



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

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

Description of proposal

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

Characteristics of Site and Area

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

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

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

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

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

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

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

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

Key Planning Policy

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

Design Guide- Creating Places

Relevant Planning History

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

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

Third Party Representations

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

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

These will be considered later in my report.

Consideration

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

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

PPS 7 - Quality Residential Environments.

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

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

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

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

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

PPS 7 QD1 also requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

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

Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

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

QD1 also requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

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

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

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

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

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

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

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

PPS15 Planning and Flood Risk (September 2015)

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

Other Considerations

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

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

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

-disrupted views;

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

-Additional traffic past house;

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

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

-road surface will be destroyed by construction traffic;

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

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

No land contamination has been identified on this site.

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

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

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

Neighbour Notification Checked **Yes**

Summary of Recommendation:

That planning permission is granted subject to the following conditions;

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

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

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

11. The visibility splays at the junction of the proposed access road with Abbevale, shall be provided in accordance with Drawing No 11rev 6 bearing the date stamp 15 March 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

Private Street Conditions

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

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

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

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

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

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

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

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

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

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

Informatives

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

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

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

Signature(s)

Date:

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

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



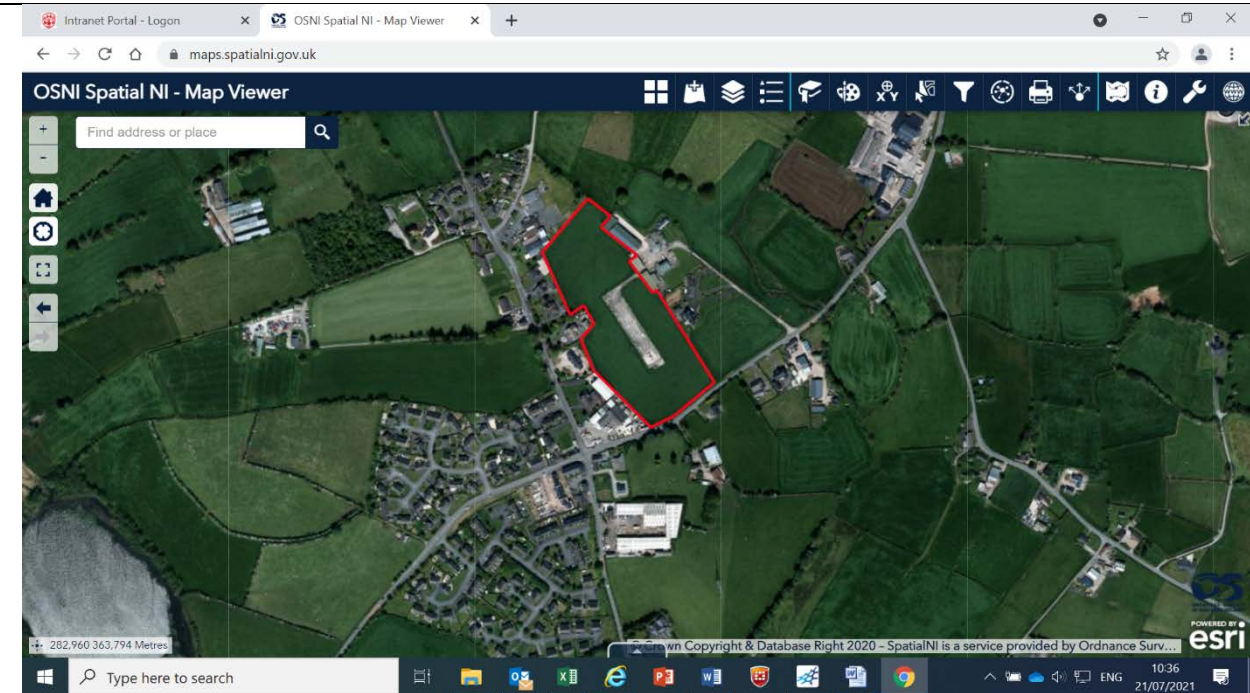
Comhairle Ceantair
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 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Details of the Proposal:

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

Characteristics of the Site and Area:

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

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

Land use with the area:

To the east - detached dwellings and farm type complex.

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

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

To the north – primary school complex.

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

Relevant Site Histories:

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

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

Representations:

No representations received from press notice or neighbourhood notification.

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

Planning Assessment of Policy and other Material Considerations:

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

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

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

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

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

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

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

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

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

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

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

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

Other Policy and Material Considerations:

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

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

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

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

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

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

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

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

Reason: Time Limit

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

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

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

Reason: to guard against piecemeal development of the site.

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

Reason: to ensure a satisfactory form of development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in general accordance with the drawing No 02 / 4 date stamped 30 April 2021 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Informatives

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

2. The design concept plan submitted 30/4/21 is considered to be generally acceptable for the development of the site. The Concept Plan may not be the only concept design that would be considered acceptable to the Council. If the developer wishes to discuss alternative proposals,

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

3. Environmental Health Department comment:

Lighting

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

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

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

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

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

Noise

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

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

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

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

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

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

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

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

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

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

4. Department for Infrastructure Rivers Informatives:

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

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

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

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

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

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

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

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

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

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

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

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

5. Northern Ireland Water comments:

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

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

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

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

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

Conditions and Limitations:

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

Signature(s)

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

Planning History

Ref ID: LA09/2019/0053/PAN

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

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

Decision: PANACC

Decision Date:

