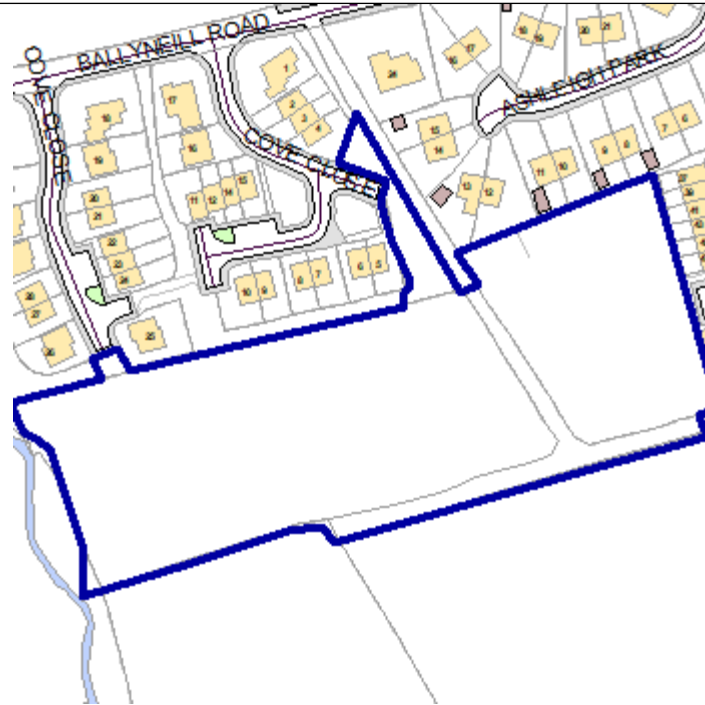




## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.1
<b>Application ID:</b> LA09/2021/1435/F	<b>Target Date:</b> 25 November 2021
<b>Proposal:</b> Proposed housing development to include 37 dwellings (7 detached & 30 semi-detached) using existing access to main road and with associated landscaping.	<b>Location:</b> Lands To The Se Of Cove Close & Ashleigh Park Ballyronan Magherafelt BT45 6QS.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Canavan Construction Ltd 133A Shore Road Ballyronan Magherafelt BT45 6JA	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>  Application for housing development consisting of 37 dwellings (7 detached and 30 semi detached).  Site is within Ballyronan Settlement Limit as defined in the Cookstown Area Plan.  Layout is acceptable in terms of PPS 7. Consultations carried out with NI Water, Environmental Health, DFI Roads, DFI Rivers, NIEA, SES, and HED. No consultees are in opposition to the proposal.  Significant level of objection from existing houses in Cove Close and Ronan Manor. 20 objections recieved and these have all been considered and issues raised addressed in the DC officers report.  Recommendation is to approve.	



**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: PR
Statutory Consultee	NIEA	PRT LA09-2021-1435-F ADV.PDF
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1435_F - Further Info #2.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	Rivers Agency	700001 - Final reply.pdf
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1435_F - HRA AA 07-12-2023.pdf
Statutory Consultee	NIEA	PRT LA09-2021-1435- F.PDF

	NI Water - Multiple Units West	LA09-2021-1435-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	DFI Roads - Enniskillen Office	response uploaded 9/10/23
Statutory Consultee	NIEA	PRT LA09-2021-1435-F.PDF

### **Representations:**

Letters of Support	0
Letters of Objection	19
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### **Summary of Issues**

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

The site consists of two separate agricultural fields located within the settlement limit of Ballyronan - at the southern edge of the settlement. The site is located immediately to the rear (south) of existing housing developments Cove Close and Ashleigh Park and immediately east of existing housing development Ronan Manor.

The western boundary of the site consists of tall, mature deciduous trees. The eastern and northern boundaries of the site which form the boundaries between the existing housing developments are a mixture of post and wire fencing and close board fencing. A low native species hedge defines the southern boundary. An agricultural access runs north to south across the site serving the fields to the south and this access along with associated hedging separates the site into the two separate parcels of land.

Surrounding land use is exclusively residential to the north and east and agricultural to the south and west.

### **Description of Proposal**

Housing development consisting of 37 units - 7 detached and 30 semi detached and associated landscaping. Access taken of existing estate road.

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

#### **Policy Consideration**

The following policies are relevant;

- o Regional Development Strategy
- o Strategic Planning Policy Statement - SPPS
- o Cookstown Area Plan 2010 (CAP)
- o PPS 7 - Quality Residential Environments

- o Creating Places
- o PPS 15 - Planning and Flood Risk
- o PPS 3- Access Movement and Parking
- o PPS 2 - Natural Heritage

#### REGIONAL DEVELOPMENT STRATEGY

Policy RG 7 of the RDS states that small villages (such as Ballyronan) have unique identities and that the provision of services and facilities in these villages should be grown, in order to build upon and enhance small villages and to create more vibrant places for local shopping, social activity and recreation. This is certainly the case in Ballyronan which has recently experienced a significant increase in in house building and which has had significant improvements made to the local marina which has boosted its tourist appeal to all residents of Mid Ulster and indeed further afield.

#### SPPS

The SPPS refers mostly to the role of LDPs in allocating land for housing growth in settlements and focuses to a lesser extent on the operational considerations when assessing applications for housing developments. It does however, clearly state that role of the planning system is promote more sustainable housing development within existing urban areas. It also states that planning system should promote sustainable patterns of housing development that lead to more compact village forms. There is therefore a very general presumption in favour of the notion of small housing developments with villages such as Coagh providing they are sustainable and help to promote quality residential environments.

#### COOKSTOWN AREA PLAN (CAP)

The site is located within the settlement limit of Ballyronan on "white land". There is therefore a presumption in favour of development on such sites as opposed to sites located outside of settlement limits.

The CAP however states that within Ballyronan "residential development in excess of 20 units will not be permitted." This was in recognition the existing scale of the settlement and an effort to resist what was anticipated as likely high demand for housing within the village.

However, there are two factors which need considered in relation to this. Firstly, since the publication of the CAP in June 2004, there has been a permission granted for a larger development (in terms of volume of units) on a site nearby (I/2006/1241/F) and secondly, there have since been other developments granted planning permission in Ballyronan which are in excess of 20 units - most notably Lough Drive at the junction of the Magherafelt Road and the Shore Road.

I am therefore of the view that given the two considerations above, this direction contained within the CAP can be set aside as previous decisions have deviated from it in the past.

#### PPS 7 - QUALITY RESIDENTIAL ENVIRONMENTS

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

(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 application is for a substantial residential development located within an area where the only other land use, apart from farming / agriculture, is residential. There is a mix of house types and tenures in the immediate vicinity ranging from terraced housing executive housing, to detached properties to newer developments comprising of semi detached and detached dwellings.

In terms of density, the site is 1.7 hectares in area and the proposal involves 37 dwellings resulting in a density of approximately 22 dwellings per hectare. This is a density which is in keeping with the immediate vicinity. For instance, I have estimated the density of nearby residential developments as follows;

- o Cove Close - 22 units per hectare
- o Ashleigh Park - 24 units per hectare
- o Lindseyville - 28 units per hectare

The design of the properties is in keeping with the typical design of properties in housing developments of this scale. There are 5 different house types with the most common being standard pairs of semi detached with a shared frontage as well as a smaller amount of dual frontage semi detached dwellings. There are 7 detached houses. All houses will be of a typical design and will have standard finishes such as a mix of red brick / render finishes, PVC windows, grey/black roof tiles.

(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;

There are no features of the built heritage which will be impacted upon by this development. There is listed building approximately 150m away from the nearest part of the site but given the fact that the existing development Ashleigh Close is located between this asset and the site, I am of the view that there will be no visual impact on the historic asset from this site.

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

Creating places states that where the development for residential purposes on new greenfield sites takes place, then the level of public open space in that development should be provided at around 10% of the total site area. That would mean, that with a site area of just over 1.7 hectares, the development should include an area of public open space consisting of around 1,700 sq. metres in total.

I have measured the open space shown on drawing 02 rev 2 and find that the main portion of open space immediately south of 12 and 13 Asheleigh Close accounts for 1,737 sq. metres which includes a pedestrian path to nearby housing developments. This is an acceptable level of open space and is sufficient for a development of this size in my opinion, taking the guidance in Creating Places into account.

In addition, the main portion of public open space is not in a typically central position in relation to the rest of the development. However given the size of the development, it is accessible to all properties, represent a safe and visible environment and is therefore a functional and meaningful area of open space.

In relation to private amenity space, there is an acceptable level of private amenity space as per the guidance contained in Creating Places. The houses with smallest areas to the rear such as nos. 33-32 and no. 19-26 all have rear private amenity space in excess of 70. sq. metres.

The vast majority of houses have a distance of 10m from the rear elevation to the boundary fence to the rear and where, in some instances there are properties backing onto other existing properties, there is a separation distance of 20m. The only instance where the rear elevation of properties come within 20m of existing properties, it is in relation to the side elevation of the existing property in question such as no. 25&26 Cove Close or no. 44 Ronan Manor and the distances here are circa. 15m.

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

This criterion is not relevant to a development of this size and is more fitting for a large scale development whereby facilities can be incorporated to benefit the wider community as well as the inhabitants of any such development

(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 proposed development will have pedestrian access to Cove Close. Cove Close is served by a footpath which leads to Ballyronan and is within walking distance to all shops in Ballyronan as well as public facilities such as the marina.

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

DFI roads have been consulted and after some changes, have no objections to this proposal.

The layout drawing shows all dwellings as having at least 2 parking spaces available to each dwelling which is in accordance with notional parking standards for this type of development.

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

The design, scale and form of the dwellings is in keeping with the typical house design in the immediate vicinity. Typical finishes are black roof tiles with PVC windows. Properties will be finished in a mix of red brick and render and all rainwood goods will be PVE.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village.

(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

The existing land use in the immediate vicinity is residential and agricultural with the latter being practically unavoidable given the location of the site on the edge of the settlement limit. There are no industrial land uses, active farmyards, intensive agriculture, intensive sports uses for example, in the immediate locality. It would therefore be very difficult to say that there is a land use close to the site that is incompatible with the proposed land use. Env. Health within the Council have also been consulted and have stated that they have no objection to the proposal. They have considered objections from existing properties in Cove Close and Asheligh Park in relation to noise from additional traffic but do not think that the traffic generated from these houses will be enough to give rise to excessive noise in this environment.

The proposals will not overshadow or impact negatively upon any of the existing properties nearby. As mentioned above, where the proposed dwellings are located "back to back" with existing properties, there is adequate separation distance. The only instance where properties are within 20m of existing properties, in terms of separation distance is when they are adjacent to the gable of the existing property as opposed to the rear elevation of the existing property.,

Given all of the above considerations in paragraphs (a) - (h) I am of the opinion therefore, that the proposal satisfies Policy QD1 of PPS 7.

#### PPS 15 - PLANNING AND FLOOD RISK

The site is not located within the Q100 flood plain. The proposal however, does exceed the threshold for requiring a drainage assessment as included in FLD 3 of PPS 15. A drainage assessment has been submitted by the agent and DFI Rivers have agreed to the contents of this assessment and consequently, have no objections to this proposal, subject to condition requiring the submission of a Drainage Assessment which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network. This condition will therefore need to be discharged by the Council.

The proposal is therefore in compliance with policy FDL 3 of PPS 15, which is the relevant policy from the is PPS.



### PPS 3- ACCESS, MOVEMENT AND PARKING.

It has been explained in relation to my assessment of how this proposal meets PPS 7 that an accessible movement pattern has been created that supports pedestrians and cyclists as well as enabling safe movement for all.

The site layout also shows at least two car parking spaces per dwelling which is an adequate level of parking provision. DFI roads have reviewed that entire development including access arrangements to and from the new estate road as well as from private dwellings and have no objections to the proposal subject to the development being completed as per the signed PSD drawing.

### PPS 2 - NATURAL HERITAGE

The site is located within 0.5km of Lough Neagh which is a European site (SPA, ASSI) and a Ramsar site. Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site or a Ramsar Site.

Due to the proximity of this site to Lough Neagh, a consultation has been carried out with Shared Environment Service. They have responded to state that the proposal will not have any conceivable impact on a European Site because there are "no viable pathways to a European site."

Consultation was also carried out with NIEA who after consideration of the submitted CEMP and the PEA, are content that the proposal will not have any impact on any designated sites or natural environment interests. The reasoning for this conclusion as arrived at by NIEA, are laid out in their consultation response which is uploaded on the planning portal and dated 2nd August 2023.

Given the response from NIEA and SES, I am therefore content that the proposal complies with the relevant policies including NH 1 and NH 2 of PPS 2, Natural Heritage.

### OTHER MATERIAL CONSIDERATIONS

There has been a significant number of objections received in relation to this proposal. In total, 41 neighbours were notified and a total of 20 representations were received with 19 objectors and 1 non-committal. All representations came from existing surrounding housing developments such as Cove Close, Ronan Manor.

The issues raised by the objectors are laid out below;

- 1) Loss of Parking in existing development Cove Close
- 2) Impact on Road Safety from additional traffic and construction traffic
- 3) Noise levels from development - construction phase and permanently from development being lived in.
- 4) Overlooking from new houses onto existing houses, loss of privacy, oppressive impact on existing houses.
- 5) Reduction in value of existing houses
- 6) Sewerage network. Question is asked can infrastructure cope
- 7) Visibility splays at junction with Ballyneill Road not acceptable
- 8) Impact on natural environment
- 9) Loss of green fields and impact on existing views of the countryside

- 10) Change the character of a small cul de sac
- 11) Area to be used for access between 25-26 is not in the control of the developer and is in the control of the residents.
- 12) Density is too high - development is contrary to QD1.
- 13) Negative impact on internet and phone signal
- 14) Incompatible with Cookstown Area Plan

These issues are considered below in the order they are listed above.

1) The objectors cite the loss of parking in relation to parking of cars in areas which are not designated for car parking such as footpaths and the turning head. One objection has included photographs of cars parking in the turning head. These are not designated car parking spaces and therefore I cannot give any weight to them being lost for this use as a result of this development. The houses in this part of Cove Close all contain adequate parking provision and cars should not be parked in these areas.

DFI Roads have been consulted on the application and have not expressed any concerns in this regard.

2) Objectors cite the fact that children living in Cove Close will be put in danger by construction traffic and additional residential traffic because at present they play on the roads and footpaths of the existing development.

The construction traffic and the new additional residential traffic will use the existing estate road to access this development. Children playing on an estate road will currently be at danger and it would seem that any potential problem with safety here would arise from the practice of children playing on the road as opposed to the additional traffic generated by this development using the road. I therefore cannot give weight to this particular argument that additional traffic will prejudice road safety because estate roads are not intended as locations for childrens to play.

DFI Roads have been consulted and have not expressed any concerns in this regard.

3) Env Health have been consulted and have clearly stated that the level of noise generated from the additional traffic associated with this development will not be sufficient to cause excessive noise and would be in keeping with that associated with a residential area. In relation to construction noise, environmental health have considered this and have not raised any concerns. They have included an informative about noise levels during the construction phase although it is my view that this should be included as a condition instead of an informative. I have spoken to Environmental Health about this and they agree that it should be included as a condition. This will limit the noise levels generated from construction phase to acceptable levels.

4) This has been considered above as part of the assessment of the proposal in relation QD1 of PPS 7.

5) This is not a planning concern

6) NI Water have been consulted and have no objections to this proposal. They have stated that there is adequate WWTW capacity and network capacity. NI Water

response of 18/1/23 refers. DFI Rivers have also agreed the proposal subject to a condition which must be discharged in order to ensure adequate provision has been made for stormwater runoff being dealt with via an offline sewer.

A new WWTW has recently been constructed to serve the village of Ballyronan.

7) This development will not involve the creation of a new access and therefore, no new visibility splays are being created. DFI Roads have signed off on the development so no objections in terms of road safety can be sustained.

8) This has been addressed in the main part of the report above report under consideration of PPS 2

9) The fields in question are within the settlement limit of Ballyronan. There is therefore a presumption in favour of developing them as they do not fall under the remit of PPS 21 which is a more restrictive policy. The right to a view is not something which is considered as a planning consideration.

10) The development in my opinion is in keeping with the character of the area which is characterised by a considerable amount of housing at present. This has been addressed in the main part of the report under the assessment of QD1.

11) This has been addressed in the course of the application. The piece of land in question is owned by John Higgins Construction. The developer has amended the land ownership certificate by filling in certificate C and serving notice on the land owner of this piece of land on 18/2/2022. The issue of land ownership therefore has been dealt with satisfactorily.

12) Density of this development is in keeping with existing development in the immediate area - this has been argued in the main body of the report.

13) There is no evidence to back up this assertion. There is no link to the construction of new homes and a reduction in the quality of mobile phone signal and internet coverage.

14) This issue has been addressed above in the main body of the report.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 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.

#### Condition 2

Prior to the occupation of 50% of the dwellings hereby approved, the developer shall construct, layout and plant all landscaped and open space areas as indicated on the approved plan, drawing No.03 REV 2 which was uploaded to the planning portal on 26th June 2023. Once completed, these open space areas must be retained as public open space in perpetuity thereafter and shall never be sold to a private resident for their own enjoyment.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment.

#### Condition 3

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

Reason: To ensure the maintenance of screening to the site

#### Condition 4

Throughout the construction phase, a clearly defined buffer of at least 10 metres, as shown in Site Layout Drawing 03 Rev 02, uploaded to the planning portal on 26th June 2023, must be maintained between the Ballyronan River and the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, etc.

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

#### Condition 5

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

#### Condition 6

All proposed planting as indicated on the stamped approved drawing no. 03 REV 2, uploaded to the planning portal on 26th June 2023, shall be undertaken during the first available planting season following occupation of the dwelling hereby approved.

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

the interests of visual amenity.

**Condition 7**

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 11 Rev 1 which was uploaded to the planning portal on 10th October 2023.

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.

**Condition 8**

Within four weeks of a written request from the Environmental Health Department following receipt of a reasonable complaint the applicant shall provide evidence to demonstrate compliance with construction noise limits presented in the table below;

Day of week	Time	LAeq,1hour	LAmix
Monday to Friday	07.00 - 18.00	65 dB Curtilage	-
	18.00 - 23.00	55 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB
Saturday	07.00 - 13.00	65 dB Curtilage	-
	13.00 - 23.00	55 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB
Sunday	07.00 - 23.00	45 dB Curtilage	-
	23.00 - 07.00	45 dB Façade	60 dB

**Condition 9**

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 11 Rev 1 which was uploaded to the planning portal on 10th October 2023. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

**REASON:** To ensure that the road works considered necessary to provide a proper,

safe and convenient means of access to the development are carried out.

**Condition10**

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.

**Condition11**

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

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

**Case Officer:** Colin McKeown

**Date:** 18 December 2023

**ANNEX**

<b>Date Valid</b>	30 September 2021
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<b>Date First Advertised</b>	12 October 2021
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<b>Date Last Advertised</b>	12 October 2021
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**Details of Neighbour Notification (all addresses)**

The Owner / Occupier  
47 Ronan Manor Magherafelt Londonderry BT45 6GB  
The Owner / Occupier  
7 Cove Close Magherafelt Londonderry BT45 6QS  
The Owner / Occupier  
9 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS  
The Owner / Occupier  
5 Cove Close Magherafelt Londonderry BT45 6QS  
The Owner / Occupier  
6 Cove Close Magherafelt Londonderry BT45 6QS  
The Owner / Occupier  
8 Cove Close Magherafelt Londonderry BT45 6QS

The Owner / Occupier  
8 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS  
The Owner / Occupier  
45 Ronan Manor Magherafelt Londonderry BT45 6GB  
The Owner / Occupier  
10 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS  
The Owner / Occupier  
11 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS  
The Owner / Occupier  
12 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS  
The Owner / Occupier  
13 Ashleigh Park Ballyronan Magherafelt Londonderry BT45 6PS

The Owner / Occupier  
39 Ronan Manor Magherafelt Londonderry BT45 6GB  
The Owner / Occupier  
41 Ronan Manor Magherafelt Londonderry BT45 6GB  
The Owner / Occupier  
43 Ronan Manor Magherafelt Londonderry BT45 6GB  
The Owner / Occupier  
44 Ronan Manor Magherafelt Londonderry BT45 6GB

The Owner / Occupier  
4 Cove Close, Magherafelt, Londonderry, BT45 6QS  
The Owner / Occupier  
30 Ballyneill Road, Ballyronan, BT45 6JE  
The Owner / Occupier  
24 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS  
The Owner / Occupier  
14 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS  
The Owner / Occupier  
16 Ashleigh Park, Ballyronan, Magherafelt, Londonderry, BT45 6PS

The Owner / Occupier  
30 Ballyneill Road Ballyronan Moneymore Londonderry BT45 6JL

<b>Date of Last Neighbour Notification</b>	18 December 2023
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	<events screen>
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<b><u>Planning History</u></b>
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<b>Summary of Consultee Responses</b>
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Shared Environmental Services-Substantive: TBCResponseType: FR  
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR  
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR  
NI Water - Multiple Units West-Substantive: TBCResponseType: FR  
Rivers Agency-Substantive: TBCResponseType: PR  
NIEA-PRT LA09-2021-1435-F ADV.PDF  
Shared Environmental Services-LA09\_2021\_1435\_F - Further Info #2.pdf  
DFI Roads - Enniskillen Office-



Rivers Agency-700001 - Final reply.pdf  
Shared Environmental Services-LA09\_2021\_1435\_F - HRA AA 07-12-2023.pdf  
NIEA-PRT LA09-2021-1435-F.PDF  
NI Water - Multiple Units West-LA09-2021-1435-F.pdf  
DFI Roads - Enniskillen Office-Response Template.docx  
DFI Roads - Enniskillen Office-response uploaded 9/10/23  
NIEA-PRT LA09-2021-1435-F.PDF

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 03 Rev 2  
Site Layout or Block Plan Plan Ref: 04 Rev 2  
Proposed Plans Plan Ref: 06  
Proposed Plans Plan Ref: 09  
Proposed Plans Plan Ref: 08  
Proposed Plans Plan Ref: 07  
Site Location Plan Plan Ref: 01  
Proposed Plans Plan Ref: 05  
Site Layout or Block Plan Plan Ref: 04  
Site Layout or Block Plan Plan Ref: 03  
Site Layout or Block Plan Plan Ref: 02  
Site Layout or Block Plan Plan Ref: 11 Rev 1

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.2
<b>Application ID:</b> LA09/2021/1475/F	<b>Target Date:</b> 2 December 2021
<b>Proposal:</b> Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens)	<b>Location:</b> Land Approx. 100M North West Of 9 Soarn Road Stewartstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Jeremy Baird 95 Coolreaghs Road Cookstown BT80 8ER	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b> <p>The Development Management Officer's Report for this application was initially presented to Planning Committee on 5th December 2023 to consider this proposal as an exception to Policy CTY 10 as the applicant don't have a farm business established for 6 years. This was with the Case Officer's recommendation to approve, which the Committee agreed on. The Service Director later said it was unclear the comments made in the report were the opinion of the Case Officer which concluded in their recommendation to approve. Therefore, following a request from the Service Director this application is being sent back to Planning Committee and the Development Management Report which is the opinion of the Case Officer has been amended accordingly.</p>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	DAERA - Omagh	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: TBCResponseType: PR
Statutory Consultee	NIEA	PRT LA09-2021-1475-F.PDF

Statutory Consultee	NIEA	
Statutory Consultee	NIEA	
Statutory Consultee	NIEA	PRT LA09-2021-1475-F.PDF
Non Statutory Consultee	Shared Environmental Services	LA09_2021_1475_F - AA complete 07-11-23.pdf
<b>Representations:</b>		
Letters of Support		0
Letters of Objection		0
Letters Non Committal		0
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>This application site occupies an irregular shaped plot of land approximately 100 metres North West of No 9 Soarn Road, Stewartstown. It is located in the rural countryside as defined in the Dungannon and South Tyrone Area Plan and is 3 kilometres to the north of Stewartstown. The surrounding area is predominantly flat agricultural land with some farm holdings and single dwellings scattered throughout the landscape. The application site is accessed off an existing concrete laneway for the first 150 metres off the Soarn Road. This is lined each side with hedgerow and continues on to No 9 which is a 2 storey farmhouse with associated outbuildings to the rear of the property.</p> <p>This application is located in a flat agricultural field and is to the rear and north west of the farm buildings mentioned above. Because of this most boundaries of the proposed site are undefined on the ground, with the exception of the south western boundary which is a low hedgerow interspersed with some trees. A new access which would solely serve this proposed development will also traverse the field for some 130 metres to where it then joins the existing laneway.</p> <p>Planning History</p> <p>LA09/2022/1304/F - Replacement dwelling including extension of existing curtilage to create functional use of existing farm courtyard and farm buildings - 9 Soarn Road, Stewartstown - Approve - 12.12.2022</p>		
<b>Description of Proposal</b>		
<p>Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens) on land approximately 100M North West of 9 Soarn Road, Stewartstown.</p>		

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

### **Policy Consideration**

The proposal exceeds the 500 sq. metres floorspace threshold, whereby EIA screening is required under Schedule 2 (Column 1 (c) - Intensive Livestock Installations) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012. The total floor area created will be 1440 metres squared. The Council determined on that the environmental effects of the proposal were not likely to be 'significant' and an environmental statement was not required. The environmental effects will be assessed under the policies below.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, (SES) received on 7th November 2023. Having conducted an Appropriate Assessment they found that the project would not have an adverse effect on the integrity of any European site.

There were no neighbouring properties to notify of this proposal in line with the Council's statutory obligation. It was advertised in the local press and no objections were received.

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

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

The Strategic Planning Policy Statement (SPPS) published in September 2015 has retained a number of Policy Statements, of which PPS 21 Sustainable Development in the Countryside is one which provides the main policy considerations for this proposal.

### **PPS 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 determines out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these policies is CTY 12 Agricultural and Forestry Development which sets out criteria that allows planning permission to be granted for agricultural development on active and established farm holdings subject to certain policy criteria being met. This policy gives favourable consideration to necessary agricultural development which is appropriate in scale and nature. There are important

issues to be considered regarding the siting, design and materials of modern agricultural buildings and their impact on amenity and on the rural landscape.

## CTY 12 Agricultural and Forestry Development

Where new buildings are proposed, CTY 12 requires them to be sited beside existing farm buildings. Cross-contamination is a huge concern with respect to poultry farming and it is established practice that due to the site-specific needs of this industry it would not be appropriate for the applicant to use any existing agricultural buildings or site the poultry shed directly beside existing farm buildings.

All proposals for agricultural buildings in the countryside are expected to conform to 5 criteria which are set out in CTY 12 unless it constitutes Permitted Development by virtue of the Schedule, Part 7, Class A of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

### a) Necessary for the efficient use of the holding

This proposal is for a poultry shed which will house up to 8,000 free range laying birds. The Ministerial Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the Agri-Food sector. The review does not provide any policy guidance but it does clearly recognise that this industry is a key economic driver for the rural economy. DAERA have stated the farm Business ID was only allocated to the applicant in May 2021. The applicant therefore was not able to claim payments through the Basic Payments or Agri Environment Scheme in each of the last 6 years, but are currently claiming on this land.

The applicant purchased the farm in April 2021. The original farm on which this site is located was divided up into 3 lots and sold following the owner's death. This parcel of land in the applicant's ownership is the only plot which includes farm buildings and a dwelling. As the original farm was not purchased in its entirety by the applicant, that farm as a business with its associated Farm Business ID No ceased to exist in 2014. Although there is not much demand for people entering the farming business without being reared on a farm, this applicant is such an example. They are not from a farming background but his wife is and they wish to establish and develop their own farm, eventually transitioning into agriculture on a full-term basis. They acknowledge that in order to have a financially viable farm that intensive farming is the best option but if they cannot enter the poultry farming community due to the current legislation, he would have to sell the farm. The applicant's interest in farming led to the completion of a Level 2 Agricultural Management Course and he was also accepted on in the Young Farmer's Scheme. A Loan has been obtained for this development proposed and Ballygarvey Eggs have agreed to take the resulting eggs. The applicant has both a herd and stock number from the purchasing and sale of a small herd of cattle and they are aiming to apply for a Capital Improvement Scheme which cannot be submitted until they have planning permission for the development.

