing a 30 month extension, or even the 18 month extension, is not considered acceptable in this instance given the clear danger this could pose to existing road users. Plus, our statutory consultee, DfL Roads, do not support this application and for this reason I advise that permission be refused.

The original approval was conditioned that the vehicular access be carried out in compliance with the approved drawings before the 16th July 2019, and 18 months later no attempt has been met to comply with said condition.

Refusal recommended.

Neighbour Notification Checked**Yes****Refusal Reasons**

1. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the (creation of a new vehicular access/intensification of use of an existing access) onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)**Date:**

ANNEX	
Date Valid	4th February 2020
Date First Advertised	18th February 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 111 Ballynakilly Road, Coalisland, Tyrone, BT71 6HE The Owner/Occupier, 13 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 14 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 2 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 20 Coash Road, Dungannon, Tyrone, BT71 6JE The Owner/Occupier, 21 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 22 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 23 Cranebrook Crescent Dungannon Tyrone Kenny Montgomery 23, Cranebrook Crescent, Dungannon, Tyrone, Northern Ireland, BT71 6JH The Owner/Occupier, 24 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 25 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 26 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 27 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 28 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 29 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 3 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 30 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 31 Cranebrook Crescent Dungannon Tyrone The Owner/Occupier, 4 Cranebrook Crescent Dungannon Tyrone	

The Owner/Occupier,
 5 Cranebrook Crescent Dungannon Tyrone
 The Owner/Occupier,
 6 Cranebrook Crescent Dungannon Tyrone
 The Owner/Occupier,
 Nursery, Coash Road, Dungannon, Tyrone, BT71 6JE
 The Owner/Occupier,
 Unit 1, 20a, Coash Road, Dungannon, Tyrone, BT71 6JE
 The Owner/Occupier,
 Unit 2, 20a, Coash Road, Dungannon, Tyrone, BT71 6JE
 The Owner/Occupier,
 Unit 3, 20a, Coash Road, Dungannon, Tyrone, BT71 6JE
 The Owner/Occupier,
 Unit 4, 20a, Coash Road, Dungannon, Tyrone, BT71 6JE

Date of Last Neighbour Notification	14th February 2020
--	--------------------

Date of EIA Determination	
----------------------------------	--

ES Requested	No
---------------------	----

Planning History

Ref ID: LA09/2016/1223/F

Proposal: Retention of 3 hard standing areas incidental to the use of the engineering workshop ie, storage provision, car parking, turning and circulation space

Address: 111 Ballynakilly Road, Coalisland,

Decision: PG

Decision Date: 23.01.2019

Ref ID: LA09/2020/0147/F

Proposal: Temporary permission for the continuance of buildings and land for engineering purposes without compliance with a condition subject to a previous planning permission having been granted i.e., condition 11 of Planning Ref No LA09/2016/0470/F

Address: 111 Ballynakilly Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2016/0470/F

Proposal: Retention of the change of use of existing buildings to Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage and Distribution

Address: 111 Ballynakilly Road, Coalisland,

Decision: PG

Decision Date: 13.06.2019

Ref ID: M/2003/0010/F

Proposal: Retention of boundary fence at 111 Ballynakilly Road, Coalisland

Address: 111 Ballynakilly Road, Coalisland

Decision:

Decision Date: 11.11.2003

Ref ID: M/2007/1571/F

Proposal: Alteration and upgrade of existing access to commercial premises.

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 14.08.2008

Ref ID: M/1980/0398

Proposal: AGRICULTURAL SHED

Address: 20 COASH ROAD, BALLYNAKELLY, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2002/0063/F

Proposal: Change of Use to provide Storage for Domestic Freezers and Fridges awaiting disposal

Address: 111 Ballynakilly Road, Ballynakilly, Dungannon

Decision:

Decision Date: 19.04.2002

Ref ID: M/2006/1138/F

Proposal: Housing development to consist of detached, semi-detached, townhouses & small shop

Address: Lands around 20 Coash Road, Ballynakilly

Decision:

Decision Date: 23.07.2007

Ref ID: M/2010/0348/F

Proposal: Rebuilding of existing commercial premises due to fire damage.

Address: Site 50m NE of 111 Ballynakelly Road, BallynaKelly, Dungannon. BT71 6JE

Decision:

Decision Date: 24.09.2010

Ref ID: M/2006/0188/Q

Proposal: Change of use from electrical goods store to an engineering building.

Address: 30 Metres south west of 11 Annaghmore Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2009/0102/F

Proposal: 5no townhouses, two and three storey with private gardens and parking to rear of site and associated access

Address: Lands to the rear of 20 Coash Road, Ballynakilly, Dungannon, BT716JE

Decision:

Decision Date: 22.12.2009

Ref ID: M/1988/0515

Proposal: IMPROVEMENTS TO DWELLING

Address: 18 COASH ROAD, BALLYNAKILLY, COALISLAND

Decision:

Decision Date:

Ref ID: M/1976/0592
 Proposal: ERECTION OF PLAY PARK
 Address: BALLYNAKILLY, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1990/0183
 Proposal: Change of use from Snooker and Social Club to Licensed Premises and Function Rooms
 Address: 20 COASH ROAD, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/1987/0268
 Proposal: TOILET BLOCK TO EXISTING SNOOKER HALL
 Address: 20 COASH ROAD, BALLYNAKILLY, DUNGANNON
 Decision:
 Decision Date:

Ref ID: M/2014/0340/F
 Proposal: Proposed development of a 500kw centralised anaerobic digestion (CAD) plant, combined heat and power plant (CHP) to include change of use of existing building to facilitate feedstock storage, upgrade of existing access and ancillary site works (Reduced waste codes - plant tissues/slurries only)
 Address: Lands immediately adjacent and South of 111 Ballynakilly Road, Coalisland,
 Decision: PG
 Decision Date: 17.11.2015

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0864/F	Target Date:
Proposal: Proposed car parking and block of semi detached dwellings	Location: Lands approximately 50m West of 39 Charlemont Street Moy
Referral Route: Contrary to Policy	
Recommendation:	REFUSAL
Applicant Name and Address: Hemel Ltd Eurospar 45 Charlemont Street Moy	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Objections

None

Characteristics of the Site and Area

The application site is a 0.16 hectare vacant plot of land located apporx. 50 metres West of number 39 Charlemont Street, Moy, County Tyrone. It lies within the development limits of the village of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). It lies just outside the designated Conservation Area.

The site sits below the level of Charlemont Street (which forms part of the A29 Protected Route) and is currently used as part agricultural field and part car park with the access coming off an existing concrete laneway which runs through the SW section of the site to a dwelling to the rear.



The fields is separated from the remainder of the site by a low wall along the north edge and a temporary chain link fence along the south and east sides. There is also an old derelict building situated in the most western point of the site.



This area is characterised by a mix of residential and commercial uses. To the NW of the site are terraced residential properties and a current planning application for apartments. To the NE of the site are hot food takeaways and a hairdressers. To the East and SE of the site is a large Listed derelict Mill Building (subject to a current planning application to stabilise and convert the ground floor into a restaurant) and a Eurospar. There is limited development to the SW of the site.

This area is also recognised as having archaeological potential. Historically the lands to the South of the site were occupied by a meander of the River Blackwater. Part of the site appears to fall within a designated Flood Plain as confirmed by Rivers Agency consultation response.

Description of Proposal

The proposal seeks full planning permission for block of semi-detached dwellings and car parking for the nearby Granary.

Planning Assessment of Policy and Other Material Considerations

History

There is no relevant history on the site however, there is an outline approval for residential development adjacent too and NE of the site, with a current RM proposal (ref LA09/2020/0486/RM) in for 18 apartments. To the South East of the site there is approval for works to the listed building to convert the Grain store into a restaurant (ref LA09/2016/0714/F & LA09/2017/1398/LBC).



- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010 (DSTAP)
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- PPS 15 - Planning and Flood risk.
- Creating Places

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

DSTAP 2010

The site sits within the existing settlement of The Moy as defined in the DSTAP. The site is not subject to any zonings or key site requirements. The proposal will therefore be assessed under relevant planning policy.

Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 ? Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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. It does not present any change in policy direction from that contained within PPS 7.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads were consulted and responded that "Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating "Road Remaining Private." In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.

PPS 7 - Quality Residential Environments

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

The development would to a large degree respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposed development is residential in nature and is in an area where residential development, is prevalent. The area is characterised a varied mix of development, including semidetached dwellings to the north, apartments to the east and the euro spar to the south. The proposed semis are of a simple design and as such do not look out of character in the area. The site is flat and topography is not an issue. The general layout of the scheme is acceptable. In-curtilage parking is being provided. Given the location of the site within the Town of The Moy, the provision of landscape is not necessary. Hard surfacing is proposed but will not dominate the development.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. The site is not in an area of archaeological importance and there are no Listed Buildings nearby. There are no TPO trees or important landscape features within the site to be retained or protected.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area, approximately 45m² of private rear amenity space per dwelling is being provided which is in keeping with the Creating Place Standards (Minimum of 40m²). Public open space is available within the Town which can be utilised by residents and can be accessed by car or foot. No planting is proposed along site boundaries however it is my opinion that this is not necessary in this urban location.

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development - The site is within the development limits of The Moy and there are existing neighbourhood facilities already available in the locality (eg) parks, churches, shops etc

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and

convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be minimal and would be travelling a low speed.

Adequate and appropriate provision is made for parking within the site. Adequate in-curtilage parking is being provided for 2 cars, the application also proposes 16 spaces for the nearby Granary.

The design of the development must draw upon the best local traditions of form, materials and detailing. The design and finishes of the proposed dwellings do not concern me and are typical of the type of dwellings you would see in any development in the town. I have no issue with the proposed smooth grey render finish.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposed dwellings back onto the rear gardens of the properties along Charlemont Street. The closest third party dwelling is number 6 Cashel Grove. There is a gable to gable separation distance of 45m. I therefore have no concerns regarding overlooking, loss of light or loss of privacy. The residential nature of this proposal will not give rise to any unacceptable noise disturbance, emissions or odours. EH have been consulted and have no objection in principle.

The development is designed to deter crime and promote personal safety - I am satisfied that the development is considered to be designed to deter crime and promote personal safety within the area. Also, in-curtilage parking is provided and street lighting exists along the adjacent public roads.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types including terraced and detached dwellings. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. Both proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

Rev PPS 15 - Planning and Flood Risk

Rivers Agency were consulted and responded; "Flood Maps NI indicate that the site is affected by floodplain. Surveys by the consultant and Dfi Rivers confirm that the floodplain affecting the site (and beyond) has been substantially infilled since the flood map was compiled. The loss of valuable floodplain storage can result in the displacement of flood waters and an increase in flood risk elsewhere."

"Development will not be permitted within the 1 in 100 year fluvial flood plain, unless the applicant can demonstrate that the proposal constitutes an exception to the policy."

It is clear from inspecting the DFI Rivers flood maps that the site lies within the flood plain and the proposal is therefore contrary to PPS 15 Policy FLD1.

FLD1 states that 'Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The applicant has not made any case to present the proposal as an exception;

The development is not on land protected by flood defences,
 The proposal does not involve the replacement of dwellings, there is a shed on the site (see below picture) however it is not a dwelling and would not be eligible for replacement,
 The development is not for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.
 It is not for water compatible development which for operational reasons has to be located within the flood plain.
 It is not for the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes.
 It is not for the extraction of mineral deposits and necessary ancillary development
 The proposal is not of regional economic importance.

Other Consultations

1. Transport NI were consulted in relation to access arrangements and responded ?Council Planning should note that the design of the proposed road intended to service the proposed 2 number dwellings does not comply with Creating Places. If Council Planning are setting aside Creating Places then a note should be attached to road stating ?Road Remaining Private.? In addition they have also stated that access arrangements and visibility splays at the northern exit point on to Charlemont Street were approved under planning applications LA09/2016/0654 & LA09/2016/0714 (Euro Spar) and should be submitted to support this application.?

2. NI Water were consulted and indicated that there is not sufficient sewage capacity within The Moy for the development to connect.

3. Environmental Health were consulted and like NIEA had no objections to this proposal based on the findings of the Contamination Report subject to planning conditions and informatives being attached to any subsequent decision notice.

Conclusion

As the site lies within the flood plain and the applicant has not demonstrated that the proposal should be considered an exception to the policy development will not be permitted.

Recommendation - Refusal

Neighbour Notification Checked **Yes**

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 15 - Policy FLD1 in that the development would, if permitted, result in development within the floodplain without demonstrating that the proposal constitutes an exception to the policy.

Signature(s)

Date:

ANNEX	
Date Valid	20th July 2020
Date First Advertised	4th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27b ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27c ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 27d ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 29a ,Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 31 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 35 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, 39 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 1,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 2,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 3,25 Charlemont Street,Moy,Tyrone,BT71 7SL The Owner/Occupier, Apartment 4,25 Charlemont Street,Moy,Tyrone,BT71 7SL	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/0486/RM

Proposal: Residential development for reserved Matters, outline permission
LA09/2016/0697/O for 18 apartments

Address: Vacant site at lands between 39 - 27 Charlmont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0170/DC

Proposal: Discharge of Condition No5 of Planning Permission LA09/2016/0697/O.