Summary of Consultee Responses

As above

Drawing Numbers and Title

Drawing No. 01/2

Type: Site Location Plan

Status: Approved

Drawing No. 02/4

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Site Levels

Status: Submitted

Drawing No. 04

Type: Site Levels

Status: Submitted

Drawing No. 05

Type: Roads Details

Status: Submitted

Drawing No. 06

Type: Roads Details

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A



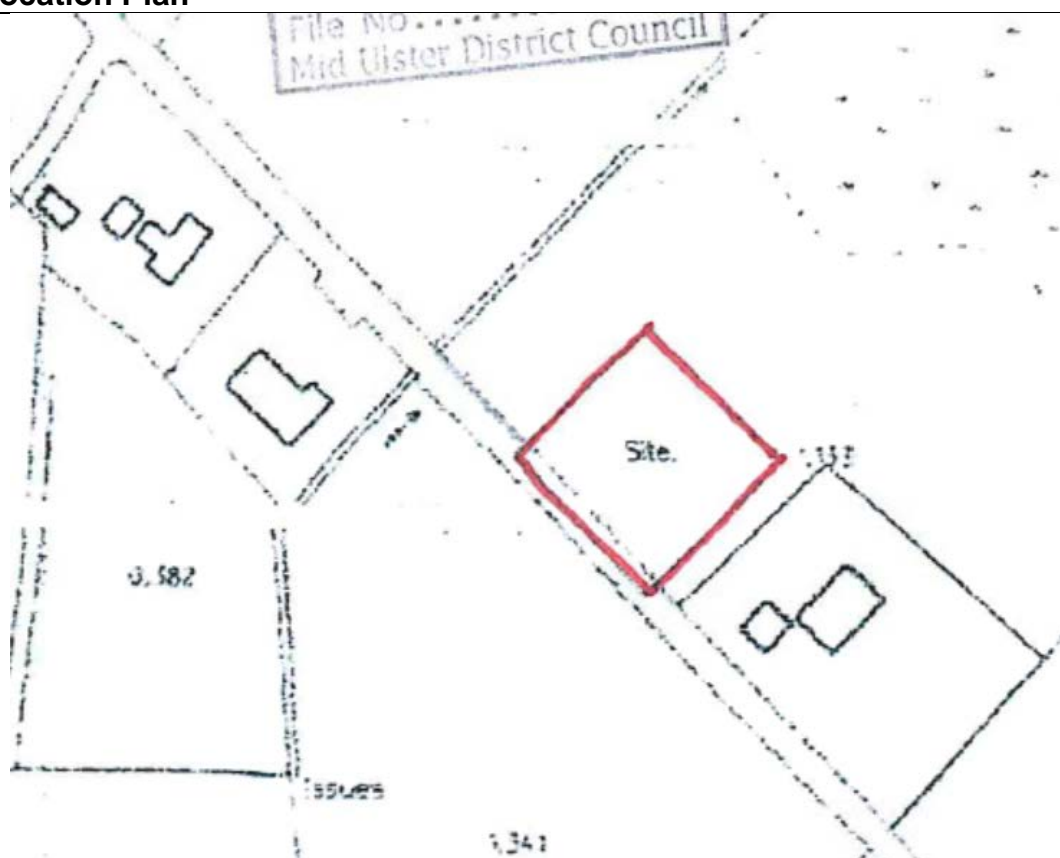
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

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

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

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

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

Representations

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

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

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

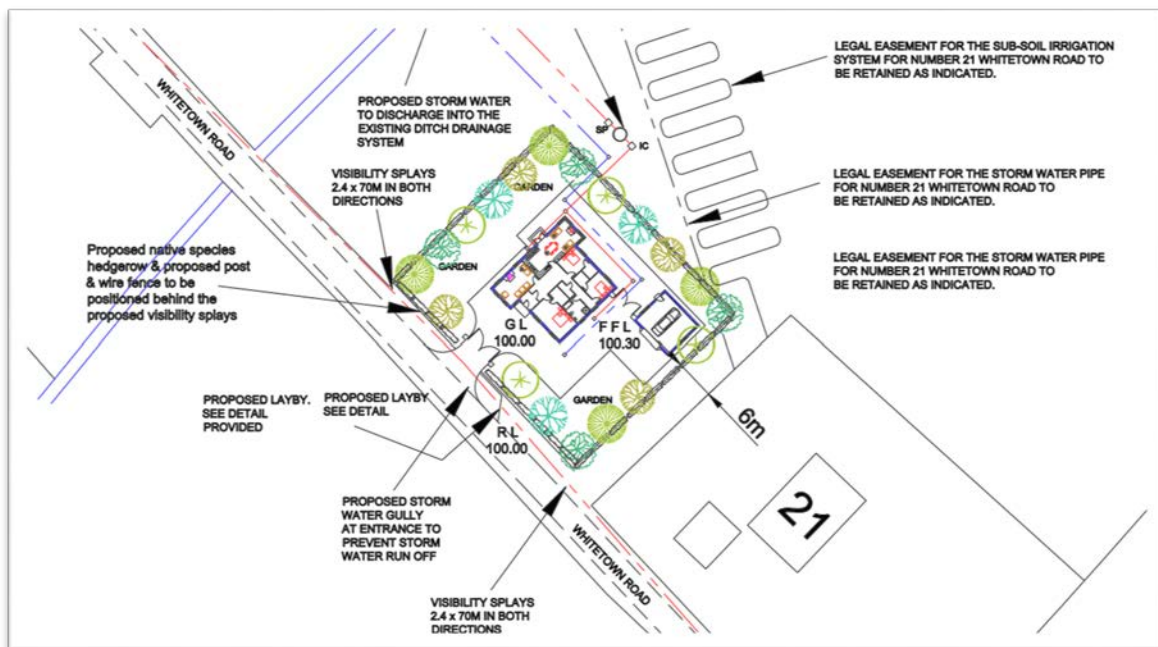


Figure 1 – Easements shown on block plan by agent.

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

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

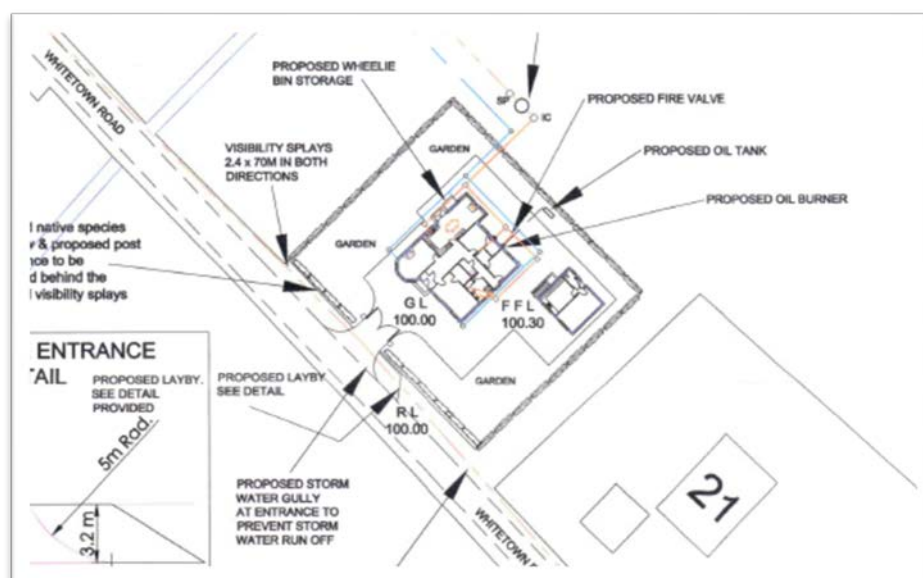


Figure 2 – shows separation distance between proposed dwelling and garage and objectors property (No.21)

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

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

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

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

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

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

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

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

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

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

Signature(s)

Date:

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

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

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

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

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

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

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



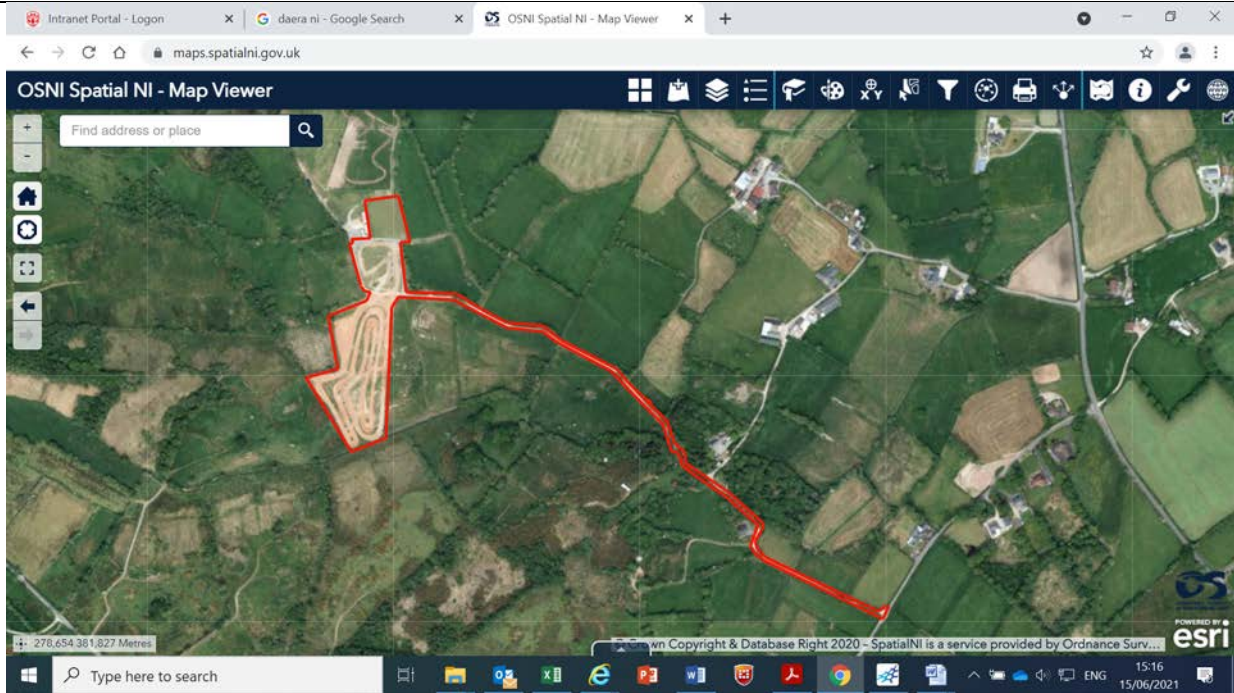
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	6
Letters of Objection	76

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

Planning Assessment of Policy and other Material Considerations:

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

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

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

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

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

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

Policy OS 3 - Outdoor Recreation in the Countryside

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

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

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

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

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

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

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

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

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

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

Other Policy and Material Considerations:

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

Comments of objection for racetrack

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

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

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

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

- **Disruption of private lane:**

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

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

- **Privacy issues:**

- ☐ **trespassing on private land.**

This issue is not a consideration for Planning.

- **Policy issues:**

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

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

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

- **Other issues:**

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

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

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

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

Comments of support for racetrack

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

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

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

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

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

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

Assessment Methodology

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

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

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

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

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

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

Environmental Noise Survey

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

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

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

Noise Management/Scrutineering

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

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

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

Sound Power Level

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

Noise Complaints

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

Noise measurements

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

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

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

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

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

Conclusion

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

Signature(s)

Date:

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

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

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

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

 G McConnell

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

1st July 2020

ES Requested

No

Planning History

Ref ID: LA09/2019/1660/PAN

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

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

Decision:

Decision Date:

Ref ID: LA09/2020/0641/F

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

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

Decision:

Decision Date:

Summary of Consultee Responses

See above

Drawing Numbers and Title

Drawing No. 01(REV 1)

Type: Site Location Plan

Status: Approved

Drawing No. 02(REV 1)

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03(REV 1)

Type: Site Layout or Block Plan

Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

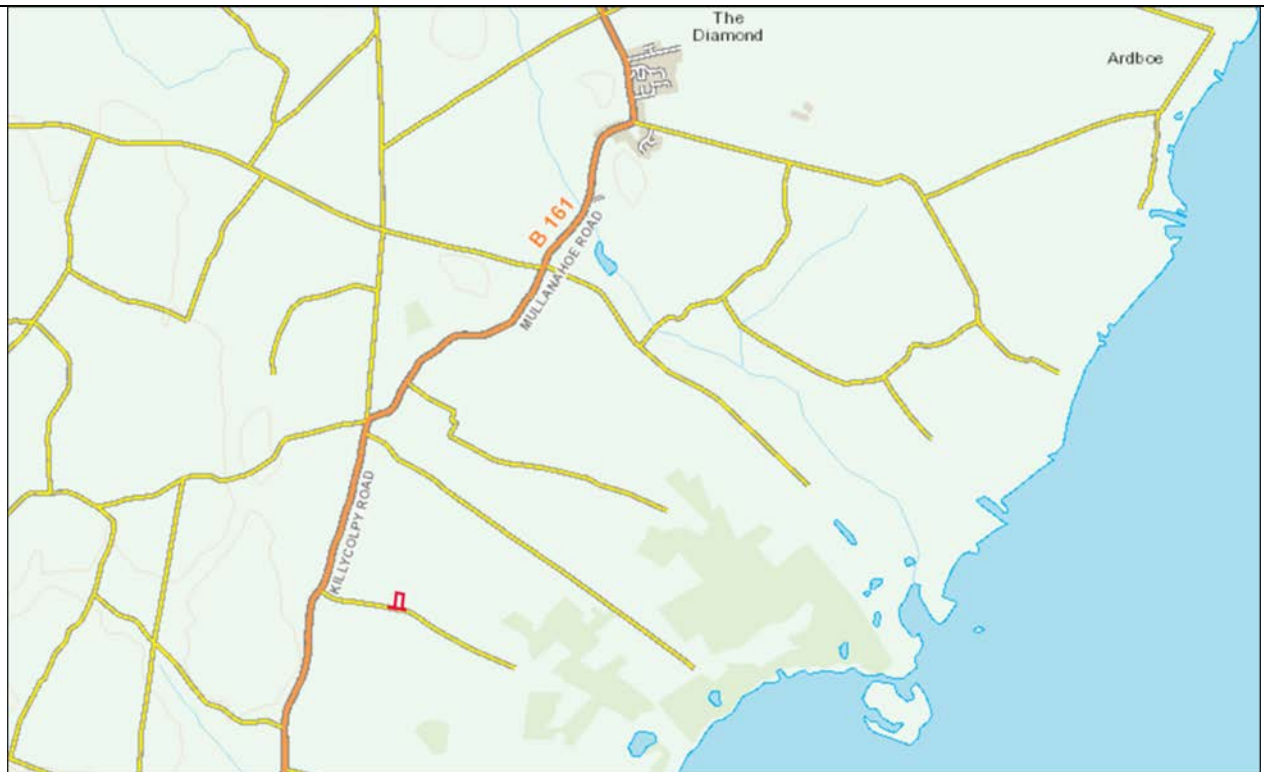
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Description of Proposal This is an outline application for a proposed dwelling and garage to be located on lands adjacent to 16 Woodhouse Road Killwoolaghan Ardboe Dungannon BT71 5HH.	
Characteristics of the Site and Area The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 2.8km southwest of Ardboe and approx. 3km west of Lough Neagh. The site is a relatively flat, rectangular shaped plot, cut from a much larger roadside field. The host field is located running alongside Woodhouse Rd, a dead end road, between nos. 16 and 20 Woodhouse Road, which bound it to the west and east, respectively. No. 16 Woodhouse Road comprises a single storey dwelling with large ancillary corrugated metal shed located to its rear and no. 20 Woodhouse Road located approx. 270m to its southeast comprises a two dwelling. To the south of the host field exists two single storey dwellings nos. 17 and 19 Woodhouse Road and a large farm group. And no. 10 Woodhouse Road a bungalow to the other side of no. 16 Woodhouse Road. The site is cut from the most western part of the host field adjacent no. 16 Woodhouse Road. The northern boundary of the site is defined by a mix of mature tree and hedgerow vegetation bounding the host field. The southern / roadside boundary of the site is defined by a low hedgerow approx. 1.2m high bounding the host field. The eastern boundary of the site is undefined and open onto the host field. The western / party boundary of the site with no. 16 Woodhouse Road is defined by an approx. 1.6m high hedge (southern half) and approx. 1.2m high post and wire fence (northern half). The length of the large shed ancillary to no. 16 Woodhouse Road runs immediately alongside the western boundary of the site. Critical views of the site are over a distance of approx. m on the eastern approach to it along the Woodhouse Road. The existing bungalows located immediately to its east (nos. 10 and 16 Woodhouse Road) screen views on the western approach along Woodhouse Road. The surrounding area is predominantly flat agricultural land located on the shores of Lough Neagh, interspersed with single dwellings and farm groups. That said the wider area has experienced some development pressure in recent years with a number of dwellings extending along the north side of Woodhouse Road to the east of the site and both sides further to the west just before its junction with Kilycopy Road.	
Planning Assessment of Policy and Other Material Considerations Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.	

