



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

03 August 2021

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 03 August 2021 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

5 - 134

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/0229/F	Housing development along with right hand turning lane & associated site works & private treatment plant at S & adjacent to Abbeyvale, Mullinahoe Road, Ardboe, for Farasha Properties Ltd.	APPROVE

4.2.	LA09/2019/0597/O	Mixed use development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development at lands to the rear of 114 Bush Road, Dungannon for Silverford Properties Ltd	APPROVE
4.3.	LA09/2020/0459/RM	Dwelling and garage at 72m NW of 21 Whitetown Road, Newmills Dungannon for David Weir.	APPROVE
4.4.	LA09/2020/0641/F	Retention of Motocross Racetrack comprising earthworks forming jumps and tracks, portacabin office, parking and access via existing laneway at land approx. 600m NW of 54 Drumearn Road, Cluntyganny, Cookstown for Clunty Cookstown MX Track.	REFUSE
4.5.	LA09/2020/1039/O	Dwelling and garage adjacent to 16 Woodhouse Road Killwoolaghan Ardboe for Martin Teague.	APPROVE
4.6.	LA09/2020/1375/F	Dwelling (in substitution for I/2009/0372/F) and retention of existing mobile home for a temporary period of 3 years at 27a Drumconvis Road, Coagh, Cookstown for Mr and Mrs Cotton.	APPROVE
4.7.	LA09/2020/1524/O	Dwelling and domestic garage, adjacent to SW boundary of 43 Glengomna Road, Draperstown, for James Kelly.	REFUSE
4.8.	LA09/2020/1591/F	Variation of Condition 3 and Removal of Condition 4 of M/2015/0082/F to accommodate class B4 Storage and Distribution Use and facilitate more flexible operating hours at 199 Killyman Road, Dungannon, for SCL Exhausts Ltd.	REFUSE
4.9.	LA09/2021/0231/O	Off site replacement dwelling and garage at lands immediately adjacent to 19A Kilmascally Road Ardboe for Noelle Wylie.	APPROVE
4.10.	LA09/2021/0458/F	1 sheep shed and 1 general agricultural storage shed and	APPROVE

		associated site works at lands 85m NE of 8 Macknagh Lane, Upperlands for Mr Anthony Mc Guckin.	
4.11.	LA09/2021/0657/O	Dwelling and garage in a gap site at 40m S of 28 Ballynaveagh Road Stewartstown for Gary Miller.	REFUSE
4.12.	LA09/2021/0707/O	Site for dwelling and garage at 20m E of 9A Moss Road, Coagh for Mark Cassidy.	APPROVE
4.13.	LA09/2021/0730/F	Dwelling and garage (substitute to LA09/2020/0920/RM) at land adjacent to 17 Carricklongfield Road Aughnacloy for Mr John Burton.	APPROVE

5. Receive Deferred Applications

135 - 182

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0944/F	Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley.	REFUSE
5.2.	LA09/2020/1536/O	Dwelling & Garage between 74 & 76 Hillhead Road, Toomebridge, for Mr J Nugent.	APPROVE

6. Receive Report on Planning Application LA10/2017/1249/F - Dalradian Gold 183 - 188

Matters for Information

7 Planning Committee minutes of meeting held on 6 July 2021 189 - 216

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

8. Receive report on commencement of preparatory work for LPP

9. Receive Enforcement Report

Matters for Information

10. Planning Committee Confidential minutes of meeting held on 6 July 2021
11. Enforcement Cases Opened
12. Enforcement Cases Closed



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0229/F	Target Date:
Proposal: Housing development consisting of 6 no detached 2 storey dwellings, 28 no semi-detached 2 storey dwellings, 2 no semi-detached single storey dwellings, 2 no detached single storey dwellings along with right hand turning lane & associated site works & private treatment plant (revised description and amended plans)	Location: South & Adjacent to Abbeyvale Mullinahoe Road Ardboe Co Tyrone.
Referral Route: Approval with 3rd party planning objections	
Recommendation:	Approve
Applicant Name and Address: Farasha Properties Ltd 34 Culrevog Rd Dungannon BT71 7PY	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: That the proposal meets planning policy and the objections are not determining in this instance.	
Signature(s)	

Case Officer Report

Site Location Plan



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

- Concern over construction traffic and impacts on the structure of the house, perimeter fences and trees, impacts of pollution, noise and dust on families wellbeing and health;
- disrupted views;
- Additional traffic past house;
- road surface will be destroyed by construction traffic;
- smell from waste water treatment plant;

Description of proposal

This is a full planning application for a Housing development consisting of 7 no 2 storey detached houses, 2 no single storey detached houses, 4 no single storey semi-detached houses & 24 no 2 storey semi-detached houses (37 units in total), waste water treatment plant, provision of right hand turning lane & associated site works.

Characteristics of Site and Area

Located within the development limits of Ardboe, as defined within the Cookstown Area Plan 2010, this site is set behind a linear row of development which fronts onto Mullinahoe Road with Abbyvale residential development located to the north of the site. Comprised of two agricultural fields which are relatively flat, there is an old WW2 airfield building located to the south of the site. Boundaries to the north, east and south are

defined by hedgerow and fencing. The western boundary is not defined, and there is a strip of land approx. 5-10m which has been left between the site and the rear boundaries of properties backing onto the site.

Access to the site will be via the same access road used by Abbyvale to the north. Land in the area is mostly residential, with some commercial retail. There is also a restaurant, Tilly Lamp, located to the west. The old airfield lies to the east which is now used for a mix of commercial and industrial uses. Views of the site can be seen from Kilmascally Road to the south where the GAA Club is located.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

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

Cookstown Area Plan 2010 is the extant area plan for the area. This proposal is located within the settlement limit of the village of Ardboe where there is a general presumption in favour of development. The site has no particular land use designation in the Area Plan.

Policy SETT1 of the Cookstown Area Plan 2010 states that favourable consideration will be given to development proposals within settlement limits including zoned sites provided certain criteria are met including the following;

- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new sense of place through sensitive design;
- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests;
- there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and
- the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

Key Planning Policy

SPPS- Strategic Planning Policy Statement for NI
PPS 7 Quality residential environments
PPS8 Open space, sport and outdoor recreation
PPS15 revised- planning and flood risk

Design Guide- Creating Places

Relevant Planning History

I/2007/0569/F- Proposed housing development consisting of 55 three storey townhouses, permission refused 20.06.2008. This decision was not appealed by the applicant.

I/2009/0087/F- Proposed housing development consisting of 57 dwellings with a new right hand turning lane, permission granted 05/08/2010.

Third Party Representations

2 letters of objection have been received on this application. The issues are summarised as follows;

- Concern over construction traffic and impacts on the structure of the house, perimeter fences and trees, impacts of pollution, noise and dust on families wellbeing and health;
- disrupted views;
- Additional traffic past house;
- road surface will be destroyed by construction traffic;
- smell from waste water treatment plant;

These will be considered later in my report.

Consideration

This proposal is for 38 dwellings on a site that was previously granted permission for 57 dwellings under I/2009/0087/F. Since the 2009 application there has been the introduction of SPPS and PPS 15- Planning and Flood Risk. The 2009 application was assessed under PPS 7 Quality Residential Environments which remains the applicable policy provision for this type of application in the urban setting and the introduction of SPPS did not change this policy context.

This current proposal is for a significantly reduced density from what was previously granted on this site under the same planning policy, PPS7. In my view the scheme before us represents an improved layout for this village setting in that the proposal is less dense, dwelling sizes are more reflective of that of the area, and there are improved garden sizes, with parking mostly along the side of properties rather than to the front.

PPS 7 - Quality Residential Environments.

The first criteria is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

There are a mix of house types proposed, including single and two storey dwellings, detached and semi-detached properties which will meet the needs of a range of societal groups, catering for a balanced community. The proposal is appropriate to the character

and topography of the site in term of layout, scale, proportions and the massing and appearance of the buildings.

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.

There is an old bunker located on the site which was part of the old airfield during World War 2 and used as part of the American airbase. I consulted with Historic Environment Division who state that this building, which is the last of those remaining from that time, is a locally important heritage asset. It is proposed to keep this building on an area of proposed open space so HED raise no objection to this proposal.

PPS 7 QD1 also requires that 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;

A communal area of open space is proposed to the south of the site and makes up 10% of the overall site area. There is also adequate private rear amenity space provided for each of the dwellings which is in keeping with Creating Places.

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 located close to local convenience shops and local village services. In my view, given its location and size, this development does not require its own local neighbourhood facilities.

QD1 also requires 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;

There is footpath provision which links into the wider village footpath network. The internal road layout is such that traffic speeds are kept to a low speed, which will leave a pleasant environment for pedestrians and cyclists if using the road network. There is good links to public transport. DfI Roads have been consulted on this proposal and are content subject to conditions. A right hand turning lane is also proposed which will leave it safer for vehicles to turn into the housing development from the Mullanahoe Road.

The design of the development must draw upon the best local traditions of form, materials and detailing;

I consider that the proposal does reflect the surrounding design context for this urban area.

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 design will not create conflict with adjacent land uses which are all residential. There is adequate separation distances between existing and proposed properties and I have no concerns with overlooking, overshadowing, loss of light, noise or other disturbance.

Rear boundaries have 2m high boundary fencing or walls which will ensure privacy between private rear amenity space.

The development is designed to deter crime and promote personal safety;
The development is considered to be designed to deter crime and promote personal safety. Areas of open space are overlooked by surrounding housing, there are no hidden or secluded areas that would attract anti-social behaviour, and the rear properties of boundaries are secured with appropriate boundary fencing and/or walls.

PPS15 Planning and Flood Risk (September 2015)

The proposal is for over 10 dwellings therefore there is a requirement under policy FLD3 for the provision of a Drainage Assessment to ensure proper drainage is put in place. Rivers Agency were consulted on a Drainage assessment and revisions and are content with the proposed drainage arrangements subject to a planning condition requiring a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval; or written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100 year storm event prior to the commencement of development on site.

Other Considerations

NIW were consulted on this application and state that there is insufficient capacity at Ardboe Waste Water Treatment Plant for the development to connect. The agent has provided a temporary treatment plant to deal with sewage produced at this site. Environmental Health were consulted on the private treatment plant and are content subject to conditions. I am content to proceed on this basis. Environmental Health raise no concern over noise or odour issues from the plant, therefore the objectors concerns in this regard are not determining in this instance.

In relation to the other objections received, I will address each of these;

-Concern over construction traffic and impacts on the structure of the house, perimeter fences and trees, impacts of pollution, noise and dust on families wellbeing and health;
Environmental Health raise no concerns over impacts of noise and dust from this development on peoples amenity or health. Normal construction activity will take place, with any controlled waste being disposed from the site by licenced contractors. Impacts will be from time to time, but will not be continuous and will only be for a short time during construction. Any impacts on third party boundaries or dwellings by the developer will be a third party issue between the developer and the owner of the boundary or property that is damaged.

-disrupted views;

While views for some existing residents may be disrupted, it is my view that there will be no impacts of overlooking or loss of light. There is no requirement in planning law or policy to protect individual views, but rather to protect residential amenity and the right to enjoy their home.

-Additional traffic past house;

While there may be additional traffic past some properties, I believe that there will be no detrimental impacts on amenity or road safety. The private rear access to No. 113 Mullinahoe Road has been protected and is separate from the access through road to

the development. DfI Roads are content with this arrangement from a road safety aspect.

-road surface will be destroyed by construction traffic;

It is the responsibility of the developer to ensure that the public carriageway is left clean and free from dirt and debris during the construction period. Any damage to the carriageway is to be left right by the developer.

I find that these objections are not determining to the outcome of this proposal in this case.

No land contamination has been identified on this site.

NIEA was consulted on this proposal and considers that there will be no detrimental impacts on the surface water environment or natural environment.

Shared Environmental Services have completed a Habitats Regulation Assessment and consider that the proposal will not have any detrimental impacts on any designated European Site or its selection features.

An EIA screening exercise has been completed on this site and it is concluded that this is not an EIA development, and that mitigation can be carried out through the normal development management process and controlled through planning conditions.

Neighbour Notification Checked **Yes**

Summary of Recommendation:

That planning permission is granted subject to the following 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. Prior to the occupation of 50% of the dwelling units hereby approved, the developer shall construct, layout and plant all landscaped and open space areas (including all peripheral planting) as indicated on the approved plan, Drawing No 14 date stamped received 09/06/2021. The trees indicated within individual plots shall be planted during the first available planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot.

All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

3. No dwelling unit hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance Agreement has been signed and put in place with an appropriate management company for all areas of public open space and landscaping as identified in condition no.02 (see informative no.01).

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

4. Areas of designated open space as referred to in Condition No.02 shall be managed and maintained in accordance with the provisions of a 'Landscape Management Plan' which shall be submitted to and agreed in writing by Council, prior to the occupation of any dwelling hereby approved. 02

Reason: To ensure that open space provided, is managed and maintained in accordance with the Departments Planning Policy Statement 7 (PPS 7) Quality Residential Environments and Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation.

5. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on Drawing No. 02 rev3 which was date stamp received 9/06/2021 and shall be permanently retained thereafter.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments.

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 Department, 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 Department gives its written consent to any variation.

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

7. The existing mature trees and vegetation along the entire site boundaries shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

8. No dwelling hereby approved shall be occupied until the private sewerage treatment plant has been put in place and is in working order with the appropriate statutory consents.

Reason: To ensure a proper means of waste water disposal to serve the development and ensure environmental protection.

9. The private sewerage treatment plant shall be managed and maintained in accordance with arrangements to be agreed with the Council in writing prior to occupation of any dwelling hereby approved.

Reason: To ensure a proper means of waste water disposal to serve the development and ensure environmental protection.

10. Prior to the commencement of any development hereby approved, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to Mid Ulster Council for its consideration and approval, or, written confirmation from NIW stating that they will adopt a drainage network that will attenuate the 1 in 100 year storm event.

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

11. The visibility splays at the junction of the proposed access road with Abbevale, shall be provided in accordance with Drawing No 11rev 6 bearing the date stamp 15 March 2021, prior to the commencement of any other works or other development. 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.

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

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

Private Street Conditions

PS01 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 11rev 6 bearing the date stamp 15 March 2021

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

PS02 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road including the right turn lane on the Mullinahoe Road have been completed in accordance with the details outlined blue on Drawing Number 11rev 6 bearing the date stamp 15 March 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

PS03. Road Safety Audits Stage 3 and Stage 4 shall be carried out for the right turning lane in accordance with the Design Manual for Road and Bridges GG119 and recommendations implemented in agreement with the Roads Authority.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

PS04. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase of the development.

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

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.

Signature(s)

Date:

ANNEX	
Date Valid	21st February 2019
Date First Advertised	7th March 2019
Date Last Advertised	6th July 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 107 Mullanahoe Road, Dungannon, Tyrone, BT71 5AX The Owner/Occupier, 111 Mullanahoe Road, Dungannon, Tyrone, BT71 5AX S Bell 113 Mullanahoe Road, Ardboe, Co Tyrone, BT71 5AX The Owner/Occupier, 113 Mullanahoe Road, Dungannon, Tyrone, BT71 5AX The Owner/Occupier, 14 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 15 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 2 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 29 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 3 Abbeyvale, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 30 Abbeyvale, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 31 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 38 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 39 Abbeyvale, Dungannon, Tyrone, BT71 5BZ Brian McCullagh 4 Abbeyvale, Dungannon, Ardboe, Co Tyrone, BT71 5BZ The Owner/Occupier, 4 Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, 4 Kilmascully Road, Dungannon, Tyrone, BT71 5BH The Owner/Occupier, 4a, Abbeyvale, Ardboe, Dungannon, Tyrone, BT71 5BZ The Owner/Occupier, Tilly Lamp Restaurant, Mullanahoe Road, Dungannon, Tyrone, BT71 5AX	

Date of Last Neighbour Notification	18th June 2021
Date of EIA Determination	
ES Requested	No



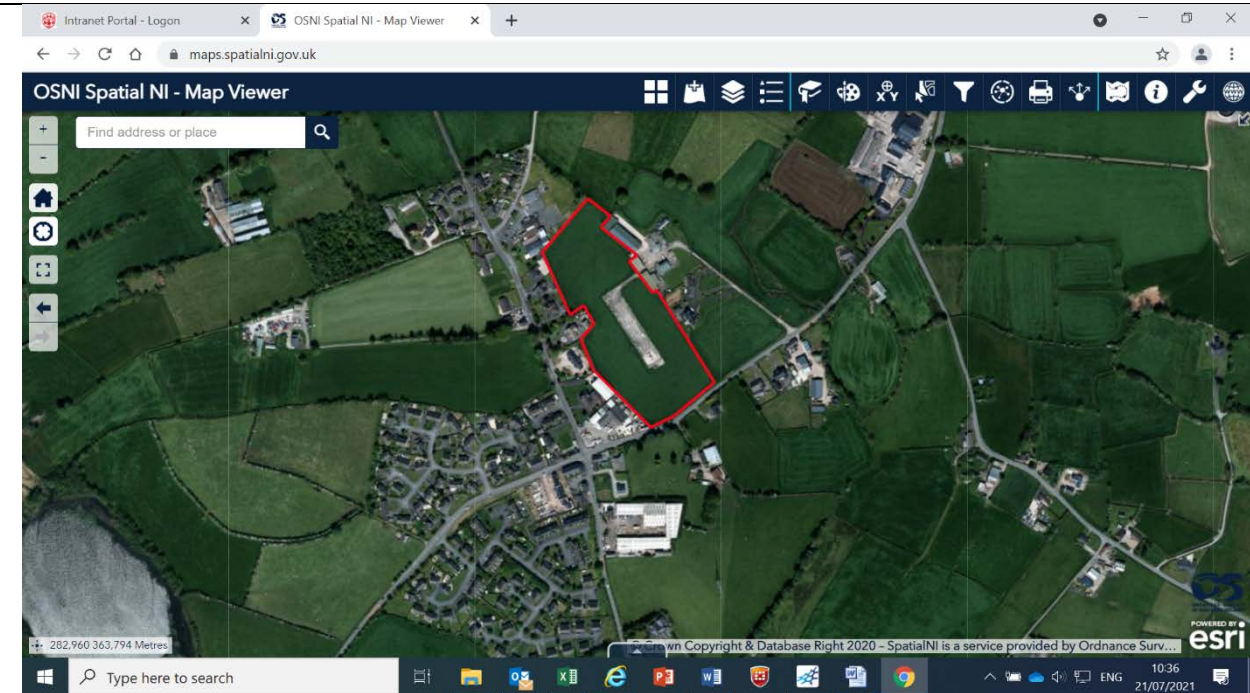
Comhairle Ceantair
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District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0597/O	Target Date: 15/8/19
Proposal: Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses.	Location: Lands to the rear of 114 Bush Road Dungannon.
Referral Route: Major application	
Recommendation:	Approval
Applicant Name and Address: Silverford Properties LTD 114 Bush Road Dungannon	Agent Name and Address: T4 Architects 169 Coagh Road Drumbonaway Stewartstown Co Tyrone BT71 5LW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Advice and Guidance	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	NI Water - Strategic Applications	Advice
Statutory	DETI - Geological Survey (NI)	Content

Representations:

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

Details of the Proposal:

Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses, in compliance with Planning Policy Statement 4 (PPS 4): Planning and Economic Development and Planning Policy Statement 7 (PPS 7): Quality Residential Environments.

Characteristics of the Site and Area:

The site is located within the limit of development for The Bush as defined within the Dungannon and South Tyrone Area Plan 2010. There are no specific land use designations within the settlement.

Access to the site is proposed from the Bush Road, which defines the southern site boundary. Bush Road connects The Bush to Coalisland, to the north and Dungannon, to the south west. The proposal encompasses one large field with a large concrete area in the centre of same, possibly the floor of a previously dismantled agricultural building. Landform within the site is generally flat with slight gradient to the south.

Land use with the area:

To the east - detached dwellings and farm type complex.

To the south – Bush Road with detached dwellings on opposite side of same.

To the west – detached dwellings and truck/van garage.

To the north – primary school complex.

The majority of the remaining land use within the settlement is residential and agricultural. It should be noted that currently there is no evidence of shopping provision within the settlement and that circa 180 plus dwellings exist within the settlement.

Relevant Site Histories:

The most recent relevant site history is LA09/2019/0053/PAN, the Pre Application Notice which was acceptable, dated 7/3/19.

No other recent relevant site history found, however previously on 30/3/2007 planning permission was granted on site for a housing development. That permission was not implemented.

Representations:

No representations received from press notice or neighbourhood notification.

Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Environmental Health Department, Northern Ireland Water and Department for the Economy – Geological Survey for Northern Ireland has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and other Material Considerations:

As stated above the site lies within the settlement limits for The Bush as defined within the Dungannon and South Tyrone Area Plan 2010.

This mixed use development has to be considered against a numbers of policies including.

Planning Policy Statement 7 (PPS 7): Quality Residential Environments and

Planning Policy Statement 4 (PPS 4): Planning and Economic Development.

- **Planning Policy Statement 7 (PPS 7): Quality Residential Environments.**

In my opinion, the proposed concept plan along with attached conditions will comply with PPS7 in that it respects the surrounding context, character and topography in terms of layout, scale

and proportions. No features of archaeological or built heritage have been identified; adequate provision is made for public and private open space and landscaped areas. The movement pattern can support 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; adequate and appropriate provision is made for parking; the design of the development will draw upon the best local traditions of form, materials and detailing; the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the layout is designed to deter crime and promote personal safety.

- **Planning Policy Statement 4 (PPS 4): Planning and Economic Development.**

Policy PED 1: Economic Development in Settlements is the main policy consideration. Policy states in relation to villages and smaller rural settlement that a development proposal for Class B2; light industrial use or Class B3; general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and is not incompatible with any nearby residential use. In my opinion Class B3; general industrial use would not be an acceptable use in this location where land use is mainly residential with additional residential development proposed within the scheme.

This application is for outline permission and no building details have been provided. However with the grant of permission such details can be subject of conditions. Which will ensure that the development will not impact negatively with nearby residential use.

In addition Policy PED 9 of PPS 4: provides general criteria for assessing all applications for Economic development.

It is my opinion that the proposal as presented is compatible with surrounding land uses, with appropriate conditions; it will not harm the amenities of nearby residents; it will not adversely affect features of the natural or built heritage; it is not located in an area at flood risk and will not cause or exacerbate flooding; In addition attached conditions will ensure that it does not create a noise nuisance; it is capable of dealing satisfactorily with any emission or effluent; the existing road network can safely handle any extra vehicular traffic the proposal will generate; adequate access arrangements, parking and manoeuvring areas will be provided; a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; the site layout, building design, associated infrastructure and landscaping arrangements will be of high quality and assist the promotion of sustainability and biodiversity; appropriate boundary treatment and means of enclosure will be provided and any areas of outside storage proposed are adequately screened from public view; and is designed to deter crime and promote personal safety;

Other Policy and Material Considerations:

As advised in Strategic Planning Policy Statement for Northern Ireland (SPPS) retail development outside of town centres will require a Retail Impact Assessment (RIA). In this case the proposal for a petrol filling station with retail facilities would require such evidence to be submitted. Such an assessment would be required to take into account the wider region of Dungannon and Coalisland and the impact such out of town retail provision would impact on the viability of the major towns. In this instance the agent was advised as to the need for a Retail Impact Assessment for the original amount of floor space proposed, the floor space requirement was amended and reduced. As there are currently no shopping facilities within the Bush it would

be reasonable to allow some limited retail floor space above the 100sqm proposed in the Draft Plan Strategy, associated with the petrol filling station. In this case, I feel that a retail floor space provision of 300sqm is acceptable for local needs. It is highly unlikely that this level of provision will have an impact on neighbours.

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

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 4 (PPS 4) Economic Development and Planning and Planning Policy Statement 7 (PPS 7): Quality Residential Environments are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

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

Neighbour Notification Checked	Yes
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Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Mid Ulster 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: Time Limit

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 Mid Ulster District Council, in writing, before any development is commenced.

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

3. All reserved matters shall be submitted at the same time.

Reason: to guard against piecemeal development of the site.

4. The development hereby approved shall be in general conformity with concept plan, drawing no 02/4 dated received 30/4/21.

Reason: to ensure a satisfactory form of development.

5. Prior to the commencement of the development hereby approved a management plan shall be submitted for all open space proposals within the development.

Reason: to ensure that the open space provision within the development can be satisfactorily maintained.

6. The retail sales area within the proposed petrol filling station shall not exceed 300sqm. (not including storage areas).

Reason: To protect the vitality and viability of nearby settlements.

7. The business units hereby approved shall be used only for B1 (business use), B2 (light industrial use) and B4 (storage and distribution) of the Schedule to the Planning (Use Classes) Order (NI) 2015 only and for no other purpose.

Reason: To retain control over the use of the site and to ensure any new development does not contain an activity that could be harmful to nearby residential occupiers.

8. The community centre and multi-use games area hereby approved shall be used only for D1 (community and cultural) use of the Schedule to the Planning (Use Classes) Order (NI) 2015 only and for no other purpose.

Reason: To retain control over the use of the site and to ensure any new development does not contain an activity that could be harmful to nearby residential occupiers.

9. No development shall take place until a Lighting Impact Assessment has been submitted to and approved in writing by Mid Ulster district council.

Reason: In the interests of the amenity of residents in the area.

10. No development shall take place until a Lighting Impact Assessment has been submitted to and approved in writing by Mid Ulster district council.

Reason: In the interests of the amenity of residents in the area.

11. No development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by Mid Ulster District Council.

Reason: In the interests of the amenity of residents in the area.

12. The vehicular access, including visibility splays of 4.5m by 70.0m to the south west direction and 4.5m 100.0m to the north east direction and forward sight distances of 70.0m to the south west and 100.0m to the north east, shall be provided in accordance with Drawing No 02 / 4 date stamped 30 April 2021, prior to the commencement of any other development hereby permitted.

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

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

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

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

No other development hereby permitted, shall be commenced, until the road improvements (including provision of a right turning lane) / 3.0m wide cycleway along site frontage) have been completed in accordance with details submitted to and approved by the Department as indicated generally on Drawing No 02 / 4 date stamped 30 April 2021.

The Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

15. At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department's current published Parking Standards.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

16. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in general accordance with the drawing No 02 / 4 date stamped 30 April 2021 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 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. The design concept plan submitted 30/4/21 is considered to be generally acceptable for the development of the site. The Concept Plan may not be the only concept design that would be considered acceptable to the Council. If the developer wishes to discuss alternative proposals,

then the Council will enter into discussions based on PPS7 - Quality Residential Environments, PPS8 - Open space, Sport and Outdoor Recreation, PPS 4 - Planning and Economic Development and other relevant publications.

3. Environmental Health Department comment:

Lighting

Artificial light has many benefits, it helps us see at night, promotes, night time activity, supports 24 hour commercial and leisure, reduces street crime and many more. However, excessive or poorly designed lighting can be damaging to the environment and it has the potential to affect human health.

To this end the applicant should review sources of artificial light e.g. building illuminance, car parking floodlights and illuminance for recreational facilities, including marina and consider the potential for impact on sensitive receptors. The most sensitive impact from artificial light is sleep disturbance at night caused by excessive light spilling in through windows.

When considering planning applications the following factors are identified as requiring consideration in the determination:

- Character of the area and the surrounding area which may be affected.
- Quantitative information of the proposed (Isolux diagrams/plots, horizontal and vertical illuminance).
- Directional attributes of the source (angle, lantern types).
- Frequency and length of use in terms of hours of illumination during the summer and winter.
- Mitigation of impact.

Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Professionals at <https://www.theilp.org.uk/documents/obtrusive-light/>

Noise

A noise report should include the following information in line with the BS 4142 - Method for rating and assessing industrial and commercial sound, World Health Organisation Guidelines on Community Noise , as appropriate:

1. The background noise environment (including objective measurements and subjective description with existing noise sources factory turned off);
2. The distance between noise source and receptor(s);
3. The impact of each potential noise source at nearest noise sensitive receptor/s;
4. The cumulative impact of all potential noise sources associated with the proposed development at the nearest noise sensitive receptor(s);
5. Hours of operation and methods of working and use;

6. Boundary noise limits;
7. Building orientation and construction;
8. Noise barriers and other noise attenuation measures;
9. Where calculations are used, full workings must be presented;
10. Where Noise modelling is employed - all inputs must be specified, including:

Noise source data, e.g. manufacturer LW or measured Lp and -on-time- corrections, distance attenuation etc;

Geographical and topographical data, e.g., scale, alignment and terrain data;

Physical elements, e.g., buildings/barriers (including height), ground effects;

Source description, e.g., point, line, area sources and directivity;

Receptors, e.g., location, heights and effects of facades and barriers.

11. Predicted residual noise level with proposed attenuation measures in place.

In addition, a list of acoustic consultants approved by the Institute of Acoustics can be obtained at the web address: www.ioa.org.uk/find-a-specialist/

4. Department for Infrastructure Rivers Informatives:

This site is within close proximity of a watercourse that is undesignated in accordance with the Drainage (Northern Ireland) Order 1973. To the east of the site is a minor undesignated watercourse.

If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973.

If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of outcome.

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

Consequently DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It is brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm

water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

5. Northern Ireland Water comments:

See attached NI Water Consultation form returned 30/5/19.

6. Department for the Economy - Geological Survey for Northern Ireland comments:

Geological Survey of Northern Ireland (GSNI) assessed the planning proposal in view of stability issues relating to abandoned mine workings

A search of the Geological Survey of Northern Ireland ?Shafts and Adits Database indicates that the proposed site is not in the vicinity of any known abandoned mine workings.