### b) Character and Scale Appropriateness

The proposed poultry shed will be sited parallel to the north western boundary of the

site, measuring 77 metres in length and 12.5 metres wide, with a ridge height of 5 metres FGL. The rear western gable of the shed will have 2 double doors with a single pedestrian door on the front north eastern gable and 4 ventilation fans on proposed the ridge of the roof.

The litter storage store is sited along the south western boundary of the site. This measures 18.1 metres by 9.2 metres with a ridge height of 5.4 and a roller shutter door on the western gable facing the access.

Adjacent to the north eastern elevation of the poultry house is where 2 feed bins are located, close to the access laneway and turning area. Each measures 2.7 metres in diameter and are 8 metres FGL. These bins are on concrete base and are composed of galvanised steel outer sheeting.

I, the Case Officer am content these proposed buildings and structures are typical of those found on poultry farms throughout Mid Ulster District and I have no concerns about this proposal in terms of character and scale and feel it is appropriate in this location.

#### c) Visual Integration

This proposal is a new addition to an agricultural field which is free from any built structures. The building is set back some 300 metres where its access joins the Soarn Road. The location of this site in a small hollow in an otherwise flat agricultural landscape combined with established roadside vegetation in the vicinity, views of this proposed development on this site will be long distance and limited. It will read with the existing farm buildings in this typical rural landscape and will not appear obtrusive in the landscape thus integrating successfully into the local landscape.

#### d) Natural and Built Heritage

Shared Environmental Services (SES) were consulted due to the possibility of an indirect hydrological link to Lough Neagh SPA and RAMSAR sites. They initially requested further information following on the comments submitted by NIEA regarding the litter agreement and some missing information belonging to the Air Quality Impact Assessment. Following the applicant's decision to change the method of disposing of the poultry waste, this information was then not required and SES were consulted regarding the amended method of litter disposal.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation and have recommended conditions be attached to any permission granted concerning the maximum number of birds and the litter disposal.

Natural Environment Division (NED) of NIEA confirmed the site is within 7.5 km of Lough Neagh and Lough Beag SPA/RAMSAR, Upper Ballinderry River SAC, Ballysudden ASSI, Brookend ASSI, Lough Neagh ASSI and Upper Ballinderry River ASSI. All these designated sites are protected by The Environment (NI) Order 2002.

NED are content the proposed development is unlikely to significantly impact badgers, otters, bats or smooth newts and would not be likely to have a significant effect on the

features, conservation objectives or status of any European site. Therefore, I have no concerns regarding the heritage interests of this area, both from a natural and built assessment.

The Water Management Unit (WMU) of NIEA assessed this proposed development in association with the Nutrient Action Programme (NAP) Regulations 2019. The applicant initially stated the poultry litter would be transferred to Par Renewables who WMU confirmed do not have a Waste Management License and nor is there planning permission for an AD Plant at No 42 Gortnaskea Road, Stewartstown. Therefore an amended Litter Contract must be submitted in order for WMU to provide a final comment. The applicant changed their waste management plan for this proposal and have now stated that 120 tonnes of poultry litter will be transferred to Green Generation Ltd in Co Kildare for use in their AD facility. Based on this revised information submitted, WMU recommended Mid Ulster District Council consult with the relevant authorities in the Republic of Ireland.

Having considered the Waste Management Plan and how the applicant is proposing to dispose of the litter, the case officer in consultation with the statutory consultees is of the opinion this is acceptable. The regulation of the actual disposal of this waste rests with NIEA and DAERA through the existing licensing systems which regulate the storage and transportation of ammonia nitrate while also controlling the spreading of nitrates on agricultural land.

SES in their consultation response did recommend a condition be attached stating the poultry litter generated by this proposal must only be utilised at the Anaerobic Digester operated by Green Generation Ireland in Co Kildare. In discussion with Senior Planners, it is my opinion given that NIEA and DAERA are the governing bodies in this subject - the storage and transportation of ammonia nitrate requires a licence from NIEA and the regulation of an existing anaerobic digester in the Republic of Ireland is a matter for the appropriate authorities there, therefore I do not feel a condition is necessary.

e) Residential Amenity

The nearest occupied property to this proposal outside of the applicant's ownership is approximately 110 metres to the south of this proposal. The Environmental Health section of Mid Ulster Council looked at the Air Quality Impact Assessment and have no objections to this proposal subject to standard poultry conditions attached to any permission.

The Industrial Pollution and Radiochemical Inspectorate (IPRI) stated that as the number of poultry 8,000 falls below the threshold for licensing (40,000 bird places), they have no objection and state this application would not require an IPRI certificate.

I do not feel this proposal would result in a detrimental impact on the amenity of any residential dwellings attributable to problems regarding noise, smell and pollution.

CTY 13 - Integration and Design of Buildings in the Countryside

This policy allows for a building in the countryside where it can be visually integrated into the surrounding area and is of an appropriate design. This proposal is typical of the type



of poultry houses which are located throughout the Mid Ulster area. As detailed in my assessment above as Case Officer making a recommendation to the Members of the Planning Committee, I am satisfied this building is suitable in this location and will integrate into the landscape.

#### CTY 14 - Rural Design

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The agricultural nature of this proposal results in it only being suitable development in the rural countryside. The location of this proposal although in relatively flat topography, existing intervening vegetation means, as the Case Officer it is my opinion that I have no concerns about it being a prominent feature nor eroding the rural character of this area, thereby complying with the requirements of this policy.

#### PPS 2 - Natural Heritage

SES were consulted and assessed the potential impact of this proposal in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

As is discussed above, after conducting an Appropriate Assessment, SES have concluded this proposal would not have any conceivable effect on any European site. In my opinion as the Case Officer, I am satisfied this proposal complies with the policy requirements of PPS 2, specifically NH1, NH 3 and NH 4 as is demonstrated by the consultation responses of NIEA and SES above.

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

DfI Roads have no objection to this proposal subject to the standard conditions regarding the provision of visibility splays and therefore I the Case Officer am satisfied this proposal complies with the policy requirements of PPS 3.

#### PPS 15 - Planning and Flood Risk

DfI Rivers have stated this site does not lie within the 1% AEP fluvial floodplain and is unaffected by any designated watercourse. They reviewed the Drainage Assessment undertaken by Flood Risk Consulting and noted the proposed SUDS system has no outlet and drainage is via percolation through the soil strata. DfI Rivers advise a Final Drainage Assessment is submitted to the Council and agreed in writing, prior to any development occurring on the site.

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

Approve is recommended

Although there have been no objections to this proposal, it fails to meet the policy. I the Case Officer acknowledge the current demographic of the farming population is characteristically ageing and would ask the Members to consider this proposal as an exception to policy in order to allow new entrants into the farming industry. As all other

planning issues have been overcome through the assessing of this application, in my opinion as Case Officer I recommend this proposal is granted approval.

## Approval Conditions

### Condition 1

As required by Section 61 of the Planning Act (NI) 2011, the development hereby approved shall be begun within 5 years of the date of this decision.

Reason: Time Limit

### Condition 2

The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No 02 date stamped received on 7th October 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

### Condition 3

Within 2 weeks of a written request by Mid Ulster District Council following a justified complaint from the occupant of a residential dwelling which lawfully exists, the operator of the approved shall, investigate and undertake remedial action immediately to adjust the process or activity to minimise those emissions.

Reason: To protect neighbouring property from excessive odour

### Condition 4

Within 4 weeks of the written request outlined in Condition 3, Mid Ulster District Council shall be provided with a suitable report detailing actions taken/to be taken and any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring property from excessive odour

### Condition 5

The maximum number of chickens within the proposed facility shall not exceed 8,000 free range egg laying hens as is stated in the Air Quality Impact Assessment received on

14th February 2022, unless otherwise agreed in writing by Council.

Reason: The Odour Impact Assessment was concerning only this specific type of poultry farming and to safeguard nearby residential amenity.

**Condition 6**

Prior to stocking the facility, the mitigation measures (mechanical ventilation and manure belts) detailed within the Air Quality Impact Assessment received on 14th February 2022 must be installed. The mitigation measures must be fully operational whilst livestock are housed within the poultry shed.

Reason: To safeguard nearby residential amenity.

**Condition 7**

Prior to any development commencing on this site, the applicant must submit a Final Drainage Assessment to be agreed by Mid Ulster District Council, in consultation with DfI Rivers.

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

**Case Officer:** Cathy Hughes

**Date:** 21 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	7 October 2021
<b>Date First Advertised</b>	19 October 2021
<b>Date Last Advertised</b>	19 October 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2022/1304/F  Proposals: Replacement dwelling including extension of existing curtilage to create functional use of existing farm courtyard and farm buildings  Decision: PG  Decision Date: 21-DEC-22</p> <p>Ref: LA09/2021/1475/F  Proposals: Proposed free range poultry shed with 2no. feed bins, a storage shed and associated site works (Poultry shed to contain 8000 free range egg laying hens)  Decision:  Decision Date:</p> <p>Ref: I/1974/0099  Proposals: 11KV O/H LINE  Decision: PG  Decision Date:</p>	
<b>Summary of Consultee Responses</b>	
<p>DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR  Rivers Agency-Substantive: YResponseType: FR  DAERA - Omagh-Substantive: YResponseType: FR  NI Water - Strategic Applications-Substantive: YResponseType: FR  Shared Environmental Services-Substantive: TBCResponseType: FR  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p>	

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR  
NIEA-Substantive: YResponseType: FR  
NIEA-Substantive: TBCResponseType: PR  
NIEA-PRT LA09-2021-1475-F.PDF  
NIEA-  
NIEA-  
NIEA-PRT LA09-2021-1475-F.PDF  
Shared Environmental Services-LA09\_2021\_1475\_F - AA complete 07-11-23.pdf

**Drawing Numbers and Title**

Site Layout or Block Plan

Technical Specification Plan Ref: 04  
Proposed Plans Plan Ref: 03  
Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not ApplicableNot Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.3
<b>Application ID:</b> LA09/2022/1202/F	<b>Target Date:</b> 11 November 2022
<b>Proposal:</b> Proposed detached dwelling	<b>Location:</b> 20M East Of 8 Park Avenue Cookstown BT80 8AH
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Kieran Leadon 79 Dunamore Road Cookstown BT80 9NX	<b>Agent Name and Address:</b> Mr Christopher Quinn 23 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary:</b> <p>The current application is presented as an approval, however it is being presented at Committee following receipt of 8no. objections.</p> <p>Initially this application was for 2no. dwellings, however due to a number of concerns the scheme was amended and is now for 1no. proposed detached dwelling.</p> <p>Please note, there is a live previous planning approval on this site LA09/2018/1449/F for Proposed Dwelling, which expires 11/02/2024.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-1202-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist 1.doc
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1202-F.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	6
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues



The objector's concerns are addressed below:

- Affect local ecology – Given this site was part of a residential garden, and surrounded by conifer hedges, I have no ecological concerns.
- Close to adjoining properties – I am content there is sufficient separation distance between the proposed dwelling and adjoining properties.
- General dislike of proposal – This is not a material planning consideration.
- Inadequate access and parking provision - DfI Roads were consulted, and their response confirmed that they had no objection. They had no concerns regarding access and parking.
- Increase in traffic - DfI Roads were consulted, and their response confirmed that they had no objection. They had no concerns regarding an increase in traffic.
- Out of keeping with character of area – I considered the original proposal for 2no. dwellings was out of keeping with the character of the area with surrounding properties consisting of single dwelling plots. However, this amended scheme of 1no. dwelling addresses these concerns and respects the surrounding context.
- Development too high – Following my site visit, and taking into account the height of the adjacent properties to the side, I am content that the development proposed is not too high.
- Increase danger of flooding – Given the town centre location, and reviewing the Flood Maps NI, I have no flooding concerns.
- Over development - I considered the original proposal for 2no. dwellings as over development of the site. However, this amended scheme of 1no. dwelling addresses these concerns and respects the surrounding context.
- More open space needed on development – This proposal is only for one single dwelling therefore the provision of public amenity is not required, and I am of the opinion that the proposed dwelling has provided sufficient private space.
- Noise nuisance – This is a single dwelling within an existing residential area therefore I have no concerns.
- Overlooking – I am content there is adequate separation distance between the proposed dwelling and the properties to the side and the rear. I have no concerns regarding overlooking.

- Strain on existing community facilities – I have no concerns.
- Potential danger as deep bank of earth is removed which could do damage to existing house foundations – Any development on this site will require building control approval, and this will be within their remit to ensure land stability is not affected.

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

The site is located within the development limits of Cookstown, just outside the town centre limits as per the Cookstown Area Plan 2010. The site is identified as 20m East of No. 8 Park Avenue. The site encompasses part of what is the rear garden to No. 8. The southern and eastern boundaries are defined by a mix of mature trees and hedging, northern boundary is defined by a stone wall that runs along Central Avenue, and the western boundary remains undefined. This application intends to create a new access directly off Central Avenue. The immediate area is predominantly residential with the wider area being dominated by a mix of development, with predominate use still being residential, with playing fields, commercial, schools and library.

### **Description of Proposal**

This is a full planning application for proposed detached dwelling. The site is identified as 20m East of No. 8 Park Avenue, Cookstown, BT80 8AH.

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

#### **Policy Consideration**

##### Representations

Twelve neighbour notifications were issued, and eight objections were received.

##### Relevant Planning History

LA09/2018/1449/F – Proposed Dwelling, 20M East Of 8 Park Avenue, Cookstown, BT80 8AH. Permission granted – 12.02.2019.

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

Decisions must be taken in accordance with the provisions of the Local Development

Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 7: Quality Residential Environments

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas

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

Cookstown Area Plan 2010 is the statutory local development plan for the application site. I am content this application is not in conflict with the Area Plan. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed.

Please note, during the previous full planning application (LA09/2018/1449/F) on this site which was approved, the proposal had been considered against all criteria outlined under Policy QD1, and it was considered that all these criteria had been met. This approval will hold material weight.

- a) The original proposal for 2no. dwellings raised a number of concerns specifically regarding overdevelopment of the site, and that it was out of keeping with the

character of the area with surrounding properties consisting of single dwelling plots. However, the scheme was amended to 1no. dwelling to address these concerns. I am content this amended scheme respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance with relation to the surrounding context.

- b) The site is located within undesignated land and there are no archaeological nor built heritage or landscape features in the near vicinity.
- c) The development is only for one dwelling therefore the provision of public amenity is not required. I am of the opinion that the proposed dwelling has provided sufficient private space, and the existing boundaries help to soften visual impact.
- d) The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.
- e) The site is located just outside the town centre and I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.
- f) DfI Roads were consulted during the initial stage of this application when the scheme was for 2no. dwellings, and their response confirmed that they had no objection, subject to conditions. Therefore, when the scheme was amended and reduced to 1no. dwelling I did not feel the need to reconsult for this reduced scheme, and I am of the opinion that there is adequate and appropriate provision made for parking.
- g) As previously stated, the proposed design is acceptable with the surrounding development.
- h) I am content the proposed dwelling does not conflict with adjacent land uses, mainly as the immediate is dominated by residential development. Due to the design, layout with existing and proposed landscaping, I am content it will not on balance create overlooking, loss of light, noise, overshadowing or other disturbance.
- i) It is my opinion that the proposed development will not increase the potential for crime.

As the application has complied under Policy QD1 of PPS 7, I must recommend approval for this application.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

Condition 1

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 REV 2 (bearing the dated July 2023) prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The existing mature trees and vegetation along the eastern and southern boundaries shall be permanently retained at a minimum height of 2m unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

REASON: In the interests of visual amenity.

Condition 4

If within a period of 5 years from the date of occupation of the dwelling any 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.

**Signature(s):** Seáinín Mhic Íomhair

**Date:** 5 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	29 July 2022
<b>Date First Advertised</b>	8 August 2023
<b>Date Last Advertised</b>	9 August 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  8 Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  1 Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  10 Park Avenue Cookstown Tyrone BT80 8AH  The Owner / Occupier  6 Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  4 Park Avenue Cookstown Tyrone BT80 8AH  The Owner / Occupier  2 Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  4 Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  1A Central Avenue Cookstown Tyrone BT80 8AJ  The Owner / Occupier  8 Park Avenue, Cookstown BT80 8AH</p>	
<b>Date of Last Neighbour Notification</b>	21 November 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	

**Summary of Consultee Responses**

NI Water - Multiple Units West-LA09-2022-1202-F.pdf  
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx  
DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist  
1.doc  
NI Water - Single Units West-LA09-2022-1202-F.pdf

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 02 REV 1  
Proposed Floor Plans Plan Ref: 03 REV 1  
Proposed Floor Plans Plan Ref: 04 REV 1  
Proposed Elevations Plan Ref: 05 REV 1  
Proposed Elevations Plan Ref: 06 REV 1  
Site Layout or Block Plan Plan Ref: 02 REV 2  
Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: S/S 02  
Elevations and Floor Plans Plan Ref: S/S 03  
Elevations and Floor Plans Plan Ref: S/S 04  
Elevations and Floor Plans Plan Ref: S/S 05  
Elevations and Floor Plans Plan Ref: S/S 06  
Elevations and Floor Plans Plan Ref: S/S 07

**Notification to Department (if relevant)**

Not Applicable



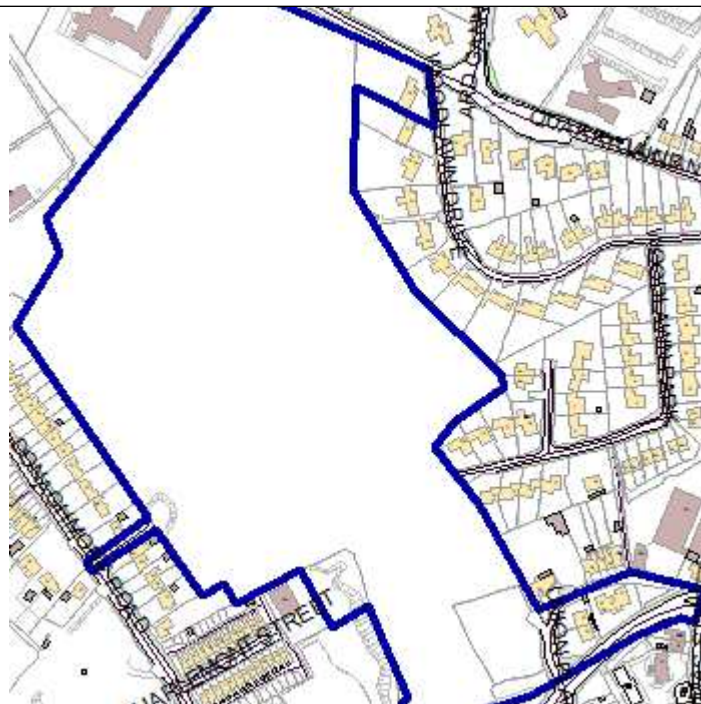
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.4
<b>Application ID:</b> LA09/2022/1489/O	<b>Target Date:</b> 10 May 2023
<b>Proposal:</b> Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (previously approved under M/2014/0572/O)	<b>Location:</b> 15M NE Of 67A Donaghmore Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> D Mallon, E Herron And R Donnelly C/O Assisi, Assumpta Manor Ann Street Dungannon BT70 1ET	<b>Agent Name and Address:</b> Michael Herron Architects 64-66A Main Street Coalisland Co. Tyrone BT71 4NB
<b>Executive Summary:</b>	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docx
Statutory Consultee	NI Water - Multiple Units West	Consulted in error. Please resend to NI Water - Strategic Applications
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2022-1489-O EH Response.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Rivers Agency	745048 FINAL.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	Shared Environmental Services	
Non Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	Shared Environmental Services	LA09-2022-1489-O HRA -

		AA 22-11-2023.pdf
Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multi Units West.
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-1489-O.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.pdf
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2022-1489-O.PDF
Statutory Consultee	Shared Environmental Services	Holding Letter .pdf
<b>Representations:</b>		
Letters of Support		0
Letters Non Committal		0
Letters of Objection		0
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The site remains undeveloped and in use as a car park off Greers Road. The vast body of the site remains as grass land to the north as before, extending as far as Quarry Lane. The land mass falls from the south and west downwards towards the centre of the site . Towards the south of the site is the car park and the site is largely bounded on its eastern and western sides by residential development. At the northern extremity of the site is Gaelic football pitches.</p>		
<p>The area is adjacent to Dungannon town centre. The area is as one would expect full of different land uses around the site. To the north, north east and west of the applicaiton site there are large areas of established residential areas of the town, such as Woodlawn, Ardannon and the Donaghmore Road. There are also mixed retail uses at the bottom of Irish Street at the south east of the application site and the Haven nursing home is adjacent to the northern boundary of site.</p>		
<p>History: M/2007/0787/O - Residential development - maximum 210 units at 15m N.E. of 67a Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore Road and Quarry Lane approved 20.12.2011 under same policy context as currently</p>		

exists.

M/2014/0572/O - Renewal of residential development (M/2007/0787/O), maximum of 210 units, with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon

### **Description of Proposal**

Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (previously approved under M/2014/0572/O)

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

#### **Policy Consideration**

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

**PPS 6 - Planning, Archaeology and the Built Environment**

**PPS 7 - Quality Residential Environments**

**PPS 8 -Open space, sport and outdoor recreation.**

**PPS 12 - Housing in settlements.**

**The Strategic Planning Policy Statement for NI.**

**The site lies within the settlement limit of Dungannon town as defined in the Dungannon & South Tyrone Area Plan 2010.**

The site has been zoned Phase 1 housing land in the plan, there are 6no key site requirements relating to access, pedestrian access, foul sewer pumping, survey and planting scheme, design considerations and child play provision. These considerations can be resolved and agreed at RM stage.

The proposal has been previously approved under M/2014/0572/O in and M/2007/0787/O.

The approval expired on 25/10/21 so the application will be assessed under current policy.

## **PPS 7 - Quality residential Environments**

QD1 - Quality in new residential development

PPS7 - Quality Residential Environments

Proposals need to conform to all 9 identified criteria laid out in QD1 of PPS7.

- The development shall respect the surrounding context and will be appropriate to the character and topography of the site at RM stage in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; a mix of house types should be included in the proposal and densities can be examined at RM stage. A landscaping scheme should be provided and examined in detail to soften the impact of the new build in the urban setting.
- In terms of the archaeological and built heritage, HED were consulted and advise no site work should take place until a programme of works has been prepared and this must be in accordance with the conditions provided. This application site is located within the historic town of Dungannon (TYR 054:046) on the edge of the Area of Archaeological Potential defined for Dungannon within the Dungannon South Tyrone Area Plan 2010. This indicates where in the town there is an increased potential for uncovering buried archaeological remains. Conditions have been provided as detailed in the report.
- There is ample space within the application site for open space provision and once again this can be verified and approved at RM stage. The shape of the site also lends itself to flexibility in terms of design solutions.
- There are adequate neighbourhood facilities nearby and access to these will be detailed at RM stage e.g. connection of footpaths to those surrounding the site, easing access to the town centre. The ongoing developments in Ann Street will also facilitate the residents of this development and will help contribute to a quality residential environment.
- QD1 also requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures which will be fully assessed.
- Adequate Parking provision should be fully considered. DfI Roads have no objection to this proposal subject to conditions provided and refer to previous approval.

- There are a mix of house types on each side of the application site, the final scheme shall undoubtedly draw influence from each of these for its design, material and detailing.
- The proposal shall also be assessed to ensure it is appropriate to the character and topography of the site in term of layout, scale, proportions and the massing and appearance of the buildings. Consideration shall be given to the surrounding properties to ensure separation distance are within guidelines and no loss of amenity would result.
- Other design considerations such as deterring crime and promoting personal safety shall considered as part of design scheme and incorporated accordingly at RM stage.

The criteria laid out within QD1 have been met and will be assessed in further detail when the final details of the application are submitted.

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

#### Policy AMP 1 - Creating and Accessible Environment.

AMP 1 is about creating an accessible environment for all. The detailed design considerations should be incorporated into any final scheme at RM stage and assessed at that time.

#### AMP 2- Access to public roads.

AMP2 serves to promote road safety and only allow the intensification of an access where it will not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads have been consulted for opinion and returned comment of no objection with conditions. The applicant has proposed the same access points in this application. DFI Roads will be consulted at RM stage for full consideration of the detailed drawings.

#### AMP 7 - Car parking and Servicing Arrangements

The car parking and servicing arrangements can be fully considered at RM stage. There is ample space within the red outline to provide car parking and servicing arrangements.

NI Water were consulted and indicated that sufficient waste water treatment is not available at present for the proposed development and that the applicant should consult direct with them, which the applicant has done and applied for a foul sewer wastewater impact assessment.

A pre commencement condition can be applied to any approval.

Env Health were consulted and have no objection in principle to the development on the

site. They have asked for an Air Quality Management Plan and Construction Method Management Plan, which can be conditioned pre-commencement. Conditions will also be added should any unforeseen ground contamination be encountered as the site is located in close proximity to a site that was previously used as a quarry.

No objections have been received. I recommend the application should be approved with conditions.

**Summary of Recommendation:**

Approval is recommended

**Approval Conditions**

**Condition 1**

As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

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

Reason: Time Limit

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

A detailed landscaping scheme, including delineated areas of public and private open space and boundary details for all plots, shall be submitted with any application for approval of reserved matters and no development shall commence on site before it is agreed in writing with the Council. The landscaping scheme shall include a specification for ground preparation and planting and a schedule setting out details of species, size at time of planting, siting of plants and the total number of plants. Adequate open space

provision should be shown in accordance with PPS7 and permanently retained.

Reason: To ensure that areas of public open space, landscaping and boundary details are incorporated into the design in accordance with Policy QD 1 of PPS 7 and Policy OS 2 of PPS 8.

Simultaneously with any application for approval of reserved matters, a landscape management plan setting out the period of the plan, long term objectives management responsibilities performance measures and maintenance schedules for all public open space and landscaped areas shall be submitted for the Council's written approval. No development shall commence before the written agreement of the Council has been obtained and the landscape management plan shall be carried out as approved.

Reason: To secure the long-term maintenance of public areas of open space and landscaping.

All existing trees, shrubs and hedges/natural screening on the site shall be permanently retained unless otherwise agreed in writing with the Council. If any such tree, shrub or hedge is removed, uprooted, destroyed, dies or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species shall be planted at the same place during the next planting season, unless the Council gives its written consent to any variation.

Reason: In the interest of the visual amenity of the wider area and to ensure that the design contributes towards a quality residential environment.

Not more than 210 dwelling units shall be constructed on the site unless otherwise agreed in writing with the Council.

Reason: To ensure that the flow of traffic on the local road network is maintained at an acceptable level.

Using PICADEY or other methodology agreed by the Council, detailed re-modelling of the traffic lights at the Anne Street/William Street junction, and the double roundabout junction at Donaghmore Road/Quarry Lane shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 100 residential units on the site. Working drawings and a specification of traffic infrastructure improvements to be implemented at those junctions, designed in accordance with the detail of the re-modelling exercise, shall be submitted simultaneously with any application for approval of reserved matters that individually or cumulatively seeks approval for more than 210 residential units on the site. Development to implement any such application shall not commence before the written agreement of the Council has been obtained by the developer in respect of the detail of the traffic infrastructure improvements.

Reason: To ensure that consideration can be given to the detail of traffic infrastructure improvements to be provided in accordance with policy AMP 6 of PPS 3 and General Principle 5 of PPS 13.

Not more than 100 residential units shall be occupied on the site before the traffic infrastructure improvements required by the condition above have been fully implemented.

Reason: To facilitate vehicular traffic movements at the Thomas Street roundabout.

Prior to the commencement of any other development on site a 6.0 metre wide road and combined cycle path and footway to link Quarry Lane and the Thomas Street link road shall be constructed in accordance with the Design Manual for Roads and Bridges.

Reason: To facilitate the free flow of traffic in the wider area.

Prior to development commencing on site the Council's written approval shall be sought and obtained for a car-parking scheme to compensate for the loss of existing car-park spaces at the southern end of the site and the scheme shall be carried out before any development takes place on the existing car-park at the southern end of the site.

Reason: To ensure that existing car-parking provision in the area is maintained.