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

History on Site

No history on site.

Consultees

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

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

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

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

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

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

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

Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



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

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



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

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

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



Fig 4: Restricted visibility on the southern approach.

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

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

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

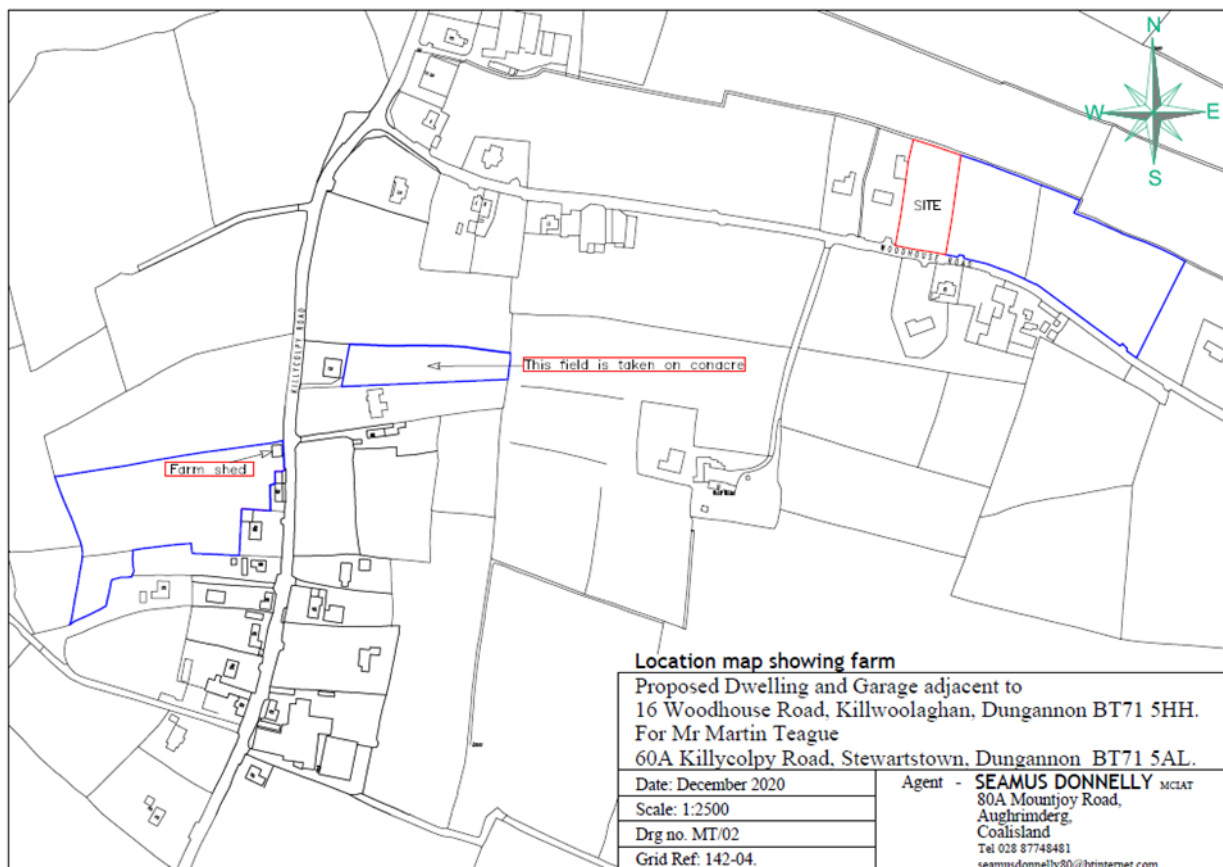


Fig 5: Location map showing applicants farmlands highlighted in red (site) and blue

Additional considerations

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

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

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

Recommendation: Approve

Neighbour Notification Checked	Yes
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Summary of Recommendation	Approve
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Conditions:

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

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

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

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

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

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

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

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of residential amenity.

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

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

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

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

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

Informatives

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

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

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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Representations:

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

Summary of Issues

Approval - To Committee - Seven objections received;

Characteristics of the Site and Area

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

Relevant planning history

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

Representations

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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

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

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

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

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

PPS 3 - Access, Movement and Parking;

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

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

These exceptional circumstances include:

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

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

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

In response to the comments made by the objector;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Issues raised over increased traffic generation.

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

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

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

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

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

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

Conditions:

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

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

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/2 date stamped 30th June 2020 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

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

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

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

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

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

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

Informatives

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

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

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

Signature(s)

Date:

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

Decision Date:

Ref ID: I/2007/0422/RM

Proposal: Dwelling house

Address: Adjacent to 23 Drumconvis Road, Coagh

Decision:

Decision Date: 12.09.2007

Ref ID: I/2004/0423/O

Proposal: Proposed Site for New Dwelling

Address: Adjacent to 23 Drumconvis Road, Coagh

Decision:

Decision Date: 14.06.2004

Ref ID: I/2009/0372/F

Proposal: Proposed dwelling for small gap site under CTY 8

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

Decision:

Decision Date: 16.02.2010

Ref ID: LA09/2020/1375/F

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

Address: 27a Drumconvis Road, Coagh, Cookstown,

Decision:

Decision Date:

Ref ID: I/1980/0165

Proposal: PETROL STATION

Address: 27 DRUMCONVIS ROAD, COAGH

Decision:

Decision Date:

Ref ID: I/1995/0133

Proposal: Retirement bungalow

Address: ADJACENT TO 27 DRUMCONVIS ROAD COAGH CO TYRONE

Decision:

Decision Date:

Ref ID: I/1987/0075

Proposal: PROPOSED SITE FOR NEW BUNGALOW

Address: SITE ADJACENT TO 27 DRUMCONVIS ROAD, COAGH

Decision:

Decision Date:

Ref ID: I/2012/0340/F

Proposal: Proposed extension and internal alterations to dwelling

Address: 27 Drumconvis Road, Coagh,

Decision: PG

Decision Date: 04.12.2012

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

Drawing No. 06
Type: Levels and Cross Sections
Status: Submitted

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

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

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and other Material Considerations

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

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

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

Planning History

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

Representations

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

Assessment

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

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

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

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

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - i) Demonstrable health and safety reasons or
 - ii) Verifiable plans to expand the farm business at the existing building group(s)

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

With regard to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

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

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

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

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

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

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

Conclusion

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Reasons for Refusal:

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

Signature(s)

Date:

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
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District Council

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

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

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

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

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

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

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

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

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

The SPPS retains the policy provisions of PPS21 and PPS4.