Address: Lands between 39-27 Charlemont Street, Moy.,

Decision: AL

Decision Date:

Ref ID: LA09/2016/0697/O

Proposal: Residential Development

Address: Vacant site at lands between 39-27 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2016/0699/LBC

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of buildings doors and windows.(application accompanies an application for full permission to change the use of ground floor to restaurant use and general site works surrounding the building to provide car parking and public access

Address: Former Grain Store 39-41 Charlemont Street Moy,

Decision: CG

Decision Date: 17.05.2017

Ref ID: LA09/2018/1007/F

Proposal: Single storey extension to front elevation with a 2 storey extension to one side to provide additional retail accommodation with offices above, reconfiguration of parking area and access arrangements and general site works including landscaping and pedestrian access routes and toilet block

Address: Eurospar 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 13.11.2018

Ref ID: LA09/2016/0654/F

Proposal: Single storey extensions to front and one side of supermarket, repositioning of petrol pumps and canopy, reconfiguration of parking areas and access arrangements and general site works including landscaping and pedestrian access routes

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: PG

Decision Date: 23.05.2017

Ref ID: LA09/2018/1596/NMC

Proposal: Amendment to internal retail floor layout from previously approved
LA09/2018/1007/F

Address: Eurospar, 45 Charlemont Street, Moy,

Decision: CG
Decision Date:

Ref ID: LA09/2016/0714/F

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of the buildings doors and windows, provision of car parking area at rear, and partial change of use of lower ground floor (155.63sqm) to restaurant. General site works and building improvements.

Address: Former Grain Store, 39-41 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2017/1398/LBC

Proposal: This application amends previously approved design Northern 3 bays re ordered, new lower ground floor unit formed with ground floor removed, First floor unit formed with portion of second floor removed and retained portion defined as mezzanine

Address: 39-41 Charlemont Street, Moy,

Decision: CG

Decision Date: 19.02.2018

Ref ID: LA09/2020/0780/O

Proposal: Proposed furniture storage/warehouse facility

Address: Site 80m West of 37 Charlemont Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2020/0863/F

Proposal: Proposed car parking and amenity space linking to existing river walk

Address: Lands approximately 100m South West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: LA09/2020/0864/F

Proposal: Proposed car parking and block of semi detached dwellings

Address: Lands approximately 50m West of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: M/2009/0901/F

Proposal: The construction of 21 apartments and 3No. retail units with basement parking

Address: 29-37 Charlemont Street, Moy, Dungannon, BT71 7SF

Decision:

Decision Date: 13.06.2011

Ref ID: M/2002/1285/Q

Proposal: Proposed conversion of derelict Mill building into 4 No. retail shop units and 8 No. flats.

Address: 39 Charlemont Street, Moy

Decision:

Decision Date:

Ref ID: M/1990/0662

Proposal: Redevelopment of vacant site to form new shop unit
Address: ADJACENT TO NO 41 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1992/0158

Proposal: Site for Dwelling

Address: REAR OF NO 27 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1997/6002

Proposal: Housing Development Charlemont Street Moy

Address: Charlemont Street Moy

Decision:

Decision Date:

Ref ID: M/2015/0096/PREAPP

Proposal: Redevelopment of Lands at Charlemont Street, Moy

Address: 31-45 Charlemont Street, Moy, Co Tyrone,

Decision:

Decision Date:

Ref ID: LA09/2015/0620/F

Proposal: Extension, alterations and change of use from residential dwelling house to give 4 no self contained apartments. 1 per floor

Address: 25 Charlemont Street, Moy,

Decision: PG

Decision Date: 12.01.2017

Drawing Numbers and Title

Drawing No. 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0991/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site 200m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Referral Route: This applications fails to meet any of the policy requirements of PPS 21 and refusal is recommended.	
Recommendation:	Refusal
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located along approximately 200 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a rectangular parcel of land measuring 0.8 hectares with St Patrick's Church and graveyard sitting 100 metres to the south. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared to the bare topsoil and other earthworks have been undertaken. A levelled platform sits along to the western side of this plot where artificially created mounds created by spoil heaps from the earthwork operations are also present.

The western boundary of the site runs alongside the Annagher Road. There is a wide opening on the southern roadside boundary onto the Clonavaddy road, with the remainder of the boundary either side of this opening comprising a bank with a hedge atop. The eastern boundary of the site is hedgerow with small sparse trees. This separates the site from the adjacent plot of land which is subject to a separate planning application (LA09/2020/0991/O) for the same applicant.



Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 200m West of 115 Clonavaddy Road, Cappagh, in the townland of Aghnagar.

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 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 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

This application fails to meet the criteria of CTY 2 as the location of the site is not within a designated Dispersed Rural Community.

CTY 2a does allow permission for a dwelling in an existing cluster of development. A cluster is located at a crossroads or is associated with a focal point such as a social or community building/facility. Although St Patrick's Church would fulfil the community building part of this requirement, it is located on the Annagher Road and there is not an identifiable cluster of buildings surrounding it so it could be categorised as focal point in a cluster, thereby failing to fulfil CTY 2a.

CTY 3 - Replacement Dwellings is not applicable for this application. The applicant has not provided any information showing that the proposal would meet the essential needs of a Non-Agricultural Business Enterprise, thereby failing CTY 7. Development on a small gap site is assessed having regards to the particulars of CTY 8. No evidence has been provided to demonstrate this proposal would fulfil the criteria which is set out in CTY 10 for a dwelling on a farm. There are no non-residential buildings on the site which could be utilised thereby allowing the application to potentially fulfil the provisions of CTY4 - Conversion and Reuse of Existing Buildings.

The applicant did submit information as to why this application should be considered under CTY 6 - Special Personal and Domestic circumstances which is summarised below.

In November 2005, permission was granted for a dwelling and garage under application M/2004/1219/O (Site A) for M Nugent on lands at 200m SW of 126 Golan Road, Ballygawley. Another application M/2004/0804/O (Site B) was granted planning permission for Mr Seamus Nugent at 520m NW of 121 Golan Road, Ballygawley. Both applications were approved with siting restrictions as they met the provision requirements of PPS 14, which preceded PPS 21. The applicant claims that while the decision of these applications were pending, the land was vested in 2005 by the DOE. This land was acquired as part of the A4 and A5 Road Scheme.

The applicant has claimed both these approved applications have had numerous Reserved Matters restrictions which were redundant due to the removal of hedges and topsoil by DOE Contractors working on the road scheme. He states he was unable to comply with the conditions and after discussions with the Planning Service, he was verbally told that alternative/compensatory applications on other sites would be dealt with 'sympathetically'.

Due to the absence of any written evidence confirming this claim, it is not substantiated.

A planning history search at Site B shows application M/2004/1219/O was granted permission for a Dwelling and Garage for M Nugent at 200m South West of 126 Golan Road, Ballygawley in November 2005. Planning permission was refused for dwelling and garage for Plunkett Nugent on this site in May 2002. This was due to the extant permission on the site lapsing by 6 months and as PPS 21 was introduced in the interim, it failed to meet CTY 1 of the new policy.

I am not satisfied the information put forward by the applicant satisfies the requirements of CTY 6, and thus refusal is recommended.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal

would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Transport NI were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres as part of a Reserved Matters application. There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in CTY 1, this proposal fails to meet any of the criteria and therefore fails PPS 21

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2020
Date First Advertised	25th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 84 Aghnagar Road Galbally Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2004/0775/O Proposal: Proposed two storey dwelling & domestic garage Address: 140M N.W of 115 Clonavaddy Road, Galbally, Dungannon Decision: Decision Date: 07.09.2004 Ref ID: M/2005/0490/O Proposal: Proposed two storey dwelling & domestic garage. Address: 140m North West of 115 Clonavaddy Road, Galbally, Dungannon. Decision: Decision Date: 13.09.2005 Ref ID: LA09/2020/0991/O Proposal: Proposed dwelling and domestic garage Address: Site 200m West of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon, Decision: Decision Date:	
Summary of Consultee Responses	

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0992/O	Target Date:
Proposal: Proposed dwelling and domestic garage	Location: Site 150m West of 115 Clonavaddy Road Aghnagar Cappagh Dungannon
Referral Route: This application fails to meet any of the policy requirements of PPS 21 and refusal is recommended.	
Recommendation:	
Applicant Name and Address: Plunkett Nugent 126 Goland Road Ballygawley BT70 2LB	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located approximately 150 metres west of No 115 Clonavaddy Road and 3.5 kilometres south of Cappagh village. It occupies a parcel of land measuring 0.5 hectares and has a road frontage of 68 metres. The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the elevated surroundings. The site has been cleared with the southern roadside boundary is undefined on the ground. The western boundary of the site is hedgerow and separates this site from another application site for a dwelling and garage (LA09/2020/0991/O) for the same applicant. The eastern and northern boundaries are defined by hedgerow. The land beyond the eastern boundary has the frame of an agricultural building to the rear and this parcel of land has also been subject to some clearing also.



The site is situated in the rural countryside as defined in the Dungannon and South Tyrone Area Plan. The surrounding area is very rural in character with narrow roads winding through the undulating topography. Dwellings are interspersed throughout the locality with some single wind turbines taking advantage of the exposed elevated surroundings.

Planning History

There are a couple of relevant planning histories associated with this site.

In September 2004, application M/2004/0775/O for a two storey dwelling & domestic garage for Ms Marion Mallon at 140metres NW of 115 Clonavaddy Road was withdrawn. This was recommended for refusal due to failure to comply with DES 5 because of prominence and lack of integration.

Then in September 2005 another application M/2005/0490/O for a two storey dwelling & domestic garage for Ms Marion Mallon was withdrawn due to the same reasons as the previous application was.

In the field to the east of the site subject of this planning application, the frame of an agricultural building which was partially constructed in 2005/6 sits to the rear of the plot. Here application M/2006/0767/O was refused planning permission for a dwelling and domestic garage in October 2006 for Mr Plunkett Nugent. This was subsequently appealed (Ref No 2007/A0049) and the Planning Appeals Commission dismissed the appeal in March 2006. This was on the grounds that it failed to meet DES 5 and DES 6 of the DOE's Planning Strategy (PSRNI), in terms of prominence, lack of integration and build up.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage at 150m West of 115 Clonavaddy Road, Cappagh in the townland of Aghnagar.

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 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 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

This application fails to meet the criteria of CTY 2 as the location of the site is not within a designated Dispersed Rural Community.

CTY 2a does allow permission for a dwelling in an existing cluster of development. A cluster is located at a crossroads or is associated with a focal point such as a social or community building/facility. Although St Patrick's Church would fulfil the community building part of this requirement, it is located on the Annagher Road and there is not an identifiable cluster of buildings surrounding it so it could be categorised as focal point in a cluster, thereby failing to fulfil CTY 2a.

CTY 3 - Replacement Dwellings is not applicable for this application. The applicant has not provided any information showing that the proposal would meet the essential needs of a Non-Agricultural Business Enterprise, thereby failing CTY 7. Development on a small gap site is assessed having regards to the particulars of CTY 8. No evidence has been provided to demonstrate this proposal would fulfil the criteria which is set out in CTY 10 for a dwelling on a farm. There are no non-residential buildings on the site which could be utilised thereby allowing the application to potentially fulfil the provisions of CTY4 - Conversion and Reuse of Existing Buildings.

The applicant did submit information as to why this application should be considered under CTY 6 - Special Personal and Domestic circumstances which is summarised below.

In November 2005, permission was granted for a dwelling and garage under application M/2004/1219/O (Site A) for M Nugent on lands at 200m SW of 126 Golan Road, Ballygawley. Another application M/2004/0804/O (Site B) was granted planning permission for Mr Seamus Nugent at 520m NW of 121 Golan Road, Ballygawley. Both applications were approved with siting restrictions as they met the provision requirements of PPS 14, which preceded PPS 21.

The applicant claims that while the decision of these applications were pending, the land was vested in 2005 by the DOE. This land was acquired as part of the A4 and A5 Road Scheme.

The applicant has claimed both these approved applications have had numerous Reserved Matters restrictions which were redundant due to the removal of hedges and topsoil by DOE Contractors working on the road scheme. He states he was unable to comply with the conditions and after discussions with the Planning Service, he was verbally told that alternative/compensatory applications on other sites would be dealt with ?sympathetically?.

Due to the absence of any written evidence confirming this claim, it is not substantiated. A planning history search at Site B shows application M/2004/1219/O was granted permission for a Dwelling and Garage for M Nugent at 200m South West of 126 Golan Road, Ballygawley in November 2005. Planning permission was refused for dwelling and garage for Plunkett Nugent on this site in May 2002. This was due to the extant permission on the site lapsing by 6 months and as PPS 21 was introduced in the interim, it failed to meet CTY 1 of the new policy. I am not satisfied the information put forward by the applicant satisfies the requirements of CTY 6, and thus refusal is recommended.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Transport NI were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 60 metres as part of a Reserved Matters application.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in CTY 1, this proposal fails to meet any of the criteria and therefore fails PPS 21.

Reasons for Refusal:

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Signature(s)

Date:

ANNEX	
Date Valid	14th August 2020
Date First Advertised	25th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 84 Aghnagar Road Galbally Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: M/2004/0775/O Proposal: Proposed two storey dwelling & domestic garage Address: 140M N.W of 115 Clonavaddy Road, Galbally, Dungannon Decision: Decision Date: 07.09.2004 Ref ID: LA09/2020/0992/O Proposal: Proposed dwelling and domestic garage Address: Site 150m West of 115 Clonavaddy Road, Aghnagar, Cappagh, Dungannon, Decision: Decision Date: Ref ID: M/2005/0490/O Proposal: Proposed two storey dwelling & domestic garage. Address: 140m North West of 115 Clonavaddy Road, Galbally, Dungannon. Decision: Decision Date: 13.09.2005	
Summary of Consultee Responses	

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1055/F	Target Date: 17/12/2020
Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.	Location: 6-7 Tullybroom Rd Clogher Co.Tyrone BT76 0VW
Referral Route: One objection has been received	
Recommendation: APPROVAL	
Applicant Name and Address: Early Years 6c Wildflower Way Apollo Road Boucher Road Belfast BT12 6TA	Agent Name and Address: MMAs Conway Mill 5-7 Conway St Belfast BT13 2DE
Executive Summary: This application relates to a change in finishes for the previously approved redevelopment of the site, the principal of development is the same as that approved under LA09/2018/0734/F. One objection has been received which has been fully considered.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received

Representations:

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

Summary of Issues

One objection has been received citing road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood - see consideration of same below under representations.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 400m from Clogher Village, outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. The proposal impacts upon the Former Poor Law Hospital, Tullybroom Road, Clogher, Co Tyrone, (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The site outlined in red comprises the workhouse admin building fronting onto Tullybroom Road which is now used by the NIW for administrative purposes with a large tarmacked area to the front for parking. Behind this building is a further parking area, childcare access and parking point and the Clogher Valley Playgroup which occupy the temporary mobile childcare building. Over time the rear portion of the workhouse, to the west of the site, including the cemetery have been re-purposed as a nursing home and parking. Small residential dwellings have been built to the north of the site. The central wing of the workhouse is now in ruins.

Description of Proposal

Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls.

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.

Planning History

There are a large number of histories on site, the most relevant to this application being: LA09/2018/0728/LBC - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2018/0734/F - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2020/1059/LBC - Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls - currently under consideration alongside this application.

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty.

One objection has been received and has been uploaded against the LBC application as well. The objection is twofold; road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood. This proposal is the same principal as that previously approved under LA09/2018/0734/F and LA09/2018/0728/LBC. The only changes are the alteration of the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. The changes are to the proposed finishes, and not to the actual proposed redevelopment of the site. All road safety issues were examined and considered under these original proposals and it was not deemed that there was a danger to motorists or pedestrians. With regard to the impact on the character of the area, again it was not considered that the proposal would have any negative effect on character; rather it was felt that the socio-economic benefits of the scheme, coupled with the restoration and upkeep of an important historical listed building will breathe new life into this site, and will be an important asset to Clogher Village and the wider Clogher Valley catchment for years to come.

I spoke with the objector to ensure they understood that this is not a new proposal, merely an alteration to the finishes that were approved under LA09/2018/0728/LBC and LA09/2018/0734/F. Planning permission has already been granted on this site for the proposed re-development, and can still be implemented as they are within time. I explained that the issues raised were examined fully in the original planning applications and that conditions were in place to ensure road safety. HED is content with the

proposal, with conditions. The objector was satisfied that planning permission is already in place and that this proposal is for relatively minor changes, and understand that the original application was where their concerns perhaps should have been raised.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by PPS 21 Sustainable Development in the Countryside and PPS 6 - Planning, Archaeology & Built Heritage (as it is a Grade B1 Listed Building).

The proposal involves altering all the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. There are no other changes to the proposal other than this.

PPS21 - Policy CTY 4 The Conversion and Reuse of Existing Buildings

This policy allows for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses where this would secure its upkeep and retention. The principal of the proposed redevelopment was agreed under LA09/2018/0734/F, with this application seeking to alter the finishes to the building. No other changes to the original approval are proposed. The proposal itself will secure the ongoing viability and upkeep of this important building, and is acceptable.

PPS 6 - Planning, Archaeology & Built Heritage

As this is an application for alterations to a Listed Building it is assessed against the Policy provision contained within PPS 6 and in particular Policy BH8 - Extension or Alteration of a Listed Building of this policy.

Policy BH8 states that consent will normally only be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
 (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Historic Environment Division (HED) of the Department of Communities were consulted, as the competent authority in assessing the impact of the proposal on the amenity of the listed building. Their response is as follows:

Historic Environment Division - (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions.

They further state that should an approval be granted for this application, HED - Historic Buildings request that the following conditions be included in any approval document issued;

- 1) Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.
- 2) The change of external finishes to new build sections of the proposal shall be as that detailed on planning drawing 10 (published 18.09.2020).

The reason for this is to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS 3 - Access Movement and Parking

DFI Roads were consulted under the original application LA09/2018/0734/F and recommended approval subject to a number of conditions. I consider that provided the same conditions are applied in this instance there should be no road safety concerns given the fact this application is to amend finishes and all previous access arrangements are unchanged.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval as the proposal meets all policy requirements of BH8 of PPS6 as it respects the character and setting of the Listed Building, and will not have an adverse impact on it. The minor changes to the proposal approved under the original planning application are considered acceptable and therefore I recommend approval, subject to all the same conditions that were originally set down being applied.

Conditions

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

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

2. Existing gate pillars and external walls as indicated on drawing No. 07 date stamp received 01 September 2020 shall be retained and protected throughout the works.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

3. Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools; internal openings formed in existing masonry walls shall retain a down-stand to match head-height of existing windows (2120mm above finished floor level) as annotated on drawing No.05 date stamp received 01 September 2020.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

4. Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.

Reason: To ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11(Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

5. Before work begins on the existing building, drawings to a scale of 1:10 fully detailing the proposed eaves, ridge and verge details and including insulation and ventilation to the roof shall be approved in writing by HED through an application to council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

6. Before work begins on dismantling and reconstructing the existing chimneys, a photographic and drawn survey at a scale of 1:10 shall be undertaken to ensure accuracy / authenticity once reassembled.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

7. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray shall take place unless agreed in writing with HED through and application to Council. Before any other cleaning begins, a method statement showing how the cleaning will conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete) shall be submitted. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recorded in writing to the approval of HED.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

8. A tap test shall be carried out to existing cement rendered walls to ascertain the extent of removal required and the result of same together with a sample panel of any new render proposed including details of the lime mix and final surface texture shall be approved in writing with HED through an application to council. The approved sample panel shall be retained on site until the work is completed and the Condition is discharged.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

9. Under no circumstances whatsoever shall powered tools (for example, air-driven tools; electric angle grinders and so forth) be used to remove render or to cut back masonry joints prior to repointing.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

10. Before work begins, a detailed justification for, and/ or methodology for inserting a damp proof course shall be approved in writing by HED through an application to Council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

11. Replacement ground floor and dry-lining proposed to the existing building shall be of breathable construction in accordance with drawing No.21 date stamp received 30th January 2019.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

12. Existing eight-panelled timber double doors to entrance shall be retained and protected throughout the works (including door handle).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

13. Existing windows shall be replaced throughout in hardwood in the style illustrated on Window Schedule drawing No. 03 date received 01 September 2020 with the following specification:

(a) slim profile double glazing units of maximum 12mm overall thickness fixed in place with putty (i.e. not timber slips);
(b) heavier transoms than mullions with tapered profile to both; and
(c) no visible trickle vents.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

14. All external joinery to the existing building to be finished on site with either dark coloured opaque paint or stain (i.e. not factory finished).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

15. Before work begins on the glazed bridge connection to the listed building, drawings to a scale of 1:10 fully detailing the proposed abutment with existing eaves shall be approved in writing by HED through an application to council.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

16. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

17. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

18. The change of external finishes to new build sections of the proposal shall be as that detailed on drawing No. 10 date stamp received 01 September 2020.

Reason: to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

19. Height of new brick chimney shall be a minimum of 2m below the eaves of existing gables on the listed building.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

20. External landscaping materials shall be as specified on drawings No. 06 and No. 07 date stamp received 01 September 2020 with paving and band of setts to perimeter of listed building in natural stone and all new railings and gates in hardwood.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

21. Stone used in loose gabion walls shall match that in existing rubble stone walls.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

22. Within first available planting season following commencement of works on site, semi mature trees indicated on drawing No. 07 date stamp received 01 September 2020 shall be installed.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment. To assist with visual amenity.

23. No works shall be carried out on the building until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

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

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

25. Prior to the commencement of any development hereby approved visibility splays of 2.4 metres by 90.0 metres shall be provided in both directions at the junction of the proposed access with the public road, in accordance with Drawing No. 02 bearing date stamp 01 September 2020.

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

27. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 01 September 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Informatives

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

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

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

4. Historic Environment Division advise;

-Legislation & policy 1. The Planning Act (NI) 2011

-Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage.

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

-Development Practice Note 5 -Historic Environment , September 2017 -
<https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historicenvironment.pdf>

-Consultation Guide - A guide to consulting HED on development management applications- <https://www.communities-ni.gov.uk/publications/guide-consulting-heddevelopment-management-applications>

-Please also see new HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/ourplanning-services-and-standards-framework.pdf>

-Technical Notes -

<https://www.communitiesni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical>

-British Standard - BS 7913:2013 Guide to the conservation of historic buildings

-HED Setting Guidance, Feb 2018

<https://www.communitiesni.gov.uk/publications/guidance-setting-and-historic-environment>

-Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application, further revisions may be required that may not comply with Policy BH8 & BH11 of PPS6.

HED:HB caution against dry lining of traditional walls, as this has associated risks in connection with the long term health of the solid wall and the air quality, and as it interferes with the intended building physics of the structure. The contraindications for dry-lining include loss of the wall's breathability. The responsibility for outcomes associated with dry-lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect on the building fabric. See BRE research

http://www.bre.co.uk/filelibrary/pdf/projects/swi/UnintendedConsequencesRoutemap_v4.0_160316_final.pdf Fungicidal treatments involving fluid substances should also be used with caution and the building should be well ventilated and adequately dried out before

applying any finish to treated areas. Ongoing monitoring will be fundamental and therefore easy access to concealed voids is essential.

-It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting). All listed buildings are afforded the same protection, irrespective of grade.

5. NIEA Natural Heritage advise;

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to - i. affect the local distribution or abundance of the species to which it belongs; ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild bird; or
 - b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - d) obstruct or prevent any wild bird from using its nest; or
 - e) take or destroy an egg of any wild bird; or
 - f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - g) disturb dependent young of such a bird.
- Natural Heritage Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

NIEA Drainage and Water advise;

- The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

- Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

- Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit (WMU) for Water Order (1999) Consent for an emergency overflow?.

- The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions. (Please refer to the Standing Advice link at the end of this document).

- The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.

- The applicant should ensure that the management of all wastes are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.org.uk/environmental-topics/waste/more-storage-handling-transportof-waste/>)

- General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe?'

<https://www.daerani.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supplysafe-2015.pdf> More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>

- Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/> 9. The applicant should comply with all the relevant Pollution Prevention Guidance (PPG's) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:

- PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices

- New GPP 02 - Above ground oil storage tanks.

- PPG 04 - Treatment and disposal of sewage where no foul sewer is available.

- New GPP 05 - Works and maintenance in or near water.