The Private Streets (Northern Ireland) Order 1980. The development shall be in accordance with the requirements of the design guide 'Creating Places' and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

## Condition 2

At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning

Authority. No development activity, including ground preparation or vegetation clearance, shall

take place until the Plan has been approved in writing by the Planning Authority. The Plan shall

be implemented in accordance with the approved details, unless otherwise agreed in writing by

the Planning Authority. The Plan shall include:

a) The retention of the mature trees, assessed by the ecologist within the Bat Use Potential and Bat

Roost Potential Report to have moderate BRP.

b) The retention of the hedgerows denoted within the PEA as compartments 18, 25a and 25b

c) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance

with British Standard 5837:2012 Trees in relation to design, demolition and construction

-



Recommendations;

- d) Details of the additional planting to compensate for the removal of priority habitat hedgerows at compartments 22 and 25g
- e) Planting Schedule to include details of new planting with appropriate numbers of native species of trees/shrub;
- f) Details of the aftercare of all planting on the site.

Reason: To protect existing trees and minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.

#### Condition 3

At the reserved matters stage, an updated site layout drawing shall be submitted clearly showing the stone wall, denoted as compartment 7 within the PEA (dated 02/08/23, completed by WM associates) and assessed by the ecologist to have moderate BRP, clearly labelled as retained.

Reason: To protect bats and their refuges

#### Condition 4

No construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, shall take place within 5m of the field ditch along the northern boundary.

Reason: To protect the aquatic environment

#### Condition 5

The demolition of the existing building on site located at 24 Woodlawn Drive shall not take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

#### Condition 6

The visibility splays of 2.4 by 70 metres at the junction of the proposed access road with Quarry Lane shall be provided prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 7

No other development hereby permitted shall be commenced until the road works comprising of a right turn lane on Quarry Lane at the development access is designed in accordance with the Design Manual for Road and Bridges and has been fully completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

Condition 8

None of the residential units hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

Condition 9

Prior to the commencement of any development hereby permitted, a Construction Environmental Management Plan should be submitted for agreement with Mid Ulster Env Health Dept.

Reason: To protect the amenity of nearby residential properties.

Condition 10

Prior to the commencement of any development hereby permitted, an Air Quality Management Plan should be submitted for agreement with Mid Ulster Env Health Dept.

Reason: To protect the health of occupants of nearby residential properties.

Condition 11

Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Planning and Environmental Health Department of Mid Ulster District Council shall be informed and a full written risk assessment in line with current government guidance (Land Contamination Risk Management - LCRM) that details the nature of the risks and any necessary mitigation measures shall be prepared and submitted for appraisal and agreed with the Planning and the Environmental Health Department of Mid Ulster District Council.

Reason: To Protect Human Health

Condition 12

If measures are required as per Condition 1 it shall be necessary for the applicant to demonstrate through a verification report that the site is now fit for end use. It

must demonstrate that the identified pollutant linkages are effectively broken. The Verification Report methodology shall be in accordance with current best practice as outlined by the Environment Agency. The Verification Report methodology shall be agreed in advance with the Planning Department, in consultation with the Environmental Health Department and all works carried out to the satisfaction of the Council.

Reason: To Protect Human Health

#### Condition 13

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- o The identification and evaluation of archaeological remains within the site;
- o Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- o Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- o Preparation of the digital, documentary and material archive for deposition.

Historic Environment Division

Ground Floor

NINE Lanyon Place

Town Parks

BELFAST

BT1 3LP

Email: [HEDPlanning.Consultation@communities-ni.gov.uk](mailto:HEDPlanning.Consultation@communities-ni.gov.uk)

Planning ref: LA09/2022/1489/O

Date of response: 22/11/2022

Page 2 of 3

- o Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

o

#### Condition 14

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under previous condition 13.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

#### Condition 15

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken

in accordance with the programme of archaeological work approved under condition 13. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

**Signature(s):** Emma McCullagh

**Date:** 19 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	12 October 2022
<b>Date First Advertised</b>	27 October 2022
<b>Date Last Advertised</b>	27 October 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  67 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  65 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  63 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  61 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  59 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  57 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  55 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  53 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  51 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  49 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  47 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  45 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  43 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  41 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  39 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  37 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  35 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier  16 Donaghmore Road, Dungannon, BT70 1HB</p> <p>The Owner / Occupier</p>	

18 Donaghmore Road, Dungannon, BT70 1HB  
The Owner / Occupier

22 Charlemont Street, Dungannon, BT70 1HE  
The Owner / Occupier

24 Charlemont Street, Dungannon, BT70 1HE  
The Owner / Occupier

26 Charlemont Street, Dungannon, BT70 1HE  
The Owner / Occupier

Hall, Charlemont Street, Dungannon, BT70 1HE  
The Owner / Occupier

38A Charlemont Street, Dungannon, BT70 1HE  
The Owner / Occupier

63 Union Place, Dungannon, BT70 1DL  
The Owner / Occupier

61 Union Place, Dungannon, BT70 1DL  
The Owner / Occupier

46 Union Place, Dungannon, BT70 1DL  
The Owner / Occupier

30 Union Place, Dungannon, BT70 1DL  
The Owner / Occupier

57 Union Place, Dungannon, BT70 1DL  
The Owner / Occupier

14 Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

12A Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

12 Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

11 Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

9A Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

9B Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

9 Woodlawn Park, Dungannon, BT70 1AH  
The Owner / Occupier

8 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

10 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

12 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

14 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

18 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

16 Woodlawn Drive, Dungannon, BT70 1AJ  
The Owner / Occupier

20 Woodlawn Drive, Dungannon, BT70 1AJ  
 The Owner / Occupier  
 22 Woodlawn Drive, Dungannon, BT70 1AJ  
 The Owner / Occupier  
 24 Woodlawn Drive, Dungannon, BT70 1AJ  
 The Owner / Occupier  
 35 Quarry Lane, Dungannon, BT70 1HX  
 The Owner / Occupier  
 2 Ard Gannon, Dungannon, BT70 1QW  
 The Owner / Occupier  
 42 Meadowvale, Dungannon, BT70 1QT  
 The Owner / Occupier  
 38 Meadowvale, Dungannon, BT70 1QT  
 The Owner / Occupier  
 39 Meadowvale, Dungannon, BT70 1QT  
 The Owner / Occupier  
 40 Meadowvale, Dungannon, BT70 1QT  
 The Owner / Occupier  
 41 Meadowvale, Dungannon, BT70 1QT  
 The Owner / Occupier  
 The Haven, 19 Quarry Lane, Dungannon, BT70 1HX  
 The Owner / Occupier  
 97C Donaghmore Road, Dungannon, BT70 1HD

<b>Date of Last Neighbour Notification</b>	13 October 2022
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	<events screen>
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**Planning History**

Ref: M/1979/0206  
 Proposals: ONE NO HOUSE (TWO STOREY)  
 Decision: PG  
 Decision Date:

Ref: M/1992/0294  
 Proposals: Site for Private Nursing Home  
 Decision: PG  
 Decision Date:

Ref: M/2013/0279/F  
 Proposals: 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  
 Decision: PG

Decision Date: 21-AUG-13

Ref: M/2013/0083/F

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

Decision: PG

Decision Date: 11-JUN-13

Ref: M/1977/0180

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2019/0296/F

Proposals: Single storey side extension to dwelling to provide utility rooms & study on ground floor with bedroom in roof space, to replace existing garages and utility room.

Decision: PG

Decision Date: 30-APR-19

Ref: M/2007/0659/LDP

Proposals: Conversion of existing attic void to bedroom, ensuite and stores including provision of internal stair case and erection of 2 dormer windows to rear of dwelling

Decision: PG

Decision Date: 31-AUG-07

Ref: LA09/2018/1277/PAN

Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works

Decision: PANACC

Decision Date: 19-DEC-18

Ref: LA09/2018/1274/PAD

Proposals: Redevelopment of existing brownfield site and car park to provide a mixed-use development including hotel, retail units, car parking, public realm and all associated site and access works

Decision: PAD

Decision Date: 01-JAN-19

Ref: M/1976/0110

Proposals: PLANNING APPLICATION FOR CAR PARK

Decision: CROWN

Decision Date:

Ref: LA09/2017/0390/PAD

Proposals: Redevelopment Of Site



Decision: PAD

Decision Date: 08-JUN-17

Ref: LA09/2017/1225/F

Proposals: Demolition of existing Scout Hall and Storage Units. Construction of new build Scout Hall including Sports Hall, Social Space, Meeting Rooms, Kitchen, Ancillary Accommodation and lower floor external storage. Side access for deliveries pending wa leave agreement

Decision: PG

Decision Date: 11-DEC-17

Ref: M/2001/0085/A41

Proposals: Re-roofing of single storey section of Hall

Decision: 380

Decision Date: 16-FEB-01

Ref: M/2007/1443/F

Proposals: Proposed alterations & extension to hall to provide committee room, disabled WC & storage also to provide new ramped access for disabled users

Decision: PG

Decision Date: 18-MAR-08

Ref: M/2007/0958/Q

Proposals: Proposed Level Access approach at Dungannon Scout Hall

Decision: ELA

Decision Date: 25-JUL-07

Ref: M/2013/0559/F

Proposals: Proposed alterations and extensions inc. new ramp access to provide committee rooms, disabled w.c and storage

Decision:

Decision Date:

Ref: M/2013/0592/F

Proposals: Proposed alterations and extension inc. new ramp access to provide committee rooms, disabled w.c and storage

Decision: PG

Decision Date: 04-FEB-14

Ref: M/1976/0427

Proposals: ERECTION OF HOTEL

Decision: PG

Decision Date:

Ref: LA09/2019/0854/F

Proposals: Proposed new spur road from Greens Road to lands approved

(M/2014/0572/O) for outline residential development for maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane. The right of way road will also provide access to a service yard for commercial retail units. (TAF, Tracking and clarification)

Decision:

Decision Date:

Ref: M/1979/0113

Proposals: RENOVATIONS TO DWELLING HOUSE

Decision: PR

Decision Date:

Ref: M/1999/0106

Proposals: Proposed demolition of existing building and proposed erection of 6 no. apartments

Decision: WITHDR

Decision Date:

Ref: M/1993/6118

Proposals: Housing Development Union Place Dungannon

Decision: 211

Decision Date:

Ref: M/1991/4065

Proposals: Alterations to dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1979/0070

Proposals: 11 KV O/H LINE, 33 KV O/H LINE

Decision: PG

Decision Date:

Ref: M/1986/0245

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1977/0659

Proposals: ERECTION OF DWELLING

Decision: PG

Decision Date:

Ref: M/2003/0328/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 06-MAY-03

Ref: M/2007/0550/F

Proposals: Proposed pair of semi-detached dwellings

Decision: PG

Decision Date: 27-NOV-07

Ref: M/2006/1181/O

Proposals: Dwelling house + garage

Decision: PR

Decision Date: 06-SEP-06

Ref: M/2008/0955/F

Proposals: Proposed change of semi-detached house types from previously approved application reference no. M/2007/0550/F  
(Amended Plans)

Decision: PG

Decision Date: 11-MAR-09

Ref: LA09/2017/1007/F

Proposals: Proposed 5 Townhouses

Decision: PG

Decision Date: 11-JAN-19

Ref: M/1995/0700

Proposals: Conversion of school to flats

Decision: PG

Decision Date:

Ref: M/1999/0616/O

Proposals: Demolition of existing building and erection of 6 no. apartments in a two storey block, with provision of parking and alterations to existing access.

Decision: PG

Decision Date: 15-FEB-01

Ref: M/2001/0981/F

Proposals: Proposed demolition of existing building & proposed erection of 6 No apartments.

Decision: PG

Decision Date: 12-APR-02

Ref: M/1978/0521

Proposals: ONE BLOCK OF 4 HOUSES, ONE BLOCK OF 6 FLATS FOR HUMAN HABITATION

Decision: PR

Decision Date:

Ref: M/1984/0343  
Proposals: TV REPAIR WORKSHOP AND STORE  
Decision: PG  
Decision Date:

Ref: M/1980/0365  
Proposals: SANITARY ACCOMMODATION  
Decision: PG  
Decision Date:

Ref: M/1989/0146  
Proposals: Change of use from dwelling to retail outlet with offices at 1st and 2nd floors.  
Decision: PG  
Decision Date:

Ref: M/1997/6004  
Proposals: Certificate of Alternative Development Lands at Anne Street Dungannon  
Decision: QL  
Decision Date:

Ref: M/1986/0040  
Proposals: CONVERSION FROM DWELLING HOUSE TO FIRST FLOOR FLAT, GROUND AND BASEMENT  
Decision: PG  
Decision Date:

Ref: M/2015/0043/F  
Proposals: Public realm scheme to include provision of new footway and parking bay surfaces, new stone kerbing, new street furniture, tree planting and improved lighting  
Decision: PG  
Decision Date: 31-MAR-15

Ref: M/2007/0613/Q  
Proposals: Dungannon Town Centre Health Check Planning Search  
Decision: 300  
Decision Date: 05-JUN-07

Ref: M/1975/0344  
Proposals: PRIVATE STREETS LAYOUT  
Decision: PG  
Decision Date:

Ref: M/2008/0726/F  
Proposals: 3 No chalets for residential nursing care (single storey & 1 chalet with roof

space)

Decision: PR

Decision Date: 18-JUN-09

Ref: M/1992/0646

Proposals: Private Nursing Home

Decision: PG

Decision Date:

Ref: M/2008/1163/F

Proposals: Extension to office accommodation with staff toilet & store

Decision: PG

Decision Date: 17-DEC-08

Ref: M/2015/0028/O

Proposals: Housing development

Decision: PG

Decision Date: 01-JUN-15

Ref: M/1994/0687

Proposals: Extension to Dwelling

Decision: PG

Decision Date:

Ref: M/2013/0135/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 01-MAY-13

Ref: M/1978/0516

Proposals: NON-SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: M/1989/0134

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: LA09/2020/0360/F

Proposals: Proposed new utility shed/storage shed for the storage of sports equipment, field and grounds maintenance equipment.

Decision: PG

Decision Date: 29-MAY-20

Ref: LA09/2016/0724/F

Proposals: Proposed replacing 2 flat roofs to rear returns with pitched roofs and internal repairs and improvements to dwelling

Decision: PG

Decision Date: 02-AUG-16

Ref: M/1981/0049

Proposals: 1 NO DWELLING

Decision: PG

Decision Date:

Ref: M/1976/0344

Proposals: ERECTION OF 5 SUBSIDY BUNGALOWS

Decision: PR

Decision Date:

Ref: LA09/2017/1132/F

Proposals: Use of lower ground floor of house as child minding / daycare facility for 8 children

Decision: PG

Decision Date: 09-JAN-18

Ref: M/2008/0412/F

Proposals: 4 No apartments, 2 No 2 bed and 2 No 1 bed with associated parking (Amended land ownership certificate and map)

Decision: PG

Decision Date: 18-AUG-09

Ref: LA09/2018/1564/F

Proposals: Proposed 4 No apartments, 2 No 2 bedroom and 2No 1 bedroom with associated parking with access onto Woodlawn Park and on site waste water treatment plant. (Noise and Odour Assessment Provided)

Decision: PG

Decision Date: 11-MAY-22

Ref: M/2006/1360/F

Proposals: To demolish the derelict dwelling, to build new accommodation containing 8 apartments and car park and remodel 12a Thomas Street to provide 1 apartment on first and 1 on second floor and to reinstate the ground floor retail upholstery shop. (10no. in total).

Decision: PG

Decision Date: 20-JUN-07

Ref: M/1985/0393

Proposals: INTERIOR ALTERATION OF PREMISES FOR OFFICES.

Decision: PG

Decision Date:

Ref: M/1988/0220  
Proposals: IMPROVEMENTS TO OFFICES  
Decision: PG  
Decision Date:

Ref: M/1997/0034  
Proposals: Change of use from Dwelling to Office  
Decision: PG  
Decision Date:

Ref: M/2004/1510/F  
Proposals: Change to approved plans M/2003/0909/F to provide two glass enclosed access stairs to the rear of the building  
Decision: PG  
Decision Date: 07-JAN-05

Ref: M/2003/0909/F  
Proposals: Change of use from Existing residential Accommodation to Residential accommodation and offices  
Decision: PG  
Decision Date: 17-OCT-03

Ref: M/1996/6058  
Proposals: Catholic Church Donaghmore Road/Quarry Lane Dungannon  
Decision: 211  
Decision Date:

Ref: M/2010/0342/F  
Proposals: Proposed Full Size GAA Playing Pitch, Pitch Surround Fencing, Ball Catcher & Floodlighting. (amended plans)  
Decision: PG  
Decision Date: 05-JUL-12

Ref: M/1996/0167  
Proposals: Extension to dwelling  
Decision: PG  
Decision Date:

Ref: M/2000/0140/F  
Proposals: Rear kitchen and bathroom extension to dwelling  
Decision: PG  
Decision Date: 14-MAR-00

Ref: M/1992/0315  
Proposals: Extension to Dwelling

Decision: PG  
Decision Date:

Ref: M/1977/0332  
Proposals: EXTENSION TO DWELLING  
Decision: PG  
Decision Date:

Ref: M/2003/0218/F  
Proposals: Proposed disabled shower room  
Decision: PG  
Decision Date: 07-MAY-03

Ref: M/1977/0568  
Proposals: EXTENSION TO DWELLING  
Decision: PG  
Decision Date:

Ref: M/1997/0792  
Proposals: Retail Warehousing and Associated Carparking, Housing  
and New Access Road  
Decision: WITHDR  
Decision Date:

Ref: LA09/2021/1505/PAN  
Proposals: Renewal of residential development- M/2014.0572/O- maximum 210 units  
Decision: PANACC  
Decision Date: 02-NOV-21

Ref: LA09/2020/1105/PAD  
Proposals: Option 3 - Proposed works to include development of new school  
accommodation, 2no. grass football pitches, 1no. synthetic hockey pitch, 5no. tennis  
courts, long jump area, hard play area and car parking areas (124no. spaces), one way  
internal road layout including car and bus drop off arrangements, entrance from the  
vehicular and pedestrian access vis Greers Road public car park, retaining walls and  
proposed landscaping.  
Decision: PAD  
Decision Date: 01-FEB-21

Ref: M/2007/0787/O  
Proposals: Residential development - maximum 210 units at 15m N.E. of 67a  
Donaghmore Road, Dungannon with access roads onto Greers Road, Donaghmore  
Road and Quarry Lane.  
Decision: PG  
Decision Date: 06-JAN-12



Ref: M/1999/0016

Proposals: Retail Warehousing and associated car parking, housing and new access road ( amended scheme)

Decision: PG

Decision Date: 19-APR-00

Ref: LA09/2019/1329/PAD

Proposals: Create new accommodation to provide a primary school relocated from the existing site, 97 Donaghmore Road, Dungannon to alternatively identified new site option located at Donaghmore Road, Dungannon (new site area circa 1.2ha). Provide suitable educational facilities to meet the curricular needs of approx. 210 pupils

Decision: PAD

Decision Date: 27-NOV-19

Ref: LA09/2022/1489/O

Proposals: Residential development - maximum 210 units at 15m NE of 67a Donaghmore Road, Dungannon access onto Greers Road, Donaghmore Road and Quarry Lane (previously approved under M/2014/0572/O)

Decision:

Decision Date:

Ref: LA09/2018/1121/PAD

Proposals: Application to vary or replace Roads Conditions imposed on Outline Planning Permission M/2014/0572/O approved 24th October 2016.

Decision: PAD

Decision Date: 08-APR-19

Ref: M/2005/0081/F

Proposals: Retail warehousing & associated car parking, housing and new access road  
Renewal of M/1999/0016

Decision: PG

Decision Date: 12-APR-05

Ref: M/2006/1442/Q

Proposals: Housing Development

Decision: 211

Decision Date: 27-JUL-06

Ref: M/2014/0572/O

Proposals: Renewal of residential development (M/2007/0787/O), maximum of 210 units with access onto Greers Road, Donaghmore Road and Quarry Lane, Dungannon

Decision: PG

Decision Date: 25-OCT-16

Ref: M/1994/6200

Proposals: Site for Housing Development Quarry Lane Dungannon

Decision: QL  
Decision Date:

Ref: M/1995/0061  
Proposals: Site for Housing Development  
Decision: PG  
Decision Date:

Ref: M/1991/4069  
Proposals: Alterations to dwelling  
Decision: PDNOAP  
Decision Date:

Ref: M/1992/0546  
Proposals: Extension to Dwelling  
Decision: PG  
Decision Date:

Ref: M/1985/0447  
Proposals: NEW ACCESS TO PUBLIC ROAD  
Decision: PG  
Decision Date:

Ref: M/2000/1173/O  
Proposals: Proposed housing development  
Decision: PG  
Decision Date: 25-FEB-02

Ref: M/1977/0598  
Proposals: DOMESTIC GARAGE  
Decision: PG  
Decision Date:

Ref: M/1974/0393  
Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING  
Decision: PG  
Decision Date:

Ref: LA09/2017/0879/PAD  
Proposals: Proposed demolition and new build scout hall approx. 450 x 500m sq hall, social space, ancillary accommodation and site works  
Forming new access at side of site  
Decision: DECPAD  
Decision Date: 01-SEP-17

Ref: M/2008/1186/F

Proposals: Proposed raising of ridge height to create new bedrooms, hot press, storage area, en suite, bathroom & study on first floor, replacement of windows & doors & sun lounge extension to dwelling.

Decision: PG

Decision Date: 16-DEC-08

Ref: M/2006/2080/F

Proposals: Proposed replacement of existing dwelling to provide two new dwellings

Decision: PG

Decision Date: 22-JUN-07

Ref: M/1980/0018

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: M/1979/0942

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: M/2014/0080/F

Proposals: Proposed 3 no. dwellings (1 no. one and three quarter storey detached dwelling, 2no. two storey, semi detached dwellings on site of 20 Woodlawn Drive, Dungannon

Decision: PR

Decision Date: 26-JUN-14

Ref: M/1977/0463

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: M/1979/020601

Proposals: 2 STOREY DWELLING HOUSE AND GARAGE

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

NI Water - Strategic Applications-Consulted in error. Please resend to Multi Units West.

DFI Roads - Enniskillen Office-Roads Consultation blank.docx

NI Water - Multiple Units West-Consulted in error. Please resend to NI Water - Strategic Applications

Environmental Health Mid Ulster Council-LA09-2022-1489-O EH Response.pdf

Historic Environment Division (HED)-

Rivers Agency-745048 FINAL.pdf  
NIEA-PRT LA09-2022-1489-O.PDF  
Shared Environmental Services-  
NI Water - Strategic Applications-Consulted in error. Please resend to Multi Units West.  
Environmental Health Mid Ulster Council-  
Shared Environmental Services-LA09-2022-1489-O HRA - AA 22-11-2023.pdf  
NI Water - Strategic Applications-Consulted in error. Please resend to Multi Units West.  
NIEA-PRT LA09-2022-1489-O.PDF  
NI Water - Multiple Units West-LA09-2022-1489-O.pdf  
NIEA-PRT LA09-2022-1489-O.pdf  
Shared Environmental Services-  
Environmental Health Mid Ulster Council-  
NIEA-PRT LA09-2022-1489-O.PDF  
Shared Environmental Services-Holding Letter .pdf

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.5
<b>Application ID:</b> LA09/2023/0005/F	<b>Target Date:</b> 18 April 2023
<b>Proposal:</b> Proposed dwelling and detached domestic garage	<b>Location:</b> Approx 55M NE of 72 Finulagh Road Dungannon BT70 3DB
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Michael Doran 72 Finulagh Road Galbally BT70 3DB	<b>Agent Name and Address:</b> Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	24-02-2023.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0005-F.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - Full response.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the open countryside outside any settlement designated by the Dungannon and South Tyrone Area Plan 2010. It sits adjacent the Finulagh Road approx. 2.3km northeast of Castlecaulfeild.

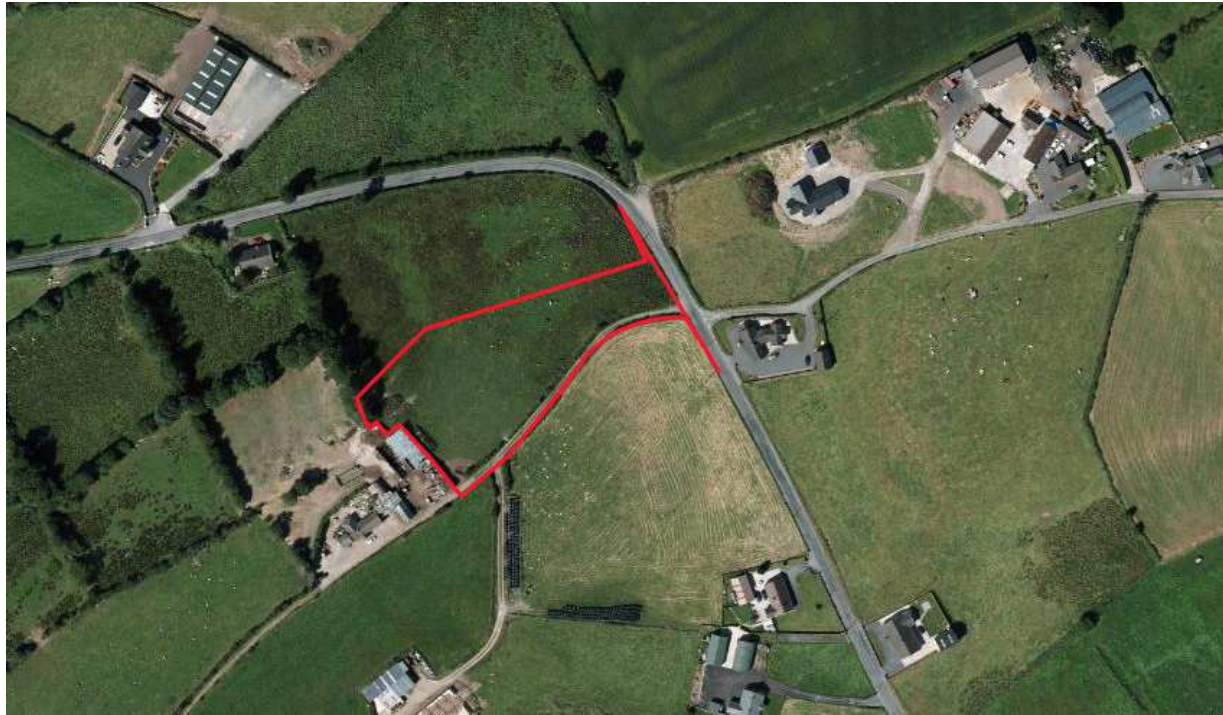


Fig 1: Site outlined red

The site is a relatively large rectangular shaped plot comprising the roadside frontage and southern half of a large agricultural field; and a lane that runs along the southeast boundary of the field to serve the applicant's farm holding at no. 72 Finulagh Road. The farm holding, which comprises a modest single storey dwelling (applicant's address) bound primarily to its northeast side by a number of outbuildings and sheds, bounds the site to the southwest. A mix of post and wire fencing and low hedging bounds the roadside frontage of the site and both sides of the lane bounding the site to the southeast. The northwest boundary of the site is undefined onto the host field.

The immediate area surrounding the site is typically rural in character comprising undulating agricultural landscape interspersed by detached dwellings of single storey appearance, ancillary dwellings, and farm groups. The landform within the immediate vicinity generally rises upwards quite steeply from the Finulagh Road from east to west through the site up to the applicants farm group which alongside the most western part of the site occupies an elevated position in the surrounding landscape.



Fig 2: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.



Fig 3: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.



Fig 4: View of site from Finulagh Road on southeast approach to its access off the Finulagh Road.

Critical views of the site exist from the Finulagh Road on the west / northwest approach when passing along the frontage of the host field; from the Finulagh Road over a longer distance on the southeast approach to the site access; and from the elevated Annaghmakeown Road located to the northeast.



## **Description of Proposal**

This is a full planning application for a dwelling and detached domestic garage on a farm. The site is located approx. 55m NE of 72 Finulagh Road Dungannon.

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

### **Policy Consideration**

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 objection was received from Marian Doran on the 14<sup>th</sup> September 2023 who advised that the dwelling on the applicant's farm holding no. 72 Finulagh Road is mortgaged in my both her and her ex-husband, the applicant's, name. That she objects to the proposal as she has never been told about it owns half of no. 72.

In response to the above objection the agent was contacted via email on the 3<sup>rd</sup> October 2023 and asked to provide an amended P2 Certificate of ownership notifying all parties in ownership of / with interest in the lands outlined in red under this application. The information required was to be submitted on a without prejudice basis within 14 days

from the date of the date of the email. To date this information has not been received. That said any planning permission granted will not confer title. It will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

### **Relevant Planning History**

- M/1976/0313 - Extension and repairs to dwelling - 72 Finulagh Road Castlecaulfield - Granted
- M/1992/4106 - Improvements to dwelling - 72 Finulagh Road Castlecaulfield - Permitted Development
- M/1996/4077 - Alterations to dwelling - 72 Finulagh Road Dungannon - Permitted Development

The above applications relate to the applicant's farm dwelling located on lands immediately southwest of the site.

### **Consultees**

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DAERA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years. That it was established in 1991 and has claimed through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years

### **Dungannon and South Tyrone Area Plan 2010**

The site lies in the rural countryside outside any designated settlement with the Plan.

### **The Strategic Planning Policy Statement for Northern Ireland (SPPS)**

The SPPS advises that the policy provisions relevant to this proposal including Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

### **Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside**

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS 21.

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

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

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

- no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008,

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Doran’s farm holding within the last 10 years from the date of the application. I am content Criterion (2) of CTY 10 has been met.

- the new building is visually linked or sited to cluster with an established group of buildings on the farm.

The new dwelling including garage will be located on agricultural lands immediately northeast of an established group of buildings on the applicant’s farm holding at no. 72 Finulagh Road comprising a modest single storey farm dwelling (applicant’s address) bound primarily to its northeast side by a number of outbuildings and sheds. I am content the proposed dwelling will visually link with these established buildings on the farm when viewed from the Finulagh Road (see ‘Characteristic of the Site and Area’ detailing views including Figs 2-4). I am content Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. CTY 13 outlines permission will only 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 and CTY14 where it does not cause a detrimental change to, or further erode the rural character of an area.

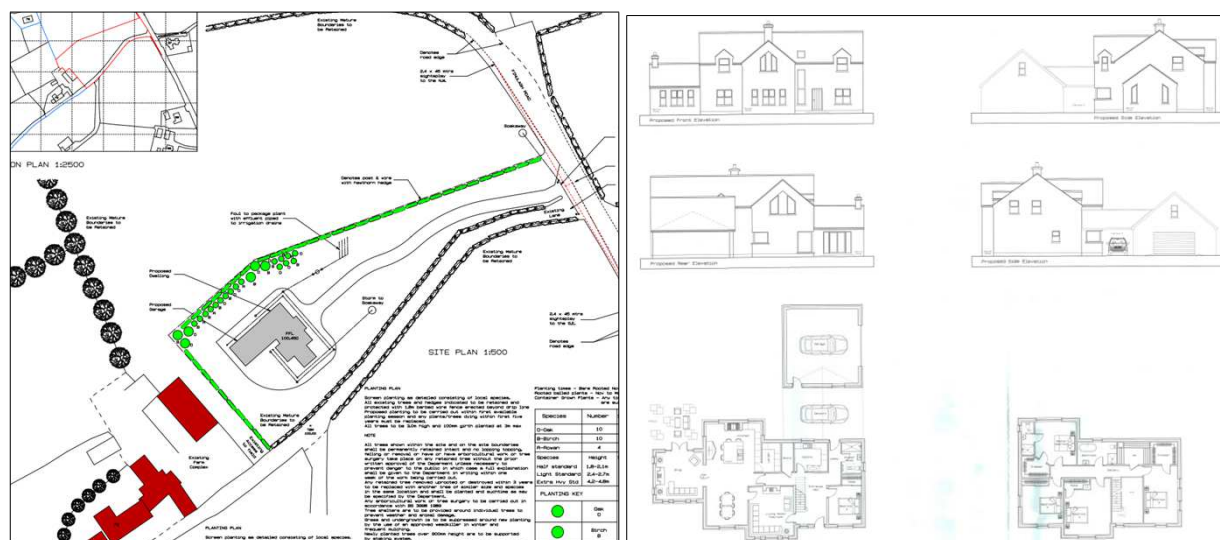


Fig 5 & 6: Proposed site layout; and floor plans and elevations of dwelling including garage, respectively.

In this instance I do not believe the site has the capacity to absorb the proposed 1 ¾ storey dwelling including garage submitted in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see ‘Characteristics of the Site and Area’) leading to a detrimental change to the rural character of the area comprising undulating agricultural landscape interspersed by detached dwellings of single storey appearance.

Accordingly, the agent was contacted via email on the 24<sup>th</sup> March 2023 and advised that Planning considered the large house type unsuitable for this prominent site and offered the applicant the opportunity to submit amended drawings to show the house type reduced to single storey to reduce the visual impact.

The agent subsequently emailed additional information on the 24<sup>th</sup> April 2023 advising the applicant is set on the design and feels it reflects the elements of dwelling design in the local area. That the site avails of well-established mature boundaries which will be retained and assist with integrating the dwelling. The proposed site is located in front of the existing farm complex consisting of large farm buildings. The agent also advised that having carried out extensive research within the Mid Ulster Council area regarding similar dwellings designs and listed them.

Whilst the additional information as detailed above was taken into consideration Planning opinion had not changed as such the agent was advised of this via phone on the 2<sup>nd</sup> June 2023 and that every site and proposal is assessed on its individual merits. Accordingly, on the 1<sup>st</sup> August 2023 the agent was given another opportunity to submit amended drawings to show the house type reduced to single storey to reduce the visual impact. On the 31<sup>st</sup> August 2023 amended drawings were received to show the dwelling’s ridge height reduced by ½ metre (7.5m to 7m) alongside views to show how the dwelling would integrate by availing of the well-established mature boundaries on site and its location to the front of the existing farm complex and buildings.

Again, whilst the additional information as detailed above was taken into consideration Planning opinion had not changed. The agent was advised via email on the 11<sup>th</sup> September 2023 that Planning still had concerns regarding the large house type on this prominent site and as such offered another opportunity to submit the following information for further consider:

- A section through the site (northeast – southwest) to show the concept of setting the dwelling below the farm group.
- An amended design reflective of simple rural form as this dwelling will be very visible in the landscape.

In addition to the above on the 3<sup>rd</sup> October 2023 as a result of a P2 Challenge received regarding land ownership (see ‘Representations’ further below) an amended P2 Certificate of ownership notifying all parties in ownership of / with interest in the lands outlined in red under this application.

The information required above was to be submitted on a without prejudice basis within 14 days from the date of the last email on the 3<sup>rd</sup> October 2023. To date no further

information has been received therefore as Planning opinion remains unchanged this proposal is recommended for refusal. The design of the dwelling is considered inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape leading to a detrimental change to the rural character of the area.

**Additional considerations**

A suitably designed scheme on this site would not in my opinion have had any unreasonable impact on neighbouring amenity in terms of overlooking or overshadowing given the separation distances that could be retained. Additionally, an agricultural shed running along the outside of the site's rear / southwest boundary intervenes between the site and no. 72 Finulagh Road, the applicant's farm dwelling.

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

Flood Maps NI indicate the site is not subject to Flooding.

**Recommendation:** Refuse

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape.

**Reason 2**

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 and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s):** Emma Richardson

**Date:** 21 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	3 January 2023
<b>Date First Advertised</b>	19 January 2023
<b>Date Last Advertised</b>	19 January 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 67 Finulagh Road Dungannon Tyrone BT70 3DE The Owner / Occupier 72 Finulagh Road Dungannon Tyrone BT70 3DE	
<b>Date of Last Neighbour Notification</b>	14 September 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/1992/4106  Proposals: Improvements to Dwelling  Decision: PDNOAP  Decision Date:</p> <p>Ref: LA09/2023/0005/F  Proposals: Proposed dwelling and detached domestic garage  Decision:  Decision Date:</p> <p>Ref: M/1976/0313  Proposals: EXTENSION AND REPAIRS TO DWELLING  Decision: PG  Decision Date:</p> <p>Ref: M/1996/4077  Proposals: Alterations to dwelling  Decision: PDNOAP  Decision Date:</p>	

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-24-02-2023.docx

DAERA - Omagh-LA09-2023-0005-F.docx

DFI Roads - Enniskillen Office-DC Checklist 1.doc  
Roads Consultation - Full response.docx

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02 Rev.01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.6
<b>Application ID:</b> LA09/2023/0012/O	<b>Target Date:</b> 21 April 2023
<b>Proposal:</b> Proposed Dwelling and Garage on a Farm	<b>Location:</b> Land Approx 120M West of 27 Tycanny Road Garvaghy Dungannon BT70 2EB
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Neville Robinson 69 Tullanafoile Road Dungannon BT70 2ED	<b>Agent Name and Address:</b> Mr Philip Marshall 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>  This application is being presented to Committee as the applicant is related to an elected member, it is contrary to CTY1 and CTY12 of PPS21, and the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0012-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures

## Summary of Issues

The proposed development is contrary to CTY 1 and 12 of PPS 21 as it is not visually linked or sited to cluster with an established group of buildings on the farm. Additionally it is contrary to SPPS Para 6.297 and AMP 4 of PPS 3 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

## Characteristics of the Site and Area



The site is located within the rural area approximately 2.1km south-west of Garvaghy along the Tycanny Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.32ha parcel of land, located to the north-east of a chicken house with associated silos, small shed and wooden chicken runs. The site is roughly square shaped and rises from south-west to north-east. The south-eastern (roadside) boundary is defined by a hedgerow with mature trees defining the north-eastern boundary. The south-western and north-western boundaries are undefined as they are cut out of the larger agricultural field. The site outlined in red includes a portion of the existing concrete yard to the chicken house at the southernmost tip of the site.

There is little recent development pressure in the area, with existing development taking the form of mostly single dwellings with associated outhouses.

## Description of Proposal

Proposed Dwelling and Garage on a Farm

## Planning Assessment of Policy and Other Material Considerations

## **Policy Consideration**

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

### **Relevant history**

Ref: M/2000/0917/F

Proposals: Free Range Chicken Production Unit Consisting Of 2 No. Poultry Houses

Decision: PG

Decision Date: 17-JAN-01

Ref: M/1992/0084

Proposals: Erection of Dwelling

Decision: WITHDR

Decision Date:

### **Representations**

No neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty.

An email has been received from the Ulster Farmers Union who are concerned with the fact this application is being refused due to the A5WTC which has not been commenced to date. Mr Robinson expects to lose land to the road but not the area that he had applied for planning for a dwelling and garage. It is extremely disappointing that the application has been refused without a decision on whether or not the road will progress and that the landowner was unaware that the section of land on which he applied for planning may be vested and form part of the road. I spoke with the policy and technical officer from the UFU and explained that a decision on this application has not yet been made. It is likely to go before Committee with a recommendation to refuse as we cannot go against DFI Roads recommendation that it will affect the land take of the WTC project; however no final decision has been taken on it yet. Sarah will contact DFI Roads herself to see if there is any way around this. Nothing further has been received to date.

### **Dungannon and South Tyrone Area Plan 2010**

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

### **Mid Ulster District Council Draft Plan Strategy 2030**

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

### **SPPS – Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

Para 6.297 of the SPPS further states that the regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

I do not consider the proposal is in line with the regional strategic objectives of the SPPS for transportation and land-use planning, as it will, if approved, impact on the route required for the new transport scheme of the A5 Western Transport Corridor. The New Approach to Regional Transportation, produced by the DRD, also supports these regional strategic objectives for transportation in Northern Ireland and highlights the aspirations of the Executive with regard to it. This proposal does not support these objectives.

### **PPS 3 – Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new

access onto the public road.

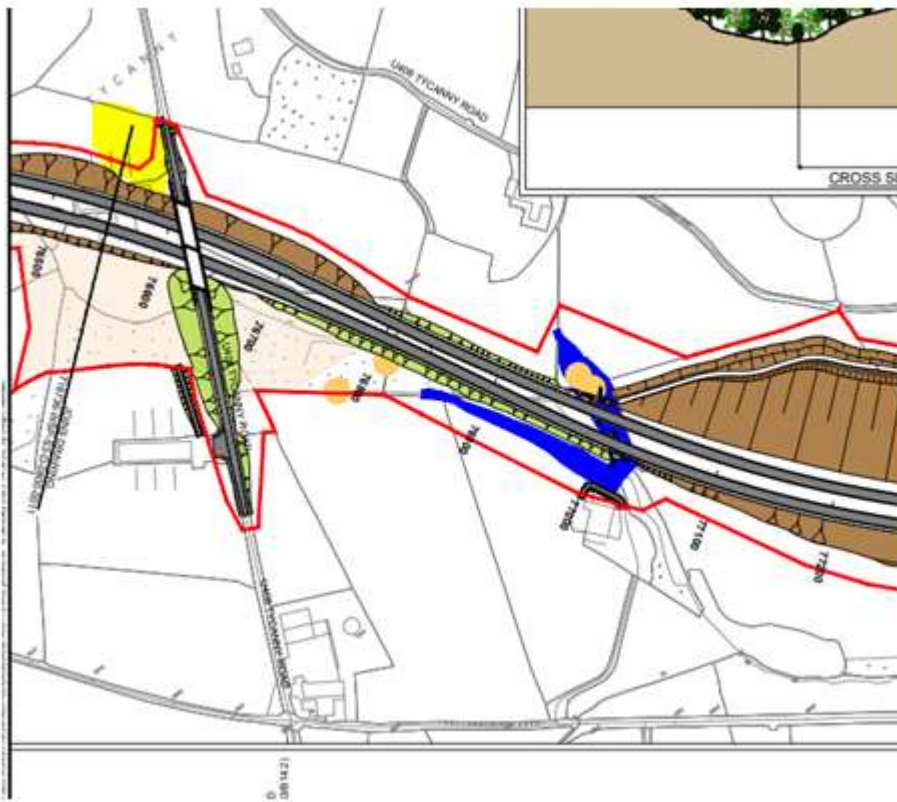
Policy AMP 4 of PPS 3 Protection for New Transport Schemes is also relevant and states that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan.

Para 5.30 states that the following matters will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced by a development proposal:

- the nature of the proposal;
- the programming of the transport scheme; and
- the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

DfI Roads have been consulted and recommend a refusal for this application as the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

For ease of reference I have included below the A5WTC map for Tycanny Road which shows how this application will impact on the Western Corridor Project (site shown highlighted in yellow).



I have spoken directly with DfI Roads to see if there is any way this site will not prejudice the implementation of the project, following the submission of supporting information from the agent date received 30 March 2023. He explained that any applications that may impact on the A5 WTC are directed to the A5 WTC Team who determine if acceptable or not. DfI Roads have forwarded the recent drawings and statement to the A5 WTC team for further consideration on the proposals, and it has been confirmed that the proposals will have an effect on the vesting envelope and associated maintenance strip required for the A5 WTC scheme. They still recommend refusal on these grounds.

### **Planning Policy Statement 21 - Sustainable Development in the Countryside**

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or

- a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 of PPS21 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) *the farm business is currently active and has been established for at least 6 years*

DAERA have been consulted and have confirmed that the Farm Business ID has been in existence for the required 6 year period and that the applicant is a Category 1 farmer. They have also confirmed that payments are currently being claimed by the farm business and that the proposed site is located in a field which is under the control of the farm business identified on the P1C form. From this I am satisfied that the farm business is currently active and established for at least 6 years.

- (b) *No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008*

I have carried out a planning history search of the applicants holding and I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off within the past ten years within the Mid Ulster Council area. The most recent application shown on the farm maps is dated 2005.

- (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.*

The site sits adjacent to the chicken house and small shed to the south-west of the site. Additionally, the silos whilst not buildings, are significant structures which read with the group when travelling along the public road. However, there is not an established group of buildings with which a dwelling on this site will visually link. For this reason the proposal is contrary to CTY 12.

### **CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character**

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. I would however consider a ridge height of 5.5m should be applied to any permission given the low ridge level of the existing buildings with which any approval would be sited. When travelling north-east along the public road there will be limited long term critical views given the existing development to the south-west. When travelling south-west a dwelling here will read with the existing buildings. I am of the opinion that a dwelling with the suggested ridge height here will integrate and will not be prominent in the countryside. I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be provided with any approval, along with a comprehensive landscaping plan showing what vegetation is to be retained and what additional planting

is proposed.

CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A proposed dwelling on this site will not be unduly prominent in the landscape as it will be screened from any long term views. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. I consider the proposal complies with CTY 14.

### **Other Considerations**

Environmental Health Department were consulted given the close proximity to a chicken house. They have noted the comments from DFI Roads who are raising concerns regarding the proximity of this proposed dwelling to the A5 Western Transport Corridor (WTC). Given the limited separation distance between this proposed dwelling and the A5 WTC, EHD would be concerned that the residential amenity of the future occupants of this proposed dwelling will be negatively impacted by road traffic noise from the A5 WTC and therefore they have concerns regarding the suitability of this proposed development.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal.

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns. In addition, I have no ecological or residential amenity concerns.

I recommend refusal as the proposal is not visually linked or sited to cluster with an established group of buildings on the farm and is contrary to CTY1 & CTY10 of PPS 21. Additionally, it is contrary to SPPS Para 6.297 and AMP 4 of PPS 3 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

### **Summary of Recommendation:**

Refuse is recommended



## Refusal Reasons

### Reason 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 the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

### Reason 2

The proposed development is contrary to SPPS Para 6.297 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

### Reason 3

The proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

**Signature(s):** Deirdre Laverty

**Date:** 14 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	6 January 2023
<b>Date First Advertised</b>	
<b>Date Last Advertised</b>	19 January 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2023/0012/O  Proposals: Proposed Dwelling and Garage on a Farm  Decision:  Decision Date:</p> <p>Ref: M/1992/0084  Proposals: Erection of Dwelling  Decision: WITHDR  Decision Date:</p>	
<b>Summary of Consultee Responses</b>	
DFI Roads - Enniskillen Office-Outline resp.docx Environmental Health Mid Ulster Council- DAERA - Omagh-LA09-2023-0012-O.docx DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Outline resp.docx Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable

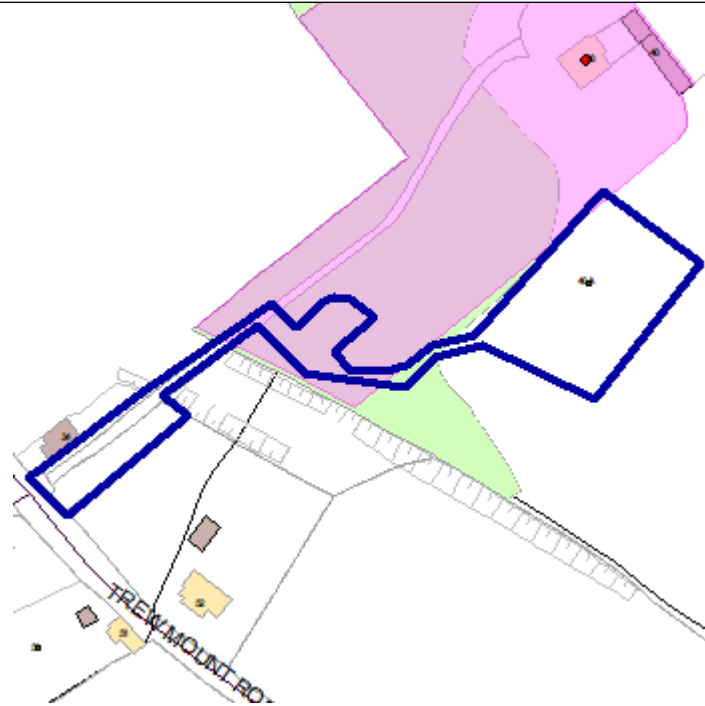


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2023/0208/F	<b>Target Date:</b> 15 June 2023
<b>Proposal:</b> Proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F	<b>Location:</b> 38 Trewmount Road Laghey Corner Killyman
<b>Referral Route:</b> Approve <b>is recommended</b>	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Paul & Emma Quinn 38 Trewmount Road Killyman BT71 6RL	<b>Agent Name and Address:</b> Conor Foy 75 CREAGH ROAD Creagh Tempo BT94 3FZ
<b>Executive Summary:</b>  The application is presented to committee on the basis of going against HED advice. They have suggested a 3 year time commencement condition be attached to any forthcoming approval. The reasons for proposing a permanent permission at this site is noted later in the report in detail.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0208 F Old Rectory Killyman 050923.doc
	Environmental Health Mid Ulster Council	LA09-23-0208 F Old Rectory Killyman.doc
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	NIEA	PRT LA09-2023-0208-F.PDF
Non Statutory Consultee	NIEA	PRT - LA09-2023-0208-F.PDF

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

## Summary of Issues

### Characteristics of the Site and Area

The site is located at 38 Trewmount Road, Killyman. The current use of the lands is better known locally as "the Old Rectory" and it is used for weddings and multiple other events. The red line of this site incorporates the existing access arrangement and lands to the SE of the main building on site. There is an existing marquee further south of this. The site itself is set back from the public road a notable distance and views are limited given the existing landscaping around the site. The lands surrounding the site have a mix of uses, with some of the lands being agricultural in use and noting the sites location where it is in close proximity to Killyman, there is a mix of uses nearby, including residential, recreational and commercial.

### Description of Proposal

Full planning permission is sought for proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

##### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application include: 33, 34 and 39 Trewmount Road. At the time of writing, no third party representations were received.

##### Planning History

LA09/2018/0061/PAN - Conversion of existing coach house to provide pre-function room accommodation and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within ground of listed building, Former Killyman Rectory HB Ref No. 13/07/011 - 38 Trewmount Road, Killyman – PAN ACCEPTED

LA09/2018/0519/LBC - Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and carparking facilities, within grounds of Listed Building, Former Killyman Rectory, HB No. 13/07/011 (amended description) - 38 Trewmount Road, Killyman – CONSENT GRANTED

LA09/2018/0526/F - Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within grounds of listed building. Former Killyman Rectory ( Amended Environmental Noise Impact Assessment received) (amended

description) - 38 Trewmount Road, Killyman – PERMISSION GRANTED

LA09/2020/0867/F - A section 54 application to vary condition 4 of planning approval LA09/2018/0526/F. Condition 4 relates to the sectional building containing the prep kitchen and toilets. We request to vary the condition from 18 months ( from date of initial approval) to 42 Months with construction to be commenced within 43 months of the permission - 38 Trewmount Road, Killyman – PERMISSION GRANTED

LA09/2022/1549/F - Proposed Ceremony Room - Lands Approx. 45M To The South (Rear) Of Old Rectory, 38 Trewmount Road, Killyman, Dungannon. Bt71 6RL – PERMISSION GRANTED

LA09/2022/1550/F - Retention of existing Car Parking Layout in substitution for that approved under LA09/2018/0526/F - Lands Approx. 100M South West Of Old Rectory, 38 Trewmount Road, Killyman – PENDING CONSIDERATION

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

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 16: Tourism
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 4: Planning and Economic Development
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The majority of the application site is located just outside Killyman Settlement Limit in the rural countryside and is within a Local Landscape Policy Area. The Coach house at the entrance to the Old Rectory and the access to the site is within the settlement of Killyman. The site has no other zonings or designations related to the site.

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

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

Planning Policy Statement 21- Sustainable Development in the countryside provides the policy context for this development and in particular Policy CTY 1 – Development in the Countryside which advises that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. All proposals for development in the countryside

must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. It is my opinion that this proposal meets these requirements.

The history of the site and the previous applications which were submitted were assessed mainly under the provisions of PPS 4. However, further discussions surrounding this application have led to the application being assessed mainly under the provisions of PPS 16, which deals with tourism. It was felt that the application may be a better fit within this policy context given that the site attracts people for generally short periods of time. The introduction of PPS 16 notes that the World Tourism Organisation (WTO) refers to the definition of tourism as tourists (overnight visitors) and same day visitors which is what this site would fall into.

Thus, this proposal will also be assessed against with criterion held within TSM 2 and TSM 7. TSM 2 relates to tourist amenities in the countryside and it deals with extensions of existing tourist amenities also. The proposal goes on to say that where possible, proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, however it adds that a replacement building could be acceptable provided it is sited and designed as to integrate with the overall development. I am content that the building proposed to replace the existing marquee and the proposed building is of a size, scale and design which is deemed appropriate for this site and will not harm the rural character of the site and will integrate within the overall development.

TSM 7 notes that in addition to the other policy provisions within PPS 16, proposals should be subject to a number of design and general criterion also. I am content that the proposal is compliant with criterion (a)-(o) of TSM 7, meeting with the design requirements and the general criteria and these will be assessed in the order they appear within TSM 7. I am content that a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired. There is a footpath which runs from Killyman to the entrance of the site and several pathways are shown within the site to allow access to this building. The site layout remains similar to what was approved previously, and the building design and landscaping arrangements are of high quality and will assist the promotion of sustainability and biodiversity. There is no flood lighting proposed as part of this application. There are existing boundary treatments which are to remain in place and will provide suitable enclosure for this building. I don't envisage any issues in relation to crime or personal safety at this site. There is no public art involved with this application.

The Old Rectory is a Wedding/Events venue and this use will be in conjunction with other functions which may take place at the site, similar to the building it will be replacing. I am content that the proposal should not harm the amenities of nearby residents, nor should it create a noise nuisance given the nature of the use proposed. The proposal does not adversely affect features of the natural or built heritage and it is not located in an area at flood risk nor should it exacerbate flooding. There are no emission or effluent which should be created as a result of the proposal and I am content the existing road network could safely handle any extra vehicular traffic the proposal may generate, however the numbers attending the site should be similar to those already



attending. The proposal does not amend the existing access arrangements, parking or manoeuvring areas that are existing provided. The land use proposed is compatible with the surrounding land uses and I am content with the access arrangements to and within the site.

The Council have agreed the economic activity on the site and the use has already been accepted at this site and as such Planning Policy Statement 4 – Planning and Economic Development is considered within this report also. PPS 4 provides the policy context for a range of different economic uses within the Settlement limits and outside of them in the rural countryside. PED 2, PED 3 and PED 9 are all somewhat relevant to this proposal and were assessed in detail previously under LA09/2018/0526/F. PED 2 deals with economic development in the countryside which directs you to PED 3 for the expansion of an established economic development use. The lands were previously granted permission under LA09/2018/0526/F for the conversion of the coach house etc. I am content that this proposal can be considered as an expansion of that established use and as such can be assessed under PED 3. I am content that the proposal would not harm the rural character or the appearance of the local area, nor would there be any major increase in the site area of the enterprise. Given the proposal is for the substitution of existing use of the building, I am content that the new building is respectful of the scale, design and materials of the original buildings on site. Further discussion about HED comments on the proposal will be later on in this report. There is adequate landscaping around the site which would screen from public views. I am content there is no conflict with this proposal and PED 9 as it sets out the general criteria for economic development and is similar to the criterion held within TSM 7. TSM 7 has been assessed within this application and PED 9 was assessed within the reports for historical approvals at this site.

HED were consulted on the proposal given the sites proximity in relation to the Listed Building. HED have noted in their responses and via further email discussions that they would only be content with a 3 year temporary permission at this site, hence why the application is being presented to the committee. It was considered that given the history on the site, notably the existing marquee on the site which this proposal intends to replace and which has no time limit condition attached to it, that in this instance a permanent permission for this proposal would also acceptable. This proposal is for a new function room, which is similar in size and scale and is sited at the same location as that approved previously. It is important to note that this building is located outside of the listing building curtilage (the pink wash area shown on the map earlier in the report) and thus it is our view that the impact on the listed building and indeed the setting of the listed building would be reduced.

Environmental Health were consulted on the application and a noise impact assessment has been provided. They are content with the finds of this report and have raised no concerns, subject to a number of conditions.

### **Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 1

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

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

### Condition 2

Amplified music levels shall not exceed the levels stated within Table 5 of the noise impact assessment dated 10th August 2023.

Reason: To protect nearby residential amenity from noise.

### Condition 3

Amplified music is only permitted within the conference room/hall as annotated on drawing number 01. Amplified music is not permitted in external areas within the blue line as shown on drawing number 01.

Reason: To protect nearby residential amenity from noise.

### Condition 4

The approved function room shall be built to achieve the minimum sound reduction properties as per Table 6 of the submitted noise impact assessment.

Reason: To protect nearby residential amenity from noise.

### Condition 5

Amplified and non-amplified music emanating from the area outlined in blue on drawing number 01 dated Jan 23 shall not exceed NR 25 for 15 minutes when measured at the façade of any residential property which lawfully exists.

Reason: To protect nearby residential amenity from noise

### Condition 6

All doors opening to the marquee shall be equipped with self-closing devices and shall not be held open other than for the means of ingress and egress.

Reason: To protect nearby residential amenity from noise.

### Condition 7

Within 8 weeks of a written request by the Planning Department, following a reasonable noise complaint, the applicant shall, at their expense, employ a suitably qualified and competent person to assess and report the level of noise emissions from the site and their impact at the complainant's property. Details of the noise monitoring survey shall be

submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect nearby residential amenity from noise.

**Condition 8**

If the report(s) submitted, as per conditions 2, 4 & 5, indicate that noise levels exceed noise levels stated within condition 2, a scheme outlining corrective action with proposed timescales for their implementation shall be agreed in writing with the Planning Department.

Reason: To protect nearby residential amenity from noise.

**Signature(s):** Sarah Duggan

**Date:** 21 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	2 March 2023
<b>Date First Advertised</b>	13 March 2023
<b>Date Last Advertised</b>	13 March 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 39 Trewmount Road Moy Tyrone BT71 6RL The Owner / Occupier 33 Trewmount Road Moy Tyrone BT71 6RL The Owner / Occupier 34 Trewmount Road Moy Tyrone BT71 6RL	
<b>Date of Last Neighbour Notification</b>	8 March 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2018/0519/LBC  Proposals: Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and carparking facilities, within grounds of Listed Building, Former Killyman Rectory, HB No. 13/07/011 (amended description)  Decision: CG  Decision Date: 02-OCT-19</p> <p>Ref: M/1987/0271  Proposals: MINOR INTERNAL ALTERATIONS, MAJOR IMPROVEMENT WORKS AND DEMOLITION OF  Decision: PG  Decision Date:</p> <p>Ref: LA09/2017/1365/DC  Proposals: Discharge of condition 02 for Planning application M/2008/0760/F  Decision: RL  Decision Date: 20-JUN-18</p>	

Ref: M/2008/1022/LDP

Proposals: Improvements to Moygashel Waste Water Treatment Works

Decision: PG

Decision Date: 25-MAR-09

Ref: M/1990/0397

Proposals: Extension and alteration to Gate Lodge

Decision: PG

Decision Date:

Ref: LA09/2018/1485/LBC

Proposals: Construction of new access road with entrance pillars/walls to serve as new access for proposed development described under Ref LA09/2018/0526/F, to include the omission of 2 no dwellings (Sites 25 & 26) under Ref M/2008/0760/F

Decision:

Decision Date:

Ref: LA09/2018/1114/F

Proposals: Construction of new access road with entrance pillars / walls to serve as new access for proposed development described under ref LA09/2018/0526/F, to include the omission of 2 no dwellings (sites 25 and 26) under ref M/2008/0760/F at lands 156m to the South West of 38 Trewmount Road, Dungannon

Decision:

Decision Date:

Ref: M/2005/2148/E

Proposals: Improvements to Moygashel Waste Water Treatment Works.

Decision: 211

Decision Date:

Ref: LA09/2022/1550/F

Proposals: Retention of existing Car Parking Layout in substitution for that approved under LA09/2018/0526/F.

Decision:

Decision Date:

Ref: LA09/2023/0208/F

Proposals: Proposed function room building in substitution of previously approved marquee function room under planning reference LA09/2018/0526/F

Decision:

Decision Date:

Ref: M/1978/0353

Proposals: NEW EXIT FOR VEHICLES AND PEDESTRIANS FROM DWELLING

Decision: PG

Decision Date:

Ref: LA09/2018/0526/F

Proposals: Conversion of coach house as existing to provide pre-function room accommodation, installation of temporary sectional sanitary and food preparation buildings and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within grounds of listed building. Former Killyman Rectory ( Amended Environmental Noise Impact Assessment received) (amended description )

Decision: PG

Decision Date: 02-OCT-19

Ref: LA09/2020/0867/F

Proposals: A section 54 application to vary condition 4 of planning approval LA09/2018/0526/F. Condition 4 relates to the sectional building containing the prep kitchen and toilets. We request to vary the condition from 18 months ( from date of initial approval) to 42 Months with construction to be commenced within 43 months of the permission.

Decision: PG

Decision Date: 11-DEC-20

Ref: LA09/2018/0061/PAN

Proposals: Conversion of existing coach house to provide pre-function room accommodation and erection of garden function marquee with associated internal bar, kitchen, sanitary and car parking facilities within ground of listed building , Former Killyman Rectory HB Ref No. 13/07/011

Decision: PANACC

Decision Date: 22-JUL-22

Ref: M/2008/1249/F

Proposals: Proposed single storey rear extension and erection of garage/store

Decision: PG

Decision Date: 16-JAN-09

Ref: M/2004/1607/F

Proposals: Replacement Dwelling

Decision: PG

Decision Date: 11-JAN-05

Ref: M/2014/0322/F

Proposals: Single storey extension to side and rear of dwelling

Decision: PG

Decision Date: 25-JUL-14

**Summary of Consultee Responses**

Environmental Health Mid Ulster Council-LA09-23-0208 F Old Rectory Killyman  
050923.doc

Environmental Health Mid Ulster Council-LA09-23-0208 F Old Rectory Killyman.doc

Historic Environment Division (HED)-

NIEA-PRT LA09-2023-0208-F.PDF

NIEA-PRT - LA09-2023-0208-F.PDF

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Proposed Elevations Plan Ref: 02

Proposed Plans

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.8
<b>Application ID:</b> LA09/2023/0586/F	<b>Target Date:</b> 7 September 2023
<b>Proposal:</b> Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.	<b>Location:</b> Approx 100M North East of No. 2 Lisnamuck Road, Tobermore
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Tobermore Concrete Products Limited 2 Lisnamuck Road Magherafelt Tobermore BT45 5QF	<b>Agent Name and Address:</b> Mr Nigel Murray 6 Queens Road 2nd Floor, Titanic House Belfast BT3 9DT
<b>Executive Summary:</b> <p>The proposal is being presented to members of the planning committee as an exception to policy in that the proposal is contrary to CTY 15 in that it would mar the distinction between a settlement and the surrounding countryside. The proposal is located within the countryside, with the development limits of Tobermore located directly adjacent to the South West of the site where Tobermore Concrete is located. Members should be aware a similar application was approved on the site for 67 car parking spaces under planning reference LA09/2018/1481/F which was also presented to members an exception to CTY 15. This proposal is now for a larger car park providing 251 spaces. The agent has provided justification for the size of the car park and a subsequent planning application LA09/2023/0590/F for an extension to the office building which is also being presented to members with the recommendation to approve. When viewed together, the justification for the increase in size is acceptable. No objections have been received. DfI Roads, NIEA and DfI Rivers have been consulted and offered no objections to the proposal.</p>	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NIEA	PRT LA09-2023-0586-F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-0586-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Statutory Consultee	Rivers Agency	399619- Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	Rivers Agency	570244- Final Response.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

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

The site is located just outside the development limits of Tobermore and therefore lies in the open countryside as defined by the Magherafelt Area Plan 2015. The red line of the application site encompasses parts of two agricultural fields with part of the site cleared and levelled with hard fill at the time of the site visit. The site is located opposite the settlement limits of Tobermore where Tobermore Concrete are located. The site has some existing boundaries particularly on the roadside which screen the site.

## **Relevant Site History**

LA09/2018/1481/F- Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete. Approx 25M N.E Of No. 2 Lisnamuck Road, Tobermore. Permission granted.

LA09/2023/0590/F- Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years. 2 Lisnamuck Road, Tobermore. Pending consideration.

LA09/2022/1557/F- Extension and alterations to production office. 2 Lisnamuck Road, Tobermore. Permission Granted

## **Description of Proposal**

This is a full planning application for a proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

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

### **Policy Consideration**

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 3: Access, Movement and Parking  
PPS 15 (Revised): Planning and Flood Risk  
PPS 21: Sustainable Development in the Countryside

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The Area Plan directs that proposals within these areas will be restricted in accordance with the provisions of prevailing regional planning policy. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the Countryside.

The SPPS provides a regional framework of planning policy that will be taken 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. Section 6.79 of the SPPS relates to economic development, industry and commerce. The regional objectives include promoting sustainable development and to sustain a vibrant rural community by supporting rural economic development of an appropriate nature. Para 6.87 states that the guiding principle for policies in the countryside is to facilitate proposals likely to benefit the rural community and support rural communities, while protecting or enhancing rural character and the environment. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. 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’.

Policy CTY 1 of PPS 21 details a range of types of development which are considered to be acceptable in principle in the countryside. As per the previous approval on site, approved under planning application LA09/2018/1481/F for a smaller car park, the principle of development was accepted under PPS 4. Whilst I am accepting the principle of development is acceptable here given the site history, a full assessment of the relevant planning policy is still appropriate.

PED 2 applies which refers to what economic development is acceptable in the countryside. From which PED 3 also applies for the expansion of an established economic development use, along with PED 9.

With regards to PED 3 it states that the expansion of an 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. It must be first noted that the proposed application does not involve an extension of any existing building nor does it require the need for any new buildings. From such, I note that the existing enterprise is substantial and note that the site has expanded through the previous number of years. There is currently a live planning application LA09/2023/0590/F being presented to members this evening for the recommendation to approve which is for the extension of existing offices at the premises. It is noted that the car park is relatively large, and is larger than what was previously approved on site, but I am content that this proposal will not harm the rural character or appearance of the local area and in comparison to what is already existing at Tobermore Concrete’s site.

In terms of PED 9 states that a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all of the following criteria:

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

It is noted that the proposed car park is located near the existing parking at Tobermore Concrete however it does conflict with the current agricultural land use. However, as was agreed during the processing of the previous application on site that the character of the area is dominated by Tobermore Concrete that it is deemed as compatible with the surrounding land uses on balance.

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

Due to the separation distances between the site and nearby residents I am content that the proposal will not cause harm to their amenity.

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

NIEA were consulted during the processing of this application, as a Biodiversity Checklist was completed and a subsequent ecological assessment was submitted by the agent to ensure that there would be no negative impacts on natural heritage. Following the consultation procedure and amended plans including further details of the proposed landscaping plan, NIEA responded to confirm they had no objection to the proposal. From this, I am content that the proposal will not adversely affect features of the natural or built heritage.

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

Due to the amount of hardstanding a drainage assessment was submitted and after a response from Rivers Agency who replied to say that while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. From this it has been agreed on balance that the proposal is unlikely to cause or exacerbate flooding.

*(e) it does not create a noise nuisance;*

I am content due to the nature of the development it will not give rise to adverse noise levels.

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

I am content that due to the nature of development that it should not give rise to high levels of emissions and effluent however any that is created should be able to be dealt with.

*(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;*

A consultation was sent to DfI Roads who confirmed that they had no objection to the proposed car parking and from this I am content that the existing road network can safely handle any extra vehicular traffic.

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

I am content that adequate access arrangements have been provided and as this is a car park that it is to ensure there is sufficient parking provided with adequate manoeuvring areas.

*(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;*

I am content that the movement pattern connecting the existing and proposed parking areas is sufficient.

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

As previously mentioned NIEA requested a detailed landscaping plan. This was provided and NIEA were reconsulted and were content with the proposal, so I am content that the landscaping provided will aid sustainability and biodiversity.

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

There is no outside storage proposed and the proposed landscaping ensures the car park is enclosed.

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

I am content that the proposed development will deter crime and promote personal safety.

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

I note that there is new landscaping proposed to ensure the proposal integrates into the landscape appropriately.

Due to the location the site being within the open countryside and the existing economic business being located within the development limits it is noted that CTY 15 – The setting of Settlements applies. CTY 15 notes that a settlement's identity can be as much as a result of its setting within the surrounding countryside. Landscapes around settlements have a special role to play in maintaining the distinction between town and country, to prevent coalescence between adjacent built-up areas and in providing a rural setting to the built-up area. I note that purpose of defining settlement limits is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up area and surrounding countryside.

As was the case with the previous application, I am of the opinion that if approved the car park would resultantly mar the distinction between the settlement of Tobermore and the Countryside. However, as was the case under LA09/2018/1481/F the planning committee accepted the proposal and considered it was an exception to policy CTY 15. As the proposal is the same in principle, only larger, it is recommended that the committee also accept this application as an exception. It should be noted that the developer may be able to implement planning approval LA09/2018/1481/F as it does not expire until September 2024.

### **PPS 3: Access, Movement and Parking**

Policy AMP 7, Car Parking and servicing arrangements states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. Proposals involving car parking in excess of the Department's published standards, or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances. The agent has provided a supporting statement providing justification for the size of the car park. The proposal to expand the offices, if approved would result in the loss of car parking space on site as well as an increase in the number of staff on site, which would also require additional parking

spaces. DfI Roads were consulted and confirmed that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic.

Policy AMP 9 (Design of Car Parking) states the Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;*
- (b) it will not adversely affect visual amenity; and*
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

It should be noted that the proposal does have the capacity to have a visual impact however, it was acknowledged that the character of the area is dominated by the Tobermore Concrete site and given the nature of the development it is not seen as an adverse impact. Additional planting and screening is proposed along new boundaries and within the internal layout of the car park which will aid the visual impact of the development and ensure it does not adversely affect the visual amenity. After consultations with DfI Roads I am content that there have been adequate provisions made for security, and the direct and safe access and movement of pedestrians and cyclists within the site. From this the application complies under AMP 9.

Policy AMP 10 (Provision of Public and Private Car Parks) states that planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- they do not significantly contribute to an increase in congestion;*
- are not detrimental to local environmental quality;*
- they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer;*
- within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and*
- they are compatible with adjoining land uses.*

After consultations with DfI Roads I am content that the proposed car park is unlikely to significantly contribute to an increase in congestion nor is it an area of parking restraint. All issues over detriment have been resolved given the need for the car park in association with the Tobermore Concrete business.

### **PPS 15- Planning and Flood Risk**

Due to the amount of hardstanding associated with the car park a drainage assessment was required and submitted. A consultation was issued to DfI Rivers who stated it is not located within a flood plain, and there are no watercourses within the site. With regards to the Drainage Assessment DfI Rivers stated that the DA has demonstrated that the design and construction of a suitable drainage network is feasible, however, the drainage layout drawing states that the drainage design is subject to change. Therefore, DfI Rivers requests that the planning authority includes a condition as part of its planning permission if granted to agree a final drainage assessment prior to the commencement of any works.

**Other Material Considerations**

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions****Condition 1**

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

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

**Condition 2**

The vehicular access including visibility splays shall be provided in accordance with Drawing No 02 Rev A prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 04 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

**Condition 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 the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted at the same place, unless the Council gives its written consent to any variation.

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

**Condition 5**

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100-year event with an additional allowance for climate change.

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

**Condition 6**

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

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

**Signature(s):** Ciaran Devlin

**Date:** 19 December 2023



<b>ANNEX</b>	
<b>Date Valid</b>	25 May 2023
<b>Date First Advertised</b>	6 June 2023
<b>Date Last Advertised</b>	6 June 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2023/0586/F  Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.  Decision:  Decision Date:</p> <p>Ref: LA09/2018/1481/F  Proposals: Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete  Decision: PG  Decision Date: 04-SEP-19</p> <p>Ref: H/2007/0683  Proposals: Extension to concrete works for lorry parking, outdoor storage and storage building.  Decision: PRENC  Decision Date: 29-OCT-07</p> <p>Ref: LA09/2022/1361/F  Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.  Decision: WDN</p>	

Decision Date: 24-MAY-23

Ref: LA09/2023/0590/F

Proposals: Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

Decision:

Decision Date:

Ref: H/1978/0451

Proposals: HV O/H LINE (BM 2456)

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

NIEA-PRT LA09-2023-0586-F.pdf

NIEA-PRT LA09-2023-0586-F.PDF

DFI Roads - Enniskillen Office-Roads Consultation.docx

Rivers Agency-399619- Final Response.pdf

DFI Roads - Enniskillen Office-Roads Consultation 2.docx

Rivers Agency-570244- Final Response.pdf

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.9
<b>Application ID:</b> LA09/2023/0590/F	<b>Target Date:</b> 8 September 2023
<b>Proposal:</b> Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.	<b>Location:</b> 2 Lisnamuck Road Tobermore
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b>  2 Lisnamuck Road Tobermore Tobermore BT45 5QF	<b>Agent Name and Address:</b> Mr Nigel Murray 6 Queens Road 2nd Floor, Titanic House Belfast BT3 9DT
<b>Executive Summary:</b>  This application is being presented to members with the recommendation to approve. There are no issues or objections with the application however, it is being presented in tandem with planning application LA09/2023/0586/F as the two are linked. The approval of this application would result in existing car parking to be relocated and the need for additional car parking spaces for members of staff and visitors to Tobermore Concrete, which LA09/2023/0586/F deals with. DfI Roads, DfI Rivers and NI Water were consulted on the application and offered no objections.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	570190- Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2023-0590-F.pdf
Statutory Consultee	Rivers Agency	405725- Final Response.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the settlement limits of Tobermore and within an area designated as a 'Major Area of Existing Industry.' The red line of the site is located within the business premises of Tobermore Concrete and is accessed via an existing access onto Lisnamuck Road. The building on site subject to the application is a two storey office building with an existing car park located adjacent to the north east. The building is located on the roadside boundary with a mesh wire fence between the road and the building.

### **Representations**

No third party representations have been received.

### **Description of Proposal**

This is a full planning application for an extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

#### **Relevant Planning History**

LA09/2018/1481/F- Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete. Approx 25M N.E Of No. 2 Lisnamuck Road, Tobermore. Permission granted.

LA09/2022/1557/F- Extension and alterations to production office. 2 Lisnamuck Road, Tobermore. Permission Granted

LA09/2023/0586/F- Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited. Under Consideration.

H/2009/0021/F- Extension to flag and kerb manufacturing building and ancillary site works. Permission Granted

H/2004/1552/F- Alterations & Extensions to Concrete Paving Manufacturing Building. Permission Granted

H/2004/1190/- Extension to administration building (revised scheme compared to scheme approved under H/2003/1184/f) Permission Granted

H/2000/0156/F- Proposed extension to office building, new sample display store and relocation of site access. Permission Granted

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

#### **Policy Consideration**

Magherafelt Area Plan 2015

SPPS- Strategic Planning Policy Statement for Northern Ireland

PPS 3- Access, Movement and Parking  
PPS 4- Planning and Economic Development  
PPS 15- (Revised) Planning and Flood Risk

The site is located within a Major Area of Existing Industry, and I am content the proposed extension to the existing production office is compliant with the Magherafelt Area Plan.

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

The SPPS does not give specific provision for Economic Development, Industry and Commerce subject to a number of policy provisions. It does not present any change in policy direction with regards to industrial development in settlements/countryside. As such, the existing policy contained in PPS 4 will apply.

PPS 4- Planning and Economic Development

Policy PED 1 states a development proposal to extend an existing economic development use of premises within settlements will be determined on its individual merits having regard to Policy PED 9.

Policy PED 9- General Criteria for Economic Development states, 'all economic development proposals must comply with the following criteria:

(a) *It is compatible with surrounding land uses*

I am content that the proposal is compatible with the existing use on site which is an office building associated with the existing manufacturing business at Tobermore Concrete.

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

I am content that the proposal will not have any impact on nearby residents.

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

I have no concerns regarding natural or built heritage

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

Dfl Rivers were consulted as an Drainage Assessment was submitted by the agent. Dfl Rivers confirmed there were no concerns with flooding or affecting any watercourses. With regards to the DA Dfl Rivers were content that the design and construction of a suitable drainage network is feasible, however, the drainage layout drawing states that

the drainage design is subject to change. Therefore, Dfl Rivers requests that the planning authority includes a condition as part of its planning permission if granted.

*(e) It does not create a noise nuisance;*

I have no concerns regarding the development creating any noise nuisance.

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

I am content it is capable of dealing with emission or effluent. NI Water were consulted on the proposal and confirmed that capacity was available and a water connection is in place.

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

Dfl Roads were consulted and had no objection subject to a condition being applied that required no works to commence until the parking arrangements as approved under LA09/2023/0586/F or alternative parking arrangements agreed with Mid Ulster District Council have been completed.

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

I am content that adequate access arrangements are in place. If planning application LA09/2023/0586/F is approved and implemented prior to the commencement of any works on site, adequate parking will be provided.

*(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;*

Although the site is located within the settlement limits, it is in an area of existing industry and by its nature, public access to the site is limited. I am content that the proposal allows for adequate access to the proposed development.

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

I am content that the layout and design of the proposed extension is of high quality.

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

I am satisfied that appropriate boundary treatment and means of enclosure have been provided that screen the site appropriately.

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

I am content that the design will cause no concern for crime and promotes personal safety with designated pedestrian crossing areas within and around the site.

I am content the proposal meets the policy criteria PED 9 of PPS 4.

### **Other Material Considerations**

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

### **Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 1

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

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

#### Condition 2

No other development hereby permitted shall be commenced until the works necessary to provide the necessary car parking has been completed as generally indicated under Planning Application LA09/2023/0586/f or alternative parking arrangements to be agreed with Mid Ulster Council

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

#### Condition 3

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100-year event with an additional allowance for climate change.

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



**Signature(s):** Ciaran Devlin

**Date:** 19 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	26 May 2023
<b>Date First Advertised</b>	6 June 2023
<b>Date Last Advertised</b>	6 June 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/1994/0335  Proposals: NEW BLOCK PLANT  Decision: PG  Decision Date:</p> <p>Ref: H/2010/0417/F  Proposals: Proposed new broiler breeder house for up to 8000 birds  Decision: PG  Decision Date: 01-NOV-10</p> <p>Ref: LA09/2018/1481/F  Proposals: Proposed car parking facilities and designated pedestrian crossing serving Tobermore Concrete  Decision: PG  Decision Date: 04-SEP-19</p> <p>Ref: H/2007/0683  Proposals: Extension to concrete works for lorry parking, outdoor storage and storage building.  Decision: PRENC  Decision Date: 29-OCT-07</p>	

Ref: LA09/2023/0586/F

Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

Decision:

Decision Date:

Ref: LA09/2023/0590/F

Proposals: Extension of the Tobermore offices to accommodate the growing numbers of staff for the following years.

Decision:

Decision Date:

Ref: H/2003/1184/F

Proposals: Extension to administration building.

Decision: PG

Decision Date: 23-MAR-04

Ref: H/2004/1190/F

Proposals: Extension to administration building (revised scheme compared to scheme approved under H/2003/1184/f)

Decision: PG

Decision Date: 04-JAN-05

Ref: H/2008/0420/Q

Proposals: Proposed single wind turbine development

Decision: 211

Decision Date:

Ref: H/2005/0440/RM

Proposals: Dwelling & Garage To Enclosed A Courtyard

Decision: PG

Decision Date: 27-JUL-06

Ref: H/2000/0156/F

Proposals: Proposed extension to office building, new sample display store and relocation of site access

Decision: PG

Decision Date: 07-NOV-00

Ref: H/1988/0558

Proposals: OFFICES

Decision: PG

Decision Date:

Ref: H/1975/0384

Proposals: SITE OF EXTENSION TO EXISTING BLOCK MAKING PLANT OFFICES

**AND MAINTENANCE**

Decision: PG

Decision Date:

Ref: LA09/2022/1361/F

Proposals: Proposed car parking and designated pedestrian crossing for the sole use of Tobermore Concrete Products Limited.

Decision: WDN

Decision Date: 24-MAY-23

**Summary of Consultee Responses**

Rivers Agency-570190- Final Response.pdf

DFI Roads - Enniskillen Office-Roads Consultation.docx

NI Water - Strategic Applications-LA09-2023-0590-F.pdf

Rivers Agency-405725- Final Response.pdf

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Proposed Floor Plans Plan Ref: 04

Roof Details Plan Ref: 05

Proposed Elevations Plan Ref: 06

Cross Sections Plan Ref: 07

Proposed Plans Plan Ref: 08

Proposed Plans Plan Ref: 09

Existing Plans Plan Ref: 10

Existing Plans Plan Ref: 11

Existing Plans Plan Ref: 12

Existing Plans Plan Ref: 13

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.10
<b>Application ID:</b> LA09/2023/0640/F	<b>Target Date:</b> 21 September 2023
<b>Proposal:</b> Proposed farm dwelling and garage	<b>Location:</b> Approx 140M South of 130 Coolreaghs Road Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> K Black 130 Coolreaghs Road Cookstown BT80 9QD	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>  The current application is presented as an approval, however is being presented at Committee following receipt of an objection.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - response.docxDC Checklist 1.doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DAERA - Omagh	LA09-2023-0640-F.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The objector's concerns are addressed below:

1. Conflicting information with previous application on site LA09/2017/0867/O, and the subsequent applications on site that have been withdrawn – the recommendation for this application has been based on the information that has been submitted as part of this application that we have now.
2. Concerns over land ownership – A land registry check was carried out and it has confirmed that the site outlined in red belongs to Amanda Chambers, and the land outlined in blue is owned by K Black. K Black is the applicant, and Certificate C was filled out on the P1 form. K Black served notice on Amanada Chambers, therefore I am content the P1 form is correct, and all appropriate notice has been served.
3. Farm business is not active (CTY 10) – DAERA confirmed that the farm business ID provided has been in existence for more than 6 years, and we are content the farm business is active – the land is being leased out, and a conacre agreement has been submitted as part of evidence.
4. Proposed dwelling is not clustered with or visually linked to an existing group of buildings on the farm (CTY 10) – I am of the opinion that there is somewhat of a visual linkage with existing farm buildings at No. 130 Coolreaghs Road. Whilst the visual linkage may not be strong, there is no test within the policy on the strength of visual linkage. Furthermore, Policy CTY 10 also allows for consideration to 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 demonstrable health and safety reasons. Following Environmental Health's consultation response, additional consideration can be given to this site due to health and safety concerns.
5. Proposed house would appear unduly prominent, it would not respect the traditional pattern of development, and it would add to a ribbon of development (CTY 13 & 14) – I am content that the proposed dwelling will not appear as a prominent feature in the landscape and will integrate into the landscape with the existing landscaping and the proposed landscaping. I am content that the dwelling will not appear as a prominent feature in the landscape, and the proposed dwelling is unlikely to result in an adverse impact to the rural character of the area.
6. Proposed site would artificially create a gap on the roadside where two dwellings would be allowed under the CTY 8 exception – I do not believe a double infill opportunity can be created as any new dwellings need to be 75m away from third party farm buildings.

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

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is part of a larger agricultural field which is located along the roadside and rises from south to North. The roadside, south and west boundaries of the site are defined by low level hedges and post and wire fencing, with the northern boundary remaining undefined. Further north of the site is third party farm buildings, and immediately north of these buildings is No. 130 Coolreaghs Road which is the existing farm dwelling. The surrounding area is mainly agricultural rural lands and dwellings located throughout the countryside.

## **Description of Proposal**

This is a full planning application for a proposed farm dwelling and garage, the site is identified as approximately 140M South of No. 130 Coolreaghs Road, Cookstown.

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

### **Policy Consideration**

#### Representations

One neighbour notification letter was issued.

One objection was received in connection with this application.

#### Relevant Planning History

LA09/2017/0867/O – Proposed dwelling and garage, 65M South Of 130 Coolreaghs Road, Cookstown. Permission Granted 24.08.2017.

LA09/2018/0130/RM – Dwelling and Garage, 65M South Of 130 Coolreaghs Road. Application pending consideration.

LA09/2019/0822/F – Erection of a shed over existing storage tank for the storage of farm feeds, Lands 48M Se of 130 Coolreaghs Road Cookstown. Application Withdrawn.

LA09/2022/0235/F – Proposed Farm dwelling and garage to supersede previously approved Ref: LA09/2017/0867/O, Approx 65M South Of 130 Coolreaghs Road, Cookstown. Application Withdrawn.



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

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on Farms

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

PPS 21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. In this instance the application is for a farm dwelling and as a result the development must be considered under CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

In respect to criteria A, DAERA were consulted and confirmed the Business ID provided has been in existence since 2005 but that they closed the business as there was no agricultural activity over the last 5 years. They also confirmed that the site field was claimed in 2023 by another farm business. It was already established in the previous application in the same field (LA09/2022/0235/F) that DAERA advised that another farm is claiming single farm payment from the applicant's land and it was confirmed that the applicant has a lease agreement to let the land out and that the lands are being farmed by a third party. I am content the proposal complies with criteria A as the business ID provided has been in existence for more than 6 years and the business aspect has been met as the land is being leased out.