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

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

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

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



Figure 1 – Stamped approved block plan from M/2012/0506/O.

M/2015/0082/F was a full application at the same site and granted approval on the 25th June 2016. This planning approval stated in the description 'erection of storage and distribution unit' but condition 3 limited the use of the building to light industry or general industrial use. The proposal in this application is to vary this condition so the building can be used for storage and distribution. As shown in figure 2 below it states on the approved drawings storage and distribution unit.

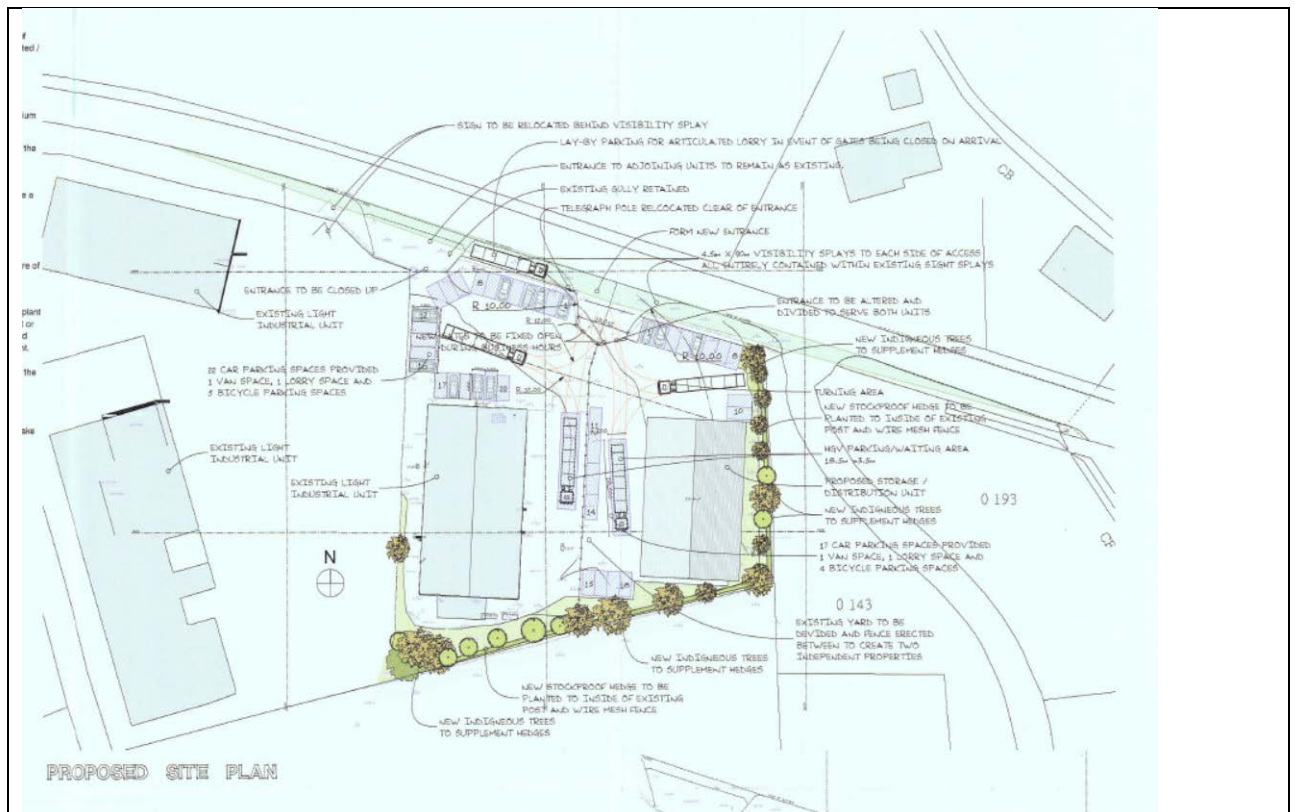


Figure 2 – Stamped approved block plan from M/2015/0082/F

Planning approval M/2015/0082/F was for the erection of a single warehouse and Environmental Health stated in their consultation response that the class use of the unit should be limited to light industrial as they had concerns about the impact on neighbouring residential amenity.

The proposal is for the building in this application site to be used as self-storage units. In discussions with the applicant they stated the existing approved building will be divided into 33 individual storage units as shown in figure 3 below and the use will be approximately 50% household and 50% businesses. I consider self-storage units are still within the definition of storage and distribution unit. Therefore the principle of storage at this site has been met.



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

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

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

Condition 4 reads:

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

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

The applicant seeks permission to remove this condition.

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

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

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

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

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



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

Neighbour Notification Checked	Yes
Summary of Recommendation:	

The proposal is recommended for refusal.

