



26 February 2018

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road, MAGHERAFELT, BT45 6EN on Tuesday, 06 March 2018 at 19:00 to transact the business noted below.

Yours faithfully

Anthony Tohill  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

#### Development Management Decisions

4. Receive Planning Applications 7 - 204

	Planning Reference	Proposal	Recommendation
4.1.	H/2014/0119/F	Michrohydro electricity generating renewable energy system on the Glengomna Water. Turbine house 150m SE of 91 Bancran Road, Drpaerstown. intake structure 1300m NW of turbine house on Glengomna Water for Mr C Heron.	REFUSE
4.2.	M/2014/0318/F	Renewal of planning permission M/2007/1030/F for erection of housing development (reduced scheme) at lands adjacent to Quarry Lane, Dalradia Park, no's 1 - 14 Meadowvale, 4A Carland	APPROVAL

		Road and Drumglass High School, Dungannon, for Geda Construction	
4.3.	LA09/2015/0709/O	Site for food production unit (factory), new access to carriageway, associated parking and access to 3 passing bays at 300m NE of 160 Tandragee Road, Pomeroy, for Samuel Robinson (Cloughbane Farm Shop)	APPROVE
4.4.	LA09/2016/1052/F	Instillation of a pedestrian/cycle linkage and a new art feature, with associated site and landscaping works at Castledawson roundabout forming the junction between the A6, A31 Castledawson Road and A54 Magherafelt road, townland of Killyneese, for TransportNI	APPROVE
4.5.	LA09/2016/1293/F	Extension to storage facilities and improvements to sight lines at the main entrance at 6 Grange Road, Cookstown, for Allingham Transport.	APPROVE
4.6.	LA09/2016/1342/F	Dwelling in substitution of remaining 2 plots of planning approval H/2005/0495 adjacent to 1, 3, and 5 Roughan Glen, Halfgayne Road, Maghera, for Thomas and Bernard Cassidy.	APPROVE
4.7.	LA09/2016/1403/F	Replacement dwelling and garage at 45 Rocktown Road, Bellaghy, for Mr David Arrell.	APPROVE
4.8.	LA09/2016/1692/F	Change of house type to previous approval I/2008/0534/F at land adjacent to 35 Killymuck Road, Coagh, Cookstown, for Mr Terence McGuckin.	REFUSE
4.9.	LA09/2017/0625/O	Dwelling and domestic garage/store on a farm at approx. 30m ENE of 52 Five Mile Straight, Draperstown, for Aiden McGuigan.	APPROVAL
4.10.	LA09/2017/0735/F	General upgrading works, removal of NW extension, new fleche and roof lights added to roof, new extension to the NW and SW at St Mary's Church,	APPROVE

		Lavey, 68 Mayogall Road, Knockloughrim, for Fr Eamon Graham PP.	
4.11.	LA09/2017/0834/F	Social housing development (28 dwellings), access roads, site works and landscaping at lands to the rear and SSW of 14-32 Barrack Street, Coalisland, for J & A Developments Ltd.	APPROVE
4.12.	LA09/2017/0897/F	Part use of existing farm shed to provide internal dry storage of peat at 100m NW of 213 Washingbay Road, Coalisland, for Jim McCuskey, Evergreen Peat.	REFUSE
4.13.	LA09/2017/1158/O	Site for dwelling to the rear of 5 Ballynorthland Demense, access of Moy Road, Dungannon, for Mr Keith Burgess	REFUSE
4.14.	LA09/2017/1160/F	Extension to dwelling with increase in ridge height and replacement garage at 6 Birchgrove, Cookstown, for Shea and Annie Quinn	APPROVE
4.15.	LA09/2017/1309/O	Workshop at lands 55m NE of 72 Glenshane Road, Castledawson, for John Beare.	APPROVE
4.16.	LA09/2017/1384/O	Dwelling on a farm at land approx. 110m E of 208 Carntee Road, Lisgallon, Dungannon, for Augustine McMullan.	REFUSE
4.17.	LA09/2017/1434/F	Retention of access to the rear at 2 Moor Gardens, Coalisland, for Mary E Devlin.	APPROVE
4.18.	LA09/2017/1450/O	Dwelling and domestic garage 40m S of 40 Drumreany Road, Castlecaulfield, Dungannon, for Mr and Mrs Aidan Loughran.	APPROVE
4.19.	LA09/2017/1494/F	Temporary mobile home accommodation at 125 Sixtowns Road, Draperstown, for Michelle McNamee.	REFUSE
4.20.	LA09/2017/1736/O	Dwelling (renewal of permission M/2014/0499/O) at lands adjacent to 125 Bush Road, Dungannon, for Cllr Denise Mullan.	APPROVE
4.21.	LA09/2017/1756/O	Replacement dwelling 30m SW of 152 Washingbay Road, Upper	APPROVE

		Mennagh, Coalisland, for Patrick Brady.	
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5. Receive Deferred Applications

205 - 222

	Planning Reference	Proposal	Recommendation
5.1.	H/2015/0010/F	Stables and tack store approx. 70m NW of 175 Glen Road, Maghera, for Jenna Duffy.	APPROVE
5.2.	LA09/2015/0147/F	4 Apartments with parking at 32 Mullaghboy Lane, Magherafelt, for Mr Philip Donaghy.	REFUSE
5.3.	LA09/2016/0889/F	Conversion of a redundant building to a dwelling at 40m SW of 38 Lisnamuck Road, Tobermore, for Ian Hopper	APPROVE
5.4.	LA09/2017/0923/F	Dwelling and domestic garage 45m NW of 177 Glen Road, Maghera, for Jenna Duffy.	APPROVE
5.5.	LA09/2017/1032/O	Single dwelling (amended siting) to the rear of 137 Lisclare Road, Killeen, Stewartstown, for Mrs Cora Donnellan.	APPROVE

6. Receive report on revisions to the Protocol for Operation of the Planning Committee

7. Receive report on Committee meeting times

Matters for Information

8 Planning committee minutes of meeting held on 6 February 2018

9 Receive Letter from DfI

10 Receive letter from Ulster Architectural Heritage Society

11 Receive report on road abandonment

**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

12. Receive LDP Report - Renewable Energy



13. Receive LDP Report - Minerals

14. Receive Enforcement report

Matters for Information

15. Planning Committee Confidential Minutes of meeting held on 6 February 2018

16. Enforcement live case list

17. Enforcement cases opened

18. Enforcement cases closed





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> H/2014/0119/F	<b>Target Date:</b>
<b>Proposal:</b> To develop a microhydro electricity generating renewable energy system (58Kw) on the Glengomna Water. Electricity to be exported to the grid.	<b>Location:</b> Turbine house 150m SE of 91 Bancran Road Draperstown. Intake structure 1300m NW of turbine house on Glengoma Water
<b>Referral Route:</b> The proposal is contrary to SPSS and Planning Policy Statement 18, 'Renewable Energy', in that the applicant has failed to demonstrate the proposal will not result in change to the flow of the river and the salmon and trout stocks of the river.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr C Heron C/O Agent	<b>Agent Name and Address:</b> HydroNI Omagh Enterprise Centre Great Northern Road Omagh BT78 5LU
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Natural Heritage	Substantive Response Received
Non Statutory	Rivers Agency	Add Info Requested
Non Statutory	Env Health Magherafelt District Council	Add Info Requested
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	Water Management Unit	Substantive Response Received
Non Statutory	Protecting Historic Monuments	No Objection
Non Statutory	The Honourable The Irish Society	Substantive Response Received

Non Statutory	DFI Roads - Enniskillen Office	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Add Info Requested
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	DAERA - Fisheries Division	Substantive Response Received
Non Statutory	NIEA	

**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**

The proposal is contrary to SPSS and Planning Policy Statement 18, 'Renewable Energy', in that the applicant has failed to demonstrate the proposal will not result in change to the flow of the river and the salmon and trout stocks of the river.

**Characteristics of the Site and Area**

Proposal site is to encompass part of the Glengomna river and land adjacent to the river itself. This particular landscape is dramatic and sensitive in nature, with undulating landscape and mature vegetation and steep level changes throughout. There is little development within this particular locality although there is a long established trout farming & hatchery business located within close proximity.

## Description of Proposal

Full application - 'to develop a microhydro electricity generating renewable energy system (58kw) on the Glengomna Water. Electricity to be exported to the grid.'

## Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 21 - Sustainable development in the Countryside

Planning Policy Statement 18 - Renewable Energy

According to PPS1, Paragraphs 11 & 12 : Sustainable Development the aims of the policy are to conserve both the archaeological and built heritage as well as the natural resources including wildlife, landscape, water and air quality. To date the information submitted for this application has not been able to demonstrate that these elements will not be negatively impacted by the approval of the proposal.

PPS21 - Sustainable Development in the Countryside

Policy CTY1 states that there are a range of types of development which are, in principle considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy goes on to list a number of non-residential developments which would be acceptable in the countryside, including renewable energy projects in accordance with PPS18.

PPS18 - Renewable Energy/PPS18 Best Practice Guide

The policy position is that renewable energy proposal will be supported provided they do not have an unacceptable adverse impact which is not outweighed by the local and wider environmental, economic and social benefits of the proposal.

I have assessed this proposal against Policy RE1 of PPS 18 :

- public safety, human health and residential amenity - Environmental Health has no concerns though approval subject to 2 conditions as of their consultee response 11.07.2014:

1. Construction should take place as specified in Drawing No 02/1.

2. Noise levels produced by the plant in operation should not exceed background noise levels by more than 1dB at a distance of 5m.

I do not consider there to be a potential risk to public safety, human health or residential amenity by this proposal.

- visual amenity and landscape character - the proposal is acceptable particularly when considering the limited public views.

- biodiversity, nature conservation or built heritage interests - NIEA: Historic monuments \_ Natural Environment Division have no objections to the proposal.

- local natural resources (i.e. air quality / water quality ) NIEA: WMU has commented that an application from the objector (Mr McKeown) for an abstraction licence was submitted in 2008, his business has been authorised to continue until full determination of this. However they have stated that the applicant needs to ensure the proposal does not cause any deterioration in the

status of the river water bodies or any other water bodies in the surrounding area and as such requested that river flow monitoring be carried out. This information has not been received to date.

In addition Water Management Unit also directed the applicant to the relevant Pollution Prevention Guidelines (PPG's)

- Public access to the countryside - the proposal is acceptable with regards this aspect.

#### PPS 3 Roads Consideration

Transportni requested amendments to the proposal in their response dated 11.05.2015, these were submitted and found acceptable subject to conditions in their response dated 18.11.2015.

The Honourable The Irish Society commented on their consultation on 22.08.2014 stating that they object to the proposed hydro-electrical development on the grounds that it may cause damage and loss to the scarce wild salmon and trout stocks of the river during its construction and operation.

Neighbour notification was carried out on 2nd May 2014.

Objections: Mr McKeown local land owner who also owns a trout hatchery. His concerns submitted by Juno Planning on his behalf state that this proposal could have major consequences for the future of his trout farm/business. The existing hatchery is dependent on a continuous flow of water and any reduction in this could have major consequences for the future of Mr McKeown's farm. Mr McKeown's objection was forwarded to all consultees.

The applicant responded to Mr McKeown's objection stating that the proposal intends to make use of naturally flowing river water to generate hydroelectric power. The amount of flow allowed to turn a single turbine at this site has been applied for Dec (2013) to the NIEA Water Management Unit under the Water Framework Directive. This will determine the flow available to the hydro turbine and the residual flow required within the Glengomna Water. The residual flow will be maintained by a notched weir. A new fish passage will be introduced downstream of the weir thus improving the aquatic environment in this area. The residual flow will be compatible with the many other uses of the Glengomna Water which will in turn ensure the economic and environmental benefits of this development.

It needs to be mentioned that Hydro-electric developments such as is proposed have the potential to negatively impact on fisheries interests and as the information required to be able to assess this has not been submitted to this date then I feel it only acceptable that a refusal be recommended.

Within flood plains the Department will not permit development unless it falls within one of the following exceptions or it is demonstrated that the proposal is of overriding regional importance.

- a) development of previously developed land which is protected by the appropriate minimum standard of flood defence or where such a defence is under construction or where public funding for planned flood defence works has been committed. This does not include proposals involving essential civil infrastructure or accommodation/facilities for vulnerable groups;
- b) the replacement of a building in the countryside where this will not materially increase flood risk;
- c) development where location within a flood plain is essential for operational reasons for example, navigation and water based recreation uses or transport and utilities infrastructure which has to be there;
- d) the use of land for sport and outdoor recreation use, amenity open space or for nature conservation purposes where this will not materially increase flood risk;

- e) the extraction of mineral deposits and the ancillary development necessary to facilitate such extraction where this will not materially increase flood risk;
- f) the use of land for seasonal occupation by touring caravans and/or camp sites where this will not materially increase flood risk.

To inform the consideration of proposals that fall within the exceptions specified above, such applications will need to be accompanied by an assessment of the flood risk that may affect the development, or result elsewhere because of it. Where appropriate, this assessment shall include details of measures to mitigate any increase in flood risk.

As part of the Department's precautionary approach to dealing with flood risk, measure such as flood compensation storage works or new hard-engineered flood defences will not be acceptable justification for development in a flood plain.

New development within a flood plain will not only be at risk of flooding itself but can add to the risk of flooding elsewhere. Cumulative effects will arise from proposals that individually may seem of little consequence. These serve only to undermine the flood plain's natural function of accommodating and attenuating flood flows. Accordingly, to minimise flood risk and help maintain their natural function it is necessary to avoid development within flood plains wherever possible.

A flood risk assessment was submitted and accepted by Rivers Agency as of 25.02.2015.

Having considered all of the above and after numerous requests to the applicant for river flow monitoring information which has not been received I feel the only avenue we can go down is that of a refusal as the applicant has not demonstrated whether the flow will be affected by his proposal nor have they demonstrated whether the salmon and/or trout stocks of the river will be affected. This information is imperative.

Recommendation: Refusal

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposal is contrary to SPSS and Planning Policy Statement 18, 'Renewable Energy', in that the applicant has failed to demonstrate the proposal will not result in change to the flow of the river and the salmon and trout stocks of the river.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	3rd April 2014
<b>Date First Advertised</b>	17th April 2014
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 108 Glengomna Road, Draperstown The Owner/Occupier, 110 Glengomna Road, Draperstown Orlaith Kirk 322A Ormeau Road Ballynafoy Ormeau Juno Planning & Environmental Limited 409 Lisburn Road, Belfast, Malone Lower, Antrim, Northern Ireland, BT9 7EW The Owner/Occupier, 91 Glengomna Road, Draperstown Orlaith Kirk Juno Planning & Environmental Limited, 409 Lisburn Road, Belfast, Malone Lower, Antrim, Northern Ireland, BT9 7EW	
<b>Date of Last Neighbour Notification</b>	18th December 2015
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes
<b>Planning History</b>  Ref ID: H/2004/0209/O Proposal: Site of dwelling Address: 80m East of 91 Bancran Road, Draperstown. Decision: Decision Date: 11.11.2005  Ref ID: H/2006/0401/F Proposal: Replacement dwelling Address: 51 Glengomna Road, Draperstown Decision: Decision Date: 18.11.2008  Ref ID: H/2006/0385/F Proposal: Replacement dwelling Address: 49 Glengomna Road, Draperstown	

Decision:

Decision Date: 18.11.2008

Ref ID: H/2008/0675/F

Proposal: Erection of two replacement dwellings.

Address: Vacant dwellings at the junction of Glenelly Road and Glengomna Road, Draperstown.

Decision:

Decision Date: 15.05.2009

Ref ID: H/2006/0382/F

Proposal: Replacement Dwelling

Address: 47 Glengomna Road, Draperstown

Decision:

Decision Date: 18.11.2008

Ref ID: H/2009/0458/O

Proposal: Site of replacement dwelling

Address: 50m NW of the junction of Glenelly Road & Bancran Road, Draperstown

Decision:

Decision Date: 21.10.2009

Ref ID: H/2012/0370/RM

Proposal: Site of replacement dwelling

Address: 50m NW of the junction of Glenelly Road and Bancran Road, Draperstown,

Decision: PG

Decision Date: 28.11.2012

Ref ID: H/2014/0119/F

Proposal: To develop a microhydro electricity generating renewable energy system (58Kw) on the Glengomna Water. Electricity to be exported to the grid.

Address: Turbine house 150m SE of 91 Bancran Road Draperstown. Intake structure 1300m NW of turbine house on Glengoma Water,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. DOC 03  
Type: Further Particulars  
Status: Submitted

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

Drawing No. DOC1  
Type: Technical Specification  
Status: Submitted

Drawing No. DOC2  
Type: Technical Specification  
Status: Submitted

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

Drawing No. 03  
Type: Site Levels  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> M/2014/0318/F	<b>Target Date:</b>
<b>Proposal:</b> Housing development (Renewal of M/2007/1030/F).	<b>Lands Adjacent to Quarry Lane, (Opposite 19 Quarry Lane) Dalriada Park, Nos 51 – 14 Meadowvale, 4a Carland Road and Drumglass High School, Dungannon.</b>
<b>Referral Route:</b> Letter of representation received Major Application NIEA objection relating to badgers and possible badger sett	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> GEDA Construction Ltd Moor Road	<b>Agent Name and Address:</b>
<b>Executive Summary:</b> Housing development that is an in time renewal of a scheme that was previously approved by the Department. A change to Flooding Policy as contained in PPS15 has resulted in 23 dwellings and 24 apartments being dropped from the scheme as they were within an area of flood risk. NIEA have raised concerns in relation to a possible badger sett, evidence submitted does not show badgers use the sett. A neighbour has concerns about the impact of the development on existing trees, loss of light, loss of a local beauty spot, impact on the school due to a footpath and notification that has been carried out.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Approve with conditions
Statutory	NI Water - Multi Units West - Planning Consultations	Add Info Requested

Statutory	Water Management Unit	Substantive Response Received
Statutory	Land and Resource Management	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	Advice
<b>Representations:</b>		
Letters of Support		None Received
Letters of Objection		1 received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
<b>Summary of Issues</b> Impact on trees due to closeness of development on root system and closeness of development to trees. Loss of light, loss of local beauty spot and impact of footpath on Drumglass High School. Adequacy of neighbour notification.		
<b>Characteristics of the Site and Area</b>  This is an 8.51ha site in Dungannon which extends from Quarry Lane to the south to the grounds of Drumglass High School to the North and east, Dalriada Park, a housing development of 2 storey brick dwellings and Campbells Surgery are located to the west and Meadowvale, a housing development with chalet dwellings with part brick, part render finish, is to the east. The Haven Nursing Home and Eoghan Ruadh Hurling pitches and Gaelscoil Aodha Rua are located on the opposite side of the Quarry Lane. The site is in 2 distinct parts, the lower site and flatter part of the site, adjacent to Quarry Lane is poor grassland with a wet area immediately adjacent to Quarry Lane and the some drainage channels through it, the higher part of the site to the north has sloping ground with a mature trees defining the north, west and south east boundaries with a watercourse between the site and the trees to the south east. The footpath along the east part of the site, beside Meadowvale and around Drumglass High Schools running track and athletics field, was developed by the Council and links Quarry Lane to Carland Road as part of the periphery walk around Dungannon. A new housing development is currently under construction between the site and Carland Road.		
<b>Description of Proposal</b>		

This application was originally submitted as an in time renewal of planning permission for a housing development comprising 95 dwellings and 50 apartments and associated works. Due to a change in Planning Policy Statement 15 – Planning & Flood Risk, an area at risk of flooding along the boundary with Quarry Lane was identified and the scheme was amended to remove 23 dwellings and 24 apartments.

The application now before the Council is for 72no dwellings, (19 detached, 32 semi-detached and 21 terraced), 26 apartments in 7 blocks (3 blocks of 2 apartments, 2 blocks of 6 apartments and 2 blocks of 4 apartments) and garages. The lower, flatter part of the site, contains 45 dwellings ( 4 detached, 30 semi-detached and 21 terraced dwellings) and 18 apartments (2 blocks of 6 and 3 blocks of 2) and the upper, steeper sloping part has 27 dwellings ( 15 detached and 12 semi/detached) and 8 apartments (2 blocks of 4). The buildings are a mixture of 2 storey, 3 storey and split level development with finishes ranging from brick, stone, self-coloured render and cedar cladding on the walls and blue black flat slates to the roofs.

Vehicular access to the development is via a central road accessed by a right hand turning lane off Quarry Lane and a secondary access off Meadowvale. An equipped play area is proposed at the area of open space at the end of the estate access road and other areas of open space are proposed in the upper part of the site, along the side of the watercourse and in the 2 areas at Quarry Lane which are at risk of flooding and have had development removed from them.

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

#### **Dungannon & South Tyrone Area Plan**

The Plan has defined settlement limits and allows for development provided it meets with the requirements of SETT 1. SETT 1 sets out 6 criteria and a general criteria to meet with regional policy, members are advised that if the development meets with the regional policies contained in The Strategic Planning Policy Statement for Northern Ireland, PPS2 – Natural Heritage, PPS3 – Access, Movement and Parking, PPS7- Quality Residential Environments, PPS8 – Open Space and Outdoor Recreation, PPS12 – Housing in Settlement, PPS13 – Transportation and Land Use 2 and PPS15- Planning and Flood Risk, it is my view that it will meet with the requirements of SETT1.

The Plan has zoned land within Dungannon for different land uses and left some land as whiteland, where it has no specific land use identified. The application site is whiteland, with a small part of it identified as Bessmount Local Landscape Policy Area. This LLPA has been identified as it is prominent feature and forms a soft visual break from existing and proposed development. I do not consider the 70m roadway through gorse on the lowest part of the site will have an significant impact on the intrinsic environmental features of the LLPA, as such I consider this proposal is in accordance with CON2 of the Plan.

Members should note the Department granted planning permission M/2007/1030/F for a housing development on this land on 22 July 2009 and this development was not started, though the public footpath element between Quarry Lane and Carland Road has been provided by the Council and is currently in place. This proposal is for the same housing scheme on the majority of the site except for the houses that were removed from an area of flood risk beside Quarry Lane.

PPS 7 - Quality Residential Environments and PPS 8 Open Space and Outdoor Recreation.

Policy QD1 encourages quality sustainable developments that draw upon positive aspects of the character and appearance of the surrounding area and sets out a number of criteria that area expected to be conformed to. The buildings are a mix of sizes and tenures with some of the development in the upper part of the site reacting to the contours of the site. The house types are:

- A1 – 3 storey detached
- A2 – 3 storey semi-detached
- A3 – 3 storey semi-detached corner units
- A4 – 3 storey semi detached
- A5 – 3 storey semi-detached
- B1 – 2 storey semi-detached
- B3 – 2 storey semi-detached
- D1 – 3 storey mid and end terraced, with 2 storey studio at rear of garden
- D2 – 3 storey mid terraced, with 2 storey studio at rear of garden
- D3 – 3 storey end terraced, with 2 storey studio at rear of garden
- E1 – 3 storey terraced
- E2 – 3 storey terraced
- E3 – 3 storey terraced
- I1 – 2 storey detached
- I2 – 2 storey detached
- O1 – split level, 2 and 3 storey semi-detached
- O2 – split level 2 and 3 storey detached and semi-detached
- O3 – split level detached
- M – 2 storey detached
- N – 2 storey semi-detached, split level detached
- P – 2 storey detached with 2 storey garage/games room at rear
- Q – 2 and 3 storey split level detached

The apartments are in 7 blocks:

- F – 2 blocks, mono-pitched roof with total of 6 apartments
- G1 – 2 blocks, 3 storey with 2 apartments on each floor
- G2 – 2 blocks, 2 storey with 2 apartments on each floor

There is no predominant style or character to the housing or other developments along Quarry Lane and the immediate area, as it has an eclectic mix of sizes, styles and finishes. Annagole, a relatively new development in brick finish is predominantly 3 storey buildings and as such this height of buildings has been accepted in the locality. Therefore I do not consider the proposed development will be out of character with the area. There are no historical or archaeological interests noted on the site, however there is a tree preservation order on the site. The objector has raised concerns about



the impact of the proposed development on the existing trees, I note their house is approximately 10m from some of the protected trees and there has been correspondence with the planning office seeking some of these trees either removed or works carried out to them. All proposed development lies outside the crown spread of the trees, and as such I do not consider the root system will be adversely impacted, particularly as the development closest to the trees does not appear to be digging in but increasing the ground levels. I do however share the concerns and consider that some of the development, if approved, could be at risk from trees or debris falling. I consider that some of the trees may be at risk if development is approved in close proximity to them, with any future occupants concerns for health and safety a major consideration in any decision to allow trees to be removed. That said, this proposal is an application for an in time renewal of planning permission, the development of this part of the site has not changed from that previously approved and that layout was accepted by the Department. I consider the developer has an expectation that development will be approved again and to mitigate against the impacts on the trees it is appropriate to attach a condition to agree works to the trees to ensure the long term protection of them and that this should be agreed and carried put before any development is commenced on site.

The development proposes an equipped play area in a central location at the end of the access road, this area as well as the other areas approved under the previous scheme and the land excluded from development due to flood risk, will result in approx. 19575sqm of public open space within the development. The site also includes approx.. 7600sqm of school playing fields which when adder together is approx. 32% of the site area, well over the guideline figure of 10% for open space in PPS8 and PPS7. Without the school grounds taken into account the figure is still approximately 25% of the development site. Landscaping and long term maintenance of the areas of open space are necessary and I consider it is appropriate to condition that a scheme is submitted and agreed with the Council before any development is carried out on the site and any scheme is carried out as agreed.

This is for a large housing development and there is a requirement to consider the provision of local facilities other services within developments, however it is located close to existing retail, schools, medical and sports facilities and as such I do not consider it is necessary to require additional facilities. The development benefits from the cycle lane and public footpath between Carland Road and Quarry Lane, with pelican crossing points on the Carland Road which provides pedestrian and cycle access to the Oaks Centre and Drumcoo Playing fields.

Parking for the development is generally in-curtilage with parking bays and parking areas provided where there is no in-curtilage provision. The provision of parking is generally in accordance with the parking standards in Creating Places. Each dwelling has its own private amenity space located to its rear and there is communal space provided at each apartment block. I consider the private amenity space is generally acceptable with the minimum space of 50sqm with the terraced properties on sites 60, 62, 64, 66 & 68 above the 40 sq.m minimum in Creating Places. These properties do also enjoy private garages as well. Separation distances between the rear of the dwellings is generally above the 20m guidance contained in Creating Places and where there are differences in levels the separation distance is increased, this is particularly apparent between sites 153, 149, 145, 152, 150, 148 and 146. Members are advised that I have some concerns about some of the spacing on some of the

sites, whilst they generally meet the 20 meter separation, this is usually for 2 storey houses, these 3 storey properties would benefit from greater spacing. Given the 3 storey nature of these properties, I also feel they should be set back further from the road edge as these will give the impression of a cramped type of development. If this application was for a new housing development without any previous planning permission there would certainly be concerns about the development. However given that the Department deemed this as acceptable the planning history would indicate there is a presumption in favour of the proposed development and any benefit of doubt should favour the developer in this instance. That said members should be aware this should not be used as any precedent for future housing developments in Mid Ulster and this case is being recommended on the basis of the previous permission granted by the Department for the same scheme within the same planning context.

The objector has raised concerns about loss of light to the rear of their house and overshadowing rear windows due to the close proximity of their house to the boundary and the closeness of the proposed development. The closest property will be on site 133, house type M, it is a 2 storey dwelling that is turned at an angle to the objectors house with the rear corner approx. 20m from the rear wall of the objectors house. It is noted there is an extension to the objectors house that brings it even closer to the application site and the wall of the extension is approx. 15m from the closest dwelling in the proposed development. The finished floor level of the proposed dwelling is approx. 1.5m above the existing ground level at the rear corner. The property will be overshadowed by the trees during the summer months, and it will have some degree of overshadowing during the early afternoon in the autumn, winter and spring, but due to its orientation and the distance between the properties, I do not consider this will constitute a significant impact on the residential amenity of the objectors dwelling. Whilst not raised as an objection, I consider there may be some degree of overlooking from the upstairs windows of the proposed dwelling, however as the house is sited at an angle with the tree as a screen, this will be limited and, contrary to the objectors belief, their property is located in the defined settlement limits for Dungannon, as set out in the Dungannon & South Tyrone Area Plan where some degree of overlooking is inevitable.

As explained above, Planning Policy Statement 15 has been revised since the previous planning permission was granted. A review of the proposal against the revised policy has resulted in 23 dwellings and 24 apartments being removed from the scheme as they are in an area of flood risk. This area floods due to an undersized culvert and surcharging of the existing downstream network resulting in surface water ponding. The proposed main access road to the development is still within the area that floods, though only a short part of this is affected. Policy FLD1 does not normally allow for any development within a flood plain, though there are exceptions to this and if accepted then mitigation measures are required. There is an alternative access road to the development, off Meadowvale, however where it meets with Quarry Lane, the access is substandard, though not such as to warrant the refusal of planning permission. Locating the access in the position proposed, with the alternative in place as backup in case Quarry Lane is flooded, will result in a safer access solution, which Roads Engineers have advised is acceptable. It is not a common occurrence that the situation arises that only the access road is located within the area at flood risk, the developer has removed approx. 30% of the development that was previously approved and an application for an in time renewal of that planning permission is

being considered. Given these factors, I consider the access road could be an exception to the policy and where an exception is accepted then mitigation measures should be considered. Mitigation proposed is in the way of compensatory works, so that the water displaced by the road is accommodated within the site. Rivers Agency have not raised any concerns with this arrangement. The proposal also includes culverting of existing watercourses within the site, however as this is solely for access purposes, I consider this is acceptable.

Natural Environment Division of NIEA were consulted about the proposal as previously there were concerns about bats and badgers on the site. Bats and badgers are protected species and the SPPS sets out that the presence or potential presence of such species are an important consideration in the decision making process. NIEA had concerns about bat activity on the site, but following confirmation of the removal of the old building on the site it is now accepted that roosting and foraging may be limited to the tree line. NIEA advise that any lighting scheme is low intensity and does not shine on the trees, I consider this can be dealt with by a condition.