With regards to criteria B, I have conducted a search on the planning portal and found no evidence of any dwellings or development opportunities that have been sold off from the farm holding within 10 years and there has been no claims made otherwise. The lands where the site is located were transferred to Amanda Chambers in January 2022 however, as Amanda Chambers is listed as a member of the active farm business this cannot be considered being sold off or transferred off the farm holding.

Criteria C requires the building to be visually linked or sited to cluster with an established group of buildings on the farm. Firstly, the agent has identified the buildings located to the north as No. 130 Coolreaghs Road and the associated garage as the existing buildings associated with the farm business. Following discussions at internal group meetings this was deemed acceptable as there is no other buildings on the farm holding which have been identified. The next step is that the new dwelling should visually link with or be sited to cluster with this established group of buildings. I am of the opinion that there is somewhat of a visual linkage with existing farm buildings at No. 130 Coolreaghs Road. Whilst the visual linkage may not be strong, there is no test within the policy on the strength of visual linkage. While standing on this site, the buildings on the farm can be seen with this site.

Policy CTY 10 also allows for consideration to 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 demonstrable health and safety reasons. Environmental Health were consulted, and they noted they previously considered a similar proposal (LA09/2022/0235/F) in this same field and raised concerns regarding the inadequate separation distance between the proposal and the existing farm business. The minimum recommended separation distance between a proposed dwelling and existing third party farm business is 75m to

protect residential amenity from noise, odour and pests. We consider these health and safety concerns highlighted by Environmental Health to give consideration for an alternative site at least 75m from the third party farm buildings immediately south and adjacent to existing farm buildings at No. 130 Coolreaghs Road, which has left no other alternative for a site elsewhere than this particular site. For these reasons, even though there is a weak visual linkage with existing farm buildings, we are content that there is a visual linkage and additional consideration can be given to this site due to health and safety concerns, therefore I am content this application complies with CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I am content that the dwelling will not appear as a prominent feature in the landscape. I am content that the dwelling will integrate into the landscape given the limited views of the site along with the existing landscaping and the proposed landscaping. Finally, in terms of the proposed design, I am content that this is acceptable within this rural context. From this I am content that the application complies with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As stated, I am content that the dwelling will not appear as a prominent feature in the landscape, and the proposed dwelling is unlikely to result in an adverse impact to the rural character of the area. On a whole I am content that the proposed development complies with CTY 14.

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

DfI Roads were consulted and had no objection to the application, subject to conditions and informatives.

I have no ecological, flooding, or residential amenity concerns.

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

Approve is recommended

This application is recommended as an approval, subject to the email from the agent confirming the withdrawal of the live Reserved Matters application LA09/2018/0130/RM.

#### Approval Conditions

#### Condition 1

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

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

#### Condition 2

The vehicular access including visibility splays of 2.4m x 90m both directions and any forward sight distance shall be provided in accordance with Drawing No. 02 REV 01 uploaded on public access on 06th Oct 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### Condition 3

The access gradient to the dwelling 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.

#### Condition 4

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

#### Condition 5

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

Reason: To ensure the development integrates into the countryside.

#### Condition 6

The scheme of planting hereby approved shall be carried out in accordance with Drawing No. 02 REV 01 uploaded on public access on 06th Oct 2023 during the first available planting season after the commencement of development. Trees or shrubs dying, removed, or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

**Signature(s):** Seáinín Mhic Íomhair

**Date:** 21 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	8 June 2023
<b>Date First Advertised</b>	20 June 2023
<b>Date Last Advertised</b>	20 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  130 Coolreaghs Road Cookstown Tyrone BT80 9QD</p>	
<b>Date of Last Neighbour Notification</b>	15 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1984/0362  Proposals: FARM DWELLING HOUSE  Decision: PG  Decision Date:</p>	
<p>Ref: I/1997/0307  Proposals: Replacement dwelling  Decision: PG  Decision Date:</p>	
<p>Ref: I/1984/036201  Proposals: FARM DWELLING HOUSE  Decision: PG  Decision Date:</p>	
<p>Ref: LA09/2023/0640/F  Proposals: Proposed farm dwelling and garage  Decision:  Decision Date:</p>	
<p>Ref: I/2007/0358/F  Proposals: Proposed replacement dwelling and garage</p>	

Decision: PG  
Decision Date: 13-FEB-08

Ref: I/1976/0434  
Proposals: IMPROVEMENTS TO EXISTING DWELLING  
Decision: PG  
Decision Date:

Ref: LA09/2020/0100/F  
Proposals: Replacement dwelling  
Decision: PG  
Decision Date: 13-AUG-20

Ref: I/1997/0088  
Proposals: Proposed stable building and erection of wall  
Decision: PG  
Decision Date:

Ref: I/1978/0276  
Proposals: BUNGALOW  
Decision: PR  
Decision Date:

Ref: I/1993/0328  
Proposals: Removal of Occupancy Condition  
Decision: PR  
Decision Date:

Ref: I/1976/0334  
Proposals: ERECTION OF DWELLING  
Decision: PR  
Decision Date:

Ref: I/1980/0161  
Proposals: BUNGALOW  
Decision: PR  
Decision Date:

Ref: I/2004/0510/O  
Proposals: proposed dwelling and garage  
Decision:  
Decision Date:

Ref: I/1991/0087  
Proposals: Continued use as dwelling house without compliance with  
occupancy condition

Decision: PR  
Decision Date:

Ref: I/1995/0089  
Proposals: Site for Dwelling  
Decision: WITHDR  
Decision Date:

Ref: LA09/2017/0867/O  
Proposals: Proposed dwelling and garage  
Decision: PG  
Decision Date: 24-AUG-17

Ref: I/1988/0261  
Proposals: REPLACEMENT DWELLING  
Decision: PG  
Decision Date:

Ref: I/1989/0404  
Proposals: Replacement Dwelling  
Decision: PG  
Decision Date:

Ref: LA09/2022/0235/F  
Proposals: Proposed Farm dwelling and garage to supersede Previously approved Ref: LA09/2017/0867/O  
Decision:  
Decision Date:

Ref: LA09/2018/0130/RM  
Proposals: Dwelling and Garage  
Decision:  
Decision Date:

Ref: LA09/2019/0822/F  
Proposals: Erection of a shed over existing storage tank for the storage of farm feeds (amended description)  
Decision: WDN  
Decision Date: 25-OCT-22

Ref: I/1993/6028  
Proposals: Site for Single Storey Dwelling Coolreaghs Road Cookstown  
Decision: PRER  
Decision Date: 30-MAR-93

Ref: I/1995/0278



Proposals: Site for dwelling

Decision: PG

Decision Date:

Ref: I/1996/0296

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/2008/0339/F

Proposals: Change of garage from original approved under I/2007/0358/RM (to accommodate additional domestic storage)

Decision: PG

Decision Date: 21-JUL-08

Ref: I/2006/0351/O

Proposals: Proposed retirement bungalow & domestic garage

Decision:

Decision Date:

### **Summary of Consultee Responses**

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-Roads Consultation - response.docxDC Checklist 1.doc

Historic Environment Division (HED)-

DAERA - Omagh-LA09-2023-0640-F.docx

Environmental Health Mid Ulster Council-Planning response.pdf

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01 Rev 01

Site Layout or Block Plan Plan Ref: 02 Rev 01

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Garage Plans Plan Ref: 04

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.11
<b>Application ID:</b> LA09/2023/0772/F	<b>Target Date:</b> 1 November 2023
<b>Proposal:</b> Change of House Type From Previously Approved Ref: LA09/2021/1098/F and Garage	<b>Location:</b> Approx 180M SE of 28 Broagh Road, Knockloughrim
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Aidan O'Mahony and Clodagh McPeake 266 Hillhead Road Castledawson Magherafelt BT45 8EF	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b> <p>This Full application for a change of house type from previously approved ref: LA09/2021/1098/F and garage is being presented to committee as applicants' father Mr S McPeake is an Elected Councillor in Mid Ulster District Council.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Magherafelt Area Plan 2015, PPS 3 and PPS 21 (CTY 13 AND 14) and Building on Tradition- a Sustainable Design Guide for the Northern Ireland Countryside 2012. The proposal is not at conflict with any of the relevant policies.</p> <p>Approval is recommended with appropriate conditions and informatives attached to any decision.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or other designated sites as per the Magherafelt Area Plan 2015. The site is located approximately 180m east of the public road with the access taken from an existing access. At the time of the site visit it was apparent works had commenced on site with the site being cleared, stones laid along the access and there was a small garage built to

the north of the red line. The site is relatively flat with the site gently sloping south. There are existing boundaries to the north and east of the site where the dwelling is to be located with public views of the site quite limited. The immediate area is a mix of agricultural land uses and residential dwellings located.

### **Description of Proposal**

This is a Full application for a change of house type from previously approved reference LA09/2021/1098/F and Garage.

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

#### **Policy Consideration**

#### **Representations**

Eight (8) neighbouring properties were notified with (No. 27 and 28A returned by royal mail – no such address), and press advertisement was carried out in line with the Council's statutory duty. To date, no third party representation has been received.

#### **Consultations**

No consultations were considered necessary for this application.

#### **Relevant Planning History**

Reference: LA09/2021/1098/F

Proposal: Change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway

Location: Approx 180 Se of 28 Broagh Road, Knockloughrim

Decision and Date: Permission Granted 28.07.2022

Reference: H/2005/0910/F

Location: 180M South East Of 28 Broagh Road, Knockloughrim.

Proposal: Proposed dwelling and garage.

Decision and Date: Permission Refused > Appeal Upheld 25.09.2007

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

- Magherafelt Area Plan 2015
- SPSS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Planning Policy Statement 3: Access, Movement and Parking

- Planning Policy Statement 21: Sustainable Development in the Countryside
  - CTY 13 Integration and Design of Buildings in the Countryside
  - CTY14 Rural Character

### **Magherafelt Area Plan 2015**

The Magherafelt Area Plan 2015 identifies the site as being in the rural countryside, approximately 2.21km southeast of Knockloughrim. There are no other zonings or designations within the Plan.

### **SPPS – Strategic Planning Policy Statement for Northern Ireland**

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.

### **Mid Ulster District Council Draft Plan Strategy 2030**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The guide has been prepared to raise awareness of the importance of looking after the Northern Ireland countryside and how to achieve higher quality of sustainable development that will provide a basis to protect and enhance our rural assets. The guide will be used in accordance with all sustainable development in Northern Ireland countryside to understand the requirements of Planning Policy Statement 21. The document is used as a development management tool and will be used as a material consideration in the determination of planning applications for development proposals outside of settlement limits.

I am content that the proposed plans reflect the Building on Tradition guidelines for sustainable design in the countryside.

## **Planning Policy Statement 3 – Access, Movement and Parking**

As the previous planning approval is still extant and the access will remain unaffected by the proposal, I am content that it was not necessary to consult with roads in this instance. Under application reference LA09/2021/1098/F DFI roads were consulted as the proposal involved an alteration to the access to which DFI roads had no objection considering visibility splays were 2.4 x 45metres and a 45-metre forward sightline, as this remains the same I am content the proposal complies with PPS 3.

## **PPS 21 – Sustainable Development in the Countryside**

### **Consideration of evidence**

The proposed application site has 4 previous approvals which are relevant in this case. The most recent planning approval (LA09/2021/1098/F) which I note is still extant proposed a change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway. The principle of development was agreed under application A/1052/PAC. Permission was granted for a proposed dwelling and garage from the appeal reference 2007/A1062 after planning reference H/2005/0910/F was refused. The previous case officer was content all pre commencement conditions were commenced prior to the expiry date.

Mid Ulster Historical Ortho provides evidence that splays are in place and that development has begun. From site visit it is apparent that the site has been cleared, stones laid along the access and there was a small garage built to the north of the red line. I am assertive that it is reasonable to conclude that the development as approved in the was lawfully commenced prior to the expiry date.

### CTY 13 - Integration and Design of Buildings in the countryside

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 site is well screened and views from the public road will be very limited. The proposed design is of a high quality and is appropriate to the countryside setting. The dwelling is proposed to be a two-storey dwelling with the finishes to be smooth render finish with corbelled eaves and anthracite grey cladding as shown in drawing '04'. Given that the proposed is smaller in terms of scale and massing to previous approval LA09/2021/1098/F I am content it will not be a prominent feature in the landscape and will blend with the local landscape. From this I am content that the application complies with CTY 13 of PPS 21.

### CTY 14 - Rural Character

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling will not be unduly prominent in the landscape, nor does it result in build up. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. The subordinate garage will not damage rural character. It was assessed on previous applications that a dwelling on this site is in

accordance with this policy and I am content that there is unlikely to be any adverse impact to the rural character of the area nor will it create or add to a ribbon of development as such I am content that the application complies under CTY 14.

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted planning permission subject to the below conditions.

### **Habitats Regulations Assessment**

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

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

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

#### **Condition 2**

This permission is granted solely as a substitute for the permission for a dwelling and garage on the site under LA09/2021/1098/F on 28.07.2022 and only one dwelling shall be constructed on the site.

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

#### **Condition 3**

All landscaping comprised in the approved details of landscaping on the drawing No.02 uploaded on public access on 18.07.2023 shall be carried out in the first planting season following the commencement of any further development or other works hereby approved.

Reason: To ensure the development integrates into the countryside.

**Condition 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 the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives written consent to any variation.

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

**Condition 5**

The existing mature trees and vegetation identified in drawing No.02 uploaded on public access on 18.07.2023 shall be retained except where it is required to provide sight lines.

Reason: To ensure the maintenance of screening to the site.

**Signature(s):** Ciara Carson

**Date:** 20 November 2023



<b>ANNEX</b>	
<b>Date Valid</b>	19 July 2023
<b>Date First Advertised</b>	1 August 2023
<b>Date Last Advertised</b>	1 August 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  26 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  RNN - 27 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  29 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  26 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  RNN - 28A Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  30 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  28 Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX  The Owner / Occupier  RNN 30A Broagh Road Knockcloghrim Magherafelt Londonderry BT45 8QX</p>	
<b>Date of Last Neighbour Notification</b>	13 November 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/1993/6054  Proposals: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR  BELLAGHY MAGHERAFELT  Decision: QL  Decision Date:</p> <p>Ref: LA09/2019/1543/F  Proposals: Change of house type and garage from approved dwelling under  H/2014/0441/F  Decision: PG  Decision Date: 06-AUG-20</p>	

Ref: H/2011/0286/RM

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 15-NOV-11

Ref: LA09/2023/0772/F

Proposals: Change of House Type From Previously Approved Ref: LA09/2021/1098/F and Garage

Decision:

Decision Date:

Ref: H/2005/0291/O

Proposals: Site of Dwelling and Garage.

Decision: PR

Decision Date: 22-AUG-06

Ref: H/2004/1362/O

Proposals: Site of dwelling and garage

Decision: PR

Decision Date: 12-JAN-06

Ref: H/2005/0117/O

Proposals: Site Of Dwelling & Garage

Decision: PG

Decision Date: 19-SEP-06

Ref: LA09/2016/0575/LDE

Proposals: Substantial works for garage and access have commenced

Decision: PG

Decision Date: 04-JAN-17

Ref: H/2014/0441/F

Proposals: Dwelling (change of house type from previous approval H/2011/0286/RM)

Decision: PG

Decision Date: 21-MAY-15

Ref: H/2010/0352/F

Proposals: Proposed 1½ storey rear extension to extend 1st floor bedroom and provision of games room on ground floor

Decision: PG

Decision Date: 09-SEP-10

Ref: H/2009/0540/RM

Proposals: Proposed dwelling & garage

Decision: PG

Decision Date: 13-NOV-09

Ref: H/2010/0523/F

Proposals: Amended access onto existing laneway to that previously approved under H/2007/1019/RM

Decision: PG

Decision Date: 18-APR-11

Ref: LA09/2019/0765/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 04-SEP-19

Ref: H/2007/1019/RM

Proposals: Private dwelling and garage

Decision: PG

Decision Date: 23-MAY-08

Ref: LA09/2019/1562/RM

Proposals: Dwelling & garage

Decision: PG

Decision Date: 06-AUG-20

Ref: H/1994/0148

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: H/1993/0148

Proposals: SITE OF CHALET DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2016/1591/F

Proposals: Change of house type from previously approved H/2007/1019/RM

Decision: PG

Decision Date: 14-JUL-17

Ref: H/2005/0910/F

Proposals: Proposed dwelling and garage.

Decision: PR

Decision Date: 25-SEP-07

Ref: LA09/2020/1125/NMC

Proposals: Removal of external stone work 33m forward sight distance

Decision:

Decision Date:

Ref: LA09/2021/1098/F

Proposals: Change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway

Decision: PG

Decision Date: 28-JUL-22

**Summary of Consultee Responses**

-

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Road Access Plan Plan Ref: 03

Proposed Plans Plan Ref: 04

Garage Plans Plan Ref: 05

**Notification to Department (if relevant)**

Not ApplicableNot Applicable



## Development Management Officer Report Committee Application

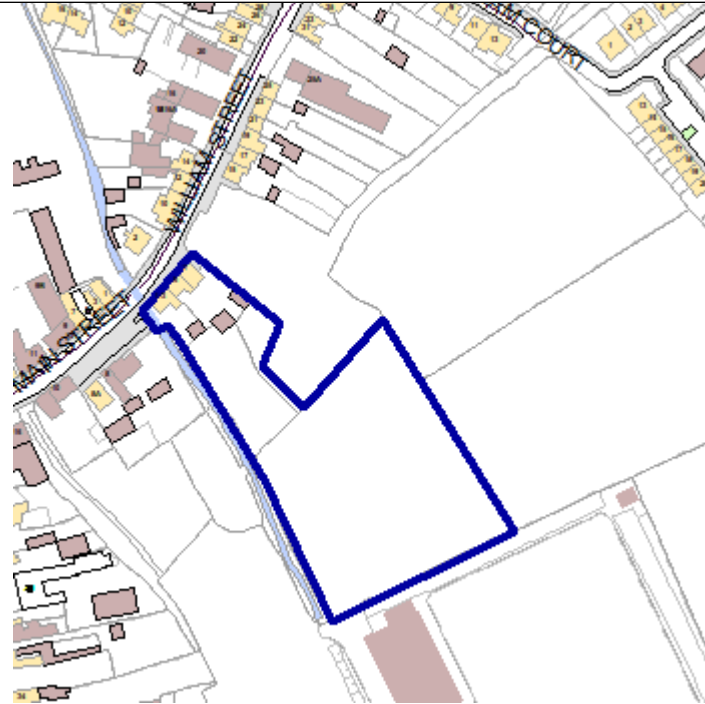
Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2023/0786/F	<b>Target Date:</b> 9 November 2023
<b>Proposal:</b> Demolition of No.s 1-3 William Street, the erection of 14 no residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings, car parking, alterations to an existing access, the creation of a community riverside biodiversity greenway, community open space area and all associated site works (amended description).	<b>Location:</b> Lands at and to The South East of 1-7 William Street, Bellaghy
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Ballyscullion Property Investments Ltd 4d Ballyscullion Lane Bellaghy BT45 8NQ	<b>Agent Name and Address:</b> Ms Johann Muldoon Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Executive Summary:</b> <p>Application relates to housing development consisting of 14 units.</p> <p>All housing proposed, will be located outside of the settlement limit. Access to the site will run through land within settlement limit - some of which is zoned for housing and some of which is unzoned.</p> <p>Application does not meet any of the categories of residential development which are acceptable under CTY 1 of PPS 21. Planning statement makes reference to the site being used for assisted / retirement living but no evidence submitted to prove need for this type of residential development nor any commitment demonstrated from a registered housing association.</p>	

Proposal also contrary to FLD3 of PPS 15 in so far as no drainage assessment as been submitted.

DFI Roads have provided a list of issues with access arrangements which need addressed but given the fact that the principle of development is contrary to policy, amendements have not been sought. PSD drawings have not been provided at time of writing report .

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	NI Water - Multiple Units West	LA09-2023-0786-F.pdf
	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation.docx
	Environmental Health Mid Ulster Council	LA09 2023 0786 F Housing dev Bellaghy.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Copy.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The front (NW) of the site consists of what appears to be one dwelling, fronting onto William Street Bellaghy, but which has an address of 1-3 William Street. The dwelling is disused but still intact and in good repair. To the rear of the dwelling there is a garden area which is overgrown and contains mature trees.

This garden area leads to a roughly rectangular shaped field which slopes upward considerably from west to east. The north western boundary of the site which divides the field from the houses on William Street is defined by considerable deciduous trees. The eastern boundary of the site also has a few tall deciduous trees whilst the southern boundary is undefined apart from a low post and wire fence which separates the site from the grounds of Bellaghy GAC.

The character of the area varies at different parts of the site. At the front portion of the site, where the existing house is located along William Street, there is very much a bustling feel of a busy main street whereas in the field itself which forms the main part of the site, there is a sense that one is removed from the village scene and in a more rural, environment.

There is planning history on the site in the form of H/2007/0893/O which was refused and the subsequent appeal dismissed.

### **Description of Proposal**

The proposal is to demolish the existing dwelling 1-3 William Street to create an access which leads to the aforementioned field wherein there is proposed to be constructed, 14 no residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings. The scheme also proposes the creation of a riverside greenway.

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

#### **Policy Consideration**

The following policies are relevant;

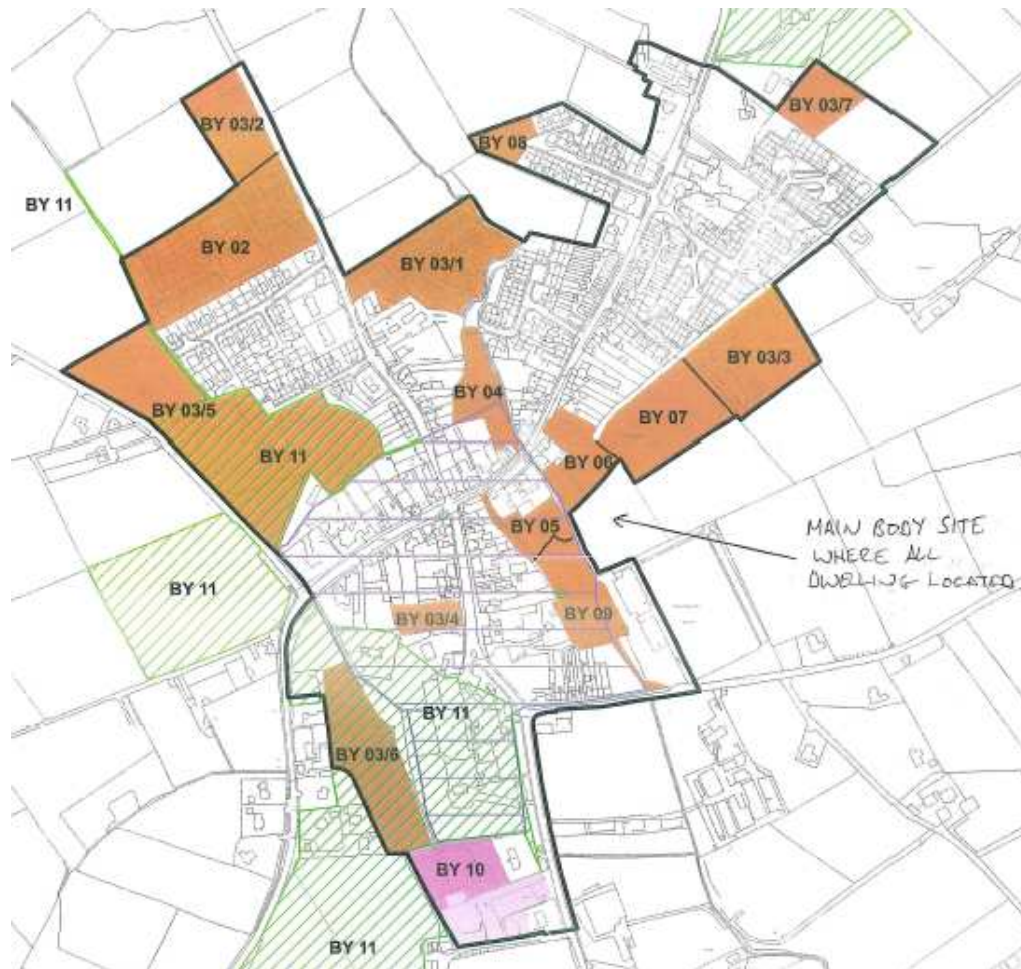
- Magherafelt Area Plan (MAP)
- SPPS
- PPS 21 – Sustainable Development in the Countryside
- PPS 7- Quality Residential Environments
- PPS 15 – Planning and Flood Risk
- PPS 3 – Access, Movement and Parking



## Magherafelt Area Plan (MAP)

The site in its entirety consists of 3 different statuses as per the MAP. The dwellings at the front of the site are located on un-zoned white land while the gardens to the rear of these dwellings are zoned as Housing Policy Area BY06. The main portion of the site is located outside of the settlement limit. The housing aspect of proposal is located exclusively on the land which is outside of the settlement limit and therefore must be assessed under the prevailing policy for the countryside.

There is an Area of Archaeological Potential located immediately adjacent to the site.



## SPPS

In relation to housing development in the countryside (i.e. outside of settlement limits), the SPPS sets out the strategic policy direction which Councils should follow and advises of the range of housing development which will be deemed as acceptable in the rural area. These are listed at paragraph 6.73 of the SPPS and are in keeping with the criteria set out in PPS 21. They include;

- Replacement dwellings
- Dwellings in existing clusters
- Dwellings on farms

- Dwellings for non-agricultural business enterprises
- Infill / ribbon development
- Conversion / reuse of existing buildings
- A dwelling needs for personal circumstances
- A temporary caravan
- Social and Affordable Housing

### PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 sets out the range of classes of residential development which are acceptable in the countryside.

The only class of residential development listed in CTY 1, which it could be suggested is relevant in applying to this proposal, is the criterion for the provision of social and affordable housing in accordance with Policy CTY 5; however it should be noted that the description of the proposal for this application does not mention social and affordable housing.

The proposal simply states “*residential units, including 8no. two storey townhouses and 6 no. bungalow dwellings.*” However, in the Design and Access statement, the agent has stated that the proposal is for 14no. assisted living units.

The agent in their planning statement has stated at para. 6.5 that “*there is a demonstrated need for this type of assisted living/retirement housing in the rural area.*” They have also stated in their Design and Access Statement that “*discussions have occurred with the chief executive and members of the Trust about the need for assisted living housing within the local area. Feedback has confirmed a need.*”

However, no evidence of these discussions has been provided and no evidence of the need for assisted living units has been provided.

In addition to the above, no information has been provided about the tenure of the proposed properties. It is not uncommon for housing developments to be built by private contractors and sold privately to people of retirement age. This does not equate to the provision of social housing and in the absence of any information about the tenure of the proposed houses I cannot assume that this proposal is for social housing without any evidence to back this claim up.

I have written to the agent on 18<sup>th</sup> September requesting the following information;

- Does the scheme relate to social housing?
- What is the tenure of the development
- Has a social housing provider been secured to deliver the development.

The agent has responded to these queries but has not addressed the issues satisfactorily. They have asserted that Bellaghy has an aging population and that there is a need for tailored living arrangements to meet the needs of elderly people. They state that the client has approached various housing providers but that “social housing agencies do not have the money to deliver these units.”

It is clear therefore that the developer has not demonstrated that the scheme will be for social housing, despite being afforded the opportunity to clarify this.

If I was to accept the premise that the proposal is for social housing, then the relevant policy would be CTY 5 of PPS 21. CTY 5 states that planning permission will only be granted for social housing on the edge of a small settlement “*where application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality.*”

Whilst the application is certainly located on the edge of a small settlement, it has not been made by a registered Housing Association. The planning statement submitted by the agent states that the applicant has engaged with social housing providers in relation to this site, but again, no evidence of this has been submitted. In addition, no evidence has been submitted to prove a demonstrable social housing need, as identified by NIHE. It is also apparent that no process has been undertaken to discount sites in the settlement of Bellaghy, nor indeed in other settlements in the locality, which may be suitable for housing this development.

Given all of the above, I am not satisfied that this proposal complies with either policies CTY 1 or CTY 5 of PPS 21 for the following reasons;

- There is no firm commitment by the applicant that this proposal will be for social and affordable housing. The application relates to “residential development” or “assisted / retirement living.”
- No evidence has been provided of any social housing need as demonstrated by the NIHE.
- The agent has stated that no social housing providers are on board to deliver the development.
- The application has not been made by a registered housing association.
- No process has been undertaken to discount alternative sites within settlement limits.

#### PPS 7 – Quality Residential Environments

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

- (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 development is designed to respond to the sloping nature of the site and the agent has demonstrated how they have used traditional design and layout patterns to respond

to built form which exists in the locality. Notably they have demonstrated how the quadrangle style layout is in keeping with traditional and culturally important building patterns evidenced at Bellaghy Bawn. Visual representations provided by the agent have in my opinion, demonstrated that the site respects the surrounding context and is appropriate in terms of design and layout for the locality.

**(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 features of archaeology or built heritage assets have been identified as being impacted by this proposal. Bellaghy is a historically significant settlement and an area of Archaeological Potential exists next to the site but is not affected by this site.

The proposal therefore will have no impact on any archaeological or built heritage features.

**(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 requirement to provide public open space only applies to residential developments in excess of 25 units, as per OS 3 of PPS 8. However, despite that, the scheme involves a significant degree of public open space provision both within the housing development itself and also along the “greenway” beside the river.

In relation to private amenity space, Creating Places states that *“a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.”*

The proposed development contains 14 separate units each with their own private amenity space. The amount of private amenity space shown for each dwelling ranges from 50sq. metres to 95 sq. metres and this results in an average private amenity space for the development of just under 78 sq. metres each.

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

The scheme involves a significant degree of public open space and community space which can be used by the wider community. It is also proposed to incorporate a second phase of development including 8 commercial units and a café which will be for use by the wider community.

**(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 development will be linked to a public footpath which will enable residents to easily walk to the local shops and services available within Bellaghy Village. There is also a greenway beside the existing river which will be enjoyed by pedestrians.

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

The agent has calculated that the required level of parking for this development is 22 spaces. The scheme has provided 24. DFI Roads have been consulted on this application but have not disagreed with the level of parking; they have asked that amendments are made to the parking layout that would mean the footpath is not impacted upon.

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

The design, scale and form of the dwellings is in keeping with the typical house design in this kind of development. Typical finishes are grey concrete tiles with grey PVC doors, black aluminium rainwater goods and white render finish.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village.

**(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**

The only potential conflict in terms of adjacent land uses is the local GAA pitch which has floodlighting and which can experience large crowds generating noise at certain times.

Env. Health have been consulted but at the time of writing have yet to respond.

No issues of overshadowing, loss of privacy will be experienced by other dwellings.

Given all of the above, I am content that subject to favourable comment from Env Health, the proposal is in accordance with QD 1 of PPS 7.

#### PPS 15 – Planning and Flood Risk

The site is located within the Q100 strategic flood plain. It is also above the threshold for

a drainage assessment as laid out in FLD 3. No drainage assessment has been submitted as part of the application. The agent states in their planning statement that a drainage assessment has been submitted as part of the submission. This does not appear to the case as I cannot see a Drainage Assessment as part of the submission. The agent has stated on two occasions (16/8/23 and 30/12/23) that a DA is being prepared, but to date none has been submitted.

The proposal is therefore contrary to FLD 3 of PPS 15 given that no drainage assessment has been submitted. The agent has been aware of this issue for approx.. 4 months but has still failed to submit a DA. Given that the principle of development is contrary to policy as outlined above, I do not feel it is necessary to wait on the submission of a DA as this will not address the fundamental policy concerns in relation to this development.

### PPS 3 – Access, Movement and Parking

The scheme involves the creation of a new access onto William Street with visibility splays of 4.5m x 90m and a private access road leading to the 14 dwellings.

DFI Roads have not objected to the visibility splays shown as part of the scheme but have initially raised issues with parking spaces impacting on the footway and other issues. These have been addressed by the agent and a re-consultation with DFI Roads has taken place.

DFI Roads have still got issues to be addressed in relation to this development but these are not thought to be insurmountable and they have stated that they are generally happy with the layout. They have also asked for a formal PSD drawing to be submitted as this has not been submitted to date. However, given that the principle of the development is contrary to policy as outlined above, I do not feel it is necessary to wait on the submission of formal PSD drawings as these will not be capable of addressing the fundamental policy concerns with this development.

### OTHER MATERIAL CONSIDERATIONS

No third party objections have been received.

Another important material consideration is the planning history on the site. H/2007/0893/O related to a “*site for housing development*” and was refused because it was deemed to be prejudicial to the draft Magherafelt Area Plan.

A subsequent appeal against this refusal was dismissed.

### **Summary of Recommendation:**

Refuse is recommended

Given all of the above, I recommend that this application is refused for the following reasons;

#### Refusal Reasons

##### Reason 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.

##### Reason 2

The proposal is contrary to policy FLD 3 of PPS 15 in that it has not been accompanied by a drainage assessment.

**Signature(s):** Colin McKeown

**Date:** 5 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	27 July 2023
<b>Date First Advertised</b>	15 August 2023
<b>Date Last Advertised</b>	8 August 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier            Bellaghy Wolfe Tones GAC 30 Ballyscullion Road Bellaghy Londonderry BT45 8LD</p> <p>The Owner / Occupier            8 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier            RNN - 1-3 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            RNN - 5 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            RNN - 7 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            RNN - 15 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            17 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            19 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            2 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            10 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            12 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            14 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            16 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            18 William Street Bellaghy Londonderry BT45 8HZ</p> <p>The Owner / Occupier            RNN - 1 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier            3 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier            5 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier            7 Main Street Bellaghy Londonderry BT45 8HS</p> <p>The Owner / Occupier</p>	



6 Main Street Bellaghy Londonderry BT45 8HS

<b>Date of Last Neighbour Notification</b>	4 August 2023
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	<events screen>
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**Planning History**

Ref: H/1996/0383  
Proposals: EXTENSION TO DWELLING  
Decision: PG  
Decision Date:

Ref: H/2007/0860/F  
Proposals: Proposed housing development consisting of 8 No. apartments and 4 No. townhouses  
Decision: PG  
Decision Date: 29-OCT-09

Ref: LA09/2016/1618/PAD  
Proposals: Housing Development  
Decision: PAD  
Decision Date: 01-JAN-17

Ref: H/2004/0930/O  
Proposals: Site of 9 terraced dwellings (3 separate blocks).  
Decision: PG  
Decision Date: 01-FEB-07

Ref: H/2007/0893/O  
Proposals: Site of housing development  
Decision: PR  
Decision Date: 26-FEB-08

Ref: H/2004/0646  
Proposals: Site of residential development consisting of 18 detached and 4 semi-detached dwellings with new access road  
Decision: 461  
Decision Date:

Ref: H/2003/0910/O

Proposals: Site of five no dwellings.

Decision: PG

Decision Date: 19-OCT-04

Ref: LA09/2023/0786/F

Proposals: Demolition of no. 1-3 William Street, Bellaghy for the alteration/widening of an existing access, associated siteworks, community landscape area and riverside biodiversity habitat, community linkages and courtyard parking for the creation of 14 no. assisted living units comprising 6 bungalows and 8 no two storey townhouses.

Decision:

Decision Date:

Ref: LA09/2018/1060/F

Proposals: Demolition of existing derelict dwellings and redevelopment to include 7no. Apartments , 4No semi-detached dwellings using approved visibility splays and access

Decision: PG

Decision Date: 12-SEP-19

Ref: H/1992/0520

Proposals: ALTS AND ADDS TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2018/0606/F

Proposals: Demolition of existing changing room and storage area with proposed new extension to include meeting rooms and toilets

Decision: PG

Decision Date: 13-JUN-18

Ref: H/1996/0591

Proposals: EXTENSION TO EXISTING SOCIAL CENTRE TO FORM 2 CHANGING ROOMS PLUS ERECTION OF COVERED STAND TERRACING AND BOUNDARY WALL AND FLOODLIGHTING TO PLAYING FIELDS

Decision: PG

Decision Date:

Ref: H/1982/0029

Proposals: LEISURE CENTRE

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

NI Water - Multiple Units West-LA09-2023-0786-F.pdf

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation.docx

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 16  
Site Location Plan Plan Ref: 01  
Site Location Plan Plan Ref: 02  
Site Layout or Block Plan Plan Ref: 03  
Proposed Plans Plan Ref: 04  
Proposed Plans Plan Ref: 05  
Site Appraisal or Analysis Plan Ref: 06  
Cross Sections Plan Ref: 07  
Proposed Floor Plans Plan Ref: 08  
Proposed Floor Plans Plan Ref: 09  
Proposed Floor Plans Plan Ref: 10  
Proposed Plans Plan Ref: 11  
Proposed Plans Plan Ref: 12  
Proposed Plans Plan Ref: 13  
Proposed Plans Plan Ref: 14  
Existing Plans Plan Ref: 15

**Notification to Department (if relevant)**

Not Applicable



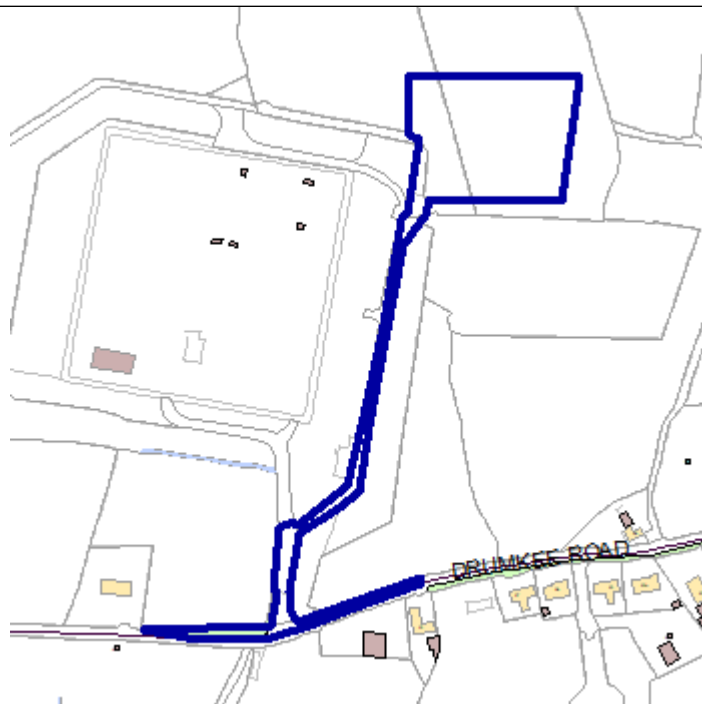
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2023/0930/F	<b>Target Date:</b> 19 December 2023
<b>Proposal:</b> Heron Storage Ltd Application under Section 54 of the Planning Act (Northern Ireland) 2011 to vary condition 17 of planning permission ref: LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West. See accompanying cover letter for reasons to vary condition.	<b>Location:</b> Lands immediately East of Tamnamore Substation and Circa 260M South West of 167 Ballynakilly Road Coalisland Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Heron Storage Ltd 2 St Patricks Street Draperstown BT45 7AL	<b>Agent Name and Address:</b> TSA Planning 20 May St Belfast BT1 4NL
<b>Executive Summary:</b>  The applicant is a relative of the Head of Local Planning in Mid Ulster District Council - Karen Doyle. The Head of Strategic Planning in discussion with the Service Director has agreed this application can go to Planning Committee as an approval, given that NI Fire and Rescue have raised no concerns to this proposal and not responded formally via the Portal.	

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## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NI Fire And Rescue Service Headquarters	
Statutory Consultee	Health And Safety Executive For NI	CN202309-0010 - Lands immediately east of Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland (22.11.2023).pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2023-0930-F 8th Dec 23.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-2023-0930-F.pdf
Statutory Consultee	NI Fire And Rescue Service Headquarters	
Statutory Consultee	Health And Safety Executive For NI	CN202309-0010 - Lands immediately east of Tamnamore Substation & c260m SW of 167 Ballynakilly Rd,

Non Statutory Consultee	SONI LTD	Coalisland.pdf SONI Response LA09_2023_0930_F Tamnamore.pdf
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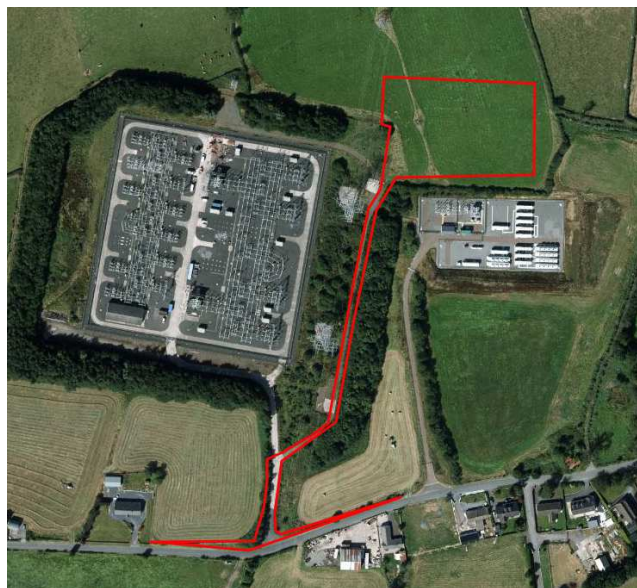
**Representations:**

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

**Characteristics of the Site and Area**

This application site occupies a parcel of land immediately East of the Tamnamore SONI Substation, approximately 260 metres South West of No 167 Ballynakilly Road, Coalisland. It sits immediately east of the existing NIE/SONI Tamnamore Substation which accesses onto the Drumkee Road. Adjacent and to the south of the site is a battery storage facility which was granted permission in October 2018. The site itself occupies the southern portion of an agricultural field which continues to the north, resulting in a lack of defined boundaries on the ground. There is existing hedgerow close to the southern boundary and established vegetation exists where the proposed new access is located. On the opposite side of the Drumkee Road close to where the existing access meets the public road, is an established line of detached dwellings which are mostly single storey along the roadside.



The site measures approximately 1.18 ha and sits less than 2.5 kilometres to the North West of the Tamnamore Roundabout, and 400 metres to the south west of the junction where traffic turn off the Ballynakilly Road towards Clonoe.



The surrounding agricultural land is traversed by the busy A45 Ballynakilly Road which connects Coalisland to the M1 motorway. There are some dispersed dwellings throughout the landscape and a variety of commercial landuses such as car sales, joinery, tourist accommodation and filling station close by, as well as some engineering enterprises. The surrounding landscape is also characterised by the existing electricity infrastructure with the presence of pylons and transformers permeating the skyline.

### **Relevant Planning History**

LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West - Lands Immediately East Of Tamnamore Substation and C 260M South West Of 167 Ballynakilly Road, Coalisland –Approval - 11.05.2023

LA09/2022/1447/F - Proposed synchronous condenser facility, new access, and ancillary development - 370M SW Of No 51 Drumkee Road, Dungannon – Approval - 27.06.2023

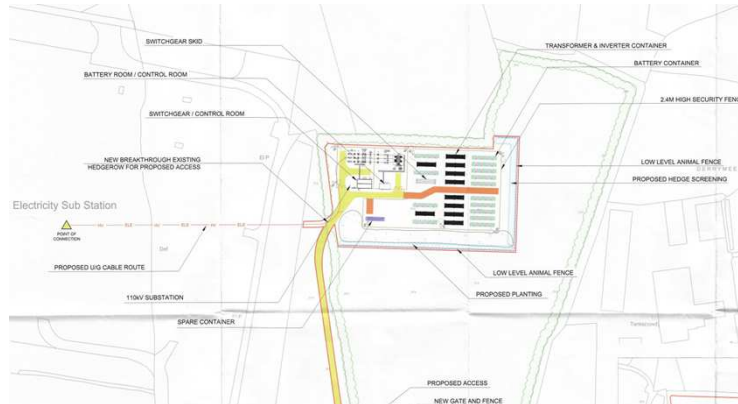
LA09/2022/1410/F - Proposed battery energy storage system (BESS) 100MWh (100 MW/1 hr), new access and alterations/ extensions of existing lane, and ancillary development - 500M NE Of 32 Drumkee Road, Dungannon (to Rear Of Tamnamore



275kv Electricity Substation) - under consideration

LA09/2021/0816/HSC - Lithium Battery Storage – 26.10.2022 - Application Withdrawn

LA09/2019/1469/NMC - Non-material change to approval LA09/2018/0803/F (Battery Energy Storage System) - 150M North Of 60 Drumkee Road, Coalisland –18.12.2019- Approval (see below)



LA09/2020/0876/PAD - Battery Storage facility - 150M North Of 60 Drumkee Road, Coalisland – Declined – 01.09.2021

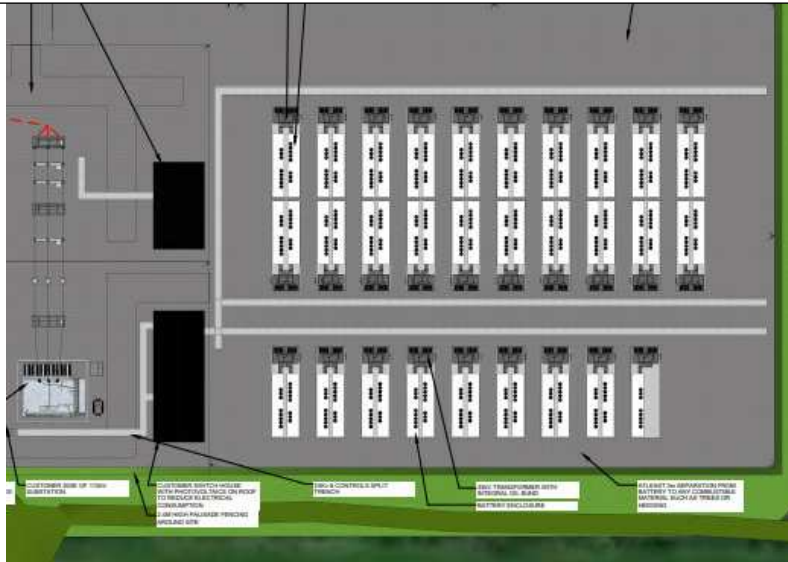
LA09/2018/0803/F - Proposed battery energy storage system, new access lane and ancillary development – 150M North Of 60 Drumkee Road, Coalisland - 03.10.2018 – Approval

M/2011/0198/F - Additional electrical plant and equipment installation, control room inside the existing sub-station site and overhead electrical transmission lines - Approval – 08.12.2011

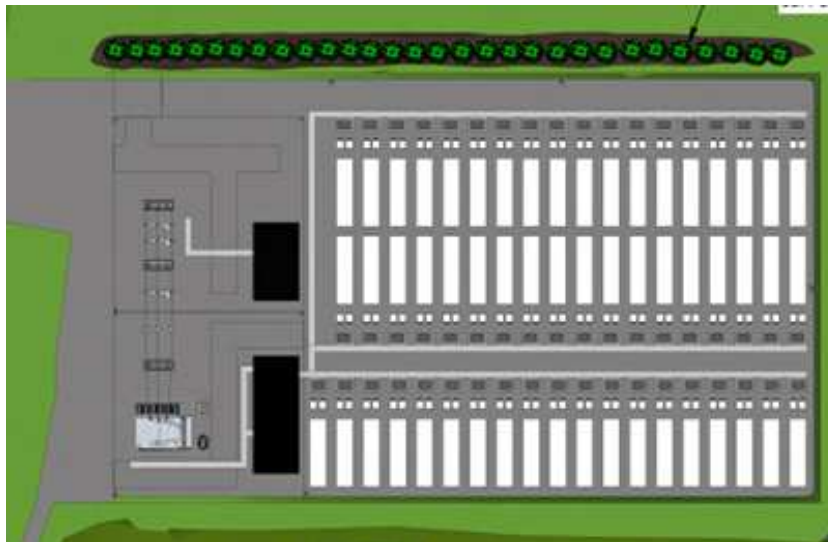
## Description of Proposal

This application seeks to vary Condition No 17 of LA09/2022/0600/F. This application was granted permission on 11<sup>th</sup> May 2023 for the Erection of a Battery Energy Storage System (BESS) facility 100MW and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West.

**The revised proposed layout of the site proposed by this application**



Below is the site layout granted permission under LA09/2022/0600/F for the storage of Multi Source Power Flex-ESS Batteries.



## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

The original scheme which was granted permission as detailed above was assessed fully against the relevant policies at the time and was deemed to be compliant with those policies, as was set out in the Case Officer’s Report which was presented to Committee and agreed on 12<sup>th</sup> June 2023.

Members will note that the extent of the layout is reduced from the originally approved

site layout plan. This would in itself have constituted a Non-Material Change had the condition restricting the use of the battery type not have been specified on that approval. The reduced layout itself makes no material difference in my view and the original Drawing 07 REV1 dated 29<sup>th</sup> November 2022 could be superseded as part of the consideration of this change to Condition 17 in tandem.

Condition No 17 of permission LA09/2022/0600/F reads;

*“The proposed facility shall install the Multi Source Power Flex-ESS Battery Energy Storage System as agreed by Mid Ulster District Council.”*

This condition was attached to the permission as that was the specific type of BESS the agent had applied planning permission for and it was therefore this specific type of technology which was being assessed by the Council, along with the relevant consultees including Health and Safety Executive for NI and NI Fire and Rescue Service.

This application seeks to vary the wording of Condition No 17 and seeks to utilise Tesla branded batteries as opposed to “Multi Source Power Flex-ESS” that were initially proposed to be utilised. The battery type this applicant which now to utilise are referred to as “Megapack 2 (MP2) and Megapack 2XL (MP2XL). Information was submitted on this amended battery type including an amended Noise Impact Assessment.

Mid Ulster District Council’s Environmental Health section were consulted and have stated that in respect of fire and safety they are unable to provide comment on varying condition 17 of planning permission reference LA09/2022/0600/F as this falls outside the remit of the Environmental Health Department. However having considered the information presented they are content that Condition No 3 of the planning permission granted which related to noise levels from the inverters and transformers, would not be compromised.

System Operator NI Ltd (SONI) stated that in this instance the variation of the planning condition would not have any detrimental effect to the existing network, or any future planning to the Tamnamore Substation.

HSENI commented that the information submitted by the agent referred to the UL 9540A test. They wish to make the Council aware that this test method has no UK standard or accreditation associated with it. The information on the Hydrogen Fluoride gas cloud indicates it will extend onto an existing adjacent development. HSENI do not have any further comments on this application. In responding to this, the agent provided a written submission which further clarifies the extent of any such cloud including that the adjacent development in another BESS station. A further response from HSENI on the 22<sup>nd</sup> Nov stated that based on information provided to date, including the applicant’s response dated 17<sup>th</sup> October 2023, HSENI has no additional comment to make.

NI Fire and Rescue Service (NIFRS) were consulted on 28<sup>th</sup> September 2023 and a reminder sent on 8<sup>th</sup> December 2023. They have not provided a formal consultation

response to this proposal via the Council's Planning Portal. The agent did submit an email trail of their private correspondence with a number of people in the NIFRS which concluded in someone from the TSC Operations section saying they have no objections. It is not normal procedure for the Planning Department to accept unofficial consultation responses from agents regarding their applications, however it is anticipated that a formal response will have been uploaded to Mid Ulster District Council's Planning Portal before the planning committee meeting. As such members are asked to accept my recommendation to approve the change to the condition is subject to an official positive response from NIFRS.

This proposal refers only to Condition 17 of the original permission, therefore it is still necessary to restate all the other original conditions part of that application which have not been discharged and are thus still relevant.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

**Condition 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

**Condition 2**

The vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No 9 REV 2 received on 4th May 2023, prior to the commencement of any works or 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 satisfactory means of access in the interests of road safety and the convenience of road users.

**Condition 3**

The Sound Power Level of Inverters and Transformers shall not exceed the levels outlined within Table 1 of the Irwin Carr letter dated 7th October 2022.

Reason: To protect nearby residential amenity from excessive noise.

#### Condition 4

Within 4 weeks of a written request by Mid Ulster District Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with noise levels stated within condition 1. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

#### Condition 5

In the event that previously unknown contamination is discovered falling outside the scheme of the approved revised remediation scheme in the Preliminary Risk Assessment dated 9th May 2022, development on the site shall cease, pending the submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by Mid Ulster District Council and the Northern Ireland Environment Agency. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at [www.gov.uk/guidance/land-contamination-how-to-manage-the-risks](http://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks). In the event of unacceptable risks being identified a remediation strategy shall be agreed by Mid Ulster Council in writing and subsequently implemented and verified to its satisfaction and that of Northern Ireland Environment Agency.

Reason: To protect environmental receptors and to ensure the site is suitable for use.

#### Condition 6

After completing all remedial works under Condition 5 and prior to the operation of the development, a Verification Report must be agreed in writing by Mid Ulster Council. This should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing risks and achieving the remedial objectives. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at [www.gov.uk/guidance/land-contamination-how-to-manage-the-risks](http://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks).

Reason: To protect environmental receptors and to ensure the site is suitable for use.

#### Condition 7

Prior to the development commencing, any onsite wells should be fully decommissioned and evidence agreed in writing to Mid Ulster Council. This should be in line with SEPA guidance document - "Good Practice for Decommissioning

Redundant Boreholes and Wells (UK Groundwater Forum)" available at <https://sepa.org.uk/media/34618/decommissioning-redundant-boreholes-andwells.pdf>.

Reason: To protect environmental receptors and to ensure the site is suitable for use.

#### Condition 8

No tree felling or vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before felling/clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

#### Condition 9

The proposed lighting around the compound are only to be operational during times authorised personnel are on site.

Reason: To minimise the impact of the proposal on bats and other wildlife.

#### Condition 10

All hard and soft landscaping works shall be carried out in accordance with the details on Drawing No 10 REV1 dated 29th November 2022. These works shall be carried out during the first available planting season after works commences to the appropriate British Standard and or other recognised Codes of Practice and retained thereafter.

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

#### Condition 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 the Council gives its written consent to any variation.

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

#### Condition 12

The details contained in the Drainage Assessment dated 2nd February 2023 and the Subsequent amendments dated 23rd February 2023, 28th February 2023 and 27th March 2023 shall be implemented and adhered to, unless written consent is obtained from Mid Ulster District Council.

Reason: To safeguard against flood risk.

**Condition13**

The details contained in the Fire and Safety Report dated 29th November 2022 shall be implemented and adhered to, unless written consent is obtained from Mid Ulster District Council.

Reason: In the interest of public health and safety.

**Condition14**

Any variation to the details contained in the Hazardous Substance Report dated 29th November 2022 shall be sought by written consent Mid Ulster District Council.

Reason: In the interest of public health and safety.

**Condition15**

Prior to the development hereby permitted becoming operational, a Final Emergency Response Plan will be submitted to in writing and agreed by Mid Ulster District Council. Once agreed, these shall be implemented in full and any variations to the agreed Plan will require further consent.

Reason: In the interest of public health and safety.

**Condition16**

Once a contractor has been appointed and prior to the commencement of any developmoent hereby permitted, a Final Construction Environmental Management Plan (CEMP) must be submitted to and agreed in writing by Mid Ulster Distrcit Council in compliance with NIEA Water Management Unit.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

**Condition 17**

The proposed facility shall install the Tesla Megapack 2 (MP2) and Megapack 2XL (MP2XL) as agreed by Mid Ulster District Council.

Reason: In the interests of fire and safety.

**Signature(s):** Cathy Hughes

**Date:** 20 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 September 2023
<b>Date First Advertised</b>	18 September 2023
<b>Date Last Advertised</b>	18 September 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/1990/0534 Proposals: Erection of bungalow Decision: PG Decision Date:</p> <p>Ref: M/1978/0678 Proposals: REPLACEMENT WORKSHOP FOR REPAIR OF AGRICULTURAL MACHINERY Decision: PG Decision Date:</p> <p>Ref: LA09/2022/0600/F Proposals: Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West Decision: PG Decision Date: 23-JUN-23</p> <p>Ref: LA09/2022/1108/PAD Proposals: Electrical installation, including Synchronous Compensator and associated</p>	



infrastructure

Decision:

Decision Date:

Ref: M/2011/0500/F

Proposals: Proposed 110/33kV Electrical Substation and erection of 50km 110kV portal type overhead line to connect proposed substation into both the Omagh main substation and the Tamnamore Grid Substations. To facilitate the connection of renewable energy to the NIE Network and provide network reinforcement to the Ballygawley area.

Decision: PG

Decision Date: 15-MAR-13

Ref: LA09/2023/0930/F

Proposals: Application under Section 54 of the Planning Act (Northern Ireland) 2011 to vary condition 17 of planning permission ref: LA09/2022/0600/F - Proposed erection of a battery energy storage system facility 100MW (BESS) and associated 33KV transformers, including 2 switch houses with control rooms lighting and closed-circuit television (CCTV) columns, new site boundary fencing and landscaping proposals, use of existing access and ancillary development works, including underground cabling route linking the site to Tamnamore main substation to the West. See accompanying cover letter for reasons to vary condition.

Decision:

Decision Date:

Ref: M/2004/0461/Q

Proposals: dwelling or dwellings

Decision: ELR

Decision Date: 03-JUN-04

Ref: LA09/2022/0397/PAD

Proposals: Proposed erection of a 100MW Battery Energy Storage Facility (BESS) and all associated site and access works including an underground cable connection to the adjacent Tamnamore Electrical Substation

Decision: WDN

Decision Date: 03-AUG-22

Ref: M/2003/1338/F

Proposals: New 275/110kv Grid Substation with interconnecting 110kv over-head line connection (5.5km) to the existing Dungannon main Substation at Edendork, Dungannon

Decision: PG

Decision Date: 29-JUN-04

Ref: M/1979/0825

Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: M/2004/0459/Q  
Proposals: dwelling or dwellings  
Decision: ELR  
Decision Date: 03-JUN-04

Ref: M/2004/0458/Q  
Proposals: dwelling or dwellings  
Decision: ELA  
Decision Date: 03-JUN-04

Ref: M/2011/0198/F  
Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.  
Decision: PG  
Decision Date: 08-DEC-11

Ref: LA09/2022/1447/F  
Proposals: Proposed synchronous condenser facility, new access, and ancillary development  
Decision: PG  
Decision Date: 29-JUN-23

Ref: M/2004/0473/Q  
Proposals: dwelling or dwellings  
Decision: ELA  
Decision Date: 03-JUN-04

Ref: M/1999/0798/RO  
Proposals: Dwelling  
Decision: PG  
Decision Date: 19-JAN-00

Ref: M/1988/0324  
Proposals: EXTENSION TO PROVIDE OFFICE TEAROOM, STORE AND TOILETS  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

Environmental Health Mid Ulster Council-  
NI Fire And Rescue Service Headquarters-  
Health And Safety Executive For NI-CN202309-0010 - Lands immediately east of  
Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland (22.11.2023).pdf  
Environmental Health Mid Ulster Council-LA09-2023-0930-F 8th Dec 23.pdf  
Environmental Health Mid Ulster Council-LA09-2023-0930-F.pdf

NI Fire And Rescue Service Headquarters-  
Health And Safety Executive For NI-CN202309-0010 - Lands immediately east of  
Tamnamore Substation & c260m SW of 167 Ballynakilly Rd, Coalisland.pdf  
SONI LTD-SONI Response LA09\_2023\_0930\_F Tamnamore.pdf

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Existing Plans Plan Ref: 02  
Site Layout or Block Plan Plan Ref: 03  
Proposed Plans Plan Ref: 04  
Existing Plans Plan Ref: 05  
Proposed Plans Plan Ref: 06  
Proposed Plans Plan Ref: 07  
Proposed Plans Plan Ref: 08  
Proposed Plans Plan Ref: 09

**Notification to Department (if relevant)**

Not ApplicableNot Applicable

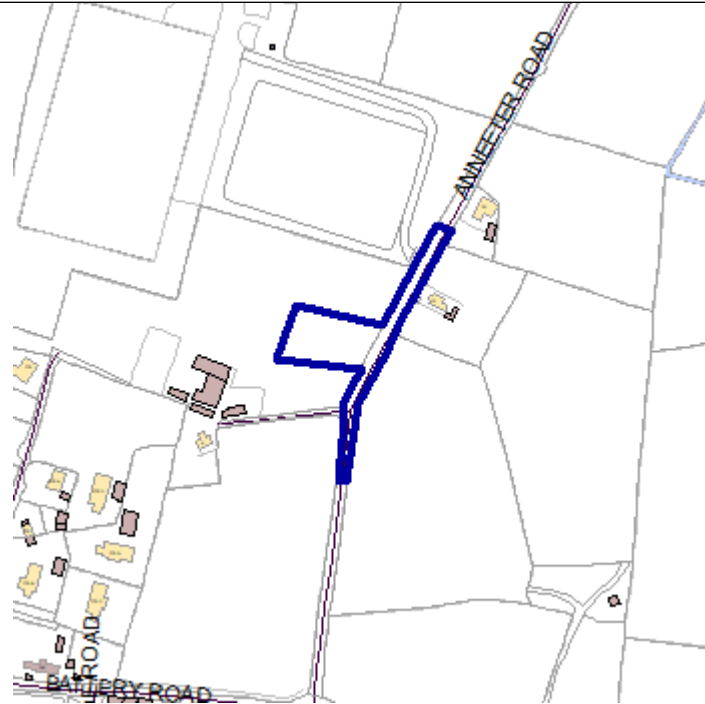


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2023/0943/O	<b>Target Date:</b> 21 December 2023
<b>Proposal:</b> Proposed site for dwelling and garage	<b>Location:</b> 90M North East of No. 6 Anneeter Road Moortown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Christine Toner 120 Ardboe Road Moortown	<b>Agent Name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Park Derryloran Ind Estate Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads outline.docx FORM RS1 STANDARD.doc

### Representations:

Letters of Support	0
Letters Non Committal	1
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located in the rural countryside, just outside Moortown Settlement Limits, as defined by the Cookstown Area Plan (see Figs: 1, 2 & 3 below); and approx. 600 metres west of Lough Neagh.



Fig 1: Site outlined red.



Fig 2: Site outlined red.

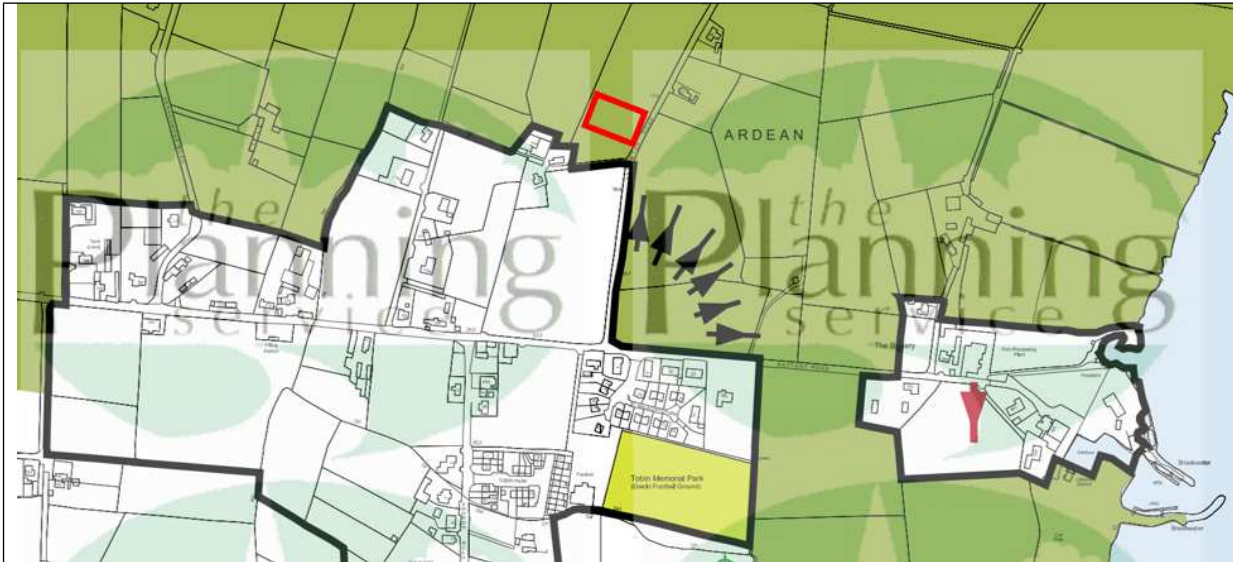


Fig 3: Moortown Settlement Limits outlined by bold black line and site outlined red.

As seen in Fig 3 above Moortown is defined in two separate nodes. The site, a relatively flat rectangular shaped plot cut from the roadside frontage and center of a much larger agricultural field, is located to the very north of Moortown’s western node. Except for the roadside frontage of the site, which is defined by a low hedge, the remaining boundaries of the site are all undefined and open onto the host field.

Open views of the site will exist from Anneeter Road over a short distance on both approaches and passing along the frontage. Open long distance views will also exist from the south / southeast from the Battery Road.

Whilst Moortown GAA grounds are located just to the north of the site’s host field the area surrounding the site to the north, west, east and southeast in the countryside is primarily characterised by flat agricultural lands typical of the lough shores interspersed with detached dwellings, ancillary buildings and farm holdings. Whilst the lands immediately to the south of the site’s host field and no. 6 Anneeter Road, a neighbouring 2 storey dwelling with ancillary farm sheds, are located within the settlement limits of Moortown and have been approved for housing they have not yet been developed and remain agricultural in nature retaining the immediate area surrounding the site’s rural feel.

### Description of Proposal

This is an outline application for a proposed dwelling and garage to be located on lands 90m North East of No. 6 Anneeter Road Moortown.

The proposal is being applied for under policy CTY2A of Planning Policy Statement 21 ‘New Dwellings in Existing Clusters’.

### Planning Assessment of Policy and Other Material Considerations

## **Policy Consideration**

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement (PPS) 3: Access, Movement and Parking

Development Control Advice Note (DCAN) 15: Vehicular Standards

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

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

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

### **Relevant Planning History**

- I/2009/0422/F - Housing and retail development consisting of 36 housing units (10 detached, 12 semidetached, 11 town houses & 3 apartments above retail units) and retail building with supermarket, first floor restaurant, 3 no. retail units, site road and associated site works - Lands immediately south of 6 Anneeter Rd Moortown - Granted
- LA09/2019/0937/F - Proposed amendment to road junction approved under LA09/2015/0881/F to include new footpath along Anneeter Rd and Ardean Cl - Junction of Anneeter Rd & Battery Rd Cookstown - Granted 27<sup>th</sup> June 2023
- LA09/2021/1289/O - Site for dwelling within a gap (Renewal of Planning Application LA09/2018/0602/O) - 17m North of no 11 Anneeter Rd Moortown - Granted 25<sup>th</sup> October 2021
- LA09/2022/1426/O - Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building) - 40m North East of no 178 Battery Rd Moortown - Granted 25<sup>th</sup> July 2023

Whilst there is no planning history on site the above applications have been referenced on the site location plan submitted in support of this application on lands in the wider vicinity (see Fig 4, further below).

### **Consultees**

1. Dfl Roads – were consulted in relation to access arrangements and raised no



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

**Cookstown Area Plan** - The site is located in the rural countryside outside any designated settlement.

**The Strategic Planning Policy Statement (SPPS) for Northern Ireland** - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside which deals with development such as proposed, are retained.

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

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

2. 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.
3. The cluster appears as a visual entity in the local landscape.
4. The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.
5. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
6. 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.
7. Development would not adversely impact on residential amenity.

In support of this application, under Policy CTY 2a New Dwellings in Existing Clusters the applicant / agent submitted a site location plan (see Fig 4, below) indicating the site is located within a cluster of development associated with the local GAA grounds and community hub further to its north. The site location plan also shows:

- two roadside dwellings, located further to the northeast of the site, with an approval for a dwelling under infill Policy CTY 8 of PPS21) between them under application LA09/2021/1289/O;
- a large field, located further south of the site and the farm group located at no. 6 Anneeter Road, within the settlement limits of Moortown with an approval for mixed use housing and commercial under application I/2009/0422/F;
- a site, located further west of the site and no. 6 Anneeter Road approved at Planning Committee as an exception to PPS21 under application LA09/2022/1426/O; and
- a road improvement scheme approved under application LA09/2019/0937/F with

footpath to be provided along the west side of Anneeter Road including along the frontage of the site connecting Moortown settlement limits with the GAA Grounds to its north.

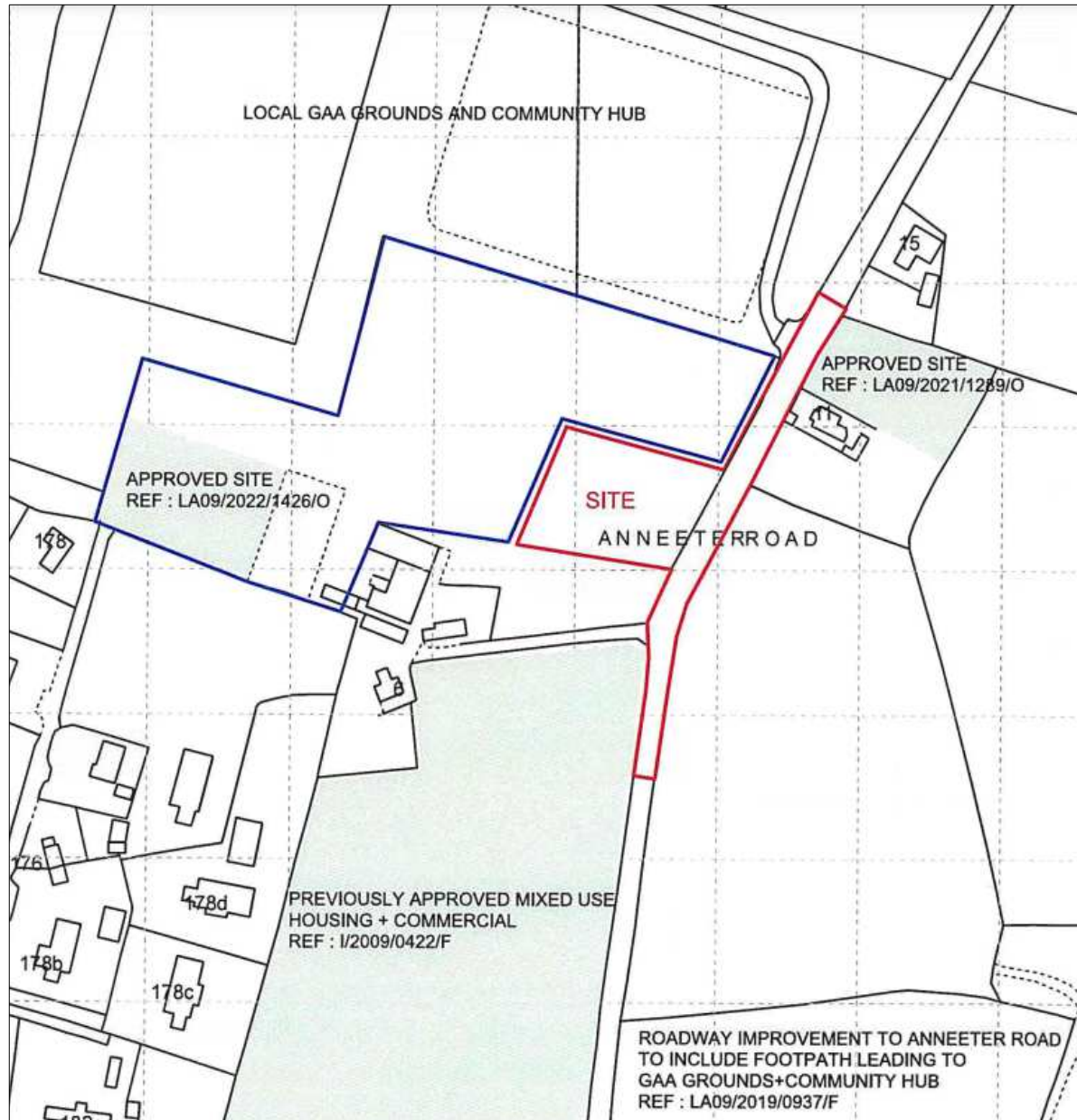


Fig 4: Site location plan

Having considered this proposal, taking account of the information in support in Fig 4 above, I do not consider it meets the criteria of Policy CTY 2a as the site is not located within a cluster of development in the countryside. The site is cut from the roadside frontage and center of a much larger agricultural field just outside the settlement limits of Moortown and as such it is not bound on any side by development and / or development within a cluster in the countryside. Whilst the GAA grounds exist to the north of the site, they do not bound it and in my opinion do not form part of a cluster of development in close proximity to the site in the countryside as described by policy to include at least three dwellings.

Additionally, the proposed development by reason of its location just north of Moortown Settlement Limits would be contrary to Policy CTY 15 – The Setting of Settlements in that it would mar the distinction between Moortown and the surrounding countryside.

I have considered other instances listed under Policy CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with these instances. I would also note that whilst the applicant / agent has referenced application LA09/2022/1426/O on the site location plan submitted (see Fig 4) this permission was approved by the Planning Committee as an exception to PPS21.

### **Other Policy and Material Considerations**

Checks on the planning portal and Historic Environment Division (HED) map viewer available online identified no built heritage assets of interest on site and whilst checks on Natural Environment Division (NED) map viewer available online identified the site is located within an area known to breeding wader the site comprises improved grassland.

Flood Maps NI indicate no flooding on site.

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 non-committal had been received on the 10<sup>th</sup> October 2023 from Ms Sara Isaly the owner / occupier of no. 6 Anneeter Road, a farm holding comprising a dwelling and farm sheds located to the southwest of the site. Ms Isaly, following a phone conversation, write to remind Planning that that her septic tank and slurry tank are located between 6 Anneeter Road and the site.

Taking account of Ms Isaly's comments above in relation to her farm holding at no. 6 Anneeter Road, usually, to ensure the occupants of any dwelling are less affected by odours or nuisance from agricultural buildings, they are sited over 100 metres from such buildings. It is also notable that Permitted Development Regulations for farm buildings require the new buildings to be at least 75 metres from houses not associated with the farm. In this case the entire site only extends to approx. 78 metres from these buildings. The closest dwelling not associated with the farm building is 175C Battery Road to the southwest of the buildings, it is approx. 70 metres from the group (see Fig 5, below). These buildings appear to be agricultural in nature and could be used for any agricultural activity without a change of use occurring. There is nothing to prevent the owner of these buildings from keeping animals in them. Due to the close proximity of the site to these buildings, any new dwelling on any part of this site could be adversely impacted from the farming activities and a dwelling here could impact on the operations of the farm.



Fig 5: Site and distances from agricultural buildings

**Recommendation**

Refuse

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 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.

**Reason 2**

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between Moortown and the surrounding countryside.

**Reason 3**

The proposed dwelling is located close to an active farm, a dwelling on this site has the potential to be adversely impacted by noise, odours and loss of residential amenity from

the operations on the farm and the granting of planning permission could adversely impact on the farming operations.

**Signature(s):** Emma Richardson

**Date:** 20 December 2023

<b>ANNEX</b>	
<b>Date Valid</b>	7 September 2023
<b>Date First Advertised</b>	19 September 2023
<b>Date Last Advertised</b>	19 September 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 15 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 11 Anneeter Road Cookstown Tyrone BT80 0HZ The Owner / Occupier 6 Anneeter Road Cookstown Tyrone BT80 0HZ	
<b>Date of Last Neighbour Notification</b>	13 September 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2007/0286/O  Proposals: Housing development  Decision: PG  Decision Date: 18-FEB-09</p> <p>Ref: LA09/2018/0602/O  Proposals: Site for dwelling within a gap  Decision: PG  Decision Date: 04-SEP-18</p> <p>Ref: LA09/2021/1289/O  Proposals: Renewal of Planning Application LA09/2018/0602/O  Decision: PG  Decision Date: 25-OCT-21</p> <p>Ref: I/2001/0041/O  Proposals: One and a half storey dwelling and domestic garage  Decision: PR  Decision Date: 27-MAY-02</p>	

Ref: I/2009/0422/F

Proposals: Housing and retail development consisting of 36 housing units (10 detached, 12 semi detached, 11 town houses & 3 apartments above retail units) and retail building with supermarket, first floor restaurant, 3 no. retail units, site road and associated site works (Amended site and layout)

Decision: PG

Decision Date: 09-MAY-11

Ref: I/2013/0020/F

Proposals: Proposed two storey replacement dwelling with garage

Decision: PG

Decision Date: 19-APR-13

Ref: LA09/2019/0187/F

Proposals: Proposed alterations to changing rooms and gym from previous approval

Decision: PG

Decision Date: 25-MAR-19

Ref: LA09/2019/0937/F

Proposals: Proposed amendment to road junction approved under LA09/2015/0881/F to include new footpath along Anneeter Road and Ardean Close

Decision: PG

Decision Date: 04-JUL-23

Ref: I/2009/0288/F

Proposals: Relocation of St Malachys Moortown GAC including 3 no playing fields with floodlighting (on 2 pitches) community building with changing facility, children outdoor playing area and associated parking

Decision: PG

Decision Date: 18-MAR-10

Ref: I/2007/0885/F

Proposals: Relocation of St Malachy Moortown GAC including 3 no. playing field with floodlighting (on 2 pitches), community building with changing facility, children outdoor playing area and associated parking

Decision:

Decision Date:

Ref: LA09/2023/0943/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads outline.docxFORM RS1 STANDARD.doc

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 9 January 2024	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2023/0981/O	<b>Target Date:</b> 1 January 2024
<b>Proposal:</b> Outline planning for up to 2no. semi detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing cluster of development.	<b>Location:</b> Lands Directly adjacent and South of 1 Oakland Villas, Drum Road, Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Ryan Glasgow 24 Glenarny Road Cookstown BT80 9DZ	<b>Agent Name and Address:</b> No Agent
<b>Executive Summary:</b> <p>This application is being presented to the planning committee with the recommendation to approve as an exception to policy. The proposal does not fully fit within any policy contained within CTY1 of PPS 21, however, it is most appropriate to consider the proposal under CTY2a, as it meets all but one of the policy criteria. No objections have been received. DfI Roads were consulted as access to the existing development at Oakland Villas is via a protected route. However, after discussions between DfI Roads and the applicant, amendments were made and DfI Roads offer no objection subject to conditions being applied. NI Water were consulted and confirmed there is capacity at the WWTW but due to the close proximity to the WWTW which is approximately 95m North of the application site, they are recommending it be refused as an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. However, there are 6 dwellings located within Oakland Villas which is closer to the WWTW. Given this, I believe it is unreasonable to request an Odour Encroachment Assessment to determine if two new dwellings are compatible in this location given the six existing dwellings are in closer proximity to the WWTW. I have no concerns relating to integration or the impact of the proposal on the character of the area as it is felt it will round off the existing development</p>	

here.

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2023-0981-O.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan. However, although it is outside any settlement limits, the

site is located at the entrance to a small development comprising of six dwellings, so the immediate character of the area is urban rather than being a typical rural area. The application site is a small rectangular plot of land, sandwiched between the Drum Road to the south and the dwelling identified as No.01 Oakland Villas. The site is currently defined by mature hedge rows and trees on site, it does not appear to be used as part of the amenity space for No.01 Oakland Villas.

### **Description of Proposal**

This is an outline planning application for 2no. semi-detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing cluster of development.

### **Relevant Planning History**

LA09/2021/0146/O- Site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas.  
Permission Granted 30th January 2023

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

#### **Policy Consideration**

Cookstown Area Plan 2010  
Strategic Planning Policy Statement (SPPS)  
PPS 21: Sustainable Development in the Countryside  
PPS 3: Access, Movement and Parking

The Cookstown Area Plan identifies the site as being outside any defined settlement limits.

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

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other

environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases that would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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

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

I am content that the cluster of development lies outside of a farm and consists of more than three dwellings.

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

I am content that the cluster appears as visual entity in the local landscape whilst travelling along the Drum Road in both directions.

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

It should be noted that permission was granted for a dwelling within a cluster under planning application LA09/2021/0146/O which is located approximately 60m NE of this application site. In determining this application, it was initially recommended to be refused as it did not comply with CTY 8. During the deferred process this application was assessed under CTY2a in which it was identified that the 'Village Green' area to the front of Oakland's Villas could be considered as a focal point, given a focal point can be considered as giving a place a 'sense of identity' and somewhere that is well known to the local community with a sense of presence. As this was accepted in the assessment of this policy, I am content that it can be accepted in this application assessment.

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

The site is only bounded on one side with development in the cluster, which is to the north of the site. The southern boundary is bounded by the public road; however, this is not considered as development in the cluster.

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

I am content that the proposed dwelling can be absorbed into the existing cluster, and it will not alter the existing character of the area.

- *Development would not adversely impact on residential amenity.*

I am satisfied that two dwellings at this location would not adversely impact on residential amenity. This can be assessed further at Reserved Matters stage to ensure there are no issues with overlooking.

The proposal therefore fails to meet one policy criteria detailed above in that the cluster is only bounded on one side with other development in the cluster. However, given the layout of the small development of Oakland Villas, it allows for two semi-detached dwellings at this location, which will not impact on the character of the area. The development can be considered an opportunity for rounding off, of the existing development. The two semi-detached dwellings would read in conjunction with the existing development known as Oaklands Villas.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore, no design details have been submitted however, I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I am content that a dwelling at this location does not rely solely on new planting for integration, although additional planting would benefit the integration of the dwelling. I am content ancillary works will integrate with their surroundings and an appropriately designed dwelling would blend with the landform and other natural features.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as part of an existing cluster and given the existing dwellings within Oakland Villas, two semi-detached dwellings at this site would not change the character of the area.

#### PPS 3- Access, Movement and Parking:

DfI Roads were consulted and initially raised a number of concerns. The applicant then amended the proposal to address these issues and following a re-consultation DfI Roads confirmed the concept plan 02 Rev A would provide a satisfactory means of access for the proposed development. A PSD drawing will be required at Full or RM stage to cover the construction of the footway, access position, sightlines and parking as per "Creating Places". DfI Roads have no objections subject to conditions being applied to any approval.

#### **Other Material Considerations**

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

## Summary of Recommendation:

Approve is recommended

### Approval Conditions

#### Condition 1

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

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

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

#### Condition 2

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

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

#### Condition 3

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.

#### Condition 4

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

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

#### Condition 5

The visibility splays of 33 metres by 2.0 metres at the junction of the proposed access with the public road, shall be provided.

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

**Condition 6**

A 2m wide footway shall be constructed across the site frontage.

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

**Condition 7**

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

Reason: In the interests of visual amenity.

**Signature(s):** Ciaran Devlin

**Date:** 19 December 2023



<b>ANNEX</b>	
<b>Date Valid</b>	18 September 2023
<b>Date First Advertised</b>	3 October 2023
<b>Date Last Advertised</b>	3 October 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  6 Oakland Villas Cookstown Tyrone BT80 9DP  The Owner / Occupier  5 Oakland Villas Cookstown Tyrone BT80 9DP  The Owner / Occupier  4 Oakland Villas Cookstown Tyrone BT80 9DP  The Owner / Occupier  3 Oakland Villas Cookstown Tyrone BT80 9DP  The Owner / Occupier  2 Oakland Villas Cookstown Tyrone BT80 9DP  The Owner / Occupier  1 Oakland Villas Cookstown Tyrone BT80 9DP</p>	
<b>Date of Last Neighbour Notification</b>	17 October 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2003/1147/F  Proposals: Decant site for 1 No Mobile &amp; furniture Store  Decision: PG  Decision Date: 10-MAR-04</p> <p>Ref: LA09/2021/0146/O  Proposals: Site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road between 167 Drum Road and Oakland Villas  Decision: PG  Decision Date: 01-FEB-23</p> <p>Ref: LA09/2023/0981/O  Proposals: Outline planning for up to 2no. semi detached dwellings with car parking and rear amenity space to be booked ended by the main A505 road way within an existing</p>	

cluster of development.

Decision:

Decision Date:

Ref: I/2003/0692/O

Proposals: Erection of House

Decision: PR

Decision Date: 07-JUN-04

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx

DFI Roads - Enniskillen Office-Response Template.docx

NI Water - Multiple Units West-LA09-2023-0981-O.pdf

**Drawing Numbers and Title**

**Notification to Department (if relevant)**

Not Applicable