Reasons for Refusal:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

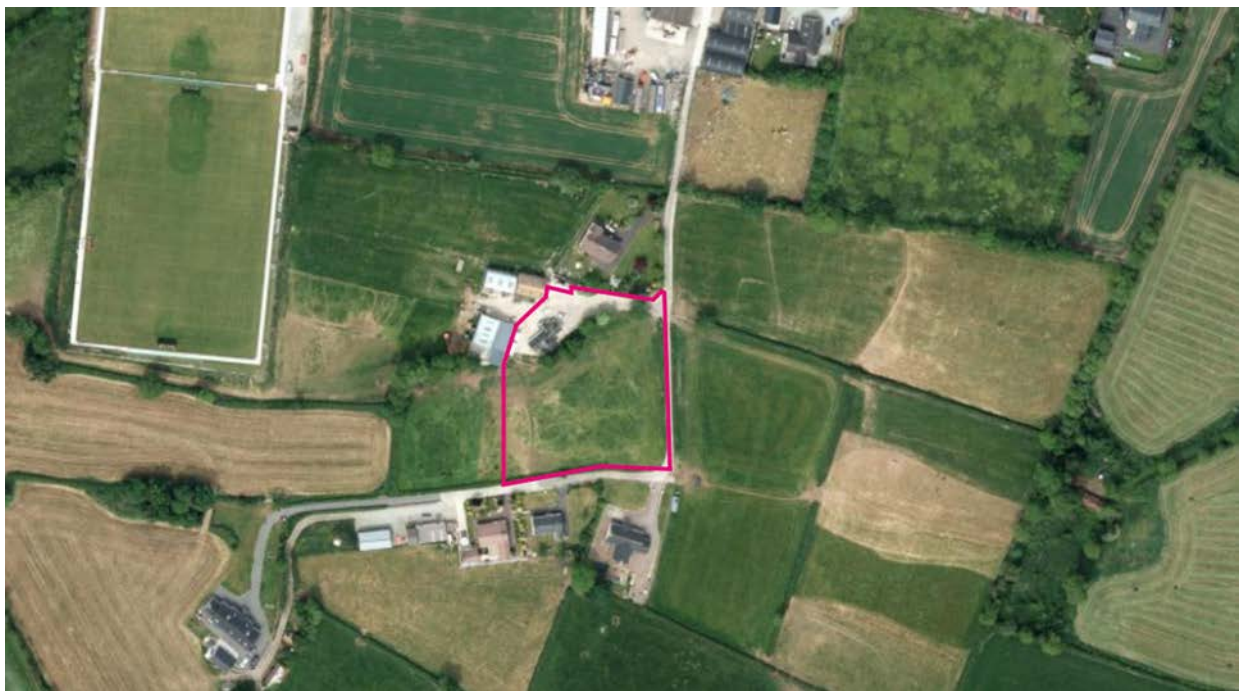
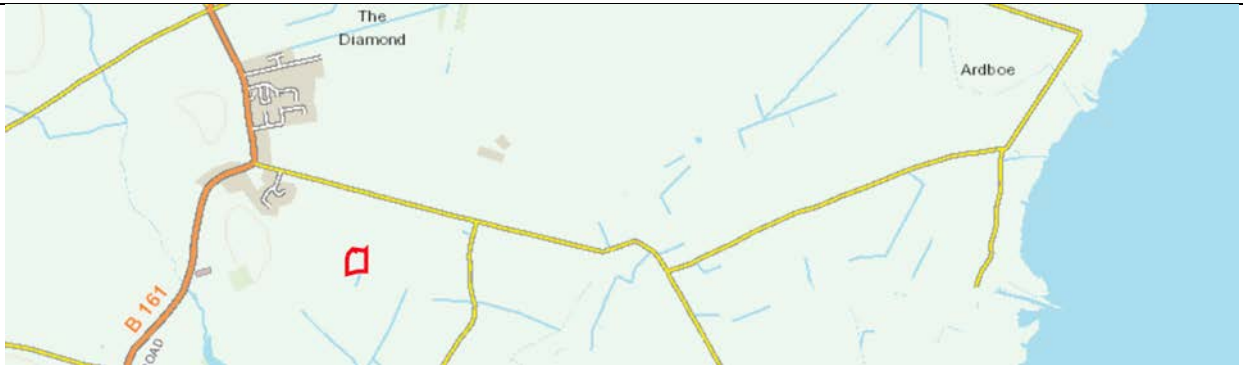
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

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

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Description of Proposal

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

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

Characteristics of the Site and Area

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

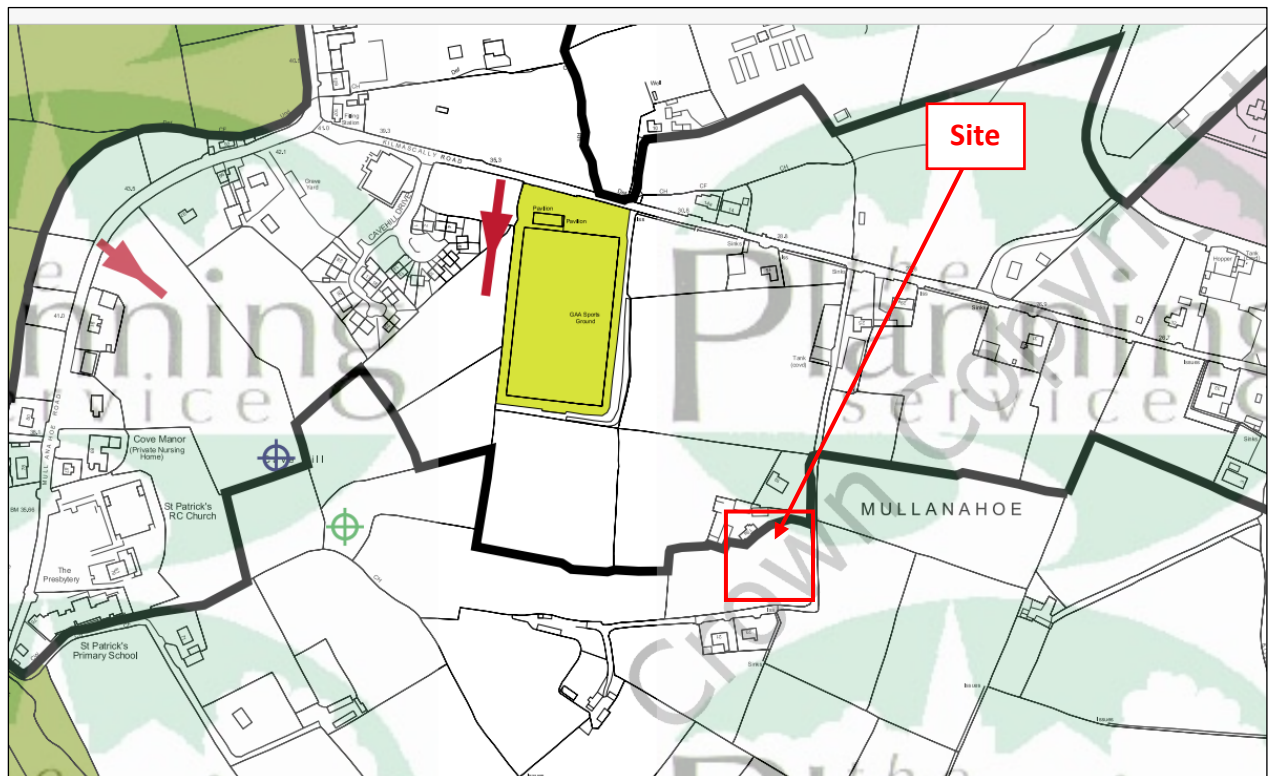


Fig 1: Ardboe Settlement Limits, defined by the bold black line.

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

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

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030 (RDS)

Cookstown Area Plan 2010 (CAP)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

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

Planning Policy Statement 7 (PPS7) – Quality Residential Developments

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

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

Representations

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

Planning History on Site

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

Consultees

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

Consideration

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

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

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

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

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

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

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



Fig 2: Showing proposed siting highlighted yellow

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

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

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

Other Policy/Considerations.

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

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

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

Flood Maps NI identified no flooding on site.

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

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

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

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve

Conditions

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

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

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

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

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

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

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

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

ensure the maintenance of screening to the site.

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

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

Informatives

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Representations

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

History on Site

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

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

Key Policy Considerations/Assessment

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

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

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

The proposed development is necessary for the businesses efficient use;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the proposal is sited beside existing farm buildings.

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

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

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

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

Additional considerations

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Conditions:

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

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

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

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

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

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

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

Reason: To ensure the development integrates into the surroundings.