The report identified 3 badger setts within the site, NIEA are content that 2 of these are no longer used, however one sett has been identified in previous reports as having badger activity. Additional information has been submitted by Mr Richard Ayre, an environmental consultant for Ayre Environmental Consulting, who carried out a survey for an 8 week period between 28<sup>th</sup> July and 22<sup>nd</sup> September 2017. This survey captured photographic images of activity at the sett and Mr Ayre advises this was a suitable method agreed with NIEA. The survey captured over 11,000 photographic images and Mr Ayre advises there were no photographs of badger activity at the sett. In Mr Ayres opinion the sett is not used by badgers. This information was forwarded to NIEA and in a response dated 17 October 2017, NIEA asked for further information to be submitted to identify the main sett used by badgers as they were unable to find it. NIEA have asked for this information as a means to consider the sett closure, it is not stating that the sett cannot be closed under license. Members are advised that the policy in SPPS identifies where there is potential presence of badgers, then this must be carefully considered and that planning permission will only be granted for a development proposal that is not likely to harm badgers. Members should also note there is no change to the development that was approved at this location by the Department. In my consideration of the impacts on badgers, I take into account Mr Ayres professional opinion, on the basis of his robust evidence collated at the site which shows there is no badger activity at this sett. If there is no badger activity and they do not use this as a refuge, then I do not see how this development close to an inactive sett will have any detrimental impact on the badger population.

In the corner of the site at the junction of Quarry Lane and Meadowvale, there is an area of contaminated land, due to historic infilling of that area. NIEA have recommended this is kept under review and I consider, as there will be properties close to it that it is appropriate to attach conditions requiring this.

Due to the size of the development proposed, a traffic impact assessment has indicated there will be an impact from the development on Thomas Street roundabout, which is at capacity. Roads engineers have advised that improvements are required at the roundabout to allow this entire development to be accommodated. Previously a condition was attached that required the works to be carried out prior to the commencement of the development, however, given that some development of the

<p>houses could be occupied and not create any impact on the roundabout, Roads engineers are now content that up to 20 houses can be occupied before the works are required. I consider this is a reasonable request and propose a condition that requires the works to Thomas Street roundabout to be carried out prior to the occupation of more than 20 of the dwelling units hereby approved.</p> <p>The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.</p> <p>I consider the proposed development is acceptable and recommend to the members that planning permission is granted with conditions, subject to notification to the Department as NIEA have still raised issues in regard to badger activity on the site.</p>	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b></p> <p>Approve with conditions, subject to notification to the Department.</p>	
<p><b>Conditions</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the commencement of the access road onto Quarry Lane, the flood compensatory measures as detailed in the Flood Risk Assessment for GEDA Construction prepared by McCloy Consulting Ltd ref MCL385-01_DG01 dated April 2016 shall be carried out and those levels shall be permanently retained.</p> <p>Reason: To prevent flooding outside the site.</p> <p>3. Prior to the commencement of any development hereby permitted, the vehicular access, including right hand turning lane and visibility splays of 4.5 metres by 90 metres at the junction of the proposed housing access road with the public road, and 4.5 metres by tangent to west along Quarry lane shall be provided in accordance with Drawing No. 53 Rev 4 bearing the date stamp 16 February 2018. 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.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>	

4. The access gradients to the dwellings 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.

5. The gradient 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. The improvement to the Thomas Street roundabout, as indicated on drawing No No 54, bearing the stamp dated 20 May 2009, shall be completed in full, prior to the occupation of more than 20 of the dwelling units hereby approved.

REASON: In the interests of traffic progression and convenience of road users.

7. Prior to the occupation of each dwelling, the storm water drainage and attenuation systems to accommodate surface water run off for that dwelling or the estate road and hard surfaces to accommodate the dwelling shall be provided in accordance with the details as set out in the Flood Risk Assessment for GEDA Construction prepared by McCloy Consulting Ltd ref MCL385-01\_DG01 dated April 2016, or as otherwise may be agreed in writing with Mid Ulster District Council.

Reason: To attenuate the surface water run off from the site and prevent flooding.

8. Prior to the commencement of any development hereby approved the developer shall submit a landscaping scheme and landscape management plan for the areas of open space, communal areas for the apartments and private amenity spaces within the entire development. The scheme shall include details of when landscaping shall be carried out; details of those trees to be retained and measures for their protection during the course of development; details of all new hard and soft landscaping features, including an equipped play area as generally indicated on drawing no 49 and details of all boundary treatments between the dwellings and within the individual sites. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The landscaping shall be carried out as agreed and 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.

9. No development shall commence until the Planning Authority has received in writing and agreed that suitable updated risk assessments and supporting site data have been provided which identify all unacceptable risks to the water environment. The investigations should include but not be restricted to:

- site investigations and groundwater monitoring to be designed and implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities which took place at the site,
- provide risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and the water environment and provide remedial criteria to be met through the remedial strategy.

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

10. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

11. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Conditions 9 and 10. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

12. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 11 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

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

13. If during the development works, new contamination is encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

14. After completing the remediation works under Conditions 11, 12 and 13; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

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

1. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Nos. 52 Rev 1 and 53 Rev 4 bearing the date stamp 16 FEB 2018.

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.

#### Informatives

1. Your attention is drawn to the comments of NI Water, Transport NI, NIEA, Environmental Health and Rivers Agency.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	23rd June 2014
<b>Date First Advertised</b>	2nd July 2014
<b>Date Last Advertised</b>	25th May 2016
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 10 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 10 Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX, The Owner/Occupier, 100 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD, The Owner/Occupier, 11 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 12 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 13 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 14 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 19 Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX, The Owner/Occupier, 2 Dalriada Park,Drumcoo,Dungannon,Tyrone,BT70 1QP, The Owner/Occupier, 2 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 3 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ, The Owner/Occupier, 35 Dalriada Park,Drumcoo,Dungannon,Tyrone,BT70 1QP, The Owner/Occupier, 37 Dalriada Park,Drumcoo,Dungannon,Tyrone,BT70 1QP, The Owner/Occupier, 39 Dalriada Park,Drumcoo,Dungannon,Tyrone,BT70 1QP, The Owner/Occupier, 4 Carland Road, Dungannon, BT71 4BB The Owner/Occupier, 4 Cookstown Road, Dungannon, The Owner/Occupier, 4 Dalriada Park,Drumcoo,Dungannon,Tyrone,BT70 1QP,	



The Owner/Occupier,  
 4 Meadowvale, Drumcoo, Dungannon, Tyrone, BT70 1QJ,  
 The Owner/Occupier,  
 41 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 43 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 43 Quarry Road, Drumcoo, Dungannon, Tyrone, BT70 1AQ,  
 The Owner/Occupier,  
 44 Meadowvale, Killylack Glebe, Dungannon, Tyrone, BT70 1QJ,  
 The Owner/Occupier,  
 45 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 47 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 49 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 4a Carland Road, Dungannon, BT71 4BB  
 The Owner/Occupier,  
 4a Cookstown Road, Dungannon,  
 The Owner/Occupier,  
 5 Meadowvale, Drumcoo, Dungannon, Tyrone, BT70 1QJ,  
 The Owner/Occupier,  
 51 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 53 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 55 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 6 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 6 Meadowvale, Drumcoo, Dungannon, Tyrone, BT70 1QJ,  
 The Owner/Occupier,  
 6 Quarry Lane, Drumcoo, Dungannon, Tyrone, BT70 1HX,  
 The Owner/Occupier,  
 6 Quarry Lane, Drumcoo, Dungannon, Tyrone, BT70 1HX,  
 The Owner/Occupier,  
 6A Quarry Lane, Drumcoo, Dungannon, Tyrone, BT70 1QR,  
 The Owner/Occupier,  
 7 Meadowvale, Drumcoo, Dungannon, Tyrone, BT70 1QJ,  
 The Owner/Occupier,  
 72 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 8 Dalriada Park, Drumcoo, Dungannon, Tyrone, BT70 1QP,  
 The Owner/Occupier,  
 8 Meadowvale, Drumcoo, Dungannon, Tyrone, BT70 1QJ,

<p>The Owner/Occupier,  8 Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX,  The Owner/Occupier,  8A Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX,  The Owner/Occupier,  9 Meadowvale,Drumcoo,Dungannon,Tyrone,BT70 1QJ,  The Owner/Occupier,  92 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD,  The Owner/Occupier,  94 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD,  The Owner/Occupier,  95 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HB,  The Owner/Occupier,  96 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD,  The Owner/Occupier,  97-109 St Patricks Sec.Sch.,Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD,  The Owner/Occupier,  98 Donaghmore Road,Drumcoo,Dungannon,Tyrone,BT70 1HD,  The Owner/Occupier,  Chips Away,Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX,  The Owner/Occupier,  Drumglass High School, Carland Road, Dungannon, BT71 4BB  The Owner/Occupier,  Drumglass High School, Cookstown Road, Dungannon, BT71 4BB  Martina Curran  Martina.curran@hotmail.co.uk  The Owner/Occupier,  The Haven,17 Quarry Lane,Drumcoo,Dungannon,Tyrone,BT70 1HX,</p>	
<b>Date of Last Neighbour Notification</b>	10th May 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<p><b>Planning History</b></p> <p>Ref ID: LA09/2015/0506/PAD  Proposal: Re-location of existing Gaelscoil Aodha Rua currently located at 97a Donaghmore Road, Dungannon, BT70 1HD to the above mentioned lands at Quarry Lane, Dungannon adjacent to Meadowvale. The relocation works proposed shall include site access, carparking, 'drop-off / pick up', turning space, external hard and soft playground areas, relocation of the existing mobile classrooms, together with all associated sitework etc  Address: Lands at Quarry Lane, Dungannon (Adjacent to Meadowvale),</p>	

Decision:  
Decision Date:

Ref ID: M/2007/1030/F

Proposal: Proposed residential development comprising 161 dwellings in the form of a variety of dwellings types with associated private amenity space, parking provision, formal public open space, landscaping along with access onto Quarry Lane, internal road arrangements, pedestrian link and dwellings accessing Meadowvale, and a pedestrian link to Carland Road.

Address: Lands adjacent to - Quarry Lane (opposite no. 19 Quarry Lane) Dalriada Park, No's 1-14 Meadowvale, 4a Carland Road and Drumglass High School - Dungannon

Decision:  
Decision Date: 27.07.2009

Ref ID: M/2013/0279/F

Proposal: The relocation of the existing double mobile as approved in application M/2011/0373/F and the addition of a double mobile including ancillary spaces and associative site works

Address: Gaelscoil Aodha Rua, Donaghmore Road, Dungannon,

Decision: PG  
Decision Date: 21.08.2013

Ref ID: M/2015/0028/O

Proposal: Housing development

Address: Land to the rear and SW of The Haven Private Nursing Home Quarry Lane Dungannon,

Decision: PG  
Decision Date: 01.06.2015

Ref ID: M/2008/1163/F

Proposal: Extension to office accommodation with staff toilet & store

Address: The Haven, Quarry Lane, Dungannon

Decision:  
Decision Date: 17.12.2008

Ref ID: M/1992/0646

Proposal: Private Nursing Home

Address: ADJACENT TO 19 QUARRY LANE DUNGANNON

Decision:  
Decision Date:

Ref ID: M/2008/0726/F

Proposal: 3 No chalets for residential nursing care (single storey & 1 chalet with roof space)

Address: Site to the rear of The Haven, Quarry Lane, Dungannon

Decision:

Decision Date: 18.06.2009

Ref ID: M/1990/0278

Proposal: 4 Semi-Detached Dwellings

Address: MEADOWVALE DEVELOPMENT QUARRY LANE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6094

Proposal: Development Potential of Land Quarry Lane Dungannon

Address: Quarry Lane Dungannon

Decision:

Decision Date:

Ref ID: M/1975/0344

Proposal: PRIVATE STREETS LAYOUT

Address: QUARRY LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2013/0083/F

Proposal: Proposed new changing rooms with associated sanitary works and committee room and site perimeter running track to premises

Address: 97, Donaghmore Road, Dungannon,

Decision: PG

Decision Date: 11.06.2013

Ref ID: M/1979/020601

Proposal: 2 STOREY DWELLING HOUSE AND GARAGE

Address: QUARRY LANE, DUNGANNON, CO TYRONE

Decision:

Decision Date:

Ref ID: M/1979/0206

Proposal: ONE NO HOUSE (TWO STOREY)

Address: QUARRY LANE, DUNGANNON

Decision:  
Decision Date:

Ref ID: M/2011/0147/F  
Proposal: Development of nursery building  
Address: 97, Donaghmore Road, Dungannon, BT70 1HD,  
Decision:  
Decision Date: 12.04.2011

Ref ID: M/2010/0766/F  
Proposal: Proposed Hurling Training Wall  
Address: Approx 150m East of junction of Quarry Lane & Donaghmore Road,  
Dungannon  
Decision:  
Decision Date: 26.01.2011

Ref ID: M/1996/6058  
Proposal: Catholic Church Donaghmore Road/Quarry Lane Dungannon  
Address: Donaghmore Road/Quarry Lane Dungannon  
Decision:  
Decision Date:

Ref ID: M/2010/0342/F  
Proposal: Proposed Full Size GAA Playing Pitch, Pitch Surround Fencing, Ball Catchers  
& Floodlighting. (amended plans)  
Address: Lands Approx. 150m East of Junction of Quarry Lane & Donaghmore Road,  
Dungannon.  
Decision:  
Decision Date: 05.07.2012

Ref ID: M/1992/0294  
Proposal: Site for Private Nursing Home  
Address: ADJACENT TO 19 QUARRY LANE DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2000/0882/A41  
Proposal: Change of use from garage to bedroom/utility room  
Address: 68 Dalraida Park Dungannon  
Decision:  
Decision Date:

Ref ID: M/2000/1234/F

Proposal: Erection of single storey extension to rear of dwelling and conversion of garage to storage area.

Address: 70 Dalriada Park, Dungannon.

Decision:

Decision Date: 13.02.2001

Ref ID: M/1996/0568

Proposal: Site for petrol filling station, retail sales area, day care centre, workshop and car wash

Address: LAND TO EAST OF CAMPBELL SURGERY, QUARRY ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6139

Proposal: Service station, chemist shop, fast food outlet and third store/workshop unit and office units above Quarry Lane

Address: Quarry Lane

Decision:

Decision Date:

Ref ID: M/1994/0598

Proposal: Service Station, Chemist Shop, Fast Food Outlet and Store/Workshop Unit, Office Units and Day Care Centre

Address: SITE TO EAST OF EXISTING DOCTORS SURGERY QUARRY ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0466B

Proposal: Doctors Group Surgery

Address: QUARRY LANE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1988/0466

Proposal: DOCTORS SURGERY

Address: QUARRY LANE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2014/0152/F

Proposal: Proposed replacement of existing gravel all weather training pitch with new "4G" synthetic surface training field with associated floodlighting, field surround fencing and ball stops and replacement of existing gravel surface to existing ball wall with new "4G" synthetic surface and new boundary fencing to ball wall area

Address: Existing playing fields at 97 Donaghmore Road, Dungannon,

Decision: PG

Decision Date: 14.10.2014

Ref ID: M/2014/0318/F

Proposal: Renewal of planning permission M/2007/1030/F - Erection of a housing development - erection of a housing development

Address: Lands adjacent to Quarry Lane (opposite No19 Quarry Lane) Dalradia Park No's 1-14 Meadowvale 4A Carland Road and Drumglass High School Dungannon,

Decision:

Decision Date:

### **Summary of Consultee Responses**

NIEA – Water Management Unit, advice on water connections

NIEA – Natural Environment Division, if established as a sett, requested additional information to verify the location of the main sett

NIEA – Contaminated Land Section conditions proposed in relation to contamination risk mitigation

TNI – Private Streets Determination, improvements to Thomas Street roundabout.

NI Water – confirmation of the number of units

EHO – land contamination conditions

### **Drawing Numbers and Title**

Drawing No. 01A, 03A, 05A, 07A, 09, 10, 11, 12, 13, 16,18, 23, 24, 25, 26, 27, 29,32, 33, 37, 38, 39,40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52 Rev1, 53 Rev4, 54, 55, 56, 59, 60

Type:

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

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0709/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for food production unit (factory) and new access to carriageway ,new unit size 65 x 30m with associated parking for staff/customers and delivery vehicles access to have 3 passing bays (Noise report received)	<b>Location:</b> 300m North East of 160 Tanderagee Road Pomeroy Dungannon
<b>Referral Route: approval with objections</b>	
<b>Recommendation: Approval.</b>	
<b>Applicant Name and Address:</b> C/o.Samuel Robinson Cloughbane Farm Shop 160 Tanderagee Road Pomeroy Dungannon	<b>Agent Name and Address:</b> Brendan Monaghan Lissan Design 45 Letteran Road Moneymore BT45 7UB
<b>Signature(s): M.Bowman</b>	



## Case Officer Report

### Site Location Plan

No. 165 objector / access point.



**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Advice and Guidance	Shared Environmental Services	No Objection
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NI Water - Strategic Applications	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Additional Information Required
Statutory	NIEA	Extension Required

Statutory	NIEA	Advice
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Content
Statutory	NIEA	Content
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
<b>Representations:</b>		
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	
<b>Summary of Issues</b> - proposed siting away from main enterprise but for exceptional reasons / local objection also received.		
<b>Characteristics of the Site and Area</b>		
Rural location adjacent to established Cloughbane farm and associated farm shop.		
The site sits approximately 350m back from the Tandragee Road and 4 fields back being itself well screened. A new access is proposed largely following field boundaries before exiting onto the road close to a dwelling at No. 165 (also an objector). The main Cloughbane farm complex is located some 200m from the proposed site but visually associated.		
Strong well treed frontage at access point which has required careful consideration in determining the full impact of the proposed development.		
<b>Description of Proposal</b>		
Outline application for a Proposed site for food production unit (factory) and new access to carriageway ,new unit size 65 x 30m with associated parking for staff/customers and delivery vehicles access to have 3 passing bays		

## Planning Assessment of Policy and Other Material Considerations

CAP  
SPPS  
PPS21  
PPS4.  
PPS2  
PPS3

Cloughbane farm foods is a long and well established rural business at this location. The design and access statement states that the business is expanding rapidly and deliver daily across NI, the Republic and UK. It is stated that there are no remaining outbuildings to develop into and as such this new food production unit is required on a nearby site. This proposal it is argued will secure the future of the business and increase employment (20 anticipated increase according to the case made).

In relation to the new access, the statement argues that as farming lands surround the existing premises that this leaves the risks of diseases which would cause movement restrictions to be enforced at the existing entrance to the farm shop complex. The ability to have a new separate access to this production building would greatly reduce this risk.

The SPPS promotes economic development in the Countryside and facilitates proposals likely to benefit the rural economy and support rural communities, whilst protecting and enhancing our natural environment. The SPPS acknowledges that such proposals may occasionally involve the construction of new buildings where they can be integrated in a satisfactory manner. There is support for farm diversification proposals which should be in accordance with Policy CTY11 of PPS21.

The proposal can be regarded as further farm diversification under **Policy CTY11** of PPS21 and as such:

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.

The following criteria will apply:

- (a) the farm or forestry business is currently active and established;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it will not have an adverse impact on the natural or built heritage; and
- (d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

I have examined these aspects in more detail below and am of the view that an exception for a new building has been adequately demonstrated due to operational / food safety reasons.

Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

Cloughbane farm foods is an established economic enterprise and as such I regard Policy PED3 of PPS4 also to be relevant to its consideration:

**Policy PED 3****Expansion of an Established Economic Development Use in the Countryside**

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

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character. In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

In the supporting statement from application my initial concern here must relate to the need for a new building sited away from the farm group and other farm foods buildings operated by the company. It is clarified that there are 2 separate enterprises operating, namely the farm, and Cloughbane Farm Foods Ltd. Planning history does show that number of extensions have been added to the existing farm foods premises to the extent that the Council have been advised that there is no more land available for the farm foods business. It is stated that the business has extended into all the lands which the farm can release. It is stated that lands immediately adjacent to the enterprise are necessary for the thriving farm business which includes free range hens and in recent years dairy cows. The farm foods business wishes also to develop unique products such as gluten free and that this is best served with separate premises. 20 additional rural jobs are anticipated with the successful development of the proposal.

I attached weight to the points made and as such feel that a case has been made to facilitate a new separate building. Whilst it won't perhaps integrate totally with the existing enterprise it is located on a site which offers an acceptable degree of visual integration into the land from using the rear corner of a field some 350m back from the public road. I feel Policy CTY13 of PPS21 is satisfied.

Policy **PED9** is also relevant to this proposal:

**General Criteria for Economic Development**

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

- (a) it is compatible with surrounding land uses;

I believe this to be the case given the largely agricultural based community here.

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

a noise assessment has been carried out to address the concerns of a dwelling likely to have been impacted upon by vehicular traffic using the new access. EHO have considered this and have no objections subject to restrictions on delivery times etc which can be achieved by a condition.

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

NIEA have considered any potential impacts in relation to drainage given links to ballinderry rivers and Lough Neagh/Beg. Corvus consulting carried out an ecology report which included a badger report. There are no objections to the proposal on natural or built heritage grounds. The Council sought detailed access works plans to gauge the impact on any tree loss along the frontage. It is accepted that there be some tree removal but overall the impact is not felt to be overly detrimental.

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

Rivers Agency have accepted the findings of a flood/ drainage assessment and agree with its findings.

(e) it does not create a noise nuisance;

The only anticipated source of noise is the access in relation to a nearby private dwelling. EHO have accepted the noise assessment in this regards.

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

This is an Outline application but there are no objections on any of the above grounds.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

DFI are content with access and servicing arrangements subject to conditions.

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

All such areas are noted on plans and can be detailed further at RM stage.

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

This is a relatively isolated rural area which may not have convenient access to public transport.

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

Detailed design will be agreed at RM stage and as such can be conditioned along with all necessary landscape details etc.

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

As above.

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

It is in the businesses interest to ensure this given the nature of this sensitive agric-food industry.

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

Conditions will be attached to ensure this is detailed on plans at the next stage.

***Consideration of objections.***

The occupant of No 165 Tandragee Road has objected on the following grounds:

- the detrimental impact on the visual appearance of the area from the building and its access
- the location of the access point / delivery times will be a disturbance
- removal of trees for access which provide a visual screen to a turbine resulting in a detrimental effect on amenity.

I have been mindful of the potential for the new access to impact on this property and as such requested with EHO a noise assessment of the access. EHO are happy with its findings but I would agree that it may be necessary to limit times of deliveries etc in the interests of ensuring amenity is safeguarded.

I accept that the access will open the frontage however the proposed building itself does not fully rely on this for a satisfactory visual integration. The direction of view from No 165 appears to face away from the proposed building also and I am satisfied that due to its set back the building will not have a dominant impact from this dwelling. There may be increased views of a wind turbine but again not to an unacceptable degree.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: Outline approval subject to conditions.**

**Conditions**

1. Time conditions re submission of RM
2. Detailed design / landscaping requirements at Reserved Matters Stage.
3. Restricted Hours of delivery condition on new access

**Signature(s) M.Bowman**

**Date: 21<sup>st</sup> Feb 2018.**

<b>ANNEX</b>	
<b>Date Valid</b>	13th August 2015
<b>Date First Advertised</b>	31st August 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 165 Tanderagee Road,Derrygortanea,Pomeroy,Tyrone,BT70 3HS, Jason Glasgow 165, Tanderagee Road, Pomeroy, Tyrone, Northern Ireland, BT70 3HS	
<b>Date of Last Neighbour Notification</b>	4th January 2018
<b>Date of EIA Determination</b>	27th August 2015
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2015/0709/O Proposal: Proposed site for food production unit (factory) and new access to carriageway ,new unit size 65 x 30m with associated parking for staff/customers and delivery vehicles access to have 3 passing bays (Statement of case/support) Address: 300m North East of 160 Tanderagee Road, Pomeroy, Dungannon, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	



Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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Status: Submitted

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Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

Drawing No. 02  
Type: Farm Boundary Map

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



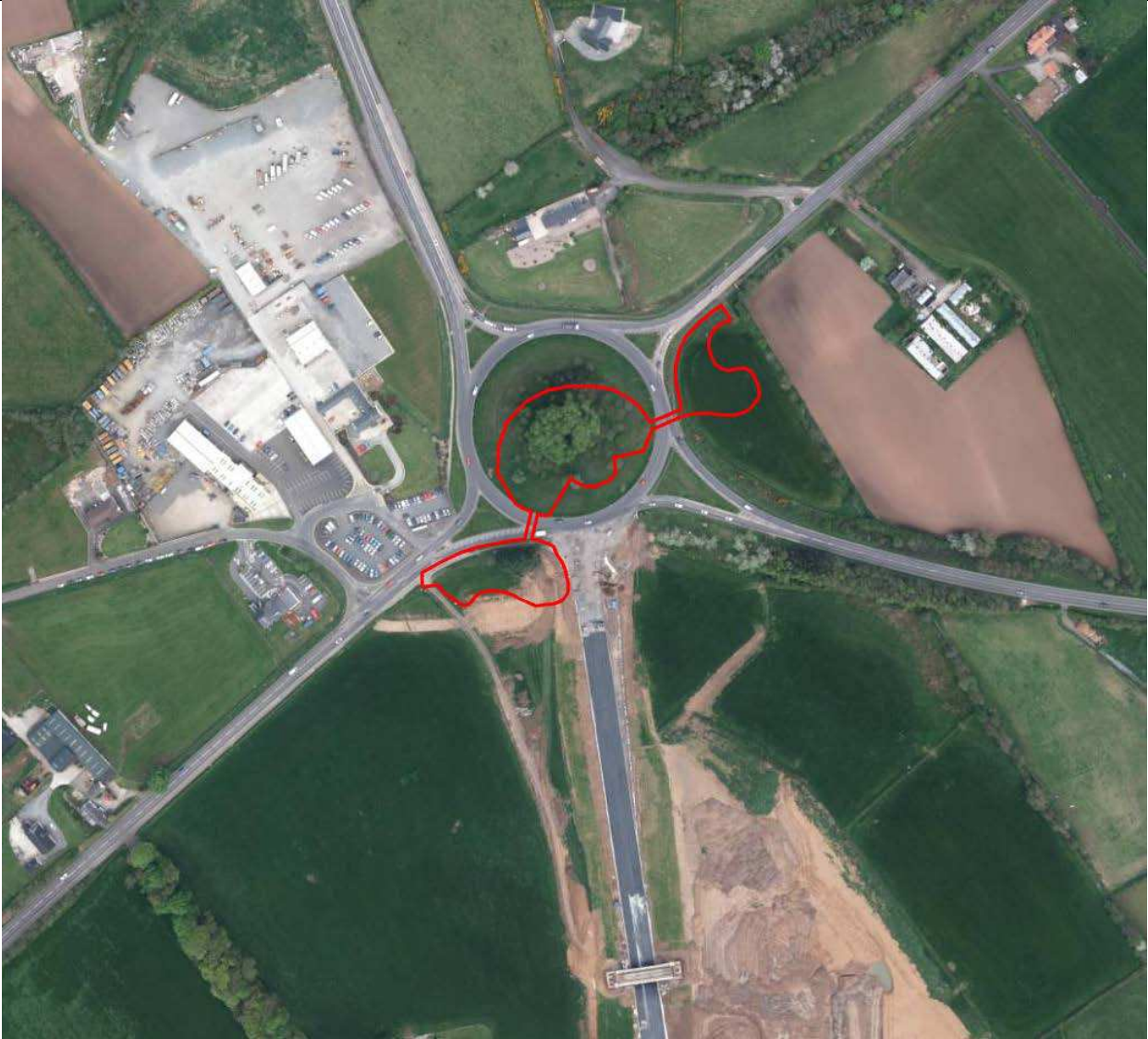
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1052/F	<b>Target Date:</b>
<b>Proposal:</b> Installation of a pedestrian/cycle linkage and a new art feature on the Castledawson roundabout with associated site and landscape works. The linkage comprises 2no. new 34m long bridges with associated ramps and landscaping works	<b>Location:</b> Castledawson roundabout forming the junction between the A6 A31 Castledawson road and A54 Magherafelt Road Townland of Killyneese Castledawson
<b>Referral Route:</b>  This application is being presented to Committee as the Gateway Sculpture is being provided by and will be maintained by Mid Ulster District Council.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Transport NI	<b>Agent Name and Address:</b> AECOM Beachill house Beachill Road Belfast BT8 7RP
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Early Years Team - Coleraine	Error

#### 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

<b>Summary of Issues</b>  No representations have been received in relation to this proposal.	
<b>Description of proposal</b>  <p>The proposal is for the 'Installation of a pedestrian/cycle linkage and a new art feature on the Castledawson roundabout with associated site and landscape works. The linkage comprises 2no. 34m long x 2.0m wide bridges with associated ramps and landscaping works.'</p> <p>The two bridges span from the south-western and from the eastern sides of the Castledawson roundabout onto the Magherafelt Road. The bridge from the eastern side links onto the Magherafelt Road leading from Castledawson to the north of the access onto the Castledawson by-pass, while the bridge on the south-western side links onto the road leading to Magherafelt just west of the junction with the new Magherafelt by-pass. Both bridges are connected to the existing pedestrian footpath systems by means of a 2.5m wide ramp which has a 1:18 slope. The bridges are interconnected by a pedestrian link across the roundabout thereby providing a continuous pedestrian footpath from Castledawson to Magherafelt without the hazard of negotiating what is probably the busiest junction in the local area. The roundabout is to be regraded with the south-eastern side, facing the approach from Toome and the new by-pass being raised considerably. This raised area is to be benched with 3 slopes of 1.5:1 with 2m landings. At the top there is a 15m diameter plateau which is to contain a gateway sculpture, not dissimilar to the existing sculpture at the Diamond in Magherafelt town centre. This gateway sculpture takes the form of a 2.5m diameter sphere positioned on top of four legs standing 6.25m high giving a total height of 8.75m. The main body of the proposal is finished in galvanised steel and the sphere on top is manufactured largely of copper. The section of the roundabout, north of the pedestrian footpath is to be gradually raised from road level up to the level of the gateway sculpture and is to be landscaped with an oakwood with oak as a canopy and holly, rowan, hazel as understory species to support a diverse and rich range of wildlife. The section of footpath on the roundabout is to be bounded by a hedge and railings.</p> <p>The footbridges will provide a 5.7m minimum headroom clearance for traffic to safely pass under and will rest on a reinforced concrete bridge abutments at either end. The supporting structure of the bridges rise from a height of approximately 1.70m to 3.00m on both sides with steel pedestrian parapets being 1.40m high on both sides.</p>	
<b>Characteristics of the site and area</b>  <p>The site is located within the rural area as defined in the Magherafelt Area Plan 2015. The site straddles the main traffic route from Belfast to Derry (A6) which is a protected route as well and links the pedestrian footpaths alongside the Magherafelt Road either side of the A6, with the recently constructed Magherafelt By-pass joining the roundabout at this location.</p> <p>There is currently substantial tree cover on what is a considerably large roundabout with an undercover of shrubbery and rough grass.</p>	
<b>Relevant History</b> There is no planning history for this site.	
<b>Planning Assessment of Policy and Other Material Considerations</b>  The main policy considerations in the assessment of this planning application are:-	

Strategic Planning Policy Statement  
 PPS 3 – Access Movement and Parking  
 PPS 21 – Sustainable Development in the Countryside

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

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for the improvement of the public footpath system and for a piece of public artwork.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. The site extends over the A6 and adjacent to the A31 which are both protected routes. TransportNI were consulted and recommended that MUDC enter into a formal agreement with TNI for the maintenance and upkeep of the flora and sculpture. A CDM and H&S plan should also be developed to support any agreement. If the proposed development were to be approved, such details can be covered by way of a specific condition requiring the details to be provided.

#### **PPS 21 – Policy CTY 13 Integration**

Undoubtedly the proposed development will have a significant visual impact as there will be extended and long distant views of the sculpture and of the pedestrian bridges on approach from all five roads leading into the roundabout. This is due to the levels of the roundabout being raised significantly to accommodate the bridge abutments which are necessary to provide sufficient clearance for under passing traffic. This will involve raising ground levels on the roundabout to 6.43m above the existing road level adjacent the roundabout. The 8.75m high gateway sculpture is then positioned on top of this, resulting in the top of the sculpture being 15.18m above the existing road level. Much of this tree cover will have to be removed to facilitate both the proposed footbridge, the gateway sculpture and the regrading of the roundabout. Although this will result in the footbridges and the sculpture being more exposed, the visual impact of the development will reduce over time as the oakwood matures and provides a better backdrop for the bridges and sculpture. Whilst it is acknowledged that the proposed development will have a visual impact, the footbridges are necessary in the interests of public safety. Although the gateway sculpture will be a dominant feature, its purpose is to draw attention to the area and to mark the approach to Magherafelt. The visual impact of the development will reduce through time as the proposed planting takes affect and matures.

#### **Recommendation**

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the satisfaction of TransportNI and to the conditions listed below;

<b>Neighbour Notification Checked</b>	<b>Yes</b>
---------------------------------------	------------

#### **Summary of Recommendation:**

Approve subject to the conditions listed below:-

**Conditions**

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

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

2. Mid Ulster District Council and TransportNI shall enter into a formal agreement on the provision, maintenance and upkeep of the flora and sculpture hereby approved. The agreement should be supported by a Construction, Design and Maintenance and Health and Safety Plan.

Reason: To ensure the satisfactory maintenance and upkeep of the flora and sculpture and in the interests of visual amenity.

3. All proposed planting, including all hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice and no part of the development hereby permitted shall become operational until the landscaping scheme has been carried out in full in accordance with the stamped approved drawing no.05 date stamped 6th July 2016.

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

4. 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 Mid Ulster District 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 Mid Ulster District Council gives its written consent to any variation.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th July 2016
<b>Date First Advertised</b>	11th August 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Loves Hill Killyneese Castledawson The Owner/Occupier, 42 Magherafelt Road, Killyneese, Castledawson, Londonderry, BT45 8DR, The Owner/Occupier, 46 Magherafelt Road, Killyneese, Castledawson, Londonderry, BT45 8DR, The Owner/Occupier, 6 Tamnadeese Road Tamnadeese Castledawson	
<b>Date of Last Neighbour Notification</b>	17th August 2016
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1052/F Proposal: Installation of a pedestrian/cycle linkage and a new art feature on the Castledawson roundabout with associated site and landscape works. The linkage comprises 2no. new 34m long bridges with associated ramps and landscaping works Address: Castledawson roundabout, forming the junction between the A6, A31 Castledawson road and A54 Magherafelt Road, Townland of Killyneese, Castledawson, Decision: Decision Date:  Ref ID: H/2014/0435/F Proposal: New 33kv 3x200mm AAAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles) Address: From: 122 Creagh Road Castledawson (VIA) Creagh Annaghmore Killyneese Aghagaskin Glenmaquill Grange Dromore Drumsamney Moyasset To 42 Desertmartin Road Tobermore, Decision: Decision Date:  Ref ID: H/1992/6026 Proposal: ROADSIDE SERVICE STATION CASTLEDAWSON ROUNDABOUT MAGHERAFELT	



Address: CASTLEDAWSON ROUNDABOUT

Decision:

Decision Date:

Ref ID: H/2008/0636/Q

Proposal: Site for commercial enterprise.

Address: 48 Magherafelt Road, Castledawson, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2005/0469/O

Proposal: Site of hotel and leisure club including health spa

Address: Adjacent to 34 Magherafelt Road, Castledawson

Decision:

Decision Date: 08.08.2006

### Summary of Consultee Responses

TransportNi requested that Mid Ulster District Council enter into a formal agreement with TNI for the maintenance and upkeep of the flora and sculpture and that such an agreement be supported by a CDM and H&S plan.

### Drawing Numbers and Title

Drawing No. 04/1

Type: Block/Site Survey Plans

Status: Approved

Drawing No. 02

Type: Block/Site Survey Plans

Status: Submitted

Drawing No. 05

Type: Landscaping Plan

Status: Approved

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 03

Type: Block/Site Survey Plans

Status: Approved



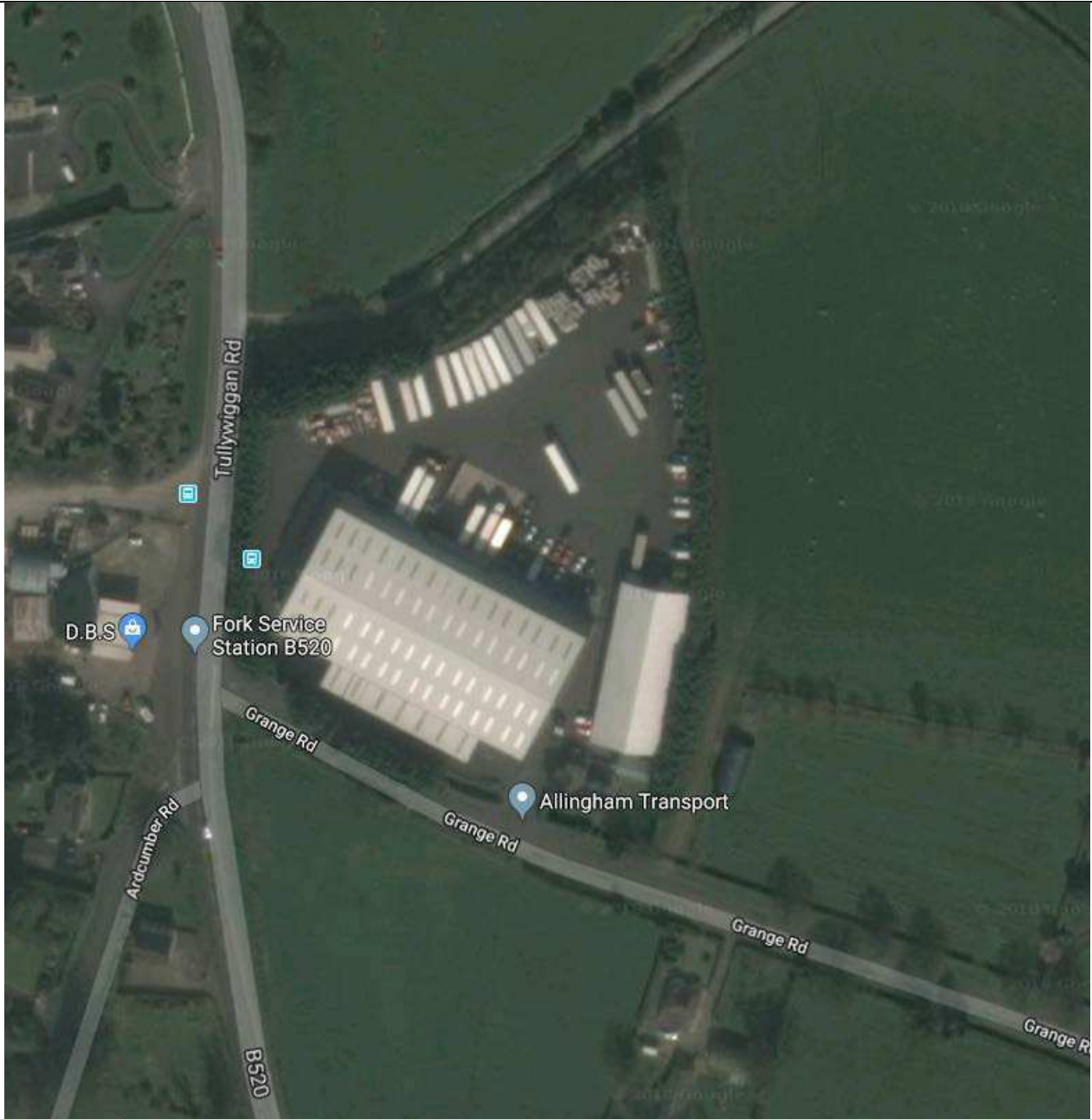
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1293/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to storage facilities and improvements to sight lines at the main entrance (Amended plans)	<b>Location:</b> 6 Grange Road Cookstown
<b>Referral Route: approval recommended - objections received</b>	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Allingham Transport 6 Grange Road Cookstown BT80 8SB	<b>Agent Name and Address:</b> D Costelloe 3 Hollyhill Road Cookstown BT80 9QP
<b>Signature(s): M.Bowman</b>	

## Case Officer Report

### Site Location Plan





Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Proposal accords with Policy PED4/9 of PPS4		
One objection has been received.		
Characteristics of the Site and Area		
Establish haulage business located on rural fringes of Cookstown. Some residential property opposite.		
Description of Proposal		
Extension to storage facilities and improvements to sight lines at the main entrance (Amended plans)		
Planning Assessment of Policy and Other Material Considerations		
CAP SPPS PPS4 PPS21		



This application proposes (in an amended and reduced form from that originally submitted) an extension to the established main store associated with Allingham transport for a total of 1500 sq.m. 10 additional parking spaces are also proposed within the site.

The SPPS identifies the guiding policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities. The SPPS sees the planning system as having a key role in achieving a vibrant economy, development proposals must however be consistent with the protection of the environment and principles of sustainable development.

PPS4 Economic Development provides the relevant policy considerations for this proposal:

This is an expansion of an established economic enterprise and as such I will assess its impacts under Policy PED3

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

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

I am satisfied that this proposal is of a scale and nature that will not offend rural character and this proposal does not propose any increase in the established site area.

In addition Policy PED9 states the following for all such proposals:

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

(a) it is compatible with surrounding land uses;

The extension is compatible with surrounding land uses being within Allingham transport's business.

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

Environmental Heath have been consulted and offer no objections to the proposal which has been amended to an extension for storage only.

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

This is not anticipated.

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

The site is not located within such an area.

(e) it does not create a noise nuisance;

Being for storage use only this is not anticipated.

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

Established commercial site with established infrastructure.

- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

DFI have approved the proposed access / parking and servicing arrangements

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

As above.

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

This location is well serviced and is close to Cookstown

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

The proposed design is in keeping with the existing building and will visually merge successfully with it.

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

Not required given existing natural tree boundaries which are not at risk from this proposal.

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

No obvious changes are required to the site operations to facilitate this proposal.

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

As Per k above.

PPS15 – I do not regard the proposal as being a change of use involving new buildings given the use is established within the site and this is continuation of the same. The existing site does not appear to be affected by any river or surface water flood risk

Objection.

One objection has been received from the occupant of No 3 Tullywiggan Road raising the following concerns:

1. Impact that the proposal will have on No 3 opposite by way of parking of heavy vehicles / alleged removal of trees / alleged u/a extension of yard area / overlooking from site into No 3 / impact of floodlighting given yard area is in use 24 hrs a day.

In response and having examined ortho imagery the yard area associated with Allingham Transport appears to be long established.

A recent site visit in relation to any removal of trees along the boundary opposite No 3 on the 13<sup>th</sup> Feb reveals that whilst I see no obvious evidence of tree removal, some lower branches appear to have been thinned to control the spread of the trees. In my view they still offer an acceptable degree of visual screening to the site.

EHO whilst have no objections and had cleared the proposal even when it included noise emitting chiller units have no objections to the proposal as amended for storage only.

No 3 is located across the road from the site and as such any views into the property from the site are in this 'public' context given passing traffic and other pedestrian movements.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation: Approval subject to conditions.**

Conditions

**Drawings to be stamped approved**

Autotrack analysis drawing bearing the date stamp 15 January 2018

Drawing No 01 rev 4 bearing the date stamp 20 November 2017

**CONDITIONS**

1. The vehicular access including visibility splays shall be provided in accordance with Drawing No. 01 rev4 bearing the date stamp 20 November 2017, 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.

2. The access will be a minimum of 6 metres wide for a distance of 20 metres measured from the Grange Road prior to the commencement of any other development hereby permitted and retained thereafter.

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

3. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings to provide 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.

4. The extension hereby approved shall be used for storage purposes only as associated with Allingham Transport and for no other use.

Reason: To restrict the nature of the proposed use in the interests of neighbouring amenity.

**Signature(s) M.Bowman**

**Date: 19<sup>th</sup> Feb 2018**

<b>ANNEX</b>	
<b>Date Valid</b>	16th September 2016
<b>Date First Advertised</b>	29th September 2016
<b>Date Last Advertised</b>	23rd November 2017
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 3 Tullywiggan Road Cookstown Co Tyrone D Henry 3 Tullywiggan Road, Cookstown, Tyrone, Northern Ireland, BT80 8TJ The Owner/Occupier, 3a Tullywiggan Road Cookstown Co Tyrone The Owner/Occupier, 9 Grange Road, Cookstown, Co Tyrone, BT80 8SB	
<b>Date of Last Neighbour Notification</b>	10th November 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1293/F Proposal: Extension to storage facilities and amenities (chilled store, load assembly store and amenity building) Address: 6 Grange Road, Cookstown, Decision: Decision Date:  Ref ID: I/1999/0366 Proposal: Change of use of agricultural land to provide extension for existing transport yard and storage depot Address: 6 Grange Road Cookstown Decision: Decision Date: 12.04.2004  Ref ID: I/1993/0381 Proposal: Extension to Dwelling Address: 6 GRANGE ROAD COOKSTOWN Decision: Decision Date:	

Ref ID: I/2004/0500/F

Proposal: Retention of the new large warehouse with canopy over dock levellers; this warehouse is to be used to store processed dairy products, to provide delivery stock for a designated client; Retention of lorry wash and fire escape steps; Build proposed vehicle maintenance shed; Complete small warehouse with new ancillary offices included; This warehouse is to be used to store incidental goods in transit; Re-build part of boundary wall, provide parking facilities for lorries and cars, and landscape the site; Remove existing mobile offices.

Address: 6 Grange Road, Cookstown

Decision:

Decision Date: 20.09.2007

Ref ID: I/1985/0105

Proposal: GARAGE EXTENSION TO TRANSPORT DEPOT

Address: 6 GRANGE ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2003/0662/F

Proposal: Warehouse for the storage of goods

Address: Allingham Transport, 6 Grange Road, Cookstown

Decision:

Decision Date: 12.04.2004

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 01 ( REV - 3)  
Type: Site Location Plan  
Status: Submitted

Drawing No. 04  
Type: Floor Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1342/F	<b>Target Date:</b>
<b>Proposal:</b> Dwelling in substitution of remaining two plots of Planning Approval H/2005/0495/F and the construction of 2.no new dwellings	<b>Location:</b> Adjacent to 1, 3 and 5 Roughan Glen, Halfgayne Road, Maghera
<b>Referral Route:</b> Conflict with Natural Environment Division Consultation	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Thomas and Bernard Cassidy 27 Halfgayne Road Maghera BT46 5NZ	<b>Agent Name and Address:</b> D.M Kearney Design 2a Coleraine Road Maghera BT46 5BN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NIEA	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
<b>Summary of Issues:</b> No issues	
<b>Characteristics of the Site and Area</b>  <p>The site is within a Dispersed Rural Community at Cartogher located 2.5 miles northwest of Maghera in accordance with the Magherafelt Area Plan 2015. The site is located adjacent to 3 existing two storey dwelling, Nos 1, 3 &amp; 5 Roughan Glen. Access to the site is via an existing laneway which is taken off the Halfgayne Road. The site contains a piece of largely overgrown scrubland. Two wooded areas bound the site along the eastern and north-eastern boundaries to the rear of the dwelling located a No 5.</p>	
<b>Description of Proposal</b>  <p>The application proposes 3 No. dwellings to supersede 2 No. dwellings approved under Ref No. H/2005/0495/F with 1 No. dwelling on site P3 and 2 No dwellings on sites P1 &amp; P2.</p> <p>Site P1 - proposes a one and half storey dwelling. The dwelling has a 12.6m frontage with a gable depth of 8.5m and a ridge height of 7.5m above ground level. A small flat roof porch and side and one and half storey rear return are also proposed. The chimneys are expressed on the ridge, the wall finishes are smooth render painted locally sourced basalt stone to chimney at the rear and red brick corbelled eaves and the roof finish is either dark grey/ black non - profile tiles or dark natural slates.</p> <p>Site P2 - proposes a two storey dwelling. The dwelling has a 12.6m frontage with a gable depth of 8.7m and a ridge height of 8. 5m above ground level. A two storey rear return is also proposed. The chimneys are expressed on the ridge, the wall finishes are smooth render painted locally sourced basalt stone to chimney at the rear and red brick corbelled eaves and the roof finish is either dark grey/ black non - profile tiles or dark natural slates.</p> <p>Site P3 - proposes a single storey dwelling with roof space conversion. The dwelling has a 16.3m frontage with a gable depth of 9.2m and a ridge height of 6.7m above ground level. A rear return which juts out proposed. The chimneys are expressed on the ridge, the wall finishes are smooth render painted locally sourced basalt stone to chimney at the rear and red brick corbelled eaves and the roof finish is either dark grey/ black non - profile tiles or dark natural slates.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p><b>Relevant Site History:</b> LA09/2015/0119/O - Site of one dwelling house and domestic garage. Approved 01st October 2015.</p> <p><b>Representations:</b> 3 neighbour's notification letters were sent to the occupiers of Nos 1, 3, &amp; 5 Roughan Glen, Halfgayne Road, Maghera No letter of representation have been received.</p> <p><b>Development Plan and Key Policy Consideration:</b> Decisions must be taken in accordance with the provisions of the Local Development</p>	

Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015: The site is located in the open countryside. The site is located within Designation COU 4 – Dispersed Rural Communities (DRCs) at Cartogher.

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.

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. CTY 1 of PPS 1 allows for planning permission will be granted in the countryside for a small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2. Within a Dispersed Rural Community (DRC) designated in a development plan planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point. Permission will generally be limited to one cluster per focal point. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The principle of this type of development has been established on the proposal site. The previous approval granted permission for 5 dwellings, with only 3 dwellings constructed on site. Under this application 3 new dwellings are proposed, 1 new dwelling will supersede the approval for 2 dwellings on site P3 and 2 new dwellings are proposed on sites P1 & P2. This will provide a total of 6 dwellings will comply with the maximum of 6 dwellings permitted under the CTY2 of PPS 21 and criterion 4 of designation COU4 as set out in the Magherafelt Area Plan. Unlike the formal layout approved previously, the proposed layout adopts a more informal clachan style. The proposed dwellings are simple in form without front projections and are modest in scale.

### **Consultation**

Natural Environment Division (NED) state that following a desktop assessment of the proposal they consider the site is suitable for badgers and bats and require a bat and badger survey. Following negotiations between the agent and NED, the need for a bat survey has been ruled out (see email on file from Gary Dodds to the agent dated 2nd August 2017). However NED did not ruled out the need for a badger survey due to the close proximity of a small area of woodland. Further negotiations took place with NED and they now advise that if a 25m protection zone can be erected between the site at P1 and the small area of woodland to the east, a badger survey would not be required. The block shows that the 25m protection zone is achievable. A condition can be attached to the permission to ensure that the fence is erected prior to the development commencing. With regards to the site at P3, NED state that they still have concerns and that a badger survey is still required. However, there is a live approval for two dwellings on site P3 which can be implemented anytime. Therefore, NED request for a badger survey is considered unreasonable because of the previous approval for two dwellings on the site.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** That planning permission be approved 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. The proposed dwelling sited in the area hatched in green is granted solely as a substitute for two dwellings previously granted on the site under Ref: H/2005/0495/F on 11th July 2006 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed.

3. No site works of any nature or development shall take place until a fence has been erected around the area shaded red. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil, no disposal of rubbish, no bonfires, nor use, turning or parking of plant or machinery. The fence shall not be removed until the development has been completed.

Reason: To prevent disturbance to wildlife.

4. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with drawing No. 01 which was received on 16th October 2017, prior to the commencement of any other works or other development hereby permitted.

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

5. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced 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.

6. All planting comprised in the approved details of drawing No 01 Revision 1 which was received on 16th October 2017 shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five 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 other similar size and species.

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.

4. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

5. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

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

9. It is the responsibility of the developer to ensure that:

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

10. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;

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

11. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

12. Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

13. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

14. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	23rd September 2016
<b>Date First Advertised</b>	6th October 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Roughan Glen Gortinure Maghera The Owner/Occupier, 3 Roughan Glen Gortinure Maghera The Owner/Occupier, 5 Roughan Glen Gortinure Maghera	
<b>Date of Last Neighbour Notification</b>	1st November 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1342/F Proposal: Dwelling in substitution of remaining two plots of Planning Approval H/2005/0495/F and the construction of 2.no new dwellings Address: Adjacent to 1,3 and 5 Roughan Glen, Halfgayne Road, Maghera, Decision: Decision Date:  Ref ID: H/2007/0595 Proposal: 6 No. additional dwellings with adoptable standard roadway to previously approved scheme H/2005/0495/F. Address: Halfgayne Road, Maghera approx. 300m S.W. of junction with Gortinure Road Decision: Decision Date: 08.08.2007  Ref ID: H/2005/0495/F Proposal: Proposed 5 No Dwellings Address: Halfgayne Road, Maghera (approx 300m SW of the junction with Gortinure Road, Maghera) Decision: Decision Date: 19.07.2006  Ref ID: H/2008/0290/O Proposal: Proposed site of 1 no. additional dwelling within established development for residential purposes.	

Address: On the Halgayne Road approximately 300 metres south west of its junction with the Gortinure Road, Slaughtneil, Maghera

Decision:

Decision Date: 20.06.2011

Ref ID: H/1992/6093

Proposal: 4-6 HOUSING DEVELOPMENT HALGAYNE ROAD MAGHERA

Address: HALGAYNE ROAD

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01 Revision 1

Type: Site Location Plan

Status: Submitted

Drawing No. 02 Revision 1

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 03 Revision 1

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 04 Revision 1

Type: Elevations and Floor Plans

Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1403/F	<b>Target Date:</b>
<b>Proposal:</b> Replacement Dwelling and Garage (Amendments Approved under H/2010/0424/F) (Amended drawings submitted)	<b>Location:</b> 45 Rocktown Road Bellaghy
<b>Referral Route: Objections</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr David Arrell 17 Taylorstown Hill Toomebridge BT41 3RL	<b>Agent Name and Address:</b> J E McKernan & Son 25 Market Road Ballymena BT43 6EL
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### 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

1. Right of way and hedgerow removal.
2. Construction of carport on top of right of way.
3. Triple garage is excessive.
4. No levels or ridge height shown on drawings.
5. The visual impact and stability of the retaining walls.
6. Increase in site boundary
7. The applicant does not own all the land outlined in red.
8. The proposed dwelling is out of keeping with existing dwelling in the locality

### Characteristics of the Site and Area

The site is located approximately 2 miles south east of Gulladuff in open countryside in accordance with the Maghaerafelt Area Plan 2015. The site is located at the end of a dead-end road and contains a large two storey dwelling under construction and largely similar to the dwelling approved under the previously applications. A large amount of earthworks appears to have taken place to facilitate construction and as a result the south-west boundary is shored up using large bounders. The site sits 2-3 metres above this laneway in places and a retaining structure has been constructed along this boundary for structural purposes. There is no indication of the laneway that previously ran along the south western boundary. There is a dwelling located immediately to the south of the site and at a higher level. The land in front of this neighbouring dwelling falls away quite sharply towards the ground level of the proposal site. There is also another dwelling under construction to the south east of the site.

### Description of Proposal

The proposal is a full application for a replacement dwelling with integral garages (Amendments Approved under H/2010/0424/F). The proposed dwelling is broadly similar in size and form to the dwelling approved under the H/2010/0424/F. The amendments include a small increase in the ridge height between the main dwelling and the integral garage, a lean-to carport attached onto the gable wall of the garage and change of wall finish from render to black natural stone with red brick banding to windows. The application also seeks approval for two retaining structure, one comprises of large bounders and the other comprises of precast concrete blocks 700mm x 700mm.

### Planning Assessment of Policy and Other Material Considerations

#### Relevant Site Histories:

H/2005/0288/O - Site of Replacement Dwelling. Approved 12th January 2006

H/2008/0553/RM - Replacement Dwelling & Garage. Approved 19th January 2009

H/2010/0424/F - Change of house type to that previously approved application H/2008/0553/RM. Approved 4th May 2011.

H/2013/0335/RM - Dwelling and garage. Approved 5th November 2013 (site to the rear)

LA09/2015/0119/CA - Operational development relating to unauthorised construction of block retaining walls and removal of landscaping. Further action will depend on the outcome of subject planning application LA09/2016/1403/F.

#### Representations:

3 neighbour's notification letters were sent to the occupiers of No 41, 43 & 47 Rocktown Road, Bellaghy,

3 letters of representation have been received. One from Mr Seamus Convery acting on behalf of the Convery Family who own the farmland to the rear and south west of the site. The two remaining representations are both identical and were submitted by Steafan Walls who resides at No 43 Rocktown Road, the property located at the entrance into the site and Darren Walls who resides at 47 Rocktown Road, the property located immediate south west of the site.

#### Issues raised by the Convery's

1. The removal of existing laneway and vegetation located along the south western boundary of which was conditioned to be retained under H/2010/0424/F.

2. Their farmland can no longer be accessed using the laneway because it has been removed.

Points 1 & 2: The Convery Family have not claimed ownership of the laneway and are objecting on the basis that they are unable to use the laneway since the applicant removed it. Whilst I note



that the Convery's have provided 3 Folio Numbers they have not provided evidence to indicate that they have a right of way to use the laneway. Ultimately it is not within the remit of a planning authority to adjudicate over a right of way dispute. However, I note that in their letter the Convery are presuming a civil case regarding this issue.

3. The proposed carport is located on a laneway, the existing laneway should have been shown on the block plan.

It will be at the applicant's own risk to go ahead and constructed the carport if there is an ongoing dispute over a right of way.

4. No existing and proposed levels have been indicated on the drawings.

Drawing No 05 Rev 1 which was received on 24th August 2017 has provided ground levels and floor levels.

5. No ridge height has been shown on the elevation drawings.

Drawing No 04/1 which was received on the 1st March 2017 is to scale and ridge height can be measured using the online measuring tool available on the planning portal. The proposed ridge height is 8.5m above ground level which is the same as the ridge approved under H/2010/0424/F.

6. A triple garage is excessive.

The triple garage has been approved under H/2010/0424/F and is not up for reconsideration under this application.

7. The applicant has removed part of a hedgerow along the north-east boundary and replaced it with large concrete blocks.

It was reckless on the applicant part to remove a hedgerow which had been conditioned to be retained and replace it with large concrete blocks without first seeking permission. However the applicant has proposed additional planting to compensate for the removal of the hedgerow and to help soften the impact of the precast concrete blocks.

8. The concrete blocks are unsafe and may topple over.

9. Do the concrete blocks require planning permission and do they need to be engineered and constructed to the appropriate standards?

Points 8 & 9: The retaining walls will be considered under this application. A structural engineer's report has been provided and the findings in that report accepted by the Council's Structural Engineer provided the retaining walls are rebuilt as per the structural engineer's drawings.

10. The applicant has approval for another dwelling to the rear of the site and the new access had been approved to run parallel with the existing laneway between the proposed dwelling. Is there sufficient space to accommodate the new access and will the retaining wall be able to support the access on top of it.

There is approximately 5m between the retaining wall and the dwelling. The structural engineer's drawing shows that a 2m verge between the wall and the 3m wide driveway. Therefore, there should be no requirement to drive on top of the retaining wall if the structural engineer's drawing is adhered to.

### **Issued raised by the Wall's**

1. A number of hedgerows which had been conditioned to be retained as part of the approval under H/2010/0424/F have been removed. This contravenes the original approval and needs to be rectified.

The applicant has proposed additional planting to compensate for the removal of the hedgerow.

2. The applicant does not own all the land outlined in red including a right of way between No 43 and 45.

No evidence to the contrary has been provided by the objector's to suggest the applicant does not own all of the land outlined in red. Land ownership is a civil matter.

3. The massing of the dwelling is out of keeping with other dwellings in the locality and is too big for the site.

The design of the dwelling has been approved under H/2010/0424/F and is not up for reconsideration under this application.

4. The proposed site boundary is larger than the site boundary approved under H/2010/0424/F.

The proposed site boundary has increased marginal along the southwestern boundary to accommodate the carport. Any subsequent increase in the site boundary after permission is granted will require permission.

5. The proposed carport encroaches on top of a hedgerow which had been conditioned to be retained under H/2010/0424/F.

The removal of the hedgerow is unfortunate. The proposed carport is located within the area outlined in red and is considered acceptable when assess against the general context of the proposed dwelling.

### **Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located in open countryside. There is no other designation on the site.

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.