This letter summarises the information currently held by GSNI. We acknowledge that our databases may not be comprehensive and that in certain circumstances the precise location of features and boundaries cannot be guaranteed as being accurate. I would therefore draw your attention to the attached Conditions and Limitations.

Conditions and Limitations:

Use by the customer of information provided by the Geological Survey of Northern Ireland is at the customers risk. The Department for the Economy gives no warranty, expressed or otherwise implied as to the quality or accuracy of information supplied by the Survey. The report provides only general indications of ground conditions and must not be relied upon as a source of detailed information about specific areas or as a substitute for site investigation or ground surveys. Users must satisfy themselves, by seeking appropriate professional advice and carrying out ground surveys and site investigations if necessary, that the ground conditions are suitable for any particular use or developments.

Signature(s)

ANNEX	
Date Valid	2nd May 2019
Date First Advertised	16th May 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 104 Bush Road Dungannon Tyrone The Owner/Occupier, 107 Bush Road Dungannon Tyrone The Owner/Occupier, 109 Bush Road,Dungannon,Tyrone,BT71 6QG The Owner/Occupier, 11 Mullaghteige Road Road,Dungannon,Tyrone,BT71 6QU The Owner/Occupier, 110 Bush Road Dungannon Tyrone The Owner/Occupier, 112 Bush Road Dungannon Tyrone The Owner/Occupier, 116 Bush Road,Dungannon,Tyrone,BT71 6QG The Owner/Occupier, 13 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 15 Mullaghteige Road Dungannon Tyrone BT71 6QU The Owner/Occupier, 17 Mullaghteige Road,Dungannon,Tyrone,BT71 6QU The Owner/Occupier, 19 Mullaghteige Road,Dungannon,Tyrone,BT71 6QU The Owner/Occupier, 19A Mullaghteige Road Dungannon Tyrone BT71 6QU The Owner/Occupier, 21 Mullaghteige Road Dungannon Tyrone The Owner/Occupier, 9 Mullaghteige Road Road,Dungannon,Tyrone,BT71 6QU The Owner/Occupier, Bush Primary School The Bush Dungannon Co Tyrone	
Date of Last Neighbour Notification	31st May 2019
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0053/PAN

Proposal: Proposed mixed use development on Lands to the rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and shop, Small Business Units and Residential Development for bespoke "one-off" houses

Address: Lands to the rear of 114 Bush Road, Dungannon,

Decision: PANACC

Decision Date:

Summary of Consultee Responses

As above

Drawing Numbers and Title

Drawing No. 01/2

Type: Site Location Plan

Status: Approved

Drawing No. 02/4

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Levels

Status: Submitted

Drawing No. 04

Type: Site Levels

Status: Submitted

Drawing No. 05

Type: Roads Details

Status: Submitted

Drawing No. 06

Type: Roads Details

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A

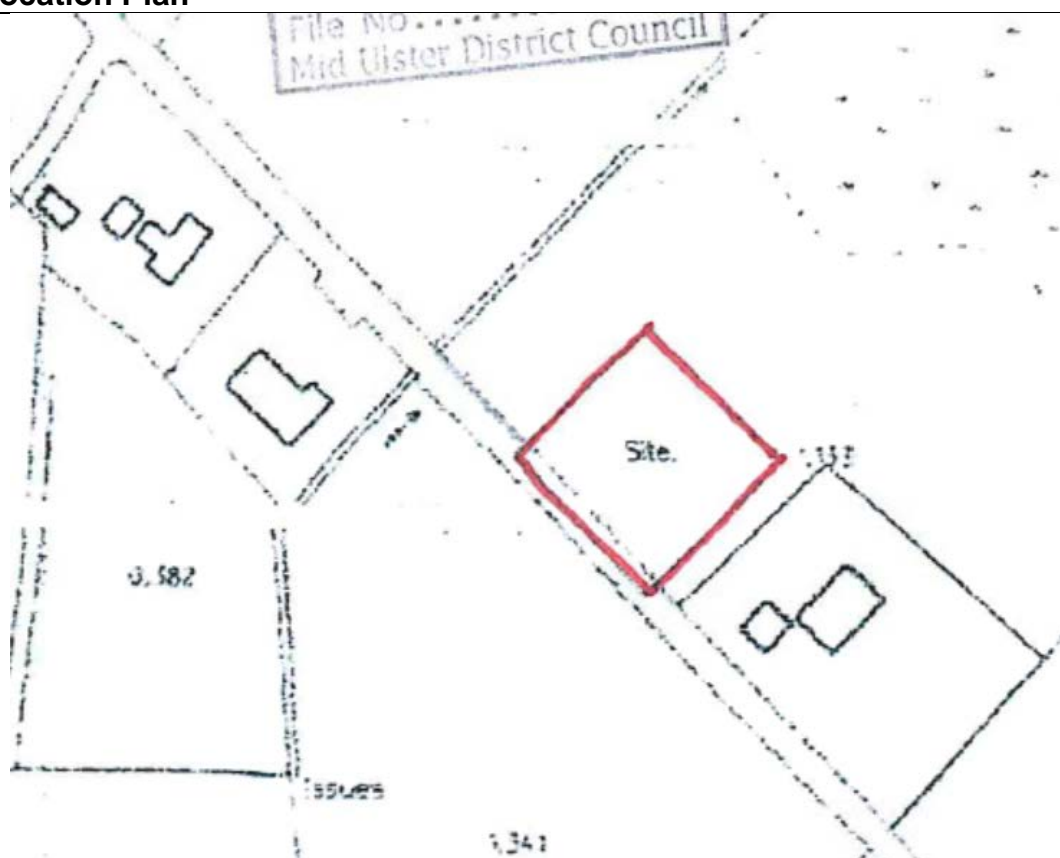


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0459/RM	Target Date: 17/07/2020
Proposal: Proposed dwelling and garage	Location: 72m NW of 21 Whitetown Road, Newmills Dungannon BT71 4ES
Referral Route: Approval – objections received.	
Recommendation:	Approval
Applicant Name and Address: David Weir 46 Lisnamonaghan Road Castlecaulfield Dungannon BT70 3NH	Agent Name and Address: Sam Smyth Architecture Unit 45D DGN Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

There was 4 representations received in relation to the application, all of which were objections to the application. Three of these were from the same objector and one was from a solicitor acting on behalf of the same objector. The issues raised in the objections will be discussed in detail later in the report.

Characteristics of the Site and Area

The site is located at lands approx. 72m NW of 21 Whitetown Road, Newmills. The red line of the site includes a roadside portion of a larger agricultural field. The site has existing roadside hedging and is generally a flat site throughout. The surrounding area is rural in nature with some scattered single dwellings and their associated outbuildings.

Description of Proposal

Reserved matters planning permission is sought for a dwelling house and garage on a farm.

Planning Assessment of Policy and Other Material ConsiderationsPlanning History

LA09/2018/0153/O - 72m North West of 21 Whitetown Road, Newmills – Proposed dwelling and garage – PERMISSION GRANTED 04.07.2018

Planning Assessment of Policy and Other Material Considerations

When outline planning permission was granted re. LA09/2018/0153/O a number of conditions were imposed and the principle of development was agreed on site. I am content that the conditions set out at outline stage have been complied with. This application is for reserved matters which relate primarily to siting, design and access arrangements.

The surrounding area has a mix of dwellings with a range of sizes, designs and materials however are mainly bungalow or 1.5 storey dwellings. The dwelling proposed is a single storey and has a simple design with a small outshot to the front and rear of the main body of the dwelling along with a side projection from the gable wall. Materials proposed include concrete tiles on the roof and plaster finish to the walls. I don't consider that the dwelling proposed would be prominent at this site given the topography of the site and noting that a number of the neighbouring properties are similar in terms of size and scale. The design is considered acceptable for this rural setting and there is existing and proposed landscaping around the site and along the site boundaries which will aid with integration at this site. There is a 1.5 storey garage proposed also which I consider

The proposal intends to create a new access onto Whitetown Road. As this is a Reserved Matters application and the visibility splays which were requested at outline stage have been shown it was not felt necessary to consult with DfI Roads in this instance. Conditions will be attached to any forthcoming approval to ensure the necessary visibility splays are in place.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 21 Whitetown Road. As noted before, at the time of writing there were a number of objections received in relation to the proposal. The objections raised a number of concerns including:

- Visibility Splays
- Privacy/Overlooking Concerns
- Noise and Disturbance
- Character of the Area
- Principle of Development
- Visual Impact

The visibility splays are noted on the plans as 2.4m x 70m in both directions which is what was agreed at outline stage. The objection notes that visibility splays require the removal of some of the neighbouring properties (21 Whitetown Road) garden and garden features. A P2 form and Certificate C was filled in with Certificate C serving notice on the relevant parties, namely the objector and I am content that as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that they control all the lands necessary to carry out any proposed development. The objection received on behalf of the objector also notes the deed of easement which their client benefits from where they state the proposed siting of the garage would be sited over their subsoil irrigation system and storm water pipe. Although this is considered a civil matter and must be sorted outside of planning, we have asked the agent to show the easement on the plans where they note the proposed siting of the garage would not affect the neighbours storm water pipe or subsoil irrigation system, as shown below.

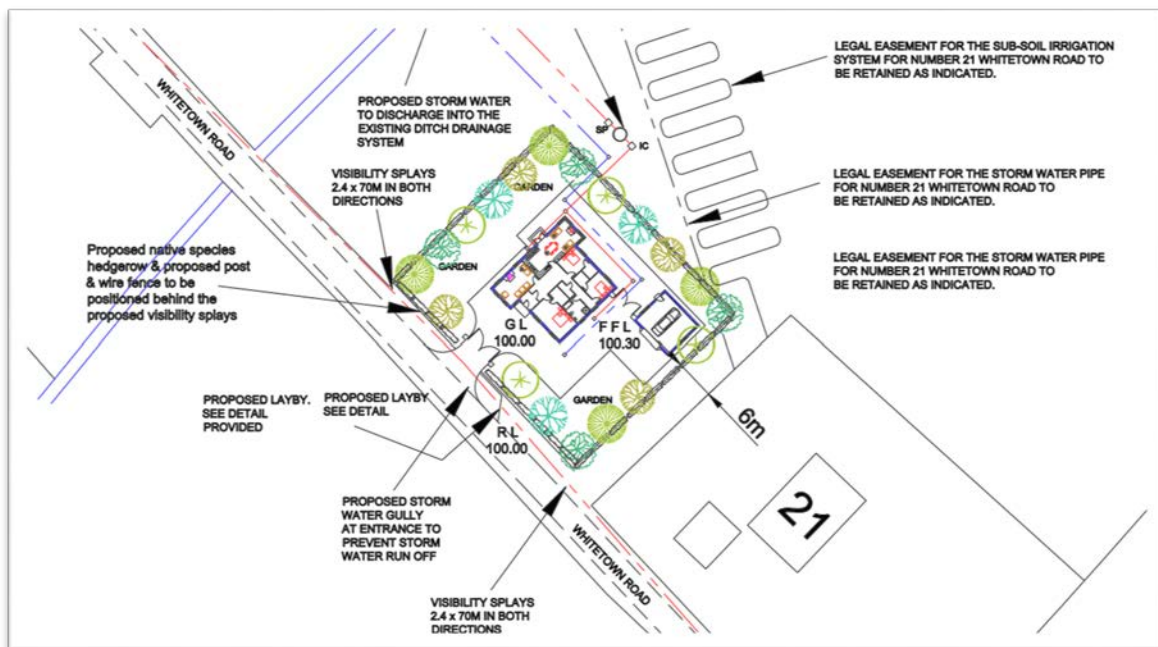


Figure 1 – Easements shown on block plan by agent.

Points of principal of whether there should be a dwelling are not open for consideration and there is no requirement for the applicant of the reserved matters to be the same as the person who benefited. Indeed, where a dwelling is granted on a farm, the site can be disposed of to a different party, particularly where there is no occupancy condition, as in this case.

There was concern relating to the garage in terms of privacy, overlooking and its purpose. We asked the agent to show frosted glass on the upstairs window of the garage and they have confirmed the garage is to be used for domestic purposes only. We feel these changes would lessen any impact that the proposal may have had on the neighbouring property. It is considered that there is adequate separation distance between the proposed dwelling and garage and the neighbouring property and their private amenity space, as shown in figure 2, to avoid any privacy, overlooking or other amenity concerns at this site. We have no reason to believe that this dwelling and garage will cause any excess noise and disturbance for neighbouring properties.

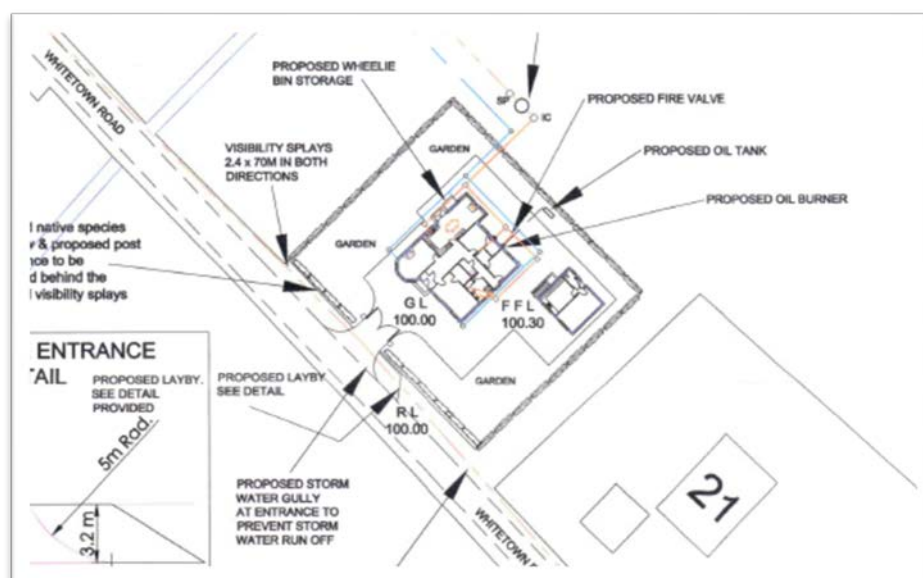


Figure 2 – shows separation distance between proposed dwelling and garage and objector's property (No.21)

In terms of the character of the area and the visual impact the proposal will have at this site, we consider that the size, scale and design of the bungalow proposed is appropriate for this site. The proposal implements a bay window feature which generally would be resisted in the countryside, however it is a feature which we feel has some precedent at this site given that the closest neighbouring property also has a bay window. It is also considered that the amended design is a significant improvement to the original design that was received. Overall, we are content the proposal dwelling and garage would fit comfortably into this site with no significant impact on the surrounding properties or area.

The latest neighbour notification was sent on 6th July 2021 following the receipt of amended plans on 22nd June 2021. At the time of writing, no further comments were received from the objector following the latest amendments made to plans.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission;
- or
- ii. The expiration of a period of 2 years from the date hereof.

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

2. The vehicular accesses, including visibility splays of 2.4 metres by 70.0 metres in both directions at the access on to the public Road, shall be provided in accordance with Drawing No.03a date stamped 6th May 2021 prior to the commencement of any other development hereby permitted and shall be retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. 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.

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

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	3rd April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Whitetown Road Dungannon Tyrone John Robinson 21 Whitetown Road, Dungannon, Tyrone, Northern Ireland, BT71 4ES John Robinson 21 Whitetown Road, Dungannon, Tyrone, Northern Ireland, BT71 4ES Katherine Holland Doris MacMahon Solicitors, 63 James Street, Cookstown, BT80 8AE	
Date of Last Neighbour Notification	13th November 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/0459/RM Proposal: Proposed dwelling and garage Address: 72m NW of 21 Whitetown Road, Newmills, Dungannon, BT71 4ES, Decision: Decision Date: Ref ID: LA09/2018/0153/O Proposal: Proposed dwelling and garage Address: 72m North West of 21 Whitetown Road, Newmills, Decision: PG Decision Date: 09.07.2018	
Summary of Consultee Responses N/A	
Drawing Numbers and Title	

Drawing No. 02b
Type: Proposed Plans
Status: Amended

Drawing No. 04a
Type: Proposed Plans
Status: Amended

Drawing No. 02a
Type: Proposed Plans
Status: Amended

Drawing No. 02
Type: Site Location Plan
Status: Submitted

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

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



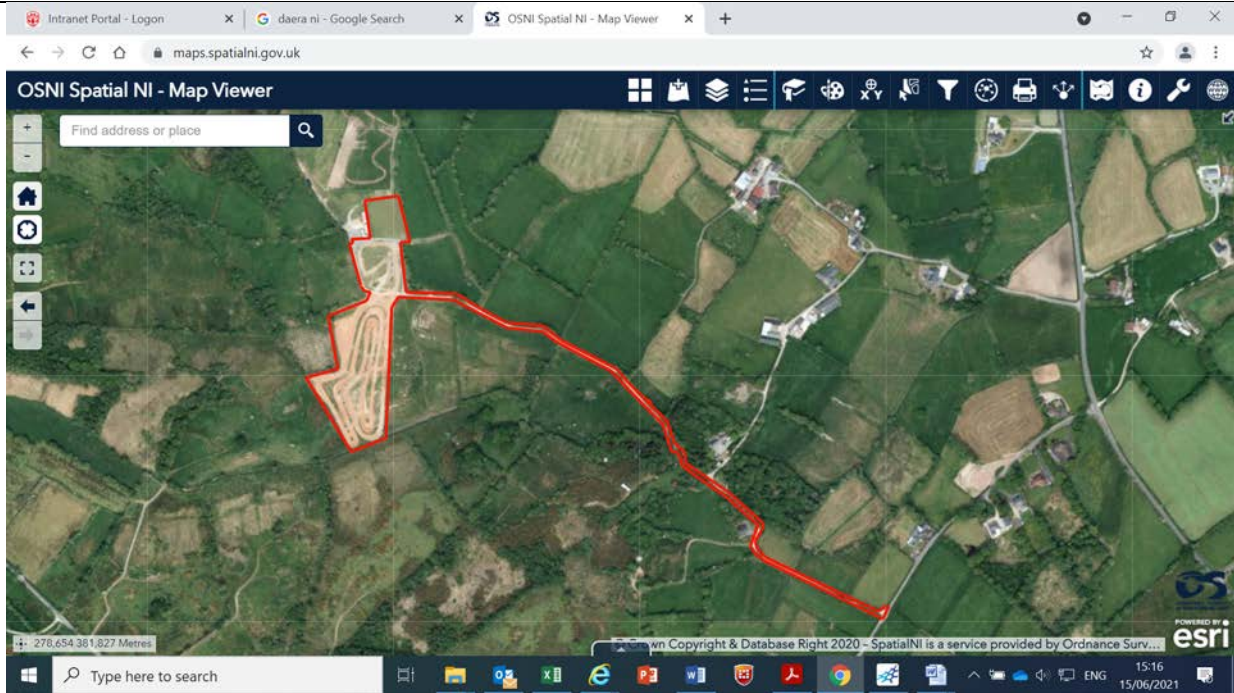
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0641/F	Target Date:
Proposal: Retention of Motocross Racetrack comprising earthworks forming jumps and tracks, portacabin office, parking and access via existing laneway	Location: Land approx. 600m NW of 54 Drumearn Road Cluntyganny Cookstown
Referral Route: Major application	
Recommendation:	Refusal
Applicant Name and Address: CluntyCookstown MX Track 54c Lough Fea Road Cookstown BT80 9QL	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Advice and Guidance	Environmental Health Mid Ulster Council	Substantive Response Received
Advice and Guidance	Shared Environmental Services	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice

Representations:

Letters of Support	6
Letters of Objection	76

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Details of the Proposal:</p> <p>Retention of Motocross Racetrack comprising earthworks forming jumps and tracks, portacabin office, parking and access via existing laneway in compliance with Planning Policy Statement 21: (PPS 21): Sustainable Development in the Countryside.</p>	
<p>Characteristics of the Site and Area:</p> <p>The proposed site is located some 3 miles north west of Cookstown town centre. Access to the site is provided, via a half mile long laneway from the Drumearn Road, which connects Loughfea Road (to the east) to the Feegarron Road (to the west). Both of these roads are approximately one third of a mile from the end of the access laneway. The laneway is a gravelled one car width carriageway which crosses a small stream and provides direct access to two dwellings. Other dwellings may be accessed from laneway by way of a looped lane. Agricultural access is also provided from the laneway.</p> <p>The site itself is located adjacent to farm buildings and is basically linear in shape. The racetrack shows signs of operation and a portacabin type building is located close to the accessway. Main gradients within the site fall from north to south with gravel type tracks laid out in a snake like pattern, with mounds placed at various locations throughout.</p> <p>The immediate surrounding land use is agricultural with detached dwellings and farm groups in the wider area, the closest dwelling is located approximately one third of a mile to the south east.</p> <p>Relevant Site Histories:</p> <p>The only site specific history identified is that of an enforcement case, currently open and under investigation.</p> <p>Representations:</p> <p>Representations received from press notice or neighbourhood notification, see below for assessment of comments.</p> <p>Consultation with Department for Communities – Historic Environment Division and Shared Environmental Services has raised no concerns.</p> <p>Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Department for Agriculture Environment and Rural Affairs has resulted in requests for additional/amended information, which to date has not all been provided after a number of requests to do so.</p> <p>Consultation with Environmental Health Department has resulted in a recommendation to refuse. See Environmental Health comments below.</p>	

Planning Assessment of Policy and other Material Considerations:

Consideration of this application is to be found in a number of policies including;

- **Planning Policy Statement 21: PPS21 - Sustainable Development in the Countryside.**

Policy CTY 1 – Development in the Countryside advises that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy continues to advise that where non-residential development is concerned Planning permission will be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS 8. In addition all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety.

In my opinion, due to the comment received from Environmental Health Department this proposal does impact negatively on the amenity of the residents within the area in terms of noise. In addition other issues relating to access, traffic safety, traffic disruption and natural heritage cannot be fully assessed due to the lack of information in respect of Department for Infrastructure – Roads and Department for Agriculture Environment and Rural Affairs requests and additional information.

Policy CTY 11 – Farm Diversification advises that Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. No evidence has been supplied that this operation is run in conjunction with the farming business. Whether or not there is an adverse impact on the natural heritage cannot be assessed due to the lack of information and the proposal is gauged to have a detrimental impact on the amenity of nearby residential properties.

- **Planning Policy Statement 8: PPS 8 – Open Space, Sport and Outdoor Recreation.**

Policy OS 3 - Outdoor Recreation in the Countryside

This policy permits the development of proposals for outdoor recreational use in the countryside where certain conditions are met.

In my opinion it has not been established that there has been no adverse impact on features of importance to nature conservation; evidence would suggest that there is no permanent loss of the best and most versatile agricultural land. However unacceptable negative impact on nearby agricultural activities has been advised by objectors. It has not been demonstrated that there will not be a harmful impact on wildlife and farm animals. Indeed objectors have raised issues relating to litter and discarding of face visors which could potentially harm farm animals and wildlife; although the racetrack is set well away from the local roads network there are one or two location from which the

track can be viewed albeit at a distance, where the full impact of the racetrack can be seen, especially on days of operation; there is a proven negative impact on the amenities of people living nearby; public safety, in my opinion is prejudiced and the development is not compatible with other countryside uses, this is evident by reports from objectors detailing disruption within the area, on days of operation, including vehicle parking around the laneways and access points to other properties. Given the frequency and permanency of this proposal it is not compatible with the countryside at this location.; it is not evident that the proposal takes into account the needs of people with disabilities and it has not been proven that the local road network is capable of handling the extra traffic and that satisfactory access arrangements are in place.

Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities advises that permission for the development of sport or outdoor recreational activities that generate high levels of noise will only be permitted where there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses, that there is no unacceptable level of disturbance to farm livestock and wildlife and there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

This proposal for the retention of Motocross Racetrack in my opinion does not meet the criteria of Policy OS 5 in that there is an unacceptable level of disturbance to local residents, wildlife and farm animals. This is evident by the representations received objecting to the proposal and from consultation with Environmental Health.

Although the Department for Infrastructure – Roads has commented in respect of the provision of passing bays, access etc. it should be noted that the local road network consists of a single car type carriageway from site to Loughfea and Feegarron Roads. Further information requested by Roads has not been provided.

Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development advises, in relation to Open Space, Sport and Outdoor Recreation of the Regional Strategic Objectives, which include;

- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

In addition, the SPPS advises that Regional Strategic Policy must be taken into account in the determination of planning applications. The policy advises that particular attention should be paid to those development proposals, which generate high levels of noise such as motorsports.... It continues that these activities are more likely to conflict with, disturb and cause nuisance to nearby noise sensitive uses. Such sports or activities can also be disruptive to farm animals and wildlife and may also have a detrimental effect on the natural environment, as well as local character. These developments must only be permitted where there is no unacceptable level of disturbance.

As stated above, during the processing of the application consultation response was received from the Environmental Health Department of Mid Ulster District Council. These comments advised that due to the results of a number of noise surveys taken in the area of the racetrack, when operational Environmental Health believe that noise from this proposal has a detrimental impact on the amenity of nearby residential property and for that reason, would recommend that planning permission be refused. I would concur with this recommendation as it is my opinion that an unacceptable level of disturbance is created which impacts on residential property, wildlife and farm animals. This is evident by the number and content of objections received.

Other Policy and Material Considerations:

During the processing of this application representations were received from a number of third parties. The comments received included statements of objection and support of the application and are as follows. (Note that assessment of the comments are detailed below same).

Comments of objection for racetrack

- **Noise issues:**
 - ☐ **noise nuisance/pollution**
 - ☐ **Excessive noise**
 - ☐ **noise and negative noise impact on livestock**
 - ☐ **negative impact on family/health due to noise**
 - ☐ **Disturbance to peace and quiet of area**
 - ☐ **significant and stressful noise levels/Stress caused by noise of bikes.**

Significant comment has been received in relation to the negative noise aspect of this proposal. The excessive noise complaints have referred to noise pollution both to human and livestock. Consultation with the Environmental health Department has resulted in a recommendation to refuse the application.

- **Traffic issues:**
 - ☐ **poor/inadequate sight lines and gradient making unsuitable access.**
 - ☐ **limited passing opportunities on lane**
 - ☐ **type and volume of traffic and frequency unsuitable**
 - ☐ **traffic disruption/large volumes of traffic**
 - ☐ **Dangerous junctions with Fegarron and Loughfea Roads**
 - ☐ **Congestion concerns on local roads for school runs**
 - ☐ **Increase in vehicle activity**
 - ☐ **negative impact of traffic congesting area and driveways.**

A number of comments were made in relation to traffic issues which include inadequate sightlines and gradients of access, the type and volume of the traffic which would impact on not only the laneway but also the local roads including junctions as well as impact of the locality. Consultation with Department for Infrastructure Roads resulted in a request for additional/amended information, including the provision of laybys along the Drumearn Road. To date not all information requested has been provided.

- **Disruption of private lane:**

- ☐ **danger and annoyance to rightful use of lane**
- ☐ **children and parents feel intimidated and unsafe using lane**
- ☐ **laneway not fit for proposal/amount of traffic**
- ☐ **no permission given for this use of lane**
- ☐ **unable to use lane for recreational activity**
- ☐ **Rerouted agricultural lane, ford redirected and piped**
- ☐ **Inappropriate quantity and size of vehicles using lane**
- ☐ **use of agricultural lane for commercial purposes**
- ☐ **ford partially closed**

Access to the racetrack is provided via a lane way to which the applicant claimed ownership. However, during the processing of the application information was submitted claiming the applicant has only right of way over the laneway and was not in possession of same. The applicant was asked to comment on the third party claim in relation to the ownership as well as the existence of a right of way. Amended land certificate was supplied whereby notice was served on those with an interest in the land. I have no doubt that the use of the laneway would be disruptive to users as it is a one car, gravel type track with little passing opportunities on same. The legal use and the alteration of the laneway is not a planning matter.

- **Privacy issues:**

- ☐ **trespassing on private land.**

This issue is not a consideration for Planning.

- **Policy issues:**

- ☐ **Not compliant with PPS 8 policies OS3 & OS5**
- ☐ **Impact on AONB**
- ☐ **Disregard for planning laws, setting precedent/operating without planning permission**
- ☐ **Business in operation over a year with no permissions**
- ☐ **Detrimental impact on traffic, noise and visual aspects**
- ☐ **Violation of planning laws and objectives**
- ☐ **Nuisance and pollution**

Planning Policy 8 (PPS 8): Open Space, Sport and Outdoor Recreation

Policy OS 3 and OS5 relates to this proposal see assessment above. The land in question is not within the AONB. This is a retrospective application which has been submitted after the enforcement section visited the site. Council has now an obligation to determine the application. For Noise and traffic issues see above.

- **Other issues:**

- ☐ **unauthorised development and work on land/planning regulations ignored**
- ☐ **existing open space not safeguarded/not complimentary to area/does not sustain or enhance biodiversity**
- ☐ **business operation/Championship events**
- ☐ **discarded plastic visor - choking threat to livestock**
- ☐ **frequency of use**
- ☐ **pollution of river/alteration to ford(piped)**
- ☐ **Exceeding gathering of 30 people in open area**

- ☐ **No toilet facilities on site**
- ☐ **negative impact on children with autism**
- ☐ **Invitation to visit**
- ☐ **Depreciate value of home**
- ☐ **event calendar enclosed**
- ☐ **confirmation if the applicant has carried out further works**
- ☐ **confirmation of noise surveys carried out last summer**
- ☐ **distress caused to children with medical issues.**
- ☐ **what impact will parked vehicles have on landscape**
- ☐ **negative impact on quality of life**
- ☐ **negative impact in relation to litter, who will clean up**
- ☐ **No consultation with local residents during construction**
- ☐ **No consultation in relation to noise impact, visual integration**
- ☐ **impact on local wildlife**
- ☐ **35 times in operation May to Oct 2019**
- ☐ **operating 10am to 9pm**
- ☐ **use of advertised camp site**
- ☐ **Hosting large scale events MCNNI Championship**
- ☐ **Layout change since public consultation event**
- ☐ **no response from agent or applicant to questions posed**
- ☐ **Alien material dumped on site**
- ☐ **overnight accommodation advertised**
- ☐ **Public consultation event inadequate and intimidating**
- ☐ **importing of material after consultation event**
- ☐ **Removal of material from Cookstown to site**
- ☐ **habit within area when cleared and in future**
- ☐ **No duty of care to neighbours, landscape, noise or traffic control**
- ☐ **Advert re addition meetings**
- ☐ **Covid 19 regulations**
- ☐ **Layout may have changed after public consultation event**
- ☐ **Visual impact**
- ☐ **Impact on animals**
- ☐ **wrong access used**

A number of the above issues do not fall within the remit of Planning e.g Covid regulations, devaluing of property. Other issues have been considered as part of the policy assessments. In relation to other issues I would comment that the offer of overnight accommodation is not part of this application nor has the provision of toilet facilities. Comment has been made in respect of operation times being outside that advised within the application and that additional material has been imported to the site since first operational. Information for DfI Rivers and DAERA is required for aspects of possible pollution of the adjoining river.

The site previously contained vegetation which has been removed, however requested information has not been supplied to ascertain the impact such clearance has had in relation to local habitat and wildlife. As information has not been submitted in respect of consultee requests a number of these issues cannot be assessed due to the lack of information.

Comments of support for racetrack

- Commended for implementation of farm diversification scheme
- minimum negative impact on community & environment
- potential for increased casual and full time employment
- attract national & international competitors and spectators - creating increased bed occupancy in Council area & increase earning potential for hospitality sector
- Increased business due to facility
- professional motorcyclist using facility
- Training facility
- Safe and well run
- good for youth
- Attendance of motorsport champion
- Keep kids off the streets
- Few tracks in NI
- health and safety risks addressed
- In country with no houses around it
- **Planning Policy Statement 6: (PPS 6): Planning, Archaeology and The Built Heritage.**

HED(Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside, Planning Policy Statement 8: – Open Space, Sport and Outdoor Recreation and Planning Policy Statement 6: (PPS 6): Planning, Archaeology and The Built Heritage are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked	Yes
Recommendation: I recommend that planning permission is not granted for the following reasons.	
Reasons for Refusal: <p>The proposal is contrary to Planning Policy Statement 21: PPS 21 - Sustainable Development in the Countryside in that the development would, if permitted, have an adverse impact on the countryside and the natural environment by reason of the activity generated by the use and the harm caused to the living conditions of residents in the area.</p> <p>The proposal is contrary to Planning Policy Statement 15: PPS15 – Planning and Flood Risk in that part of the site lies within the 1 in 100 year Fluvial Flood Plain and no case has been provided so that the proposal can be considered as an exception to the policy and no flood risk assessment has been provided.</p> <p>The proposal is contrary to Planning Policy Statement 3 (PPS 3): Access, Movement and Parking as sufficient information has not been provided to ensure that the proposal would not, if permitted, prejudice the safety and convenience of road users in the area.</p> <p>The proposal is contrary to Planning Policy Statement 2 (PPS 2): Natural Heritage in that sufficient information has not been provided to ensure that the proposal has not and will not impact negatively on the natural environment.</p> <p>The proposal is contrary to policies OS3 and OS5 of Planning Policy Statement 8:PPS 8 – Open Space, Sport and Outdoor Recreation in that given the frequency and permanency of this proposal it is not compatible with the countryside at this location due to the unacceptable negative impact on the amenities of nearby residents.</p> <ul style="list-style-type: none"> • Environmental Health Department comment: <p>This above application has been considered along with the following document submitted in support of the application;</p> <ul style="list-style-type: none"> • Irwin Carr Consulting – Noise Impact Assessment Motocross Track dated 7th November 2019 <p>Having reviewed the submitted documentation, drawings and representations; we would provide the following comments:</p>	

Assessment Methodology

Section 3.0 of the Irwin Carr assessment states that they have compared the noise from the motocross track against BS 4142:2014 and World Health Organisation Guidelines for Community Noise, 1999. However, the Noise Assessment in section 6.0 of the report only considers the noise against a daytime value of 50 dB(A) taken from the WHO guidelines for daytime noise for outdoor living areas for moderate annoyance but does not consider the noise against BS 4142:2014.

Section 4.3.1 of World Health Organisation Guidelines for Community Noise, 1999 state that *“To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55 dB L_{Aeq} for a steady, continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50 dB L_{Aeq} . These values are based on annoyance studies, but most countries in Europe have adopted 40 dB L_{Aeq} as the maximum allowable level for new developments (Gottlob 1995). Indeed, the lower value should be considered the maximum allowable sound pressure level for all new developments whenever feasible.”*

We would contend that the noise associated with the motocross track is not steady, continuous noise as the nature of motorsport involves acceleration/jumping/braking, resulting in noise fluctuations and is therefore not steady, continuous noise.

Mid Ulster District Council accept that BS 4142:2014 is primarily designed to assess the likelihood of complaints arising from industrial noise sources, however weight can be given to the objective evidence that BS 4142 can provide in determining the acceptability of the proposed development i.e. noise levels in excess of 10dB above background are likely to result in significant adverse impact. Such a decision is aided by consideration of the following case law and planning appeal decisions:

- ([2011] EWHC 360 (QB)) Private nuisance action from a stock car track and a motoX track – And subsequent appeal ([2012] Civ 26) – Commonly referred to as the ‘Fen Tigers’ case
- Tetley and others V. Chitty and others. Queens Bench Division 1985.
- Planning Appeal Ref: 2005/C002 – 19th May 2006 – Bishops court Race Track
- Kirk Road Motocross track – Planning Appeal Ref 2008/E060, 2008/E061, 2008/A1296 – 9th March 2010
- Bruntingthorpe Proving Ground - Planning Appeal Ref: APP/F2415/C/09/2096741
- Craigavon Borough Council – Stock Car Racing, Shamrock Park, Portadown – 30/5/1989
- Stroud District Council – Arlingham Raceway – 4/9/2007

In the absence of specific guidance in relation to the assessment of motorsport noise, the principles of BS4142 provide a useful indicator as to the likelihood of complaint. MUDC’s opinion is supported by previous case law, planning appeal decisions, expert opinion and guidance documentation.

Environmental Noise Survey

Section 4.0 of the assessment states that noise levels were measured at No. 54a Lough Fea Road between 17th and 23rd September 2019 and that figures 1 and 2 show the noise levels for these monitoring periods.

Figure 2 clearly shows L_{Aeq} values during the track operation in excess of 45 dB(A) yet the consultancy have used a value of 41 dB(A) as the worst case scenario. No further explanation is provided as to what noise was being measured. For example, how many bikes were being used during the measurements, what type of bike and engine size, what were the weather conditions during this monitoring period?

Mid Ulster District Council would request that the consultancy provide detailed noise data, L_{Aeq} , L_{A90} , L_{Max} and L_{Min} in addition to weather data collected during the monitoring period.

Noise Management/Scrutineering

It is noted that the motocross track currently accepts a range of motorised bikes ranging from small 2 stroke engines to larger 4 stroke engines across a range of motorcycle type; scramblers, quads and sidecars.

The submitted noise assessment makes reference to a sound power level of 112 dB(A) but we note that section 7.0 of the Auto Cycle Union (ACU) Handbook 2020 provides a range of maximum sound power levels that each category of motorcycle should comply with.

Mid Ulster District Council is not aware of any scrutineering or noise management practice that prohibits the use of machinery which exceeds these limits. It is therefore possible that bikes using the motocross track exceed these limits and 112 dB(A) underestimates the impact of the noise.

Sound Power Level

Irwin Carr have stated that a sound power level of 112 dB(A) was used for the track. This is highly conservative and is likely to significantly underestimate the noise impact of the track. For example, 15 riders using bikes with a sound power of 115 dB(A) at any one time will have a combined sound power level of 127 dB(A) - significantly higher than 112 dB(A).

Noise Complaints

Mid Ulster District Council has received 5 complaints in relation to noise from this motocross track. Investigations are ongoing to establish if noise from the track constitutes a statutory nuisance under Section 63 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011.

Noise measurements

Noise measurements were undertaken by the Environmental Health section on Saturday 12th September 2020 at several locations within the locality of the track. These were

undertaken at the following locations and comparison, where possible, with predicted noise levels by Irwin Carr are also given:

Property	Irwin Carr Predicted L _{Aeq} , dB(A)	MUDC measured L _{Aeq} dB(A)	
43 Feegarran Road		50.5	
52B Lough Fea Road	41.8	55.8 - 57.2	
54 Lough Fea Road	42.6	54.0	

It can be seen that noise measurements are significantly higher than the predicted levels stated by Irwin Carr.

Additional noise measurements were undertaken on 19th and 26th September and 3rd October 2020 and measured similar noise levels at properties located at similar distances to those listed above.

Conclusion

For the reasons outlined above, Environmental Health believe that noise from this proposal has a detrimental impact on the amenity of nearby residential property and for that reason, would recommend that planning permission be refused.

Signature(s)

Date:

ANNEX	
Date Valid	9th June 2020
Date First Advertised	23rd June 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Loy Street, Cookstown, Tyrone, BT80 8PE Alastair Seeley 41 Broadlands Gardens, Carrickfergus, Antrim, Northern Ireland, BT38 7BJ Arlene Ferson 41 Craigs Road, Cookstown, Tyrone, BT80 9LD Muriel Clarke 41 Feegarran Road, Cookstown, BT80 9QW Kyle Clarke 41 Feegarran Road, Cookstown, BT80 9QW Kyle & Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, BT80 9QW K Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Kyle Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Kyle & Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Kyle & Muriel Clarke 41 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Andrew Clarke 43 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Gillian Clarke 43 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Matthew Clarke 43 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Andrew Clarke 43 Feegarran Road, Cookstown, Tyrone, Northern Ireland, BT80 9QW Gillian Harkness 50 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL Gillian Harkness 50 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL	

Gillian Harkness
 50 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL
 Gillian Harkness
 50 Lough Fea Road, Cookstown, Tyrone, BT80 9QL
 Gillian Harkness
 50, Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL
 Godfrey Walmsley
 51 Rath Lodge, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Godfrey Walmsley
 51 Rath Lodge, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Godfrey Walmsley
 51 Rath Lodge, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Knox Patrick
 51a Drumearn Road, Cookstown, Tyrone, BT80 9QN
 Hazel Patrick
 51a Drumearn Road, Cookstown, Tyrone, BT80 9QN
 Knox Patrick
 51a Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 H Patrick
 51a Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 K Patrick
 51a Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Hazel Patrick
 51a Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Knox and Hazel Patrick
 51a, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Hazel & Knox Patrick
 51a, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Jonathan Walmsley
 51b Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Jonathan Walmsley
 51b Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Janet Walmsley
 51b Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 P Patrick
 51c Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Phillip Patrick
 51c Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Ciara Patrick
 51c Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Ciara Patrick
 51c Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Ciara & Philip Patrick
 51c Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Glenn McCormick
 52 BALLYLESSON ROAD, LARNE, ANTRIM, Northern Ireland, BT40 3HL
 Maureen Mallon
 52 Lough Fea Road, Cookstown, Tyrone, BT80 9QL
 Martina McNeill and Ms Maureen Mallon
 52 Lough Fea Road, Cookstown, Tyrone, Northern Ireland, BT80 9QL

Felix & Deirdre Mallon
 52b Lough Fea Road, Cookstown, BT80 9QL
 FPJ Mallon
 52b Lough Fea Road, Cookstown, Tyrone, BT80 9QL
 Raymond & Nicola Lees
 53 Drumearn Road, Cookstown, Tyrone, BT80 9QN
 Nicola Lees
 53 Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 Raymond Lees
 53 Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 The Owner/Occupier,
 54 Drumearn Road Cookstown Tyrone
 Dominic Mallon
 54 Drumearn Road, Cookstown, Tyrone, BT80 9QN
 Dominic Mallon
 54 Drumearn Road, Cookstown, Tyrone, BT80 9QN
 L Stupples
 55 Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 R Stupples
 55 Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9QN
 The Owner/Occupier,
 56 Drumearn Road Cookstown Tyrone
 The Owner/Occupier,
 58 Drumearn Road, Cookstown, Tyrone, BT80 9QN
 C Cooper
 Cooper Motorcycles, 193 Orritor Road, Cookstown, BT80 9RG
 Christine Harkness
 Email Address
 Ciara Moynes
 Email Address
 Ian & Christine Harkness
 Email Address
 Conor Mallon
 Email Address
 Deirdre Mallon
 Email Address
 Siobhan Mallon
 Email Address
 Ian & Christine Harkness
 Email Address
 Maeve Mallon
 Email Address
 James McCusker
 Email Address
 Robert Hamilton
 Email Address
 Jonathan Walmsley
 Email Address
 Trevor Wilson
 Email Address

Philip Patrick
 Email Address
 Jonathan Walmsley
 Email Address
 Trevor Wilson
 Email Address
 Siobhan Mallon
 Email Address
 John Mallon
 Email Address
 Conor Mallon
 Email Address
 Felix Mallon
 Email Address
 Jonathan Walmsley
 Email Address
 Janet Walmsley
 Email Address
 Godfrey Walmsley
 Email Address
 Avril Andrews
 MCCNI Secretary, 25 Glenburn Road, Katesbridge, Banbridge, BT32 5QU
 L Hagan
 Millar Shearer & Black Solicitors, 40 Molesworth Street, Cookstown, BT80 8PH
 Jim Carmichael
 Northern Ireland Agricultural Producer's Assoc, 15 Molesworth Street, Cookstown, BT80 8NX
 J McConnell

 G McConnell

Date of Last Neighbour Notification**Date of EIA Determination**

1st July 2020

ES Requested

No

Planning History

Ref ID: LA09/2019/1660/PAN

Proposal: Proposed retention of motocross race track compromising earthworks forming jumps and tracks, portacabin office, parking and access via existing laneway.

Address: Lands approx. 600m NW of 54 Drumearn Road, Cluntyganny, Cookstown, Co Tyrone, BT80 9QN.,

Decision:

Decision Date:

Ref ID: LA09/2020/0641/F

Proposal: Retention of Motocross Racetrack comprising earthworks forming jumps and tracks, portacabin office, parking and access via existing laneway

Address: Land approx. 600m NW of 54 Drumearn Road, Cluntyganny, Cookstown,

Decision:

Decision Date:

Summary of Consultee Responses

See above

Drawing Numbers and Title

Drawing No. 01(REV 1)

Type: Site Location Plan

Status: Approved

Drawing No. 02(REV 1)

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03(REV 1)

Type: Site Layout or Block Plan

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

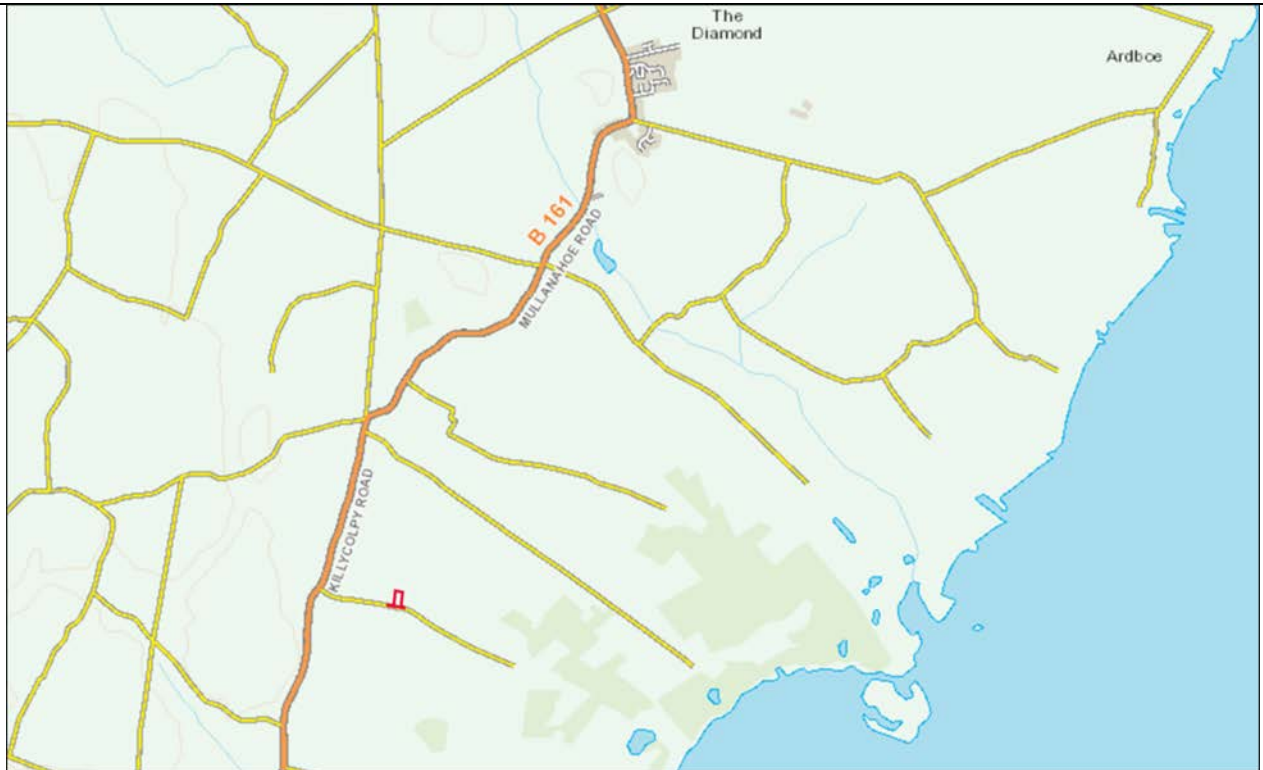
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1039/O	Target Date:
Proposal: Dwelling and garage	Location: Adjacent to 16 Woodhouse Road Killwoolaghan Ardboe Dungannon BT71 5HH
Referral Route: Exception to policy approval	
Recommendation: Approval	
Applicant Name and Address: Martin Teague 60A Killycolpy Road Stewartstown Dungannon BT71 5AL	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Description of Proposal This is an outline application for a proposed dwelling and garage to be located on lands adjacent to 16 Woodhouse Road Killwoolaghan Ardboe Dungannon BT71 5HH.	
Characteristics of the Site and Area The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 2.8km southwest of Ardboe and approx. 3km west of Lough Neagh. The site is a relatively flat, rectangular shaped plot, cut from a much larger roadside field. The host field is located running alongside Woodhouse Rd, a dead end road, between nos. 16 and 20 Woodhouse Road, which bound it to the west and east, respectively. No. 16 Woodhouse Road comprises a single storey dwelling with large ancillary corrugated metal shed located to its rear and no. 20 Woodhouse Road located approx. 270m to its southeast comprises a two dwelling. To the south of the host field exists two single storey dwellings nos. 17 and 19 Woodhouse Road and a large farm group. And no. 10 Woodhouse Road a bungalow to the other side of no. 16 Woodhouse Road. The site is cut from the most western part of the host field adjacent no. 16 Woodhouse Road. The northern boundary of the site is defined by a mix of mature tree and hedgerow vegetation bounding the host field. The southern / roadside boundary of the site is defined by a low hedgerow approx. 1.2m high bounding the host field. The eastern boundary of the site is undefined and open onto the host field. The western / party boundary of the site with no. 16 Woodhouse Road is defined by an approx. 1.6m high hedge (southern half) and approx. 1.2m high post and wire fence (northern half). The length of the large shed ancillary to no. 16 Woodhouse Road runs immediately alongside the western boundary of the site. Critical views of the site are over a distance of approx. m on the eastern approach to it along the Woodhouse Road. The existing bungalows located immediately to its east (nos. 10 and 16 Woodhouse Road) screen views on the western approach along Woodhouse Road. The surrounding area is predominantly flat agricultural land located on the shores of Lough Neagh, interspersed with single dwellings and farm groups. That said the wider area has experienced some development pressure in recent years with a number of dwellings extending along the north side of Woodhouse Road to the east of the site and both sides further to the west just before its junction with Kilycopy Road.	
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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 15 (Revised): Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

History on Site

No history on site.

Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.
3. Shared Environmental Services (SES) were consulted with a Preliminary Ecological Appraisal Report (PEA) & Construction Environmental Management Plan (CEMP) as an open watercourse runs along the rear of the site (which sits approx. 3km west of Lough Neagh) and there is likely to be a viable hydrological connection to Lough Neagh SPA/Ramsar and a HRA required. SES having carried out an HRA assessment advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the following mitigation measure being conditioned in any approval:
 - The appointed contractor shall implement all mitigation measures as set out in the CEMP for the protection of the water environment.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as

amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES.

4. NIEA were consulted with a Preliminary Ecological Appraisal Report (PEA) & Construction Environmental Management Plan (CEMP) as an open watercourse runs along the rear of the site (which sits approx. 3km west of Lough Neagh) and there is likely to be a viable hydrological connection to Lough Neagh SPA/Ramsar and a HRA required.

NIEA Water Management - Unit Water Management Unit responded that they were content with the proposal subject to the applicant referring and adhering to standing advice and any required statutory permissions being obtained

NIEA Natural Environment Division - advised they have concerns with the proposal and require the following further information to assess the potential impacts on natural heritage interests. A drawing to clearly show the proposed modifications to the site access including the extent of culverting; details of the culverting; and mitigation measures for the loss of NI Priority habitat including compensatory planting of an equivalent length of new mixed native species hedgerows. Clarification regarding Bat Roost Potential; Irish Whitebeam trees on site; and the proposed sewage system.

- I am content that the additional information required above by NIEA to further assess this proposal can be conditioned to be provided under any subsequent reserved matters application. In relation to culverting, I am content this proposal complies with PPS15: Planning and Flood Risk Policy FLD 4, which as is the case here allows the culverting of a short length of a watercourse necessary to provide access to a development site. I recommend a condition for the retention of all vegetation bounding the site except where removal is required to provide access and/or visibility splays; or to prevent danger to the public. This will ensure the protection of priority species trees and tree bat roosts.

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 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DEARA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. Criterion (1) of CTY 10 has been met

2. 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 or since PPS 21 was introduced on 25th November 2008.

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Teague's farm holding within the last 10 years from the date of the application or since PPS 21 was introduced. Criterion (2) of CTY 10 has been met.

3. the new building is visually linked or sited to cluster with an established group of buildings on the farm. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

The P1 Form and farm maps submitted as part of this application show the applicants home, a 2 storey dwelling and farm buildings to be located at no. 60A Killycolpy Rd, approx. ½ km to the southwest of the proposed site. As such, the new building does not visually link or cluster with an established group of buildings on the applicant's farm.

Accordingly, Planning sought additional information / answers to questions below to assess the application further:

- Applicant lives at 60A Killycolp Rd, there are buildings there, why does he not site beside?
- Why is he siting beside some else's buildings?
- Needs to justify why he siting away from buildings on his farm?

In response to the above, the applicant's agent submitted a supporting statement. The statement outlined the applicant Martin Teague owns the farm in question. The new dwelling is for his son Simon who presently lives in the family home at 60A Killycolpy Road. That Simon and his partner want the new bungalow to provide the accommodation required to start a family. The statement goes on to outline the only site, which would be visually linked to an established group of buildings on the farm would be the eastern part of the field shown by a red circle in Fig.1 below.



Fig 1: Only site visually linked to an established group of buildings on the farm



Fig 2: Hard standing on the southern side of no. 62 Killlycolpy Road

However it states that the hard standing on the southern side of no. 62 Killlycolpy Road (shown in Fig 1 and Fig 2 above), provides the only parking available to this roadside dwelling therefore the only access to this field is the existing gate between no. 62 and the farm building on its northern side (Fig. 3 below). Adding this access is not suitable for two reasons:



Fig. 3: Existing gate between no. 62 and the farm building on its northern side

1. It would have to serve both domestic and farm traffic, this is not suitable for a dwelling, to be occupied by young children. Reference is made to Simon's concerns and Health and Safety Executive NI (HSENI) advice regarding safety of children on farms.
2. The lack of visibility at the existing field gate, owing a to the bend south of the access compounded by the roadside buildings at no. 62 comprising a 2 storey dwelling and attached linear single storey building. The bend and buildings greatly restrict visibility on the critical southern side, the side vehicles approach on, see Fig 4 below.

The statement summarises a new dwelling at this location would be served by a substandard access, something future occupants and Transport NI would find unacceptable; and in policy terms there are very strong health and safety issues. The risks dictate the new dwelling should not be sited in the field shown in Fig 1.



Fig 4: Restricted visibility on the southern approach.

Having considered the contents of supporting statement above, I am content there are demonstrable health and safety reasons sufficient to justify a site away from the established group of building on the applicant's farmlands (see Fig 5 below). However, criteria 3 of Policy CTY10 of PPS21 outlines that in such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16 of PPS21.

In this instance a dwelling on the proposed site would fail to meet one of seven criteria of Policy CTY13, in that it would not visually link or cluster with an established group of buildings on a farm. It would also fail to meet one of the five criteria of Policy CTY 14 in that it would create a ribbon of along the north side of Woodhouse Rd. Accordingly, it will also fail to meet Policy CTY 8 Ribbon Development.

In this specific instance the only available site on the applicants farm, owing to justifiable health and safety reasons, will create a ribbon of development along the woodhouse road. Whilst this proposal does not sit neatly within policies CTY 10, 13, 14 and 8 of PPS 21 the applicant has met all other criteria to justify a dwelling on the farm. Accordingly, subject to a low ridge dwelling similar to those in the immediate vicinity I think it would be unreasonable not to accept a dwelling on this site in this exceptional case.

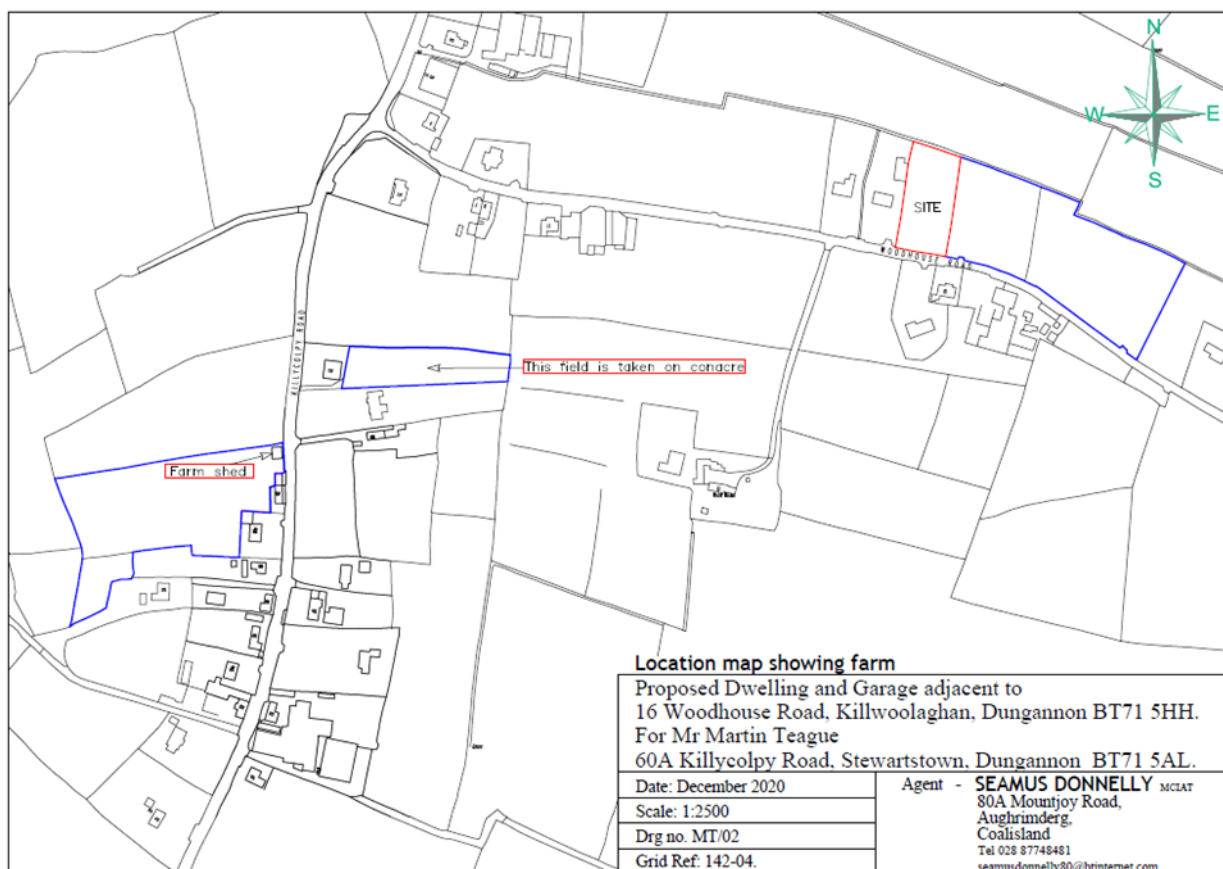


Fig 5: Location map showing applicants farmlands highlighted in red (site) and blue

Additional considerations

Checks on the planning portal Historic Environment Division (HED) map viewer available online identified no built heritage features of significance on site.

Whilst Flood Maps NI indicate a small amount of surface water exists along the frontage of the site on the already developed Woodhouse Road, the site is not subject to Flooding.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal if approved would be under the 10.7m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling and garage.

Recommendation: Approve

Neighbour Notification Checked	Yes
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Summary of Recommendation	Approve
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Conditions:

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

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

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

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

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

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

4. The proposed dwelling shall have a ridge height no greater than 5.5 metres above finished floor level.

Reason: In the interests of visual amenity and character of this residential area.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of residential amenity.

7. The existing natural screenings of this site as indicated in yellow on approved drawing no. 01 bearing the date stamp received 27 AUG 2020, shall be permanently retained intact unless necessary to provide access and/or visibility splays; or prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

8. During the first available planting season following the commencement of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; and details of a mixed native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in green on the approved plan date stamped 27 AUG 2020. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual and residential amenity.

9. All mitigation measures set out in the Construction Environmental Management Plan bearing the date stamp received 10 MAY 2021 shall be implemented for the protection of the water environment.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

10. A drawing shall be submitted as part of the reserved matters showing the proposed modifications to the site access including the extent and details of any culverting.

Reason: To ensure compliance with Planning Policy Statement 15 (Revised): Planning and Flood Risk

11. No development should take place on-site until a Consent to discharge granted under the terms of the Water (NI) Order 1999 has been provided to Mid Ulster Council.

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

12. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m x 52m in both directions onto the public road and a 52m forward sight distance. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
5. Please see the Department of Agriculture, Economy and Rural Affairs, Northern Ireland Environment Agency's (NIEA) Planning Response Team consultation

response dated and scanned to the planning portal on the 5th July 2021 for information purposes.

6. Please see Shared Environmental Services consultation response dated and scanned to the planning portal on the 14th July 2021 for information purposes.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1375/F	Target Date:
Proposal: Proposed dwelling in substitution for dwelling previously approved under planning Ref I/2009/0372/F and retention of existing mobile home for a temporary period of 3 years to facilitate construction of new dwelling	Location: 27a Drumconvis Road Coagh Cookstown
Referral Route: Approval - To Committee - Objections received.	
Recommendation:	
Applicant Name and Address: Mr and Mrs Cotton 6A Drumearn Avenue Cookstown	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

Letters of Support	None Received
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Approval - To Committee - Seven objections received;

Characteristics of the Site and Area

The proposed site is located approximately 0.35km south east of the development limits of Coagh and it is situated within the open countryside as per defined in the Cookstown Area Plan 2010. The site is identified adjacent to 27a Drumconvis Road, Coagh and on the site sits a detached agricultural building, a caravan and the foundations of the previously approved dwelling. I note that the boundaries are defined by fencing along the eastern and western boundaries with the southern boundary defined by a line of mature trees with the roadside boundary undefined. The immediate area is rural in character and is defined by rolling agricultural land, dispersed single dwellings and farm holdings with the settlement of Coagh in close proximity.

Relevant planning history

I/2009/0372/F - Proposed dwelling for small gap site under CTY 8 - 200M North West of No 43 Ballinderry Bridge Road, Coagh, Cookstown - Permission Granted - 12.02.2010

Representations

Five neighbour notifications were sent out however six objections were received in connection with this application.

Description of Proposal

The proposed full application for proposed dwelling in substitution for dwelling previously approved under planning Ref I/2009/0372/F and retention of existing mobile home for a temporary period of 3 years to facilitate construction of new dwelling, site is located 27a Drumconvis Road Coagh Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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

Starting with the proposed dwelling part of this application first, I note the principle of development has been established through previous approval I/2009/0372/F. After consultation with Building Control I am content that the site has lawfully commenced within time. I note that commencement of the site is in dispute by comments made by the objector, setting this aside, the site is located within a line of 3 or more buildings and would constitute an infill dwelling in accordance with policy CTY 8 and therefore regardless of history an infill opportunity exists.

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. Acknowledging the previously approved design and taking into consideration the surrounding development of two storey dwellings, I am content that the proposed dwelling will not appear visually prominent in the landscape. The fact this is considered an infill will mean that this dwelling will read as part of a built up frontage, with the view that this coupled with the landscaping, that of the existing and proposed, that the dwelling will be able to satisfactorily integrate into the landscape. I note that the intention is to use an existing unaltered access therefore I am content that this is able to integrate also. In terms of the proposed design, I note that this has been amended during the application to counter the objections received, from which I am content that the design is acceptable within this rural context. From this, I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As

mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that this proposed application will not unduly change the character of the area. I am content that the proposed development complies with CTY 14.

PPS 3 - Access, Movement and Parking;

I note that the intention is to use the existing unaltered approved access. There were no access conditions on the previous approval I/2009/0372/F. Given the objections that comment from DFI Roads was sought, in their response initially requested additional plans showing splays etc. The agent provided correspondence from the original application which stated the original application is being considered as 'Gap Site' under CTY 8 and would require current road service standards however given this application is fundamentally a replacement dwelling at the site where only one dwelling would remain and no intensification of pedestrian and vehicular access would occur. As such this argument was put to DFI Roads, who in their response, stated that the wording may lend itself to being a replacement dwelling if this is not the case then road amendments would be required. In light of the previous history and that this access has been used to serve an occupied caravan on this site for around a decade, it is my view that it would be unreasonable to require a higher standard than previously accepted.

With regards to the mobile home, I note that under CTY 9 of PPS 21 which states that Planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.

These exceptional circumstances include:

- the provision of temporary residential accommodation pending the development of a permanent dwelling; or
- where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

It goes on to state that all permissions will normally be subject to a three-year time limit. However, this may be extended having regard to the particular circumstances of the case. I note that three years has been requested in this application. Policy goes on to state that the siting of a residential caravan or mobile home will be subject to the same planning and environmental considerations as a permanent dwelling. Permission will depend on the ability to integrate the unit within an existing building group and screen the unit from public view. Considering this, I note that the provision of the mobile home is provide temporary residential accommodation for such times during the construction of proposed dwelling which has been shown to be acceptable. In terms of the siting, the mobile home is located to the rear of the site beside the agricultural building to the rear with a backdrop of mature trees; in terms of this I am content this siting is acceptable on balance complying under CTY 9.

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

In response to the comments made by the objector;

- Objector raised concerns of loss of privacy, overlooking, overshadowing and lack of light with regards to the dwelling and the mobile home. That the noise level of the building work would adversely impact the welfare of their children's health.

I note that a number of amended house plans have been received, which in my opinion have made reasonable attempts to alleviate the concerns over amenity. The removal of a number of windows on the elevation that abuts the objectors property coupled with new landscaping along the same boundary will significantly reduce any impact. This coupled with the separation distance between the site and the objectors dwelling means that I am content that is unlikely to cause any adverse impact on neighbouring amenity. In terms of the impact of the static mobile home, I note it will be pushed further into the site reducing any ability for overlooking and it is only to be approved for a temporary basis. With regards to any noise during construction having an impact on the objectors children health, whilst I acknowledge this I note that the construction phase will only run for a finite time and best practices should be implemented during construction but all noise cannot be stopped, some noise will be typical of building a dwelling.

- Objector raised concerns over ownership in that the applicant does not own the site, in that part of the site is actually owned by the objector.

In terms of the ownership concerns and boundary issues, I note in the first instance that planning does not confer title. However, I note after a land registry check the lands appear to be owned by a Mr R Paine, the certificate was subsequently amended. With regards to the claims that part of the proposed site is owned by the applicant, I note that a series of information has been provided by both the applicant and the objector. In that the ownership issue has been raised and addressed and given the history of the site with the ambiguity over this ownership that I am content that this has been adequately investigated. As noted that planning does not confer title, any outstanding issues over ownership will be a civil matter and the application is deemed as a valid application with the appropriate certificate signed.

- Raised concerns over lack of site lights in that the site would require site lines and permission over their lands which the applicant does not have.

In terms of the site showing no site lines, the access issue has been raised and addressed above, it is my view that it would be unreasonable to require a higher standard than previously accepted. Any requirement for splays or sight lines would be a civil matter.

- Objector stated that this site has been refused on three previous applications due to undesirable change in the character of this rural area, undesirable extension of ribbon development, unacceptable intensification of suburban type sprawl beyond the limit of development for Coagh leading to an undesirable change in the rural character of this area. With regards to the comments made that this site has been refused previously for a number of reasons, I note that in terms of planning there is a live planning permission on the site which could be developed at any time. Therefore I am content that the principle of development has been established and as previously mentioned the site is still able comply under CTY 8.

- Concern raised over the boundary line and that the site has been developed on the objectors land.

As noted, the ownership issues have been investigated and any remaining boundary issue is a civil matter.

- Raised issue that the static mobile home had no permission.

In terms of the static mobile having no permission, I note that they have come in to rectify this through requesting a temporary permission which has been accepted on a temporary basis.

- Raised concerns that the objectors house was unoccupied when original permission was granted and would have objected to the dwelling.

In terms of the comments that when the site was originally approved the objectors house was unoccupied and someone would have objected to the previous site at the time, I note that the statutory neighbour notification and advertising was done and could only be taken as things were at the time, in which the site was approved.

- Raised issues that the site had not lawfully commenced within time.

With regards to the site commencing, Building Control records note the site works were started on 23/12/14 which is within the date of the permission meaning in planning terms that the site was lawfully commenced.

- Issues raised over increased traffic generation.

In terms of an increased traffic generation as a result of this application, again this has been considered in the previous application and this application is unlikely create any adverse increases as it still only for one dwelling.

- It was noted that there is asbestos in the two sheds situated on the site and when broken up could cause serious health concerns.

Talking about the concerns of the asbestos of the two sheds on the site, I note that there is no reference of these having asbestos nor to be removed. Planning would expect best practice in removing asbestos if sheds were to be demolished.

- Fears that there are too many houses in the area affecting conservation and the new works would affect the local wildlife.

In terms of the impact on conservation and impact on wildlife, I will circle back to the fact there is a live permission on the site and the change of design is not likely to cause any adverse impacts on the conservation or local wildlife.

- Noted that the previously site has lapsed, went on to state conditions had not been met which would require a new application to be submitted rather than an amendment.

As stated I am content that the site has lawfully commenced.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions:

1. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: I/2009/0372/F on the 12.02.2010 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on site.

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/2 date stamped 30th June 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

3. 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 at the same place, unless the Council gives its written consent to any variation.

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

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

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

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

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

6. The mobile home hereby permitted shall be for a limited period of 3 year from the date of this permission only and shall be removed from the site.

Reason: In order to allow the applicant temporary accommodation whilst erecting the dwelling.

Informatives

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

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

3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

Signature(s)

Date:

ANNEX	
Date Valid	4th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 24 Drumconvis Road, Coagh, Tyrone, BT80 0HD The Owner/Occupier, 24a Drumconvis Road Coagh The Owner/Occupier, 25 Drumconvis Road Coagh Tyrone Francisco Martin 27 Drumconvis Road Coagh Tyrone Franciso & Mrs Teresa Martin 27, DRUMCONVIS ROAD, COAGH, TYRONE, Northern Ireland, BT80 0HD Teresa Martin Email Teresa Martin Email Teresa Martin Email Francisco Martin Email Address	
Date of Last Neighbour Notification	4th March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1499/F Proposal: Proposed new dwelling and garage in infill site between 23 and 27 Drumconvis Road, Coagh (As substitute for Planning Approval I/2007/0422/RM dated 11/06/08) Address: Adjacent to 23 Drunconvis Road, Coagh, Cookstown, Decision: PG Decision Date: 27.03.2019 Ref ID: I/1996/4044 Proposal: Proposed Chicken Houses Address: 23 DRUMCONNIS ROAD, COAGH Decision:	

Decision Date:

Ref ID: I/2007/0422/RM

Proposal: Dwelling house

Address: Adjacent to 23 Drumconvis Road, Coagh

Decision:

Decision Date: 12.09.2007

Ref ID: I/2004/0423/O

Proposal: Proposed Site for New Dwelling

Address: Adjacent to 23 Drumconvis Road, Coagh

Decision:

Decision Date: 14.06.2004

Ref ID: I/2009/0372/F

Proposal: Proposed dwelling for small gap site under CTY 8

Address: 27a Drumconvis Road, Coagh, Co Tyrone, BT80 OHD

Decision:

Decision Date: 16.02.2010

Ref ID: LA09/2020/1375/F

Proposal: Proposed dwelling in substitution for dwelling previously approved under planning Ref I/2009/0372/F and retention of existing mobile home for a temporary period of 3 years to facilitate construction of new dwelling

Address: 27a Drumconvis Road, Coagh, Cookstown,

Decision:

Decision Date:

Ref ID: I/1980/0165

Proposal: PETROL STATION

Address: 27 DRUMCONVIS ROAD, COAGH

Decision:

Decision Date:

Ref ID: I/1995/0133

Proposal: Retirement bungalow

Address: ADJACENT TO 27 DRUMCONVIS ROAD COAGH CO TYRONE

Decision:

Decision Date:

Ref ID: I/1987/0075

Proposal: PROPOSED SITE FOR NEW BUNGALOW

Address: SITE ADJACENT TO 27 DRUMCONVIS ROAD, COAGH

Decision:

Decision Date:

Ref ID: I/2012/0340/F

Proposal: Proposed extension and internal alterations to dwelling

Address: 27 Drumconvis Road, Coagh,

Decision: PG

Decision Date: 04.12.2012

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 06 Type: Levels and Cross Sections Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 03 Type: Proposed Floor Plans Status: Submitted
Drawing No. 05 Type: Proposed Elevations Status: Submitted
Drawing No. 04 Type: Proposed Elevations 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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1524/O	Target Date:
Proposal: One dwelling house and domestic garage.	Location: Adjacent to South Western boundary of 43 Glengomna Road Draperstown.
Referral Route: Planning Committee	
Recommendation:	REFUSE
Applicant Name and Address: James Kelly Craigmores House 26 The Promenade Portstewart BT55 7AE	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DAERA - Coleraine	Advice
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

The site is located adjacent to South Western boundary of 43 Glengomna Road, Draperstown and is located outside the designated settlement limits as indicated in the Magherafelt Area Plan, 2015. The site is a roadside portion of a larger agricultural field.

The elevations of the site rises in a north westerly direction. The boundaries of the site are defined by mature hedging. The surrounding area is predominantly rural with scattered dwellings and farm holdings.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage on a farm

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and other Material Considerations

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

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan, 2015
- PPS21 -Sustainable Development in the Countryside
- PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

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

Representations

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

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on a farm under Policy CTY 10.

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

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

be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must 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
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - i) Demonstrable health and safety reasons or
 - ii) Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and confirmed that the farm business has been in existence for more than 6 years, however single farm payments have not been claimed and no evidence has been submitted to show that it is active. DAERA stated on their consultation response, dated that the 'Proposed site located on land associated with another farm business '. Therefore, while the farm business ID has been established for a period of at least 6 years, but does not appear to be active therefore the application fails to meet this test.

With regard to (b) there are no records indicating that any 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.

With respect to (c), the proposed development is located on a roadside section of a larger agricultural field and there are no farm buildings associated with the farm business, therefore the application fails to meet this policy test.

The P1 form indicates that the proposal includes the construction of a new access to a public road. Transport NI were consulted on the application and had no objection, subject to conditions

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal is for outline planning permission and details of design have not been submitted at this stage. However, it is a roadside location and has the potential to be prominent on the site.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The site is a roadside location and there are no farm buildings

associated with the farm business ID to visually link or cluster with, I believe that a dwelling located here would potentially cause detrimental change and erode the rural character of the area. Therefore, this proposal is not compliant with the criteria set out in policy CTY13 & 14.

The proposal is also contrary to PPS 8 - Ribbon Development as it would clearly extend and contribute to ribbon development in this rural location.

Conclusion

This application fails to meet the policy requirements of the SPPS, PPS21 and therefore refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Reasons for Refusal:

1. The proposal is contrary to Policies CTY 1 and CTY 10 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:
 - The farm business has been active for at least 6 years
 - The proposed new dwelling cannot visually link to be sited to cluster with farm buildings as there are no farm buildings associated with the Farm business ID.
2. The proposal is Contrary to the policy CTY 13 & 14 of Planning Policy Statement 21, Sustainable Development in the Countryside and would not visually integrate into the existing landscape.
3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside as it would extend and contribute to ribbon of development.

Signature(s)

Date:

ANNEX	
Date Valid	1st December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 41 Glengomna Road Draperstown Londonderry The Owner/Occupier, 43 Glengomna Road Draperstown Londonderry	
Date of Last Neighbour Notification	5th January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1524/O Proposal: One dwelling house and domestic garage. Address: Adjacent to South Western boundary of 43 Glengomna Road, Draperstown., Decision: Decision Date: Ref ID: H/1981/0052 Proposal: BUNGALOW Address: GLENGOMNA ROAD, BUNCRAHN, DRAPERSTOWN Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/08/2021	Item Number:
Application ID: LA09/2020/1591/F	Target Date:
Proposal: Variation of Condition 3 and Removal of Condition 4 of Planning Approval M/2015/0082/F (industrial Premises) to accommodate class B4 Storage and Distribution Use and facilitate more flexible operating hours.	Location: 199 Killyman Road Dungannon Co Tyrone BT71 6RR.
Referral Route: 1. The proposed removal of condition 4 of planning approval M/2015/0082/F relating to hours of operation is unacceptable.	
Recommendation:	Refusal
Applicant Name and Address: SCL Exhausts Ltd 199 Killyman Road Dungannon BT71 6LN	Agent Name and Address: J Aidan Kelly 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: There are two previous approvals M/2012/0506/O and M/2015/0082/F for the building and the description for both states 'Erection of storage and distribution'. Condition 3 of M/2015/0082/F limits the use to light industrial and general industrial as recommended by Environmental Health. The proposal is to vary this condition to allow the existing building to be used as self-storage units, and remove condition 4 which relates to the opening hours of the site. The building is within a cluster of other buildings which are mainly light industrial uses and across the road and to the south east there are three dwellings.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	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

Characteristics of the Site and Area

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The site is 222m southeast of the settlement limit of Dungannon. To the west and on the edge of the settlement limit is mainly built up with a mix of residential and light industrial land uses. To the west and along the Killyman Road there is Star Plan furniture store and beside Star Plan is Moy Park Ltd factory.

The application site is a flat portion of land and west and abutting the site are two large light industrial sheds serving Dungannon Electrical Sales and G & H Auto Repairs. The

site comprises two sheds and the shed to the west serving an existing garage business SCL Exhausts Ltd. The shed which is the subject of this application is currently vacant and has external finishes of sand cement render walls on the lower part of the buildings and grey cladding on the upper section.

Description of Proposal

This is a full application for a Variation of Condition 3 and Removal of Condition 4 of Planning Approval M/2015/0082/F (industrial Premises) to accommodate class B4 Storage and Distribution Use and facilitate more flexible operating hours at 199 Killyman Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

LA09/2019/1166/F – Extension to light engineering workshop - 199 Killyman Road, Dungannon – Permission Granted 04 DEC 2019

M/2015/0082/F - Erection of Storage and Distribution Unit with associated office and ancillary accommodation (Site with current Outline Planning Approval) - 199 Killyman Road, Dungannon – Permission Granted 25 JUN 2015

M/2012/0506/O - Erection of storage and distribution unit with associated office and ancillary accommodation - 199, Killyman Road, Dungannon – Permission Granted 12 MAR 2013

M/2011/0247/F - Extension and internal alterations to provide additional factory, warehouse, canteen and office accommodation with production area increased slightly to that approved under M/2010/0724/F = Permission Granted 27 JAN 2012

M/2010/0724/F - Extension and internal alterations to provide additional factory, warehouse, canteen and office accommodation (Amended proposal) - 199 Killyman Road, Dungannon – Permission Granted 07 MAR 2011

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

The SPPS retains the policy provisions of PPS21 and PPS4.

PPS21, Policy CTY 1 - Development in the Countryside, outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Departments published guidance.

One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with PPS 4 (currently under review)

As stated earlier in the assessment there is significant history on the site relating to light industrial and storage and distribution. The most recent planning history is for the extension of an existing light industrial building immediately facing the building which is the subject of this application. To the west of the site there are also other approved light industrial units.

The building within this application is also subject to planning history which I consider is relevant to the assessment. Planning approval M/2012/0506/O granted permission for this building on the 12th March 2013 and it is shown on the stamped approved block plan as a proposed storage and distribution unit as shown in figure 1 below. The description of this approval also states erection of storage and distribution unit.



Figure 3 – Photograph submitted by the applicant to show the proposed inside of the building with self-storage units.

I consider the use of individual storage units at this site is acceptable.

In planning approval M/2015/0082/F Environmental Health recommended approval with the condition that opening hours should be limited to the following.

Condition 4 reads:

'The development hereby permitted shall not remain open for business prior to 07:00hrs nor after 20:00hrs Monday to Friday, 08:00hrs to 14:00hrs on Saturdays nor at any time on a Sunday.'

Reason: In order to safeguard the living conditions of residents in adjoining and nearby properties'

The applicant seeks permission to remove this condition.

In this application the applicant seeks to remove this condition. I would have concerns about removing this condition as it would allow the self-storage units to operate at any time which would include early mornings, late nights and weekends. I consider the existing conditioned hours of operation are sufficient for a business in the countryside and will protect neighbour amenity. The applicant submitted a letter as a supporting statement to demonstrate the proposal will not have an unacceptable impact on amenity.

Within planning approval M/2015/0082/F a traffic assessment was submitted and single warehouse would have a total of 16 vehicles a day. The applicant has stated the number of vehicles will not increase if the site is self-storage units and indeed there would be less

numbers. In their supporting statement the applicant states they have a similar site in Portadown for self-storage units and there are only 3 vehicles visit the site per day. However this site is within the settlement limit of Portadown and not in the countryside which is the location of this application. This site operates from 6am to 11pm and 365 days a year. The site is accessed via an app or fob so technically anyone can come to the site at any time of day or night.

The closest dwellings to this site are No 203 Killyman Road however it is set back over 100 metres from the road and sits to the south east of the site, and No. 200 which is across the road. Environmental Health were consulted and responded stated they had discussed the case with the applicant and were satisfied the condition on limited storage could be removed. They recommended the class use is restricted to B4 storage and distribution. However I am of the opinion the conditioned hours of use should not be removed as there is the potential for an unacceptable impact on neighbour amenity. This site is within the countryside and there is still the potential for vans/lorries to be at the site early mornings, late nights and weekends.

There are other light industrial buildings to the west of the site i.e SCL Exhausts, Dungannon Electrical Wholesale, G & H Auto Repairs. However these businesses are open from 8am to 5.30pm and there are no late nights or weekends, thereby protecting neighbour amenity.



Figure 4 – Orthophotography of the site in relation to neighbouring dwellings

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal.

Reasons for Refusal:

1. The proposed removal of condition 4 of planning approval M/2015/0082/F relating to hours of operation is unacceptable.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

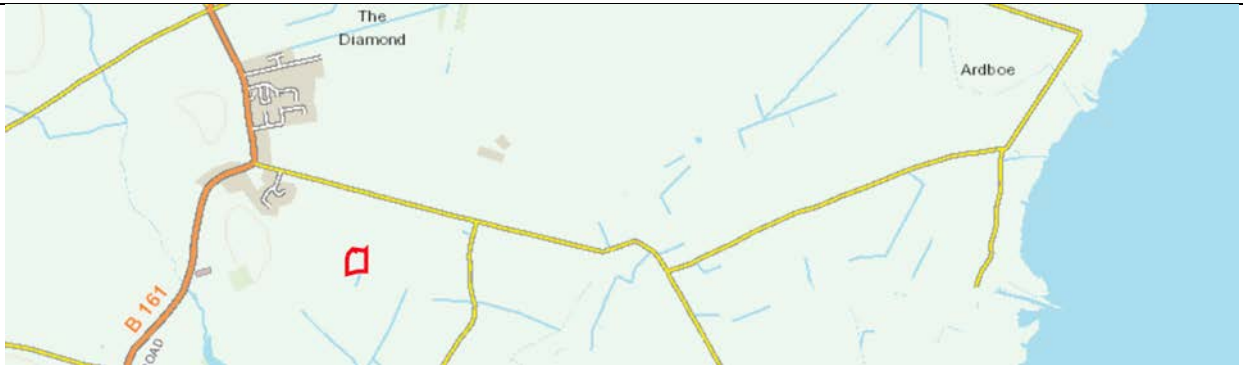
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0231/O	Target Date:
Proposal: Proposed off site replacement dwelling and garage	Location: Lands immediately adjacent to 19A Kilmascally Road Ardboe Dungannon
Referral Route: The dwelling to be replaced is situated just inside Ardboe settlement limits, the proposed replacement is to be situated just outside Ardboe settlement limits therefore cannot use PPS 21 or PPS 7 as it straddles the settlement limits and does not fall neatly within either.	
Recommendation: Approval	
Applicant Name and Address: Noelle Wylie 199 Bush Road Dungannon BT71 6EZ	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Description of Proposal

This is an outline planning application for a proposed off-site replacement dwelling and garage. The dwelling to be replaced is no.19A Kilmascully Rd Ardboe. The new dwelling and garage is proposed to be sited in a field immediately adjacent no. 19A Kilmascully Rd.

I note at the outset of this proposal the applicant sought to retain the existing dwelling as a domestic / agricultural outbuilding however as Planning did not consider this to meet associated policy, the applicant was made aware and later agreed via email on the 30th June 2021 that the building be demolished.

Characteristics of the Site and Area

The site straddles the settlement limits of Ardboe, as defined in Cookstown Area Plan 2010 (See Fig 1 below).

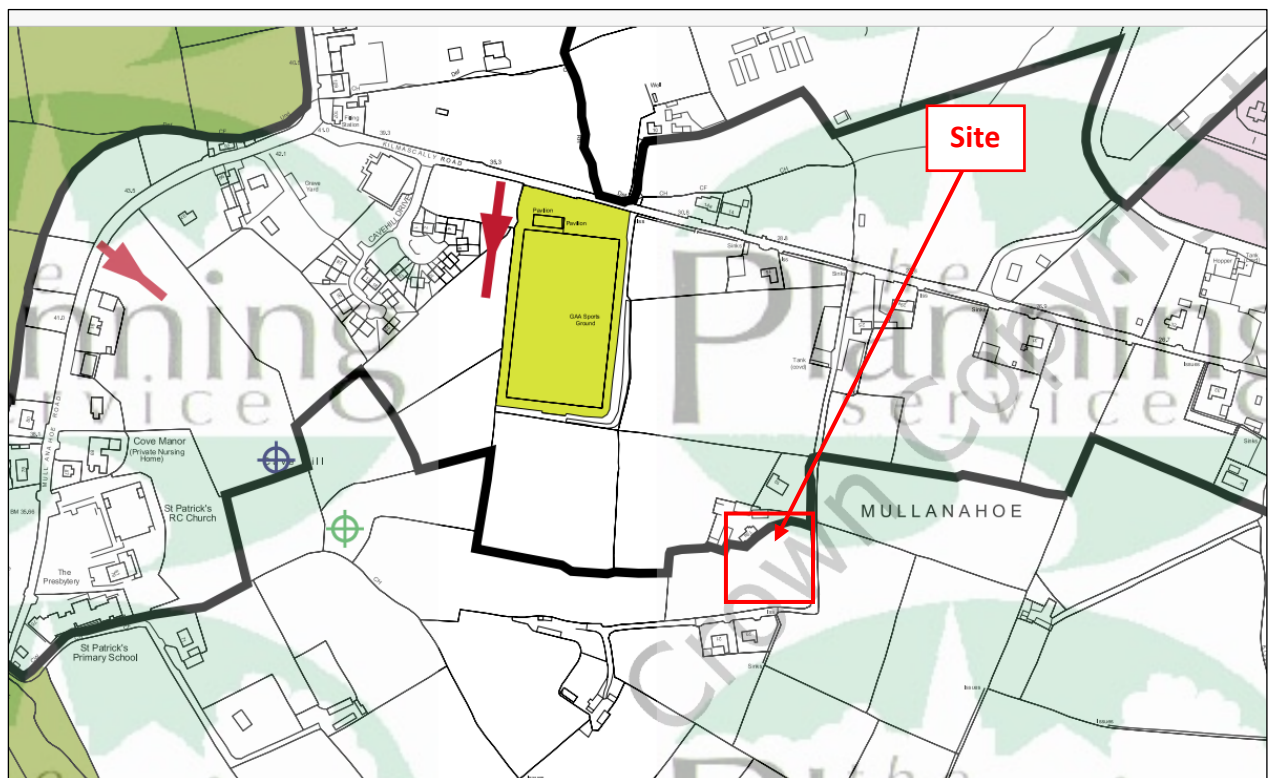


Fig 1: Ardboe Settlement Limits, defined by the bold black line.

The site, which is a relatively flat square shaped plot is set back approx. 250m from and accessed of the public Kilmascully Rd located to its' north via an existing concrete laneway.

The site comprises an existing single storey dwelling and its curtilage, including access of the aforementioned lane; and a large agricultural field located immediately to its' south. The dwelling on site, no. 19a Kilmascally Rd, which is proposed to be replaced under this application and its curtilage is located just within and at the edge of the settlement limits and the field the new dwelling is to be situated within is located just outside and at the edge of the settlement limits.

No. 19a is a single storey, fully intact and occupied dwelling. Its' curtilage is bound to the north / along the party boundary with neighbouring property no. 19 Kilmascally Rd, a 2-storey dwelling, primarily by a mature hedge; to its south by a low wooden d-rail fence; and to the west by farm sheds / buildings within the applicants farm holding. The dwelling in effect sits within and to the front of what appears a busy farmyard with no private amenity area. A mix of low post and wire fencing and hedging defines the east, south and west boundaries of the agricultural field to the south of no. 19a.

Whilst the lane accessing the site serves approx. 7 dwellings including no. 19a, 3 inside and 4 outside the settlement limits; and a small no. of businesses, given the sites edge of the settlement location the area is primarily to rural in character defined by agricultural land, detached residential properties and farm holdings.

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 (RDS)

Cookstown Area Plan 2010 (CAP)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 3 (PPS3) - Access, Movement and Parking

Planning Policy Statement 6 (PPS6) - Planning, Archaeology and the Built Heritage

Planning Policy Statement 7 (PPS7) – Quality Residential Developments

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

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

Representations

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

Planning History on Site

I/1976/0168 - Extension and alterations to house - Mullanahoe Ardboe - Granted 3rd August 1976

Consultees

1. Historic Environment Division (HED) were consulted as the southern portion of application site is located within the buffer zone of an archaeological site and monument (TYR040:016) – HED responded that having assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
2. DFI Roads were consulted and raised no objection to the proposal. Access to the site and new dwelling is to be via an existing unaltered access onto the public Kilmascully Road. The access may be substandard however as the proposal will not result in intensification of use of the access as defined in DCAN 15, I do not consider I can seek improvements. That said an informative will be attached to any subsequent decision notice making the applicant aware the access may be substandard and that it may be in their interests and that of other road users to take measures to provide acceptable visibility splays of in both directions.

Consideration

Cookstown Area Plan – The site straddles the settlement limits of Ardboe, as defined in Cookstown Area Plan 2010 (See Fig 1 further above in ‘Characteristics of the Site and Area’).

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside, which caters for residential development including replacement dwellings in the countryside; and Planning Policy Statement (PPS) 7 Quality Residential Environments, which caters for residential development within a settlement.

The dwelling to be replaced is situated just inside Ardboe settlement limits, the proposed replacement is to be situated just outside the settlement limits therefore I cannot use the policy provisions of PPS's 21 or 7 as it straddles the settlement limits and does not fall neatly within either.

The applicant seeks to replace the existing dwelling off-site as its existing curtilage does not include any private amenity space rather opens directly onto a busy farmyard bound by a no. of farm sheds and buildings within the applicants adjacent farm holding. The applicant seeks a replacement dwelling with a private garden area for her own enjoyment and the safety of her grandchildren.

Whilst this proposal does not fall neatly within the policy provisions of PPS's 21 or 7 owing to its location, I would advise there is a single storey, fully intact and occupied dwelling on site. The dwelling in my opinion is vernacular, features of such include its simple rectangular floor plan and pitched roof construction, narrow gable depth; and chimneys expressed along the ridgeline. That said owing to extensions in more recent times to both the front and rear of the dwelling I believe it has lost its inherent value and is no longer worthy of retention. To all intents and purposes had this dwelling been located within the countryside it would have been accepted under Policy CTY3 of PPS21 for replacement.

Furthermore, having visited the site I would agree with the applicant that the existing dwelling does sit on a busy farmyard and on a restricted plot as such is open to associate through traffic, and has no private amenity space or readily available opportunities within its curtilage to provide such space without extending into the countryside.

Accordingly, the off-site replacement of the existing dwelling on lands immediately east as indicated in yellow in Fig 2 below, would in my opinion, provide demonstrable private amenity and safety benefits to the occupiers of any subsequent dwelling by enabling it to be accessed separately off the lane, and fenced off from the farm.



Fig 2: Showing proposed siting highlighted yellow

I believe a dwelling and garage of an appropriate size, scale and design with a ridge height no greater 6.5m would integrate on this site and into the landscape without having a significantly greater visual impact than the dwelling it is to replace and with minimal disruption to the rural character of the area it will be situated, within. The dwelling and garage would benefit from its location along a dead end lane; existing vegetation on and within the wider vicinity of the site; and the existing farm buildings bounding it, to provide it with a sense enclosure and backdrop to critical views from the lane.

Policy CTY 15 – The Setting of Settlements outlines planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. However, I consider a replacement dwelling and garage sited as indicated above would not mar the distinction between Ardboe settlement and the surrounding countryside or result in urban sprawl. It would simply round off existing development thus having no significant impact on the setting of Ardboe settlement limits or the existing character of the surrounding area.

I would note any other off-site replacement on the applicants lands (see Fig 2) would either have to be accessed through the busy working farm or be sited on lands outside the settlement in positions that in my opinion would be less desirable than currently proposed.

Other Policy/Considerations.

As this is an outline application, details of the size, scale and design of the dwelling could be considered further under any subsequent reserved matter application.

I am content that given the nature of this proposal a replacement dwelling, all necessary services are available.

I am content a dwelling and garage sited as indicated above (Fig 2) should not have a significantly adverse impact on the amenities neighbouring residents in terms of overlooking / overshadowing due to the separation distances that will be retained.

Flood Maps NI identified no flooding on site.

Natural Environment Map Viewer (NED) map viewer available online has been checked and whilst it identified the site in an area known to heronries and breeding waders the replacement dwelling is proposed to be located on improved grasslands.

The proposal will be conditioned to be under the 15.2m / 10.7m height threshold in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for of a dwelling.

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

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve

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. Upon occupation of the new dwelling hereby permitted the existing building, coloured green on the approved plan, Drawing No. 01 bearing the date stamp received 16 FEB 2021, shall be demolished, and all rubble and foundations removed.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling.

4. The proposed dwelling and its curtilage shall be sited in the area shaded yellow on Drawing No. 01 bearing the date stamp received 16 FEB 2021.

Reason: In the interest of visual amenity.

5. The proposed dwelling shall have a ridge height of no greater than 6.5 metres above finished floor level.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

8. The existing natural screenings of this site as indicated in blue on the approved plan on Drawing No. 01 bearing the date stamp received 16 FEB 2021, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

Reason: To ensure the development integrates into the countryside and to

ensure the maintenance of screening to the site.

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
5. The existing vehicular access to the dwelling may be sub-standard and, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0458/F	Target Date:
Proposal: Proposed 1No. sheep shed and 1No. general agricultural storage shed and associated site works	Location: Lands 85m North East of 8 Macknagh Lane Upperlands
Referral Route: The applicant's father in law is a Planning Officer for Mid Ulster District Council	
Recommendation:	Approval
Applicant Name and Address: Mr Anthony Mc Guckin 1 Granaghan Park Swatragh	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Proposal complies with relevant prevailing planning policy. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DAERA - Coleraine	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health	Substantive Response

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Magherafelt Area Plan 2015. The site is located approx. 0.8 km west of Upperlands. The site comprises a cut out portion of an existing agricultural field. The proposed access utilises an existing stone laneway bound with post and wire fencing which will also serve a farm dwelling approved under planning referenced LA09/2019/0238/F which is associated with the farm business and currently under construction. There are two existing agricultural outbuildings located approx. 80 metres from the site which are sited in front of the farm dwelling and garage currently under construction approx. 75 metres from the proposal site. The topography of the site is relatively flat. The north-eastern boundary of the site is currently undefined however the remaining boundaries are defined by mature hedging. This area is rural in character with a dispersed settlement pattern and gently undulating topography. The predominant form of development in the immediate area are single dwellings and agricultural buildings.

Description of Proposal

This application seeks full planning permission for 1No. sheep shed and 1No. general agricultural storage shed with associated site works located approximately 85m North East of 8 Macknagh Lane, Upperlands.

The proposal is being applied for under Planning Policy Statement 21, Policy CTY 12 Agricultural and Forestry Development.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 3: (Clarification): Access, Movement and Parking
- DOE - Parking Standards.

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

Representations

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

History on Site

LA09/2019/0238/F – Proposed farm dwelling and garage in substitution of dwelling approved under LA09/2017/0632/O - 250m South of 23 Macknagh Lane, Upperlands (Previously site of 17 Macknagh Lane now demolished) – Permission Granted 05/06/19

LA09/2017/0632/O - Proposed new farm dwelling and garage - Approx 250m South of 23 Macknagh Lane, Upperlands - Permission Granted 03/07/17

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have been consulted and has advised that the farm business id was allocated on 19/05/16 and that the applicant has not made any claims and that the site is located on land associated with another farm business. The Farm Business ID therefore has not been in existence for the required 6 year period. The applicant has provided further detail on the farm business and has advised that the applicant bought this existing farm business in 2014 and then applied for his own Business ID in 2016. The farm business has been continued as a complete entity and has not been sub-divided, however as he does not hold any entitlements he cannot submit a BSP claim. The agents supporting letter details the applicant farms 5 acres and has provided information on a sheep flock and details on his farming active, with the remaining farm land leased to another farm business. Planning history is a material consideration. It is noted that the previous approval for a farm dwelling under planning reference LA09/2019/0238/F accepted that the farm was active and established for the purpose of complying with policy. Having discussed this at internal group, the group consensus was that given the previous approval and information provided that the principle is acceptable in this instance. Subsequently it is necessary to assess the proposal against each of the policy tests as follows:-

The proposed development is necessary for the businesses efficient use;

The Supporting Statement submitted details that the applicant intends to increase the size of his sheep flock to 100 ewes and increase the area he farms each year until he farms the entire holding. Therefore the agent has argued the sheds are essential for storage and housing sheep. I am content the proposed development are necessary for the efficient use of the agricultural holding.

in terms of character and scale it is appropriate to its location;

The surrounding area is rural in character. The proposed sheds are typical of agricultural buildings in the locality and across the district in terms of its design, size, scale and materials and considered appropriate to its location.

it visually integrates into the local landscape and additional landscaping is provided as necessary;

The proposal site is set back from the road and the topography is relatively flat. It is considered the proposed agricultural sheds by their nature (including design, size, scale and materials) integrates onto the site and into the surrounding landscape without detriment to the character of the area. Given the existing and proposed vegetation, it is considered the proposal will visually integrate successfully into this rural landscape.

it will not have an adverse impact on the natural or built heritage; and

No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal. NIEA were consulted given one of the proposed sheds will be used for sheep livestock and have responded with no concerns.

it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest residential property outside of the farm holding is located approximately 80 metres from the application site. Environmental Health were consulted on the proposal and have responded with no concerns. I am content there is adequate separation distance with this property and other neighbouring properties to ensure no detrimental impact on residential amenity.

In cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:

the applicant has no buildings on the holding that can be used;

The applicant has two existing agricultural outbuildings located northwest of the application site. The supporting statement details that one of these building is to be demolished as per the approved site plan for the farm dwelling planning application LA09/2019/0238/F. Regardless of this, the agent has advised that due to their location, size and physical design these two buildings are no longer suitable for modern day agricultural use. The agent has detailed that the applicant intends to expand the farm business and flock numbers and these sheds are necessary for the efficient use of the holding. I am content, based on the information submitted, that the applicant has no existing suitable buildings on the holding and that the proposed development is necessary.

the design and materials to be used are sympathetic to the locality and adjacent buildings; and

The design and materials are typical of an agricultural shed and are considered acceptable to its rural setting.

the proposal is sited beside existing farm buildings.

The proposal site is located on a minor road with low public interest. There is an existing band of mature vegetation which will assist with integration. On the basis of the quality of the screening and its set back position on a site that is similar in level to that of the public road, the siting is considered acceptable. The proposed sheds are located

approximately 80 metres from the existing farm buildings. Having considered the proposed siting with the Principal Planner at internal group, it is considered that the location of the sheds is acceptable in this instance given the information provided and the visual linkage with the existing farm buildings and use of the existing farm access.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. It is considered the design and materials are traditional to farm buildings and are acceptable in that respect. The siting is acceptable and integrates into the locality without detrimental impact.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) -The application proposes to use an existing access onto Macknagh Lane. DfI Roads have been consulted and have raised no objection subject to standard conditions. I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Additional considerations

In addition to checks on the planning portal, Historic and Natural Environment Division map viewers available online have been checked and identified no built or natural heritage assets or interests of significance on site. However, as one of the proposed sheds will be used to house sheep, NIEA were consulted. NIEA have responded advising Water Management Unit is content with the proposal subject to the applicant noting the advice contained in the explanatory note; referring and adhering to DAERA Standing Advice; and any relevant statutory permissions being obtained. NIEA also advised that Natural Environment Division completed a full assessment of the proposal, and conclude that significant impacts on designated sites and other natural heritage interests are not considered likely.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the above, it is considered the proposal meets the relevant policy provisions and as such it is recommended planning permission is granted subject to the conditions below.

Conditions:

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

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

2. The agricultural buildings hereby approved shall be used for agricultural purposes only.

Reason: To prohibit a change to an unacceptable use within the rural area.

3. The shed hereby approved shaded yellow on Drawing 02 Rev 1 at any time shall be used only for the storage of agricultural machinery and feed.

Reason: To prohibit a change to an unacceptable use and in the interest of neighbouring amenity.

4. The existing hedgerow and vegetation along the northeast, northwest and southwest boundaries of the site as indicated in green on the approved Drawing 02 Rev 1 date stamped 8th June 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings.

5. The vehicular access including visibility splays 2.4 x 60 metres and a 60 metre forward sight distance, shall be provided in accordance with Drawing no.02 Rev 1 bearing the date stamp 08 June 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. 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.

6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
7. The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odour to nearby premises.
8. The applicant's attention is drawn to all information included within NIEA Consultation Response dated 24/05/21.

Standing advice notes are available at: <https://www.daera-ni.gov.uk/articles/standing-advice-0>

9. Badgers

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which
- includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use
- for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- Disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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. If there is evidence of badger 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.

Birds

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:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

- at any other time take, damage or destroy the nest of any wild bird included in
- Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing
- eggs or young; or
- Disturb dependent young of such a bird.

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.

10. The applicant must refer and adhere to all the relevant precepts contained in the following

DAERA Standing Advice on:

- Pollution Prevention Guidance;
- Sustainable Drainage Systems
- Discharges to the Water Environment.
- Abstractions and Impoundments
- Agricultural Developments

11. The applicant should note that since the DAERA Standing Advice on Agricultural Developments document was last updated in May 2018, The Nitrates Action Programme Regulations (Northern Ireland) 2014 have been superseded by The Nutrient Action Programme (NAP) Regulations (Northern Ireland) 2019. It is the responsibility of the applicant to ensure that their development complies with these regulations.

DAERA Standing Advice available at: www.daera-ni.gov.uk/water-environmentstandingadvice

Effective mitigation measures must be implemented to protect the water environment and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.



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District Council

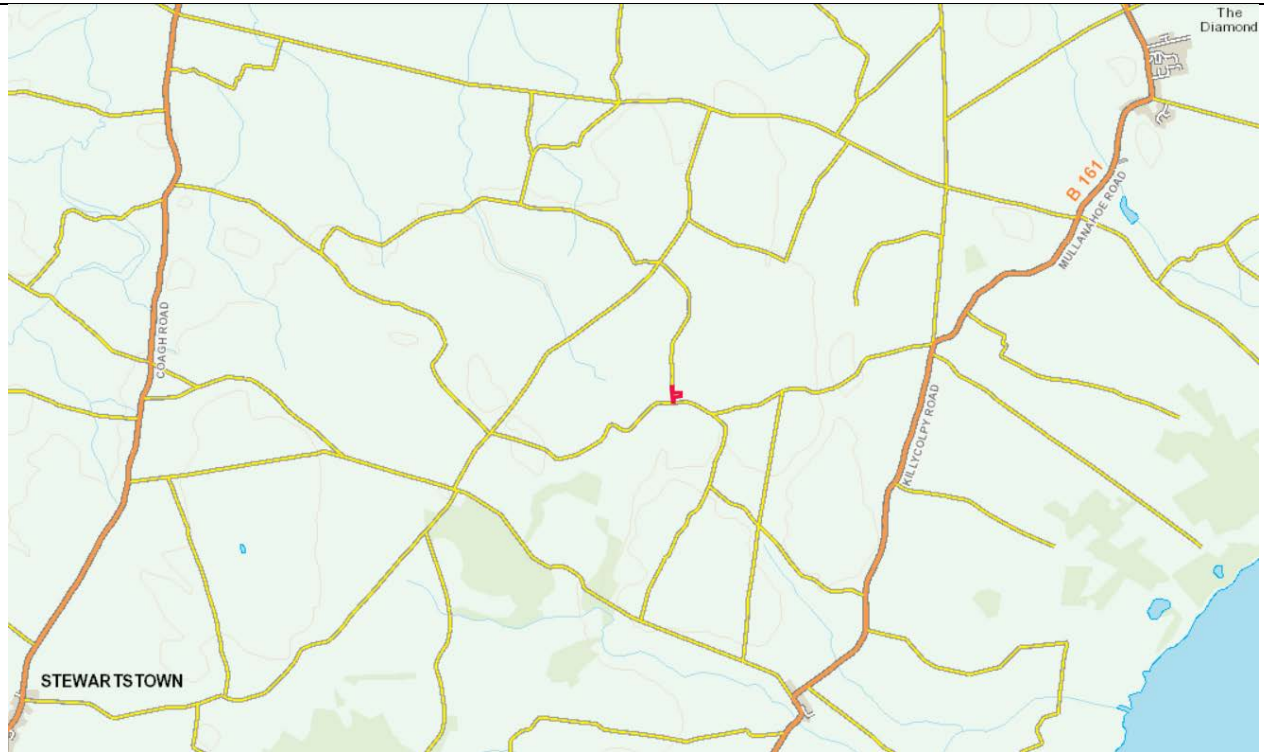
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0657/O	Target Date:
Proposal: Proposed dwelling and garage in a gap site	Location: 40m South of 28 Ballynafeagh Road Stewartstown
Referral Route: Objection & Refusal Contrary to Policy	
Recommendation: Refuse	
Applicant Name and Address: Gary Miller 20 Ballynafeagh Road Stewartstown BT71 5NX	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	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is an outline planning application for a dwelling and garage to be located on lands 40m South of 28 Ballynafeagh Road Stewartstown.		
The applicant has applied under Policy CTY 8 of PPS21 for a dwelling and garage on a gap site.		
Characteristics of the Site and Area		
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. halfway between Stewartstown and Ardboe and approx. 5.3km west of Lough Neagh.		
The site is a rectangular shaped plot cut from the roadside frontage of a much larger agricultural field bound largely by a mix of post and fencing, low hedging and some interspersed trees. The host field sits in the east corner of a T-junction bound to its west by the Tamlaghtmore Rd and to its south by the Ballynafeagh Rd. The site sits adjacent the Tamlaghtmore Rd just south of a line of roadside dwellings and ancillary buildings and north of the aforementioned T-junction. The site in effect cuts the roadside frontage of the host field in half onto Tamlaghtmore Rd, occupying the northern half. The line of dwellings extending along the Tamlaghtmore Rd immediately to the north of the site, closest to furthest include nos. 28, 30a, 30 & 32 Ballynafeagh Rd, a dormer bungalow, bungalow, 2-storey dwelling and bungalow, respectively. A stepped dash retaining wall approx. 1.8m high defines the northern / party boundary of the site with no. 28 Ballynafeagh Rd, which sits below site level. The retaining wall albeit at a lower level continues along part of the roadside frontage of the site alongside a mix of fencing and hedging. The remaining boundaries are open onto the host field.		
Whilst a line of development has formed to the north of the site and a new bungalow recently constructed just to the south of the host field and T-junction the surrounding area is typically rural in nature characterised by undulating agricultural land interspersed with single dwelling, ancillary buildings and farm groups. The land within the host field falls away from the Ballynafeagh Rd in a south to north direction; and rises gently in a west to east direction, from its roadside frontage onto the Tamlaghtmore Rd.		
Critical views of the site from the Tamlaghtmore Rd will be limited until just before and passing the host field's roadside frontage, as the line of development to the north will largely screen it. There will be both short distant views of the site from the Ballynafeagh Rd to the east and long distant views from the Ballynafeagh Rd to the southwest owing to the elevated nature of the elevated nature of the site.		

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside in particular: Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Planning History

On site

None

Adjacent

- LA09/2019/0218/F - Proposed dwelling and garage to substitute approved ref LA09/2018/0095/RM - 240m East of No 20 Ballynafeagh Rd Stewartstown - Granted 5th June 2019

The above application made by Brian Miller relates to the newly constructed dwelling just south of the current site's host field and Ballynafeagh / Tamlaghtmore T-junction. This dwelling was granted under the provisions of PPS 21 Policy CTY 10 Dwellings on farms.

Consultees

1. DFI (Roads) - consulted in relation to access, movement and parking arrangements. DfI Roads advised site investigation shows that sight lines for this application are not achievable, as site being only 42m long cannot achieve visibility splays of 2.4m x 35m in both directions due to proximity to junction. Even with a reduction in splays towards the junction, third party ground renders splays north unachievable. Accordingly, in its current form, this proposal would be contrary to Policy AMP2 of PPS 3 Access, Movement and Parking in that the dwelling would not prejudice road safety and significantly inconvenience the flow of traffic.

Consideration

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. The applicant has applied under one of these instances, the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted 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 built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The current site does not constitute a small gap site within an otherwise substantial and continuously built up frontage as it is not located within a line of 3 buildings along a road frontage rather it adds to an existing line of buildings including 4 dwellings, as detailed above in 'Characteristics of the Site and Area'. This proposal is therefore contrary to Policy CTY8 in that it would add to an existing line of development further eroding the character of the area.

The agent was advised of the opinion above and asked if all other options for a dwelling in the countryside had been explored. The agent subsequently referenced 2 other applications he considered to have been approved in similar situations: I/2014/0321/O and LA09/2015/0172/O.

It is not considered the referenced applications are similar to this application. They approved dwellings in a gap in development running along the north side of a crossroads. Whilst the line of development crossed another road, all the development within the line ran along and fronted onto the same road. Unlike in the referenced cases that were gaps along the road, this proposal will extend an existing line of development along Tamlaghtmore Rd. The newly constructed dwelling to the south of the site cannot be used as a bookend to the line of development along the Tamlaghtmore Rd, as it does not extend along or front onto it. It is situated along and fronting onto the Ballynafeagh Rd.

This proposal would also be contrary to Policy CTY13 of PPS21, in that the proposed site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape. Had the site been acceptable under Policy CTY8 and amended drawings / land ownership details received to address DfI Roads response, the only vegetation bounding the site along its

roadside frontage would require removal to provide access arrangements. And, contrary to Policy CTY14 of PPS21, in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore further erode the rural character of the countryside.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, one third party objections was received from, the owner / occupier of no. 28 Ballynafeagh Rd, the dwelling immediately adjacent and north of the site.

The objector outlines that the site does not meet the Policy requirements of PPS21, CTY8; the address is inaccurate and misleading; and owing to the site being over 2m above her property a dwelling on it would overshadow and overlook her property resulting in a loss of light and privacy.

For the reasons detailed further above in my assessment, I would agree with the objector that the proposal does not constitute a gap site in accordance with Policy CTY8. Whilst the site as stated by the objector does sit immediately adjacent her properties boundary and approx. 5m outside the stated 40m distance south, I am content the address is only an approximation and the objector, as the closest neighbouring property is aware of the site and has made representation. In relation to overlooking / overshadowing whilst the site does sit above the level of the objector's property it is considered that had the proposal accorded with PPS21 to allow a dwelling on site, a suitably designed scheme comprising a low ridge bungalow would not have a significant adverse impact on no. 28's amenity.

Additional considerations

The planning portal and Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online, have been checked and identified no built heritage assets or natural heritage interests of significance on site or within the immediate vicinity.

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to ribbon development along Ballynafeagh Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building 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 building would, if permitted, be unduly prominent in the landscape and would therefore further erode the rural character of the countryside.
5. The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 Access, Movement and Parking in that the proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0707/O	Target Date:
Proposal: Proposed site for dwelling and garage in a gap site	Location: 20m East of 9A Moss Road Coagh
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Mark Cassidy 9A Moss Road Coagh BT80 0BZ	Agent Name and Address:
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The site is located approximately 0.5km west of the defined settlement limits of Ballinderry. The proposal site comprises a roadside field between the detached dwellings of No.9 and No.9a Moss Road. The surrounding area is rural in character however there is a medium to high degree of development pressure when travelling in a westerly direction beyond the application site. The topography of the site is relatively flat. The field is enclosed along the 23m frontage by ranch fencing and a large metal, secured gate. The western boundary is defined by ranch fencing and the eastern boundary is well defined by mature trees and vegetation. Located to the west of the proposal site is a detached single storey dwelling with two associated outbuildings to the rear within the curtilage. Immediately adjacent to the east is a detached storey and a half dwelling No.09 and a detached single storey dwelling No.07.

Description of Proposal

This is an outline planning application for a dwelling and garage located on lands approximately 20m East of 9A Moss Road, Coagh.

The dwelling is being applied for as a gap site for infill development, an exception under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
PPS 21: Sustainable Development in the Countryside
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. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received the details of which are outlined and considered below.

1. An Objection letter was received on 15th June 2021 from the owner/occupier of No. 9 Moss Road. The letter outlines concerns with potential detrimental impact to residential amenity from the construction phase of the proposed development and in particular noise and disturbance which could impact her mother.

Whilst it is noted that the construction phase has the potential to give rise to some level of disturbance, it is considered as this is for a short term period only it would not warrant the refusal of planning permission. It is considered that these concerns are a matter to be discussed between the land owners, outside the remit of planning. Should there be an excessive noise disturbance, this should be reported to Mid Ulster Council Environmental Health to investigate.

History on Site

I/2000/0102/RO – Dwelling - New Dwelling adjacent to 9 Moss Road, Coagh –
Permission Granted 01/04/00

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. In this instance, the application is for a dwelling on an infill site and as a result, the development must be considered under CTY 8 of PPS 21.

PPS21 - CTY 8 states 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 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 requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case, it is my opinion that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage.

The application site comprises an agricultural field with a roadside frontage along the public road. Immediately west of the site, within the blue line, there is a detached single storey dwelling (No. 9a Moss Road) with associated garage to the rear corner. East of the application site there is a detached storey and a half dwelling (No. 9 Moss Road) and immediately adjacent to this is a detached bungalow (No. 7 Moss Road). When travelling along the public road, I consider there is visual linkage between the dwellings of No. 7, 9 and 9a when approaching from either direction. I consider these dwellings constitute a line of 3 or more buildings along a common frontage to the road. I consider that the gap presented in this application would fulfil the requirements of Policy CTY8 to accommodate a single dwelling house within an otherwise substantial and continuously built up frontage. I am satisfied that this gap could accommodate no more than one dwelling taking into account existing plot sizes along this road. The proposed frontage of the application site is 23m with an average roadside frontage size of approx. 32m along this stretch of road. I am content that the proposal will successfully integrate into the existing pattern of development and respects the existing development pattern along the frontage in terms of size. I do not consider this proposal would reinforce a built-up appearance in this rural context and add to ribbon development, rather represents a small gap site which could accommodate a dwelling while respecting the existing development pattern along the frontage.

As this is an outline application the details of the siting, size, scale and design of the dwelling will be reserved for further consideration under any subsequent reserved matters application. I am content that a dwelling and garage could successfully integrate into the surrounding landscape without further eroding the rural character of the area. The proposed development respects the existing pattern of development in the immediate vicinity and I do not consider the additional of a detached dwelling and garage on the site will detrimentally alter the rural character of this area. As such I consider the proposal complies with Policy CTY13 and CTY14 of PPS21.

Policy CTY13 states that planning permission will be granted of a building in the countryside where it can be visually integrated into the surrounding landscape and 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 design, size and scale that is comparable to the dwellings in the vicinity. The site has mature boundary vegetation to the east which will assist integration and enclosure. It is considered appropriate to condition that the retention of existing vegetation and additional planting will also be required for sufficient integration and this can be conditioned appropriately. I consider a restriction on ridge height to a maximum of 6.5 metres is appropriate to ensure the dwelling integrates into the setting and is in keeping with the existing built form which comprises single storey and storey and a half dispersed dwellings.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The proposed development respects the existing pattern of development in the immediate vicinity and I do not consider the additional of a single dwelling on the site will detrimentally alter the rural character of this area.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and responded raising no objections to the proposal subject to conditions. I do not consider a dwelling on the site will prejudice road safety or significantly inconvenience the flow of traffic and therefore is in accordance with PPS3.

Additional considerations

In addition to checks on the planning portal online, environmental map viewers have been checked and identified no natural or built heritage interests of significance on site. A watercourse was identified approximately 2 metres north of the boundary of the application site which connects to Ballinderry River and Lough Neagh approximately 5km downstream. Informal consultation was carried out with SES and they have advised given the nature, scale and location of the proposal it is unlikely there would be any conceivable effects during the construction phase to European site features in Lough Neagh.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions outlined below.

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. 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.

4. The existing hedgerow and vegetation along the eastern boundary of the site shall be permanently retained at a minimum height of 1.2 metres and no looping, felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to Council in writing within one week of work being carried out.

Reason: To ensure the development integrates into the countryside.

5. The proposed dwelling shall have a ridge height of less than 6.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environment Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure that the development is satisfactorily integrated into the landscape.

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

Reason: In the interest of visual amenity and to ensure that the development is satisfactorily integrated into the landscape.

7. 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.

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

8. 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.

Informatives

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

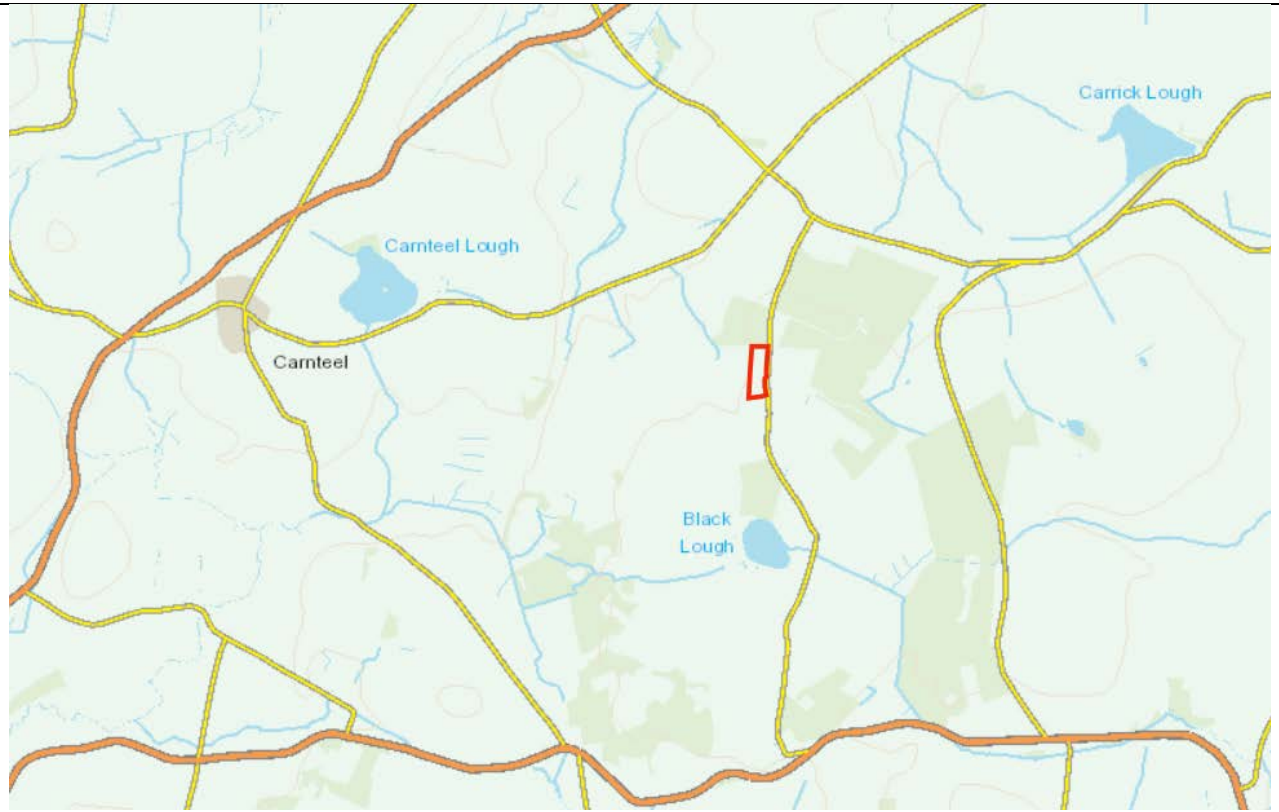
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0730/F	Target Date:
Proposal: Proposed dwelling and garage for the repositioning and substitute to previous planning application LA09/2020/0920/RM.	Location: Land adjacent to 17 Carricklongfield Road Aughnacloy BT69 6DJ.
Referral Route: Applicant is Cllr Burton's son	
Recommendation: Approve	
Applicant Name and Address: Mr John Burton 74 Creevelough Road Dungannon BT70 1LL	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
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
Characteristics of the Site and Area		
<p>The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approximately 1.7km east of Carnteel and 0.4km north of Black Lough.</p> <p>The site is a rectangular shaped plot cut from the roadside frontage of two large agricultural fields, situated adjacent the Carricklongfield Rd, a narrow rural road. As such, it is split in half horizontally by mature vegetation defining the fields' party boundary. The southern half of the site comprises only agricultural lands. The northern half of the site comprises agricultural lands but also has a large agricultural shed located on an area hardstanding in its northeast corner running alongside the road.</p> <p>A mature hedgerow interspersed with mature trees bounds the roadside frontage of the site / both host fields. A well-established woodland bounds the site to the north and is part of a larger plantation that extending along both sides of the Carricklongfield Rd northeast of the site. With the exception of the vegetation splitting the site in half and some mature hedging and trees bounding the southern / party boundary of the site with no. 17 Carricklongfield Rd a small unoccupied derelict dwelling, the remaining boundaries are undefined. The land within the site falls gently from the roadside of the site in a westerly direction.</p> <p>No. 17 Carricklongfield Rd, which has a rectangular floor plan and pitched roof construction, has a small pitched roof front porch and corrugated barrel roofed outhouse attached to its' north gable. No. 17 sits on a small roadside gravelled yard with another small outbuilding.</p> <p>Critical views of the site will be limited to passing its' roadside frontage due to its location in a slight dip in the landscape, and existing development and vegetation bounding the site and within the wider vicinity. The surrounding area is typically rural characterised by undulating agricultural lands interspersed with single dwellings, ancillary buildings and farm holdings.</p>		
Description of Proposal		
<p>This is a full planning application for a proposed dwelling and garage to be located on lands immediately adjacent to and north of no. 17 Carricklongfield Rd Aughnacloy.</p> <p>This application seeks to substitute and reposition a dwelling and garage approved on lands approx. 100m north of no. 17 Carricklongfield Rd under planning application LA09/2020/0920/RM.</p>		

The dwelling and garage approved under LA09/2020/0920/RM was granted on the 2nd December 2020 on the back of an outline planning application LA09/2015/0687/O for a dwelling and garage on a farm granted 11th August 2017.

See Figs 1&2 below, the dwelling and garage approved under planning application LA09/2020/0920/RM were granted in the northern half of the current site whilst the dwelling and garage currently proposed in substitution are to be located in the southern half of the site.



Fig 1: Granted siting under LA09/2020/0920/RM



Fig 2: Currently proposed siting

In addition to the repositioning of the dwelling there have been some alterations to the design of the previous dwelling including an increase in the proposed ridge height from approx. 6m above FFL to approx. 6.8m above FFL; minor alteration to fenestration; and a previously single storey side annex has been extended to two storey. That said the overall scheme retains its original character albeit in my opinion the modest increase to the ridge has given the dwelling a more balanced in particular roof to wall ratio.

The garage albeit re-sited and orientated remains as previous approved in terms of design and finishes.

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.

Key Policy and Guidance

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 Access Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Planning History

- LA09/2015/0687/O - Proposed dwelling and garage - 100m N of 17 Carricklongfield Rd Aughnacloy - Granted 11th August 2017
- LA09/2020/0920/RM - Proposed dwelling and garage - 100m N of 17 Carricklongfield Rd Aughnacloy – Granted 2nd December 2020

The above applications related to the northern half of the current site. It is this dwelling and garage the current proposal seeks to reposition and substitute.

- LA09/2016/0687/F - Retention of existing farm building - 100m N of 17 Carricklongfield Rd Aughnacloy - Granted 11th August 2017

It was through processing application LA09/2015/0687/O that permission was sought to regularise the above unauthorised farm building. Thus, planning applications LA09/2015/0687/O and LA09/2016/0687/F both made by Mr Colin Mullan were granted concurrently on the 11th August 2017. The dwelling and garage under LA09/2015/0687/O clustered and visually linked with the farm building.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

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; and Statement 3: Access, Movement and Parking are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

Policy CTY 10 'Dwellings on farms,' states that planning permission will be granted for a dwelling house on a farm where the following criteria have been met:

1. the farm business is currently active and has been established for at least 6 years;
2. 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 or since PPS 21 was introduced on 25th November 2008; and
3. the new building is visually linked or sited to cluster with an established group of buildings on the farm

Planning applications LA09/2015/0687/O and LA09/2020/0920/RM can still be implemented and a dwelling and garage erected on site as such reconsideration of criteria 1 & 2 is not required in this instance. Any subsequent approval can be tied to the previous approval time condition for commencement of works; and another condition added alongside that this dwelling and garage is in substitution for the previous and only one dwelling and garage can be erected on site.

In relation to criteria 3 the new dwelling and garage, whilst re-sited in the southern half of the original site will visually link to an established group of buildings on the applicants lands, namely the dwelling, no. 17 Carricklongfield Rd, and outhouse located on the roadside yard immediately south of the site.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. I do not believe this proposal accords with policy CTY 13 or CTY 14 of Planning Policy Statement 21. I consider the size, scale, siting, orientation and design (including finishes) of the dwelling and detached garage acceptable for the site and locality in that they should integrate on site and into the landscape, with minimal disruption to the character of the area. Critical views of the site will be limited to passing its' roadside frontage due to its location in a slight dip in the landscape, and existing development and vegetation bounding the site and within the wider vicinity.

Other Policy and Material Considerations

Flood Maps NI identified no flooding on site.

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

Recommendation: Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

1. The development hereby permitted shall be begun prior to 27nd December 2022.

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

2. The existing mature trees and shrubs on site and along the site boundaries as on Drawing No. 02 bearing the date stamp received 28 APR 2021, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council unless to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

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

3. All proposed landscaping as detailed on Drawing No. 02 bearing the date stamp received 28 APR 2021, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

4. The vehicular access including visibility splays of 2.4m x 45m in both directions and any forward sight distance, shall be provided in accordance with Drawing No. 01 bearing the date stamp received 16 MAR 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

6. One dwelling only shall be constructed within the area of the site outlined in red on the approved Drawing No. 02 bearing the date stamp received 28 APR 2021

Reason: To control the number of dwelling on the site as this permission supersedes planning approval LA09/2015/0687/O and LA09/2020/0920/RM and is not for an additional dwelling on the site

Informatives

1. The time for commencement of the dwelling and garage hereby approved has been tied to the previous approvals on site LA09/2015/0687/O and LA09/2020/0920/RM.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
6. Department for Infrastructure Transport NI comments:

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

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

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

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

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0944/F	Target Date:
Proposal: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	Location: Between 90 and 92 Iniscarn Road Desertmartin
Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Consultee Responses: DFI Rivers have responded with issues relating to FL4. DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
Characteristics of the Site and Area: The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains	

undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road. The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.



Description of Proposal

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

Deferred Consideration:

This application was previously presented in June 2021 as a refusal for the following reasons;

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.

3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated,

It was deferred for a third time in June 2021 for DFI Rivers, to again consider further information submitted by the applicant. An addendum to the Drainage assessment was submitted by the agent and further details were submitted by the objector. DFI Rivers were re-consulted have now considered both sets of parties' information and replied on 14th July 2021.

FLD1 - DFI Rivers, while not responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its logic and consequently cannot sustain a reason to object under FLD1.

FLD 3- The DA has demonstrated that a drainage network as designed, detailed and specified in the DA would have the necessary capacity to be a viable solution. The drainage network assessed in the DA indicates that attenuation can be provided using two 62.5m long lines of 750mm diameter pipes, as shown on Drg. No. C201, provided that all surface runoff from the site is collected, stored and discharged via this proposed drainage network as detailed.

DFI Rivers is satisfied that the methodology used to estimate the required attenuation is consistent with industry standards and is currently being accepted by DFI Rivers in drainage assessments for other applications.

The drainage network assessed in the DA is not representative of the existing drainage network i.e. the network currently constructed and serving the development. The existing drainage network has not been assessed.

If constructed the proposed drainage network will be privately owned and maintained, as is the norm for single dwelling sites, by the property owner. Consequently the applicant is not bound by construction methods and pipe cover requirements that would apply to an adopted network.

FLD 4 - The DA does not mention policy FLD 4, consequently DFI Rivers advice in its consultation response dated 23rd May 2021 remains unchanged. This has been provided below for convenience.

An email, dated 23rd February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

The applicant had submitted an email, dated 7th April 2021, requesting a deferral. The email stated ' Deferral is requested in order for time to complete consultation process regarding flooding, as seen in attachments (provided at appendix A) from the last deferral, how close the watercourse is to our home and it needs to be fully investigated'.

1) force of water in an open watercourse

- 2) close proximity of watercourse to house
- 3) water scouring/widening the bank and land slippage
- 4) Mature laurel hedging supported by the culverting.

To date DfI Rivers has not been consulted on any further investigations relating to the points listed above and Planning have received none either.

Point 1 refers to force of water in an open watercourse, it isn't clear what specifically is being referred to with respect to the force of water in the open watercourse. It could be a health & safety issue as previously mentioned. DfI Rivers has provided advice to the Planning Authority on this above. It could be referring to the issues raised under point 3 i.e. bank scouring and land slippage. A photograph included in the attachments shows the open watercourse running partly full. The left bank shows light vegetation growing on the river bank with mature vegetation being supported at the top of the bank. There is no sign in this photograph of scouring or land slippage on this bank. The right bank, as you look at the photograph, shows what appears to be, imported material. DfI Rivers has no evidence, apart from the photograph provided, to support this assumption. However, unlike the opposite bank the face of the material is at an angle and has no vegetation growing on it. Light vegetation is protruding through the reddish material and can be seen upstream at the culvert outlet, this is similar to the growth on the left bank and is presumably growing out of the original ground. Without further explanation on why this photograph has been provided i.e. what is it demonstrating, DfI Rivers cannot comment any further.

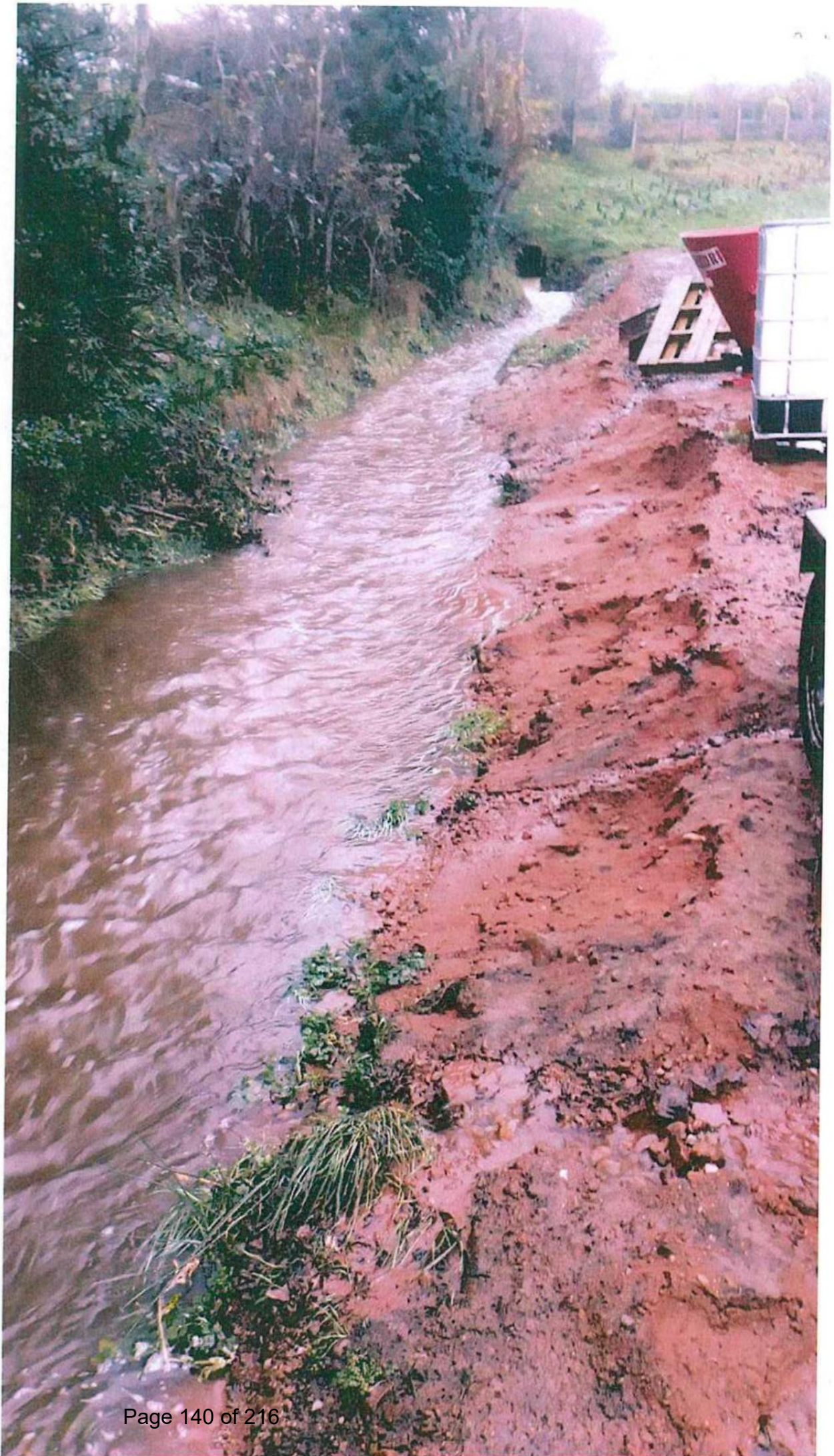
Point 2 refers to the close proximity of the house to the watercourse. A photograph included in the attachments states that the house is 7 metres from the watercourse. It is not clear to DfI Rivers what the significance of this information is. Until further clarification on why this information has been provided and what potential issue it is highlighting DfI Rivers cannot comment any further.

Point 4 refers to a mature laurel hedge being supported by the culvert. The photograph referred to above shows mature vegetation being supported on the original bank of the watercourse. However, the reference to a mature laurel hedge may be indicating that the applicant doesn't want to remove it. If this is the case, the removal of hedges is outside the remit of PPS 15 and consequently DfI Rivers cannot comment. If this assumption is incorrect, then further clarification will be required to identify the issue or issues relating to the laurel hedge in order to enable DfI Rivers to decide if comment in accordance with PPS 15 is appropriate.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is no longer possible.

In conclusion, in terms of the refusal reasons, FLD1 and FLD3 have now been theoretically addressed, however FLD4 remains an issue and for this reason is still being recommended as a refusal. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

Refusal Reason 1. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.
Signature(s): Date









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Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Consultee Responses: DFI Rivers have responded with issues relating to FL1, FL3 and FL4. DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
Characteristics of the Site and Area: The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.	

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road,
existing access onto Iniscarn Road to be permanently closed.



Deferred Consideration:

Following the April planning committee meeting, the applicant was given 4 weeks to submit additional information which ended on 12th May. No information was received by this date, however the Flood Risk consultation for the applicant advised on 13th May work was urgently being carried out to provide a flood risk assessment to address the issues. Nothing has been received at the time of writing this report.

Rivers Agency were re-consulted on the information submitted by the applicant in order to get the application deferred at April Committee. They replied on 23rd May 2021. In terms of FLD1, a pre-development model of the watercourse would need to be provided. In terms of FLD3, additional measures would need to be carried out for analysis. The applicant put forward health and safety concerns in terms of FLD4 and a reason to pipe

the open watercourse. Paragraph 6.53 of PPS15 states when H & S concerns arising from open access to watercourse alternatives should be considered. Further clarification is required in relation to the documents submitted by the applicant and DFI Rivers can't further comment on FLD4 until some information has been received.

Refusal is recommended as previously as the issues have not been overcome.

Refusal Reasons

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.
3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

Signature(s):

Date



Deferred Consideration Report

Summary	
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Application ID: LA09/2019/0944/F	Target Date:
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Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Consultee Responses: DFI Rivers have given a final response on March 2021 with issues relating to FL1, FL3 and FL4. DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
Characteristics of the Site and Area: The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.	

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road,
existing access onto Iniscarn Road to be permanently closed.



Deferred Consideration:

This application was presented to Committee in Feb 2020 for the following refusal reason;

The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons.

It was subsequently deferred as additional information was submitted prior to the Committee meeting and it was agreed by Committee that this information should be considered by DFI Rivers. Rivers were re-consulted and replied that there were outstanding issues relating to PPS15.

In an attempt to resolve the flooding matter, the applicant was then offered the opportunity by the Council to remove the existing pipe and restore the open drain at the previous levels. The applicant has advised they do not wish to remove the pipe but rather 'work with DfI Rivers on site to carry out flood risk measures to prevent future flooding' and they state it is impossible to determine previous watercourse levels.

The main issues raised by neighbouring properties, is regarding flooding to their property and on the Iniscarn Road due to pipework and culverting carried out at this site. Objector comments raise the point that previous levels were given in a 2007 application, which would indicate how ground levels have changed and has in turn increased surface water runoff. The Objector mentions that the work carried out is unauthorised, there is a current enforcement case on the site which is pending the outcome of this application before any action will be taken. No.92 also mentions an issue relating to access to manhole covers, however this would not be considered a planning matter and should be dealt with between the two parties.

DFI Rivers have provided comment in relation to PPS15 – 'Planning and Flood Risk' and have had sight of all relevant objector and applicant correspondence, which has all been taken into account in their detailed responses. Following a number of reports, assessments and correspondence from both parties the latest response from Rivers dated 10 March 2021 (Appendix A) and concludes the following in summary;

FLD1- Development in Fluvial (Rivers) and Coastal Flood Plains- The Hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently examined. The independent assessment has led to the conclusion there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

FLD2 – Protection of flood defences and drainage infrastructure - Rivers have advised this issue could be dealt with by an informative and it would be unreasonable to condition it for a single dwelling.

FLD3 – Development and surface water (pluvial) flood risk outside flood plains, Plans were submitted by the applicant in an attempt to overcome this. However the drainage network assessed in the DA is not representative of the existing drainage network. If the drainage network is to be retained it should be discharged via the network as shown on submitted plans. If however the existing drainage is to be retained then additional analysis would be required to demonstrate management of flooding and overflow and to demonstrate proposed mitigation measures.

FLD4 – Artificial Modification of Watercourses- the applicant has identified Health and safety concerns as the reason to pipe the open watercourse, however these are included as invalid reasons under FLD4 of PPS15 to pipe a watercourse. Paragraph 6.53 of PPS15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

FLD5 – Developments in proximity to reservoirs - Development in proximity to reservoirs, is not relevant.

Basis on the information currently submitted refusal is recommend for the following in relation to PPS15 for the reasons stated below.

- 1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.*
- 2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.*
- 3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.*

Apart from the flooding concerns, objectors also raised issues relating to other planning matters, these have been received from No.92 and No. 90.

Overlooking/ privacy issues

In relation to No.90, there is sufficient separation distance between the two houses and a strong laurel hedge exists as a common boundary, the window referred to is a first floor bedroom window on the gable, and would be classed as a low occupancy room, although it has been argued by the objector that during recent Covid circumstances bedroom are being used more often for home schooling/offices etc. However, this is in the short term and not permanent, and would not change overall how these rooms would be considered. I do not consider there are overlooking or privacy issues which are significantly detrimental to the enjoyment of the neighbour's amenity space.



Common boundary with No 90

No.92 raise concerns about windows on the side gable overlooking their private garden area, which were not shown on the original plans. Although the windows weren't shown on original plans they will be assessed as part of this retrospective application. Part of the common boundary is a strong laurel hedge and close boarded wooden fence and further along the boundary are mature trees which would limit any impact of these windows and there is also adequate separation distance. The dwelling is set back from No.92 and its associated buildings and garden, with strong vegetation between them so there is no detrimental impact from overlooking. (see common boundary with No.92 in image below)



An objection was received concerned about road safety due to the number of accesses on this part of Iniscarn Road, as they state there are already lorries and tankers brake testing here. The occupant of No.90 countered this objection by saying they have never been aware of this taking place. DFI Roads were consulted for their comments and have stated any issues of road safety as a result of reckless driving is a matter for PSNI. They are satisfied their recommended conditions are acceptable in relation to the proposed access.

One of the objections received was in terms of the planning assessment and questioned if the site complies with CTY8, in that it is not a small gap site in a continuous and substantially built up frontage, and in relation to the visual impact and rural character of the dwelling and proposed access. These issues were fully considered in the original case officer report under PPS21 and I would still agree with this assessment. An appeal decision 2016/A0160 was forwarded by the objector, however each case is assessed on its own merits and this appeal case is not directly comparable. I am satisfied this site and access meets the policies CTY1, CTY8, CTY13 and CTY14 and are acceptable in principle.

In conclusion, when taking into account all the information provided by the applicant and objectors and DFI Rivers final response of 10th March 2021 (attached as appendix A), the proposal must be recommended for refusal for the three reasons stated.

Refusal Reasons

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.

2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.

3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

Signature(s):

Date

Appendix A – DFI Rivers response dated 10th March 2021



Department for
Infrastructure
An Roinn
Bonneagair
www.infrastructure-ni.gov.uk

DfI Rivers Planning, Advisory & Modelling Unit

Ms. Emma McCullagh
Mid Ulster
Local Planning Office
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

44 Seagoe Industrial Estate
CRAIGAVON
Co. Armagh
BT63 5QE
Tel: 028 3839 9118

Your Ref: LA09/2019/0944/F
Our Ref: IN1-19-11202

10th March 2021

Dear Madam

Re: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective).

In response to your consultation dated 23rd February 2021 requesting comments on the most recent uploaded information (including emails) in relation to how it addresses FLD3 and to confirm if it addresses the issues with FLD1 and FLD4 or if they remain unresolved. DfI Rivers comments in accordance with PPS 15 are as follows.

Policy FLD 1

The hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently examined in order to confirm or allay DfI Rivers concerns about the model construction. The independent assessment has identified aspects of the model construction that have led to the conclusion that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is not possible.

Policy FLD 2

An undesignated piped watercourse flows along the south eastern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required. It is the legal responsibility of the land owner to maintain this watercourse.



Policy FLD 3

Drawing No. C101 entitled '*Proposed Surface Water Attenuation System Using Storage Pipes And Hydrobrake For a 100 Year Return Period Event*' shows a proposal to construct a drainage network, with attenuation being provided by two 62.5m long lines of 750mm diameter pipes. It has been demonstrated that this drainage network would have the necessary capacity to be a viable solution. All surface runoff from the site should be collected, stored and discharged via this proposed drainage network. The drainage network assessed in the DA is not representative of the existing drainage network.

It is DfI Rivers understanding that the planning application for the dwelling is retrospective and therefore may include the existing drainage network as part of the application. If the existing drainage network is to be retained then it should be discharged via the proposed network as detailed on Drg. No. C101.

If the existing drainage network is to be retained, as the only drainage option, then the hydraulic capacity of the already constructed drainage network will have to be calculated. An analysis of the storm network, using FEH rainfall runoff methodology, will have to be provided to determine, in terms of return period, what the capacity of the network is. Other analysis to demonstrate the management of out of sewer flooding and overland flow, and to demonstrate the provision of necessary mitigating measures and safe storage areas will need to be carried out for a 1 in 100 year rainfall event.

Policy FLD 4

An email, dated 23rd February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

Policy FLD 5

Policy FLD 5 does not apply to this application.

I trust you find the foregoing to be helpful but should you require any further information or clarification please contact me at the above address.

Yours faithfully

Neil Jenkinson
Planning, Advisory & Modelling Unit



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: LA09/2019/0944/F	Target Date:
Proposal: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	Location: Between 90 and 92 Iniscarn Road Desertmartin
Referral Route: Proposal is contrary to SPPS and Policy FLD 4 of PPS15.	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	

For committee decision



10 / 02 / 2020

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	9
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 issues were raised and they are discussed in this report.

Characteristics of the Site and Area

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 ? storey dwelling with a smooth render finish, detached garage and a doll's house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire

and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0005/CA - Alleged piping of a watercourse and Extension to Curtilage. Enforcement Case Closed 28.02.2019.

LA09/2019/0868/F - New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road - Withdrawn.

LA09/2018/0054/CA - Unauthorised Dwelling, unauthorised access, unauthorised piping of a watercourse, extension of curtilage area Enforcement Action Being Pursued - this application is relevant to this enforcement action.

H/2007/0691/RM - Proposed new 2 storey dwelling house and associated landscaping - Permission Granted 23.05.2008

H/2005/0636/O - Site of dwelling - Permission Granted 19.10.2005

Neighbour Notification

2 neighbours were notified of this planning application including nos. 90 & 92 Iniscarn Road, Desertmartin.

9 letters of objection and 1 non-committal letter was received at time of writing this report.

6 letters of objection were received from the occupier of no. 90 Iniscarn Road who raised concerns as follows:

1) Principle of development - the objector has concerns that the dwelling does not comply with Policy CTY1, CTY8, CTY13 and CTY14 of PPS21 - Sustainable Development in the Countryside, claiming that the dwelling does not meet the criteria to be an infill dwelling and does not comply with policies CTY13 or CTY14.

2) Unauthorised culverting of a watercourse and surface water flooding - the objector has raised concerns about the unauthorised pipework which has been installed around the dwelling. The objector has stated that this pipework has caused serious flooding at their property as well as at no.92 and along the Iniscarn Road. The objector has also stated that site levels have been raised during the development of the site which has increased surface water run off.

- 3) Overlooking and Loss of Privacy - concerns were raised about the bedroom window on the southern side elevation of the dwelling which looks out onto no.90's rear garden.
- 4) Increased extension to curtilage - the objector raised concerns about the increased curtilage of the site which could lead to further development around the dwelling.
- 5) Package Treatment Plant - the objector stated that in the past, the PTP had failed which led to a foul smelling odour in the past.
- 6) Lack of Landscaping - the objector raised concerns that submitted plans did not show much in way of landscaping.
- 7) Flood Risk Assessment - the objector raised a number of concerns regarding the Flood Risk Assessment, which was received on 11/11/2019. The concerns included objecting to the assessments reasoning for a flood occurrence happening at the objector and applicant's sites and states that not all gullies have been shown and assessed in this Flood Risk Assessment.

3 letters of representation were received from the owner of no. 92 Iniscarn Road. These objections raised concerns with the second floor window on the right hand side elevation of the dwelling (northern elevation). The objector also raised concerns that the dwelling does not comply with policy CTY14 of PPS21. This objector also raises the previous flooding event which also effected their property stating that it caused the downstairs had been flooded due to the culverting of the opening pipe.

One miscellaneous letter was received from the applicant at 90a Iniscarn Road. This letter rebutted initial comments made by the objector at 90 Iniscarn Road, suggesting that a lack of gullies at no. 90 Iniscarn Road contributed to the impact of the flooding event that occurred in the past.

Development Plan and Key Policy Consideration

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

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

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

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policies CTY1, CTY8, CTY13 and CTY14 are applicable.

Revised PPS15: Planning and Flood Risk: sets out planning policies to minimise and manage flood risk to people, property and the environment. Policy FLD4 is applicable to this application.

Planning Policy CTY1 of PPS21 states that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise and substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the 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.

I am content that this proposal complies with policy CTY8 in principle as nos. 86a, 88, 90 & 92 create a substantially built up frontage along the main Iniscarn Road.

I am content that the site is a small gap site. Therefore, I am content that this proposal complies with Policy CTY8 of PPS21.

Integration

Policy CTY13 of PPS21 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 has been noted that this is a large 2 storey dwelling. The ridge height is 8.1m high at its highest point and the left hand side portion of the dwelling has a ridge height of 7.2m. Although no. 90 Iniscarn Road is a single storey dwelling, no. 92 is a two storey dwelling to the north and the Iniscarn Road is characterised by a mix of single and two storey dwellings.

I am content that the laurel hedging which has been planted along the southern boundary has addressed issues of overlooking as it has grown quite considerably in a short space of time. The window which has been raised by the objector at no. 90, is a bedroom window which I consider to be a low occupancy room and is located approx. 7m from the boundary of no. 90 Iniscarn Road. Therefore this, coupled with the mature laurel hedging addresses the issue of overlooking.

The window which has been raised by the owner of no. 92 Iniscarn Road on the northern boundary of the property is again a bedroom window which is considered a low occupancy room. There is a considerable amount of mature trees and hedging along the northern boundary of the property and the window is set far enough back from the private amenity space of no. 92 Iniscarn Road. Therefore, I am content that this window does not propose any demonstrable harm on the amenity of no. 92 Iniscarn Road.

The new access proposed 130m west from the junction of Iniscarn / Gortahurk Road will run along the southern boundary of the property therefore complies with CTY13. On a whole, I am content that the dwelling complies with Policy CTY13 of PPS21.

Rural Character

Policy CTY14 of PPS21 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.

It has been noted that this is a substantially large 2 storey dwelling however as mentioned above under CTY13 there is a mix of single storey and two storey dwellings along the Iniscarn Road therefore I am content that this proposal is in keeping with CTY14.

I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS15: Planning and Flood Risk - Policy FLD4

Policy FLD4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations in either of the following exceptional circumstances:

- Where the culverting of a short length of a watercourse is necessary to provide access to development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there is no reasonable or practicable alternative courses of action.

Justification for the culverted watercourse was requested from the agent on 16/01/2020 and no reason was received at time of writing this report.

An email was received from the engineer who wrote the Flood Risk Assessment stating that the presence of the culvert significantly reduces flood risk at the site and that the flood event which occurred in the past happened when the culvert was only half installed and was a one-off occurrence. Although this may be the case, no exceptional circumstance or engineering reason has been provided to justify the culverting of the undesignated watercourse which flows along the southern boundary of the site. For this reason, this proposal does not comply with Policy FLD 4 of PPS15.

Other Material Considerations

DfI Roads were consulted on this application and are content, subject to condition. DfI Rivers were consulted on this application and initially asked for a Flood Risk Assessment. The Flood Risk Assessment received was based on the culverted watercourse therefore DfI Rivers will not comment until the planning authority make a decision based on FLD4 of PPS15. As the planning authority is of the opinion that the proposal does not comply with FLD4 of PPS15, there was no need to re-consult.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal.

ANNEX	
Date Valid	8th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12, Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH D Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH Damian Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH The Owner/Occupier, 90 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray 90 Iniscarn Road, Desertmartin,BT45 5NH Paul Bradley 90A Inniscarn Road,Desertmartin The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray Email Damien Murray Email Address D Murray Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2019/0868/F

Proposal: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to service the dwelling between 90 & 92 Iniscarn Road. Existing access onto the Iniscarn road to be permanently closed.

Address: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road.,

Decision:

Decision Date:

Ref ID: LA09/2019/0944/F

Proposal: Infill dwelling and garage between 90 and 92 Inishcarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Inishcarn Road/Gortahurk Road, existing access onto Inishcarn Road to be permanently closed

Address: Between 90 and 92 Inishcarn Road, Desertmartin,

Decision:

Decision Date:

Ref ID: H/2005/0636/O

Proposal: Site of dwelling

Address: Between 90 - 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 19.10.2005

Ref ID: H/2007/0691/RM

Proposal: Proposed new 2 storey dwelling house and associated landscaping.

Address: Lands situated between 90-92 Iniscarn Road, Moneymore, Magherafelt

Decision:

Decision Date: 23.05.2008

Ref ID: H/2002/0012/O

Proposal: Site of Dwelling

Address: Between 90 & 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 02.07.2002

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Status: Submitted

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Drawing No.
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Status: Submitted

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

Drawing No. 03
Type: Proposed Floor Plans
Status: Submitted

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

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

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1536/O	Target Date:
Proposal: Dwelling & Garage	Location: Between 74 & 76 Hillhead Road Toomebridge BT41 3SP.
Applicant Name and Address: Mr J Nugent 82 Hillhead Road Toomebridge BT41 3SP	Agent name and Address: Henry Murray 37C Claggan Road Cookstown BT80 9XJ
Summary of Issues: No representations have been received in respect of this application.	
Summary of Consultee Responses: DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.	
Characteristics of the Site and Area: The site is comprised of a small field between 2 bungalows, Nos 74 and 76, and fronting onto the Hillhead Road. There is a large shed, which appears to be used as a workshop located to the rear of the proposed site. There are no other buildings to either side of the bungalows. To the south-east of No.74 is a small area of rough ground which is separated from the dwelling by a wide band of mature trees. To the north-west of No.76 is another small paddock which has no boundary along the road frontage. The Hillhead Road is part of the A6 protected route running from Toome to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.	

Description of Proposal

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

Deferred Consideration:

This application was presented as a refusal to Planning Committee in April 2021 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 CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Hillhead Road.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of Hillhead Road.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

It was subsequently deferred for a virtual office meeting on 22nd April 2021 with the Area Planning Manager.

Following a site visit I would agree it does not meet the criteria for an infill dwelling under CTY8 as there are not 3 buildings in a line which would constitute a continuous and substantially built up frontage.

However in terms of CTY2a – new dwellings in existing clusters – the site would meet the criteria for this policy.

The cluster of development lies outside of a farm and consist of 4 or more buildings, of which at least 3 are dwellings.

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

There is an established engineering business 'Nugents' across the road, as well as car sales nearby.

The site is bounded on 3 sides with development and provides a suitable degree of integration.

The development of the site can be absorbed into the existing cluster through rounding off and it would not significantly alter the existing character of the area or visually intrude into the open countryside.

The development will not adversely impact on any residential amenity.

On this basis, I am content the criteria of CTY2a has been met for a dwelling on the site.



A single storey dwelling with 5.5m ridge, on this site would have no detrimental impact on the existing rural character of the area, which is built up and surrounded by a mix of development types.



In terms of refusal reason 4, DFI Roads were re-consulted due to the recent completion of the new road. They replied on 13/06/21 to state that although the new A6 Trunk Road scheme is now open to traffic the contractor is responsible for the new road under his contract obligations until its completion and DFI Roads will not remove protected routes status from the existing A6 Hillhead Road prior to its completion. The road has no completed and although no official date has been set for the de-trunking of this section of the Hillhead Road, it will be going ahead in the near future and so the 4th refusal reason will no longer be a valid concern.

Approval is recommended with the following conditions.

Conditions

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

Reason: In the interest of visual amenity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices


50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1536/O	Target Date:
Proposal: Dwelling & Garage (infill site)	Location: Between 74 & 76 Hillhead Road Toomebridge BT41 3SP
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr J Nugent 82 Hillhead Road Toomebridge BT41 3SP	Agent Name and Address: Henry Murray 37C Claggan Road Cookstown BT80 9XJ
Executive Summary:	
Signature(s):	

for c Hc d 

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	NIEA	Considered - No Comment Necessary

Representations:

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

Summary of Issues

No representations have been received in respect of this application.

<p>Characteristics of the Site and Area</p> <p>The site is comprised of a small field between 2 bungalows, No's 74 and 76, and fronting onto the Hillhead Road. There is a large shed, which appears to be used as a workshop located to the rear of the proposed site. There are no other buildings to either side of the bungalows. To the south-east of No.74 is a small area of rough ground which is separated from the dwelling by a wide band of mature trees. To the north-west of No.76 is another small paddock which has no boundary along the road frontage. The Hillhead Road is part of the A6 protected route running from Toome to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.</p>
<p>Description of Proposal</p> <p>The proposal is an outline application for a site for dwelling and garage within a gap site.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Relevant planning history</p> <p>H/1980/0003 Alterations and additions to bungalow - Approved 15.02.1980 H/1988/0024 Alterations to dwelling - Approved 14.03.1988 H/1993/0554 Alterations and additions to dwelling - Approved 12.01.1994</p> <p>Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.</p> <p>The main policy considerations in the assessment of this application are:-</p> <p>Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015.</p> <p>PPS 21 - sustainable development in the countryside</p> <p>The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage 'includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.</p> <p>The site is bounded to the south-east by a single dwelling, No.74, which has no associated outbuildings to either side. Beyond No.74 is a rough field which extends along the road frontage by approximately 85m before reaching the next building. To the north-west of the site is a second dwelling, No.76, which again has no associated out-building to either side. No.76 has a small side garden with a vehicular access onto the Hillhead Road. Beyond No. 76 is a small grass paddock with a frontage of approximately 25m onto the Hillhead Road. Whilst there is no defined boundary between No.76 and the paddock, the paddock is clearly not part of the defined curtilage of No.76. The paddock is a rough grass area whereas the side</p>

amenity space of No.76 is a closely mown area. Therefore it is clear that there are only two buildings in this line, one on each side of the proposed site. Whilst there is undoubtedly a gap, it is not within what constitutes a substantial and continuously built up frontage of at least three buildings. Any dwelling on this site would create a ribbon of development along this road frontage and therefore the proposed site is contrary to Policy CTY 8 in this respect.

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

CTY 13 - Integration

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

CTY 14 - Rural Character

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

PPS 3 Access, Movement and Parking

Policy AMP 3 Access to Protected Routes advises that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a protected route in certain cases. As the development of a gap site is not included as one of the cases referred to in Policy AMP 3, the proposed development is contrary to policy and should therefore be refused.

Consultations

DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.

Recommendation

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reasons listed below:-

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Hillhead Road.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along this part of Hillhead Road.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	3rd December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 70 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 70 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 74 Hillhead Road Toome Londonderry</p> <p>The Owner/Occupier, 74 Hillhead Road Toome Londonderry</p> <p>The Owner/Occupier, 76 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 76 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 79 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 80 The Creagh (Etre And Otre),Toomebridge,Toome,Londonderry,BT41 3SP</p> <p>The Owner/Occupier, 81 Hillhead Road,Creagh,Londonderry,BT41 3SP</p> <p>The Owner/Occupier, 82A Hillhead Road,Toome,Londonderry,BT41 3SP</p>	
Date of Last Neighbour Notification	16th December 2020
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/1536/O Proposal: Dwelling & Garage (infill site). Address: Between 74 & 76 Hillhead Road, Toomebridge, BT41 3SP., Decision: Decision Date:</p> <p>Ref ID: H/1980/0003 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 76 HILLHEAD ROAD, TOOMEBRIDGE Decision:</p>	

Decision Date:

Ref ID: H/2005/0515/O

Proposal: Site of demolition of existing piggery to provide site for new retirement dwelling.

Address: Adjacent to 84 Hillhead Road, Creagh, Toome.

Decision:

Decision Date:

Ref ID: H/2002/1099/O

Proposal: Site of dwelling

Address: Adjacent to 66 Hillhead Road, Toomebridge.

Decision:

Decision Date: 07.07.2004

Ref ID: H/1993/0554

Proposal: ALTS AND ADDS TO DWELLING

Address: 76 HILLHEAD ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1988/0024

Proposal: ALTERATIONS TO DWELLING

Address: 76 HILLHEAD ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: LA09/2018/0287/F

Proposal: Single storey annex connected to existing dwelling.

Address: 84 Hillhead Road, Creagh Toomebridge, Magherafelt, Co Derry, BT41 3SP.,

Decision: PG

Decision Date: 26.06.2018

Ref ID: H/2014/0132/F

Proposal: Proposed two storey side extension to dwelling

Address: 74 Hillhead Road, Toomebridge, BT41 3SP,

Decision: PG

Decision Date: 24.09.2014

Summary of Consultee Responses

Consultations

DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

Report on	Underground valuable minerals mining and exploration, surface level development including processing plant and other associated development and ancillary works, Greencastle, County Tyrone.
Date of Meeting	3 August 2021
Reporting Officer	Dr Boomer
Contact Officer	Dr Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The purpose of this report is to advise members of the planning application that is currently under consideration by the Department for Infrastructure. The report will also provide advise on the position of MUDC in relation to the issues of concern with the proposed use.
2.0	Background
2.1	In November 2017, Dalradian Gold Limited (DGL) submitted a planning application to the Department for Infrastructure (DfI) to construct an underground gold mine and associated surface water infrastructure at a site located between the towns of Gortin and Greencastle, Co Tyrone. The application was based on the development of an underground mine producing between 1,200-1,500 tonnes of ore per day, a surface crushing facility, processing plant and dry stack storage facility (DSF). The DSF is designed to receive and permanently store dry stack tailings and waste rock after the removal of the valuable metals.
2.2	<p>The application was accompanied by an Environmental Statement (ES). DfI wrote to the applicant on 8 January 2019 seeking Further Environmental Information (FEI). The addendum to the ES was received by DfI on 6 September 2019. Following the submission of the original planning application the applicant reviewed the proposed development and has made some amendments which are outlined as follows:</p> <ul style="list-style-type: none"> • Changes in infrastructure linking mine operations to surface operations; <ul style="list-style-type: none"> ○ Relocation of primary (first-stage) crushing underground; ○ Introduction of ore-sorting equipment underground; ○ Introduction of a conveyor to be used as the primary method to transport material from the underground mine to surface; ○ Change in the orientation of the portal to accommodate the conveyor system.

	<ul style="list-style-type: none"> • Process and product changes <ul style="list-style-type: none"> ○ Simplified ore processing resulting in the removal of cyanide from the process and consequent change in product; ○ Transportation of concentrate off site and out of NI; ○ Changes to tailings and paste backfill; • Optimisation of the mine design and changes in the mine waste management; and • Changes to construction management.
2.3	In addition to the design modifications, DGL now assert they are committed to delivering the project as carbon neutral over its lifetime.
2.4	<p>In the addendum of 2019 the agent has listed the key reasons for the amendments to the project design which are as follows:</p> <ul style="list-style-type: none"> • A system of conveyors has been introduced to reduce the number of vehicle movements between the underground workings and the process plant. This extends the conveyor system already proposed to feed the process plant, back towards the portal and down the main decline. This will significantly reduce the project diesel consumption. To accommodate the conveyor, the haul road and the portal design has been modified and its orientation changed. • The extension of the conveyor system will result in the relocation of the primary crusher from surface to the underground mine. DGL has also introduced an underground ore sorting process. • Although cyanide is used safely in gold mines all over the world, DGL recognized that local communities are strongly opposed to the use of cyanide in the mineral processing operation. DGL has investigated means to remove cyanide from the processing operation and still achieve economic viability of the mine. It has now been established as being possible through production of a gold flotation concentrate that will be transported off site for final processing. The removal of the carbon-in-leach circuit, and associated reagent-handling facilities, has resulted in a smaller process plant footprint and removal of several external tanks. The remaining external flotation tanks that were located to the south of the process plant building have been relocated to the north side of this building.
2.5	Upon receipt of the Further Environmental Information, DfI issued consultations to all the relevant consultees though not all consultees have responded to date.
3.0	Main Report
3.1	The proposed development and associated study area is located in Co Tyrone, between Strabane, to the northwest and the proposed

	<p>Curraghinalt project, c. 7.5km east of Gortin. The landscape is predominantly upland, rural in character and utilized for rough pasture grazing. Most fields are lined by stone walls, fences or hedgerows with some broadleaved and coniferous shelterbelt woodland planting with scattered mixed broadleaved woodland along streams and rivers.</p>
3.2	<p>The landscape within the study area is primarily associated with the Sperrin Mountains, which runs generally east to west between Newtown Stewart and Carrntogher. Many of the peaks within the Sperrins are over 500m, which are surrounded by broad rounded ridges. To the south of the Sperrins, more elevated land gives way to the Carrickmore Plateau, which is generally more even in elevation though still used primarily for rough pasture land given its upland nature.</p>
3.3	<p>The north-western portion of the study area is the most urbanised, with the proximity of Strabane. The settlement areas of Ballygamorry, Plumbridge and Rousky are in close proximity to the proposed development. Outside of these settlement areas, scattered residential properties and farmsteads are in close proximity to the local road networks.</p>
3.4	<p>Views in the north-western portion of the study area contain visibility of the operational Owenreagh Windfarm, whilst scattered single wind turbines are also found throughout the study area located on elevated valley sides. Much of the study area associated with the proposed development is traversed by timber poles carrying overhead lines, both adjacent to the local road network and as separate features which cross the upland agricultural landscape.</p>
3.5	<p>From a Mid Ulster District Council landscape viewpoint the site straddles two NIEA identified distinct Regional Landscape Character Areas (RLCA's) in NI, RCLA 7 - Sperrins and RCLA 12 - Carrickmore Plateau and Pomeroy Hills. The site also traverses three NIEA identified Landscape Character Assessment areas (study was carried out in 2000) and these are:</p> <ul style="list-style-type: none"> LCA 29 - Sperrin Mountains LCA 28 - Glenelly Valley LCA 24 - South Sperrin
3.6	<p>In addition the proposed development and associated study area are primarily located within the Sperrins AONB. This is considered to have a high sensitivity to change due to its designation. The proposed development is primarily located within the AONB and is considered to give rise to direct landscape impacts during both the construction and operational phases.</p>

3.7	The Ulster Way is protected and maintained by the relevant District Councils through which it passes. It is promoted as a national walking route by the NITB. The Gortin to Moneyneany route lies in close proximity to the proposed development. There are also a number of Way Marked Trails and Cycling Trails within and close to the study area and area of proposed development.
3.8	Materials and equipment will be brought to site by road from Dublin, Belfast and Derry. During construction it is estimated there will be an average of 40 loads per day delivered to the proposed infrastructure site. During periods of heavy concrete pouring, a peak of 50 loads per day is anticipated. During operations the average daily HGV movement is estimated at 13 trips per day to site i.e. 26 two way movements.
3.9	During construction, transport is expected to take place 6 days per week during regular business hours. During operations, transport will be planned for weekdays during regular business hours. However, the deliveries of materials to and from site will be dependent on suppliers and upon which days they operate.
3.10	The planning application has implications for policy in Fermanagh and Omagh Draft Plan Strategy. It is clear that if the planning application is approved it is of such a scale that it would not only be contrary to the policy but it would have implications for its future implementation if adopted and so would be prejudicial to future decisions in the District.
4.0	Other considerations
4.1	Financial, Human Resources and Risk Implications Financial: None Human: None Risk Management: None
4.2	Screening and Impact Assessments Equality & Good Relations Implications: None Rural Needs Implications: None
5.0	Recommendation(s)
5.1	It is recommended that the Planning Committee, based on the information currently available and without the advice of all consultees, to object to the planning application as proposed based on both the long term visual impact and issues of concern relating to volumes of traffic both during the construction stage of the proposal and the operational

	<p>phase of the proposal as these will have a significantly detrimental impact on the amenity of the residents in the area.</p> <p>Members are advised the application is premature to the Fermanagh and Omagh Draft Plan Strategy public examination by reason of its scale that it would prejudice future decision making.</p> <p>Members are advised to reserve the right to raise further issues of concern at the public inquiry or at any time preceding the date of the inquiry should additional or amended information be received.</p>
6.0	Documents Attached and References

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 July 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Black, Chair Councillors Brown, Clarke, Colvin, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson
Officers in Attendance	Dr Boomer, Planning Manager Mr Bowman, Head of Development Management Ms Donnelly, Council Solicitor Ms Doyle, Senior Planning Officer Ms McKearney, Senior Planning Officer Mr Marrion, Senior Planning Officer Mr McClean, Senior Planning Officer Ms McCullagh, Senior Planning Officer Miss Thompson, Democratic Services Officer
Others in Attendance	Councillor Gildernew* LA09/2020/1549/F Ms Cuddy Mr Daly LA09/2017/0319/F Mr Hughes Mr Cassidy

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.07 pm

P087/21 Apologies

Councillors Bell and Glasgow.

P088/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P089/21 Chair's Business

The Planning Manager advised of IT issues which meant that the live stream of the meeting could not be broadcast. The Planning Manager advised that officers would try to resolve these issues but stated that the meeting could take place legally as

anyone who had requested speaking rights has the opportunity to exercise these rights in person tonight. The Planning Manager went on to state however that it is bad administration on the part of the Council as the public were advised they could view the meeting online but that he felt it would be inappropriate to hold back any applications tonight.

The Planning Manager tabled responses to two consultations as per the addendum namely –

SONI Shaping Our Electricity Future Consultation
Department for the Economy Energy Strategy Consultation

Resolved To submit responses to the above consultations as set out at addendum.

The Planning Manager advised that planning statistics for the last year were now available and stated that, despite the pandemic and subsequent lockdowns, Mid Ulster Council received more planning applications last year than at any other time. The Planning Manager felt that this is a good signal for the future and investment in the area.

The Planning Manager stated that Mid Ulster is one of the best performing authorities and those that performed better receive half to a third less applications. The Planning Manager stated that during lockdowns Mid Ulster continued to receive applications whilst many other authorities had refused to do so and felt that there had been an astounding performance from Mid Ulster staff during this time.

The Planning Manager stated that there are more applications in the system than ever before and that development plan staff had been moved over to development management to help to deal with this, he stated however that the development plan team needed to be built up again in order to deal with the forthcoming public inquiry. The Planning Manager also referred to the implementation of the new planning portal system.

The Planning Manager referred to Planning Committee meetings held previously during the pandemic in which only applications recommended for approval were brought in order to keep things moving. The Planning Manager stated that as there were now a number of applications in the system, that things were back to relative normality and that there were a number of key tasks for the planning team going forward he would suggest holding an additional Planning Committee meeting in September in order to deal with applications.

Councillor Colvin asked what date was proposed for the meeting.

The Planning Manager advised that the date would be confirmed.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved To hold two Planning Committee meetings in September 2021.

The Planning Manager referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 4.7 - LA09/2020/1051/O - Site for dwelling and double domestic garage on a farm at approx. 90m SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson.

Agenda Item 4.11 - LA09/2021/0054/O - Site for a dwelling & domestic garage at approx 60m SW of 125a Ballinderry Bridge Road, Cookstown, for Mr Kieran Mitchell.

Agenda Item 4.13 - LA09/2021/0096/F - Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown, for Mr and Mrs Hutchinson.

Agenda Item 4.14 – LA09/2021/0103/F - One and a half storey dwelling, detached garage and associated site works (Change of house type to I/2006/0905/RM) at 20m W of 24 Annahavil Road, Dungannon, for Miss Lyn Somerville.

Agenda Item 4.18 - LA09/2021/0264/O - Dwelling and garage at site adjacent to 60 Sixtowns Road Draperstown, for Mr Peter Conway.

Agenda Item 4.22 - LA09/2021/0681/O - Dwelling and domestic garage at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That the above planning applications be deferred for an office meeting.

The Planning Manager advised that agenda item 4.19 – LA09/2021/0299/O – Dwelling and garage at site adjacent to 60 Sixtowns Road, Draperstown for Mr Peter Conway had been withdrawn.

Matters for Decision

P090/21 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2019/1057/F New factory inclusive of a fabrication and cutting shed, fitting shed and office block with associated works at site adjacent and South of Ardboe Business Park Kilmascally Road, Ardboe, for Anaconda International Ltd

Members considered previously circulated report on planning application LA09/2019/1057/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2019/1057/F be approved subject to conditions as per the officer's report.

LA09/2020/0420/O Dwelling and garage at 110m SE of 223 Dungannon Road, Dungannon, for Emma O'Neill

Mr Marrion (SPO) presented a report on planning application LA09/2020/0420/O advising that it was recommended for refusal.

Proposed by Councillor Colvin
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0420/O be refused on grounds stated in the officer's report.

LA09/2020/0498/F 3 dwellings at Riverbrook Moneyhaw Road, Moneymore, for Shanco Properties Ltd

Members considered previously circulated report on planning application LA09/2020/0498/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0498/F be approved subject to conditions as per the officer's report.

LA09/2020/0553/F Housing development (3 detached and 2 semi-detached), private amenity space, landscaping, access onto Queens Avenue and ancillary site works at 9 Ballyronan Road Magherafelt for Mullaghboy Construction Ltd

Members considered previously circulated report on planning application LA09/2020/0553/F which had a recommendation for approval. Attention was also drawn to the addendum which advised of re-wording of condition one of approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/0553/F be approved subject to conditions as per the officer's report and amended condition one as set out below –
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.

LA09/2020/0747/F Retrospective application for farm building and revision to layout of cattle shed at approx. 95m SW of 3 Killynaul Road, Dyan, Caledon, for Mr Ivan McAllister

Members considered previously circulated report on planning application LA09/2020/0747/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0747/F be approved subject to conditions as per the officer's report.

LA09/2020/0772/F Dwelling and garage on a farm (change of house type to M/2007/1605/RM) at land approx. 150m SW of 22 Altadaven Road Augher, for Mr Patrick Hackett

Members considered previously circulated report on planning application LA09/2020/0772/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0772/F be approved subject to conditions as per the officer's report.

LA09/2020/1051/O Site for dwelling and double domestic garage on a farm at approx. 90m SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1269/F Substation and compound to serve proposed wind turbines at approx. 990m NW of Drumard Road/ Cullion Road junction, Straw Mountain, Draperstown for P Toner

Members considered previously circulated report on planning application LA09/2020/1269/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Quinn and

Resolved That planning application LA09/2020/1269/F be approved subject to conditions as per the officer's report.

LA09/2020/1349/O Dwelling and domestic garage within a cluster at 50m S of 3 Ballynasolus Road, Cookstown for Charles Quinn

Members considered previously circulated report on planning application LA09/2020/1349/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/1349/O be approved subject to conditions as per the officer's report.

LA09/2020/1549/F Football stand to cover stepped terrace at 108 Killyliss Road Eglish, for Eglish GAC

The Chair, Councillor Black advised that the Committee would consider this application later in the meeting when IT issues had been resolved.

LA09/2021/0054/O Site for a dwelling & domestic garage at approx. 60m SW of 125a Ballinderry Bridge Road, Cookstown, for Mr Kieran Mitchell

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0055/O Site for dwelling and garage at approx. 50m NW of 33 Lower Grange Road, Cookstown for Mr James Wylie

Members considered previously circulated report on planning application LA09/2021/0055/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0055/O be approved subject to conditions as per the officer's report.

LA09/2021/0096/F Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown, for Mr and Mrs Hutchinson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0103/F One and a half storey dwelling, detached garage and associated site works (Change of house type to I/2006/0905/RM) at 20m W of 24 Annahavil Road, Dungannon, for Miss Lyn Somerville

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0115/F Demolition of existing building and creation a new overflow carpark for the Maghera Leisure Centre within the lands of the PSNI building at 50 Coleraine Road, Maghera, for Mid Ulster District Council

Councillors Black, Brown, Clarke, Colvin, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson all declared an interest in this application.

Members considered previously circulated report on planning application LA09/2021/0115/F which had a recommendation for approval.

Councillor McKinney advised that the building had already been demolished and the car park had been laid and stated he was not happy with this.

The Planning Manager stated that the planning department and committee deal with planning applications and not contracts and that he would pass Councillor McKinney's comments on to the relevant Directors.

Councillor McKinney asked if this wasn't a Council application what would the view be.

The Planning Manager stated this would not be first retrospective application the Committee have dealt with. It was highlighted that if development is undertaken without planning approval then there is risk of enforcement action. In relation to this application, the Planning Manager advised that apart from the issue raised tonight he was not aware of any other concerns or issues being raised in relation to the development and that officers do not investigate unless an issue is raised with them. The Planning Manager stated that, in his own view, if this had been a private applicant and not the Council and that the application was in the public good with a recommendation to approve then he would not be overly concerned

The Chair, Councillor Black stated that the point raised by Councillor McKinney was valid.

Proposed by Councillor Colvin
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/0115/F be approved subject to conditions as per the officer's report.

LA09/2021/0161/O Dwelling & garage at approx. 295m SE of 94 Loughans Road, Drumfad, Ballygawley, for Kevin Donaghy

Mr Marrion (SPO) presented a report on planning application LA09/2021/0161/O advising that it was recommended for refusal.

Councillor S McPeake asked if every opportunity had been given to the applicant/agent to submit a request to speak/defer the application.

Mr Marrion advised that the application had been available to view on the Council website for a week and that officers do not canvas applicants/agents/objectors to advise that their application is due to come before committee. Mr Marrion advised that the applicant/agent in this case had been afforded no more and no less than the others who had submitted a request for tonight.

Councillor Robinson proposed an office meeting.

The Planning Manager advised that if it was a view of the Committee to hold an office meeting then this would be accommodated.

Councillor McFlynn seconded Councillor Robinson's proposal.

Resolved That planning application LA09/2021/0161/O be deferred for an office meeting.

**LA09/2021/0260/O Dwelling immediately adjacent S of 24 Creenagh Road
Coalisland for Mr Christopher O'Farrell**

Members considered previously circulated report on planning application LA09/2021/0260/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Corry and

Resolved That planning application LA09/2021/0260/O be approved subject to conditions as per the officer's report.

**LA09/2021/0264/O Dwelling and garage at site adjacent to 60 Sixtowns Road
Draperstown, for Mr Peter Conway**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2021/0299/O 2 storey dwelling between 85 & 89 Derrytresk Road,
Coalisland Mr Eamon Hagan**

Application withdrawn.

**LA09/2021/0490/F Ground floor extension to side of property with ramped
access at 10 Sandy Row, Coalisland for Michael Devlin**

Members considered previously circulated report on planning application LA09/2021/0490/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0490/F be approved subject to conditions as per the officer's report.

LA09/2021/0632/O Infill Dwelling & Garage at lands adjacent to 126a Ballynease Road, Portglenone, for Rory McErlean

Members considered previously circulated report on planning application LA09/2021/0632/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/0632/O be approved subject to conditions as per the officer's report.

LA09/2021/0681/O Dwelling and domestic garage at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0769/RM Gap Site for 2 dwellings and Domestic garage opposite 250 Ballygawley Road Dungannon, for Jason Kelly

Members considered previously circulated report on planning application LA09/2021/0769/RM which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0769/RM be approved subject to conditions as per the officer's report.

Return to

LA09/2020/1549/F Football stand to cover stepped terrace at 108 Killyliss Road Eglis, for Eglis GAC

The Head of Development Management presented a report on planning application LA09/2020/1549/F advising that it was recommended for approval.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Cuddy to address the committee in the first instance.

Ms Cuddy thanked the Committee for the opportunity to attend tonight's meeting and that she was speaking on behalf of Roan residents to outline objections to the proposal before Members. Ms Cuddy stated that objections had already been submitted which she hoped had been taken into consideration and went on to provide a summary of the objections.

Ms Cuddy stated that a stand in the proposed location will be a gathering point for anti social behaviour as the pitch is not securely closed when not in use. Ms Cuddy stated that during the past year there has been increased anti social behaviour which has been documented on Club social media and in correspondence sent to

residents. Ms Cuddy stated that the proposal will draw anti social behaviour closer to homes as the stand will overlook some back gardens and will create a noise nuisance and security risk. Ms Cuddy stated that any structure should be built to a high standard in terms of design, scale and material and should respect surroundings and be accessible to those with disabilities. It is not believed that the proposal is a suitable design or suitable for all users. Ms Cuddy highlighted that Eglish GAC state that the back of the stand is the same height as the existing wall but pointed out that it rises at the front making it taller than the existing wall. Ms Cuddy stated that a stand will enable the club to hold championship matches and that this will attract larger crowds to the pitch, leading to increased traffic and unacceptable parking in the surrounding areas. Ms Cuddy stated that the stand will lead to noise issues during matches and training sessions as people will tend to gather at the stand leading to intensification of noise in this area.

Ms Cuddy stated that a more suitable location of the stand would be on the opposite side of the pitch where there are no dwellings in close proximity and would have less of an impact on residents in the area. Ms Cuddy stated that if the applicant had engaged with the local community prior to submitting their application they would have had the opportunity to gather these views and could have submitted a more suitable proposal. Ms Cuddy referred to SPPS paragraph 2.3 which states that good neighbourliness and fairness are amongst the yardsticks against which development proposals will be measured. Ms Cuddy stated that residents are disappointed with the lack of communication from Eglish GAC despite many requests for a meeting. Ms Cuddy stated that many objectors to the proposal are and have been members of the club and have expressed support to a stand being sited in an alternative location. Ms Cuddy stated that Roan residents would ask the Committee to appreciate the detrimental impact the proposal will have on the residential amenity of residents.

The Planning Manager referred to the concerns raised regarding anti social behaviour and asked for further information on these concerns.

It was advised that the area is currently used as a drinking den along with other activities which were not wanted at the back of dwellings, this activity can go on to 4am with taxi drivers picking up/dropping off. People also climb the wall in order to get access to the pitch and it was felt that a stand will encourage more people to gather at this point.

The Planning Manager asked how often this activity was occurring.

It was advised that this activity goes on almost every weekend, that gates are not locked and that there are many accesses to the area.

The Chair, Councillor Black invited Mr Daly to address the meeting.

Mr Daly thanked the Committee for the opportunity to speak on behalf of Eglish GAC and stated that the proposal is the second attempt to gain planning permission for a stand and that he would make comment on the objections raised.

Mr Daly referred to concerns regarding loss of light and overshadowing and advised that the current proposal has been reduced in height by 1.5 metres from the previous

application submitted in 2016 and is 1 metre from the boundary wall and felt that there will no increase to loss of light or overshadowing. Mr Daly also highlighted that there is an existing tree and when in full foliage he felt this would give rise to a more significant loss of light and overshadowing than the proposal. Mr Daly stated that the proposal will not increase spectator capacity on existing terraces and therefore would not increase traffic when matches are taking place. Mr Daly stated that the proposal will remove 70m² from terracing thereby reducing capacity. Mr Daly stated that the structure by its design will reduce noise levels to the rear and create a barrier which will focus sound toward the pitch. It was further highlighted that on match days there are agreements with local businesses and organisations to use their car parks to keep cars off the road and that the roadway is marked to ensure access to adjacent properties is maintained at all times and that through traffic can continue. Mr Daly stated that positioning of the stand on the opposite side of the pitch was considered but that there are issues with ground stability as the area is a fill in sewerage treatment works. To excavate this area would entail considerable groundworks and contamination assessments adding greatly to the cost. Mr Daly also stated that there is a right of way on this side of the pitch which permits a local business to access the river with heavy plant. In relation to anti social behaviour, Mr Daly state that both the club and community take this seriously and have implemented monitoring and surveillance of the village to try to eliminate as many anti social activities as possible. Mr Daly stated that the club does not foresee how the proposal will change the current situation. It was stated that parents are also advised that young children should be supervised at all times whilst at the grounds and that littering within club grounds is managed by the club and that the stand will not add to littering. Mr Daly stated that the club did not foresee how the proposal will lead to a decrease in property values. Mr Daly stated that the club and its members have invested a lot of time and expense in improving the appearance of facilities and that the club is at the heart of the community and that the stand will allow the community to watch football in a comfortable environment and that objectors concerns have been taken on board which have led to the revised application.

The Planning Manager asked if any special materials would be used in the construction of the stand to help reduce sound.

Mr Daly stated that there are no special materials being used, that the structure would be metal clad with a concrete back wall and that this would focus sound towards the pitch.

The Planning Manager asked if the club would be prepared, if it was subject to a condition, to look at using materials which would help absorb sound. The Planning Manager stated he was conscious that Environmental Health have not raised an objection but that he was also conscious of the concerns raised tonight.

Mr Daly stated that there is currently a 2 metre concrete wall which runs for approximately 100 metres and that 90% of people watching games gather on the terraces. Mr Daly stated that a good attendance would be 3-400 people.

The Planning Manager asked that if a cost effective way of reducing sound from the stand can be sought if the club would be willing to undertake this.

Mr Daly stated that if a condition is placed then the club would respect this.

The Planning Manager asked what frequency competitive games were held at the pitch.

Mr Daly advised that there are approximately ten games per year held at the pitch which would attract 3-400 people and that these are generally held in the evening or a Saturday or Sunday afternoon.

The Planning Manager referred to anti social behaviour and asked what surveillance takes place.

Mr Daly stated that a number of concerned parents undertook to monitor the situation and patrol the grounds in order to discourage anti social behaviour. Mr Daly stated that other community facilities were also monitored. Mr Daly stated that from undertaking the monitoring it came to light that a number of those engaging in the anti social activity were not from the area.

The Planning Manager stated that it is clear that anti social behaviour has taken place and that the key remedy is to monitor the situation. The Planning Manager asked if the club would set up a system, ie. a contact number, to communicate to when anti social behaviour is taking place.

Mr Daly stated that this is already in place and that there were parent whatsapp groups and contact numbers are known.

The Planning Manager stated that if a condition was placed to make available contact numbers would the club be content to continue with this.

Mr Daly stated that the club would continue to manage the contact numbers for reporting anti social behaviour as such behaviour goes against the principles of the club.

The Planning Manager referred to the issues of people climbing the wall currently in place and possibly the stand in future and that conditioning may also help with this such as greasing the stand.

The Committee was asked who would be liable if someone fell from the wall into a back garden.

The Planning Manager stated he did not have the answer to this and that liability is complex. The Planning Manager stated it would be in the interests of the club to ensure that things are done to a proper standard and be compliant with the law.

The meeting was advised that a contact number had not been provided and that this was the first time meeting with the club.

The Planning Manager stated that the purpose of speaking to the Planning Committee was to present a case and that officers or Members can ask questions but that it was not a debate.

Councillor Cuthbertson asked whether the blocking of natural light was an issue.

The Planning Manager stated that he could not see how the proposal would lead to any significant loss of light. The Planning Manager stated that given the frequency and level of use it would be hard to defend a refusal.

Councillor Clarke stated that it appears that the terrace would be on the northwest side of the pitch.

Mr Daly stated that the aspect of the pitch would be north to south and that people standing on the terrace at 7pm of an evening would have the sun on their back.

Councillor Clarke stated that in order to build a stand that is effective you should be putting your back to the west/northwest wind. Councillor Clarke stated that if the stand was on the opposite side of the pitch then the wind would be blowing into the stand. Councillor Clarke referred to an application a number of years ago regarding a drive through restaurant and that neighbouring residents raised concerns in relation to noise. Following this it was agreed that the drive through would be covered which resulted in no noise disturbances. Councillor Clarke highlighted that sound will travel across but not over the top of the stand.

The Planning Manager stated that officers take advice on sound from the Environmental Health department. The Planning Manager asked what comment Environmental Health had made on the application.

The Head of Development Management stated he could not see a record of Environmental Health being consulted on the application.

The Planning Manager stated that if there had been no formal consultation with Environmental Health he would advise holding the application until the consultation has been completed.

Mr Daly advised that the prevailing weather comes from the southwest corner.

Councillor McFlynn stated that whilst she was supportive of the GAA and everything they do for the community she would have some concern as there are residents who are members of Eglish GAC who are objecting to the proposal and clearly have had no previous opportunity to discuss the matter with the club. Councillor McFlynn stated she could understand why there were issues with siting the stand on the other side of the pitch but felt that consideration needed to be given to the residents. Councillor McFlynn stated it was also difficult to see from photographs where the wall is, where the stand will be and how close it will be to homes. Councillor McFlynn also referred to the comment in relation to the tree and that the stand would not be any more imposing however she stated this was only one tree and not a row of trees. The Councillor stated she had difficulty with the application and had sympathy with the residents given this is the first opportunity there has been to discuss the matter.

The Planning Manager stated it would be disrespectful to move forward without consulting Environmental Health and that advice can also be taken on what

materials could be used on the structure of the stand. The Planning Manager stated it would also be useful to have a site meeting on this application in the interim.

The Chair, Councillor Black stated that the way forward outlined by the Planning Manager seemed sensible and that the conversation tonight had also been constructive in moving the matter forward.

Councillor S McPeake stated he had read the report and listened to the objectors who had raised valid points but that he felt the report goes a long way to addressing concerns. The Councillor stated that if there has been a breakdown in communication between the objectors and the club then that is regrettable however he agreed with Councillor Clarke's comments in that during inclement weather a stand on the opposite side of the pitch would be meaningless if the wind and rain was blowing in. Councillor S McPeake stated it would be disappointing if there is no resolution and took on board the Planning Manager's comments in relation to no consultation taking place with Environmental Health. The Councillor suggested that if the Environmental Health consultation came back with no concerns that the application be approved on the condition that there was no negative impact on Environmental Health rather than holding the application for a period of time.

The Planning Manager stated that a condition cannot be used to deal with something that should be considered. The Planning Manager stated that the conditions he referred to previously were conditions which he felt would make the application better. The Planning Manager stated he believed there is a solution but that it was not a question of what we do but also what we are seen to be doing and what we do as a Planning Committee is to ensure that everyone's case is properly looked at. The Planning Manager stated that residents have raised concerns relating to noise and he would like some expert opinion on this. The Planning Manager stated that a site meeting can be organised whilst consultation with Environmental Health is ongoing and that when the application comes back to the Committee he felt the matter could be moved forward.

Councillor Mallaghan stated that it was good to take the time to discuss the matter tonight but that the Committee should not be giving unrealistic hope and that there may not be a solution which suits everyone. The Councillor referred to previous comments regarding moving the stand to the opposite side of the pitch, the difficulty of prevailing winds, the Right of Way and stated that there was terracing already in place and that the club was doing what it could to develop its facilities.

The Chair, Councillor Black stated it is important not to set unrealistic expectations but that everyone should be given the opportunity to give their view including consulting with Environmental Health.

Councillor Mallaghan proposed to defer the application in order to consult with Environmental Health and arrange a site meeting.

Councillor McFlynn seconded Councillor Mallaghan's proposal.

Resolved That planning application LA09/2020/1549/F be deferred in order to consult with Environmental Health and arrange a site meeting.

LA09/2017/0319/F Relocation of 2 chimney stacks (approved M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building at 70m S of 177 Annagher Road, Dungannon, for DMAC Engineering

The Head of Development Management presented a report on planning application LA09/2017/0319/F advising that it was recommended for approval.

The Head of Development Management highlighted that an Enforcement Notice has been served however Members were asked that this be withdrawn upon a decision to grant approval of the application.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Hughes to address the committee in the first instance.

Mr Hughes stated he was speaking on behalf of local residents and was here tonight to ask for an office meeting. Mr Hughes stated that DMAC have had more than enough time to deal with the fumes coming from this factory and as recently as yesterday Environmental Health were called by local residents about the fumes. Mr Hughes stated that the Environmental Health officer could smell the fumes yesterday and that it would be their intention to visit the DMAC factory. Mr Hughes stated that when planning permission was granted for the new factory it was claimed that there would be a system to deal with the fumes however this failed to materialise and DMAC proceeded to build the chimneys without planning permission. Mr Hughes stated that the fumes are affecting the health, wellbeing and amenity of local residents who are all entitled to breathe clean air and that it is the responsibility of Environmental Health and Planning to make sure the air is not polluted by the fumes from the DMAC factory. Mr Hughes asked for a fair hearing and that an office meeting be accommodated.

Mr Cassidy stated originally an in house system was developed to deal with the odours however due to the amount of work secured by the business this system could not be scaled up. Mr Cassidy stated that any fumes are unacceptable to DMAC and that the health and wellbeing of the local community is paramount and to this end an alternative solution was commissioned. Mr Cassidy stated he viewed a system installed by Jaguar and manufactured by Harry Dalby Engineering. The same system is used by Bentley, BMW, Westland Aerospace, BAE Systems and Bombardier to name a few. Mr Cassidy stated that having been impressed by the commitments provided by Harry Dalby Engineering, DMAC ordered four booths at a cost of over £2 million. Mr Cassidy stated that when the booths were fitted hardware was also installed to monitor the odour from the stacks, this monitoring runs 24 hours per day, 7 days per week and can be downloaded, stored and actioned on a weekly basis. Mr Cassidy stated that an air quality impact assessment was commissioned and that the primary objective was to predict the odour concentration of neighbouring houses to the site to ensure no nearby properties are adversely affected by fumes. Mr Cassidy stated that the results show that any odours are confined to within the site and increasing the stacks to six metres, which has been done, reduces any odours by 26%. Mr Cassidy stated that the levels which annoyance is likely to occur is classified by Environmental Health as 10 odours per metre³ and after setting up testing equipment at each house adjoining the factory the readings were between

0.2 and 1.25 odours per metre³ and that these results are unchallenged by the objector. Mr Cassidy stated that co-operation with Environmental Health is important and with shared resources and knowledge he believed that a satisfactory outcome has been achieved. Mr Cassidy stated that DMAC employ a Compliance Manager and it has been agreed that part of their role will be work with the Environmental Health department within Council with monthly meetings due to commence this month. Mr Cassidy stated that objections have been received by Environmental Health and whilst the origin of odour can be disputed he felt that safeguards by way of conditions have been included within the planning permissions and that DMAC approve and respect these. Mr Cassidy stated that in 2015 DMAC made a number of promises to this Committee in gaining planning approval for their factory, this included transforming a derelict site into a modern factory and in doing so creating 100 jobs. Today, after investment of over £6 million, the factory has been built, has over 250 employees and a turnover of over £15 million annually. Mr Cassidy stated that since DMAC has taken ownership of the site the transformation has been remarkable and that the business is a key supplier to global brands including Terex, Powerscreen, McCloskey, Telestack, Sandvik and the Blue Group. Mr Cassidy stated that DMAC are in a privileged position to have these customers and it is believed that they should be supported by Mid Ulster Council. Mr Cassidy stated he appreciated the late objection which may need to be considered further and that there was no objection to a deferral tonight, however, if a deferral is agreed then he would ask Members to have a site meeting to see the site for themselves.

Councillor McKinney stated that one of the first applications dealt with by the Planning Committee was an application for DMAC. Councillor McKinney stated he would like the opportunity to visit the site and proposed that the application be deferred for a site meeting.

Councillor S McPeake stated that the obstacle related to a technical issue and that it would appear that Environmental Health are now satisfied. The Councillor referred to the large amount of money which has gone into the purchase of equipment, that monitoring is ongoing 24/7 and assurances have been given that the results are within limits therefore he did not see what could be gained from a site meeting and felt that the application could be approved tonight.

Councillor Colvin seconded Councillor McKinney's proposal as this application started out as an enforcement case and he would like to see the site for himself.

The Planning Manager referred to previous decision taken in relation to DMAC at the first meeting of the Planning Committee which he felt has went on to set the tone today which is for sustainable economic development which he believes this business is. The Planning Manager stated that there will always be issues and that these are real but that everyone has worked to overcome these and in this instance controls are in place. The Planning Manager stated that the invitation to view the site is from the applicant and that he had no objection to Members taking up this offer.

Councillor Mallaghan stated that normally when there is a site visit it is to view the circumstances of the site but that he felt that in relation to this application the issue is down to data which is generated from equipment that measures odour. Councillor

Mallaghan stated that whilst he would not object to a site meeting he did not see its purpose in terms of how odour is measured as it is not something that can be seen. Councillor Mallaghan proposed the officer recommendation to approve the application.

Councillor Quinn stated that DMAC is a long running saga and that an office meeting has been requested and that he felt that this should be granted. Councillor Quinn referred to the offer of a site meeting and couldn't see why this offer should not be taken up and that if the application is being deferred in any case an office meeting could also be accommodated.

The Planning Manager stated he did not feel there was a need for both an office meeting and a site meeting. The Planning Manager stated he did not feel an office meeting would be appropriate and could envisage how it would play out and that nothing could be gained from it. The Planning Manager stated that if the machines are properly run and the data collected from this then this should be adequate. However if there are problems and the process involves spraying which is governed by a Licence then this Licence can be removed. The Planning Manager stated it is up to the operator to ensure that they are operating within the terms of their Licence. The Planning Manager stated that if Members want to take up the offer of a site meeting then he would have no objection but did not feel an office meeting was a way forward as there was nothing more he could offer at such a meeting.

Councillor Quinn stated he understood the comments of the Planning Manager but felt that if the application is being deferred for a site meeting an office meeting would allow the opportunity for residents to view data which may help to alleviate concerns.

The Planning Manager stated that if Members wanted an office meeting then this would be accommodated and highlighted that there is no harm in deferring the application as it already exists.

Councillor Mallaghan stated he would withdraw his proposal.

Councillor S McPeake asked for a timeframe for the meetings and if there is no material change that the application be brought back to the next Planning Committee meeting.

The Planning Manager stated that office meetings and site meetings can be organised for two weeks from Thursday/Friday respectively.

The Chair, Councillor Black asked if Councillor McKinney was happy to amend his proposal to include an office meeting.

Councillor McKinney stated that his proposal was solely for a site meeting.

Councillor Quinn proposed that the application be deferred for an office meeting and site meeting.

Members voted on Councillor McKinney's proposal –

For – 7

Against - 4

Resolved That planning application LA09/2017/0319/F be deferred for a site meeting.

LA09/2017/0787/F Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion

Members considered previously circulated report on planning application LA09/2017/0787/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0787/F be approved subject to conditions as per the officer's report.

LA09/2017/0788/LBC Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion

Members considered previously circulated report on planning application LA09/2017/0788/LBC which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2017/0788/LBC be approved subject to conditions as per the officer's report.

LA09/2019/1262/O Site for a dwelling and domestic garage at approx. 45m W of 140 Kilrea Road, Upperlands for Daniel O'Kane

Members considered previously circulated report on planning application LA09/2019/1262/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2019/1262/O be approved subject to conditions as per the officer's report.

LA09/2020/1080/F New Vehicular access at approx. 200m E of no 33 Oldtown Road, Bellaghy, for Mrs Emma McCoy

Members considered previously circulated report on planning application LA09/2020/1080/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1080/F be approved subject to conditions as per the officer's report.

LA09/2020/1626/O Site for Dwelling & Garage at approx. 30m N of No.31 Gortinure Road, Maghera, for Mr S McEldowney

Members considered previously circulated report on planning application LA09/2020/1626/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1626/O be approved subject to conditions as per the officer's report.

P091/21 Receive Updated Authorised Officer Report

The Head of Development Management presented previously circulated report which sought approval for Mr Paul McClean to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That Mr Paul McClean is nominated as an authorised officer to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.

Matters for Information

P092/21 Minutes of Planning Committee held on 8 June 2021

Members noted minutes of Planning Committee held on 8 June 2021.

Live broadcast ended at 9.10 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor Mallaghan and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P093/21 to P098/21.

Matters for Decision

P093/21 Receive Report on DfC Call for Evidence
P094/21 Receive Enforcement Report
P095/21 Presentation on Progress on the New Computer System

Matters for Information

P096/21 Confidential Minutes of Planning Committee held on
8 June 2021
P097/21 Enforcement Cases Opened
P098/21 Enforcement Cases Closed

P099/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 10.12 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 6th July 2021

Additional information has been received on the following items since the agenda was issued.

Chairs Business;

SONI Shaping Our Electricity Future Consultation

Energy Strategy Consultation

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.4	Condition 1 should read '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.	Members to note
4.7	Late request for speaking rights	Members to note
4.10	Additional 2 objections received and Late request for speaking rights (info attached)	Members to note
4.14	Late request for deferral	Members to note
4.19	Email withdrawing application	Members to Note
5.1	Additional objection received	Members to note

10 June 2021



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Soni Ltd

12 Manse Road

Belfast

BT6 9RT

Dear Sir/Madam

Shaping Our Electricity Future

In response to your consultation on Shaping our Electricity future it is important to set out from the outset that Mid Ulster Council recognizes that because of its geography it lies at the heart of the electricity network and will continue to work with SONI to ensure that the network is strengthened in a sensitive and sustainable manner. The Council will be happy to continue this conversation as proposals emerge. However, in the interests of simplicity I have focused comments on the questions in your consultation questionnaire, albeit with a rewording of the headline statements.

(1) The Council is concerned with the statement that everything should be done to achieve 70% of renewables by 2030 and that it will come from wind or solar panels.

The reason for our concern is that there are areas in Mid Ulster that should not be the focus for wind turbine development. These include our more vulnerable landscapes such as the High Sperrins, Lough Neagh shoreline and the Clogher Valley. It also appears from the consultation that these are the target areas for future production. We are also concerned that as an area which produces a great deal of wind energy there are other localities where saturation point has or is about to be reached. We still agree with the 70% target, but consider a greater focus on offshore wind energy is necessary, particularly in the shallows of the Irish see between the Republic and England/Wales. Increasing emphasis must also be on solar, hydrogen and biofuels.

(2) The Council recognizes the need to connect new sources of renewable electricity and that in prioritizing work ensuring that the strength of the grid and the benefit to consumer.

In Mid Ulster and indeed Northern Ireland as a whole there are a large number of planning approvals for wind energy, in prioritising investment it is correct that account should be taken of infrastructure and demand, but it is also important to consider demand in terms of benefit to communities, who may be experience supply difficulties.

(3) The Council Considers that there should be a Plan Led approach to future wind and solar farms

Future provision of wind energy should not be determined by developers, as the primary motivation is likely to be private interest without adequate consideration given to the communities and landscapes inside which they are set. In Mid Ulster, our Local Development Draft Plan Strategy sets out a simple approach to the development of renewables indicating those areas where high structures or height restrictions apply as well as criteria for assessing applications. Providing development remains within this framework the council welcomes private investment and welcomes the positive contribution developers can make.

(4) The Council welcomes the statement that Companies that use huge amount of electricity should locate new facilities near sources or renewable energy and where the Grid is strong.

Mid Ulster is an excellent location for investment in industry and other power intensive activities such as data centres, because of the location to the primary network and renewable energy providers. Our Plan strategy has already identified opportunities for such development in urban and rural areas such as Desercreat and we would welcome the opportunity to work with SONI in identifying future locations and zonings for such development in our Local Policies Plan. However, it there are other considerations that must be taken into account to ensure any such development is sustainable.

Yours faithfully



Dr. Chris Boomer

Planning Manager for Mid Ulster Council



Comhairle Ceantair
Lar Uladh
Mid Ulster
District Council

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

30 June 2021

The Energy Strategy Consultation
Department of the Economy

Dear Sir/Madam

Response to the Energy Strategy for Northern Ireland

I have been asked to write to you on behalf of Mid Ulster Council expressing both support and concerns in relation to the above consultation document. From the outset it should be stated that the 79 questions attached to the consultation is somewhat over whelming for the average stake holder and it does appear that the nature of the questions are very repetitive and leading. Therefore rather than cherry pick questions as suggested I will only focus on the key themes:

Vision:

The overall vision which aims to grow the green economy, replace fossil fuels with renewable energy, do more with less, create a flexible and integrated energy system are audible if not undisputable. However, there are also conflicts with the central objective of placing people at the heart of our energy future if it leads to unaffordable price increases or a deterioration in the environment in which people live.

Placing you at the Heart of our Energy Future

The Council agrees that no one can predict accurately our future electricity needs. However, it is clear that there is a need to switch energy consumption away from fossil fuels to more renewable forms of energy. In short, that means cutting consumption of petrol, diesel and home heating oils through a switch to bio fuels, electric vehicles and electric heating. This in itself needs research and development in order to make the switch possible, but also means that switch must be affordable and offer a competitive advantage over fossil fuels. The council sees a need for additional finance to protect those most vulnerable and at risk from energy costs and this needs to go beyond the past winter fuel allowance. It should be remembered that incomes in Northern Ireland remain lower than the rest of the UK by some 25% and earnings in Mid Ulster remain another 25% lower than the regional average . The Council would like to see more focus on regulating price for the consumer and clear targets for affordable energy and energy pricing in a Northern Ireland context, as comparisons with Great Britain are somewhat misleading.

Grow the Green Economy

Mid Ulster Council supports development of a green economy and the District because of its location and expertise in building and engineering is already taking a major role. We would therefore support increased investment in improved building technologies for energy efficiency and micro generation. This needs to be supported with investment into research, education and the Council has a role in enabling this through the functions of economic development as well as building control and land use planning.

It is highly likely that hydrogen will be a fuel of the future and the council would fully support the development of this industry. This again needs investment in research, education, but also assistance to get safe hydrogen generation and storage plants operating, a distribution network set up, and plant and equipment at the point of delivery, such as Service stations. Mid Ulster will be happy to work with energy providers to identify and facilitate appropriate sites in Mid Ulster.

In relation to renewables, Mid Ulster has led the way in relation to on- shore wind and there is still some scope for increasing production and upscaling existing facilities. However, many areas are reaching capacity and there is a need to recognise that venerable landscapes such as the High Sperrins and Clogher Valley ridge line need protecting from such development. Therefore, the future lies in off-shore. Given the topography of the ocean floor, the best areas are most probably off the Solway Coast and in the Irish Sea in between England, Wales and Republic of Ireland. Accordingly, there needs to be a focus on further improving the shared Electricity Network between the jurisdictions. There should also be increased focus on other forms of renewable other than wind turbines.

Do more with less

Mid Ulster Council is concerned that changes to regulation could result in increased costs for consumers and rather than doing more, we could end up doing less to the detriment of the economy and the overall wellbeing of the majority. It is very important that energy efficiency is promoted and that investment is made in research in delivering cost effective energy saving solutions at the point of the delivery. For example, if building more energy efficient homes adds to the overall cost of house this will only lead to a widening of the affordability gap most first time buyer's face. Equally, just as with televisions and light bulbs as the cost comes down people choose to make the switch.

Replace Fossil Fuels with indigenous renewables.

As already stated there is support for promoting renewables. Care needs to be taken when setting targets that this does not lead to increased pressure for development in undesirable and sensitive locations. Unfortunately, developers often use targets to try to justify unsustainable development. Therefore, in setting any target a clear image of how this is to be achieved needs to be developed first. There are numerous unimplemented permissions for wind turbines in the planning pipeline as well as an undeveloped solar and biomass sector. It is also clear the future of energy generation lies off shore whether on platforms or on the sea bed. Whilst it is desirable to develop indigenous renewable infrastructure it is possible to use energy creating in other areas of these UK/Irish islands as well as export energy. It appears nuclear power will form part of the UK strategy, where we will be an importer of the energy produced.

Creating a Flexible and Integrated Energy System.

Mid Ulster supports improving the network in a sensitive manner and continues to work with SONI in this regard. The council supports smart grids both in term of energy systems, data systems and other distribution systems and again in relation to our location Mid Ulster is likely to have a central role in relation to distribution. With key electricity connectors running through Mid Ulster it means that energy intensive uses such as data hubs could be sited in Mid Ulster and we would be happy to work with the Department of Economy in identifying and providing suitable locations and sites.

I trust you find these comments useful



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