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side

drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

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

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

9. Badgers

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

Birds

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

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

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

DAERA Standing Advice on:

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

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

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

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

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



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Mid Ulster
District Council

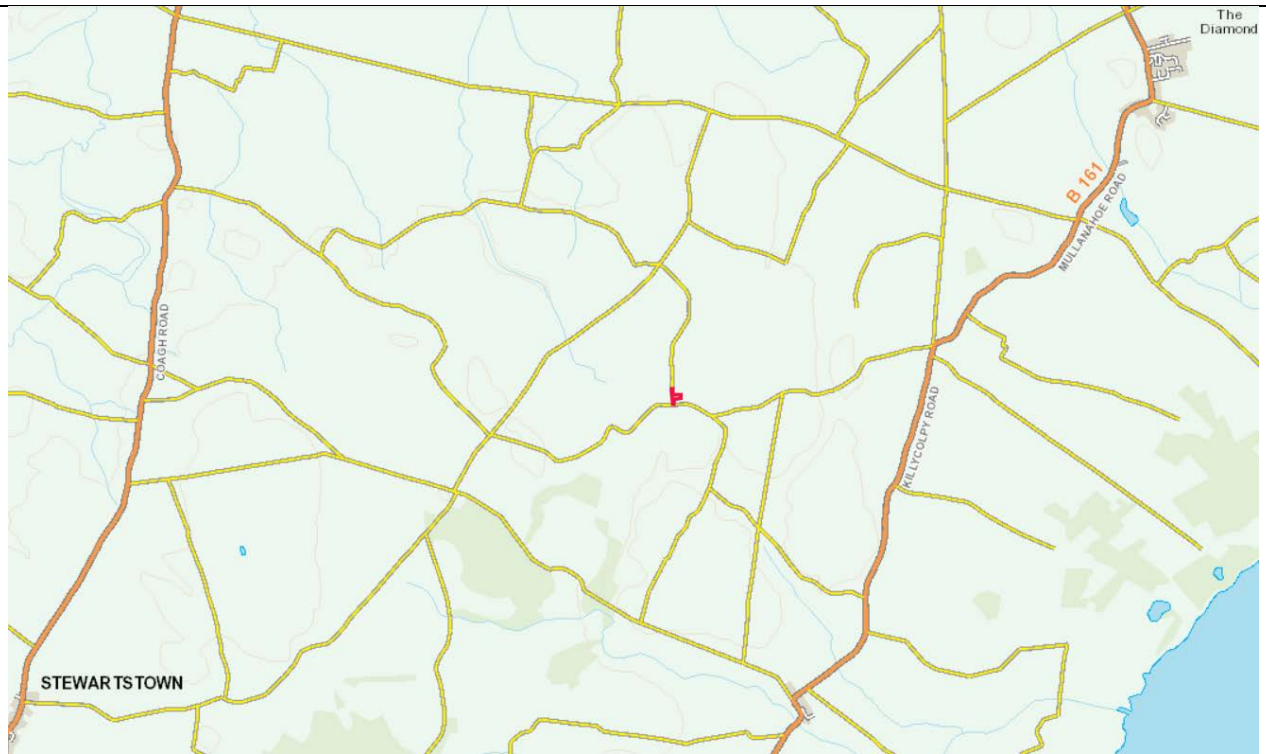
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0657/O	Target Date:
Proposal: Proposed dwelling and garage in a gap site	Location: 40m South of 28 Ballynafeagh Road Stewartstown
Referral Route: Objection & Refusal Contrary to Policy	
Recommendation: Refuse	
Applicant Name and Address: Gary Miller 20 Ballynafeagh Road Stewartstown BT71 5NX	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
This is an outline planning application for a dwelling and garage to be located on lands 40m South of 28 Ballynafeagh Road Stewartstown.		
The applicant has applied under Policy CTY 8 of PPS21 for a dwelling and garage on a gap site.		
Characteristics of the Site and Area		
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. halfway between Stewartstown and Ardboe and approx. 5.3km west of Lough Neagh.		
The site is a rectangular shaped plot cut from the roadside frontage of a much larger agricultural field bound largely by a mix of post and fencing, low hedging and some interspersed trees. The host field sits in the east corner of a T-junction bound to its west by the Tamlaghtmore Rd and to its south by the Ballynafeagh Rd. The site sits adjacent the Tamlaghtmore Rd just south of a line of roadside dwellings and ancillary buildings and north of the aforementioned T-junction. The site in effect cuts the roadside frontage of the host field in half onto Tamlaghtmore Rd, occupying the northern half. The line of dwellings extending along the Tamlaghtmore Rd immediately to the north of the site, closest to furthest include nos. 28, 30a, 30 & 32 Ballynafeagh Rd, a dormer bungalow, bungalow, 2-storey dwelling and bungalow, respectively. A stepped dash retaining wall approx. 1.8m high defines the northern / party boundary of the site with no. 28 Ballynafeagh Rd, which sits below site level. The retaining wall albeit at a lower level continues along part of the roadside frontage of the site alongside a mix of fencing and hedging. The remaining boundaries are open onto the host field.		
Whilst a line of development has formed to the north of the site and a new bungalow recently constructed just to the south of the host field and T-junction the surrounding area is typically rural in nature characterised by undulating agricultural land interspersed with single dwelling, ancillary buildings and farm groups. The land within the host field falls away from the Ballynafeagh Rd in a south to north direction; and rises gently in a west to east direction, from its roadside frontage onto the Tamlaghtmore Rd.		
Critical views of the site from the Tamlaghtmore Rd will be limited until just before and passing the host field's roadside frontage, as the line of development to the north will largely screen it. There will be both short distant views of the site from the Ballynafeagh Rd to the east and long distant views from the Ballynafeagh Rd to the southwest owing to the elevated nature of the elevated nature of the site.		

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

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

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

Planning History

On site

None

Adjacent

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

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

Consultees

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

Consideration

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

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

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

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

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

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

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

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

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

Representations

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

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

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

Additional considerations

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

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to ribbon development along Ballynafeagh Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore further erode the rural character of the countryside.
5. The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 Access, Movement and Parking in that the proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

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

Representations

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

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

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

History on Site

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

Key Policy Considerations/Assessment

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

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

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

PPS21 - CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

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

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

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

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

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

PPS 3: Access, Movement and Parking

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

Additional considerations

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Conditions:

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

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

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

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

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

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

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

Reason: To ensure the development integrates into the countryside.

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

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

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

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

7. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development.