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

The principle of development has been established on the proposal site and the dwelling approved under H/2010/0424/F has commenced. The main considerations in the processing of this application are the wall finishes, the small increase in the ridge height between the dwelling and the integral garage, the lean-to carport. Whilst not included in the description of the proposal, the application also seeks approval for two retaining structure, one comprises of large bounders and the other comprises of precast concrete blocks 700mm x 700mm x 3 high.

The change of wall finish from render to black natural stone with red brick banding to windows is considered acceptable and will not appear incongruous in the location. As to is the small increase in the ridge height between the main dwelling and the integral garage.

The retaining wall along the south western boundary comprises of large bounders and the wall will be approximately 2m high and will be read against the backdrop of the rising landform and an existing hedgerow which sits approximately 2m higher than the site. The bounders will only be visible at the entrance into the site and will not create an unacceptable visual impact. The precast concrete block retaining wall proposed along the north western boundary is required to shore up the 'cut and fill' operation which was required to provide a level site prior to construction. Normally 1.8m high wall adjacent to a laneway would create an unacceptable visible impact, however given that the laneway is only used to access farmland, the public interest is considered minimal. Additional planting has been proposed to compensate for the removal of the hedgerow and will help to soften the impact caused by the block

**Neighbour Notification Checked:** **Yes**

**Summary of Recommendation: That planning permission be approved subject to the following conditions.**

**Conditions**

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

Reason: This is a retrospective application.

2. All planting comprised in the approved details of drawing No 05 Rev 1 which was received on 24th August 2017 shall be carried out within 12 months from the date of this decision and any tree, shrub or hedge, which, within a period of five 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 other similar size and species.

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

3. Within 6 months of the date of this decision, the retaining walls hereby approved shall be constructed in accordance with the Structural Engineer's Report and drawing No 05 Rev1 which were received on 24th August 2017.

Reason: In the interest of residential amenity and to ensure the safety of users on the laneway.

4. The existing natural screening along the laneway and the south western boundary of the site shall be permanently retained at not less than 2 metres and trees allowed to grow on 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.

Reason: In the interests of visual amenity.

5. The proposed stone work shall be locally quarried natural basalt stone.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

**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:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th October 2016
<b>Date First Advertised</b>	20th October 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Sean Convery 38 Derrynoyd Road, Draperstown, Londonderry, Northern Ireland, BT45 7DN The Owner/Occupier, 41 Rocktown Road Rocktown Bellaghy The Owner/Occupier, 43 Rocktown Road Rocktown Bellaghy Steafan Walls 43 Rocktown Road, Bellaghy, Londonderry, Northern Ireland, BT45 8LP The Owner/Occupier, 47 Rocktown Road, Bellaghy, Co Derry Darren Walls 47 Rocktown Road, Bellaghy, BT45 8QE	
<b>Date of Last Neighbour Notification</b>	6th March 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1403/F Proposal: Replacement Dwelling and Garage (Amendments Approved under H/2010/0424/F) Address: 45 Rocktown Road, Bellaghy, Decision: Decision Date:  Ref ID: H/2013/0335/RM Proposal: Dwelling and garage Address: Approx 110m South East of 45 Rocktown Road, Bellaghy, Decision: PG Decision Date: 06.11.2013  Ref ID: H/2010/0424/F Proposal: Change of house type to that previously approved application H/2008/0553/RM Address: 45 Rocktown Road, Bellaghy Decision: Decision Date: 05.05.2011	

Ref ID: H/2008/0553/RM  
 Proposal: Replacement Dwelling & Garage  
 Address: 45 Rocktown Road, Bellaghy.  
 Decision:  
 Decision Date: 21.01.2009

Ref ID: H/2005/0288/O  
 Proposal: Site of Replacement Dwelling.  
 Address: 45 Rocktown Road, Bellaghy  
 Decision:  
 Decision Date: 03.02.2006

Ref ID: H/2005/0285/O  
 Proposal: Site of Dwelling and Garage  
 Address: Approximately 110m South East of, 45 Rocktown Road, Bellaghy  
 Decision:  
 Decision Date:

Ref ID: H/2001/0114/RM  
 Proposal: Dwelling And Garage  
 Address: Adjacent To 43 Rocktown Road, Knockloughrim  
 Decision:  
 Decision Date: 27.03.2001

Ref ID: H/2000/0699/O  
 Proposal: Site of dwelling and garage  
 Address: Site adjacent to 43 Rocktown Road, Knockloughrim  
 Decision:  
 Decision Date: 21.11.2000

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

Drawing No. 02  
Type: Floor Plans  
Status: Submitted

Drawing No. 03  
Type: Floor Plans  
Status: Submitted

Drawing No. 04/1  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 05 Revision 1  
Type: 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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1692/F	<b>Target Date:</b>
<b>Proposal:</b> Change of house type to previously approved application reference I/2008/0534/F	<b>Location:</b> Land adjacent to 35 Killymuck Road Coagh Cookstown
<b>Referral Route: Refuse</b> Contrary to CTY 1, 8, 13 & 14 of PPS 21 and PPS 3	
<b>Recommendation:</b>	<b>Refuse</b>
<b>Applicant Name and Address:</b> Mr Terence McGuckin 85 Ballinderry Bridge Road Coagh Cookstown BT80 0BT	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT45 5AJ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

#### Representations:

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

**Summary of Issues:** No issues.

**Characteristics of the Site and Area**

The proposed site is located within a rural area, outside any designated settlement as defined under Cookstown Area Plan 2010. The proposed site is cut out of a larger agricultural field and is located in the northern corner. The site borders Killymuck Rd and rises up from the roadside towards its SW boundaries. The site is open to view travelling along Killymuck Rd, in both directions. All of the existing boundaries of the site are defined by low lying hedgerow. There is a private laneway immediately to the north of the site which serves existing dwellings adjacent to the site. Some earth works appear to have been carried out in the NW corner of the site. The surrounding land use is mainly characterised by a mix of agricultural fields and residential dwellings. The dwellings in the immediate locality are mainly characterised by detached 1 and 1.5 storey dwellings.

**Description of Proposal**

The proposal is for a Change of house type to previously approved application reference I/2008/0534/F. The proposed dwelling is a two storey detached with a ridge height of 9.2m and is similar as to the dwelling approved under I/2008/0534/F.

**Planning Assessment of Policy and Other Material Considerations****Relevant Site Histories:**

I/2000/0752/O - Proposed Dwelling and Garage. Approved 14th February 2001.  
 I/2003/0745/O - Renewal of Outline Planning Permission I/2000/0752/O. 28th October 2003.  
 I/2006/1126/RM - Proposed dwelling & domestic garage. Approved 11th July 2007.  
 I/2008/0534/F - Proposed change of house type and garage type from originally approved application reference No I/2006/1126/RM. Approved 12th March 2009. Expired 11th July 2011  
 I/2014/0088/F – Dwelling and garage (infill). Refused 16th September 2014. Site adjacent (SE)

**Representations:**

3 neighbour notification letters were sent to the occupiers of Nos 28, 31, 33 & 35 Killymuck Road, Coagh.  
 No letter of representation have been received.

**Development Plan and Key Policy Consideration:**

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

Cookstown Area Plan 2010: The site is located in open countryside. There are no other designation on this site.

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.

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

This application proposes a dwelling and garage in substitution for a dwelling and garage previously approved under I/2008/0534/F. Under the previous application a two storey dwelling and garage was approved subject to a number of conditions including a time limit for the proposal to commence before the 11th July 2011 and two pre-commencement conditions relating to the vehicular access and visibility splays. As the period for commencing development has expired, the pre-commencement conditions and a 'material start' would need to have commenced on this site before the 11th July 2011.

Following the site inspection it is clear that the two pre-commencement conditions relating to the vehicular access and the visibility splays have not been implemented. The image below also confirms this.



The site has already benefited from one 'change of house type' application in 2008 which relied on live outlined and reserved matters approvals which were assessed under the Rural Strategy for Northern Ireland. The failure to implement the pre-commencement conditions or 'material start' is considered to be fatal for this site and as a result the site will have to be assessed afresh under PPS 21.

The Council contacted the agent on 22nd May 2017 and requested a supporting statement to demonstrate which policy or policies in PPS 21 were relevant to the application. The agent responded on the 21st June 2017 and instead of providing the supporting statement, argues that a 'material start' had commenced before planning permission lapsed. In his correspondent the agent states that following a meeting with Mr Willie Wilkinson the Head of Building Control, Mr Wilkinson confirmed to him that foundations for both the house and the garage were inspected within the required timeframe. The agent went on to state that a copy of the file and drawings are being prepared and would be forwarded onto the Council when available. To date, this information has not been received, even though two reminders have been sent, one on 8th December 2017 and another on the 31st January 2018 requesting the additional information be submitted no later than 7th February 2018.

Upon closer inspection, foundations appear to have been excavated, indicative of the layout of dwelling approved under I/2008/0534/F but these foundations have been excavated in the wrong place and outside of the proposal site. There is no planning permission for this work. Images 1 & 2 both confirms that the foundations are indeed located outside of the proposal site. Image 2 also confirms that foundations for the approved garage have still to be excavated which is outside the expiry date, 11th July 2011.





Image 1 24/10/2010

Image 2 26/03/2012

However image 3 appears to show two freshly excavated trenches. One of trenches appears to mirror part of the footprint of the garage approved under I/2008/0534/F.



Image 3 26/05/16

Even if the applicant was able to demonstrate that a 'material start' commenced before permission lapsed, the fact remains that the pre-commencements conditions have not been satisfied. Pre-commencement conditions play an important role within a planning permission and until they have been satisfied, a planning permission cannot be implemented.

### **Ribbon Development**

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The proposed site would share a common frontage with the dwelling at No 31 Killymuck Road and visually connect with the dwelling at No 33 Killymuck Road and create a ribbon of development along the Killymuck Road. The proposal is contrary to CTY 8.

### **Integration**

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate

design. The proposed dwelling is considered an acceptable design for the rural context and consist of elements which are considered traditional (i.e. vertically emphasised windows, linear form). With regards to integration the site lacks a suitable backdrop for the proposed dwelling which proposes a ridge height of 9.2m to integrate into the landscape. The field boundary to the rear of the site is defined by a 1.5m hedgerow and the proposed dwelling would read as skyline development when seen from viewpoints along the Killymuck Road. Therefore the proposed dwelling is considered contrary to CTY 13 parts (a) & (f)

#### **Impact on Character and Appearance of the Area**

Policy CTY14 permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The policy identifies five criteria where a new building would be unacceptable. It has already been determined that the proposal is contrary to CTY 8 and is therefore is contrary to criterion (d) of Policy CTY14. The proposed two storey dwelling would also result in a suburban style build-up of development when viewed with existing buildings and is also considered unduly prominent in the landscape. Therefore the proposal is also contrary to criterion (a) & (b).

#### **Other Material Consideration.**

DFI Roads require 2.4m x 60m visibility splays, this has not been requested as the principle of development has not been established for this proposal. However, I note that under I/2008/0534/F, DFI Roads considered visibility splays of 2.4m x 60m to be sufficient.

#### **Neighbour Notification Checked Yes**

**Summary of Recommendation:** recommend refusal on the bases of non-compliance with CTY1, 8, 13 & 14 of PPS 21.

#### **Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Killymuck Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape; the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that sight splays of 2.4m by 60m in both directions can be achieved.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th November 2016
<b>Date First Advertised</b>	15th December 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 28 Killymuck Road, Killymuck, Coagh, Tyrone, BT80 0DF, The Owner/Occupier, 31 Killymuck Road, Killymuck, Coagh, Tyrone, BT80 0DF, The Owner/Occupier, 33 Killymuck Road Killymuck Coagh The Owner/Occupier, 35 Killymuck Road Killymuck Coagh	
<b>Date of Last Neighbour Notification</b>	22nd December 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1692/F Proposal: Change of house type to previously approved application reference I/2008/0534/F Address: Land adjacent to 35 Killymuck Road, Coagh, Cookstown, Decision: Decision Date:  Ref ID: I/2014/0088/O Proposal: Dwelling and garage Address: 75m south east of 35 Killymuck Road, Coagh, Decision: PR Decision Date: 16.09.2014  Ref ID: I/2003/0120/F Proposal: Extension to rear of dwelling Address: 35 Killymuck Road, Coagh, Cookstown Decision: Decision Date: 09.04.2003  Ref ID: I/2008/0534/F Proposal: Proposed change of house type and garage type from originally approved application reference No I/2006/1126/RM	

Address: Adjacent to 35 Killymuck Road, Coagh, Cookstown

Decision:

Decision Date: 13.03.2009

Ref ID: I/2006/1126/RM

Proposal: Proposed dwelling & domestic garage

Address: Adjacent to 35 Killymuck Road Coagh, Cookstown

Decision:

Decision Date: 17.07.2007

Ref ID: I/1986/0317

Proposal: BUNGALOW AND GARAGE

Address: KILLYMUCK ROAD, LOUP, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1989/0292

Proposal: Bungalow and Garage

Address: BESIDE 35 KILLYMUCK ROAD, LOUP, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2000/0752/O

Proposal: Proposed Dwelling and Garage

Address: Adjacent to 35 Killymuck Road Coagh Cookstown

Decision:

Decision Date: 26.02.2001

Ref ID: I/2003/0745/O

Proposal: Renewal of Outline Planning Permission I/2000/0752/O

Address: Adjacent to 35 Killymuck Road Coagh Cookstown

Decision:

Decision Date: 28.10.2003

Ref ID: I/1986/0407

Proposal: DWELLING AND GARAGE

Address: KILLYMUCK ROAD, LOUP WARD, COOKSTOWN

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0625/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm	<b>Location:</b> Approx 30mts East/N.E of no 52 Fivemile Straight Draperstown
<b>Referral Route:</b>  This application is being presented to Committee as the applicants father is Councillor McGuigan.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Mr Aidan McGuigan 52 Fivemile Straight Draperstown BT45 7HS	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

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

### Summary of Issues

No representations have been received in respect of this proposed development.

### **Description of proposal**

The proposal is an outline application for a dwelling on a farm holding so details of the design have not been considered. The proposed dwelling is to be sited immediately to the east of the existing dwelling with the access being directly onto the Fivemile Straight Road adjacent to the eastern boundary of No.52.

### **Characteristics of the site and area**

The site is located within a roadside field and set to the east of an existing single storey dwelling which is the applicant's father's home. The site is a road frontage field which falls gently towards the eastern boundary. The field to the rear rises up gently towards the west and a mature thorn hedge. The topography of the general area rises steeply towards a mountain ridgeline to the north. The road frontage is defined by a 1.5m high thorn hedge with a 0.3m wide grass verge. There is a small garage to the rear of and associated with no.52 which is identified as a building on the farm along with the existing dwelling. The front, road frontage boundary to no.52 is defined by a post and rail fence. No.48 is a large two storey dwelling which also occupies a road frontage site. The access point to the site is located close to a crest of a hill with the road falling to the east and west.

The entire eastern boundary of the blue lands as identified on the site location map is defined by mature trees, with a low thorn hedge along the rear, northern boundary of the site, which falls gently towards the eastern side of the field. The site sits approximately 1m below the ground level of no.52. There will be critical views of the site on approach from the east from a point in front of the access laneway to no.53. Due to the mature headline along the western boundary of the associated farm lands, which runs between no's 48 and 52, there will be no views of the site on approach from the west, until reaching the front of no.52.

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a dwelling in the rural area and is linked to an established farm business.

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

#### **CTY 10 – Dwellings on Farms**

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

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

DARD have been consulted and have advised that the farm business has been in existence for more than 6 years, and that the business has claimed SFP or LFACA or Agri Environment scheme in the last 6 years.

A farm check has revealed no previous approvals on the farm holding or development opportunities which could have been disposed off since 25th November 2008.

### **CTY 13 – Integration**

As the proposed dwelling will only be visible on approach from the east, where it will be set against the existing dwelling and associated garage, the proposal satisfies the criteria of this policy and is acceptable in terms of integration as it is set against the existing buildings on the farm holding.

### **CTY 14 – Rural Character**

The proposal satisfies all the criteria of this policy with the only exception being that it could be considered to result in ribbon development. However, as the site does not have a frontage to the public road other than the proposed access point, as the dwelling is set back from the road frontage, it is not considered to result in ribbon development. The only other alternative site would be to the immediate rear of no.52. however this would result in a loss of privacy to the occupants of no.52 by way of overlooking. Therefore the proposed site is considered to be acceptable and overall it satisfies all other policy requirements in terms of integration and rural character.

### **PPS 3 - Access, Movement and Parking;**

Transport NI advised that they have no objection to the proposed development subject to conditions.

### **Consultation responses**

All consultees have responded positively.

**Consideration** –The proposal meets the policy requirements and is acceptable. The site could easily accommodate a dwelling with a ridge height of 6.0m above existing ground level.

### **Recommendation**

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

<b>Neighbour Notification Checked</b>	<b>Yes</b>
---------------------------------------	------------

### **Summary of Recommendation:**

Approve subject to the conditions listed below:-

### **Conditions**

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

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

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

2. The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

3. The dwelling hereby permitted shall have a ridge height of not greater than 6.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

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

Reason: To ensure the dwelling integrates into the landform.

5. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

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

6. The existing natural screenings along the northern boundary of this site, shall be retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

7. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

8. During the first available planting season after the occupation of the dwelling a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

9. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow with trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

10. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by Mid Ulster District Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

11. 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 Mid Ulster District 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 Mid Ulster District Council gives its written consent to any variation.

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

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.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th May 2017
<b>Date First Advertised</b>	18th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 47A Five Mile Straight Carnamoney Draperstown The Owner/Occupier, 48 Five Mile Straight, Carnamoney, Draperstown, Londonderry, BT45 7HS The Owner/Occupier, 49 Five Mile Straight Carnamoney Draperstown The Owner/Occupier, 51 Five Mile Straight Carnamoney Draperstown	
<b>Date of Last Neighbour Notification</b>	24th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0625/O Proposal: Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm Address: Approx 30mts East/N.E of no 52 Five Mile Straight, Draperstown, Decision: Decision Date:  Ref ID: H/1990/0186 Proposal: SITE OF BUNGALOW AND GARAGE Address: ADJ TO 48 FIVE MILE STRAIGHT CARNAMONEY DRAPERSTOWN Decision: Decision Date:  Ref ID: H/1990/0494 Proposal: BUNGALOW AND GARAGE Address: FIVE MILE STRAIGHT DRAPERSTOWN Decision: Decision Date:  Ref ID: H/1992/0106 Proposal: NEW ENTRANCE POSITION Address: ADJ TO 48 FIVE MILE STRAIGHT DRAPERSTOWN	

Decision: Decision Date:
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0735/F	<b>Target Date:</b>
<b>Proposal:</b> General upgrade to the landscaping to the perimeter of the church. Church walls repaired; roof finish replaced under existing slates and salvaged/new to match existing; existing unsympathetic extension to North-West removed and new extension to the North-West and South-West added - materials and aesthetic to match, and be sympathetic to, existing Church. New fleche added to roof. New roof lights added to roof	<b>Location:</b> St Mary's Church Lavey 68 Mayogall Road Knockloughrim Magherafelt
<b>Referral Route:</b>  Approval to Committee - Conflict with opinion of HED	
<b>Recommendation:</b>	<b>Approve</b>
<b>Applicant Name and Address:</b> Fr Eamon Graham PP St Mary's Church Parochial House 63 Mayogall Road Knockloughrim Magherafelt BT45 8PG	<b>Agent Name and Address:</b> Mullarkey Pedersen Architects 23 Hawkin Street Derry BT48 6RE
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	Historic Environment Division (HED)	Consulted in Error
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	Historic Environment Division (HED)	
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Advice

### Representations:

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

### Summary of Issues

The decision conflicts with the opinion expressed by Historic Environment Division: Historic Buildings.

### Characteristics of the Site and Area

The site is located within the settlement limit of Gulladuff, as defined by the Magherafelt Area Plan 2015. On the site sits St. Mary's Church which is a Grade B listed building. The Church is a detached building with the graveyard to the north with another graveyard and car park to east/north-east. There is two dwellings directly south of the site and three to the north east. Within the surrounding area consists of a mixture of uses inclusive of a school, residential estates, detached dwellings and public houses.

#### Relevant planning history

H/2001/0854 - Access Ramp at Main Entrance and Removal of Existing Entrance Steps – Permitted Development

#### Representations

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

### Description of Proposal

This is a full application for general upgrade to the landscaping to the perimeter of the church. Church walls repaired; roof finish replaced under existing slates and salvaged/new to match existing; existing unsympathetic extension to North-West removed and new extension to the North-West and South-West added - materials and aesthetic to match, and be sympathetic to, existing Church. New fleche added to roof. New roof lights added to roof.

### Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the following policy documents:

Magherafelt Area Plan 2015

PPS 6: Planning, Archaeology and the Built Heritage

PPS 6: Planning, Archaeology and the Built Heritage

Policy BH 8 – Extension or Alteration of a Listed Building states that consent will be granted to proposals for the extension or alteration of a listed building where all the following criteria are met:

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

Historic Environment Division: Historic Buildings (HED:HB) were consulted with regards to the application and responded initially to state that the proposal may have an adverse impact, and that the level of information and detail is insufficient and additional information is required.

Additional information was subsequently submitted by the agent and HED:HB were re-consulted and stated that they have considered the impact of the proposal on the building and on the basis of the information provided, considered the proposal falls under a range of advice.

- HED:HB considers the addition of the roof lights to be contrary to PPS 6 BH8 (Extension or Alteration of a Listed Building) and the policy requirements of the SPPS



- HED:HB is content with conditions with the remaining proposals under the policy requirements of the SPPS and BH8 of PPS 6.

Went on to state that St Marys church is a gothic revival style, modest Church in Lavey County Derry. HED:HB encourages sympathetic restoration where this will secure a buildings upkeep and retention; managing change so that the character and special interest is conserved. HED:HB acknowledges that St. Marys RC Church is in poor condition and repairs and internal reorganisation are required to ensure the building remains in use for the community now and future generations. In terms of the proposed works advocated that there should be minimum intervention placing respect for the existing fabric with maximum retention of fabric with the least possible loss of the original fabric. To avoid using processes or materials whose future removal would damage the original historic fabric. In terms of the roof lights HED:HB went on to state that there were inappropriate and request they are removed from the proposal. In that if permitted would detract from the simple, uninterrupted roof slope and compromise the essential character of the existing roof. In terms of the proposed fleche is satisfied that the simple, elegant design will not detract from the special interest and essential character of the listed building and acknowledges that the church desire to have a stronger presence in the community through the fleche. However will need additional information prior to works commencing. Finally with regard to the proposed extension, it is considered that the extension to be a betterment and HED welcome the new extension.

With regards to the comments made by HED, an amended scheme was submitted with a reduction in the size of the roof lights. HED were re-consulted and confirmed that the previous issued response (22 December 2017) still stands as HD:HB notes no change to the drawings in relation to the addition of the roof lights, which were considered to be contrary to PPS 6 and the SPPS.

#### Plan Policy COY 1: Community Uses

Planning Permission will be granted for community uses within settlement limits provided this would not prejudice comprehensive development, particularly on zoned sites and when all criteria are met. In terms of the application I am content that there are no detrimental effects on residential amenity, in that the proposal will not prejudice the comprehensive development of surrounding lands. I am content that the works are in keeping with the size and character of the settlement and its surroundings despite the concerns raised by HED. Finally I feel there are satisfactory access, parking and sewage disposal arrangements existing and proposed.

Consultations were also sent out to Environmental Health and NI Water, both in which confirmed no objections subject to conditions and informatives.

On the basis of the information provided and per discussions with the planning manager, I am of the opinion of recommending approval for this application. Whilst I acknowledge the concerns and comments made by HED:HB it is felt that with the addition of the fleche reduces the impact of the roof lights and that the need for this proposal will aid in alleviating any existing concerns. Therefore on balance of the above I am content to recommend approval for this application.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation:

Approval is recommended.

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. A full set of structural drawings for the fleche shall be submitted to HED for agreement in writing, prior to commencing on site.

Reason: To ensure the essential character of the building and its setting are retained, its features of special interest remain intact and unimpaired and the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building.

3. A full set of architectural drawings, with material specifications and method statement for the installation of the fleche, shall be submitted to HED for agreement in writing, prior to the work commencing on site.

Reason: To ensure the essential character of the building and its setting are retained, its features of special interest remain intact and unimpaired and the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building.

4. All materials and repairs shall be 'like for like' and match exactly, those found on the building.

Reason: To ensure the essential character of the building and its setting are retained, its features of special interest remain intact and unimpaired and the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building.

5. Proposals for the three new stained glass windows to the front façade shall be submitted to HED for agreement in writing, prior to manufacture.

Reason: To ensure the essential character of the building and its setting are retained, its features of special interest remain intact and unimpaired and the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building.

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 Department or other statutory authority. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations

(Northern Ireland) 1993 which has application to the development hereby granted planning permission.

**Signature(s)**

**Date:** 14/2/18.

<b>ANNEX</b>	
<b>Date Valid</b>	30th May 2017
<b>Date First Advertised</b>	15th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 66 Mayogall Road, Moyagall, Gulladuff, Londonderry, BT45 8PG The Owner/Occupier, 68A Mayogall Road, Moyagall, Gulladuff, Londonderry, BT45 8PG, The Owner/Occupier, 68B Mayogall Road, Moyagall, Gulladuff, Londonderry, BT45 8PG, The Owner/Occupier, 70 Mayogall Road Moyagall Gulladuff	
<b>Date of Last Neighbour Notification</b>	9th June 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0735/F Proposal: General upgrade to the landscaping to the perimeter of the church. Church walls repaired; roof finish replaced under existing slates and salvaged/new to match existing; existing unsympathetic extension to North-West removed and new extension to the North-West and South-West added - materials and aesthetic to match, and be sympathetic to, existing Church. New fleche added to roof. New roof lights added to roof Address: St Mary's Church, Lavey, 68 Mayogall Road, Knockloughrim, Magherafelt, Decision: Decision Date:  Ref ID: H/1995/6105 Proposal: NEW WALL 66 MAYOGALL ROAD KNOCKLOUGHRIM Address: 66 MAYOGALL ROAD Decision: Decision Date:  Ref ID: H/1994/0169 Proposal: EXTS & AL TS TO PUBLIC HOUSE/DWELLING HOUSE Address: 64 & 66 MAYOGALL ROAD GULLADUFF	

Decision:  
Decision Date:

Ref ID: H/2001/0854  
Proposal: Access Ramp At Main Entrance And Removal Of Existing Entrance Steps  
Address: St Mary's Church, Lavey, Co Derry  
Decision:  
Decision Date:

**Summary of Consultee Responses**

**Drawing Numbers and Title**





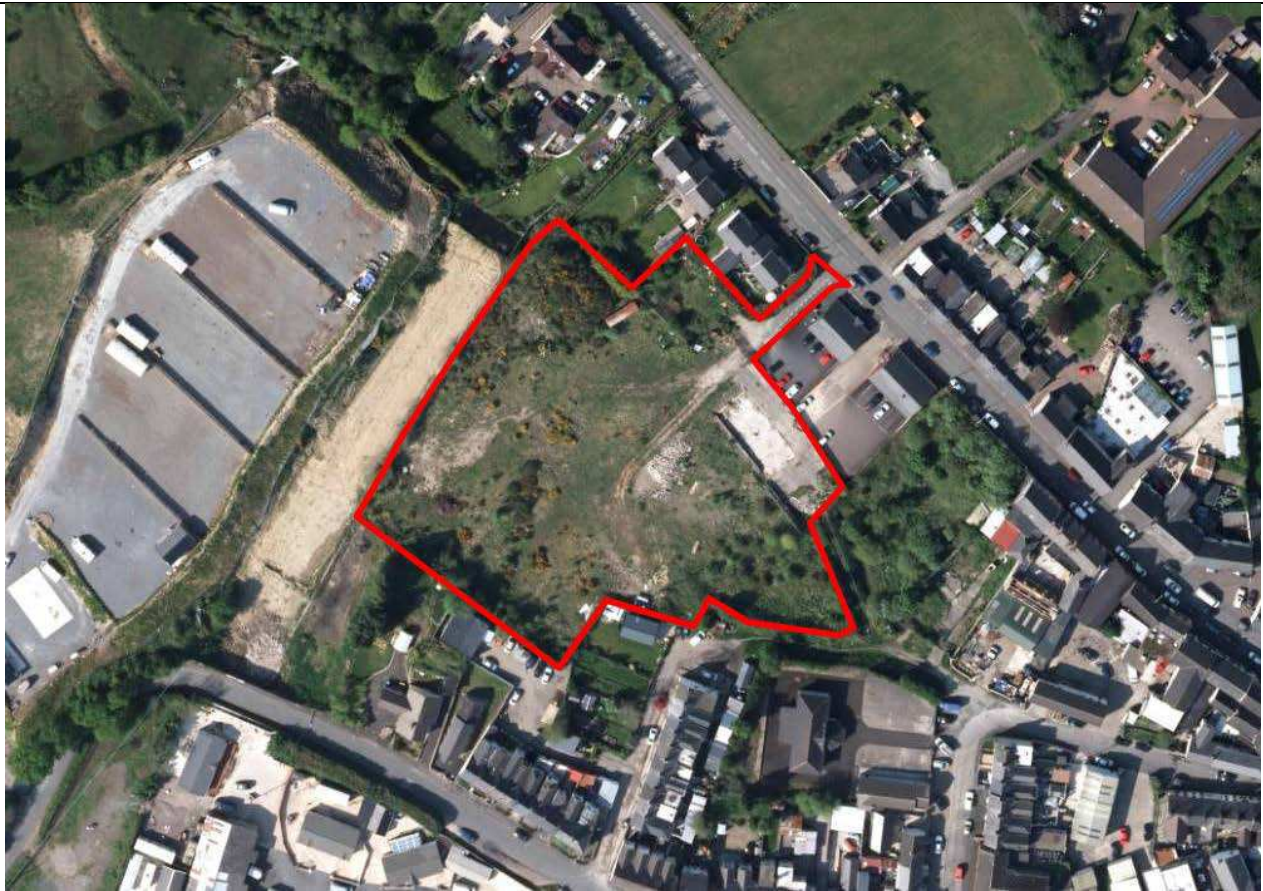
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0834/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Social housing development consisting of 8 no. blocks of semi detached 2 storey dwellings , 4 blocks of 3 terraced 2 storey dwellings, 28 dwellings in total. Access roads, site works and landscaping	<b>Location:</b> Lands to rear and South South West of 14-32 Barrack Street Coalisland
<b>Referral Route: 3<sup>rd</sup> Party Objections</b>	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> J & A Developments Ltd 55a Coagh Road Stewartstown	<b>Agent Name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Park Derryloran Ind Est Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Representations:

Letters of Objection

2

### Summary of Issues

Objections will be discussed later in my report.

### Description of Proposal

This is a full planning application for a social housing scheme. 28 No. 2 storey dwellings are proposed, consisting of 8 sets of semis (16 no. total), and 4 blocks of 3 terraced dwellings (12 in total). The description has been amended slightly from the original submission but the unit numbers remain the same. Two areas of open space are proposed, one to the east of site which backs onto No. 26 Barrick Street, the other to the southern portion of the site with proposed sites 3, 4, 18, 19 and 20 fronting onto it. Access to the site is proposed from Barrick Street via an existing private right of way between a dental surgery (No. 24) and a residential property No. 26 Barrick Street. There is also a proposed pedestrian/cycle link from the south of the site to Birney Square.

### Characteristics of Site and Area

This is a large irregular shaped plot located between Barrick Street to the east and Railway View/Sandy Row to the west. Access is proposed from Barrick Street via an existing right of way. Currently the site is derelict and is the site of a former works/factory. Some areas of hardstand/rubble remain to the SW portion of the site, clay/soil has been stock piled to the NE portion which backs onto properties 26-32 Barrick Street, the remainder of the site is overgrown by shrub/whin/bushes/grass.

The north west boundary of the site is defined by a 2.4m high palisade security fence. Existing properties along Barrick Street back onto the north eastern boundaries of the site which are defined by a variety of boundary treatments including vertical timber fencing topped with barbed wire. South Western boundaries of the site, which back onto properties on Sandy Row and Railway View, are overgrown with existing vegetation and also comprise a number of different boundary treatments which are hidden by vegetation.

North west of the site land rises steeply to an elevated site that once belonged to Tyrone Brick and was used for brick shale and clay extraction (see M/2001/1364/F). Adjacent to the NW boundary approval has recently been granted for a detached chalet bungalow, retention of 2 no domestic garages, 2 no mobile homes, 3 no static caravans and the grading, re-shaping and infilling of lands on a brown field site (see LA09/2016/0521/F) on land that is zoned as Open Space.

The area and surrounds are defined mostly by residential development, with some businesses existing along Barrick Street including a Dental Surgery that backs onto the site. Saint Mary Church, Primate Dixon primary School and St. Josephs High School and associate playing fields are located to the north of the site and are accessed of Brackaville Road which links into Barrick Street.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan- The southern half of the site is zoned as town centre. This area is indicated as white land with no specific zoning, with Birney Square located to the south of the site which is made up of mostly residential properties. On discussion with the Development Plan Team the application site has not been identified for specific zoning under the new area plan. The remainder of the site is white land located within the development limits of Coalisland. Land adjacent to the NW boundary of the site is zoned as existing recreation and open space.

### **Relevant Planning Policy and guidance**

SPPS- Strategic Planning Policy Statement for NI  
 PPS7- Quality Residential Environments  
 PPS3- Access, Movement and Parking  
 PPS15- planning and Flood Risk.  
 DCAN8- Housing in existing urban areas  
 Creating Places

### **Relevant Planning History**

M/2006/1878/F- Housing development for mixture of dwellings comprising of:- 50 no residential units, with associated roads, parking, open space & landscaping & demolition of existing vacant buildings (same site as application site).

### **Consideration**

Given the previous permission on this site for 50 no. residential units, and the fact that this site lies within the development limits of Coalisland on land that is not zoned for any particular use, the principle of housing on this site is considered acceptable in principle. Landuse surrounding the site is also predominantly residential. The site has not been identified for a specific landuse by Mid ulster Development Plan Team for the new Local development Plan. As stated by SPPS, PPS7 is the guiding policy for residential development until such times as the new LDP has been adopted.

In terms of QD1 of PPS7, Proposals are expected to meet the following criteria:

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

The proposal is for 28 No. 2 storey dwellings, consisting of 8 sets of semis (16 no. total), and 4 blocks of 3 terraced dwellings (12 in total). Two areas of open space are proposed, one to the east of site which backs onto No. 26 Barrick Street, the other to the southern portion of the site with proposed sites 3, 4, 18, 19 and 20 fronting onto it. Access to the site is proposed from Barrick Street via an existing private right of way between a dental surgery (No. 24) and a residential property No. 26 Barrick Street. There is also a proposed pedestrian/cycle link from the south of the site to Birney Square.

Previously 50 no. units (mostly 2 and 3 storey apartment development and some semi-detached properties) were considered acceptable on this site under PPS7 which was the prevailing planning policy at the time. This proposal is for a less dense housing development and is more reflective of existing housing development in the area in that the proposal is for 2 storey semi-detached and terraced dwellings each with private rear amenity.

On entering the housing development via Barrick Street you will view a set of semi-detached properties at a 45 degree angle to your right and access road (road 2) with further housing set behind with on street parking. To the east of sites 22 and 23 is an area of open space and turning head. Travelling along road 1 past road 2 junction, further housing is on the right and the road sweeps to the right with a mix of terraced and semi-detached dwellings on both sides, some with in curtilage parking some with on-street parking.

The character of development along Barrick Street is single dwellings fronting onto the public road on sizable plots with generous private rear garden space. Dwellings along Railway View, Sandy Row and Birney Square are terraced with less generous rear amenity space. This proposal is somewhere in between these developments in terms of private garden space provision.

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

No archaeological or built heritage features identified on GIS search. Permission for housing exists on this site, and this proposal will not have any greater impact on the environment than the current proposal. NIW indicate that Waster Water Treatment facilities are presently available to serve the development. NIEA have no objections to the proposal in terms of impacts to the environment.

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

The average private garden space is around 55m<sup>2</sup> - 65m<sup>2</sup>. Creating Places design guide recommends 70 m<sup>2</sup>, and not less than 40m<sup>2</sup>. In town centres, due to demands put on land, it is accepted that proposals for housing are likely to have more restricted private garden areas. Given that part of this site is located within Coalisland Town Centre, and 2 areas of communal open space have been provided, I am of the view that these garden areas are acceptable in this instance. It is also noted that no property has less than the prescribed 40m<sup>2</sup>. Provision of amenity space is much greater in this proposal from what was previously approved on site and is an improvement in terms of reflecting the character of development in the area.

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

Due to the proximity of the site to the town centre of Coalisland and associated shops and services, there is no need for a local neighbourhood facility in this instance.

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

The Department of Infrastructure are currently assessing PSD plans. DFI have informally accepted the revised PSD layout and are due to comment on this proposal soon. I advise DFI conditions are added on receipt of response, subject to agreement from Mid Ulster Planning Committee.

Footpaths, vehicle access roads and car parking have been provided as part of this proposal and DFI do not object to the scheme. There is provision of a pedestrian/cycle link to Birney Square which also provides access to Coalisland Town Centre.

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

DFI are content with parking provision provided by this proposal and I am awaiting a reply which will provide planning conditions in relation to private street and sight splays.

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

The form, materials and detailing are broadly similar to the surrounding existing properties in the area and do not cause detriment to the character of the area.

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

On sites 3-12 indicated on the site layout plan the distance for the back building line to rear boundary is approx. 7m. As no properties back directly onto this boundary, and there is over 20m separation distance from nearest properties located in railway View and Sandy Row that this distance is acceptable in this instance and there will be no issues of overlooking or overshadowing of neighbouring properties. Sites 13,14 and 28,27 back onto each other with a separation distance of approx. 16m. Given the constraints of the site and the need for a turning head to the front of sites 13,14 it is my view that this separation distance is acceptable in this instance, given the provision of areas of open space.

Sites 24 to 28 front onto the private rear amenity of No.s 26 and 28 Barrick Street. Separation is between 32m and 16m respectively. The rear of properties 26 and 28 Barrick Street are defined by mature tree lined hedges and are therefore well protected by any overlooking issues. Overshadowing or over dominance will not occur. Impacts will be less than what was previously approved under to 2006 permission.

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

Areas of open space are overlooked by proposed housing. The layout is such that personal safety is promoted.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density and layout is in keeping with surrounding development and will not have a detrimental impact on the character of the surrounding area.

A general observation is that currently the land in question is lying derelict and is a waste ground which may attract anti-social behaviour. There is evidence within the site where fires have been lit, and empty cans of beer/alcohol have been strewn. By developing this site for housing there will be less opportunity for anti-social behaviour and a more pleasant and suitable urban environment will be created.

### **PPS15 Planning and Flood Risk**

There is no evidence that the site is subject to flooding, however due to the size and scale of the development a drainage assessment is required. This has been carried out and Rivers Agency has provided comment on 20/02/18 Rivers Agency raise no objection to the proposal and state that NIW will be responsible for checking design calculations, adoption and maintenance of the system.

### **3rd Part Objections**

A number of objection have been received.

No. 11 Railway View raise concern that it may be the intention of the developer to obtain access to the proposed development through property owned by them. No evidence has been provided by the objector as to which land is being referred to. Access is proposed via Barrick Street, not railway View. The applicant has also provided Land registry Maps confirming land ownership. Any land ownership disputes will ultimately be 3rd party concerns and I am content that proper notification has taken place.

The Dental Surgery at No. 24 Barrick Street would like assurance that their business will not be affected in any way and that

- patients will be able to access car parking to the rear of the property;
- access to lower apartment at all times;
- no changes will be carried out to the property;
- continuous access to utilities/services throughout building development;
- business will not be impacted financially in any way

In my response to this, should any blocking of private property/access take place during development then this will be a 3rd party dispute. It is the onus of the developer to ensure that development is carried out in such a way so as to cause the least disruption during construction and should only be in the short-term. It is my responsibility to assess the acceptability of development on neighbouring land use. I am of the view that this proposal is acceptable for this site and locality. It is not a matter for Council to ensure that business will not be impacted financially in any way. Should any change or alterations be carried out to private property as a result of this development then this is a 3rd party dispute to be resolved by interested parties.

### **Other considerations**

Environmental Health and NIEA raise concern over land contamination. A preliminary Land Contamination Risk Assessment and Phase 2 Generic Quantitative Risk Assessment has been carried out by the applicant/agent. NIEA and Shared Environmental Services raise no objections to the proposal with NIEA providing planning conditions subject to approval. NIEA state that risks to environmental receptors are low.

Environmental Health have yet to provide comment on these reports. Given NIEA response, and the conclusions of the contamination report it is my view that risks to human health are low and that the proposal should be presented to Mid Ulster council with a recommendation to approve subject to agreement from Environmental Health, given the response from NIEA. Environmental Health conditions, should they differ from NIEA conditions, will be added prior to a decision issuing.

NIW state that there is sufficient sewage capacity to connect the development to the public sewer network.



<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> That permission be granted subject to the following conditions.	
<b>Conditions</b>  1. As required by Section 61 of the Planning Act (Northern-Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: Time Limit.  2. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide the proposed public open space and all planting as indicated on drawing no. 07 rev1 date received 24th November 2017.  The trees indicated on drawing No. 07 rev1 date stamp received 24th November 2017 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 in accordance with a Management and Maintenance agreement (see condition 3) and 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 indicated in drawing No. 07 rev1 date received 24th November 2017 and the appropriate British Standard or other recognised Codes of Practice.  Reason: To ensure that the public open space and planting provision is provided in a timely manner for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible.  3. No dwelling hereby approved shall be occupied until 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.  Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.  4. Prior to the occupation of each individual dwelling hereby approved, a 1.8m high close boarded privacy fence, or similar, defining each curtilage to the rear of any dwelling hereby permitted shall be constructed and completed and permanently retained, unless otherwise agreed by Council.  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 Planning Policy Statement PPS 7 - Quality Residential Environments.  5. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified in Doc 1: Phase 2 GQRA report (Ref: P208) dated 23rd January 2018. This strategy must be submitted in writing and agreed with the Planning Authority	

and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

6. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 5 have been implemented to the satisfaction of the Planning Authority. The Planning Authority shall be given 2 weeks written notification prior to the commencement of remediation work.

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

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

8. After completing the remediation works under Conditions 5, 6 and 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

9. Environmental Health conditions, to be confirmed.

10. DfI Roads conditions, to be confirmed.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	19th June 2017
<b>Date First Advertised</b>	6th July 2017
<b>Date Last Advertised</b>	8th February 2018
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Railway View, Gortnaskea, Coalisland, Tyrone, BT71 4JA, The Owner/Occupier, 1 Sandy Row Gortnaskea Coalisland The Owner/Occupier, 10 Barrack Street, Brackaville, Coalisland, Tyrone, BT71 4LS, The Owner/Occupier, 10 Sandy Row Gortnaskea Coalisland Mary Liebenhals 11 Railway View, Gortnaskea, Coalisland, Tyrone, BT71 4JA, M Leibenhais 11, Railway View, Coalisland, Tyrone, Northern Ireland, BT71 4JA The Owner/Occupier, 2 Birneys Square, Gortnaskea, Coalisland, Tyrone, BT71 4JE, The Owner/Occupier, 2 Railway View, Gortnaskea, Coalisland, Tyrone, BT71 4JA, The Owner/Occupier, 2 Sandy Row Gortnaskea Coalisland The Owner/Occupier, 22 Barrack Street Brackaville Coalisland The Owner/Occupier, 24 Barrack Street Brackaville Coalisland JAMES KELLY 24 Barrack Street, Brackaville, Coalisland, Tyrone, BT71 4LS, The Owner/Occupier, 26 Barrack Street Brackaville Coalisland The Owner/Occupier, 28 Barrack Street Brackaville Coalisland The Owner/Occupier, 3 Railway View, Gortnaskea, Coalisland, Tyrone, BT71 4JA, The Owner/Occupier, 3 Sandy Row Gortnaskea Coalisland The Owner/Occupier, 30 Barrack Street Brackaville Coalisland The Owner/Occupier, 32 Barrack Street Brackaville Coalisland The Owner/Occupier, 4 Railway View, Gortnaskea, Coalisland, Tyrone, BT71 4JA, The Owner/Occupier, 4 Sandy Row Gortnaskea Coalisland	

The Owner/Occupier,  
 41 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 45 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 47 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 47 Torrent Valley,Gortnaskea,Coalisland,Tyrone,,  
 The Owner/Occupier,  
 5 Railway View,Gortnaskea,Coalisland,Tyrone,BT71 4JA,  
 The Owner/Occupier,  
 5 Sandy Row,Gortnaskea,Coalisland,Tyrone,BT71 4JB,  
 The Owner/Occupier,  
 6 Railway View,Gortnaskea,Coalisland,Tyrone,BT71 4JA,  
 The Owner/Occupier,  
 6 Sandy Row Gortnaskea Coalisland  
 The Owner/Occupier,  
 7 Railway View,Gortnaskea,Coalisland,Tyrone,BT71 4JA,  
 The Owner/Occupier,  
 7 Sandy Row Gortnaskea Coalisland  
 The Owner/Occupier,  
 8 Railway View,Gortnaskea,Coalisland,Tyrone,BT71 4JA,  
 The Owner/Occupier,  
 8 Sandy Row Gortnaskea Coalisland  
 The Owner/Occupier,  
 9 Railway View,Gortnaskea,Coalisland,Tyrone,BT71 4JA,  
 The Owner/Occupier,  
 9 Sandy Row Gortnaskea Coalisland  
 Peter Quinn  
 Chartered Engineer,15 Derrytresk Road,Coalisland,Co. Tyrone,BT71 4QL  
 Patrick Hughes  
 Faloon And Co Solicitors, 27-29 Thomas Street, Dungannon, Co Tyrone, BT70 1HN  
 The Owner/Occupier,  
 Flat 1,10 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 Flat 2,10 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 Flat 3,10 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 The Owner/Occupier,  
 Flat 4,10 Barrack Street,Brackaville,Coalisland,Tyrone,BT71 4LS,  
 James Kelly

<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No



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**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0897/F	<b>Target Date:</b>
<b>Proposal:</b> Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat)	<b>Location:</b> 100m North West of 213 Washingbay Road Coalisland
<b>Referral Route: Refusal recommended contrary to Policy CTY1 and CTY11</b>	
<b>Recommendation: Refusal.</b>	
<b>Applicant Name and Address:</b> Jim McCuskey Evergreen Peat 10A Ferry Road Coalisland	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toome bridge
<b>Signature(s): M. Bowman</b>	

## Case Officer Report

### Site Location Plan

Lorry trailers parked at time of site visit.



**Consultations:**

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

**Representations:**

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

Number of Petitions of Objection and signatures	No Petitions Received
<p><b>Summary of Issues</b> – lack of evidence that the farm business itself is active and established and therefore that this proposal is to be run in conjunction with the business.</p>	
<p><b>Characteristics of the Site and Area</b> – a large semi-agricultural / commercial in appearance shed occupies much of the site and at the time of my site visit a number of lorry trailers were parked within the hardstanding area. I note some variations between the shed as built and approved plans in relation to the door opening and pedestrian door. Area of grassland provides a fair degree of separation from the site to the rear of established residential properties, one of which, No 215 Washingbay Road, had objected. Access lane is place and is stoned down to the site.</p>	
<p><b>Description of Proposal</b> Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat)</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>SPPS CAP PPS21</p> <p>This is a rural location as defined by the Cookstown Area Plan.</p> <p>The SPPS, in relation to development in the countryside, aims to maintain and enhance the attractiveness of it as a place to invest, live and work and which requires a sustainable approach to new development. Specifically in relation to Farm Diversification it states that provision should be made for such proposals where the farm is currently active and established for a minimum of 6 years and the proposal is to be run in conjunction with the agricultural operations of the farm. Proposals must involve the re-use or adaption of existing buildings with new buildings only being accepted in exceptional circumstances.</p> <p>The thrust of the above policy direction is reinforced in Policy CTY11 of PPS21 which requires the following:</p> <p><b>Policy CTY 11 – Farm Diversification Planning</b></p> <p>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. The following criteria will apply:</p> <p>(a) the farm or forestry business is currently active and established;</p> <p>By way of background to this case the site history is relevant. Planning permission was granted on the 19<sup>th</sup> June 2013 for a Mr Joe McCuskey for a proposed farm building. At that time it appears that all agricultural lands owned by the applicant were leased and that there was no established farm business ID in existence. Examining the farm maps submitted then reveals only an ‘applicant reference’ and 3 fields. Despite an initial recommendation to refuse the application the Department later changed its opinion and allowed the shed.</p>	

An application was determined by Mid-Ulster Council (LA09/2016/1428/F) to slightly re-locate the shed and amend its access.

The shed has since been constructed in general accordance with its approved plans however significant doubt remains as to whether an agricultural use has ever existed in it. An Enforcement investigation found no evidence of agricultural use and sought the removal of the unauthorised parking of lorry trailers from the adjoining area of hardstanding. I understand the case was closed following the removal of the trailers which I note had returned back onto the site at the time of my site visit of 11<sup>th</sup> Jan 2018 (see photos). At the time of my visit I was unable to enter the shed.

Having asked the agent to provide a case to support this application the following main points were made in relation to Policy CTY11.

- That the application is to support Evergreen Peat which has outgrown its nearby site
- The shed will be part used to store plastic rolls used to wrap the pallets and bags with all storage taking place internally on racks
- CMI argue that the working of peat is classed as a farming activity
- No single farm payment is being taken by the applicant and so there are no current farm maps
- That there are no EHO objections and the building is already used for storage of the applicant's farm machinery.
- The proposal is essential for the smooth running of the business

My remaining underlying concern that this proposal is to complement Evergreen Peat as opposed to any clear farm activity or farm business. It is worth repeating that the Policy requirement in this regard is that such diversification proposals are **run in conjunction with the agricultural operations on the farm** (my emphasis). The agent is silent on how the applicant runs any 'agricultural' operations beyond the Peat Business which I am not aware is itself produced from the farm lands owned and how the farm business is currently active. DEARA confirmed in 2016 that Mr Joe McCuskey (applicant for the original 2012 permission) had still not been granted a flock number, this is in spite of an understanding that he would apply for such a number if the shed was approved by the Department as the case made at that time was for future livestock. The applicant is now listed as Mr Jim McCuskey.

It is not unreasonable to try to ascertain why the applicant could apply to extend the existing business location in accordance with Policy PED3 PPS4. Whilst the agent states that no other lands are owned by the applicant around Evergreen Peat this is not perhaps insurmountable.

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

the application proposes to use an existing approved shed. Consideration should be given to the need for trailer parking and its adverse visual impact on rural amenity. Any third party concerns in relation to outdoor stock piles of peat could be dealt with by a planning condition should approval be forthcoming.

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

No such impacts are anticipated.

(d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.



EHO have no objections to the application as presented. The Council could condition against any outdoor storage of any plant or materials.

Policy CTY11 continues to state that proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings. I am satisfied that this aspect of the policy test is met given the intended use of the existing building.

### **Summary of local objections.**

Objections have been received from the occupants of No 215 Washingbay Road raising the following concerns:

- the shed has never been used for any agricultural purpose
- that even partial storage of peat is out of keeping with the rural / residential locality
- increase traffic / noise/ need for a generator as there is no electric on site
- that this would lead to an expansion of evergreen peat at this location resulting in loose peat storage externally resulting in harm to the objectors poly tunnels. Potential for future sheds as a result of expansion needs here
- this is really a relocation / expansion of evergreen peat which should comply with different planning policy PED3 of PPS4.
- That the applicant does not partake in any farming activities.
- That peat processed by the company is not produced on the farm but originates from elsewhere in Ireland.
- Dust from another peat operator resulted in problems for houses in Granville
- At the time of writing (5 Feb 2018) 14 forty foot trailers are parked in addition to other plant and machinery
- The shed has a large industrial roller shutter more akin to commercial use
- Future property values at risk / environmental health issues
- The re-location of the shed has resulted in an eyesore.
- That a previous application for a commercial unit M/2005/2006/F was refused in an adjacent field.

Many of the above are valid concerns. The Council would of course have the ability to condition any storage as being internal and any future expansion of the site would have to comply with planning policy in place at that time. I share concerns relating to the level of agricultural use, that the proposal is more an expansion of Evergreen Peat than directly farm related, that the presence of large numbers of trailers are visually intrusive and themselves may provide noise nuisance based on deliveries to and from the site.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation: refusal contrary to PPS21 Policy CTY11.**

Reasons for Refusal:



1. The proposal is contrary to the SPPS and Policy CTY11 of PPS21 in that it has not been demonstrated that the proposal is to be run in conjunction with any agricultural operations on the farm and that the farm business is currently active.

**Signature(s) M.Bowman**

**Date: 20<sup>th</sup> Feb 2018.**

<b>ANNEX</b>	
<b>Date Valid</b>	3rd July 2017
<b>Date First Advertised</b>	20th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 211A Washingbay Road,Aughamullan,Coalisland,Tyrone,BT71 5EG, The Owner/Occupier, 212 Washingbay Road,Aughamullan,Coalisland,Tyrone,BT71 5EG, The Owner/Occupier, 215 Washingbay Road Aughamullan Coalisland Brian Donnelly 215 Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 5EG Brian Donnelly 215, Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 5EG The Owner/Occupier, 217 Washingbay Road Aughamullan Coalisland	
<b>Date of Last Neighbour Notification</b>	24th January 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0897/F Proposal: Part use of existing farm shed to provide internal dry storage of peat in association with the applicants established horticultural business (Evergreen Peat) Address: 100m North West of 213 Washingbay Road, Coalisland, Decision: Decision Date:  Ref ID: LA09/2016/1428/F Proposal: Relocation of laneway to service a farm shed approved under M/2012/0590/F with the shed relocated within the approved curtilage 35 m west of the approved location due to ground levels and amended site design. Address: 85m SE of 211A Washingbay Road, Coalisland, Decision: PG Decision Date: 14.02.2017  Ref ID: LA09/2016/1624/O	

Proposal: Site for Dwelling and Garage on a Farm

Address: Land to rear of 215-217 Washingbay Road, Coalisland, Dungannon (access taken via existing farm access between No's 215 and 217),

Decision:

Decision Date:

Ref ID: M/2014/0471/F

Proposal: Site for 2 no dwellings (Infilling gap site)

Address: Site between 211a and 215 Washingbay Road Aughamullan,

Decision: PG

Decision Date: 30.09.2015

Ref ID: M/2011/0310/O

Proposal: Site for 2 no. dwellings (Infilling gap site)

Address: Site between 211a and 215 Washingbay Road, Aughamullan,

Decision:

Decision Date: 24.10.2011

Ref ID: M/2011/0453/F

Proposal: New double garage

Address: 211a Washingbay Road, Coalisland, BT71 5EG,

Decision:

Decision Date: 18.08.2011

Ref ID: M/1996/0708

Proposal: Site for Dwelling

Address: NO. 211A WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

Ref ID: M/2007/0095/F

Proposal: 15KW wind turbine with 18m Mast

Address: 211A Washingbay Road, Coalisland

Decision:

Decision Date: 24.05.2007

Ref ID: M/2005/2006/F

Proposal: General purpose shed for 4 No vehicles (commercial), caravan, lawn mower two cars and other domestic items including bicycles, quads, ladders.

Address: Rear of 211A Washingbay Road, Aughamullan, Coalisland

Decision:

Decision Date: 14.09.2006

Ref ID: M/1987/0495

Proposal: RETIREMENT BUNGALOW  
Address: ADJOINING 211 WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1988/0242  
Proposal: RETIREMENT DWELLING  
Address: ADJOINING 211 WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1997/0496  
Proposal: Proposed dwelling  
Address: 211A WASHINGBAY ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/2007/1522/O  
Proposal: New single detached dwelling  
Address: Land 250m South of 214 Washingbay Road, Coalisland  
Decision:  
Decision Date: 19.04.2011

Ref ID: M/1992/0684  
Proposal: Site for Dwelling  
Address: APPROX 60M EAST OF NO 211 WASHINGBAY ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1987/0417  
Proposal: BUNGALOW AND GARAGE  
Address: WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1987/0016  
Proposal: BUNGALOW  
Address: WASHINGBAY ROAD, AUGHAMULLAN, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/2012/0590/F  
Proposal: Proposed farm building 150m south east of 211a Washingbay Road,  
Aughhamullan, Coalisland, BT71 4QE

Address: 150m south east of 211a Washingbay Road, Aughamullan, Coalisland,  
Decision: PG  
Decision Date: 24.06.2013

**Summary of Consultee Responses**

**Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Type:  
Status: Submitted

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Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1158/O	<b>Target Date:</b> 13/12/2017
<b>Proposal:</b> Site for proposed dwelling	<b>Location:</b> To the rear of 5 Ballynorthland Demense access of Moy Road Dungannon
<b>Referral Route:</b> Refusal	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Keith Burgess 5 Ballynorthland Demense Moy Road Dungannon	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4QG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## 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

These will be addressed later in my report.

### Description of proposal

This is an outline planning application for a single dwelling located within the settlement limits of Dungannon.

### Characteristics of Site and Area

The site forms part of an existing rear garden area to No. 5 Ballynorthland Demesne with proposed access onto Moy Road. Measuring approx. 30m long and 20m wide, the NE, NW and SW boundaries are defined by mature trees and hedges, with the remaining boundary open to the remainder of rear amenity to No. 5. The site is elevated lawn area to no. 5, and when viewed from Moy Road there is a 1 1/2 m high stone wall and footway marking the boundary.

Housing in the area is defined by detached single and two storey dwellings on sizable mature plots. When travelling along Moy Road there is no dwellings clearly visible accessing onto the

road due to mature vegetation and trees along the roadside boundaries. There is also a footpath behind which is a stone wall making the boundaries to the plots with mature vegetation to the rear. To the west lies Dungannon Park, to the south east is a busy petrol filling station and traffic light cross roads.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010: The site is located within the development limits of Dungannon. Land is not zoned. The predominant landuse in the area is housing.

There is no relevant Planning History to consider.

### **Key planning Policy**

The site is located within the existing development limits of Dungannon. The Single Planning Policy Statement advises that the policy provisions of PPS7 will stand until such times as an up-to-date Area Plan is in place. Under Policy QD1 of PPS 7- Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In terms of QD1 of PPS7, Proposals are expected to meet the following criteria:

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

The proposal is an outline application for one dwelling and no details of the proposed layout or design have been provided. In terms of the existing character of the area, no dwellings are visible along this area of Moy Road, with sizable dwellings sited on generous plot sizes with mature roadside boundaries. To develop this site would mean that the existing plot sizes would not be respected and most of the mature roadside boundary would be removed to provide access to the site. This would mean that a dwelling would be visible accessing directly onto Moy Road. Building lines would not be respected and the proposal would set a poor precedent for increased densities within this area.

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

The site is the subject of a Tree Preservation Order and it appears that some protected trees have been removed from this site. An attempt was made to get further information from the applicant/agent in respect to this tree loss but no information has been forthcoming. Also some tree loss will occur to provide access requirements and no attempt has been made to show how existing vegetation or landscape features can be incorporated into the proposed development. No archaeological or built heritage features identified on GIS search.

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

As this is outline no details are shown but there is no reason to assume this would be an issue. Due to its size and scale and proximity to Dungannon Park there is no requirement for public open space.

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

The proposal is for 1 No. dwellings. No additional facilities are required due to the size and scale of the proposal and a petrol filling station and associated convenience store is located nearby.

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

The site is located adjacent to a footpath network and is close to Dungannon Park. The site also fronts onto an existing peripheral cycle route identified in the Area Plan.

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

As this is outline no details are shown but there is no reason to assume this would be an issue.

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

No details are shown but there is no reason to assume this would be an issue.

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

In terms of overlooking of neighbouring properties, these issues can be agreed at reserved matters stage.

Mature trees surround the site, it is my view that the proposed property will be suffer from loss of light due to existing tree coverage and no information has been provided by the applicant/agent to demonstrate how the site will be developed or how existing trees will be protected/treated within the site. Under the principles of sustainable development, tree loss should be kept to minimum and Council would be keen to see as many trees retained as possible.

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

As this is outline no details are shown but there is no reason to assume this would be an issue.

In terms of PPS 7 (Addendum) - Safeguarding the Character of Established Residential Area, the proposed housing density is layout is not in keeping with surrounding development, and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area and is therefore contrary to policy LC1 parts (a) and (b).

**3rd party objections** have been received and raise the following issues;

Road safety concerns have been raised especially for No.s 8, 9 and 10 Moy Road. DfI roads require additional information to show that a safe and satisfactory access can be achieved from the site and this has not been forthcoming therefore I share these concerns. Sight splays seem to be broadly in place and when on my site visit it was difficult to exit onto the busy Moy Road with no room for cars to safely pass along the existing laneway should the need arise.

No. 09 Moy Road raised concern that the proposal may be on land owned by No. 09. No further P2 challenge was forthcoming and it appears the red line does not include land belonging to No. 09, although the shared private access does seem to be highlighted yellow indicating that it is a shared right-of-way. While this may be the case, I am not sure than the applicant would have shared rights over this laneway as they currently access onto Ballynorthland Demesne. Should access be proposed from the private laneway then I feel certificate C should be completed with appropriate notification served on the appropriate landowners.

Reference was made to M/2004/0210/O which is on the subject site. This application was withdrawn prior to issue of decision, notes on the system seem to suggest that the proposal was going to be refused for the following reasons; 1 Overdevelopment of a restricted site 2 loss of amenity of nearby residential properties 3 out of character with existing development. Little weight can be attached to this application as it was withdrawn prior to decision issuing.

#### **Other considerations**

DfI Roads have been consulted on the proposal and require additional information. This was requested some months ago but has not been forthcoming. A laneway of 4.1m wide for 10m is required to be shown along with adequate parking and turning for vehicles within the site so that they can exit onto Moy Road in forward gear.

The site is not subject to flooding and there are no contamination or human health issues to consider.

There is insufficient information to show how the site could be developed, the amount of tree loss that would occur, or, if access can be obtained from the existing private laneway.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

That permission be refused for the following reasons.

#### **Refusal Reasons**

1. The proposed development is contrary to Policy QD1 of the Planning Policy Statement 7 (PPS7) Quality Residential Environments in that it has not been demonstrated that the development would create a quality and sustainable residential environment and fails to meet the requirements of criteria (a), (b), (c) and (h) of Policy QD1.
2. The proposed development is contrary to Addendum to Planning Policy Statement 7 (PPS7)- Safeguarding the Character of Established Residential Areas in that it has not been demonstrated that the development would create a quality and sustainable residential environment and fails to meet the requirements of criteria (a) and (b) of Policy LC1.
3. The proposed development is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that a safe and satisfactory access can be achieved from the site and is contrary to policy AMP2 part (a).

#### **Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	30th August 2017
<b>Date First Advertised</b>	14th September 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Ballynorthland Demesne Dungannon Tyrone The Owner/Occupier, 18 Moy Road Dungannon Tyrone The Owner/Occupier, 3 Ballynorthland Demesne Dungannon Tyrone The Owner/Occupier, 5 Ballynorthland Demesne Dungannon Tyrone The Owner/Occupier, 8 Moy Road Dungannon Tyrone Isobel T Holmes 8, Moy Road, Dungannon, Tyrone, Northern Ireland, BT71 6BS Ian Brewster 9 Moy Road, Dungannon, BT71 6BS Brewster 9 Moy Road,Dungannon,Tyrone,BT71 6BS, Ian Brewster	
<b>Date of Last Neighbour Notification</b>	3rd October 2017



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 06/03/2018	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1160/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension to dwelling and replacement garage, (amended ridge height)	<b>Location:</b> 6 Birchgrove Cookstown
<b>Referral Route:</b>  This proposal is being presented to Committee as there was an objection received from a neighbour (8 Birch grove, Cookstown)	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Shea and Annie Quinn 6 Brichgrove Cookstown	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>  Proposed extension to dwelling with increase in ridge height to 6.3m and replacement garage.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

Proposed extension to dwelling with increase in ridge height to 6.3m and replacement garage.

### Characteristics of the Site and Area

The application site is located at 6 Birch Grove, Cookstown. On site is a single storey dwelling and detached garage with a rendered finish and slate grey roof tiles. There is a projection to the front right hand side of the property which is red brick and the red brick is also along the bottom of the property. There is a small garden area to the front of the property with a hardstand area to the front and right hand side. To the rear of the property there is a small paved area and a substantial garden area. There is a low level hedgerow along the front boundary of the property and also along the right hand side. There is mature hedge row along the rear at the left hand side also and the boundary at the rear of the property is comprised of mature hedgerow and tall trees.

The application site is within the settlement limits as defined in the Cookstown Area Plan 2010. The topography and landform of the site area is relatively flat, however as you move further up the Birch Grove towards Lomond Heights the elevation increases slightly.

### Description of Proposal

Proposed extension to dwelling with increase in ridge height to 6.3m and replacement garage.

## Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS)
2. Cookstown Area Plan 2010
3. PPS 7 Residential Extension and Alterations 'Addendum' (APPS 7)

### Planning History

There is no planning history on the site which is applicable to the determination of this application.

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. An objection was received from the neighbour at number 8 Birch grove, Cookstown. Consultations were carried out with transport NI and they objected to the layout for vehicle parking.

### Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 7 and its first Addendum (APPS 7) have been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the council Area has been adopted planning applications will be assessed against existing policy.

The principle of development, a proposed extension to an existing residential property with increase in ridge height and replacement garage, is considered to be acceptable, providing the proposal satisfies four criteria tests as outline under Policy EXT 1 of the first addendum to PPS7; In regard to visual amenity, part A identifies that the overall siting, scale and design of the proposed extension should appear subordinate to the original host property and should not be detrimental to the character of the surrounding area. The proposed works to the application property are not subordinate in size and scale to the existing dwelling, however when viewed from the front street scene, the only change visible is the increase in ridge height. The significant change in the depth of the property proposed, is to the rear and is screened by the existing outbuildings of the neighbouring property and existing vegetation. The proposal does not have an intrusive impact on the character of the surrounding area as there is a mixture of house types and the properties have a mixture of depths in the area. The proposed development is therefore considered to be acceptable in regards to the objectives of Part A of Policy EXT1.

Part B of Policy EXT 1 identifies that a development proposal of this nature would only be considered acceptable where there would be no harmful impact conferred upon the occupiers of adjoining properties. There was an objection received to the original application, from a neighbouring property, No. 8 Birch grove. The occupant had concerns that the proposed gable window for the attic rooms would result in loss of privacy and overlooking. The applicant was asked to remove the gable window at both the left and right hand side of the property, this was agreed and revised drawings submitted (Drawing No01 Rev A). The size and scale of the proposed works restricts the potential for concerns relative to dominance or privacy as the extension is to the rear of the property and will be bounded by an existing hedgerow. The replacement garage is set further back from where the existing garage is located at the right hand side of the property, also the garage window and door is on the left hand side of the garage and does not cause any harmful impact upon neighbouring properties. I do not consider that the proposal will cause any adverse impact upon the occupants of any neighbouring occupied dwellings. The proposal is therefore considered to satisfy the objectives of part B of the Policy EXT 1.



There would be no loss of landscape features, there is minimal reduction of private amenity and there is substantial private amenity space remaining, therefore it is considered to satisfy the objectives of Part C and D of the Policy EXT 1.

#### **Conclusion**

The proposed development is considered to be in compliance with the objectives of Policy EXT 1 of the first addendum to PPS7 'Residential Extensions and Alterations', and accordingly approval is recommended.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Approve, subject to the conditions outlined below.

#### **Conditions/Reasons for Refusal:**

##### **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.

##### **Informatives**

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

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

#### **Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	30th August 2017
<b>Date First Advertised</b>	14th September 2017
<b>Date Last Advertised</b>	8th February 2018
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Knockmoyle, Cookstown, Tyrone, BT80 8XS, The Owner/Occupier, 3 Birchgrove, Cookstown, Tyrone, BT80 8XR, The Owner/Occupier, 37 Stewart Avenue, Cookstown, Tyrone, BT80 8LE, The Owner/Occupier, 39 Stewart Avenue, Cookstown, Tyrone, BT80 8LE, The Owner/Occupier, 4 Birchgrove Cookstown Tyrone The Owner/Occupier, 41 Stewart Avenue, Cookstown, Tyrone, BT80 8LE, The Owner/Occupier, 43 Stewart Avenue, Cookstown, Tyrone, BT80 8LE, The Owner/Occupier, 6 Birchgrove, Cookstown, Tyrone, BT80 8XR, STANLEY BARNES 8 Birchgrove, Cookstown, Tyrone, BT80 8XR,	
<b>Date of Last Neighbour Notification</b>	24th January 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1160/F Proposal: Proposed extension to dwelling and replacement garage Address: 6 Birchgrove, Cookstown, Decision: Decision Date:  Ref ID: I/1976/0458 Proposal: ERECTION OF PEDESTRIAN FOOTPATH Address: GORTALLOWRY, COOKSTOWN Decision: Decision Date:	

Ref ID: LA09/2016/0468/PAN

Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision:

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

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

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 02

Type: Proposed Elevations

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1309/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed workshop	<b>Location:</b> Lands 55m North East of 72 Glenshane Road Castledawson
<b>Referral Route:</b>  This application is being presented to Committee as two objections have been received in respect of the proposed development.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> John Beare 72 Glenshane Road Castledawson	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	No Objection

### Representations:

Letters of Support	None Received
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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 including representations

Two representations have been received in relation to this application and relate to the following issues:-

- A major development in the countryside involving a large extension and parking for 60 cars; This is discussed later in the case officers report.

- Increase in traffic and traffic movements entering the site;

TransportNI requested amended plans which have been provided and are considered satisfactory. These included amendments to the access and the closing up of additional accesses. The proposed development, with increased vehicular access/parking/turning areas, will provide a solution to lorries having to turn and reverse along the access laneway to the site. It will also negate the need for off-loading to take place at roadside.

- Increase in noise;

This issue has been considered by Environmental Health and is not considered to be a problem.

- Health and safety risks at the entrance;

As discussed above, the improved access arrangements are considered more acceptable and should reduce the likelihood of accidents at the site entrance.

- The psychological and emotional effect on health due to increase in noise and danger;

Neither Environmental Health nor TransportNI have raised any concerns regarding these issues.

- Depreciation in the value of property.

No evidence has been provided to support the assertion that the proposed development will cause any devaluation in property.

- Off-loading on the roadside.

As discussed above, the improved access arrangements and circulation for HGV's will negate the need for off-loading to take place on the roadside.

### Description of proposal

The proposal is an outline application for a workshop and associated parking. The site extends to 0.69ha and covers the entire portion of the field to the north of the existing industrial yard. Whilst this is an outline application, a concept plan has been submitted which indicates the proposed size and position of the workshop and the associated parking area. The workshop measures approximately 90m x 30m with a parking area for 65 cars and 3 lorries. The access to the site is to be retained via the existing laneway off McCooles Road.

### Characteristics of the site and area

The site is set to the eastern side of the Glenshane Road and is sited within a field immediately adjacent to an existing industrial yard. The yard is currently used by a steel fabrication business (Topframe) which specialises in the manufacturing of steel portal frames and has also diversified into the manufacturing of farm/industrial machinery (Biddy Attachments). The site sits approximately 1m below the level of the existing yard and continues to fall away towards the north east. There are critical views of the site on approach from the south from where the gable end of a building will be visible, however on approach from the north, the site is effectively screened from view by the existing industrial buildings and the applicants dwelling.

### Planning Assessment of Policy and Other Material Considerations

At present the existing buildings are occupied by one business which operates under two business names, ie. Topframe which manufactures steel portal frame buildings and other structural and non-structural items and also by a sister company Bidby Attachments which manufactures agricultural/industrial machinery.

The premises was granted approval under the following:-

H/1990/0257/F – change of use to light engineering business 14.01.1991

H/2013/0294/F - Proposed Extension to Side of Existing Engineering Unit 11.12.2013

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

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

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances 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 criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition': A sustainable Design Guide for NI Countryside must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore the overarching criteria for considering industrial development in the countryside is PPS 4 Policy PED 2 – Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED 3.

Policy PED 3 – Expansion of an Established Economic Development Use in the Countryside advises that such a proposal will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area. However, proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. While new buildings may be approved provided they are in proportion to the existing buildings, they respect the scale, design and materials of the existing buildings on site and they integrate as part of the overall development, in all cases measures to aid integration into the landscape will be required for both the extension and the existing site.

A proposal for a major expansion of an existing industrial enterprise which does not meet the above policy provisions may be permitted in exceptional circumstances where it is demonstrated that:-

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



In considering the proposal it is critical to consider the planning history of this site. The site was granted approval for a change of use to light engineering use in 1990 and has been in continuous use since 1999 by the current business. A more recent approval granted approval for a 210m<sup>2</sup> extension in 2013 which has been implemented. Since that date the business has diversified into the manufacturing of agricultural/industrial machinery which has necessitated the proposed development. Therefore the business is considered to be an established economic development use in the countryside.

The next issue to be considered is does the scale and nature of the proposal harm the rural character or appearance of the local area and is there a major increase in the site area. Regarding the nature of the development, this is not an issue as the site is already being used in its entirety by the steel fabrication business. Therefore the proposed development does not introduce any new use to the site. However, the scale of the proposed development is of concern as it is considered to be a major increase in terms of both the site area and the size of the proposed building.

However, notwithstanding the above, the site at present is very heavily used with little room for outside storage of raw steel, finished products, loading/unloading or for turning and parking of both delivery and workers private vehicles. The existing buildings are currently all used by the business which removes the potential for the reuse of any existing building. The only potential for extending the existing buildings would be to the north or west of the existing group which would result in the existing grouping becoming more prominent as the adjacent ground sits considerably higher than the existing buildings. The only remaining potential for expanding the existing yard is towards the west. This is where the proposed site is located and is on lower lying ground. Whilst the concept indicates a much larger building than what exists on site at present, this is necessitated by the continued growth of the existing business. The supporting statement explains why it is not possible to relocate the business as this would cause logistical problems for the production and movement of products given that the company has different product ranges manufactured using the same machinery. As detailed above, the premises have already been extended and have used all other possible land. In addition to safeguarding the existing 22 jobs the company hopes, within two years of the proposed investment, to develop two additional products boosting exports and increasing turnover by 20% in addition to creating 5 additional jobs. The prospect of locating the proposed building in a business park would divide the business from existing operations, thus creating operational problems.

From inspecting the site and considering the justification for the proposed new building, it is my opinion that there is sufficient reason to provide the new building on the current site as opposed to relocating the existing enterprise to an alternative site.

As this is an outline application, full details of the design and materials have not been submitted and are not considered in this application. However, the supporting statement advises that the external finishes would be a green profiled metal cladding and plastered wall finish with a similar green profiled metal roof which is in keeping with the established buildings. In this context, the appearance of the proposed building would be considered to be acceptable. The site does not have any historic or architectural interest.

As detailed above, the proposed development is of such a size and scale that it is considered to be a major expansion of the existing enterprise. Therefore, the proposal will only be considered acceptable where it is demonstrated that:-

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

As discussed above, the supporting statement details why it is not possible to relocate the existing business as to do so would result in job losses and jeopardise the future of the business. The existing business currently employs 18 people with an additional 3 jobs expected. This is considered to be a significant contribution to the local economy. As described above, the only views of the proposed shed is expected to be on approach from the south, from where the gable end of a building of the scale suggested on the concept plan would be visible against the existing buildings. Given that such a development is to be designed to reflect both the existing buildings and traditional farm buildings, it would not be considered to undermine rural character.

As this is an outline application, details of landscaping have not been submitted, however, such measures as are considered to be necessary to enable the proposed development to achieve an acceptable degree of integration can be conditioned and submitted as part of any reserved matters application.

The proposed development also falls to be considered under Policy PED 9 – General criteria for economic development which states that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below:

- (a) The use is compatible with surrounding land uses as it is for an extension of an existing industrial use located in a rural area and immediately adjacent to the existing business. The site is mainly surrounded by farmland with one dwelling located to the north of the site and which shares a paired access point with the site;
- (b) The proposal has the potential to have an adverse impact on the amenity of noise sensitive dwellings in the vicinity by way of noise emanating from the site. One objector raised an issue of the increase in traffic and the effect this would have on their amenity. It is accepted that car parking will move closer to the nearest dwelling by approximately 20m. It has been submitted that the number of cars accessing the site will remain similar to existing levels, despite the provision of additional car parking for up to 60 cars. A 1.8m high solid acoustic barrier is proposed along the northern boundary with a 5m-10m belt of tree planting. This barrier is predicted to reduce the noise from cars parking activities, however, no consideration has been given to noise emanating from HGV movements within the site. Further consideration is therefore required in this case.
- (c) There are no features of natural or built heritage in the immediate vicinity.
- (d) The site is affected by a watercourse flowing along the north eastern boundary and given the size of the site a drainage assessment was submitted. Consequently, Rivers Agency advised that the assessment was acceptable and the development was considered to be acceptable subject to the stated advice and the necessary consents to discharge being granted;
- (e) Environmental Health Department requested a noise report taking into account the potential noise effect on noise sensitive dwellings. It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing or visual intrusion. The design will not cause overlooking and care has been taken to ensure the increased structure does not result in noise nuisance;
- (f) No concerns regarding emissions or effluent have been raised;
- (g) Further to amendments being received at the request of Transport NI, there are no objection to the proposal in this regard;
- (h) Transport NI have not raised any issues regarding access or manoeuvring in the site and I am satisfied that the increased parking is sufficient to meet the needs of the employees;
- (i) As the site is located in a rural area it is not considered reasonable to expect there to be convenient access to public transport. However the site is within 200m of the Glenshane Road and therefore there is an acceptable movement pattern which supports walking, cycling. The site is located 2km to the north of the Castledawson Park and ride facility.
- (j) The concept of the site layout, building design are considered to be acceptable. The landscaping can be improved by the provision of a good quality hedge along the southern boundary which would also improve the integration potential of the site;

(k) The site can be adequately screened by means of a good quality boundary hedge along the southern boundary. Additional planting is proposed around the existing workshops with the existing boundary hedges surrounding the site to be retained. Any areas of outside storage are presently well screened from public view by the topography, the existing buildings on site and the existing mature vegetation. Any proposed landscaping will also be of benefit in screening these areas.

(l) It is in the applicants interest to guard against crime and with the applicants dwelling being immediately adjacent the site should be secure.

(m) As the site is located in the countryside, measures to aid integration are required. As described above, the existing boundary hedges are to be retained and the provision of a good quality native species along the southern boundary would help to effectively screen the gable of the proposed building thereby aiding the integration potential of the development.

PPS 21 – Policy CTY 13 Integration and Design of Buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Such a building will be unacceptable where it is a prominent feature in the landscape or it relies primarily on the use of new landscaping for integration. As detailed above, the proposal would not be prominent as it is sited on low lying ground and is visually linked to the existing buildings. The proposal is surrounded by existing boundary hedgerows with the exception of the southern boundary and therefore has an acceptable degree of enclosure. The provision of a hedge along the southern boundary can either be shown on the proposed plans or it can be conditioned to be provided prior to the development becoming operational. In my opinion, this proposed development satisfies all the requirements of this policy and is therefore acceptable in terms of its integration potential.

PPS 21 – Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. The proposed development is considered to be acceptable, as it is visually linked to and is sited to the rear of the existing buildings, there will only be a transient view on approach from the south for a short distance. However, the majority of the proposed building will be effectively screened from the public view.

PPS 15 – Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains requires any proposed development for a building exceeding 1000m<sup>2</sup> to be accompanied by a drainage assessment. Such an assessment was submitted and following consultation, Rivers Agency advised that this was acceptable subject to the necessary consents to discharge being obtained in conjunction with other standard informatives.

### **Recommendation**

In taking the above into consideration, it is my opinion that although the proposed development involves the provision of a substantial building in the rural area, sufficient justification has been provided as detailed above. In this case the proposal is considered to be acceptable subject to the conditions listed below:-

**Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

Approve subject to the conditions listed below:-

## Conditions

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

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

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

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

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

3. The premises hereby approved shall be used only for Use Class B3: General Industrial, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

4. The existing natural screenings along the eastern and western boundaries of this site, shall be retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

5. All proposed planting as indicated on the stamped approved drawing no. 01/2 shall be undertaken during the first available planting season following the building hereby approved becoming operational..

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

6. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

7. 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 Mid Ulster District 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 Mid Ulster District Council gives its written consent to any variation.

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

8. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No. 01/2 bearing the date stamp 4th December 2017, prior to the commencement of any other works or other development hereby permitted.

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

9. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced 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.

10. 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.

11. No other development hereby permitted shall be commenced until the existing access labelled on Drawing No 01/2 bearing the date stamp 4th December has been permanently closed. and the (carriageway / footway / verge) properly reinstated to TransportNI satisfaction.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

12. No other development hereby permitted shall be commenced until the road works indicated on Drawing No 01/2 bearing the date stamp 4th December 2017 have been fully completed in accordance with the approved plans.

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

13. The roof and wall panels of the building permitted by this permission, shall be installed and maintained in such a condition that ensures they are capable of achieving a weighted sound reduction index of at least 25 dB Rw.

Reason: To protect residential amenity.

14. The premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site and the processing plant and equipment shall not be in operation:  
At any time prior to 07.00 hours and after 18:00 hours Mon- Fri,  
At any time prior to 07.00 hours and after 13:00 hours Sat and not at all on Sundays or public holidays.

Reason: To protect residential amenity.

15. A 1.8m acoustic barrier shall be erected along the sites northern boundary as presented on stamped approved drawing No. 01/2 date stamped 4th December 2017. The 1.8 m fence shall have a minimum self weight of 25Kg/m2.

Reason: To protect residential amenity.

16. Doors positioned on the western façade of the building permitted shall remain in the closed position, except when used for access or egress.

Reason: To protect residential amenity.

17. The applicant should ensure that any noise generating plant or equipment associated with the development is appropriately specified, selected and located to avoid adverse impact on neighbouring residences

Reason: To protect residential amenity.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	21st September 2017
<b>Date First Advertised</b>	12th October 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Mccooles Road Castledawson Londonderry The Owner/Occupier, 2 Mccooles Road Castledawson Londonderry Eugene Connery 2, McCooles Road, Castledawson, Londonderry, Northern Ireland, BT45 8DJ The Owner/Occupier, 3 Mccooles Road Castledawson Londonderry Martin Smyth 3, Mccooles Road, Castledawson, Londonderry, Northern Ireland, BT45 8DJ	
<b>Date of Last Neighbour Notification</b>	6.10.2017
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1309/O Proposal: Proposed workshop Address: Lands 55m North East of 72 Glenshane Road, Castledawson, Decision: Decision Date:  Ref ID: H/2013/0294/F Proposal: Proposed Extension to Side of Existing Engineering Unit Address: Adjacent to 72 Glenshane Road, Castledawson, Magherafelt, Decision: PG Decision Date: 12.12.2013  Ref ID: H/1990/0257 Proposal: CHANGE OF USE TO LIGHT ENGINEERING BUSINESS(REPLACEMENT) Address: (REPLACEMENT) 72 GLENSHANE ROAD CASTLEDAWSON Decision: Decision Date:  Ref ID: H/1982/0077 Proposal: SITE OF DWELLING Address: MC COOLES ROAD, TOBERHEAD, CASTLEDAWSON	

Decision:  
Decision Date:

Ref ID: H/2001/0334/F  
Proposal: Dwelling and Garage  
Address: 200m North West of 72 Glenshane Road, Ballynocker, Castledawson  
Decision:  
Decision Date: 21.06.2001

Ref ID: H/1999/0717/O  
Proposal: Site Of Dwelling and Garage  
Address: Adjacent To 200M NW Of 72 Glenshane Road, Ballynocker, Castledawson  
Decision:  
Decision Date: 11.02.2000

Ref ID: H/1990/0383  
Proposal: ENTRANCE SIGN  
Address: MCCOOLES ROAD CASTLEDAWSON  
Decision:  
Decision Date:

Ref ID: H/2001/0207/F  
Proposal: Bungalow And Domestic Garage  
Address: 170m NW Of 72 Glenshane Road, Ballynocker, Castledawson  
Decision:  
Decision Date: 19.04.2001

### **Summary of Consultee Responses**

TransportNi - Acceptable subject to conditions relating to access  
Environmental Health - Acceptable subject to conditions relating to noise  
Rivers Agency - Acceptable subject to the necessary consents to discharge being obtained in conjunction with other standard informatives.  
NI Water - no issues of concern.

### **Drawing Numbers and Title**

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

Drawing No. 02  
Type: Further Particulars  
Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1384/O	<b>Target Date:</b> 22.01.2018
<b>Proposal:</b> Dwelling on a farm	<b>Location:</b> Land approximately 110m East of 208 Carnteel Road Lisgallon Dungannon
<b>Referral Route:</b> Application recommended for Refusal.	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Augustine McMullan 208 Carnteel Road Lisgallon Dungannon BT70 1PJ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>  This application is for a dwelling on a farm at land 110m east of 208 Carnteel Road, Dungannon. The proposal is sited on a site which in my view is capable of facilitating the proposed development however it is not sited to cluster or visually link with the established group of buildings on the farm. The applicant has documented that two sites have been sold off this farm holding (to two sons) in 2009 and 2012 respectively. This means that the proposal fails to comply with criteria b & c of policy CTY 10 of PPS 21.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DFI Roads - Enniskillen Office	Substantive Response Received

### Representations:

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

### Summary of Issues

DFI Roads, NI Water and DAERA Countryside Management Inspectorate Branch were consulted and responded to this application. No third party objections have been received and all other material considerations have been addressed within the determination below.

### **Characteristics of the Site and Area**

The application site is located on the Carnteel Road, Dungannon, Co. Tyrone. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. The application site is on lands approx. 110m east of 208 Carnteel Road, Dungannon, which is approx. 6.75km south west of the town of Dungannon and 8km north east of the settlement of Aughnacloy. This site is currently in use as agricultural pasture.

The site is accessed via a small agricultural access off the Carnteel Road to the north west corner of the application site. The existing farm buildings (including farm dwelling) on the holding are situated on the opposite side of the Carnteel Road and the west of the application site. The existing farm buildings are located on an elevated position in the context of the local topographical landscape and are accessed via an existing access onto the Carnteel Road. The existing access which currently serves the farm buildings and dwelling house includes a steep access point with the Carnteel Road.

The application site is bound on its northern, southern and western boundary's with a mature hedgerow. The eastern boundary of the application site is currently not established on the ground and is open into the rest of the agricultural field which extends into an elevated position towards the east.

The area surrounding the application site is generally of a flat nature with very little in terms of discernible variation in elevation, however it exhibits quite an enclosed nature due to a significant degree of vegetation and mature hedgerows at a local level. The wider area surrounding the site exhibits an undulating character with scattered drumlins and hilltops and the field within which the application sits rises significantly towards the east, providing a backdrop to the site. In terms of land use the surrounding area exhibits a rural character with the predominant land use being agricultural in nature. There are a number of single dwellings scattered throughout.

### **Description of Proposal**

The application seeks outline planning consent for a proposed dwelling on a farm. The proposed site is at lands approx. 110m east of 208 Carnteel Road, Lisgallon, Dungannon, which is noted as the applicant's farm dwelling.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the upgrading of the existing access point onto the public road and therefore Transport NI were consulted in the processing of the application.

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

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

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon and South Tyrone Area Plan 2010.
3. PPS 21 – Sustainable Development in the Countryside.
4. PPS 3 – Access, Movement and Parking.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained

within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is CTY 10 – Dwellings on farms.

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 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

### **Planning History**

There is no planning history on the site which is applicable in the determination of this application.

### **Representations**

No affected owner/occupier was identified with premises on neighbouring land. Press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no third-party objections were received.

### **Assessment**

PPS 21, Policy CTY 1, 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:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

In addition to the criteria above, applications of this nature must also demonstrate that they meet the policy requirements of policies CTY 13, CTY 14 and CTY 16 of PPS 21.

With respect to (a) it is considered that this part of the policy criteria is met as the applicant has provided an Agricultural Business Identification number and has been in receipt of Single Farm Payments. DAERA have been consulted and have confirmed that the farm business has been in existence and active for a period of more than 6 years. I am content that the consultation response from DAERA, coupled with observations made on-site, that there is sufficient evidence to show that the farming business is active and that it has been established for at least 6 years.

With regard to (b) the applicant has highlighted that two sites have been sold off the farm holding, to two of his sons, in 2009 and 2012. This means that two development opportunities (sites) have been sold off from the farm holding within 10 years of the date of the application. With this in mind I consider that the applicant has failed to meet with the policy requirements contained within criteria b.

With respect to (c) it is noted that the application site is located adjacent to the existing farm buildings/farm dwelling and on the opposite side of the Carnteel Road. The application site is on

a significantly lower elevation to the existing buildings and is separated from the existing buildings by the road and a small agricultural field. There is a clear visual break between the proposed site and the farm buildings.

Having visited the site it is clear that the existing access which serves the farm buildings on the holding is of a steep nature and I feel that the intensification of that particular access could increase concerns relating to road safety. The applicant has outlined that this is part of the reason for siting the proposal on the opposite side of the Carnteel Road. In addition the applicant has highlighted that the proposed location for the dwelling would benefit from being well integrated by existing mature trees and vegetation, as well as a significant backdrop created by the topographical makeup of the land.

Whilst the siting of the proposed development, on the opposite side of the Carnteel Road, may well present a better location in terms integration and rural character, the fact remains that the proposal fails to meet with the requirements of this part of the policy. The proposal is not sited to visually link or cluster with an established group of buildings on the farm. Evidence of demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group has not been provided.

It is my view that, for the reasons documented, the proposal fails to comply with the policy provision contained within criteria c of CTY 10.

#### Integration

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.

I consider this site to be well integrated and able to facilitate a dwelling, however it should be noted that only a dwelling which is in keeping with the surrounding area/landscape in terms of size, scale and form will achieve an acceptable degree of integration here. The retention of the existing vegetation on the site will also be important in order to aid the proposal in terms of integration.

#### Rural Character

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 an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling. Again any proposal put forward should be representative, in terms of size and scale, of the existing farm dwelling to the west and the other dwellings which surround the site in this rural area.

#### Access Considerations

The proposal seeks to alter the existing agricultural access onto the Carnteel Road. DFI Roads were consulted on this application and responded highlighting that they had no objection to the proposal, subject to condition. Roads also highlighted a concern relating to third party lands and the need for visibility splays. Having considered this I am content that the proposal can be facilitated without the need for a visibility splay on third party lands. The plans/maps submitted with the application clearly show the land on either side of the access is in the ownership of the applicant and as such the visibility splays can be put in place without the need for third party lands. I am satisfied that an adequate means of access to the site can be provided and that the proposal complies with the policy requirements of PPS 3 – access, movement and parking.

#### **Conclusion**

I am satisfied that the proposal relates to a farm business which is active and has been established for at least 6 years. However I cannot disregard the fact that the proposal fails to comply with parts b and c of policy CTY 10 and as such I must recommend that the application be refused.

<b>Neighbour Notification Checked</b>	N/A
<b>Summary of Recommendation:</b>  I consider the proposal to be contrary to Policy CTY 10 of PPS 21 and for the reasons documented above, refusal is recommended.	
<b>Reason for Refusal:</b>  1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application and the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.	
<b>Signature(s)</b>  <b>Date:</b>	

<b>ANNEX</b>	
<b>Date Valid</b>	9th October 2017
<b>Date First Advertised</b>	26th October 2017
<b>Date Last Advertised</b>	26th October 2017
<b>Details of Neighbour Notification</b> (all addresses) n/a	
<b>Date of Last Neighbour Notification</b>	n/a
<b>Date of EIA Determination</b>	n/a
<b>ES Requested</b>	No
<b>Planning History</b>	
<b>Summary of Consultee Responses</b> No objections received from consultee's.	

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Farm Boundary Map

Status: Approved

Drawing No. 04

Type: Farm Boundary Map

Status: Approved

**Notification to Department (if relevant)**

Date of Notification to Department: n/a

Response of Department:



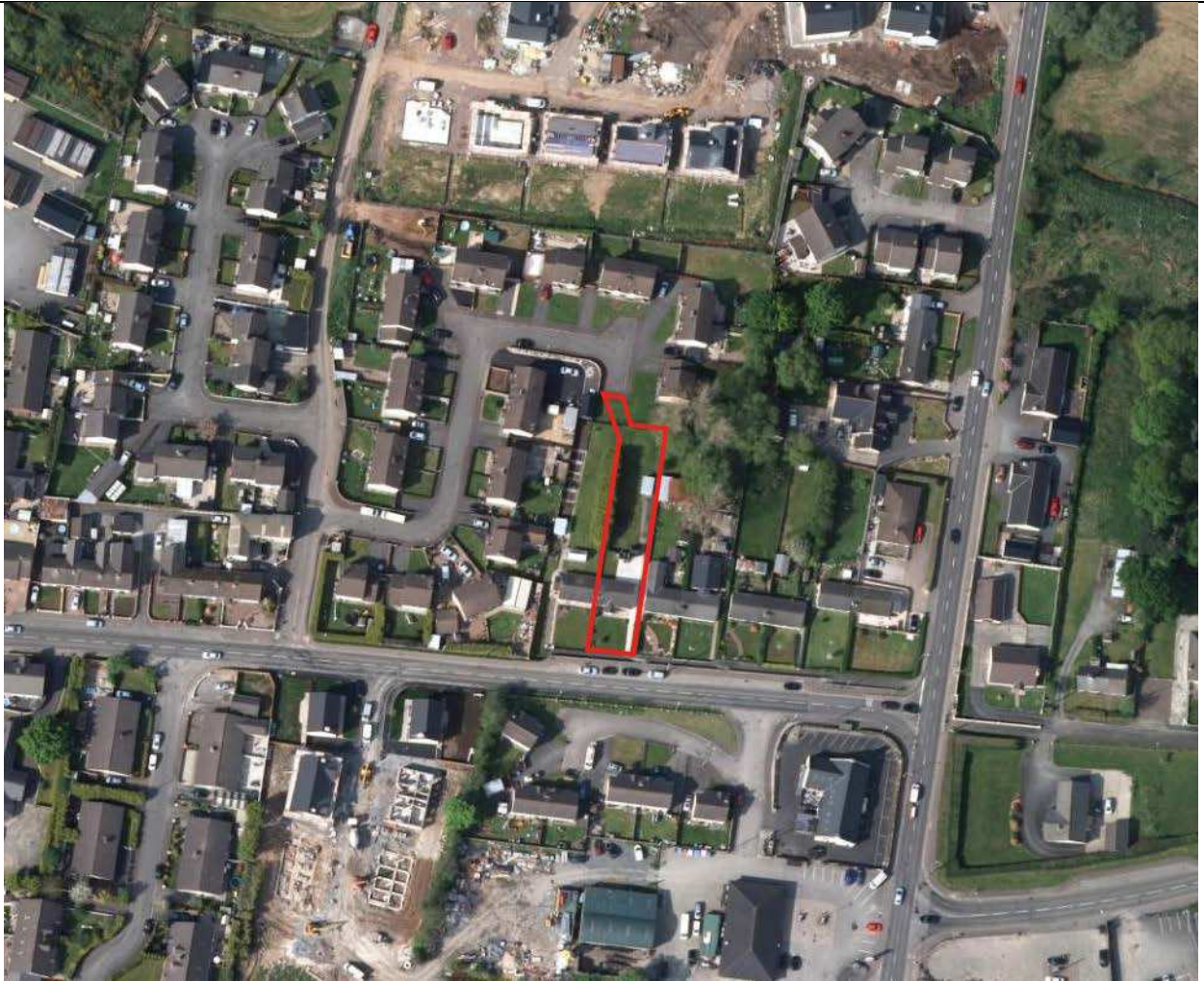


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1434/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of access to the rear in order to provide level access for disabled person	<b>Location:</b> 2 Moor Gardens Coalisland Dungannon
<b>Referral Route:</b> Objection received	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mary E Devlin 2 Moor Gardens Coalisland Dungannon BT71 4QA	<b>Agent Name and Address:</b> Michael Daly 11 Mountjoy Road Coalisland Dungannon BT71 5DQ
<b>Executive Summary:</b> This is to retain an access to a dwelling off a private housing development road.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

### Representations:

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

### Summary of Issues

access to main road will cause concerns for children playing  
land ownership

### **Characteristics of the Site and Area**

No 2 Moor Gardens is a single storey semi-detached Orit within the settlement limits of Annaghmore, it s finished with stone chip walls and dark concrete tiled roof, there is glazed porch to the front and a small garden area that sits below the level of Moor Road. To the rear is a large garden that is stoned with a portable building located within it and accessed off the estate road into Dernmore Close. 1 - 8 Moor Gardens are all similar Orlits with large gardens except for N0 8 which has a dwelling in its garden.

Dernmore Close is a mix of detached and semi-detached 2 storey dwellings, these all access onto the estate road. Opposite No 2 Moor Road is School Gardens, these are semi-detached 2 storey dwellings.

### **Description of Proposal**

The proposal is for the retention of the access from the rear of No 2 Moor Gardens onto the turning head in Dernmore Close. The access takes in the corner of the garden for No 1 Moor Gardens and the service strip in front of No 9 Dernmore Close.

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

2 Moor Gardens is located within the settlement limits for Annaghmore, as defined in the Dungannon & South Tyrone Area Plan 2010, which is the extant plan for the area. Members are advised that as this proposal is for the retention of an access to a house, the relevant polices for consideration are SETT1 of the Plan and AMP2 of Planning policy Statement 3 – Access, Movement and Parking.

The access has been constructed over an area that was in grass at the end of the turning head for the housing development, it also includes part of the garden to No 1 Moor Gardens. The applicant has notified the owner of No 1 Moor Gardens and the person they state is the owner of 9 Dernmore Close, in accordance with Section 42 of the Planning Act (NI) 2011. The objector has raised an issue with the notification of the owner of 9 Dernmore Close , as they state the bank own it and they are in the process of buying it. I visited the site on 19 February 2018 and No 9 appears to be vacant and in an unkempt condition. There is a current enforcement case in relation to this development and the land registry documents indicate the land is owned by Roads Service as it is a service strip. Roads are aware of the proposal as they have been consulted about the development.

4 other dwellings access off this turning head, 2 of these (9 and 10) do not have any turning areas to allow a vehicle to turn within the confines of those properties, 2 others (11 and 12) have an informal shared access arrangement that, if there were no other vehicles parked within the driveways, could allow for turning within the sites. I consider this access is safer than those other accesses onto the turning head as there is adequate room to park and turn within 2 Moor Gardens, in support of this stance the Roads Authority have not raised any road safety concerns.

Members are advised an objector has raised concerns about the safety of the children playing here, they say this was a quiet cul-de-sac and the new access has turned it into a thoroughfare

<p>with access onto the main road. The access is to serve the resident of 2 Moor Gardens, who requires level access. The existing parking space for the property is on Moor Road, which is above the level of the property, up some steep steps and without any direct vehicular access onto Moor Road. This 1 access to a small bungalow, which does not have any other vehicular access onto Moor Road, from an estate road which serves 22 other dwellings, is unlikely, in my opinion to result in a significant increase in the use of the estate road.</p> <p>As there are no concerns from the Roads Authority about road safety, I recommend this application is approved.</p>	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<p><b>Summary of Recommendation:</b> Approval is recommended</p>	
<p>Conditions</p> <p>1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p> <p>Informatives</p> <p>1. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: Main Street, Moygashel, Dungannon. A deposit will be required.</p> <p>2. It is generally an offence to carry out any excavation near a road without approval.</p>	
<p><b>Signature(s)</b></p> <p><b>Date:</b></p>	

ANNEX	
<b>Date Valid</b>	16th October 2017
<b>Date First Advertised</b>	2nd November 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Moor Gardens Coalisland Tyrone The Owner/Occupier, 3 Moor Gardens, Coalisland, Tyrone, BT71 4QA, The Owner/Occupier, 8 Dernmore Close Coalisland Tyrone Orla McCaffrey 8, Dernmore Close, Coalisland, Tyrone, Northern Ireland, BT71 4SZ The Owner/Occupier, 9 Dernmore Close Coalisland Tyrone	
<b>Date of Last Neighbour Notification</b>	2nd November 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1434/F Proposal: Retention of access to the rear in order to provide level access for disabled person Address: 2 Moor Gardens, Coalisland, Dungannon, Decision: Decision Date:  Ref ID: M/1997/0156 Proposal: 10 no. semi-detached dwellings Address: IMMEDIATELY EAST OF GORTGONIS TERRACE GORTGONIS ROAD COALISLAND Decision: Decision Date:  Ref ID: M/1986/0052	

<p>Proposal: REPLACEMENT OF NOS 2, 3, 4, 7, 8, 9, 10 AND 11 WITH SINGLE STOREY</p> <p>Address: NOS 2, 3, 4, 7, 8, 9, 10 AND 11 MOORE GARDENS, ANNAGHMORE, DUNGANNON</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: M/1999/0401</p> <p>Proposal: Extension to Dwelling</p> <p>Address: 2 MOOR GARDENS, COALISLAND</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: M/1997/0526</p> <p>Proposal: Erection of 5 No. Dwellings</p> <p>Address: LANDS AT DERNAGH LANE CLONOE COALISLAND</p> <p>Decision:</p> <p>Decision Date:</p>
<p><b>Summary of Consultee Responses</b></p> <p>Roads – Council may approve drawing 01</p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1450/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage	<b>Location:</b> Site 40m South of 40 Drumreany Road Castlecaulfield Dungannon
<b>Referral Route:</b> This is recommended as an approval, but would be considered an exception to policy as it does not meet the policy requirements for an infill dwelling.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr and Mrs Aidan Loughran Torrent View Pomeroy Road Donaghmore	<b>Agent Name and Address:</b> McKeown and Shields Associates 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

### Representations: None Received

### Description of proposal

This is an outline planning application for a dwelling and garage in the countryside, with the site just outside the limits of development of Castlecaufield Village as defined in Dungannon and South Tyrone Area Plan 2010.

### Characteristics of Site and Area

Access to the site is from a private laneway that serves 3 other dwellings, with the site set back approx 15m from Drumreany Road and comprises the side garden area of No. 40 Drumreany which is a 2 storey dwelling. Sloping down towards the private laneway the site is elevated from the public road. Boundaries to the site are as follows;



- southern boundary of the site is shared with No. 44, which is a single storey dwelling on sloping site, and is defined by a mature tree lined boundary;
- NW boundary is defined by a wooden post and wire fence;
- north and NE boundaries are currently not defined and are open within the curtilage boundary of No. 40;
- SE boundary is defined by a mature hawthorn hedge.

To the south of the site is the village of Castlecaufield. Land use within the village is mostly residential with Castle Court located approx. 60m south of the site which consists of detached and semi-detached residential properties in a cul-de-sac. North and east of the site is open countryside with land consisting mostly of agricultural fields, single dwellings and farm holdings. Beyond the site, along Drumreany site you get the sense that you are leaving the village into the countryside.

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

### **Development Plan**

Dungannon and South Tyrone Area Plan 2010- The site is located just outside Castlecaufield development limits, to the north. The site abuts the limits. The policy provisions of SPPS and PPS21 apply until such times as a new area plan for Mid Ulster is adopted.

### **Key Policy Consideration:**

Strategic Planning Policy Statement- The policy provision of SPPS do not impact on the policy provisions of PPS21 Sustainable Development in the Countryside in relation to the assessment of this proposal.

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant, in the original description of proposal, states 'in compliance with PPS21 (CTY8) infill gap site'. Although the application has been applied for as an infill site, it is relying on buildings inside the settlement limits rather than that within the countryside, which the relevant PPS21 only relate to.

When travelling north out of Castlecaufield you are aware of development at roadside to your left. Dwellings in Castle Court, and No.s 44 and 40 Drumreany Road are all visually linked and read as part of Castlecaufield Village and you are aware of the built up residential character of the area. To develop a dwelling on the proposed site would not have a detrimental impact on this character and in my view the existing gap would not be considered as an important visual break nor would it mar the distinction between countryside and village given existing development along the private laneway. You are aware of a similar character of development when you are entering Castlecaufield from the other direction, and again the site does not represent an important visual gap between village and countryside. In my view no harm to the character of the area would be caused by granting development of a dwelling on this site. Nor would it lead to a poor precedent, as no development is currently within the field opposite the site to the east, which does provide an important visual break.

This is recommended as an approval, but would be considered an exception to policy as it does not meet the policy requirements for an infill dwelling (CTY8 of PPS21). The key reason for the exception is that it is essentially infilling within the existing cluster of urban and rural development without harming the rural character or setting of the settlement and in my view is in keeping with the spirit of the policy which is about clustering as a method of protecting rural character.

The plot size of the proposed dwelling is reflective of development on either side and in my view a 2 storey dwelling of 7.5m ridge would not look out of place on this site given the existing 2 storey dwelling located to the north on a more elevated site. By retaining the existing building line, as shown on drawing no. 01, it is my view that the proposed dwelling will not have a detrimental impact on neighbouring residential development by reason of overlooking or overshadowing.

#### Other Policy and Material Considerations

DfI have no objections to this proposal subject to 2.4m by 60m sight splays in both directions onto the public road and the access is 4.1m wide for the first 10m (as per RS1 form)

Environmental Health have no objections to this proposal.

The site is not subject to flooding and there are no land contamination issues to consider.

Design can be considered at Reserved Matters stage, with consideration given to traditional rural design principles and any impacts the proposal may have on the residential amenity of adjacent properties.

No 3rd Party objections have been received.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

That outline permission be granted subject to the following conditions.

#### Conditions

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

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

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

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

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

3. The dwelling shall be restricted to the area cross-hatched on the attached drawing No 01 date stamp received 20<sup>th</sup> October 2017, unless otherwise agreed by Mid Ulster Council in writing.

Reason: So that the dwelling integrates into the landscape and respects the character of development in the area.

4. The ridge height of the dwelling shall not exceed 7.5 metres above existing ground level at the lowest point within its footprint, including under-build.

Reason: So that the building integrates into the landscape.

5. The existing natural screenings of this site , as indicated in green on drawing No 01 date stamp received 20<sup>th</sup> October 2017, shall be permanently retained unless otherwise agreed by Mid Ulster Council in writing. The species, position and heights of trees and hedges to be permanently retained shall be clearly identified on a landscaping plan to be submitted and approved at Reserved Matters stage, and shall be permanently retained thereafter 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 and to ensure the maintenance of screening to the site.

6. A proposed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location and height of trees and hedges to be planted. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

7. 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 Mid Ulster 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 Mid Ulster Council gives its written consent to any variation.

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

8. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include 2.4m by 60m in both directions, and, the access onto the public road to be 4.1m wide for the first 10m. 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 and shall be permanently retained thereafter, unless otherwise agreed by Council.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th September 2017
<b>Date First Advertised</b>	9th November 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Castle Court, Castlecaulfield, Tyrone, BT70 3EH, The Owner/Occupier, 40 Drumreany Road, Castlecaulfield, Tyrone, BT70 3PG, The Owner/Occupier, Copperfield, 44 Drumreany Road, Castlecaulfield, Tyrone, BT70 3PG,	
<b>Date of Last Neighbour Notification</b>	2nd November 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1494/F	<b>Target Date:</b>
<b>Proposal:</b> Temporary Mobile Home accomodation	<b>Location:</b> 125 Sixtowns Road Draperstown
<b>Referral Route:</b>  To committee as a refusal - Contrary to CTY 6 and 9 of PPS 21	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Michelle McNamee 19 Cahore Road Draperstown	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary: Refusal</b>	
<b>Signature(s):</b> Peter Henry	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Refusal - Contrary to CTY 6 and 9 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 1.8km south west of the settlement of Straw and 3.1km from Draperstown and is situated within the open countryside as defined by the Magherafelt Area Plan 2015. On the site sits a detached two storey dwelling with a detached shed along the eastern boundary and two outbuildings on the side of the dwelling, there is a large garden to the



front which runs along one side to another smaller garden space to the rear. The site is accessed off a long private laneway that serves the site, an approved site and agricultural lands. The site is bounded on all sides with a mix of hedging and large mature trees. The surrounding area is characterised by primarily agricultural land uses, interspersed with single dwellings.

#### Relevant planning history

H/2007/1011/O – Site of dwelling and garage – Permission Granted 14/02/2011

H/2012/0194/RM – 2 Storey dwelling and double garage with stores – Permission Granted 17/08/2012

#### Representations

Five neighbour notifications were sent however no representations were received on this application.

### Description of Proposal

This is a full application for the temporary mobile home accommodation within the existing site curtilage of 125 Sixtowns Road, Draperstown. The structure measures 16.8m x 12.2m with a ridge height of 3.95m. Wall finish is to be smooth or stippled self-coloured render and has a flat tile effect roof cladding.

### Planning Assessment of Policy and Other Material Considerations

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

#### Magherafelt Area Plan 2015

#### Strategic Planning Policy Statement (SPPS)

#### PPS 21 Sustainable Development in the Countryside

#### CTY 6 – Personal and Domestic Circumstances

#### CTY 9 – Residential Caravans and Mobile Homes

#### PPS 3 – Access, Movement and Parking

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for temporary modular accommodation and as a result it must be considered under CTY 9 of PPS 21.

Policy CTY 9 states planning permission may be granted for a residential caravan or mobile home, for a temporary period only, in exceptional circumstances.



These exceptional circumstances include:

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

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.

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.

In terms of this application the intention is comply with the second criterion, therefore the application must comply under CTY 6 of PPS 21. In that CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances. This policy provides certain criteria in which must be met which are:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

With regards to the evidence provided, the agent provided a supporting Design and Access Statement which states that the applicant currently rents a property in Draperstown and finds herself spending substantial time at the family home at 125 Sixtowns Road since the passing of her father in 2016. In that she finds herself taking on the responsibilities that her father once did, as her mother and sister who reside in the house are not able to drive. The applicant has to run errands, take the mother to doctor appointments and her sister out of the house. Therefore with regards to the policy, it must be noted that the applicant current address is located within Draperstown and it is estimated that the journey to the home house would between 8-10 minutes. That whilst I acknowledge the difficulties that the applicant is facing, it is not unreasonable to travel 10 minutes to the family home. For this reason I am of the opinion after discussions with the principal planner that there are no genuine hardship that would be created if this is refused.

In the statement submitted the agent went on to state with regards to the second criteria the reasoning as why the temporary mobile home was the only available option. To start, two ancillary buildings next to the dwelling were considered for conversion however due to condition these were ruled out. Claims that the shed to the right hand side suffers from damp during winter months as floor levels are lower than that of the adjacent field. The shed to the left hand side is not built to a decent and safe condition standard that would make it economic to convert it to a habitable accommodation. In the statement it ruled out an annex onto the dwelling due to the proximity of the sheds on either side. Any extension to the rear is not possible due to concerns of health and safety if one of the large mature trees fell and in addition the roots of the trees may cause problems for foundations. Finally stated that any extension to the front would be contrary to planning policy. In response to the comments made within this document, I disagree that an annex would not be possible due to the proximity of the sheds. As it would not be unreasonable to ask for these sheds to be demolished and an annex built in their place as they are stated to be in such unsafe condition by the agent. In addition whilst I acknowledge the potential concerns raised with regards to a rear extension I am of the opinion that there is sufficient room to accommodate a modest rear extension away from the concerns of the trees. For this reason I disagree that a temporary mobile home is not the only option for this site and other alternatives



should be looked into. For these reasons I am of the opinion that this application does not adequately comply with CTY 6 and 9 of PPS 21 and I must recommend refusal.

The proposed application must also comply with CTY 13 and 14 of PPS 21 as it is still subject to the same planning and environmental considerations as that of a permanent dwelling. With regards to CTY 13, due to the proposed position of the modular I am content that it would be able to visually integrate into the landscape effectively using surrounding vegetation and the backdrop of the existing dwelling. I am therefore content that it is able to visually integrate into the surroundings. Finally I feel that the proposed development would not be unduly prominent and will not adversely impact the rural character. On balance I therefore content that the proposal complies with the criteria set out in CTY 13 and 14.

**PPS 3 – Access, Movement and Parking**

Transport NI were consulted and stated that they had no objections subject to conditions.

I have no flooding, ecological or residential amenity concerns.

On basis on the information provided I must recommend refusal for this application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

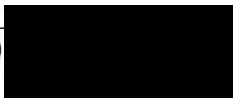
Refusal - Contrary to CTY 6 and 9 of PPS 21.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not for the provision of temporary residential accommodation pending the development of a permanent dwelling and that the applicant has not provided compelling and site specific evidence that a residential caravan/mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

**Signature(s)**



**Date:** 12/2/18

ANNEX	
<b>Date Valid</b>	27th October 2017
<b>Date First Advertised</b>	9th November 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 122 Sixtowns Road, Draperstown, Londonderry, BT45 7BE, The Owner/Occupier, 124 Sixtowns Road, Draperstown, Londonderry, BT45 7BE, The Owner/Occupier, 124a ,Sixtowns Road, Draperstown, Londonderry, BT45 7BE, The Owner/Occupier, 125 Sixtowns Road Draperstown Londonderry The Owner/Occupier, 126 Sixtowns Road, Draperstown, Londonderry, BT45 7BE,	
<b>Date of Last Neighbour Notification</b>	1st February 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/1494/F Proposal: Temporary Mobile Home accomodation Address: 125 Sixtowns Road, Draperstown, Decision: Decision Date:  Ref ID: H/1983/0318 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 125 SIXTOWNS ROAD, DRAPERSTOWN Decision: Decision Date:  Ref ID: H/2007/1011/O Proposal: Site of dwelling & garage Address: 40m South West of 125 Sixtowns Road, Draperstown Decision: Decision Date: 14.02.2011	

Ref ID: H/1998/0106  
Proposal: 11KV O/H LINE (BM/533/97)  
Address: 90M SOUTH OF 125 SIXTOWNS ROAD LABBY DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1978/0304  
Proposal: HV O/H LINE BM 2226  
Address: LABBY, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1989/0336  
Proposal: BUNGALOW  
Address: BESIDE 125 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1978/0475  
Proposal: HV O/H LINE  
Address: LABBY, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1997/0051  
Proposal: BUNGALOW  
Address: ADJ TO LANEWAY AT 125 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/1996/0223  
Proposal: BUNGALOW  
Address: ADJ TO LANEWAY OF 125 SIXTOWNS ROAD DRAPERSTOWN  
Decision:  
Decision Date:

Ref ID: H/2012/0194/RM  
Proposal: 2 Storey dwelling and double garage with stores  
Address: 40m South West of 125 Sixtowns Road, Draperstown, Magherafelt, BT45 7BE,  
Decision: PG  
Decision Date: 17.08.2012

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Status: Submitted

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Status: Submitted

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Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

Drawing No. 02  
Type: Site Layout or Block Plan



Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1736/O	<b>Target Date:</b>
<b>Proposal:</b> Site for Dwelling (Renewal of planning approval M/2014/0499/O)	<b>Location:</b> Lands adjacent to 125 Bush Road Dungannon
<b>Referral Route:</b> Applicant is Cllr Denise Mullan	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Denise Mullen 125 Bush Road Dungannon BT71 6QQ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None



### **Characteristics of the Site and Area**

The site is situated on lands between numbers 125 and 127 Bush Road, Bush. The site is essentially the side garden of a dwelling located along the Bush road approximately 1km north of Bush. The site as identified in red takes in the side garden and the front garden of No 125 Bush Road. The site is relatively flat and does not contain any significant or defining vegetation. There is a line of three dwellings currently along this section of the road (the current site being a gap in this frontage). There are other associated outbuildings within and around the aforementioned dwellings.

The site lies within the open countryside outside any areas of constraint as depicted within the Dungannon Area Plan 2010. The area is rural in character however the immediate vicinity of the site has come under recent development pressure.

### **Description of Proposal**

The application seeks renewal of planning permission M/2014/0499/O.

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

Detail of the proposal:

Proposed renewal of extant approval M/2014/0499/O - Proposed outline for a dwelling and garage at lands adjacent to No.125 Bush Road.

Development Plan and Key Policy Consideration:

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

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

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.

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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 CTY1, CTY8, CTY13 & CTY14 are applicable.

The proposal is for the renewal of Planning permission M/2014/0499/O granted on 2nd December 2014. This application was received on 1st December 2017 one day before the expiry date. The application has been made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].

The original approval was granted as an infill site under policy PPS21 - CTY8 having development on either side. There has been no change in policy nor circumstance, therefore I see no reason why this cannot be approved subject to the previous conditions.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

All application for members of the council must go to the main planning Committee, the application for renewal is within the expiry date, no change in circumstances. Approval recommended.

**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. 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 Department. The depth of under build between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: To ensure the dwelling integrates into the landform.

4. No part of the dwelling hereby approved shall be sited outside the area shaded green on the approved plan date stamped 01-DEC-2017

Reason: To ensure that the development is integrated into and is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

5. The proposed dwelling shall have a ridge height of not more than 6.5 metres above finished floor level.

Reason: To ensure that the development is integrated into and is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

6. 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 those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along the north, south and east boundaries of the area identified in green on the previously approved plan date stamped 23-OCT-2014.

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.

7. Prior to commencement of any development hereby approved visibility splays of 2.4mx 90.0m and 90.0m Forward visibility shall be provided in accordance with a 1/500 scale site plan as approved at reserved matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

### **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.A Consent to Discharge effluent from a septic tank will be required under the provisions of the Water (NI) Order and it is recommended that any planning permission granted be conditional upon such a Consent being obtained prior to commencement of the development.

3.Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71 - 83 inclusive of the Roads (NI) Order 1993 to be in possession of the DRD's consent before any work is commenced which involves making openings to any fence or hedge bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is: Main Road Moygashel. A deposit will be required.

4.It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road and that the existing roadside drainage is accommodated and no water flows from the public road onto the site.

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.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st December 2017
<b>Date First Advertised</b>	4th January 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 125 Bush Road Dungannon Tyrone The Owner/Occupier, 127 Bush Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	3rd January 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1736/O Proposal: Site for Dwelling (Renewal of planning approval M/2014/0499/O) Address: Lands adjacent to 125 Bush Road, Dungannon, Decision: Decision Date:  Ref ID: M/2014/0499/O Proposal: Site for dwelling house Address: Lands adjacent to 125 Bush Road, Dungannon, Decision: PG Decision Date: 02.12.2014  Ref ID: M/2000/0599/O Proposal: Site for dwelling Address: Adjacent to 127 Bush Road, Corrainy, Dungannon Decision: Decision Date: 28.12.2000  Ref ID: M/2005/1860/F Proposal: Proposed extension to dwelling to provide ground floor bedroom & shower room accommodation Address: 125 Bush Road Dungannon Decision: Decision Date: 17.11.2005	

Ref ID: M/1998/0564  
 Proposal: Erection of Dwelling  
 Address: ADJACENT TO 127 BUSH ROAD CORRAINY DUNGANNON  
 Decision:  
 Decision Date:

Ref ID: M/1991/6016  
 Proposal: Dwelling Bush Road Dungannon  
 Address: Bush Road Dungannon  
 Decision:  
 Decision Date:

### **Summary of Consultee Responses**

DFI roads and DETI geological survey were consulted and responded with no objections

### **Drawing Numbers and Title**

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

### **Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1756/O	<b>Target Date:</b>
<b>Proposal:</b>  Replacement dwelling	<b>Location:</b> 30m South West of 152 Washingbay Road Upper Mennagh Coalisland
<b>Referral Route:</b> Proposal considered an exception to policy.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Patrick Brady 154 Washingbay Road Upper Mennagh Coalisland	<b>Agent Name and Address:</b> Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### 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

none

## Characteristics of the Site and Area

The N boundary of the site is undefined on the ground. The S boundary of the site is also defined by mature native species trees approx 6-7m high and a low cropped hedgerow. The East boundary is defined by a low cropped hedge and a stone laneway. The west boundary is defined by 8m high mature native species trees. The site slopes moderately down from the north towards the south.

The current land use is agricultural grazing land with the remains of a small dwelling and outhouse in the southern corner.

The road at site frontage is single carriageway and views along this stretch of road are short distance, given the roadside hedges and proximity of same to the road.

The area is characterised by roadside dwellings, mostly single storey with small curtilages and well vegetated boundaries. The small road is winding in nature travelling in a northerly direction views are short distance.

## Description of Proposal

The proposal seeks outline planning permission for a replacement dwelling and garage.

## Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 21- Sustainable Development in the Countryside

Building on tradition: A sustainable design guide for the Northern Ireland countryside  
Dungannon Area Plan 2010

History

There are no previous planning applications on the site.

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. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.  
PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

The proposal seeks planning permission for a replacement dwelling and garage and given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

- Policy CTY1- Development in the Countryside;
- Policy CTY3- Replacement Dwellings;
- Policy CTY13- Integration and Design of Buildings in the Countryside; and



- Policy CTY14 - Rural Character.

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a replacement dwelling and therefore must be considered against Policy CTY3 of PPS21.

The applicant is applying for a replacement dwelling and therefore Policy CTY 3 of PPS21 is relevant. Policy CTY 3 states that 'Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.'

It is considered that the proposal may not meet these essential criteria as the building to be replaced does not exhibit any of the essential characteristics of a dwelling. The building to be replaced is an old stone base of a house, the most intact wall is no higher than 3 foot and there are no other obvious features such as a roof, doors, windows, chimney etc, and the whole area has become over grown with vegetation.

The applicant has provided a statement detailing the building has ever been a dwelling and was last occupied 50 years ago and has submitted some photos in support. The photos show a few details further than my site inspection, including what is described as a window cill, what looks like a tiled floor and the base of a brick hearth.

PPS21: Sustainable Development in the Countryside includes a policy which I feel may be relevant in this case. CTY 2A - New Dwellings in Existing Clusters. In accordance with policy CTY 2a, planning permission will be granted for a dwelling at an existing cluster of development provided a list of 6 criteria are met.

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

It appears that this cluster of development lies outside of a farm and consists of more than 4 buildings of which nearly 20 are dwellings. The cluster is read together and appears as a visual entity in the local landscape. The first and second criteria of CTY 2a have been met.

The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross roads. The site map indicated that the site/cluster is located on the inside of a T-Junction. The proposal is not however located near a focal point such as a Social/community facility such as a church/orange halls, rural pubs/shops which are used on a regular basis and acts as a hub for local communities, consequently there is no focal point and third criterion of CTY 2a has not been met.

The proposed site is currently well screened from public viewpoints and consists of mature vegetation along most boundaries. Accordingly, the site would exhibit a suitable degree of enclosure and the fourth criteria of CTY 2a has been met.

Criterion 5 requires the site to be bound by development on at least two sides. The site is bounded on three sides by development and there is an approval on the fourth and as a result the proposed site is able to be absorbed into the existing cluster through rounding off and consolidation. The proposed site would not visually intrude into the open countryside. The fifth criteria of CTY 2a has been met.

I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this will be further considered at RM stage if approval is forthcoming. The sixth criterion of CTY 2a has been met.

The third criteria of Policy CTY 2a has not been met. CTY 2a states that all criteria must be met, therefore the proposal is contrary to CTY 2a.

Whilst the cluster may not have a focal point I am minded to suggest an exception to be made to policy having taken into account the following.

- 1- The nucleated form of development around this three way junction.
- 2- The permission to the North West of the site.
- 3- The fact that there are dwellings along the laneway to the South West and on the opposite side of the road.

In conclusion it is clear that over time this location will become further built up in light of infill opportunities. It is therefore clear that the development of this site will in itself not lead to an erosion of rural character as the point of change has already been exceeded.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that in this case a small dwelling could blend in successfully with its immediate and wider surroundings. Integration is not a concern.

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 an area. It is considered that the site and its surrounding environs are suitable for absorbing a small dwelling with a ridge height of less than 6 metres.

Transport NI were consulted and have replied stating no objections.

The application was advertised on 4th January 2018 and Neighbour Notifications were issued on 9th January 2018 however no representations were received in respect to this application.

Approval recommended.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Considering the surrounding area and given the amount of development within the immediate vicinity at this T-Junction, it is my opinion that a further dwelling at this particular location will not have any detrimental impact and this proposal can be considered as an exception to development.

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

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

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

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

5. 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.

6. 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.

## Informatives

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

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

3. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

Council receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	14th December 2017
<b>Date First Advertised</b>	4th January 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 148 Washingbay Road Coalisland Tyrone The Owner/Occupier, 148a ,Washingbay Road,Coalisland,Tyrone,BT71 4QE, The Owner/Occupier, 150 Washingbay Road,Coalisland,Tyrone,BT71 4QE, The Owner/Occupier, 152 Washingbay Road,Coalisland,Tyrone,BT71 4QE, The Owner/Occupier, 154 Washingbay Road Coalisland Tyrone The Owner/Occupier, 158 Washingbay Road Coalisland Tyrone	
<b>Date of Last Neighbour Notification</b>	9th January 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0483/RM Proposal: Replacement Dwelling Address: 310m West of 158 Washingbay Road, Upper Meenagh, Coalisland, Decision: PG Decision Date: 02.08.2017  Ref ID: LA09/2017/0388/RM Proposal: Replacement dwelling and detached garage. Address: 70m Souht West of 158 Washing Bay Road, Upper Meenagh, Coalisland, Decision: PG Decision Date: 26.06.2017  Ref ID: LA09/2017/1756/O Proposal: Replacement dwelling Address: 30m South West of 152 Washingbay Road, Upper Mennagh, Coalisland, Decision: Decision Date:	

Ref ID: M/2014/0574/O

Proposal: Replacement dwelling

Address: 310m West of 158a Washingbay Road, Upper Meenagh, Coalisland,

Decision: PG

Decision Date: 31.03.2015

Ref ID: M/2014/0326/O

Proposal: Outline planning permission for a replacement dwelling

Address: 70m South West of 158 Washing Bay Road, Upper Meenagh, Coalisland, BT71 4QE,

Decision: PG

Decision Date: 08.08.2014

Ref ID: M/1994/0680

Proposal: Site for Dwelling and Garage

Address: OPPOSITE 148 WASHINGBAY ROAD MEENAGH COALISLAND

Decision:

Decision Date:

Ref ID: M/2005/1799/RM

Proposal: Proposed dwelling house

Address: 10m east of 146 Washingbay Rd Coalisland Dungannon

Decision:

Decision Date: 25.11.2005

Ref ID: M/2003/1299/O

Proposal: Dwelling and garage

Address: 10m East of 146 Washingbay Road, Coalisland, Dungannon

Decision:

Decision Date: 12.11.2003

Ref ID: M/1998/0841

Proposal: Proposed Replacement Dwelling

Address: 50M SOUTH WEST OF 152 WASHINGBAY ROAD COALISLAND

Decision:

Decision Date:

### **Summary of Consultee Responses**

DFI Roads were consulted with no objections.

### **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:







## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> H/2015/0010/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Stables and Tack Store	<b>Location:</b> Approx. 70m NW of 175 Glen Road Maghera
<b>Applicant Name and Address:</b> Mrs J Duffy 40 Glen Road, Maghera	<b>Agent name and Address:</b> CMI Planners Ltd. Unit C5 80-82 Rainey Street Magherafelt BT45 5AG
<b>Summary of Issues:</b> Principle of development and integration	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is contained within one field measuring 1.87 ha which is a road frontage field along the minor Glen Road but is located close to the junction with the main A6 Glenshane Road. The field has a road frontage of approximately 165m and is the only undeveloped area between the existing commercial units at Sperrin View Business Park and adjacent Fallagloon AOH hall and the settlement of Glen. The field is relatively flat and is about road level. There is a strand of mature beech trees along the south western boundary next to the commercial units with the north-western boundary continuing as a mature hedge. This hedge continues along the northern boundary adjacent to the Fallagloon Burn. The eastern boundary is defined by a semi-mature hedge and this continues along the eastern half of the roadside boundary with the remainder of this boundary being a post and wire fence.  There are two dwellings, single and two storey, located on the opposite side of the Glen Road and these are outside the settlement limits of Glen. The Oakleaf Restaurant and adjacent petrol filling station are located a short distance to the west and on the opposite side of the main Glenshane Road. The area to the rear of Fallagloon AOH hall is largely covered in a hard standing with the access located at a point between the field containing the site and Sperrin View Business Park.	

**Description of Proposal**

The application is for the erection of a stable block with associated tack store and covered area. The stable block is an 'L' shaped block and consists of three stables measuring 12.8m x 5.2m with the covered area and tack store extending another 11.7m x 5.2m. The proposed ridge height is 5.2m and the finishes are brown coloured insulated cladding panels to the roof and walls with like coloured roller shutter door on the tack store while the stable doors are timber sheeted. The proposal is to be sited to the rear of the roadside field and in the north-eastern corner. The access to the stables is proposed along the eastern boundary with a sweeping access onto the Glen Road at the point of the existing agricultural field gate. There is no landscaping proposed around the stable block and the proposed access will necessitate the removal of approximately 50m of the existing road frontage hedge. There are restricted critical views of the site and these are obtained from both the Glen road and the main Glenshane Road.

**Deferred Consideration:**

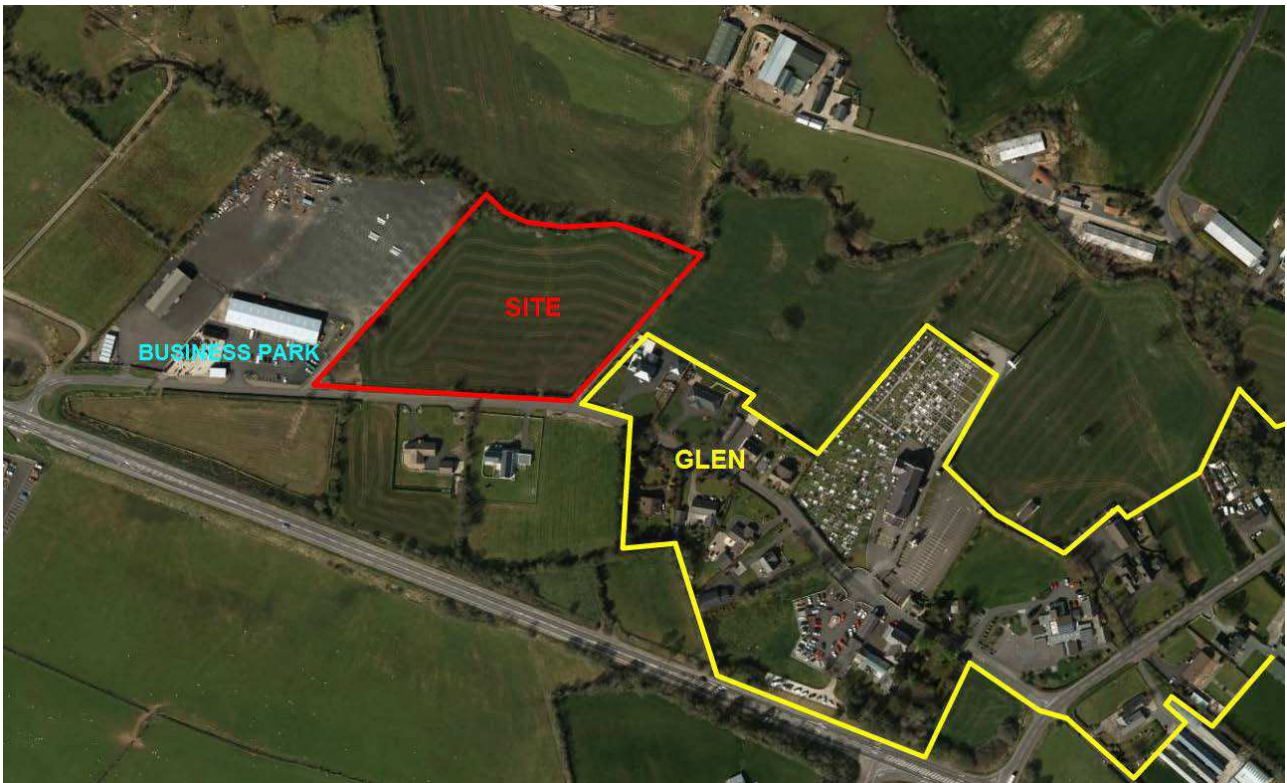
This application was first presented before members in November 2015 with a number of refusal reasons based on PPS 8, CTY 13, 14 and 15 and PPS 15 due to flooding concerns. It was agreed by members to defer the application for an office meeting which was held. Subsequently an application for a new dwelling in the same field was applied for by the applicant under planning reference LA09/2017/0923/F which is currently under consideration.

Following a deferred office the meeting the agent submitted an amended plan in November 2015 showing the proposed stables on the opposite site of the field with an long and visually intrusive new tree lined avenue to access the proposed stable block. It was during the processing of LA09/2017/0923/F that the amended proposal was further discussed with particular reference to the visual impact of the access and laneway. The agent then submitted a revised plan in October 2017 which showed the removal of the access lane and tree lined avenue. The agent also submitted additional farm information for the dwelling on which DAERA were consulted and they confirmed the farm business is active and established for more than 6 years. By their very nature stables are a rural use and are more suitably located in the open countryside. Vegetation to the site is not strong but the stables are set back in the rear of the field. Having reconsidered the amended proposal and given the level of urbanisation on this locality, with the adjacent residential properties, residential dwellings on the opposite side of the road and the existing commercial development to the west of the proposal I recommended an approval of this application as an exception to CTY 15 of PPS 21 given the site sits just outside the development limit of Glen.

Previously there was a challenge to the P2 certificate and the agent submitted an amended P2 certificate with Certificate C signed and the requisite notice served on the relevant owners and the issue has since been resolved.

I recommend an approval of this application.

**Conditions:****Signature(s):****Date**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2015/0147/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 4 no 2 Bed Apartments with parking.	<b>Location:</b> 32 Mullaghboy Lane, Magherafelt
<b>Applicant Name and Address:</b> Mr Philip Donaghy 17 Lissadell Drive MAGHERAFELT	<b>Agent name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Summary of Issues:</b> Parking	
<b>Summary of Consultee Responses:</b> DfI Roads recommend a refusal of the application based on road safety and parking	
<b>Characteristics of the Site and Area:</b>  The application site is situated at 32 Mullaghoy Lane, Magherafelt within an established residential area inside the settlement limits of Magherafelt. The site is defined by an existing semi-detached two storey dwelling and its associated private amenity space. The site boundaries are defined by walls, fences and shrubs typical of the majority of dwellings in the surrounding area. The site occupies a prominent corner site within the existing residential development and is bound on two sides by the adjacent public road.	
<b>Description of Proposal</b>  Full application for proposed 4 No. 2 bed apartments.	

**Deferred Consideration:**

This application was first listed for discussion before the Planning Committee in December 2015 but was withdrawn from the schedule to allow the agent to submit an amended proposal from 6 apartments to 4 apartments. It was then presented before the Committee in May 2017 with a recommendation to refuse based on road safety and parking concerns. The application was deferred for an office meeting with the Planning Manager. Although the meeting didn't take place due to the letter being sent to the agent's former office the Head of Development Management contacted the agent and advised the Planning Manager requested an amended parking layout as had been previously suggested and a further meeting was not requested. The agent stands by the initial parking survey and asserts there are in excess of 80 available on street parking spaces within the locality. He also asserts the scheme is similar to an allowed appeal in Portrush (2007/A1181) but in that case the Commissioner found that a nearby car park provided ample parking for the scheme. This application is not comparable given there is no car park nearby. The agent requested a rebuttal from DfI Roads on the parking survey and why the proposal is not acceptable. In their rebuttal DfI Roads confirm there is no similarity to the quoted appeal in Portrush. The site is not within the town centre and is not a designated area of parking within which a reduction from the published parking standards can be applied.

There have been several objections to the application which have raised concerns with regards to an existing inadequate level of car parking which would be exacerbated, it would result in the loss of existing off street car parking, create a demand for additional off street parking which in turn will lead to greater on street car parking thus impacting further on the visibility of the vehicles entering and exiting Mullaghboy Crescent and making it more dangerous and an overdevelopment of the site in this area.

The applicant has failed to demonstrate how the proposal satisfies PPS 3 and therefore a refusal is recommended for the reasons below.

**Reasons for Refusal:**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking and turning of vehicles which would be attracted to the site.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since it would lead to vehicles standing on the highway at or near a road junction thus interfering with the free flow of traffic on the main road and the minor road and the visibility of traffic entering or leaving the minor road.

**Signature(s):****Date**







Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2016/0889/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed conversion of a redundant building to form one dwelling	<b>Location:</b> 40m South West of 38 Lisnamuck Road, Tobermore, Magherafelt
<b>Applicant Name and Address:</b> Ian Hopper 31 Draperstown Road Tobermore Magherafelt	<b>Agent name and Address:</b> CMI Planners Ltd Unit C5 The Rainey Centre 80-82 Rainey Street Magherafelt BT45 5AG
<b>Summary of Issues:</b> Principle of development and land ownership	
<b>Summary of Consultee Responses:</b>  No objections	
<b>Characteristics of the Site and Area:</b>  The site is located along an existing lane which also serves two existing dwellings and agricultural land. There are several relatively new detached properties within close proximity of the site. The building to be converted is single storey. A previous approval was granted under H/2009/0710/O whereby the conversion of the building to a residential use was accepted.	
<b>Description of Proposal</b>  Full application for 'proposed conversion of a redundant building to form one dwelling'.	
<b>Deferred Consideration:</b>  This application was presented before the Planning Committee in March 2017 with a recommendation to refuse based on the fact it was considered the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the	

existing building and would have an adverse effect on the character or appearance of the locality. It was agreed to defer the application for an office meeting with the Planning Manager to discuss the issues.

There is planning history on this site for the approval of a conversion in 2009 which expired in May 2016 but this full application was submitted within 5 years from the date of the outline approval. The 2009 application was originally sought on the basis of a replacement dwelling with an initial opinion to refuse the application resulting in the applicant amending the proposal to a conversion which was approved. A statement by the then Minister Attwood was released subsequent to the application being approved which would have resulted in the original application being approved as a replacement dwelling.

Following the deferred office meeting amended drawings were received which showed the following changes:

1. Rather than two separate accesses onto the Lisnamuck Road the applicant proposes to utilise the existing access and then creating a new laneway to access the proposed dwelling;
2. The proposed areas of brick on the elevations to the dwelling have been changed to indicate stonework, though this has not been annotated to date on the drawing.

These amendments are considered acceptable and overcome the previous concerns held by MUDC.

There are a number of objections to the application which were considered in the first report before the Planning Committee in March 2017. The neighbours and objectors were notified of the amended plans and a further letter of objection was received from Donna Henderson (who is now deceased), Patrick Fullerton and Donna Henderson's solicitor. I responded to that letter with the following pertinent points of relevance to this case:

1. Transport NI (now DfI Roads) were consulted and based on their consultation response the visibility splays can only be achieved by removing all or part of the hedges outside the red line of the application site. I advised Mrs Henderson that issues of land ownership were a legal matter and it was acknowledged that notice had been served on the owner of the third party lands and the subsequent objection.
2. The points raised in the letter from Mrs Henderson's solicitor have been noted but it is a matter for the Planning Department to consider the application within the remit of the Area Plan, Planning Policy and all relevant material considerations.
3. The visibility splays, should the application be approved, must be provided prior to the commencement of development.
4. Any access required to any part of the building from a 3<sup>rd</sup> party land is a civil matter.

I acknowledge the objections made by third parties which state they will not allow the applicant to take land needed for visibility splays. DfI Roads have confirmed the fence needs set back and the trees removed in the southern splay to achieve the required visibility. Also fence and hedge removal is required on the opposite side of the road to achieve the required visibility in the northern splay.

Case law has established that negative conditions can be used to overcome objections to development that requires land under the control of a third party, even when it is argued there is no reasonable prospect of that land becoming available, it is possible the objector could change their mind. Notwithstanding the fact that objectors state they are unlikely to facilitate any works on their land, I am satisfied that this matter can be dealt with by attaching a negative condition requiring the provision of the necessary sightlines prior to the commencement of any development on the application site.

I recommend an approval of this application.



**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 vehicular access, including visibility splays of 2.4m x 80m in both directions, shall be in place, in accordance with Drawing No 02/1 bearing the date stamp 20th March 2017, prior to the commencement of any other works or other development hereby permitted.

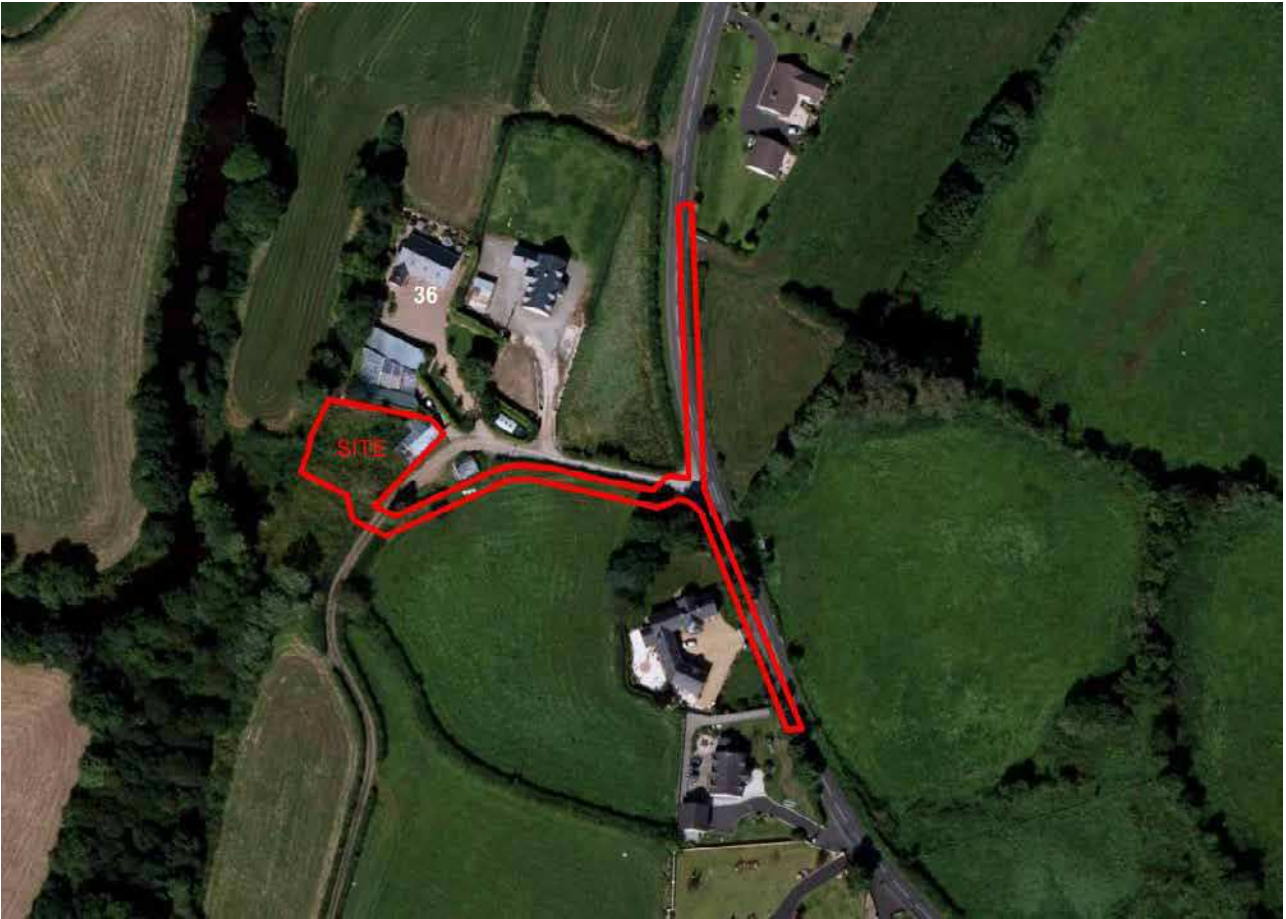
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. 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 before the development hereby permitted is commenced and shall be retained and kept clear thereafter.

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

**Signature(s):**

**Date**





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0923/F	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed new dwelling and domestic garage	<b>Location:</b> 45m N.W. of 177 Glen Road Maghera
<b>Applicant Name and Address:</b> Jenna Duffy 40 Glen Road Maghera BT46 5AP	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b>  There was one objection received in connection with this application. The only concern raised was that they stated that the proposed development will overlook the rear of their property and would as a result lead to a loss of privacy.	
<b>Summary of Consultee Responses:</b> DFL – No objection Environmental Health – no objection NI Water – no objection DAERA – no objection	
<b>Characteristics of the Site and Area:</b>  The site is located just outside the settlement of Glen and from this is located in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 45m NW of 177 Glen Road, Maghera and sits in the eastern half of a large agricultural field which is relatively flat however there is a slight fall from the roadside. The site is bounded by a mix of mature trees and hedging with a line of post and wire fencing along the northern, southern and eastern boundaries and is adjacent to the Fallagloon Burn. It is worth noting that the proposed dwelling sits outside a flood zone. Wherein the western boundary remains undefined as the site is part of a larger agricultural field but there is proposed planting within this application to define these boundaries. The immediate area is a mix of development, predominantly agricultural, with residential, Church, Fallagloon AOH hall and Sperrin View Business Park nearby.  Relevant planning history	

H/2015/0010/F – Proposed Stables and Tack Store – Ongoing

H/2013/0483/F – Proposed 2 storey dwelling and garage – Application Withdrawn

#### Representations

There were four neighbour notifications sent however there was one objection received.

#### Description of Proposal

This is a full application for a proposed new dwelling and domestic garage under policy CTY 2a at 45m NW of 177 Glen Road, Maghera. The proposed dwelling is to be two storey with a ridge height of 9.5m, a frontage of 18.6m and a gable depth of 12.7m. The wall finish is identified as dry dash with smooth grey plaster base and bands and black flat concrete tiles.

#### Deferred Consideration:

Following a deferred office meeting and the submission of additional information DEARA were consulted with the submitted P1C form and farm map. They responded to this consultation on 04.12.2017 confirming the farm business to be active and established for more than 6 years thus the application adheres to the first criteria of CTY 10. The second criteria of PPS10 states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding, following a GIS database search the proposal also adheres to this criteria. The final criteria is that 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. It should be noted that there is a current application for stables adjacent to the proposal site however this cannot be given any weight as it is not currently existing. In this particular case the applicant has no existing farm buildings on the farm and so this criteria is unachievable. However given the level of urbanisation in this locality, with the adjacent residential properties, housing opposite and existing development west of the proposal site I would suggest to the committee that this proposal should be treated as an exception to this particular test and an approval issued.

#### 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 vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place in accordance with Drawing No. 02 bearing the date stamp 06th July 2017, prior to the commencement of any other works or other development hereby permitted.

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

3. 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 before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

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

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

5. 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 its written consent to any variation.

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

### **Informatives**

1. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

3. 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.

4. It is the responsibility of the developer to ensure that:

- surface water does not flow from the site onto the public road;
- the existing roadside drainage is accommodated and no water flows from the public road onto the site;
- surface water from the roof of the development hereby approved does not flow onto the public road, including the footway;
- the developer should note that this planning approval does not give consent to discharge water into a transportni drainage system.

5. A consent to discharge sewage effluent being obtained from Water Management unit, the Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999. Any new or existing septic tank unit being a minimum of 15metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

6. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp)

All services within the development should be laid underground.

None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

7. 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.

8. 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.

9. 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.

<b>Signature(s):</b>
<b>Date</b>



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2017/1032/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Outline planning permission for a single dwelling(amended siting)	<b>Location:</b> To the rear of 137 Lisacclare Road Killeen Stewartstown
<b>Applicant Name and Address:</b> Mrs Cora Donnellan 137 Lisacclare Road Killeen Stewartstown BT71 5QJ	<b>Agent name and Address:</b> Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
<b>Summary of Issues:</b> This is an application for a dwelling in the countryside that does not meet all the criteria for a dwelling in a cluster.	
<b>Summary of Consultee Responses:</b> Roads – acceptable access requires 2.4m x 70.0m visibility splays as per RS1 form NI Water – standard response	
<b>Characteristics of the Site and Area:</b>  The site is a portion of land which lies to the rear of a number of dwellings accessed via an existing laneway off the Lisacclare Road. Three sets of semi- detached bungalows lie beyond the NW boundary of the application site with access to them is via a laneway, which forms a T junction at its access onto the Lisacclare Road, which is approximately 100m from the site entrance. The site is broadly rectangular in shape with a plot size of approx. 0.33 hectares. The topography is relatively flat and can be accessed via the existing lane. The surrounding landscape is rural in character as depicted in the Dungannon & South Tyrone Area Plan 2010 and the site is located outside any development limits.	



**Description of Proposal**

The applicant is seeking outline planning permission for a single dwelling.

**Deferred Consideration:**

Members are advised this application was before the Committee In January 2018 with a recommendation to refuse as it did not meet the clustering policy in CTY2a of PPS21. An application was refused and appealed on this site, and the PAC dismissed that appeal and unless there has been a change in the circumstances then there would be no justification to change my opinion in relation to this development. Since that appeal decision, planning permission was granted for a dwelling, on a farming case, on the SE boundary of this site and the development of that site has commenced on the ground with foundations in place. The effect of that planning permission is that the proposed dwelling is situated in the middle of a substantial amount of development that includes 10 existing dwellings, a dwelling currently under construction and a number of other buildings and ancillary stores as well as a large poultry unit and egg packing shed. The proposed site is now enclosed on 3 sides by development within the cluster and a dwelling on this site, in the position shown on the site layout, will be in the middle of the cluster. I do not consider a dwelling in this position will have any detrimental impact on the character of the countryside at this location. The development to the front will partially screen it from Lisacclare Road, and the dwellings to the north, on higher ground, provide a sense of enclosure. I do not consider the dwelling will have any significant impact on the amenity of the dwellings around it as those to the north are at a higher level and will face the side of the proposed dwelling, the dwellings at the Lisacclare Road are screened by existing buildings and the new dwelling under construction has its private area to the rear which this dwelling will not overlook. Members are advised that in my view, the only criteria that is not meet is the requirement for a focal point and this has not changed. However I consider an exception to the policy may be exercised in this situation given the amount of development that surrounds the proposed dwelling on 3 of its sides and the location of the dwelling in the middle of the cluster of development which will not have any significant impact on the character of this rural area.

**Conditions:**

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

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

2. 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.

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. 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: To ensure resident's privacy is not adversely affected.

5. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4mx 70.0m in both directions and any forward sight distance, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

6. 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 those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. 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 landscaping.

**Signature(s):**

**Date**