- PPG 06 - Working at construction and demolition sites. Compliance with the advice in GPP 05 and PPG 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be

accessed by visiting the NetRegs website at
<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

-The applicant should comply with all the relevant DAERA Standing Advice in order to minimise the impact of the project on the water environment, paying particular attention to Standing Advice- Pollution Prevention Guidance, which contains a link to all the current Pollution Prevention Guidelines (PPGs/GPPs). Standing Advice Notes are available on the DAERA website under the Topic: Environmental Advice for Planning. Alternately the following address can be copied and pasted to a web browser:
<https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>

6. DfI Roads Informatives

The applicant, future purchasers and their successors in title should note that any future requests to DfI Roads for footway infrastructure provision to the Child Care Centre will not be facilitated, and that the responsibility for provision of such infrastructure rests solely with the applicant.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	3rd September 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Tullybroom Road, Clogher, BT76 0VW Dolores Moore 12 Tullybroom Road, Clogher, Tyrone, BT76 0UW Dolores Moore 12 Tullybroom Road, Clogher, Tyrone, Northern Ireland, BT76 0UW The Owner/Occupier, 14 Tullybroom Road, Clogher, BT76 0VW The Owner/Occupier, 16 Tullybroom Road, Clogher, BT76 0VW The Owner/Occupier, 18 Tullybroom Road, Clogher, BT76 0VW	
Date of Last Neighbour Notification	25th September 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2007/0418/LB Proposal: Part demolition/alterations and extensions to the poor workhouse, clogher into 8 no.residential dwellings. Address: Poor workhouse, Tullybroom Road, Ballymagowan, Clogher Decision: Decision Date: 16.09.2008 Ref ID: M/2007/0475/F Proposal: Alterations/ Extensions to create 8 No. Residential dwellings Address: Poor Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 12.09.2008 Ref ID: M/2002/0211/F Proposal: To improve vehicle access at Tullybroom Road & improve safety. Address: Old Union Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 13.03.2003	

Ref ID: M/1981/0462
Proposal: ERECTION OF BUNGALOW
Address: BALLYMAGOWAN ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/2014/0507/F
Proposal: Continuation of use of playgroup facility
Address: Old Union Workhouse, 7, Tullybroom Road, Clogher,
Decision: PG
Decision Date: 10.03.2015

Ref ID: M/1996/0225
Proposal: Extension to Nursing Home
Address: 8 TULLYBROOM ROAD CLOGHER
Decision:
Decision Date:

Ref ID: M/1997/0725
Proposal: Extension & Alterations to Nursing Home
Address: 8 TULLYBROOM ROAD CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/1401/F
Proposal: Provision of EMI Nursing Unit
Address: 8 Tullybroom Road, Clogher
Decision:
Decision Date: 16.10.2006

Ref ID: M/2001/1291/F
Proposal: Alterations/extension to existing nursing home & replacement day centre.
Address: 8 Tullybroom Road, Clogher.
Decision:
Decision Date: 23.10.2002

Ref ID: M/1987/0537
Proposal: PROPOSED RE-ROOFING OF 2 NO SINGLE STOREY BLOCKS AT OLD PEOPLE'S HOME
Address: TULLYBROOM ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/1985/0192
Proposal: MOBILE TYPE BUILDING
Address: NO 8 TULLYBROOM ROAD, BALLYMAGOWAN, CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/1648/Q
Proposal: Re-development
Address: Poor Law Hospital, Clogher
Decision:
Decision Date:

Ref ID: M/1981/0461
Proposal: ERECTION OF BUNGALOW
Address: BALLYMAGOWAN ROAD, CLOGHER
Decision:
Decision Date:

Ref ID: M/2006/2002/F
Proposal: To continue use of Playgroup Facility which was granted temporary Planning permission on 2001
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 17.08.2007

Ref ID: M/2001/0397/F
Proposal: Erection of pre-fabricated, temporary classroom on site to serve as pre-school playgroup.
Address: Old Union Workhouse, Tullybroom Road, Clogher.,
Decision:
Decision Date: 16.08.2001

Ref ID: M/2009/0864/F
Proposal: Continuation of use of Playgroup facility which had granted temporary planning permission in 2002 and again in 2007 at Old Union Workhouse, Tullybroom Road, Clogher
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 11.12.2009

Ref ID: M/2010/0085/F
Proposal: Proposed extension to existing temporary playgroup facility
Address: Old Union Workhouse, Tullybroom Road, Clogher
Decision:
Decision Date: 08.03.2010

Ref ID: M/1978/0281
Proposal: CONVERSION FROM MUSHROOM HOUSE TO DWELLING
Address: BALLYMAGOWAN, CLOGHER
Decision:
Decision Date:

Ref ID: LA09/2018/0728/LBC

Proposal: Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone, BT76 0UW.,

Decision: CG

Decision Date: 20.02.2019

Ref ID: LA09/2018/0734/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone,

Decision: PG

Decision Date: 20.02.2019

Ref ID: LA09/2020/1059/LBC

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,

Decision:

Decision Date:

Ref ID: LA09/2020/1055/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,

Decision:

Decision Date:

Summary of Consultee Responses

HED (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 06
Type: Landscaping Plan
Status: Submitted

Drawing No. 05
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 08
Type: Cross Sections
Status: Submitted

Drawing No. 09
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 10
Type: Proposed Elevations
Status: Submitted



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

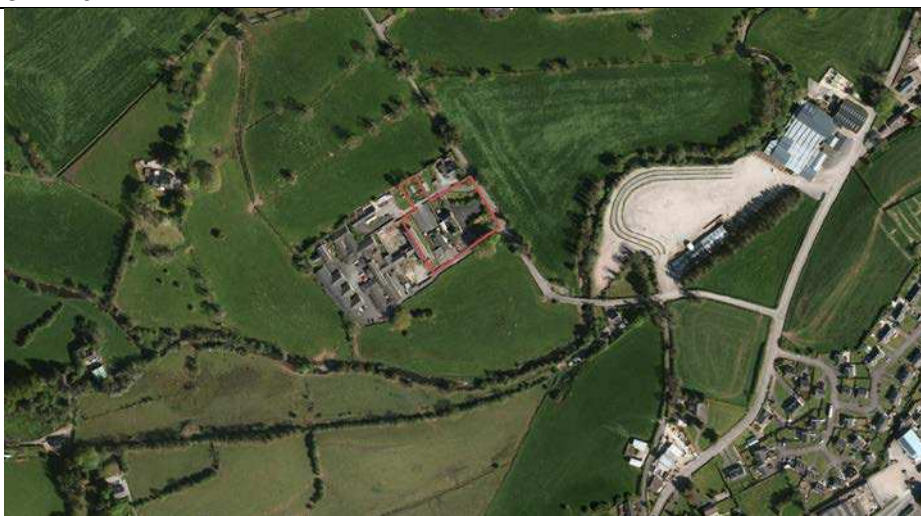
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1059/LBC	Target Date: 17/12/2020
Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.	Location: 6-7 Tullybroom Rd Clogher Co.Tyrone BT76 0VW
Referral Route: One objection has been received	
Recommendation: APPROVAL	
Applicant Name and Address: Early Years 6c Wildflower Way Apollo Road Boucher Road Belfast BT12 6TA	Agent Name and Address: MMAs Conway Mill 5-7 Conway Street Belfast BT13 2DE
Executive Summary: This application relates to a change in finishes for the previously approved redevelopment of the site, the principal of development is the same as that approved under LA09/2018/0728/LBC. One objection has been received which has been fully considered.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received

Representations:

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

Summary of Issues

One objection has been received citing road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood - see consideration of same below under representations.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 400m from Clogher Village, outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. The proposal impacts upon the Former Poor Law Hospital, Tullybroom Road, Clogher, Co Tyrone, (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The site outlined in red comprises the workhouse admin building fronting onto Tullybroom Road which is now used by the NIW for administrative purposes with a large tarmacked area to the front for parking. Behind this building is a further parking area, childcare access and parking point and the Clogher Valley Playgroup which occupy the temporary mobile childcare building. Over time the rear portion of the workhouse, to the west of the site, including the cemetery have been re-purposed as a nursing home and parking. Small residential dwellings have been built to the north of the site. The central wing of the workhouse is now in ruins.

Description of Proposal

Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls.

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.

Planning History

There are a large number of histories on site, the most relevant to this application being: LA09/2018/0728/LBC - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2018/0734/F - Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls - Granted 20.02.2019

LA09/2020/1055/F - Proposed renovation and extension of the existing Listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of the existing mobile classrooms, outbuildings and walls - currently under consideration alongside this application.

Representations

Press advertisement has been carried out in line with the Council's statutory duty. No neighbours were notified as this is an application for Listed Building Consent, however one objection was received on the accompanying Full application LA09/2020/1055/F and has been uploaded against this application as well. The objection is twofold; road safety concerns, and concerns over the size and nature of the proposed renovation and extension having an adverse impact on the established character of the neighbourhood. This proposal is the same principal as that previously approved under LA09/2018/0734/F and LA09/2018/0728/LBC. The only changes are the alteration of the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. The changes are to the proposed finishes, and not to the actual proposed redevelopment of the site. All road safety issues were examined and considered under these original proposals and it was not deemed that there was a danger to motorists or pedestrians. With regard to the impact on the character of the area, again it was not considered that the proposal would have any negative effect on character; rather it was felt that the socio-economic benefits of the scheme, coupled with the restoration and upkeep of an important historical listed building will breathe new life into this site, and will be an important asset to Clogher Village and the wider Clogher Valley catchment for years to come.

I spoke with the objector to ensure they understood that this is not a new proposal, merely an alteration to the finishes that were approved under LA09/2018/0728/LBC and LA09/2018/0734/F. Planning permission has already been granted on this site for the proposed re-development, and can still be implemented as they are within time. I explained that the issues raised were examined fully in the original planning applications and that conditions were in place to ensure road safety. HED is content with the

proposal, with conditions. The objector was satisfied that planning permission is already in place and that this proposal is for relatively minor changes, and understand that the original application was where their concerns should have been raised.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

Local Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by PPS 6 - Planning, Archaeology & Built Heritage (as it is a Grade B1 Listed Building).

The proposal involves altering all the pitched roofs along with the facade of the proposed two storey block from standing seam aluminium to corrugated fibre cement sheeting. There are no other changes to the proposal other than this.

PPS 6 - Planning, Archaeology & Built Heritage

As this is an application for alterations to a Listed Building it is assessed against the Policy provision contained within PPS 6 and in particular Policy BH8 - Extension or Alteration of a Listed Building of this policy.

Policy BH8 states that consent will normally only be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Historic Environment Division (HED) of the Department of Communities were consulted, as the competent authority in assessing the impact of the proposal on the amenity of the listed building. Their response is as follows:

Historic Environment Division - (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal with conditions.

They further state that should an approval be granted for this application, HED - Historic Buildings request that the following conditions be included in any approval document issued;

- 1) Replacement tiles for existing roofs shall be Welsh slate finish and the selection shall be agreed with HED - (Historic Buildings) prior to implementation on site.
- 2) The change of external finishes to new build sections of the proposal shall be as that detailed on planning drawing 10 - (published 18.09.2020).

The reason for this is to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I recommend approval as the proposal meets all policy requirements of BH8 of PPS6 as it respects the character and setting of the Listed Building, and will not have an adverse impact on it. The minor changes to the proposal approved under the original planning application are considered acceptable and therefore I recommend approval, subject to all the same conditions that were originally set down being applied

Conditions

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

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

2. Existing gate pillars and external walls as indicated on drawing No. 07 date stamp received 01 September 2020 shall be retained and protected throughout the works.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

3. Demolition work shall be carried out by hand or by tools held in the hand other than power-driven tools; internal openings formed in existing masonry walls shall retain a down-stand to match head-height of existing windows (2120mm above finished floor level) as annotated on drawing No. 07 date stamp received 01 September 2020.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

4. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for the selection of replacement tiles for existing roofs which shall be Welsh slate finish.

Reason: To ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

5. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for drawings to a scale of 1:10 fully detailing the proposed eaves, ridge and verge details and including insulation and ventilation to the roof.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building

6. Before work begins on dismantling and reconstructing the existing chimneys, a photographic and drawn survey at a scale of 1:10 shall be undertaken to ensure accuracy / authenticity once reassembled.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

7. No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray shall take place unless agreed in writing with HED through and application to Council. Before any other cleaning begins, a method statement showing how the cleaning will conform to BS 8221-1:2012 (Code of practice for cleaning and surface repair of buildings. Cleaning of natural stone, brick, terracotta and concrete) shall be submitted. At the commencement of the cleaning, a test panel shall be

undertaken in an inconspicuous position and the method recorded in writing to the approval of HED.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

8. A tap test shall be carried out to existing cement rendered walls to ascertain the extent of removal required and the result of same together with a sample panel of any new render proposed including details of the lime mix and final surface texture shall be approved in writing with HED and provided to council. The approved sample panel shall be retained on site until the work is completed and the Condition is discharged.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

9. Under no circumstances whatsoever shall powered tools (for example, air-driven tools; electric angle grinders and so forth) be used to remove render or to cut back masonry joints prior to repointing.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

10. Prior to the commencement of any development the developer shall provide the council with written agreement from HED for a detailed justification and/ or methodology for inserting a damp proof course.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and

(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

11. Replacement ground floor and dry-lining proposed to the existing building shall be of breathable construction in accordance with drawing No.21 date stamp received 30th January 2019.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

12. Existing eight-panelled timber double doors to entrance shall be retained and protected throughout the works (including door handle).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

13. Existing windows shall be replaced throughout in hardwood in the style illustrated on Window Schedule drawing No. 03 date received 01 September 2020 with the following specification:

- (a) slim profile double glazing units of maximum 12mm overall thickness fixed in place with putty (i.e. not timber slips);
- (b) heavier transoms than mullions with tapered profile to both; and
- (c) no visible trickle vents.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural

14. All external joinery to the existing building to be finished on site with either dark coloured opaque paint or stain (i.e. not factory finished).

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

15. Prior to the commencement of the glazed bridge connection to the listed building, the developer shall provide the council with written agreement from HED for drawings to a scale of 1:10 fully detailing the proposed abutment with existing eaves.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

16. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

17. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason: to protect the essential character of the listed building, in compliance with policy BH8 of PPS6:

- (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

18. The change of external finishes to new build sections of the proposal shall be as that detailed on drawing No. 10 date stamp received 01 September 2020.

Reason: to ensure that the detailed design respects the character of the listed building in terms of scale, height, massing, the use of appropriate materials and that the detailed

design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

19. Height of new brick chimney shall be a minimum of 2m below the eaves of existing gables on the listed building.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

20. External landscaping materials shall be as specified on drawings No. 06 and No. 07 date stamp received 01 September 2020 with paving and band of setts to perimeter of listed building in natural stone and all new railings and gates in hardwood.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

21. Stone used in loose gabion walls shall match that in existing rubble stone walls.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment.

22. Within first available planting season following commencement of works on site, semi mature trees indicated on drawing No. 07 date stamp received 01 September 2020 shall be installed.

Reason: to ensure compliance with BH11 (a): the detailed design respects the listed building in terms of scale, height, massing and alignment. To assist with visual amenity

Informatives

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

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

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

4. Historic Environment Division advise;
-Legislation & policy 1. The Planning Act (NI) 2011

-Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage.

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

-Development Practice Note 5 -Historic Environment , September 2017 -
<https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historicenvironment.pdf>

-Consultation Guide - A guide to consulting HED on development management applications- <https://www.communities-ni.gov.uk/publications/guide-consulting-heddevelopment-management-applications>

-Please also see new HED guidance <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/ourplanning-services-and-standards-framework.pdf>

-Technical Notes -
<https://www.communitiesni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical>

-British Standard - BS 7913:2013 Guide to the conservation of historic buildings

-HED Setting Guidance, Feb 2018
<https://www.communitiesni.gov.uk/publications/guidance-setting-and-historic-environment>

-Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application, further revisions may be required that may not comply with Policy BH8 & BH11 of PPS6. HED:HB caution against dry lining of traditional walls, as this has associated risks in connection with the long term health of the solid wall and the air quality, and as it interferes with the intended building physics of the structure. The contraindications for dry-lining include loss of the wall's breathability. The responsibility for outcomes associated with dry-lining falls to the professional consultant, who should satisfy themselves that it will not have a detrimental effect on the building fabric. See BRE research

http://www.bre.co.uk/filelibrary/pdf/projects/swi/UnintendedConsequencesRoutemap_v4.0_160316_final.pdf Fungicidal treatments involving fluid substances should also be used with caution and the building should be well ventilated and adequately dried out before applying any finish to treated areas. Ongoing monitoring will be fundamental and therefore easy access to concealed voids is essential.

-It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting). All listed buildings are afforded the same protection, irrespective of grade.

5. NIEA Natural Heritage advise;

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to - i. affect the local distribution or abundance of the species to which it belongs; ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- a) kill, injure or take any wild bird; or
 - b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - c) at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - d) obstruct or prevent any wild bird from using its nest; or
 - e) take or destroy an egg of any wild bird; or
 - f) disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - g) disturb dependent young of such a bird.
- Natural Heritage Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

NIEA Drainage and Water advise;

- The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where appropriate, in order to minimise the polluting effects of storm water on waterways.

- Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

- Should a sewage pumping station be required for this development then the applicant must apply to NIEA Water Management Unit (WMU) for Water Order (1999) Consent for an emergency overflow?.

- The applicant should consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the development works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions. (Please refer to the Standing Advice link at the end of this document).
- The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.
- The applicant should ensure that the management of all wastes are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.org.uk/environmental-topics/waste/more-storage-handling-transportof-waste/>)
- General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe??' <https://www.daerani.gov.uk/sites/default/files/publications/doe/water-leaflet-is-your-private-water-supplysafe-2015.pdf> More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>
- Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://igi.ie/publications/guidelines/> 9. The applicant should comply with all the relevant Pollution Prevention Guidance (PPGs) and the replacement guidance series, Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment, paying particular attention to:
 - PPG 01 - Understanding Your Environmental Responsibilities - Good Environmental Practices
 - New GPP 02 - Above ground oil storage tanks.
 - PPG 04 - Treatment and disposal of sewage where no foul sewer is available.
 - New GPP 05 - Works and maintenance in or near water.
 - PPG 06 - Working at construction and demolition sites. Compliance with the advice in GPP 05 and PPG 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs/GPPs can be accessed by visiting the NetRegs website at <http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>
- The applicant should comply with all the relevant DAERA Standing Advice in order to minimise the impact of the project on the water environment, paying particular attention to Standing Advice- Pollution Prevention Guidance, which contains a link to all the current Pollution Prevention Guidelines (PPGs/GPPs). Standing Advice Notes are available on the DAERA website under the Topic: Environmental Advice for Planning. Alternately the following address can be copied and pasted to a web browser: <https://www.daera-ni.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>

6. DfI Roads Informatives

The applicant, future purchasers and their successors in title should note that any future requests to DfI Roads for footway infrastructure provision to the Child Care Centre will

not be facilitated, and that the responsibility for provision of such infrastructure rests solely with the applicant.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	3rd September 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: M/2007/0418/LB Proposal: Part demolition/alterations and extensions to the poor workhouse, clogher into 8 no.residential dwellings. Address: Poor workhouse, Tullybroom Road, Ballymagowan, Clogher Decision: Decision Date: 16.09.2008</p> <p>Ref ID: M/2007/0475/F Proposal: Alterations/ Extensions to create 8 No. Residential dwellings Address: Poor Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 12.09.2008</p> <p>Ref ID: M/2002/0211/F Proposal: To improve vehicle access at Tullybroom Road & improve safety.</p> <p>Address: Old Union Workhouse, Tullybroom Road, Clogher Decision: Decision Date: 13.03.2003</p> <p>Ref ID: M/1981/0462 Proposal: ERECTION OF BUNGALOW Address: BALLYMAGOWAN ROAD, CLOGHER Decision: Decision Date:</p>	

Ref ID: M/2014/0507/F

Proposal: Continuation of use of playgroup facility

Address: Old Union Workhouse, 7, Tullybroom Road, Clogher,

Decision: PG

Decision Date: 10.03.2015

Ref ID: M/1996/0225

Proposal: Extension to Nursing Home

Address: 8 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/1997/0725

Proposal: Extension & Alterations to Nursing Home

Address: 8 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/1401/F

Proposal: Provision of EMI Nursing Unit

Address: 8 Tullybroom Road, Clogher

Decision:

Decision Date: 16.10.2006

Ref ID: M/2001/1291/F

Proposal: Alterations/extension to existing nursing home & replacement day centre.

Address: 8 Tullybroom Road, Clogher.

Decision:

Decision Date: 23.10.2002

Ref ID: M/1987/0537

Proposal: PROPOSED RE-ROOFING OF 2 NO SINGLE STOREY BLOCKS AT OLD PEOPLE'S HOME

Address: TULLYBROOM ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/1985/0192

Proposal: MOBILE TYPE BUILDING

Address: NO 8 TULLYBROOM ROAD, BALLYMAGOWAN, CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/1648/Q

Proposal: Re-development

Address: Poor Law Hospital, Clogher

Decision:

Decision Date:

Ref ID: M/1999/0296

Proposal: Extension to dwelling

Address: 16 TULLYBROOM ROAD CLOGHER

Decision:

Decision Date:

Ref ID: M/1981/0461

Proposal: ERECTION OF BUNGALOW

Address: BALLYMAGOWAN ROAD, CLOGHER

Decision:

Decision Date:

Ref ID: M/2006/2002/F

Proposal: To continue use of Playgroup Facility which was granted temporary Planning permission on 2001

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 17.08.2007

Ref ID: M/2001/0397/F

Proposal: Erection of pre-fabricated, temporary classroom on site to serve as pre-school playgroup.

Address: Old Union Workhouse, Tullybroom Road, Clogher.,

Decision:

Decision Date: 16.08.2001

Ref ID: M/2009/0864/F

Proposal: Continuation of use of Playgroup facility which had granted temporary planning permission in 2002 and again in 2007 at Old Union Workhouse, Tullybroom Road, Clogher

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 11.12.2009

Ref ID: M/2010/0085/F

Proposal: Proposed extension to existing temporary playgroup facility

Address: Old Union Workhouse, Tullybroom Road, Clogher

Decision:

Decision Date: 08.03.2010

Ref ID: M/1978/0281

Proposal: CONVERSION FROM MUSHROOM HOUSE TO DWELLING

Address: BALLYMAGOWAN, CLOGHER

Decision:

Decision Date:

Ref ID: LA09/2018/0734/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone,
Decision: PG
Decision Date: 20.02.2019

Ref ID: LA09/2020/1059/LBC

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,
Decision:
Decision Date:

Ref ID: LA09/2020/1055/F

Proposal: Proposed renovation and extension of the existing listed Clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Rd, Clogher, Co.Tyrone, BT76 0VW,
Decision:
Decision Date:

Ref ID: LA09/2018/0728/LBC

Proposal: Proposed renovation and extension of the existing listed clogher workhouse admin building and surroundings to accommodate a new childcare centre, including the demolition of existing mobile temporary classrooms, outbuildings and walls.

Address: 6-7 Tullybroom Road, Clogher, Co Tyrone, BT76 0UW.,
Decision: CG
Decision Date: 20.02.2019

Summary of Consultee Responses

HED (Historic Buildings) has considered the impacts of the proposal on the building and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05
Type: Landscaping Plan
Status: Submitted

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 07
Type: Cross Sections
Status: Submitted

Drawing No. 08
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

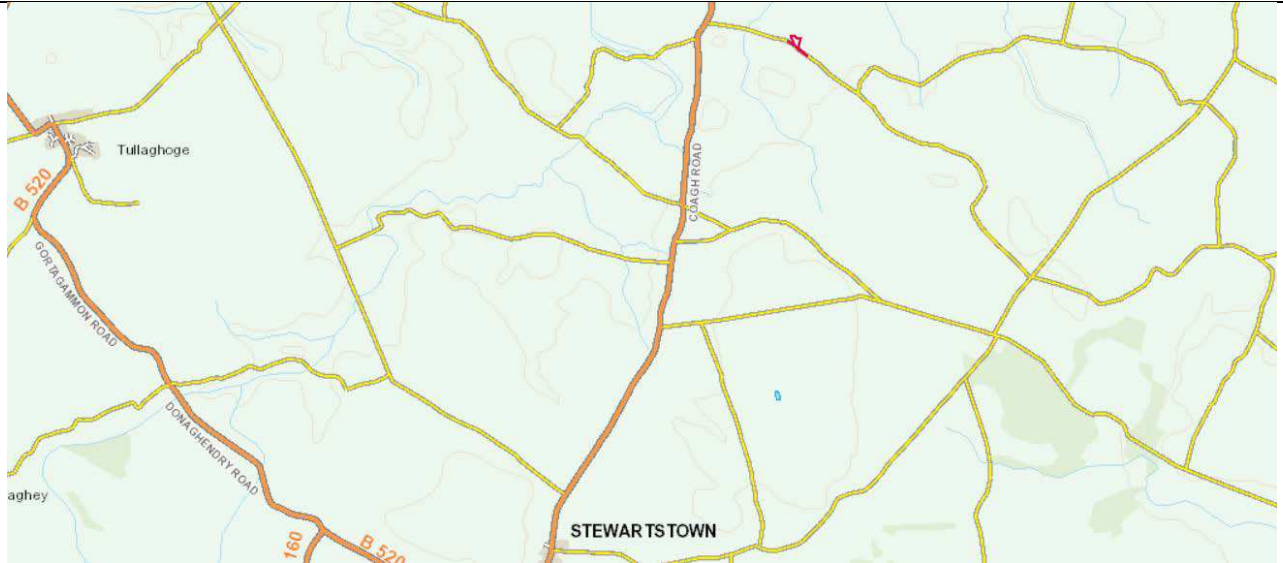
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1082/O	Target Date:
Proposal: Proposed site for dwelling based on policy CY2a (new dwelling in existing cluster)	Location: 35m West of 33 Gortnaskea Road Stewartstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Dr Rogers 33 Gortnaskea Road Stewartstown	Agent Name and Address: Arcen 3A Killycolp Road Cookstown BT80 9AD
Executive Summary: <p>The proposal is contrary to Policy CTY1 and CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.</p> <p>Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.</p> <p>Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.</p>	
Signature(s):	

Case Officer Report

Site Location Plan





Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	0
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, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 2.2 miles northeast of Stewartstown and 500 metres east of Ballytreea Primary School.

The site is a flat, triangular shaped plot, comprising an agricultural field, nestled between nos. 33 and 35 Gortnaskea Rd.

No. 33 Gortnaskea Rd is a bungalow dwelling bound to its rear / east side by a number of outbuildings, set on mature grounds accessed directly off, but well enclosed and screened from the adjacent Gortnaskea Rd by mature vegetation. No. 35 Gortnaskea Rd is a more recently constructed bungalow with garage located to its rear, set back from and accessed off the Gortnaskea Rd via a short gravelled lane.

The site sits within the expansive grounds of no. 33 Gortnaskea Rd. The site is well-enclosed by a mix of mature hedgerows and trees along its south / southeast boundary adjacent Gortnaskea Rd and short lane off it; and along its north / party boundary with no. 35 Gortnaskea Rd. The eastern boundary of the site is undefined opening up onto the host grounds of no. 33 Gortnaskea Rd.

Views of the site are screened by on the eastern approach to it and passing along its roadside frontage by existing vegetation bounding the grounds of 33 Gortnaskea Rd and along the roadside frontage of the site. Views of the site are on the western approach to it along the Gortnaskea Rd.

This area of countryside is typically rural in nature consisting by enlarge of agricultural land interspersed by single dwellings and farm groups.

Description of Proposal

This is an outline application for a dwelling and garage (based on policy CY2a New dwelling in existing clusters) to be located on lands 35m West of 33 Gortnaskea Road Stewartstown.

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 15 (Revised): Planning and Flood Risk

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. 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

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

On Site - None

Adjacent

- I/2005/0030/O - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 9th February 2005
- I/2005/1050/RM - Proposed dwelling & garage - 100 metres north west of 33 Gortnaskea Rd Stewartstown - Granted 15th December 2005

Above applications relate to no. 35 Gortnaskea Rd, located to the north of the site.

Consultees

1. DfI Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.

2. DfI Rivers Agency were consulted as Flood Maps indicated surface water flooding along the frontage of the site on to the Gortnaskea Rd. Rivers Agency responded with no objections to the proposal subject to standard informatives. Accordingly I have no concerns in this regard.

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 are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, and that which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters. Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.
- 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.
- Development would not adversely impact on residential amenity.

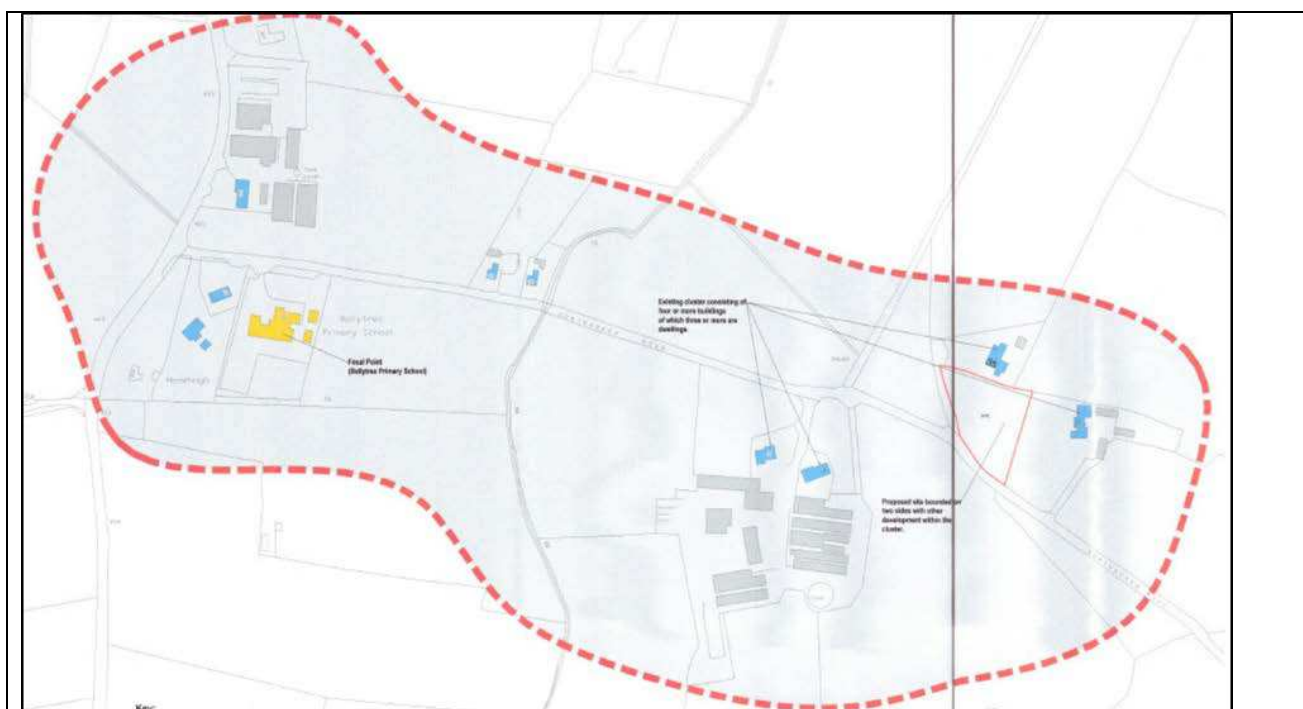


Fig 1: Red dash line around existing cluster identified by agent

Bearing in mind the above bullet points. In support of this application, the agent submitted a scaled drawing showing a red dashed line around what he considers to be the existing cluster of development the site sits within, extending approx. metres along the Gortnaskea Rd to and including its junction with the Coagh Rd (see Fig 1 above). Within the cluster, he has highlighted a number of existing dwellings blue and outbuildings / garages grey; and identified 'Ballytrea Primary School', yellow, as the focal point.

Having assessed the site and taken into account the information in support of this application, I do not consider the site meets with the requirements of Policy CTY2a. The site in my opinion is not located within an existing cluster of development lying outside of a farm and consisting of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

Whilst I acknowledge a cluster of development may be considered to exist to the north and south of the Gortnaskea Rd immediately east of its junction with the Coagh Rd, encompassing 'Ballytrea Primary School' as the focal point, the site is too far removed by intervening lands to be associated with this potential cluster.

Additionally, the intervening lands along the Gortnaskea Rd between 'Ballytrea Primary School' and just beyond the site, which the agent identified within this cluster, in my opinion comprises largely agricultural lands interspersed with a loose pattern of development in the form single dwellings, garages and farm groups, typical of the rural countryside. This loose pattern of development, could not be considered a cluster, as it does not read as a visual entity in the local landscape. Nor does it associate with the development at the Gortnaskea Rd / Coagh Rd junction.

Whilst the site does not in my opinion meet with the policy requirements of Policy CTY2a, I acknowledge that had it, it would have provided a suitable degree of enclosure to accommodate a dwelling and garage of an appropriate size, scale, design. As it is well

enclosed by existing vegetation and bound on two sides by 2 existing dwellings one of which, the applicants home, is bound by a substantial no. of outbuildings. Furthermore, an indicative block plan submitted with this application showed adequate separation distances between the proposed property and existing could be readily achieved, so the residential amenity of neighbouring properties would not be significantly adversely impact by the proposal.

I have considered other instances listed under CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with any of these instance including a dwelling under Policy CTY8 - Ribbon Development. Policy CTY 8 permits the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. The proposed site is not located with the definition of a substantial built up frontage – a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Additional, I have been in contact with the agent via phone and email on the 19th November 2020 to advise Planning's opinion is that the case submitted does not comply with Policy CTY2a of PPS21 as the site is not located within an existing cluster of development in the countryside. Given the aforementioned opinion the agent was asked, has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any opportunity under Policy CTY 10 of PPS21 for a dwelling on a farm? The agent was advised to submit the additional information on a without prejudice basis within 14 days from the date of this email (by the 3rd December 2020) or the application would proceed to the next available committee meeting based on the information on file. To date no additional information has been received.

Other Policy and Material Considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However, I am content that as this site is on improved grassland, bound on two sides by development, this proposal is not likely to harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Recommend: Refusal

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
Refusal Reasons	
1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.	

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; the cluster does not appear as a visual entity in the local landscape; and the cluster is not associated with a focal point or located at a cross-roads.

Signature(s)

Date:



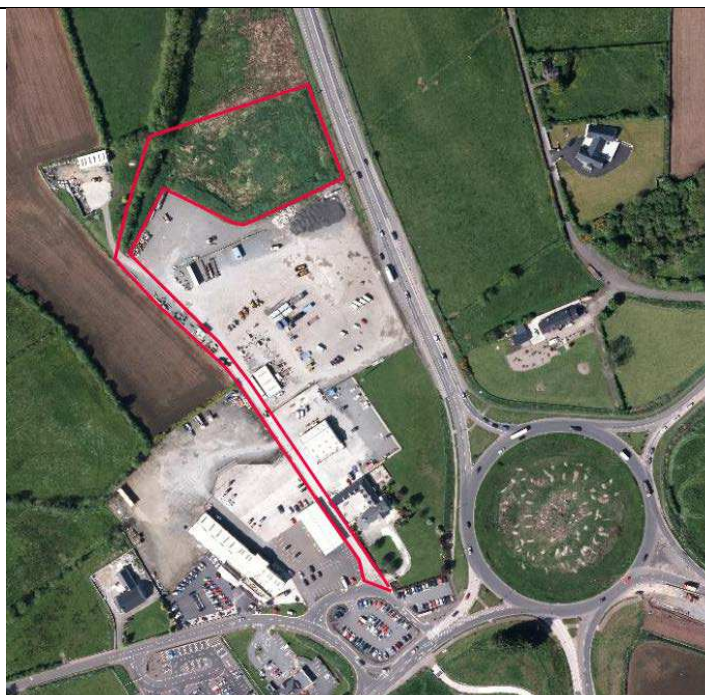
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1101/O	Target Date:
Proposal: Proposed dwelling as part of a cluster.	Location: Site 286m NW of 1 Loveshill Castledawson BT45 8DP.
Referral Route: Approval- Exception to policy.	
Recommendation:	Approve
Applicant Name and Address: Noel & Marie Lennon 1 Loveshill Castledawson BT45 8DP	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

The proposal does not fully comply with Policy CTY 2a of PPS 21. The application should be considered as an exception to policy.

Characteristics of the Site and Area

The site is located approximately 0.75km south west of the settlement limits of Castledawson and is located in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as being located 286m NW of 1 Loves Hill, Castledawson. Access to the site is from the Castledawson road, behind Castledawson Park and Ride. The access is taken through the existing Mid Ulster Auctions development, which is a long established business at this location. The red line takes in a section of a field, which sits adjacent to the Glenshane road and is a flat agricultural field. The northern red line boundary is undefined with a small electric field fence in place on the day of the site visit. The eastern boundary is defined by a post and wire fence and runs adjacent to the Glenshane Road. The southern and western boundaries are defined by overgrown mounds of soil, which are now covered in vegetation. The surrounding area is a mixture

of agricultural lands to the north and west and commercial businesses to the south, located in and around Castledawson Park and Ride.

Description of Proposal

This is an outline planning application for a proposed dwelling as part of a cluster.

Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
-

The Magherafelt Area Plan identifies the site as being outside any defined settlement limits, located west of Castledawson settlement limit. There are no other specific designations or zonings.

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

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

I am content that the application site is located within an existing cluster, which lies outside of a farm. However, I would disagree with the agent's extent of the cluster and contend that the cluster is located solely to the west of the Castledawson roundabout

and does not include the three dwellings identified to the east of Glenshane Road, as these are too far removed from the existing cluster. The cluster includes a substantial amount of development including Mid Ulster Auctions, including the associated yards, Moe's Grill Restaurant, KFC fast food outlet, car sales and electrical wholesalers as well as a public park and ride and two dwellings.

Although not visible on the submitted plans, an additional dwelling is located in lands adjacent to the most recent park and ride facility, as well as an approval for a restaurant, drive thru and motel. Within the approval for the aforementioned development, it was agreed that a substantial amount of built development was in the area. Taking the same opinion, I am content that the cluster lies outside a farm and consists of four or more buildings. However, it fails as it does not consist of at least three dwellings as the third dwelling is a farm dwelling and cannot be considered in this policy. I do however believe given the extent of the existing built development, this application should be considered an exception to policy.

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

I am content that the cluster appears as a visual entity in the local landscape. Whilst approaching the Castledawson Roundabout from the roads meeting at this point, the cluster of development appears and can be read within the local landscape. However, as previously mentioned the cluster of development is all located in the lands located between the Glenshane Road and the Magherafelt Road.

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

The agent has identified the existing Castledawson Roundabout and new parkland walkway as the focal point, which the cluster is associated with. I am content that the Castledawson roundabout can be considered a focal point as it is a well-known local landmark and meeting point that provides a sense of identity to the area.

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

There is an existing hardcore area associated with Mid Ulster Auctions which adjoins the southern boundary of the planning application. As the policy is worded, it does not require the development to be a building or dwelling. The hardcore area has a landscape bund surrounding it at the boundary, so it provides suitable degree of enclosure at this side. Given the shape of the existing development boundary being Mid Ulster Auctions, and following discussions with the Planning Manager, it was agreed the site was bounded on 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;

I am content that a well designed building can be absorbed into the existing cluster and this development provides a rounding off opportunity at this site. I do not believe a dwelling would significantly alter the existing character or visually intrude into the open countryside so long as it is a well designed dwelling.

- Development would not adversely impact on residential amenity.

I am content that the development would not adversely impact on residential amenity.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however, I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. There is a strong visual buffer to the south and west of the site, although additional planting would be required to the north and eastern boundaries, therefore a landscaping scheme would be required as part of any reserved matter application. Given the surrounding landscape and development nearby, I feel it necessary to restrict the ridge height of the building to a maximum of 6m above finished floor level. From this, I am content that the application is able to comply with CTY 13.

Policy CTY 14 states that 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 building will not appear prominent in the landscape. I am content that this development can be viewed as rounding off and that a dwelling at this site would not change the character of the area.

Other Policy and Material Considerations

PPS 3- Access, Movement and Parking:

DfI Roads were consulted and in their response stated they had no objection subject to a condition provided.

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.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval

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. The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

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

5. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

6. 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.

Signature(s)

Date:

ANNEX	
Date Valid	11th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Loves Hill Castledawson Londonderry The Owner/Occupier, 1a ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 1b ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 2a ,Loves Hill,Castledawson,Londonderry,BT45 8DP The Owner/Occupier, 2b ,Loves Hill,Castledawson,Londonderry,BT45 8DP	
Date of Last Neighbour Notification	30th September 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1554/A Proposal: Proposed advertising board Address: Lands 165m North East of 1 Loves Hill, Castledawson, Decision: CG Decision Date: 07.04.2017 Ref ID: LA09/2016/1088/A Proposal: Proposed advertising board Address: Lands 70m North East of Loves Hill, Castledawson, Decision: CG Decision Date: 20.10.2016 Ref ID: LA09/2018/0062/F Proposal: Extension to petrol/filling station unit by a change of 79m2 of existing electrical wholesalers to storage and restaurant/ cafe with cafe with seating, new facade to front ,rear and both sides of building Address: Unit A and B ,1 Loves Hill, Castledawson, Decision: PG	

Decision Date: 18.04.2018

Ref ID: LA09/2016/0304/F

Proposal: Renovations and alterations to existing dwelling

Address: 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 24.05.2016

Ref ID: LA09/2016/0042/F

Proposal: Change of use from Tyre Store to Petrol Filling Station including Forecourt and Canopy with Retail Sales, Cafe and Ancilliary areas along with Associated Parking Facilities

Address: Unit 1(b), 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 11.01.2017

Ref ID: LA09/2016/0057/F

Proposal: Extension to small plant and hand tool store and associated offices in connection with existing auction sales business

Address: Unit 2, 25m NW of 1 Loves Hill, Castledawson,

Decision: PG

Decision Date: 12.12.2016

Ref ID: H/1988/0079

Proposal: CHANGE OF USE OF DWELLING AND OUTBUILDING TO HOTEL

Address: 1 LOVESHILL TAMNADEESE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2014/0255/F

Proposal: Retrospective relocation of existing dwelling access

Address: 1 Loves Hill, Castledawson. BT45 8DP,

Decision: PG

Decision Date: 30.09.2014

Ref ID: LA09/2020/0921/F

Proposal: Proposed dwelling and garage on the farm

Address: Site 286m North West of 1 Loveshill, Castledawson, BT45 8DP,

Decision:

Decision Date:

Ref ID: LA09/2020/1101/O

Proposal: Proposed dwelling as part of a cluster.

Address: Site 286m NW of 1 Loveshill, Castledawson, BT45 8DP.,
Decision:
Decision Date:

Ref ID: H/2011/0249/F

Proposal: Erection of boathouse to rear of dwelling
Address: 6 Glenshane Road, Castledawson, BT45 8DP,
Decision:
Decision Date: 01.09.2011

Ref ID: H/1998/0438

Proposal: ALTERATIONS AND EXTENSION TO AUCTION ROOM
Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1997/0499

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED
CAR PARKING
Address: LAND ADJ TO 1 LOVES HILL CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1999/0368

Proposal: REPLACEMENT AUCTION ROOMS & ASSOCIATED CAR PARKING
Address: ADJ. TO 1 LOVE HILL CASTLEDAWSON
Decision:
Decision Date: 24.05.2000

Ref ID: H/2011/0494/F

Proposal: Retrospective application for covered seated area to provide safe viewing area
for customers, associated with existing auction sales business
Address: 55 metres North West of 1 Loves Hill, Castledawson,
Decision:
Decision Date: 26.04.2012

Ref ID: H/2009/0639/F

Proposal: Retrospective perimeter fencing to Glenshane Road boundary of existing yard
to commercial premises
Address: Existing yard to commercial premises 55m north west of 1 Loves Hill,
Castledawson
Decision:
Decision Date: 03.03.2010

Ref ID: H/2011/0144/F

Proposal: Extension to existing hardstanding area of existing yard to commercial premises

Address: 55 m north west of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 26.06.2012

Ref ID: H/2005/0293/F

Proposal: Alterations & Additions To Existing Auction Rooms, Tyre Shed & To include Vehicle Wash

Address: 1 Loves Hill, Castledawson, Magherafelt

Decision:

Decision Date: 19.07.2007

Ref ID: H/2011/0489/F

Proposal: Retrospective application for change of use from an existing industrial unit to additional office accommodation and a small plant and hand tools store for an existing auction business.

Address: Unit 2, 25 metres North West of 1 Loves Hill, Castledawson,

Decision:

Decision Date: 25.04.2012

Ref ID: H/1995/0018

Proposal: CHANGE OF USE FROM SHED TO AUCTION ROOM AND ASSOCIATED CAR-PARKING

Address: ADJACENT TO 1 LOVES HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1980/0443

Proposal: EXTENSION TO EXISTING WORKSHOP

Address: KILLYNEESE, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2010/0394/F

Proposal: Demolition of existing dwelling and erection of new replacement dwelling

Address: 6 Glenshane Road, Castledawson

Decision:

Decision Date: 30.12.2010

Ref ID: H/1990/0272

Proposal: CHANGE OF USE FROM DWELLING TO HOTEL

Address: 1 LOVE'S HILL CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2002/0345/F

Proposal: Proposed Sun Lounge.

Address: 1 Loves Hill, Castledawson.

Decision:

Decision Date: 15.06.2002

Ref ID: H/1978/0316

Proposal: HV O/H LINE BM 2262

Address: KILLYNEESE AND TAMNADEESE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1984/0196

Proposal: REPLACEMENT HOUSE WITH DOUBLE GARAGE AND OUTBUILDINGS

Address: LOVESHILL, KILLYNESE, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1991/6077

Proposal: PROPOSED HOTEL LOVES HILL CASTLEDAWSON

Address: LOVES HILL

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

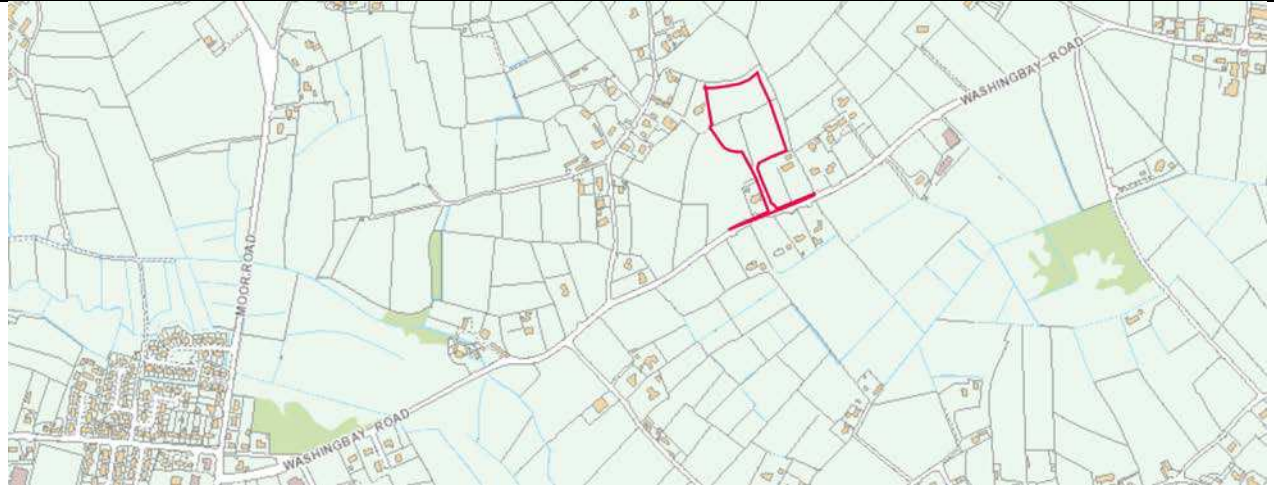
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1115/O	Target Date:
Proposal: Proposed site for dwelling and garage based on policy CTY2a (New dwellings in existing cluster)	Location: Lands N/North West of 162b Washingbay Road and East of 152a Cloghog Road Coalisland
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Brendan Corr Magheracastle Lonin 2 Mountjoy Road Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: This proposal is contrary to Policy CTY1 and CTY2a of PPS 21, New Dwellings in Existing Clusters in that the proposed dwelling and garage is not located within an existing cluster of development associated with a focal point or located at a cross-roads. There is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site, which I would consider two separate clusters of development. Neither cluster is associated with a focal point or located at a cross-roads. Additionally, I do not believe the site sits within either aforementioned cluster, rather comprises lands (3 relatively large fields) located between. I note the overall site would be bounded on two sides by development within the Cloghog Rd and Washingbay Rd clusters located to its west and south, respectively. But you can make a site as big as you like to make it have development on two sides, as is the case here, but this is not in my opinion within the spirit of the policy.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	Historic Environment Division (HED)	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	0	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
<p>The site is located in the rural countryside as designated within the Dungannon and South Tyrone Area Plan 2010, approx. 1km northeast of Annaghmore.</p> <p>The site comprises the majority of three large fields set back on lands elevated from and accessed off the Washingbay Rd to south, via a short recently gravelled and steep lane.</p> <p>Whilst the site does not take in all the outer boundaries of the three fields within it, namely the most northern and eastern field boundaries, they are all generally bound by and separated from each other by a mix of post and wire fencing and mature vegetation.</p> <p>The aforementioned lane, runs between no.160b Washingbay Rd, a 1 ¾ storey dwelling and an excavated site comprising foundations. It is bound to its west / party boundary with no. 160b by a mix of mature hedgerow and tree vegetation and to its east / party boundary with the site by low post and wire fencing.</p> <p>No. 162b Washingbay Rd, a bungalow set back on elevated lands adjacent the Washingbay Rd and no. 152a Cloghog Rd a 1 ½ storey dwelling set well back from the Cloghog Rd bounds the site to the south and west, respectively.</p> <p>Views of the site are over a short distance on the western and eastern approach to the site from the Washinbay Rd and passing along its roadside frontage.</p> <p>Whilst the wider area surrounding the site is rural in nature comprising predominantly undulating agricultural landscape interspersed with single dwellings and farm groups, there is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site.</p>		
Description of Proposal		
<p>This is an outline application for a dwelling and garage on lands North / North West of 162b Washingbay Road and East of 152a Cloghog Road Coalisland, based on policy CTY2a (New dwellings in existing cluster)</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the</p>		

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 6: Planning, Archaeology and The Built Heritage

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. 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

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

On Site

None

Adjacent

- M/1999/0420 - Dwelling and garage - Approx. 160m south west of 166 Washingbay Rd Coalisland - Granted 4th October 1999
- M/2001/0970/RM - Dwelling house - 160m south west of 166 Washingbay Rd Coalisland - Granted 15th 2002

The above applications relate to no.162b Washingbay Rd Coalisland located to the south of the site.

- M/2004/2190/O - Dwelling - 170m west of 162 Washingbay Rd Coalisland - Granted 6th April 2005
- M/2007/0608/RM - Dwelling house with integral garage - 170m west of 162 Washingbay Rd Coalisland - Granted October 2007
- M/2009/0941/F - Domestic garage - 170m west of 162 Washingbay Rd Coalisland - Granted December 2009
- M/2011/0299/F - Amendment to house under construction in relation to siting - 170m west of 162 Washingbay Rd Coalisland - Granted 6th June 2011

The above applications relate to no. 160b Washingbay Rd Coalisland located to the south of the site.

- M/2005/0696/O - Dwelling house – 125m west of 162 Washingbay Rd Coalisland - Withdrawn 11th October 2005

- M/2010/0628/F - Proposed Gap Site Dwelling and Detached Garage - West of & Adjacent to 162b Washingbay Rd Coalisland – Granted 29th September 2010
- LA09/2020/0799/F - Proposed change of house type to that Previously approved to provide two storey dwelling and domestic garage (ground floor built into hill - first floor at existing ground level) - Site West and adjacent to 162B Washingbay Rd Coalisland – ongoing

The above applications relate to an excavated site comprising foundations located to the south of site between nos. 160b and 162b Washingbay Rd

- M/2009/0295/O - Replacement bungalow - 110m E of 152 Washingbay Rd Coalisland - August 2009
- M/2011/0059/F - Proposed replacement dwelling and garage - 110m E of 152 Washingbay Rd Coalisland - 9th August 2011

The above applications relate to no. 152a Washingbay Rd located to west of site accessed off the Cloghog Rd.

- M/2008/0400/O - Dwelling - 100m SE of 152 Washingbay Rd Coalisland - Granted 17th May 2012
- LA09/2015/0828/F - Proposed dwelling and garage and change of access as approved under M/2008/0400/O - 100m SE of 152 Washingbay Rd Coalisland - Granted 15th November 2016

The above applications relate to a site accessed off the Washingbay Rd located adjacent western boundary of site just south of no. 152a Washingbay Rd. This site was approved for CTY10 of PPS21 Dwellings on a Farm.

Consultees

1. DfI Roads – were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.
2. Historic Environment Division (HED) – were consulted as the site is located is located within an archaeological site and monument (TYR047:011, TYR047:023). HED assessed the application and responded that they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
3. DETI Geological Survey of Northern Ireland (GSNI) – were consulted as the site was located within an area of constraint on abandoned mines, in view of stability issues relating to abandoned mine workings. GSNI responded that a search of the GSNI “Shafts and Adits Database” indicates that the proposed site contains no known abandoned mine workings or known underground works.

Consideration

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

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

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a New Dwellings in Existing Clusters.

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

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

I believe there is a high degree of development pressure in the form of dwellings extending along both sides of the Washingbay Rd to the south of the site and Cloghog Rd further west of the site (see Fig 1 below) which I would consider two separate clusters of development. That said I do not believe the site sits within either cluster rather comprises lands in between.



Fig 1: Map showing Washingbay Rd to the south and Cloghog Rd to the west of site

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

The two clusters of development referred to above along the Washingbay Rd and Cloghog Rd, would in my opinion, appear as two separate visual entities in the local landscape, separated by intervening agricultural lands including fields within the current site.

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

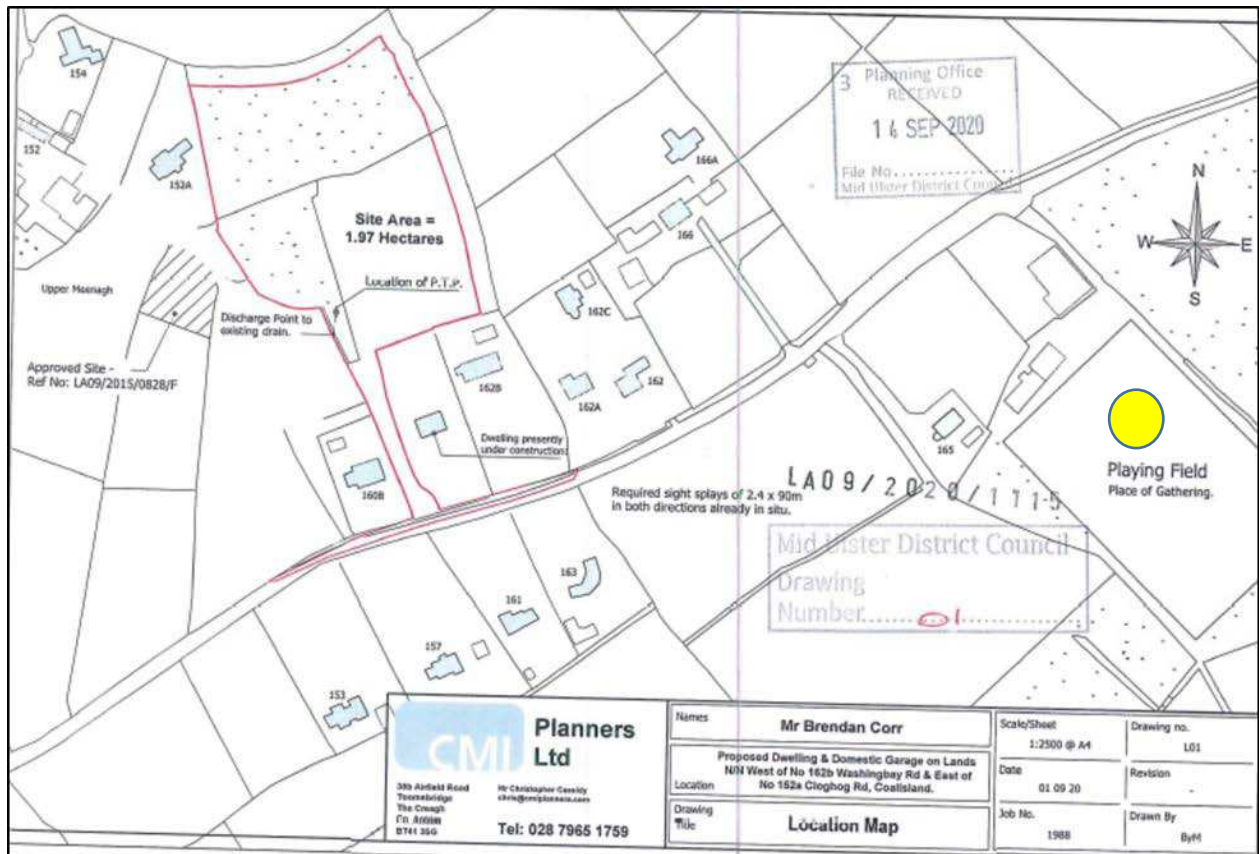


Fig 2: Site Location Plan identifying focal point to east of site.

Neither the two clusters in my opinion are associated with a focal point such as a social / community building / facility, or located at a cross-roads. Whilst the agent has identified a playing field as a focal point on the submitted site location plan above (Fig 2) and I believe this could be considered a focal point when on site it feels too far removed from the site and cluster of development to associate with it.

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

Given the site takes in three fields bound by a mix of hedgerows and trees, parts of it, namely the 2 most northern and eastern fields would provide a suitable degrees of enclosure, in my opinion, for a dwelling. The remaining field, located immediately to the rear of no. 162b Washingbay Rd, would not benefit from the same sense of enclosure as unlike the other fields it is open and exposed to views given only post and wire and some young trees bound its most southern / party boundary with 162b.

The above said, no matter which field within the site, a dwelling was sited, it would not be bounded on at least two sides by development within either cluster. I note the dwelling approved under LA09/2015/0828/F (see area to west of site hatched grey in Fig 2 above) was not commenced on the date of site inspection and the dwelling noted as being under construction immediately south of the site in Fig 2 comprises only footings. The site as a whole would be bounded on two sides by development within the Cloghog Rd cluster (no.152a Cloghog Rd, a 1 ½ storey dwelling) and Washingbay Rd cluster (nos160b and 162b Washing Rd a 1 ¾ story dwelling and bungalow, respectively) located to its west

and south, respectively. But you can make a site as big as you like to make it have development on two sides, as is the case here, but this is not in my opinion within the spirit of the policy.

- 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.

I do not believe a dwelling on this site would be absorbed into either cluster through rounding off and consolidation and that if permitted it would significantly alter the existing character of particularly the Washinbay Rd cluster (which it is to be accessed through) by visually extending / intruding development into the open countryside.

- Development would not adversely impact on residential amenity.

Given the scale of the site, parts of it could accommodate a dwelling and garage of an appropriate siting, size, scale and design without significant adverse impact on the residential amenity of neighbouring properties.

Overall, it is my opinion that the proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads and if permitted would visually intrude into the open countryside.

I have considered other instances listed under CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with these instances.

Additionally, I have been in contact with the agent via phone and email on the 19th November 2020 to advise Planning's opinion is that the case submitted does not comply with Policy CTY2a of PPS 21 as the site is not located within an existing cluster of development. That no matter where on site a dwelling was situated it would not be bound on two sides by development within a cluster. Given the aforementioned opinion the agent was asked, has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any opportunity under Policy CTY 10 of PPS21 for a dwelling on a farm? The agent was advised to submit the additional information on a without prejudice basis within 14 days from the date of this email (3rd December 2020) or the application would proceed to the next available committee meeting based on the information on file. To date no additional information has been received.

Other Policy and Material Considerations

Flood Maps NI indicate no flooding on site.

Natural Environment Division (NED) map viewer available online identified no natural heritage features of significance on site.

Recommend: Refuse

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse
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 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or 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: LA09/2020/1140/O	Target Date: 01/01/2020
Proposal: An infill dwelling and detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road Glenadush
Referral Route: Objections, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Contrary to CTY1, 8, 13 and 14 of PPS21. The site does not meet the criteria for a gap site, is prominent, lacks integration and will further erode rural character.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Description of proposal

This is an outline planning application for an infill dwelling and detached garage in the countryside.

Characteristics of Site and Area

This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remainder of the agricultural field are within the applicants ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

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 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.

Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

Key Planning Policy

SPPS

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Design Guidance: Building on Tradition

Relevant Planning History

LA09/2018/1349/F- full planning permission was granted for proposed cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing area for a new hobby farm holding for raising rare cattle and sheep breeds. Granted 03.10.2019. At the time of my site visit this building and access was in place.

LA09/2017/0899/F- permission was refused for cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing areas for a new hobby farm holding for raising rare cattle and sheep breeds on 11.09.2018 for the following reason;

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise, odour and flies due to its close proximity.

The decision was never appealed.

M/2010/0554/O- Proposed 2 dwellings (detached), Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone, for Bernard McAleer. This permission was refused on 09.11.2010 for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides

with other development in the cluster and does not provide a suitable degree of enclosure; the dwellings would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

3.The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that new dwellings are a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and/ or it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4.The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

5.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

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

This site incorporated both LA09/2018/1349/F and this subject application site LA09/2020/1140/O. The decision was never appealed.

Representations

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Consideration

SPPS Strategic Planning Policy Statement for Northern Ireland sets out a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulsters 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 and must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.

Planning Policy Statement 21 Sustainable Development in the Countryside

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

Policy CTY 8 Ribbon Development allows for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This site is located adjacent and west of an existing agricultural building. This building is set back approx.. 120m from the public road, with the land between the building and the roadside being defined as an existing undeveloped agricultural field. The proposed site is also set back approx. 120m from the public road, and proposes to share the existing access to the agricultural shed. In my view neither the agricultural shed or proposed site represents road frontage development.

This proposed gap site also relies on buildings to the west for consideration as a gap site. No. 102 does not have a frontage to the road, as there is a small agricultural field

between its curtilage and the public road. Plus, No. 102 has accompanying development to the rear, including No 104 and 106 and accompanying sheds, outhouses and garages. The policy is clear that the frontage, which in my view this is not, cannot have accompanying development to the rear which this clearly does.

Given the setback from the public road, and the nature and context of other development in this area, it is my view that this site does not represent a gap within an otherwise continuous and built up frontage.

M/2010/0554/O was refused for 2 dwellings on this site, however, CTY8 did not seem to form part of the assessment and was not included as a reason for refusal in the decision notice. Policy CTY2a and other personal circumstances seemed to form the basis of the assessment. It is my view that this proposal does not meet that criteria of CTY2a in that the site is not associated with a focal point, does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of this area of countryside.

No personal circumstances have been provided in this instance and no other case has been forwarded by the agent for consideration.

In the agents assessment of the gap, he relies on buildings that clearly do not have a road frontage or shared frontage, and are set behind existing development which the policy resists (see building 01 and 02 indicated on drawing No. 03). Plus, building No. 4 indicated on drawing No. 03 is not visible in the landscape and is not read as a visual entity in the landscape when assessing the built up frontage, as it cannot be clearly viewed from public vantage points and in my view is not road frontage.

In terms of policy CTY13 and 14, it is my view that a dwelling of any size or scale cannot satisfactorily integrate onto this site. The site is elevated from the public road, any dwelling will break the skyline and there is no backdrop when viewed from the public road. There is insufficient vegetation to assist with integration. Plus a dwelling will read with other dwellings and development in the area which will lead to a further erosion of rural character.

Previously on the site under M/2010/0554/O for 2 dwellings, it was considered by the then Department under the same policy PPS21, that development on this site would be contrary to;

- Policy CTY13 of Planning Policy Statement 21 in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

- Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This decision or reasons for refusal were never appealed by the applicant and I am of the same view that the proposal would be contrary to CTY13 and 14.

PPS3 Access, Movement and Parking

DfI Roads were consulted on the proposed vehicular access to this site and they raise no objections to the proposal subject to sight splays of 2.4m by 90m in both directions and a forward sight distance of 90m with no blind spots where the access is on the inside of a bend.

Other considerations

The site is not subject to flooding. No land contamination issues have been identified. The site is not located within a protected area, nor is it close to built heritage or archaeological interests.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused for the following reasons;

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and as a result would have a detrimental impact on the character of this area of countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for it to integrate into the landscape.

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

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 102 Ballygawley Road Dungannon Tyrone Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, BT70 1TA Joe McNulty 104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 105 Ballygawley Road,Dungannon,Tyrone,BT70 1TA The Owner/Occupier, 106 Ballygawley Road,Dungannon,Tyrone,BT70 1TA Brian Donoghue Carraig Na Moil, Glendadush, 105 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Eamonn Cushnahan Email Address	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	No need to screen as not schedule 1 or 2 development, nor is the site located within a sensitive area
ES Requested	No