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

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

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

Informatives

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

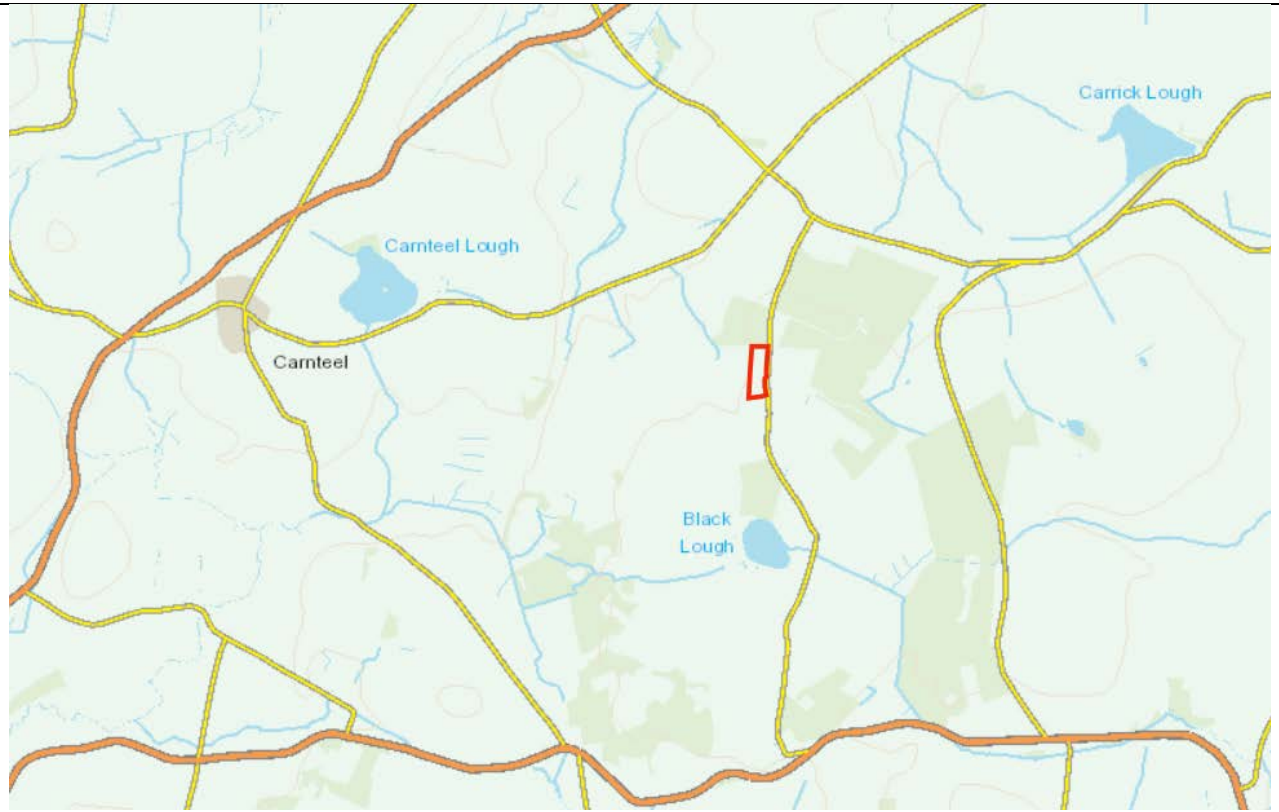
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0730/F	Target Date:
Proposal: Proposed dwelling and garage for the repositioning and substitute to previous planning application LA09/2020/0920/RM.	Location: Land adjacent to 17 Carricklongfield Road Aughnacloy BT69 6DJ.
Referral Route: Applicant is Cllr Burton's son	
Recommendation: Approve	
Applicant Name and Address: Mr John Burton 74 Creevelough Road Dungannon BT70 1LL	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Characteristics of the Site and Area		
<p>The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010, approximately 1.7km east of Carnteel and 0.4km north of Black Lough.</p> <p>The site is a rectangular shaped plot cut from the roadside frontage of two large agricultural fields, situated adjacent the Carricklongfield Rd, a narrow rural road. As such, it is split in half horizontally by mature vegetation defining the fields' party boundary. The southern half of the site comprises only agricultural lands. The northern half of the site comprises agricultural lands but also has a large agricultural shed located on an area hardstanding in its northeast corner running alongside the road.</p> <p>A mature hedgerow interspersed with mature trees bounds the roadside frontage of the site / both host fields. A well-established woodland bounds the site to the north and is part of a larger plantation that extending along both sides of the Carricklongfield Rd northeast of the site. With the exception of the vegetation splitting the site in half and some mature hedging and trees bounding the southern / party boundary of the site with no. 17 Carricklongfield Rd a small unoccupied derelict dwelling, the remaining boundaries are undefined. The land within the site falls gently from the roadside of the site in a westerly direction.</p> <p>No. 17 Carricklongfield Rd, which has a rectangular floor plan and pitched roof construction, has a small pitched roof front porch and corrugated barrel roofed outhouse attached to its' north gable. No. 17 sits on a small roadside gravelled yard with another small outbuilding.</p> <p>Critical views of the site will be limited to passing its' roadside frontage due to its location in a slight dip in the landscape, and existing development and vegetation bounding the site and within the wider vicinity. The surrounding area is typically rural characterised by undulating agricultural lands interspersed with single dwellings, ancillary buildings and farm holdings.</p>		
Description of Proposal		
<p>This is a full planning application for a proposed dwelling and garage to be located on lands immediately adjacent to and north of no. 17 Carricklongfield Rd Aughnacloy.</p> <p>This application seeks to substitute and reposition a dwelling and garage approved on lands approx. 100m north of no. 17 Carricklongfield Rd under planning application LA09/2020/0920/RM.</p>		

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

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



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

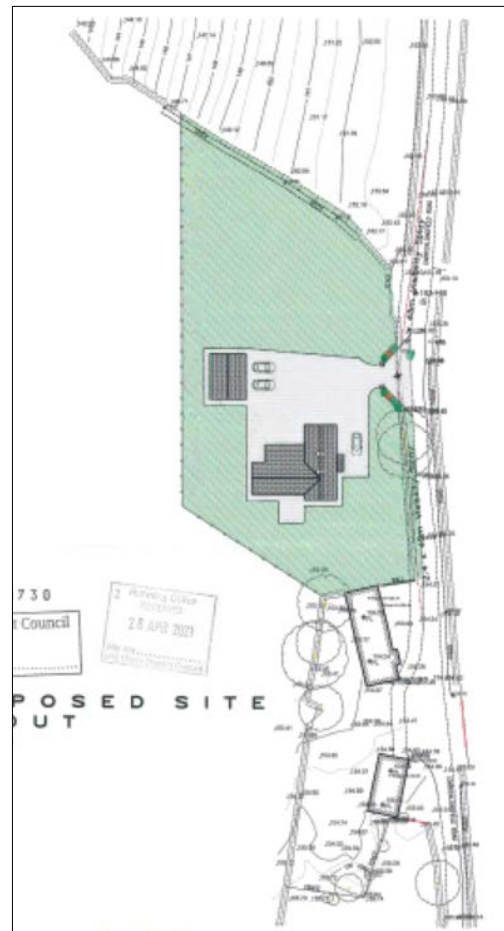


Fig 2: Currently proposed siting

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

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

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the

application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

Key Policy and Guidance

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Access Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Planning History

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

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

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

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

Consultees

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

Consideration

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside; and Statement 3: Access, Movement and Parking are retained.

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

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

1. the farm business is currently active and has been established for at least 6 years;
2. no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008; and
3. the new building is visually linked or sited to cluster with an established group of buildings on the farm

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

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

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

Other Policy and Material Considerations

Flood Maps NI identified no flooding on site.

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

Recommendation: Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

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

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

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

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

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

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

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

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

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

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

Informatives

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

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

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

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

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

Signature(s)

Date: