



03 October 2017

Dear Councillor

You are invited to attend a meeting of the Planning to be held in  
The Chamber, Magherafelt at Mid Ulster District Council, Ballyronan Road,  
MAGHERAFELT, BT45 6EN on Tuesday, 03 October 2017 at 19:00 to transact the  
business noted below.

Yours faithfully

Anthony Tohill  
Chief Executive

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## AGENDA

### OPEN BUSINESS

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

### Matters for Decision

#### Development Management Decisions

	Planning Reference	Proposal	Recommendation
4.	Receive Planning Applications		
4.1.	I/2013/0246/F	Demolition of existing dwelling/outbuildings and construction of 24 new starter dwelling units (20 semi-detached and 4 apartments) at site opposite and adjacent to 9 Strifehill Road, Cookstown for Mr Adrian Miliken	APPROVE
4.2.	H/2013/0296/F	Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate re-organisation of precast products with no increase in existing site production	APPROVE

		area. Relocation of existing external block and brick production area (5200m <sup>2</sup> ) to proposed new area (4320m <sup>2</sup> ) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage. (Amended Noise report received) AT Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd	
4.3.	LA09/2016/0692/F	New building for washing/drying of precast concrete products (retrospective); erection of new gantry crane; extension of existing production factory TF5 to facilitate production of larger precast units at Creagh Industrial Park, Blackpark Road, Toomebridge for Creagh Concrete Products Ltd	APPROVE
4.4.	LA09/2015/0855/F	Apartment development (2 No. 1 bed and 11 No. 2 Bed) with new access and communal parking at lands at 20 Union Road, Magherafelt for Gerald O'Brien	APPROVE
4.5.	LA09/2016/0775/F	Dwelling and garage to the rear of 48 and 50 Urbal Road, Coagh, Cookstown for Mr & Mrs G McMenemy	APPROVE
4.6.	LA09/2016/1371/O	Infill site 50m N 63 Deerpark Road, Leitrim, Castledawson for Mr Norman Leslie	REFUSE
4.7.	LA09/2016/1815/F	3 No. detached two storey houses opposite 2, 4 and 10 Upper Parklands, Dungannon for Terence Corrigan	APPROVE
4.8.	LA09/2017/0023/O	Off-site replacement dwelling and garage 20m E of 37 Loves Road, Magherafelt for Martin Diamond	REFUSE
4.9.	LA09/2017/0064/O	2 no. detached dwellings and garages at approx. 60m NE of 9 Glenwood Crescent and to the	APPROVE

		rear of 1 - 3 Glenwood Crescent, Cookstown for Mr Paul McGonnell	
4.10.	LA09/2017/0244/F	Repositioning of dust extraction unit at 16 Mullaghbane Road, Dungannon for Woodmarque Joinery	APPROVE
4.11.	LA09/2017/0307/F	Agricultural shed with slurry tank approx. 230m NW of 40 Mullyneil Road, Dyan, Caledon for Fiontan Sherry	APPROVE
4.12.	LA09/2017/0422/O	Site for dwelling and domestic garage at 150m NW of 107 Bancran Road, Draperstown for Stephen Donnelly	REFUSE
4.13.	LA09/2017/0450/O	Off-site replacement dwelling and garage 120m NW of 47 Bancran Road, Draperstown for Paul and Katrina Heron	APPROVE
4.14.	LA09/2017/0475/O	Dwelling and garage to the rear of 48 Carnaman Road and 2 & 3 Curraghbrock Lane, Knockloughrim for H Millar Esq.	REFUSE
4.15.	LA09/2017/0498/F	Extension to existing garage to provide commercial machinery store 100m NE of 29 Fegarran Road, Cookstown for Granville Carson	REFUSE
4.16.	LA09/2017/0538/O	2 storey dwelling and garage 65m S of 61 Deerpark Road, Leitrim, Castledawson for Norman Leslie	REFUSE
4.17.	LA09/2017/0564/O	Replacement dwelling and garage 110m SW of 43 Lisnastrane Road, Coalisland for Charles Devlin	APPROVE
4.18.	LA09/2017/0583/F	Dwelling and garage on a farm at land W of 17 Ballynahone More, Maghera for Lloyd Porter	APPROVE
4.19.	LA09/2017/0673/O	Dwelling and garage at site 5m S of 38 Craigmores, Maghera for Patrick McWilliams	REFUSE
4.20.	LA09/2017/0810/F	Dwelling at Coltrim Road, Moneymore (approx. 220m from junction with Cookstown Road) for Mark Hamilton	REFUSE
4.21.	LA09/2017/0846/F	Cattle welfare unit including storage for hay and meal; yard storage for round bales, farm plant and machinery at 175m SE of 66A Kilnacart Road,	REFUSE

		Dungannon for Niall McCann	
4.22.	LA09/2017/0874/F	Rear ground floor extension at 8 Willow Close, Dungannon for Damien Cahalane	APPROVE
4.23.	LA09/2017/0876/F	Extension to existing school at 23 Rocktown Road, Knockloughrim for Hydepark Educational Trust	APPROVE
4.24.	LA09/2017/0884/NMC	Change of external house design and finishes at units 16, 17, 18, 19 and 20 Earls Court, Carland Road, Dungannon for Sandale Developments	APPROVE
4.25.	LA09/2017/0923/F	Dwelling and garage 45m NW of 177 Glen Road, Maghera for Jenna Duffy	REFUSE
4.26.	LA09/2017/0938/O	Replacement dwelling and garage 28m N of 89 Innishrush Road, Clady for Mr M Clarke	APPROVE

	Planning Reference	Proposal	Recommendation
5.	Receive Deferred Applications		
5.1.	M/2015/0113/O	Dwelling and garage at site adjacent to 38 Moghan Road, Castlecaulfield for Dr Patrick McKenna	APPROVE
5.2.	LA09/2016/0761/F	Extension to existing portacabin to provide storage and office accommodation 40m NW of 35 Moss Road, Ballymaguigan for Christopher Cassidy	REFUSE
5.3.	LA09/2016/1654/A	Sign, consisting of flat screen fixed to gable wall, at Walshes Hotel, 53 Main Street, Maghera (sign to be on Coleraine Road side) for Kieran Bradley	REFUSE
5.4.	LA09/2017/0272/F	A single wind turbine of up to 2.3 megawatt power output with a maximum overall base to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting	APPROVE

		wind turbine to electrical control kiosk; onsite drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F), for Graham Bell	
5.5.	LA09/2017/0354/O	Infill site for 2 dwellings and detached garages at land between 15 and 17 Quilly Road, Moneymore for Mr E and C McGuckin	REFUSE

6. Update on BT consultation regarding removal of payphone at The Bush 275 - 278

Matters for Information

- 7 Minutes of Planning Committee held on Tuesday 5 September 2017 279 - 298

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

Matters for Decision

8. Receive 1 No. Enforcement Case

Matters for Information

9. Confidential Minutes of the Planning Committee held on Tuesday 5 September 2017
10. Enforcement Live Caseload
11. Enforcement Cases Opened
12. Enforcement Cases Closed





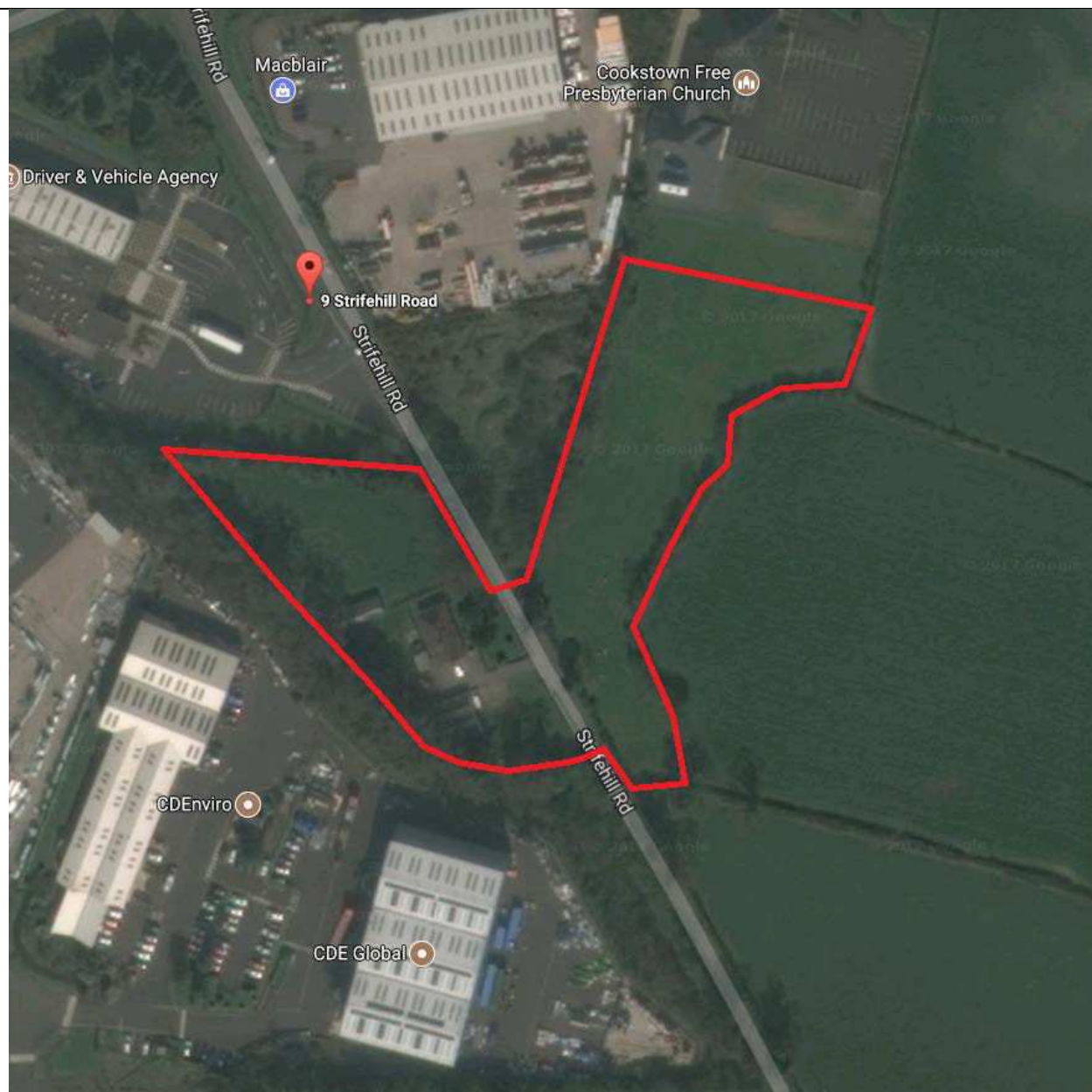
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> I/2013/0246/F	<b>Target Date:</b>
<b>Proposal:</b> Demolition of existing dwelling/out buildings and the construction of 10 no semi detached, 2 storey, 3 bedroom dwellings (20 no units) plus 2 detached, 2 storey, 2 bedroom apartments (4 units). 24 new starter units.	<b>Location:</b> Opposite and adjacent to 9 Strifehill Road Coolkeeghan Cookstown
<b>Referral Route:</b>  Representations Received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Adrian Milliken c/o W J Dickson Chartered Architect	<b>Agent Name and Address:</b> W J Dickson Chartered Architect 76 Seacoast Road Burnally Limavady BT49 9DW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Cookstown District Council	Add Info Requested
Non Statutory	Env Health Cookstown District Council	Substantive Response Received



Non Statutory	Env Health Cookstown District Council	Add Info Requested
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Non Statutory	Env Health Cookstown District Council	Advice
Non Statutory	Rivers Agency	Advice
Non Statutory	Water Management Unit	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	NIEA	Substantive Response Received

**Representations:**

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues**

Objections/comment have been received from;

Cookstown Free Presbyterian Church;

Wish noise/disturbance from the development to be controlled and would ask that a wall be considered to accommodate such concerns.

The most recent drawing no.3 (r6) identifies a wall along the rear boundary between the church and the site.

CDE;

Gave notice of issuing an objection however no subsequent submission has been made.

WJ Faulkner;

Concern expressed in relation to site run off affecting adjacent field. Unsuitable drainage infrastructure in the area.

As the principle of the development has still to be accepted detailed consideration of the layout would be premature, however certain issues can be highlighted.

A drainage assessment was carried out and upon reconsultation Water Management Unit have no objection to this development subject to the conditions and informatives set out in DAERA Standing Advice Note No. 2 - Multiple Dwellings.

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

The site consists of an irregular shaped plot of land located at number 9 Strifehill Road, Cookstown as well as land across the road. The land on the West of the Strifehill road and runs for approx. 100 metres along the roadside. The portion of the site on the East of the Strifehill Road is much narrower approx. 50 metres wide however, it is 120 metres deep and opens up to a wider area at the rear. The proposal shows 7 dwellings to the land on the west and a further 15 on the lands to the East. The land to the East is currently used as agricultural grazing and has mature boundaries on all sides, the land to the west currently contains the dwelling at number 9, which is a small bungalow as well as a small garage and a number of associated outbuildings. This site also has good boundary cover with mature vegetation and a number of trees.

The site lies within the settlement limits of Cookstown towards the South of the town. The Strifehill road runs off the Sandholes road and links back onto the main Dungannon Cookstown Road. The Cookstown Free Presbyterian Church is to the northeast, there is also a builders yards directly North and the DVLNI is to the North West. To the South West and South there is a number of large factory units and associated parking. To the East there is open countryside.

### **Description of Proposal**

The proposal seeks full planning permission for the demolition of existing dwelling/out buildings and the construction of 10 no semi detached, 2 storey, 3 bedroom dwellings (20 no units) plus 2 detached, 2 storey, 2 bedroom apartments (4 units). 24 new starter units.

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

#### **History**

The principle of development on these lands is not assured; indeed planning previously advised in response to A Pre application Enquiry (I/2011/0515/PREAPP) that the Department was of the opinion that the site would be unsuitable for residential development.

The reasons for that response related to the;

- Existing adjacent land uses,
- Lack of landscape buffer both at the edge of the limit of development and buffer between site and adjoining sites and

- Roads Service negative response in relation to the provision of suitable infrastructure within the site identified.

In order to progress this application to a conclusion Planning wish to outline the issues which have been raised through the processing of the application. You will note that comment received from consultees required additional information and Planning would advise that should you submit that information you do so on a without prejudice basis as the principle of the development has not been agreed to.

Subsequent to the submission of the application a noise consultants report was submitted which was assessed by the Environmental Health Department of Cookstown District Council. Their comment was;

#### Cookstown District Council Environmental Health Department Comments

##### Recommendations

Given that there is an objection from one of the surrounding factory units planners should clarify whether or not there are any restrictions placed on the operation of these units in their planning permission. If no such restrictions exist the consultant should be requested to undertake a worst case scenario based on 24 hour operation of the closest factory units.

Having checked planning permission within the area Planning can advise that the only restrictions placed on the operation of the surrounding units is on the builders yard. The condition states;

The premises shall not be used between the hours of 6.00pm and 8.00am on weekdays and at any time on Sunday without the prior permission, in writing, of the Department.

Reason: To safeguard the amenities of adjoining and nearby occupiers.

Planning is in receipt of Granger Acoustics communication in response to the above Environmental Health comment and has assessed same. On the basis of Environmental Health recommendation Planning request that the noise consultants report should include a worst case scenario based on 24 hour operation of the closest factory units.

In addition to the above Planning is also in receipt of comment from consultees and objectors. These comments have been uploaded and are available to view on the Planning Portal.

For clarity I will reproduce same and add Planning comment for your information.

Water Management Unit (WMU) of Northern Ireland Environment Agency (NIEA),

NIEA Water Management Unit were unable to comment on this proposal due to the lack of a sewerage system in this area. Confirmation is required on where sewage from this development would be treated and also, full details of how it would be intended to transfer the waste water. Upon this confirmation and consultation they have responded with no objection to this development subject to the conditions and informatives set out in DAERA Standing Advice Note No. 2 – Multiple Dwellings.

##### Rivers Agency comments

The strategic Flood Map (NI) indicates that the site does not lie within the 1 in 100y fluvial flood plain. However due to the size and nature of the development and the potential risk from surface

water flooding we would recommend that a Drainage assessment is carried out for our consideration.

In carrying out the drainage assessment the applicant should acquire from the relevant authority evidence that the proposed storm water runoff from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to Rivers Agency office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. Contact details for local Rivers Agency can be obtained at the web address below.  
<http://www.dardni.gov.uk/index/about-dard/about-rivers-agency/rivers-agency-board/contact-rivers-agency.htm>

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.  
 Consideration should be given to the use of Suds as the preferred drainage solution.

TNI has commented as follows;

The following information is required.

1. Provide a Transport Assessment Form (TAF) for this development,
2. Article 161 pro-forma to be completed and returned,
3. Each house access to have visibility splays of 2m x 33m,
4. A 33m visibility envelope to be detailed across the inside of all internal bends,
5. Footway to be continued along entire site frontage,
6. Access radii to be a minimum of 10m,
7. Street furniture, telephone poles etc, obstructing the visibility splays must be set a minimum of 0.5m clear of and behind the line of sight,
8. Detail a "Give Way" sign and road markings in accordance with "Traffic Signs Manual, Chapter 5, 2003" and "Traffic Signs Regulations (NI) 1997".
9. Pedestrian Crossing Points (PCP) to be constructed at the accesses along the pedestrian desire line,
10. Drainage accommodation along site frontage, at the access and internally,
11. Speed control measures to be incorporated (speed cushions, ramps etc.),
12. No accesses are permitted within twice the radii of an internal bend or junction,
13. Each property to have parking for 2 cars (garage + 1 car) Minimum dimensions for car park space are a minimum 6.0m x 3.2m.
14. Detail a standard turning head (Road1)
15. Detail road centreline spot levels at 10m intervals and 5m inside each driveway,
16. Longitudinal section required for road and drainage gradients at 10metre intervals,
17. Provide construction details,
18. Dimension all details,
19. Inscribe roads notes for small developments,
20. Further analysis of subsequent drawings will be required.

Further to amended drawings and consultation with TNI they have responded with no objections subject to conditions.

In terms of compliance with 'Creating Places' and other policies the layout itself has been discussed at group and has been considered acceptable.

- The proposed development lies at the edge of the limit of development and as such Planning Policy Statement 7 Quality Residential Environments applies. Specifically paragraph 4.28 of PPS 7 relates;

The integration of development at the edges of settlement is also important and buffer planting, generally of indigenous species (around 8-10 metre in depth), will be required to help assimilate and soften its impact on the countryside.

This applies to the eastern and southern boundaries of the site.

- Around the boundaries of the site are a number of trees and hedging which currently provide significant integration value, and should therefore be retained. However it is unclear if these are within the control of the applicant.

The drawings indicate trimming of the hedges and trees in order to achieve suitable building plots however in order to retain the vegetation Landscape Branch advice would be not to develop within the crown spread of and trees so as to avoid a negative impact on same.

Please note that further consideration of the details of the proposal will be required should the principle of residential development be agreed.

I again would reiterate the fact that the principle of residential development on this site is not assured. The main issue to be addressed is that of the adjoining land uses. There should be no significant negative noise impact, either on the possible future inhabitants of the proposed dwellings, or potential constraints on the adjacent industrial complex arising as a result of the proposed development.

Telephone conversation with Mr B Dickson 26th November 2014.

The previous case officer advised Mr Dickson that Environmental Health having replied with a positive comment Planning was in a position to progress this application.

All the consultee responses have no objection to development subject to conditions, all the representations have been considered and in the proposal is in principal in compliance with policy.

Recommendation Approval

#### **Neighbour Notification Checked**

**Yes**

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

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

2. The vehicular access, including visibility splays of 4.5m x 100m in both directions for the eastern leg road, and 2.4m x 75m north and 2.4m x 81m south for the western leg, shall be in place, in accordance with Drawing No. 3 Rev 6 bearing the date stamp 8th June 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

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

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

5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department 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. 3 Rev 6 bearing the date stamp 8th June 2017.

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.

6. No other development hereby permitted shall be commenced until the road works indicated on Drawing No 3 Rev 6 bearing the date stamp 8th June 2017 have been fully completed in accordance with the approved plans.

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

7. A barrier wall should be constructed with a height of 2m along the common boundary between the builder's yard and the proposed site. (As recommended in Grainger Acoustics 1st Report dated 07/11/13).

Suitable arrangements should be made for the disposal of foul effluent.

No plant or equipment used in the construction of these properties should be operated in a manner so as to cause disturbance to the occupants of nearby properties. Any noisy work should be undertaken in accordance with the principals of BS5228: 2009.

Reason; In the interest of neighbouring amenity.

8. A barrier wall should be constructed with a height of 2m along the common boundary between the Cookstown Free Presbyterian Church and the proposed site.

Reason; In the interests of neighbouring amenity.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development.

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

10. All proposed planting as indicated on the stamped approved drawing no. 04 rev 2 date stamped 29th February 2016 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

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

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

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

12. If during the development works, contamination risks are encountered, work should cease and the Council shall be notified immediately. A no development area will be agreed and the contamination shall be fully investigated. In the event of unacceptable risk being identified, a remediation strategy shall be agreed and verified to its satisfaction.

Reason: In the interests of public safety.

#### Informatives

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

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

3. Water Management Unit have no objection to this development subject to the conditions and informatives set out in DAERA Standing Advice Note No. 2 - Multiple Dwellings. Conditions and Informatives detailed in Standing Advice Note No. 22 - Culverting; are also applicable where culverting has been proposed and is in accordance with planning policy. The advice and guidance contained in Standing Advice Note. 4 - Pollution Prevention Guidance and Standing Advice Note No. 5 - Sustainable Drainage Systems, should be highlighted to the applicant.

DAERA Standing Advice documents are available from:

[Http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

#### 4. TNI Informatives

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from TransportNI's Street Lighting Consultancy, County Hall Ballymena. The Applicant is advised to contact TransportNI Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

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

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

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

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

It is the responsibility of the developer to ensure that

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	5th August 2013
<b>Date First Advertised</b>	14th August 2013
<b>Date Last Advertised</b>	22nd June 2015
<b>Details of Neighbour Notification</b> (all addresses) Gilmour Architect 20 Donaghendry Road Glebe (Derryloran) Stewartstown WJ Faulkner 31 Dungannon Road Coolkeeghan Cookstown W J Faulkner 31, Dungannon Road, Cookstown, Tyrone, Northern Ireland, BT80 9AH The Owner/Occupier, 9 Strifehill Road Coolkeeghan Cookstown The Owner/Occupier, CDE Global, Ballyreagh Industrial Estate, Cookstown, Co Tyrone BT80 9DG The Owner/Occupier, Cookstown Free Presbyterian Church, Sandholes Road, Cookstown The Owner/Occupier, DVLA Test Centre, Sandholes Road, Cookstown, BT80 9AR Alan J Kane QC Gorey Lodge, 88 Coolreaghs Road, Cookstown, Tyrone, Northern Ireland, BT80 8QN Kane QC Gorey Lodge, 88 Coolreaghs Road, Cookstown, Tyrone, BT80 8QN The Owner/Occupier, Keystone Ltd, 2 Ballyreagh Industrial Estate, Ballyreagh, Cookstown, Co Tyrone The Owner/Occupier, Simpson Building Centre, Sandholes Road, Cookstown, Co Tyrone, BT80 9AR	
<b>Date of Last Neighbour Notification</b>	16th June 2017
<b>Date of EIA Determination</b>	8th August 2013
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: I/2008/0516/F Proposal: Change of use from ancillary factory storage to ancillary office use, including internal alterations & extension to factory. Address: Ballyreagh Industrial Estate, Cookstown, Tyrone Decision: Decision Date: 27.04.2009	

Ref ID: I/2009/0142/F

Proposal: Retention of change of use for unit 1 from light industrial to office accommodation

Address: Ballyreagh Industrial Estate, Cookstown, Co Tyrone

Decision:

Decision Date: 27.04.2009

Ref ID: I/1995/0338

Proposal: Laying out of Lands for Industrial Plots, Construction of Service Road and Associated Services

Address: SANDHOLES ROAD BALLYREAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1996/0474

Proposal: Provision of additional access heads, erection of sub-station including access to same and associated works

Address: IDB DEVELOPMENT SITE SANDHOLES ROAD, BALLYREAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1994/0298

Proposal: Industrial Estate for I.D.B

Address: LAND AT BALLYREAGH SANDHOLES ROAD COOKSTOWN (BETWEEN BALLYREAGH HOUSE & D.O.E.)

Decision:

Decision Date:

Ref ID: I/2011/0515/PREAPP

Proposal: Proposed housing development

Address: Lands at 6 Strifehill Road, Cookstown,

Decision: EOLI

Decision Date:

Ref ID: I/2004/0379/O

Proposal: Site for dwelling and garage

Address: Adjacent to 9 Strifehill Road, Cookstown

Decision:

Decision Date: 14.06.2004

Ref ID: I/1975/0393

Proposal: ERECTION OF DWELLING

Address: STRIFEHILL ROAD, COOKSTOWN

Decision:  
Decision Date:

Ref ID: I/1998/0165  
Proposal: Erection of Industrial Units And Ancillary Office Accomodation  
Address: BALLYREAGH INDUSTRIAL ESTATE COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/2007/0318/F  
Proposal: New Factory, including offices and car parking spaces.  
Address: 60m East of Cookstown Industrial Centre, Ballyreagh Industrial Estate, Sandholes Road, Cookstown  
Decision:  
Decision Date: 18.12.2007

Ref ID: I/2013/0246/F  
Proposal: Demolition of existing dwelling/out buildings and the construction of 13 no. two storey dwellings with associated garages/stores  
Address: Opposite and adjacent to 9 Strifehill Road Coolkeeghan Cookstown,  
Decision:  
Decision Date:

Ref ID: I/2000/0495/F  
Proposal: Proposed Additional Mezzanine Storage and External yard areas  
Address: Corner Site at Junction of Sandholes and Strifehill Road, Cookstown  
Decision:  
Decision Date: 04.10.2000

Ref ID: I/1974/0417  
Proposal: SAND AND GRAVEL WASHING PLANT.  
Address: SHANKEY, TULLYHOGUE  
Decision:  
Decision Date:

Ref ID: I/2000/0059/F  
Proposal: Provision of builders supply centre  
Address: Corner site to SE of junction of Sandholes and Strifehill Roads, Cookstown  
Decision:  
Decision Date: 23.06.2000

**Drawing Numbers and Title**

Drawing No. 01  
Type: site location  
Status: Submitted

Drawing No. 3 (rev 6)  
Type: site layout  
Status: Submitted

Drawing No. 4 (rev 2)  
Type: tree survey  
Status: Submitted

Drawing No. 05 (rev 1)  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 06 (rev 1)  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 08 (rev 1)  
Type: Garage Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Plans  
Status: Submitted

Drawing No. 10  
Type: Proposed Plans  
Status: Submitted

Drawing No. 11  
Type: Proposed Plans  
Status: Submitted

Drawing No. 12  
Type: sections  
Status: Submitted

Drawing No. 13  
Type: Road details  
Status: Submitted

Drawing No. 14  
Type: Sewer plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

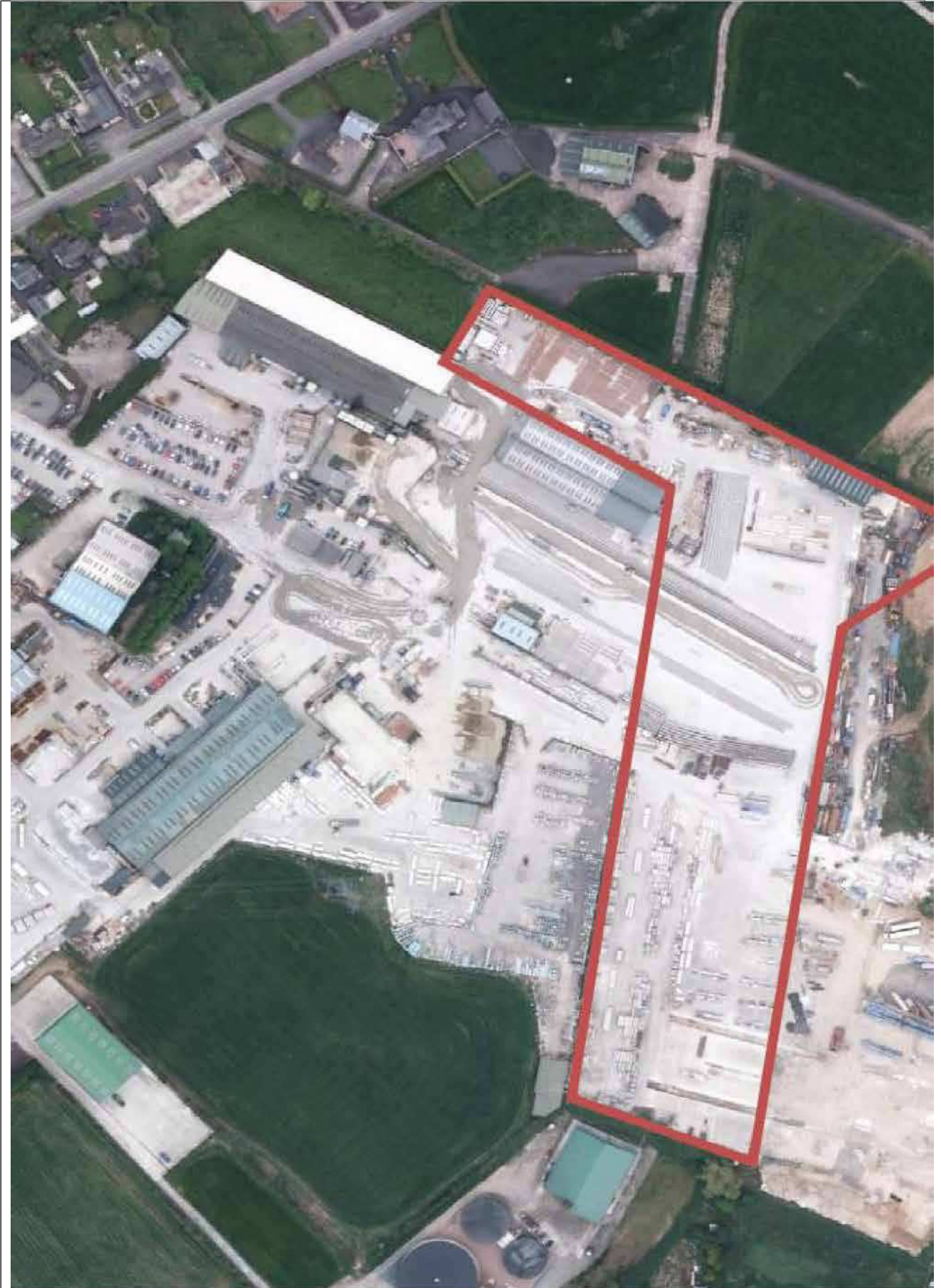


Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 14th October 2014	<b>Item Number:</b>
<b>Application ID:</b> H/2013/0296/F	<b>Target Date:</b>
<b>Proposal:</b> Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate reorganisation of precast products and increased variety of stock products, colour and size with no increase in existing site production area. Relocation of existing external block and brick production area (5200m <sup>2</sup> ) to proposed new area (4320m <sup>2</sup> ) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recycable material waste storage. (Amended Noise report received)	<b>Location:</b> Creagh Concrete Products Ltd Creagh Industrial Park Blackpark Road Toomebridge
<b>Referral Route: Objections received.</b>	
<b>Recommendation: Approval.</b>	
<b>Applicant Name and Address:</b> Creagh Concrete Products Ltd Creagh Industrial Estate Toomebridge BT41 3SE	<b>Agent Name and Address:</b> Gemma Jobling JPE Planning 1 Inverary Valley Larne
<b>Executive Summary:</b>	
<b>Signature(s): M.Bowman</b>	

## Site Location Plan



[MB1]		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Transport NI - Enniskillen Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Non Statutory	Env Health Magherafelt District Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Environmental Health Mid Ulster Council	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	12	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Characteristics of the Site and Area</b>		
<p>The site is located east of existing buildings within Creagh Concrete and is flat in nature. This application relates to land at Creagh Concrete, Blackpark Road, Toomebridge. Part of the site was granted temporary planning permission under H/2005/1118/F for retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers). Temporary permission was granted for 3 years. The red line of the site encompasses additional land to that previously granted temporary permission. This additional land has already been in use for industry associated with Creagh Concrete.</p>		
<b>Description of Proposal</b>		
<p>This is a 'full' application for Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate reorganisation of precast products and</p>		



increased variety of stock products, colour and size with no increase in existing site production area.

Relocation of existing external block and brick production area (5200sqm) to proposed new area (4320sqm) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage.

Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material and waste storage.

The plans submitted with the application divides the site and identifies 3 locations within the site for the above as described.

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

The Policies that apply in the assessment of this application are as follows:-

#### **SPPS**

Planning Policy Statement 3 'Access, Movement and Parking'

Planning Policy Statement 4 'Economic Development'

Magherafelt Area Plan 2015

Consultee responses:-

DRD Roads Service:- Roads Service recommend that the site must be accessed by the construction of an industrial estate road which will connect to the existing Creagh Industrial Park which accesses the A6 Hillhead Road at a roundabout. This road should also have connectivity onto the Creagh Road in the vicinity of the Aughrim Road junction.

NI Water: No objection subject to informatives

Environmental Health Department:- Following the submission of a number of noise reports EHO are in a position of no objections to the application subject to conditions.

#### **Planning History:-**

H/2005/1118/F: Temporary permission granted 12th May 2008 for 3 years for retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers).

H/2006/0279/O: Outline Planning Appeal allowed 13 June 2008 for Easterly extension to existing precast concrete works to facilitate the reconfiguration of existing plant and building units, and to provide new manufacturing facility and additional hardstanding areas to permit vehicle turning areas and storage. Provision of new access is proposed via Creagh Business Park, Estate Road, egressing at Creagh Roundabout, Hillhead Road, with additional access onto Hillhead Road, via the Estate Road through Creagh Business Park.

H/2007/0546/F: Approval granted 12th May 2008 for Removal of existing metal single skin and roof cladding on existing concrete products factory and replacement with new insulated metal cladding. Extension of existing concrete products factory to encompass storage yard. Demolition of existing single skin corrugated tin factory and replacement with new factory building.

More recently the Committee has approved an extension to operating hours for a building within the yard and the Council are currently also considering an application for a new access road and Gantry crane structure.

A number of requests have been made previously from the agent to seek clarity around the following matters:

Precise nature of activities to take place in the proposed production and storage areas.

Equipment to be used in the production and storage area.

Noise levels expected to be produced as a result of work activity, including vehicle movements, at the boundary of the site and at adjacent dwellings.

Hours of operation.

Noise mitigation measures to be taken, if needed to ensure good standard of noise amenity at adjacent dwellings.

Whilst previously submitted noise reports submitted considered a number of issues, they did not provide adequate information to fully assess noise impact. In their previous consultation response dated 21 August 2014 Environmental Health set out additional information required to be included within a detailed Noise Impact Assessment.

A final noise report was submitted on the 13<sup>th</sup> April 2017 from Irwin Carr Consulting which identified the most sensitive noise receptors as being Nos 20, 22 and 30 Blackpark Road. In addition it has been clarified that all external product finishing will be undertaken using non-motorised hand tools meaning that the only significant noise source within these areas is forklift truck or HGV movements.

### **Consideration of Policy /Area Plan**

The SPPS published IN Sept 2015 promotes long term economic growth stating that this will be achieved by improving competitiveness and building a larger and more export driven private sector. This will not only mean creating more employment but also a rebalancing of the economy. At Par. 6.81 the SPPS identifies the planning systems key role in achieving a vibrant economy with the aim of the SPPS being to facilitate the economic needs of NI in ways consistent with the protection of the environment and principles of sustainable development. Par 6.91 reinforces that all applications for economic development use must be assessed in accordance with normal planning criteria and consider access, environmental and amenity impacts.

The Area Plan identifies Industrial Lands at Creagh as well as a settlement limit for the settlement. Creagh Concrete has historically emerged, expanded and operated with a swathe of lands which lies between these zonings in an area identified as countryside but characterised by significant industrial development which extends to include an number of other large industrial enterprises located along the Toome Road / Airfield Road.

Policy PED 3 of PPS4 relates to the expansion of an established economic use in the countryside. Expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

I am satisfied that the primarily internal re-arrangements of existing activities within the established site will not in any measurable way impact on rural character or appearance of the local area. Any extension of the site is not significant and will be contained by other established industrial facilities in the immediate locality. As such there is no significant or major expansion of the site area of the enterprise.

Policy PED 9 details that a proposal for economic development use, in addition to the other policy provisions of PPS 4 will be required to meet certain criteria as set out in Policy PED 9.

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

I find no conflict with the proposal and the nature and character of surrounding land use. There are residential properties within Creagh which have been carefully considered in relation to this application as outlined below.

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

It has been demonstrated that the proposed activities associated with this application can be carried out and controlled in a manner which will not have a detrimental impact on neighbouring amenity. EHO now have no objections to the application.

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

heritage; There are no such feature affected by this application.

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

No impacts on flood risk have been identified.

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

The noise assessment submitted on the 13<sup>th</sup> April has addressed the potential for noise nuisance and disturbance at the nearest noise sensitive receptors. Given that the application proposes relocating a noisier block making activity to a less sensitive location it is the overall conclusion of EHO that the proposal represents an opportunity to lead to a reduction in the level of intrusion experienced by nearby residents.

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

The proposed activities should not lead to any increased impact in this regard.

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

TNI have raised some concerns surrounding the intensification of vehicle movements on Blackpark Road by this proposal. However the nature of the application does not necessarily support the fear that internal re-organisation of the yard will increase vehicle movements. Creagh concrete in a letter dated 10<sup>th</sup> Sept 2015 state that this application does not constitute any additional production areas or activity but in fact there is a noted reduction in production area with an increase in storage. As such there is no increased level of vehicle activity onto Blackpark Road. Whilst the MAP does indicate the need for a new link road between the A6 and Aughrim Road, and there is no question that this will be of tremendous benefit in facilitating the future expansion of lands within Creagh Business Park, in light of the view expressed above that this planning application should not lead to any increased vehicle movements I am not of the view that a link road is a requirement for this proposal.

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

The application only proposes re-configuration of existing yard areas.

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

The application only proposes re-configuration of existing yard areas

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

No new buildings proposed. Existing banking to wider site boundaries provides sufficient visual enclosure.

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

I am content that given the location of much of this activity and the lack of any significant public viewpoints that this aspect of the proposal is acceptable.

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

The existing site arrangements by Creagh will ensure this.

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

As above I am content that given the location of the proposed activities and surrounding industrial enterprises that there are no detrimental impacts on rural amenity in terms of integration.

Objection letters to this application have been submitted on behalf of the occupants of No. 20 Blackpark Road. The closest part of the application site is approximately 90m south west of this dwelling and approximately 45m from the rear private amenity space of No.20. The issues raised within the earlier letters relating to this application are as follows:-

- 1) Detrimental impact on existing residential amenity - Intolerable levels of noise from production and storage activities and vehicle movements, dust and smoke pollution.
- 2) Contrary to the Magherafelt Area Plan as the site lies outside industrial area.
- 3) Inaccurate description and validity of application.
- 4) Relationship of the current proposal to the full implementation of H/2007/0546/F.
- 5) Lack of detail. Comprehensive layout plan of the overall complex should be required showing all buildings with their uses and all external areas and their individual uses.
- 6) Noise Impact Assessment required.

More recent objection from No 20 has raised the following points for consideration:

7. That most of the activities described for each location are retrospective

8. That EHO have previously issued statutory noise nuisance and abatement orders for No 20. Approving this application will therefore effectively approve a statutory noise nuisance at No 20.
9. That notification has only taken place in Aug after the noise report was received in April.
10. That the findings by the noise consultant, being described as 'findings' is erroneous given the retrospective nature of these activities.
11. That 'other operations' do take place within these areas and none of these have been presented in the drawings or application.
12. That suggested EHO conditions are unenforceable.
13. Approving this is making an unacceptable situation acceptable by use of conditions
14. Suggested conditions are more akin to a single noise source.
15. That the PAC decision 2015/A0005 used by the noise consultant has been used to sway EHOs acceptance of the noise report.

Consideration of issues:-

- 1) Sufficient information has now been submitted with the application to fully assess the impact of development on residential amenity.
- 2) The site is located within the rural countryside and not zoned for a particular use. As the application relates to development within the Countryside, relevant Policies within the SPPS /PPS 4 apply in the assessment of the proposal.
- 3) On submission of the application the Department were satisfied that sufficient plans accompanied the P1 form in accordance with the provisions of Planning (Northern Ireland) Order 1991 and Article 7 of Planning (General Development Order) (Northern Ireland) 1993 to deem the application valid. Amendment to the description was received 31 July 2014 to describe application as retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage.
- 4) This submission would indicate that development as approved under H/2007/0546/F will not be fully implemented and the building as approved will not be erected. The noise report submitted 31 July 2014 details use at location A and describes the use of this area for large purpose built precast concrete displays and product finishing.
- 5) To fully assess development at the application site additional information was requested to detail precise nature of activities at the site.
- 6) A Noise Impact assessment Which has been found to be acceptable to EHO was received in April 2017.
- 7) The application is described in part as retention of various activities within the site.
- 8) EHO have given consideration to the April noise report and have raised no objections subject to conditions which the Council feel are enforceable.
- 9) Third parties were not re-notified on immediate receipt of the noise report by error – I have ensured that this has now been carried out. No party has therefore been prejudiced.
- 10) the content and findings of the Noise report have been accepted by EHO.
- 11) the permission if granted will be for only those activities applied for.
- 12) the Council have now conditions with identified noise receptors and are satisfied with suggested conditions.
- 13) the Council (EHO) state that this permission will improve the situation currently being experienced by nearby residents.
- 14) I see no issue in the further noise monitoring and complaint conditions suggested by EHO.
- 15) The PAC decision remains a material consideration however I have been provided with no evidence that this has impacted upon the interpretation of the findings of the noise report.

A further objection was received from the occupant of 2 Ard No Grann (Dungiven) referring to lands identified by Creagh in Blue as not being within the company's ownership. This relates also to the related application LA09/2015/1239. I note however that no part of the lands

encompassed by the red line of this planning application (H/2013/0296/F) are affected. It should follow therefore that no prejudice to any interested could arise should this application be approved.

Objection received from James Russell and Sons (solicitors) referring to a number of planning applications for Creagh Concrete around which there are challenges to land ownership. In my view the application as submitted remains valid in that the lands subject to the planning application outlined in red are not challenged directly.

This application was previously presented to Council by the Department of the Environment on Tuesday 14th October 2014 as a refusal on the grounds of insufficient information. Magherafelt District Council requested that the application be deferred without the need for an office meeting.

Significant efforts has gone into clarifying the types of activities sought by the application and agreeing an acceptable noise report since this deferral.

Given that a robust Noise assessment has now been submitted and its findings agreed with EHO and that the application satisfies the relevant planning requirements of Policies PED3 and PED9 of PPS4 I am of the view that it should be approved subject to the conditions attached and referred to below.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation: approval subject to conditions.</b>	
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<b>Conditions:</b>	
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1. The following locations (detailed in Drawing 13-PL-103) should only be used for the purposes stipulated:

Location A- Product display, product finishing, manual rubbing up, pressure washing, fork lift truck movement, product plant and vehicle storage, recyclable material waste storage.

Location B- Concrete block and brick production, diesel fork lift truck, strapping machine, fork lift truck for stacking and removing cured bricks.

Location C- Previously approved storage area, lorry and trailer park.

Location D- Existing product display, product finishing, product, plant and vehicle storage, and recyclable material waste storage.

Location E- Continuation of block making.

Reason: To ensure compliance with those activities sought by this application and in the interests of neighbouring amenity.

2. All external product finishing at locations A,C and D will be undertaken using non- motorised hand tools.

Reason: In the interests of neighbouring amenity.

3. Noise levels from these activities at the three identified properties should not exceed the levels in table 2 below.

Receiver Location	Noise level (dB LAeq, 1 hr)
20 Blackpark Rd	49.9
22 Blackpark Rd	44.8
30 Blackpark Rd	41.5

4. Within 4 weeks of a written request by the Planning Authority, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at their expense employ a suitably qualified and competent person, to assess the level of noise emissions from the development. Details of the noise monitoring survey shall be submitted to the Planning Authority for written approval prior to any monitoring commencing. The Planning Authority shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring.

Reason: To control the noise levels from the development at noise sensitive locations.

5. The operator shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 4, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 4 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason: To control the noise levels from the development at noise sensitive locations.

6. Commencement of development within 5 years from the date of this permission.

**Signature(s) M.Bowman**

**Date: 18<sup>th</sup> Sept 2017.**

<b>ANNEX</b>	
<b>Date Valid</b>	12th August 2013
<b>Date First Advertised</b>	5th September 2013
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) B Quinn 2 Ard-Na-Grann Dungiven Londonderry Patrick and Orla Mulholland 20 Blackpark Road The Creagh (Etre And Otre) Toomebridge The Owner/Occupier, 20 Blackpark Road, The Creagh Etre And Otre, Toome, Londonderry, BT41 3SL Patrick and Orla Mulholland 20, Blackpark Road, Toome, Toomebridge, Londonderry, Northern Ireland, BT41 3SL Patrick and Orla Mulholland 20, Blackpark Road, Toome, Toomebridge, Londonderry, Northern Ireland, BT41 3SL Patrick and Orla Mulholland 20, Blackpark Road, Toome, Toomebridge, Londonderry, Northern Ireland, BT41 3SL The Owner/Occupier, 22 Blackpark Road The Creagh (Etre And Otre) Toomebridge The Owner/Occupier, 24 Blackpark Road, The Creagh Etre And Otre Toomebridge, Londonderry, BT41 3SL John Casey MRTPI 26, Kingsmere Avenue, Belfast, Antrim, Northern Ireland, BT14 6ND Planning Associates 58 Howard Street Town Parks Belfast The Owner/Occupier, 61 Creagh Road The Creagh (Etre And Otre) Toome John Casey URPA 58 Howard Street Town Parks The Owner/Occupier, Urban and Rural Planning Associates,58 Howard Street,Belfast,BT1 6JP	
<b>Date of Last Neighbour Notification</b>	22nd August 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No



## Planning History

Ref ID: H/1998/0071

Proposal: SITE OF INDUSTRIAL PARK TO INCLUDE NEW ROADS LAYOUT

Address: S.E OF JUNCTION OF HILLHEAD ROAD AND BLACKPARK ROAD THE CREAGH MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/6050

Proposal: PROPOSED INDUSTRIAL UNIT CREAGH MAGHERAFELT

Address: CREAGH

Decision:

Decision Date:

Ref ID: H/1985/0009

Proposal: HV O/H LINE (BM 7002)

Address: CREAGH, TOOME

Decision:

Decision Date:

Ref ID: H/1973/0125

Proposal: STORE

Address: CREAGH, TOOMEBRIDGE, COUNTY LONDONDERRY

Decision:

Decision Date:

Ref ID: H/2006/0703/F

Proposal: Lean-to extension, along approx 1/2 length of existing building, for the curing of Concrete Products produced in the existing building

Address: Bradstone Factory Building, Creagh Concrete Products Ltd, 34 Blackpark Road, Toomebridge, Co. Antrim, BT41 3SL

Decision:

Decision Date: 26.05.2008

Ref ID: H/1996/0227

Proposal: PRECAST CONCRETE CASTING FACTORY

Address: CREAGH CONCRETE PRODUCTS BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2005/0028/F

Proposal: Site for industrial development, Phase 2A infrastructure works comprising additional internal roads and drainage

Address: Lands to the South of the A6 Hillhead Road, Creagh, Magherafelt

Decision:  
Decision Date: 05.12.2005

Ref ID: H/2003/0062/F

Proposal: Extension to existing offices to increase existing office/storage space, additional toilet facilities and to facilitate the introduction of a disabled lift with provision for ramped access to conform with DDA regulations.

Address: Blackpark Road, Toomebridge.

Decision:  
Decision Date: 19.03.2003

Ref ID: H/1998/0307

Proposal: MIXING PLANT AND WORKSHOP FOR THE PRODUCTION OF CONCRETE

PRODUCTS AND ASSOCIATED OFFICE AND CANTEEN

Address: ADJACENT TO CREAGH CONCRETE PRODUCTS 40 BLACKPARK ROAD TOOMEBRIDGE

Decision:  
Decision Date:

Ref ID: H/2005/1118/F

Proposal: Retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers).

Address: Creagh Concrete Products, 34 Blackpark Road, Toomebridge, Co. Antrim, BT41 3SL.

Decision:  
Decision Date: 13.05.2008

Ref ID: H/2006/0279/O

Proposal: Easterly extension to existing precast concrete works to facilitate the reconfiguration of existing plant and building units, and to provide new manufacturing facility and additional hardstanding areas to permit vehicle turning areas and storage. Provision of a new access is proposed via Creagh Buisness Park, Estate Road, egressing at Creagh Roundabout, Hillhead Road.

Address: Creagh concrete site, Blackpark Road, Toomebridge, with additional access onto Hillhead Road, via the Estate Road through Creagh Buisness Estate.

Decision:  
Decision Date:

Ref ID: H/2007/0546/F

Proposal: Removal of existing metal single skin, and roof cladding on existing concrete products factory, and replacement with new insulated metal cladding. Extension of existing concrete products factory to encompass storage yard. Demolition of existing single skin corrugated tin factory and replacement with new factory building

Address: Creagh Concrete, Blackpark Road, Toomebridge  
Decision:

Decision Date: 13.05.2008

Ref ID: H/2009/0670/Q

Proposal: Proposed waste processing and resource recovery facility

Address: Creagh Road, Toomebridge

Decision:

Decision Date:

Ref ID: H/2011/0265/F

Proposal: Proposed development of a 500KW Anaerobic Digestion (AD) Plant including a Combined Heat and Power (CHP) Plant (to generate electricity and hot water), access, external feedstock storage area and small office/canteen.

Address: Lands circa 20 metres west of 61 Creagh Road Creagh BT41,

Decision:

Decision Date: 29.12.2011

Ref ID: H/2013/0296/F

Proposal: Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate reorganisation of precast products and increased variety of stock products, colour and size with no increase in existing site production area. Relocation of existing external block and brick production area (5200m<sup>2</sup>) to proposed new area (4320m<sup>2</sup>) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage.

Address: Creagh Concrete Products Ltd, Creagh Industrial Park, Blackpark Road, Toomebridge,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. DOC 04  
Type: Further Particulars  
Status: Submitted

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

Drawing No. DOC 01  
Type: Further Particulars  
Status: Submitted

Drawing No. DOC 02  
Type: Further Particulars  
Status: Submitted

Drawing No. 01  
Type: Site Location Plan

<p>Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Site Layout or Block Plan Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department: Response of Department:</p>



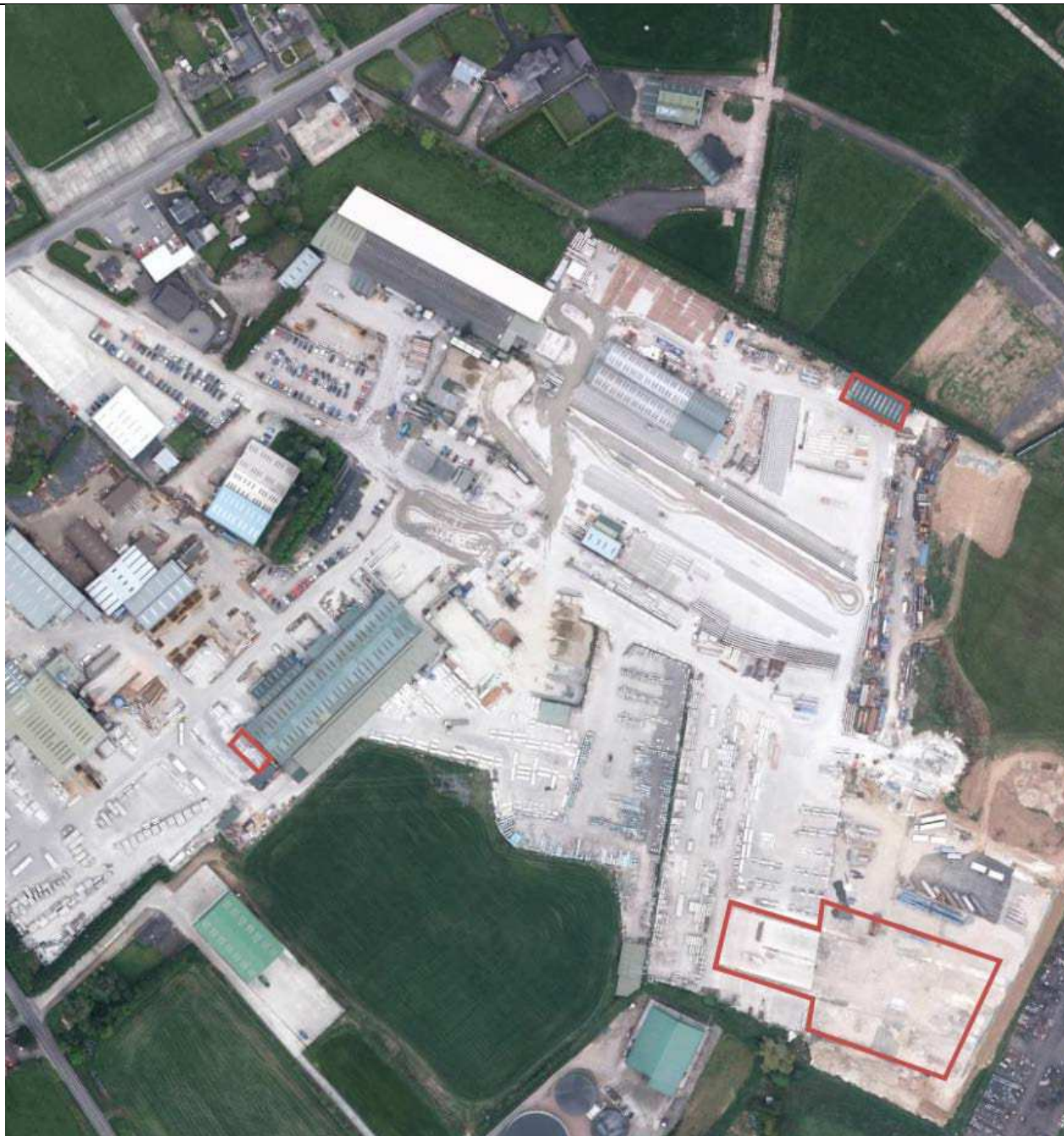
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0692/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of new building for washing/ drying of precast concrete products (retrospective). Erection of new gantry crane for loading /unloading of precast concrete products. extension of existing production factory TF5 to facilitate to production of larger precast concrete units	<b>Location:</b> Creagh Concrete Products Ltd Blackpark Road Toomebridge
<b>Referral Route: Objection received.</b>	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Creagh Concrete Products Ltd Blackpark Road Toomebridge	<b>Agent Name and Address:</b> JPE Planning 1 Inverary Valley Larne BT40 3BJ
<b>Signature(s): M Bowman</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	No objections

### 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
<b>Characteristics of the Site and Area</b>  <p>Description of Proposal</p> <p>The proposal is for the erection of a new building for washing/ drying of precast concrete products, the erection of new gantry crane for loading/unloading of precast concrete products and for the extension of the existing production factory TF5 to facilitate to production of larger precast concrete units. All elements of the proposal are retrospective.</p> <p>Characteristics of the site and environs</p> <p>This application relates to land at Creagh Concrete, Blackpark Road, Toomebridge. Part of Creagh Concrete's overall site was granted temporary planning permission under H/2005/1118/F for retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers). Temporary permission was granted for 3 years. That site however has not been restored to it's former condition and continues to be used for industrial usage. The red line of this application site encompasses three portions of land within the overall site and are equally spread throughout the site.</p> <p>The area for the new building for washing/drying of concrete products is located along the north-eastern boundary with the area for the gantry crane located at the southern corner of the site while the extension to the existing production factory TF5 is located within the western portion of the site. These three areas are already in use associated with Creagh Concrete.</p>	
<b>Description of Proposal</b>  <p>Erection of new building for washing/ drying of precast concrete products (retrospective).  Erection of new gantry crane for loading /unloading of precast concrete products. extension of existing production factory TF5 to facilitate to production of larger precast concrete units</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p>Relevant planning history</p> <p>Development Plan and key policy considerations</p> <p>Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.</p> <p>PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4.</p>	



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

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

The proposal does not involve any increase in site area as the three elements of the proposal are all sited within the existing site boundary.

Normally proposals are expected to be accommodated through the reuse of existing buildings or by extending existing buildings. A new building may be considered acceptable where such a building is in proportion to existing buildings and integrates into the existing overall development. The proposal involves both an extension and a new building. These elements are discussed in detail below.

The proposal involves the erection of a new washing/drying building which measures approximately 29.5m x 14.1m with a small boiler room at the side measuring 5.2 x 2.0m. The building has a lean-to roof with a height of 7.6m falling to 4.9m. The building is constructed of masonry walling with a steel portal frame over and sheeted with box profile metal cladding over. Given the position of this building within the overall site, the new building integrates satisfactorily as it is of a modest scale and is positioned well back from the overall site frontage, it is positioned along the northern boundary and any views of the building will be seen against the backdrop of the much larger industrial buildings.

The second element of the proposal is for the erection of a large gantry crane set on a base measuring 173m x 76m and which allows the crane to move along rails lines over a distance of 150m. The rail lines are set 35m apart. The gantry crane sits on four legs with a height of 12.9m and a length of 53m. The crane allows lorries to drive under and be loaded.

The third element of the proposal is for the extension of the existing TF5 building. This extension is to provide two additional bays over the full width of the building. This measures 29.6m x 10m and has a ridge height of 10.0m with an eaves heights of between 7.0m and 7.8m. The external finishes of the proposed extension are profiled aluminium cladding to match the existing, over rendered block walls. Clear wall cladding is also proposed for light purposes in addition to one roller shutter door in the gable end. This extension is modest in scale compared to the existing building and being attached to the gable end of the TF5 building will have minimal impact on visual amenity.

Both the new building and the extension respect the scale, design and materials of the existing buildings within the overall site. The exiting site is void of any historic or architectural interest.

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

(a) The use is compatible with surrounding land uses. The only potential for the proposal to be incompatible with the surrounding land uses is by way of the washing/drying building creating a noise or dust nuisance. The applicant has been requested to analyse the noise from the polishing/finishing activities;

(b) It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing, visual intrusion or overlooking. However, Environmental Health have assessed a noise impact assessment and raised no objections.

(c) The site is will not have any adverse impact on either natural heritage or built heritage;

(d) The proposal is not located within a flood risk area nor will it cause or exacerbate flooding;

(e) As detailed above, there is the potential for the proposal to contribute to and to cause noise nuisance. EHO have accepted the noise report.

(f) concerns surrounding chemical overspray were raised in a letter of objection from No 20 Blackpark Road. Environmental Health have investigated this complaint and found no issues with the spray system in situ.

(g) The proposal does not involve any additional vehicular traffic.

(h) As the proposal is for works within the internal layout of the existing Creagh site and does not involve any amendments to the existing access, the existing access arrangements, parking and manoeuvring areas are considered acceptable.

(i) Although the site is located within a rural area, adjacent to Creagh settlement, access to the site is gained from within the settlement limits of Creagh and there is an movement pattern providing acceptable links to public transport;

(j) The site layout, building design and associated infrastructure are of an acceptable quality and as the proposed development is contained within the existing site will support the business and therefore contribute to sustainability through reducing travel to an alternative site. However, the proposal does not include any proposals for landscaping. The gantry crane is the most visible element of the proposal and is located approximately 400m from the Creagh Road. Whilst it may be preferable to have some adequate landscaping along the south-eastern boundary to screen the site/bottom of the crane, it is questionable if landscaping would be of any real benefit as it would take a substantial time for any planting/landscaping to effectively screen the crane which has an overall height of around 13m;

(k) At present there are some transient views into the site but these are not sufficient to justify refusing the proposal. The long distance views from the Creagh Road or the Hillhead Road are such that areas of existing outside storage are not unacceptable. However, the proposal does not introduce additional areas of outside storage;

(l) As the site is self-contained and well secured, it is generally designed to deter crime and promotes personal safety;

(m) Although the site is located in the countryside, given that the proposed gantry crane is a substantial piece of plant, it has the potential to be visually intrusive. However, as the crane has already been erected it is easily assessed in terms of visual integration and when viewed from transient points along the Creagh Road the crane is viewed both within and against the backdrop of large industrial buildings and associated plant and equipment. In my opinion, the additional landscaping is unnecessary and any landscaping which would be provided would take a substantial length of time to have any impact on screening the crane. At present no landscaping has been proposed, however, the site has the benefit of the existing earth bund which extends along the south western boundary. The proposed new building and the extension are located in such positions that they do not present a problem with integration.

#### PPS 21 Policy CTY 13 – Integration and Design of Buildings in the Countryside

In assessing the proposal against the criteria of this policy, it is considered to be acceptable for the following reasons;

the new building and the extension do not occupy a prominent position in the landscape and whilst the gantry crane will be visible, it will be viewed against the hard setting of the existing industrial buildings and overall site.

the site has long established boundaries and is able to provide a suitable degree of enclosure for the proposal to integrate in to the landscape;

the proposed building, the extension and the crane will not rely on new landscaping to achieve an acceptable degree of integration;

the proposal will be viewed in the context of the adjacent and surrounding industrial landform and will be therefore acceptable;

the design of the proposed buildings and crane are typical for this industrial site and will therefore blend into the surrounding industrial landscape which form the backdrop.

#### Other policy and material considerations

PPS 3 - Access, Movement and Parking; it was not felt necessary to consult with TransportNI in relation to this application as the proposal does not include any new access to the public road.

However, the line of the proposed link road between the A6 and the Aughrim Road as proposed in the Magherafelt Area Plan 2015 and designated as COU 8 which extends through Creagh Concretes site needs to be protected from development which would be likely to prejudice the development of the road link. TransportNI have already made known their opinion on this issue in connection with application H/2013/0296/F and also in relation to the application for the proposed road link LA09/2016/1090/F.

Policy AMP 4 states that permission will not be granted for development which would prejudice the implementation of a transport scheme identified in a development plan. Therefore the line of the road link COU8 must be protected. Notwithstanding this issue, the positioning of either the new building, the extension or the gantry crane will not prejudice the line of the link road.

#### Environmental Health

EHD were consulted and advised that they require the submission of a noise impact assessment to deal with the issue of the introduction of additional noise sources/breakout within the Creagh site. An assessment was received on the 3 May 2017 and EHO have commented on its findings raising no objections.

Environmental Health have reviewed the letters of objection submitted by and on behalf of the Mulholland family. The issues raised include noise and overspray.

EHOs response is as follows:

Point 1 of this letter concerns noise from the washing shed , it is stated “*our concern relates to noise from the sawing of concrete products inside and around the exterior of the building*”. The noise impact assessment did not mention the use of internal /external sawing of concrete products, should this activity be occurring as alleged, then the noise impact should be reassessed by the applicant. This department would request that it be re-consulted to review any reassessment carried out. Alternatively, planning department could restrict the alleged activity by way of condition.

Point 2 relates to overspray, it is stated “ *The water spray from the exterior washing processes is blowing onto our property. The over spray has a chemical which at times can be quite nauseous*”

The area has been visited and no smell has been detected from the spray system in-situ. This department would not anticipate that smell from this activity would be a factor of concern at the site. The spray is currently being applied for end product aesthetics.

Environmental Health are consultees responsible for assessing the acceptability or otherwise of an application in respect of environmental health issues. This assessment is based on the average person and how the proposal may affect their amenity. Where a receptor may be more sensitive to noise or air quality e.g. due to underlying medical conditions, this has not been accounted for in our response. Should the Planning Service require further comments in relation to more sensitive receptors they may wish to seek independent medical advice.

Further objections were received from James Russell and Son (Solicitors) raising concerns around land ownership. The letter refers to a number of applications in the system for Creagh Concrete and appears to relate this claim of ownership more towards a related road application. I am of the view that no part of this application is affected by the land ownership claim.

An earlier letter of objection received on the 9<sup>th</sup> June 2016 from John Casey on behalf of the occupants of No 20 Blackpark Road raised concerns that the washing and drying building had already been erected and was being used for sawing of concrete products causing further noise problems to that property. In response I am suggesting that a planning condition is included in any permission to restrict the use of this building.

The following suggested conditions are based on information presented within noise impact assessment referenced Rp002 2017029 (Creagh Toome) and dated 30 March 2017 and have been suggested by EHO.

**Suggested Conditions:**

1. The proposed extension to building 'TF5' shall be permanently constructed of materials as specified within drawing no. 1150-PD-01 dated 8.1.16. Building TF5 composite panels shall provide a sound reduction index (SRI) 24Rw
2. The internal noise level of factory TF5 shall not exceed 87dB L<sub>Aeq</sub>.
3. The roller shutter door located on the Eastern elevation of building extension TF5 as per drawing no. 1150-PD-01 dated 8.1.16 shall remain in the closed position whilst manufacturing activities are taking place except when used for access and egress.
4. The roller shutter door located on the Eastern elevation of building extension TF5 as per drawing no. 1150-PD-01 dated 8.1.16 shall provide a sound reduction index (SRI) of 15Rw
5. The Washing Shed shall remain permanently constructed of materials as specified on drawing no. 1150-EX-02 dated 05.2.16. The washing shed composite panels shall provide a sound reduction index (SRI) 24Rw. No other activity other than the washing and drying of pre-cast concrete products shall take place within this building at any time.
6. The internal noise level of Washing Shed shall not exceed 62 dB L<sub>Aeq</sub>
7. All Work activities shall be restricted to daytime hours only

**Reasons:** To protect residential amenity

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval is recommended subject to the conditions referred to above.

**Signature(s) M.Bowman**

**Date: 21 Sept 2017.**

<b>ANNEX</b>	
<b>Date Valid</b>	16th May 2016
<b>Date First Advertised</b>	2nd June 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Patrick and Orla Mulholland 20, Blackpark Road, Toome, Toomebridge, Londonderry, Northern Ireland, BT41 3SL The Owner/Occupier, 22 Blackpark Road The Creagh (Etre And Otre) Toomebridge The Owner/Occupier, 26 Blackpark Road The Creagh (Etre And Otre) Toomebridge John Casey 26, Kingsmere Avenue, Belfast, Antrim, Northern Ireland, BT14 6ND The Owner/Occupier, 32 Blackpark Road The Creagh (Etre And Otre) Toomebridge The Owner/Occupier, 36C Blackpark Road The Creagh (Etre And Otre) Toomebridge The Owner/Occupier, 38 Blackpark Road The Creagh (Etre And Otre) Toomebridge	
<b>Date of Last Neighbour Notification</b>	23rd May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/2013/0296/F Proposal: Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate reorganisation of precast products and increased variety of stock products, colour and size with no increase in existing site production area. Relocation of existing external block and brick production area (5200m2) to proposed new area (4320m2) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage. (Amended Noise report received 27.04.2016) Address: Creagh Concrete Products Ltd, Creagh Industrial Park, Blackpark Road, Toomebridge, Decision: Decision Date:   Ref ID: H/2014/0071/F	

Proposal: Proposed extension to existing industrial premises for the storage of steel  
Address: 44 Blackpark Road, Toomebridge,  
Decision: PG  
Decision Date: 01.07.2014

Ref ID: H/1985/0009  
Proposal: HV O/H LINE (BM 7002)  
Address: CREAGH, TOOME  
Decision:  
Decision Date:

Ref ID: H/1995/6176  
Proposal: INDUSTRIAL USE CREAGH ROAD TOOMEBRIDGE  
Address: CREAGH ROAD  
Decision:  
Decision Date:

Ref ID: H/1996/6083  
Proposal: SITE OF HOUSING DEVELOPMENT CREAGH ROAD TOOMEBRIDGE  
Address: CREAGH ROAD  
Decision:  
Decision Date:

Ref ID: H/2006/0703/F  
Proposal: Lean-to extension, along approx 1/2 length of existing building, for the curing of Concrete Products produced in the existing building  
Address: Bradstone Factory Building, Creagh Concrete Products Ltd, 34 Blackpark Road, Toomebridge, Co. Antrim, BT41 3SL  
Decision:  
Decision Date: 26.05.2008

Ref ID: H/2007/0077/F  
Proposal: Demolition of existing uninsulated staff canteen & garage building & construction of new staff canteen & offices building, with staff toilets, locker room & showers  
Address: Creagh Concrete Products Ltd, 34 Blackpark Road, Toomebridge  
Decision:  
Decision Date: 11.05.2007

Ref ID: H/1999/0049  
Proposal: PORTACABIN FOR USE AS PLAYGROUP  
Address: NEWBRIDGE HALL BLACKPARK ROAD TOOMEBRIDGE  
Decision:  
Decision Date:

Ref ID: H/2010/0072/F

Proposal: Proposed Alterations & Additions to Sports Hall to include Gym, Changing Facilities, Toilets, Storage, Function Room & Incorporation of Kitchen & Nursery Facilities

Address: Sean O'Leary GAC Sports Hall, Blackpark Road, Toomebridge

Decision:

Decision Date: 17.05.2010

Ref ID: H/1974/0132

Proposal: EXTENSION TO EXISTING HALL

Address: CREAGH, TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1990/0181

Proposal: ALTS AND ADDS TO OFFICES

Address: BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1978/0076

Proposal: OFFICES AND WEIGHBRIDGE

Address: CREAGH INDUSTRIAL ESTATE, TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1993/0533

Proposal: EXTENSION TO WORKSHOP

Address: 44 BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1975/0082

Proposal: FACTORY/WAREHOUSE BUILDING

Address: CREAGH, TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1980/0330

Proposal: EXTENSION TO FACTORY

Address: 44 BLACKPARK ROAD, CREAGH, TOOMEBRIDGE

Decision:

Decision Date:



Ref ID: H/2005/0739/F

Proposal: 1 No. Building for storage of items necessary for existing factory production. 1 No. Building for the tying and cutting of reinforcement bars used in factory products.

Address: Creagh Concrete Products, Blackpark Road, Toomebridge, Co. Antrim.

Decision:

Decision Date: 25.09.2006

Ref ID: H/1996/0227

Proposal: PRECAST CONCRETE CASTING FACTORY

Address: CREAGH CONCRETE PRODUCTS BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2003/0062/F

Proposal: Extension to existing offices to increase existing office/storage space, additional toilet facilities and to facilitate the introduction of a disabled lift with provision for ramped access to conform with DDA regulations.

Address: Blackpark Road, Toomebridge.

Decision:

Decision Date: 19.03.2003

Ref ID: H/1998/0307

Proposal: MIXING PLANT AND WORKSHOP FOR THE PRODUCTION OF CONCRETE

PRODUCTS AND ASSOCIATED OFFICE AND CANTEEN

Address: ADJACENT TO CREAGH CONCRETE PRODUCTS 40 BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2005/1118/F

Proposal: Retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers).

Address: Creagh Concrete Products, 34 Blackpark Road, Toomebridge, Co. Antrim, BT41 3SL.

Decision:

Decision Date: 13.05.2008

Ref ID: H/2006/0279/O

Proposal: Easterly extension to existing precast concrete works to facilitate the reconfiguration of existing plant and building units, and to provide new manufacturing facility and additional hardstanding areas to permit vehicle turning areas and storage. Provision of a new access is proposed via Creagh Buisness Park, Estate Road, egressing at Creagh Roundabout, Hillhead Road.

Address: Creagh concrete site, Blackpark Road, Toomebridge, with additional access onto Hillhead Road, via the Estate Road through Creagh Buisness Estate.

Decision:

Decision Date:

Ref ID: H/2007/0546/F

Proposal: Removal of existing metal single skin, and roof cladding on existing concrete products factory, and replacement with new insulated metal cladding. Extension of existing concrete products factory to encompass storage yard. Demolition of existing single skin corrugated tin factory and replacement with new factory building

Address: Creagh Concrete, Blackpark Road, Toomebridge

Decision:

Decision Date: 13.05.2008

Ref ID: H/1998/0071

Proposal: SITE OF INDUSTRIAL PARK TO INCLUDE NEW ROADS LAYOUT

Address: S.E OF JUNCTION OF HILLHEAD ROAD AND BLACKPARK ROAD THE CREAGH MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1997/6050

Proposal: PROPOSED INDUSTRIAL UNIT CREAGH MAGHERAFELT

Address: CREAGH

Decision:

Decision Date:

Ref ID: LA09/2016/0519/O

Proposal: Two Storey House

Address: 40m SE of No 34 Blackpark Road, The Creagh, Toomebridge,

Decision:

Decision Date:

Ref ID: LA09/2015/1239/F

Proposal: Variation of condition 6 of previous approval H/2007/0546/F to vary the hours of operation to Mon-Fri 5;00am - 10;00pm and Sat 5;00am - 3;00pm (Noise Report received 27.04.2016)

Address: Creagh Concrete Products Ltd, Blackpark Road, Toomebridge,

Decision:

Decision Date:

Ref ID: LA09/2016/0692/F

Proposal: Erection of new building for washing/ drying of precast concrete products (retrospective). Erection of new gantry crane for loading /unloading of precast concrete

products. extension of existing production factory TF5 to facilitate to production of larger precast concrete units Address: Creagh Concrete Products Ltd, Blackpark Road, Toomebridge, Decision: Decision Date:
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 07  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 05  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 03  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 02  
Type: Block/Site Survey Plans  
Status: Submitted

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

Drawing No. 04  
Type: Existing Elevations  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2015/0855/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed apartment development comprising of 2 one bed apartments and 11 two bed apartments with new access and communal parking. as approved under H/2006/0164/F	<b>Location:</b> Lands at 20 Union Road Magherafelt
<b>Referral Route:</b>  The proposal is being presented to Committee as one letter of objection has been received and the Planning Department are recommending that the pitched roof element of the design be accepted contrary to advice from Historic Buildings Unit.	
<b>Recommendation:</b>	<b>APPROVE</b>
<b>Applicant Name and Address:</b> Gerald O'Brien O'Brien's Pharmacy 5 Broad Street Magherafelt BT45 6EB	<b>Agent Name and Address:</b> Vision Design 31 Rainey Street Magherafelt BT45 5DA
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Additional Information Required
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	Content

Statutory	NIEA	Advice
Statutory	NIEA	Content
<b>Representations:</b>		
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	
<p><b>Summary of Issues</b></p> <p>One objection have been received in respect of this application and relates to the following issues:-</p> <p>The previous approval required the inclusion of a 1m barrier between the development and the adjacent public house/night club. As the adjacent licensed premises are used in connection with an entertainments license which operates a nightclub until 2:00am the occupants of the proposed residential units should be sufficiently well protected from noise emanating from the premises.</p>		
<p><b>Description of Proposal</b></p> <p>The proposal is for a proposed apartment development comprising of 2 one bed apartments and 11 two bed apartments with new access and communal parking as approved under H/2006/0164/F.</p> <p>The development takes the form of two and three storey blocks set along the street frontage on Union Road close to the junction of Garden Street and immediately beside Bryson's pub. The development consists of Blocks A, B, C and D all of which are three storey apart from block C, which is two storey. Block C is adjacent to Bryson's bar which is also two storey and therefore relates better to the premises which turn the corner into Garden Street.</p> <p>The design steps up from the two storey block 'Block A' to three storey 'Block B' and then to a higher level three storey block at 'block C' which has a vehicular access through to the three storey 'Block D' and the car parking at the rear. The external appearance is similar to the previously approved scheme proposed under H/2006/0164/F with a similar number of units and height. The current application also proposes a traditional pitched roof which is typical of the majority of surrounding properties.</p>		
<p><b>Characteristics of the site and area</b></p> <p>The site is located at 20 Union Road, close to its junction with Garden Street. The site is currently a brownfield site which was previously occupied by a large two storey detached dwelling which has since been demolished. The site is generally flat with direct access onto Union Road. Union Road Presbyterian Church hall sits on the south east of the site with Bryson's Bar on the north western side. The Union Road frontage is defined by a low block wall along the rear of the public footpath with a mature hedge along the southern boundary next to a two storey dwelling which appears to be used as office accommodation. Access to the rear is via a covered archway which leads to the car parking provision and to small area of green space which are suitably landscaped.</p>		
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p>		



The proposal accords with the Magherafelt Area Plan 2015 insofar as the site is white land and is within the settlement limits of Magherafelt. The site is also within the town centre boundary.

There is previous planning approval history on the site as a similar development for 13 units comprising of two and three storey blocks were approved under H/2006/0164/F on 30.04.2007. Whilst the previous dwelling has been demolished the development approved under H/2006/0164/F was not commenced and therefore has lapsed.

The proposed development falls to be assessed under the following:-

The strategic Planning Policy Statement for NI.

PPS 7 Quality Residential Environments Policy QD1 and PPS 12 – Housing in Settlements.

PPS 12 Policy Control Principle 2 – Good Design seeks to ensure that all new housing developments demonstrate a high quality of design, layout and landscaping. This principle advises that the relevant planning policy is set out in PPS 7. Other principles which are relevant and need to be considered are;

Principle 3 which advises that housing sites should preferably be located on brownfield sites thereby taking advantage of existing infrastructure.

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 3 – Access, Movement and Parking

Creating Places

The Strategic Planning Policy Statement for NI

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

It is my assessment that the proposed layout 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, landscaping and hard surfaced areas. The density of the proposal is an acceptable reflection of the surrounding developments

As the development is for 13 apartments within a town centre location there is no requirement to provide public amenity space, however private amenity space has been provided which ranges from 4.0m<sup>2</sup> to 34.5m<sup>2</sup>.

The proposal provides for a range of apartment types, with a range of floor areas and which accommodate between 2 and 4 persons.

Each apartment has an area of private amenity space. The ground floor units have this in the form of external areas to the rear of the public footpaths and separated by a low wall or in the case of Block D, this area is set to the rear of the block and bounded by the 1.8m high wall. First and second floor units have private amenity spaces in the form of open balconies and range from 4m<sup>2</sup> to 6.7m<sup>2</sup>. Given that the site is located within the town centre, these areas are considered to be acceptable.

While there is no provision for local neighbourhood facilities within the proposal, the site is within the town centre and therefore there is an acceptable means from the development to allow access to existing nearby facilities located in the town centre and which are within walking distance.

The proposed development promotes access by a range of means with direct access vehicular onto Union Road and the site being close to the bus station.

Transport NI advised that following receipt of the requested amendments, that the proposal is acceptable in terms of access and parking and is capable of approval subject to conditions.

The form, materials and detailing of the proposed units are acceptable with the external finishes to be as follows:-

Roof – Slate/ flat concrete tiles – black/grey

Walls – smooth external render painted  
 Windows – grey coloured uPVC double glazed  
 Doors – hardwood painted  
 Fascia & soffits – grey coloured uPVC  
 Rainwater goods – grey uPVC downpipes and guttering.

The proposed development does not create a conflict with adjacent land uses and should not create any issue of overlooking due to the separation distances between the existing properties and the proposed apartments. There are two dwellings on Garden Street which back onto the site but these are at the south western corner and adjacent to the proposed car park. The proposed apartments are sited 15-20m from this common boundary and therefore will not present an issue regarding overlooking or intervisibility.

The development is designed in such a way as to deter crime and promote personal safety as it does not create areas which are not overlooked and unsupervised thereby encouraging anti-social behaviour.

The proposal is in keeping with the principles on PPS 12 in that it utilises a town centre brownfield site.

It has good accessibility to public transport facilities and reflects the scale, massing and layout of adjacent residential developments. The proposed development promotes good design and provides for a mix of apartment types as required.

PPS 6 – Planning, Archaeology and the Built Heritage, Policy BH 11 states that permission will normally only be granted where the proposed development;  
 respects the scale, height, massing and alignment of the Listed Building;  
 the works use traditional or sympathetic building materials and techniques which respect those found on the Listed Building;  
 the nature of the proposed use respects the character of the setting of the Listed Building.

NIEA – Historic Buildings Unit were consulted as the proposed development is located immediately adjacent to Union Road Presbyterian Church which is a Listed Building and is of special architectural and historic importance and which is protected by Section 80 of the Planning Act (NI) 2011. HBU advised that they considered the proposal to have a detrimental impact on the listed Church in that the design did not respect the setting in terms of scale, height, massing and alignment. The proposal was also considered to affect the visual dominance of the church along Union Road. It was requested that the massing and scale be reduced and the building be stepped back and that the external finishes be changed to;

Roof – natural slate  
 Rain water goods – aluminium  
 Windows – timber or aluminium.

Following consultation with HBU, an amended design was submitted, however, this provided a flat roofed development. Whilst this reflects the design of the neighbouring church hall, which is attached to the listed Church and which is a later addition, it fails to respect the existing streetscape of Union Road and Hospital Road, the majority of which have all pitched roofs. The flat roof design on a development of this scale introduces a physical element which is largely alien to the streetscape and as such would be visually unattractive. It should be noted that the previous planning approval granted under H/2006/0164/F was of a similar scale and design which included traditional pitched roofs. Whilst it is acknowledged that HBU were not consulted on that application, it remains my opinion that to approve a development of such a scale, entirely with flat roofs would result in a building which would stand out in the existing streetscape. Such a building would fail to blend with the existing buildings, would detract from the setting of the listed Church and become the visually dominant building and in doing so would only degrade the setting of the listed Church. Therefore, on balance it is my opinion that the development is more acceptable with a traditional pitched roof design as opposed to the flat roof suggested by HBU.

The proposed development was assessed under PPS 3, Access, Movement and Parking. Transport NI were consulted regarding the proposed access, movement and parking layout. Following the submission of amendments, Transport NI advised that the layout was acceptable subject to conditions.

PPS 7 is the relevant material planning policy for this type of development in the urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy.

The first 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;

The proposed development is for residential apartments within an urban setting and close to existing dwellings. The proposal respects the surrounding context and is acceptable in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped areas.

The only feature of archaeological or built heritage identified is Union Road Presbyterian Church. As discussed above, whilst the proposed development sits immediately adjacent to the listed building, the design is regarded as being acceptable.

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. Given that the proposal is for 11 apartments on a town centre site there is no requirement for areas of public open space. Furthermore, as the site is within the town centre it is within an acceptable walking distance of areas of public open space and thereby it is acceptable to reduce the reliance on areas of private amenity space for these apartments. However, all units have some level of private open space in the form of external balconies.

Although Policy QD1 requires the provision of local neighbourhood facilities, given the proximity of the site to existing shops in the town centre and in particular two supermarkets which are within 100m and 150m of the site, it is not necessary for such facilities to be provided.

Policy QD1 also requires that a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures; The proposal is acceptable in terms of the movement patterns as it provides for access to the public transport routes which are close by and access is achievable to all pedestrian routes in and around the area. Magherafelt bus station is located around 160m to the south east on Broad Street.

Transport NI have advised that the access and parking arrangements are acceptable subject to conditions.

The design of the development must draw upon the best local traditions of form, materials and detailing and in this instance, 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 should not create conflict with adjacent land uses which are either residential or commercial, although there is a night club which operates from within the adjacent public premises. Whilst there is the potential for complaints to arise regarding noise emanating from the nightclub, Environmental Health have advised that only an increase in noise will give rise to a complaint being investigated. The proposal does not result in any issues of overlooking or intervisibility, loss of light, overshadowing or other unacceptable impacts on residential amenity.

As there are no areas which are not overlooked, the development is considered to be designed to deter crime and promote personal safety.

PS 12 - Housing in Settlements: PCP 2 – Good Design

PCP 2 advocates that all new housing developments should demonstrate a high quality of design, layout and landscaping. This proposal is considered to be in keeping with the thrust of PCP 2 in that it promotes a sustainable pattern of living, working and travelling and in doing so uses a vacant town centre brownfield site. The proposal creates an attractive town centre development close to existing amenities and reduces the reliance on private modes of transport.

Taking all of the above into consideration, it is my balanced opinion that the proposed development meets all the requirements of the relevant policies and is acceptable and should be approved subject to the conditions listed below:-

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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#### **Summary of Recommendation:**

Approve subject to conditions listed below.

#### **Conditions**

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

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

2. Any traditional pitched roof shall be natural slate and any vertical roof cladding or mansard shall be seamed metal (lead or zinc).

Reason: To ensure use of quality and sympathetic materials in the setting of the listed building.

3. All windows shall be timber or aluminium.

Reason: To ensure use of quality and sympathetic materials in the setting of the listed building.

4. All external doors shall be painted timber.

Reason: To ensure use of quality and sympathetic materials in the setting of the listed building.

5. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and Mid Ulster District Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with

Mid Ulster District Council in writing, and subsequently implemented and verified to its satisfaction.

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

6. After completing all remediation works under Condition 5 and prior to occupation of any part of the development hereby approved, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

7. The mechanical ventilation to the property shall be specified as per table 5, page 9 of the noise impact assessment from Marshall Day Acoustics dated 27th October 2015 attached.

Reason: In the interest of residential amenity.

8. The external wall composition of the building shall achieve a sound insulation rating index in excess of 50dB Rw.

Reason: In the interest of residential amenity.

9. The external glazing properties shall be of triple glazing construction 6mm glass - 14mm cavity - 4mm glass - 14mm cavity - 6mm glass and shall achieve a sound insulation rating index in excess of 38 dB Rw.

Reason: In the interest of residential amenity.

10. The vehicular access, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No. 04/4 bearing the date stamp 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

12. Prior to the commencement of construction, a Transport Assessment Form (TAF) must be in place.

Reason: To enable Transportni to understand how the proposed development is likely to function in transport terms and to assist in identifying mitigation measures to minimise any adverse impacts.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	23rd September 2015
<b>Date First Advertised</b>	6th October 2015
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 18 Union Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 21 Union Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 28 Union Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 29 Garden Street Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 33 Garden Street Town Parks Of Magherafelt Magherafelt Peter Bryson Bryson's, 24-28 Union Road, Magherafelt, BT45 5DF The Owner/Occupier, Magherafelt British Legion Hall, Garden Street, Town Parks Of Magherafelt, Magherafelt, Londonderry, BT45 5DD, The Owner/Occupier, Magherafelt Presbyterian Church 16 Union Road Town Parks Of Magherafelt	
<b>Date of Last Neighbour Notification</b>	14th October 2015
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/1975/0138 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 33 GARDEN STREET, MAGHERAFELT Decision: Decision Date:  Ref ID: H/1997/6031 Proposal: DENTAL SURGERY 31 GARDEN STREET MAGHERAFELT Address: 31 GARDEN STREET Decision:	

Decision Date:

Ref ID: H/1998/0044

Proposal: DENTAL SURGERY

Address: 31 GARDEN STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2006/0164/F

Proposal: Apartment Development

Address: 20 Union Road, Magherafelt

Decision:

Decision Date: 01.05.2007

Ref ID: H/2005/0011/F

Proposal: Change Of Use From Private Residence & Doctors Surgery To Solicitors Practice.

Address: 20 Union Road, Magherafelt

Decision:

Decision Date: 15.06.2005

Ref ID: H/2008/0015/F

Proposal: Demolition of existing rear return to accommodate proposed extension to rear to include basement area for amenity store and toilet area, ground floor to include lounge bar, new toilets, half smoking area & 1st floor bar, toilets & kitchen and work to include installation of lift

Address: 24 to 28 Union Road, Magherafelt

Decision:

Decision Date: 13.06.2008

Ref ID: H/2003/0718/F

Proposal: Minor alterations and extension to existing surgery premises.

Address: 29 Garden Street, Magherafelt.

Decision:

Decision Date: 19.02.2004

Ref ID: H/1996/0378

Proposal: ALTS AND ADDS TO SURGERY

Address: 29 GARDEN STREET MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0333

Proposal: ALTERATIONS AND ADDITIONS TO SURGERY



<p>Address: 29 GARDEN STREET MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: LA09/2015/0855/F Proposal: Proposed apartment development comprising of 2 one bed apartments and 11 two bed apartments with new access and communal parking. as approved under H/2006/0164/F Address: Lands at 20 Union Road, Magherafelt, Decision: Decision Date:</p>
<p><b>Summary of Consultee Responses</b></p>
<p><b>Drawing Numbers and Title</b></p>

Drawing No. 08  
Type: Composite Plan Showing Proposed Development Detail  
Status: Submitted

Drawing No. 04/2  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 05/2  
Type: Floor Plans  
Status: Submitted

Drawing No. 06/2  
Type: Proposed Elevations  
Status: Submitted

Drawing No. 07  
Type: Roads Details  
Status: Submitted

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

Drawing No. 02  
Type: Site Appraisal or Analysis  
Status: Submitted

Drawing No. 03  
Type: Housing Concept Plan  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0775/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and attached double garage	<b>Location:</b> To the rear of 48 and 50 Urbal Road Coagh Cookstown
<b>Referral Route:</b>  Contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr and Mrs G McMeneny 50 Urbal Road Coagh Cookstown BT80 0DP	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	Advice

### Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>  none	
<b>Characteristics of the Site and Area</b>  <p>The site comprises a small rectangular agricultural field located to the rear of number 48 and 50 Urban Road, Coagh. The site is accessed off the main Urban Road between the two houses, there is an agricultural gate at the roadside and a grassed path to the rear. There is a small area of lawn to the rear of both numbers 48 and 50s sites enclosed by a small fence. To the rear of this the field slopes slightly up away from the roadside. The site is enclosed on all sides by a low cropped native species hedgerow with a few mature trees along the rear boundary.</p> <p>The site is located within the settlement limits of Coagh, it is surrounded by residential dwellings on all sides with the Coagh Baptist Church only a short distance to the NW. The majority of housing in the area are two storey detached.</p>	
<b>Description of Proposal</b>  The proposal seeks planning permission for a dwelling and garage.	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p>The proposal lies within the development limit of Coagh on 'whitelands' as depicted in the Cookstown Area Plan 2010.</p> <p>Relevant planning policies relating to the proposal include: -</p> <ol style="list-style-type: none"> <li>1. Shaping Our Future - Regional Development Strategy for Northern Ireland 2025.</li> <li>2. The Cookstown Area Plan 2010.</li> <li>3. Planning Policy Statement 1 - General Principles.</li> <li>4. Planning Policy Statement 3 - Access, Movement and Parking.</li> <li>5. Planning Policy Statement 7 - Quality Residential Environments.</li> <li>6. Planning Policy Statement 8 - Open Space, Sport and Recreation.</li> <li>7. Planning Policy Statement 12 - Housing in Settlement.</li> <li>8. SPPS</li> </ol> <p>The above policy and associated guidance seeks to achieve a high quality living environment which responds to the following objectives in residential development.</p> <ul style="list-style-type: none"> <li>-The creation of a distinctive environment with a strong sense of place;</li> <li>-A high quality in the overall layout, form and design of the buildings and surrounding spaces;</li> <li>-A human scale of development with building groups designed to have strong associations in plan and elevation and;</li> </ul>	

- A movement pattern which supports walking and cycling; incorporates pedestrian priority through traffic calming; and has convenient access to public transport;
- Residential development in urban areas to respect its immediate setting in order to avoid a level of intensification, which can adversely affect local townscape character and identity.

#### History

There is no history on the site.

No representations have been made.

The policy assessment for this application would be based mainly around PPS1, PPS3 and PPS7. The proposal being located within a development limit needs no case or cause to be developed and given the proposed location of the dwelling on the site and the attributes of the site and existing development, it is not a concern that the proposal will compromise surrounding amenities or suffer from a lack of amenity - this complies with both PPS1 and PPS7. The applicant also owns both properties on either side of the access lane. The dwelling proposed (amended scheme) is acceptable in terms of design on this site and will not be of detriment to proposed occupants or those existing around the site, either in terms of amenity space or overlooking.

However, with regards to PPS 3, the applicants agent has failed to demonstrate that a safe access can be achieved from the site by way of kerbing the new road edge. As previously stated chevron hatching is not acceptable to TNI. TNI therefore has no choice but to recommend refusal.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 metres x 60 metres cannot be provided to the existing road edge, from the proposed access in a Northerly direction, in accordance with the standards contained in Development Control Advice Note 15.

The agent has been given three opportunities to comply with PPS 3 and has failed to do so with each attempt.

The file was discussed in group and it was agreed to proceed with refusal due to TNI comments.

**Neighbour Notification Checked**

**Yes**

#### Summary of Recommendation:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 metres x 60 metres cannot be provided to the existing road edge, from the proposed access in a Northerly direction, in accordance with the standards contained in Development Control Advice Note 15.

#### Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 metres x 60 metres cannot be provided to the existing road edge, from the proposed access in a Northerly direction, in accordance with the standards contained in Development Control Advice Note 15.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	31st May 2016
<b>Date First Advertised</b>	16th June 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 44 Urbal Road,Urbal,Coagh,Tyrone,BT80 0DP, The Owner/Occupier, 48 Urbal Road Urbal Coagh The Owner/Occupier, 49 Urbal Road Urbal Coagh The Owner/Occupier, 52 Urbal Road Urbal Coagh The Owner/Occupier, 53 Urbal Road Urbal Coagh The Owner/Occupier, 56 Urbal Road,Urbal,Coagh,Tyrone,BT80 The Owner/Occupier, Coagh Baptist Church 46 Urbal Road Urbal	
<b>Date of Last Neighbour Notification</b>	15th June 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/0775/F Proposal: Proposed dwelling and attached double garage Address: To the rear of 48 and 50 Urbal Road, Coagh, Cookstown, Decision: Decision Date:  Ref ID: I/2007/0532/F Proposal: Amendment to condition 3 (visibility splays) of the approved housing development Application I/2005/0571 Address: Bank Field Drive, Urbal Road, Coagh, Co. Tyrone Decision: Decision Date: 18.07.2008  Ref ID: I/1983/017501	



Proposal: NEW BUNGALOW  
Address: 52 URBAL ROAD, COAGH  
Decision:  
Decision Date:

Ref ID: I/1983/0175  
Proposal: ERECTION OF BUNGALOW  
Address: 52 URBAL ROAD, COAGH  
Decision:  
Decision Date:

Ref ID: I/2006/0674/F  
Proposal: Retention of 2no dwellings (52-54 Urbal Road, Coagh), demolition of no 56 to provide new access road, open space, parking & new domestic units for residential development consisting of 2 no blocks of semi detached dwellings with 2 bedrooms. Total of 11 new buildings and 2 existing  
Address: 52 to 56 Urbal Road, Coagh  
Decision:  
Decision Date: 30.12.2008

Ref ID: I/2005/0223/O  
Proposal: Proposed 2 No detached dwellings  
Address: At rear of No 56 Urbal Road, Coagh  
Decision:  
Decision Date: 28.04.2005

Ref ID: I/2000/0077/Q  
Proposal: Proposed Extension of Housing Development  
Address: Bankfield Drive Urbal Road Coagh  
Decision:  
Decision Date:

Ref ID: I/2000/0915/Q  
Proposal: Proposed Phase 2 Housing Development  
Address: Off Bankfield Drive, Coagh  
Decision:  
Decision Date:

Ref ID: I/2000/0275/F  
Proposal: Double Garage and Store for domestic purposes  
Address: 52 Urbal Road, Coagh, Cookstown  
Decision:  
Decision Date: 29.06.2000

Ref ID: I/1992/0316  
Proposal: Nursing Home  
Address: ADJACENT TO 50 URBAL ROAD COAGH  
Decision:  
Decision Date:

Ref ID: I/2005/1115/O  
Proposal: Renewal of Outline Planning Permission I/2002/0487/O.  
Address: Adjacent to 44 Urbal Road, Coagh.  
Decision:  
Decision Date: 12.12.2005

Ref ID: I/1980/0361  
Proposal: PROPOSED IMPROVEMENTS TO DWELLING  
Address: 50 URBAL ROAD, COAGH  
Decision:  
Decision Date:

Ref ID: I/1986/0111  
Proposal: DWELLING  
Address: URBAL ROAD, COAGH, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/2002/0487/O  
Proposal: Proposed Dwelling & Garage  
Address: Adjacent to 44 Urbal Road, Coagh, Cookstown  
Decision:  
Decision Date: 24.10.2002

Ref ID: I/1977/0417  
Proposal: ERECTION OF BUNGALOW  
Address: URBAL ROAD, COAGH  
Decision:  
Decision Date:

Ref ID: I/1977/041701  
Proposal: DWELLING  
Address: URBAL ROAD, COAGH  
Decision:  
Decision Date:

**Summary of Consultee Responses**

TNI response

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 metres x 60 metres cannot be provided to the existing road edge, from the proposed access in a Northerly direction, in accordance with the standards contained in Development Control Advice Note 15.

**Drawing Numbers and Title**

Drawing No. 06

Type:

Status: Submitted

Drawing No. 05

Type:

Status: Submitted

Drawing No. 04

Type:

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02 R3

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01A

Type: Site Location Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1371/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site to be considered under Policy PPS21 (CTY08)	<b>Location:</b> 50m North of 63 Deerpark Road, Leitrim, Castledawson, Magherafelt.
<b>Referral Route:</b> Contrary to CTY 1, CTY 8, CTY 14	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr Norman Leslie Oldtown Road Castledawson	<b>Agent Name and Address:</b> T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response

### Representations:

Letters of Support	None Received
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Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> Contrary to CTY 1, CTY 8, CTY 14	
<b>Characteristics of the Site and Area</b>  The proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.	
<b>Description of Proposal</b>  Outline application for infill site for dwelling and garage	
<b>Planning Assessment of Policy and Other Material Considerations</b>  I have assessed this proposal under the following:  SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21- Sustainable development in the countryside  Consultees: - Transportni were asked to comment and responded on 11.11.2016 with no objections subject to recommended conditions. Environmental Health were asked to comment and responded on 27.10.2016 with no objections subject to advice. NI Water were asked to comment and responded on 10.10.2016 with no objections subject to advice.  Neighbours: - Owners/Occupiers of No. 61 Deerpark Road were notified of this proposal on 24.10.2016, no representations have been received to date.  In line with legislation this proposal was advertised in the local press during October 2016, no objections have been received to date.  It is important to mention that there is a current application (LA09/2017/0538/O) immediately adjacent to this current application also for an infill dwelling and garage and for the same applicant. For the purposes of this report I will refer to LA09/2016/1371/O as site 1 and LA09/2017/0538/O as site 2.  In line with policy, planning permission will be granted for 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. One of these such types is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS21.

On occasion the development of a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage can be considered as an exception.

The proposal site is located within a large agricultural roadside field, this current proposal site is approx. 50metres in width while the adjacent infill proposal site is approx. 60metres in width. In comparison the existing dwelling located south of site 1 has a frontage of approx. 50metres and the dwelling north of site 2 has a frontage of approx. 60metres. The existing dwelling south of site 2 is a detached 2 storey property with a detached garage adjacent, both these buildings are visible when viewed from the Deerpark Road and this property has a frontage directly to the roadside consisting of a formal garden. The existing dwelling located immediately north of site 2 is a detached 2 storey dwelling which is set back approx. 60metres from the Deerpark Road.

This property has a large front garden and winding access but is not clearly visible when viewed from the roadside due to existing planting and vegetation rather it's only the entrance gates and access point of the property that makes you aware that a dwelling exists on the site.

The front boundary of both sites 1 and 2 consists of mature dense vegetation and trees, the boundary between site 1 and the neighbouring property consists of a modest hedge and the boundary on the northern side of site 2 consists of mature trees and hedging, this results in there being no visual linkage between the existing buildings thus failing to meet the criteria of 'an otherwise substantial and continuously built up frontage' under CTY 8 of PPS21. The land that makes up proposal sites 1 and 2 provides an important visual relief and maintains the rural character of the area.

In addition to the requirement of compliance with the above mentioned policy it is also necessary for this proposal to be assessed against the requirements of CTY 13 of PPS21 - Integration and design of buildings in the countryside. Under this part of the policy 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.

Should an approval be granted on the proposal site it would not be a prominent feature in the landscape, however I would have concerns that the strong roadside boundary would be removed or reduced and would reduce the level of enclosure and/or integration. As this is an outline proposal the design has not been proposed however should an approval be granted I do not feel a ridge height restriction would be required due to the neighbouring developments designs. Having considered these points it is my consideration that the proposal would meet the requirements of CTY 13.

Finally this proposal should be assessed against the requirements of CTY 14 - Rural Character. According to this planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area; a new building will be unacceptable when it is unduly prominent in the landscape, or it results in a suburban style build-up of development when viewed with existing and approved buildings. In the case of this proposal it is my consideration that an approval on this site would result in a suburban style build-up of development when viewed with existing and approved buildings. Should an approval be granted a ribbon of development would be created and the traditional pattern of development would not be respected. As such the proposal fails to meet policy CTY 14 of PPS21.

Following discussions with Dr Boomer it was felt that the address should be amended and the application pulled from the committee schedule until it has been re-advertised and re neighbour notified once address has been amended.

Recommendation: Refusal

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>  Refusal recommended: - contrary to CTY 1, CTY 8, CTY 14	
<b>Reasons for Refusal:</b>  1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.  2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Deerpark Road (footpath or private lane).  3. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would be a prominent feature in the landscape with the removal of existing trees that provide an important visual break and therefore would not visually integrate into the surrounding landscape.  4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.	
<b>Signature(s)</b>  <b>Date:</b>	



<b>ANNEX</b>	
<b>Date Valid</b>	28th September 2016
<b>Date First Advertised</b>	13th October 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 56 Deerpark Road, Bellaghy, Co Derry The Owner/Occupier, 61 Deerpark Road Leitrim Bellaghy	
<b>Date of Last Neighbour Notification</b>	24th October 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1371/O Proposal: Infill site to be considered under Policy PPS21 (CTY08) Address: Adjacent to and North of 61 Deerpark Road, Bellaghy, Decision: Decision Date:  Ref ID: H/2004/0261/O Proposal: Site of dwelling. Address: 80m South East of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 11.11.2005  Ref ID: H/2003/0067/F Proposal: House And Garage. Address: Adjacent to access of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 20.05.2004  Ref ID: H/2002/0746/F Proposal: Dwelling and Garage Address: 250 Metres South East Of 59 Deerpark Road, Bellaghy Decision: Decision Date: 29.10.2002	

Ref ID: H/2004/0107/RM  
 Proposal: Dwelling and garage. (Outline Ref:H/2003/0333).  
 Address: 250m South East of 59 Deerpark Road, Bellaghy.  
 Decision:  
 Decision Date: 24.05.2004

Ref ID: H/1999/0352  
 Proposal: Site of Dwelling  
 Address: 250M SE OF 59 DEERPARK ROAD  
 Decision:  
 Decision Date: 19.04.2000

Ref ID: H/1993/6054  
 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR  
 BELLAGHY MAGHERAFELT  
 Address: NEAR BELLAGHY  
 Decision:  
 Decision Date:

#### **Summary of Consultee Responses**

Transportni were asked to comment and responded on 11.11.2016 with no objections subject to recommended conditions.

Environmental Health were asked to comment and responded on 27.10.2016 with no objections subject to advice.

NI Water were asked to comment and responded on 10.10.2016 with no objections subject to advice.

#### **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:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1815/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 3 No. detached two storey houses	<b>Location:</b> Opposite 2 4 and 10 Upper Parklands Dungannon
<b>Referral Route:</b>  Objections received.	
<b>Recommendation:</b> Approve.	
<b>Applicant Name and Address:</b> Terrence Corrigan 22 Lurganboy Lane Dungannon	<b>Agent Name and Address:</b> J. Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> The original proposal for 6 no. dwellings has been revised and reduced to a total of 3 no. dwellings. The revised proposal alleviates concerns in relation to density. The proposal is located within the settlement limits in a residential area. In my view the proposal will contribute to the strategic aims of the SPPS and satisfies policy requirements. Transport NI were consulted and have no objections to the proposal subject to conditions.	
<b>Signature(s):</b>	

## Case Officer Report

## Site Location Plan



**Consultations:**

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	
Statutory	Transport NI - Enniskillen Office	Standing Advice
Statutory	Transport NI - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Transport NI - Enniskillen Office	Advice
Statutory	Transport NI - Enniskillen Office	

**Representations:**

Letters of Support	1
Letters of Objection	20
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

## Summary of Issues

## Summary of Issues

20 letters of objection were received, 12 following initial neighbour notification and advertisement and a further 7 following the receipt of a revised scheme in which the proposal was reduced from 6 no. houses to 3 no. houses.

Concerns raised relate to the following;

- Density / Overdevelopment of the site
- Character of the area
- Traffic, parking and road safety
- Green Space
- Residential Amenity – Overlooking / privacy
- Noise and Pollution

Concerns are addressed in the latter part of this report.

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

The application site is a vacant plot of land which extends to 0.28 hectares. The site is located within the town of Dungannon, some 200m east of Black Lough. It is situated within an existing housing development, Upper Parklands which is accessible from the Old Eglis Road via Duclare Way. The development and adjoining developments consist of single and two storey detached dwellings on individual plots. Immediately west of the application is a nursing home which is accessed directly from Old Eglis Road.

The site levels fall from south-easterly to a north-westerly direction.

#### **Description of Proposal**

The proposal is for a housing development of three houses at Upper Parklands. It includes 3 no. two storey houses with associated gardens and in curtilage parking

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

- Dungannon and South Tyrone Area Plan 2010
- The Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- PPS 7: Quality Residential Environments
- PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas

The Dungannon and South Tyrone Area Plan identifies the site within the settlement limits of Dungannon which gives favourable consideration to development subject to plan policies. There are no other designations on the application site. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. The original proposal was for 4 no. dwellings, however following recommendation was revised to 3 no. dwellings. Relevant neighbours and objectors were re-notified.

## PPS 7: Quality Residential Environments

Policy QD 1 Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

The area is characterised by residential development which includes detached single and two storey dwellings serviced by adopted roads. The housing development Upper Parklands is accessible through and adjoins Dunclare Heights. An original proposal for 6 dwellings on the application site was considered. Concerns were raised through letters of objection in relation to the density of the proposal / overdevelopment of the site and alteration of the character of the area. In my view 6 no. houses on the application site would be contrary to the character of the area, which largely consists of detached dwellings of plots which range in size from 0.07hecares to 0.17 hectares. 6 no. dwellings on a 0.28hectare site would significantly increase the density and would not respect the surrounding context. The view of the internal group was relayed to the agent.

A revised scheme of 3 no. dwellings was received. This proposal in my view respects the surrounding context and is appropriate to the existing character of the area. The proposal for 3 detached storey dwellings is similar in terms of massing, scale and appearance to existing dwellings within the Upper Parklands development. The density has been reviewed and consideration given to concerns of the same raised in letters of objection.

Dwellings within Upper Parklands, (not including those in Dunclare Heights / Way / Park and along the Old Eglish Road which also contribute to the character of the area) are situated on sites which range in size from approximately 0.07 hectares (2 Upper Parklands) to 0.17 Hectares (26 Upper Parklands). The application site measures 0.28 hectares and will provide 3 dwellings, with an average site area of 0.093 hectares. While acknowledging the density of the 'Upper Parklands' development will be increased, it is my view that this is not a significant increase. I do not consider the proposal will alter the character of the area, particularly given there are dwellings on smaller sites within the Upper Parklands development.

It is noteworthy that the Strategic Planning Policy Statement (SPPS) notes in relation to regional strategic policy,

*"The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities."*

In my view the proposal satisfies criteria (a) of Policy QD1 and contributes to the strategic aims outlined in the SPPS.

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

There are no archaeological, built heritage or landscape features identified in proximity of the site. At the time of inspection, the site which is made up of uneven ground was somewhat overgrown. Some materials such as bricks and pallets were scattered in the south-eastern portion of the site. Boundaries to

the south and east between neighbouring dwellings are defined by a closed board fence. To the west, there is a nursing home which is separated by a d-rail fence. A footpath and road runs along the north site boundary.

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

The proposal includes the provision of private amenity space to the rear of the properties and public areas to the front which are accessible via the existing road which serves Upper Parklands. Hedgerows are proposed along the north and eastern site boundaries which soften the visual impact of the proposal and reflect existing boundary treatments.

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

The proposal is for 3 no. houses adjacent to existing residential development. Considering the size of the proposal, new neighbourhood facilities are not considered necessary. Concerns were raised in relation to the provision of open space. The proposal is situated within an existing residential development which within walking distance of Dungannon Youth football pitch. in

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

The proposal is served by an existing road and footpath and will provide adequate pedestrian and vehicular access. Concerns were raised in relation to increased traffic and road safety. Transport NI were consulted and directed to these concerns they responded with no objection to the proposal subject to condition.

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

Parking provision is also considered under PPS 3. Adequate parking provision is provided within the curtilage of each dwelling house dwelling houses.

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

The dwellings situated within Upper Parklands vary in design and material finishes. The proposed dwellings draw upon traditional form and materials and are similar in appearance to some of those which exist. Finishes include red clay brick, k-rend walls, natural slate roofs, sliding sash windows and cast aluminium rainwater goods.

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

The design and layout is in keeping with adjacent residential land uses. It is noteworthy that site levels falls by approximately 4.5m from the south-south-east corner to north-western corner of the site. A closed board fence separates the proposal from dwellings no. 9 and no.11 Upper Parkland which are due south and no. 5 Upper Parkland immediately west. Concerns were raised in letters of objection in

relation to loss of privacy and overlooking. Creating Places recommends that where development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. It also recommends a separation distance (in low-density development) of 20m between opposing first floor windows of 20m. While I consider the proposal to be of medium-low density, separation distances of at least 20m between first floor windows in the proposed development and those which exist have been provided. In addition, it is important to highlight that finished floor levels proposed are at least 1m below ground level of adjacent properties. This also alleviates concerns in relation to overlooking, which the proposal situated at a lower level. Existing closed board fence as well as proposed hedgerows will screen views into adjacent plots. While concerns in relation to noise and pollution from cars were raised, I do not given the proposal is residential development and compatible with surrounding context it requires consultation with Environmental Health.

(i) the development is designed to deter crime and promote personal safety.  
There are no concerns in relation to crime associated with the proposal.

PPS 3:

Policy AMP 2 Access to Public Roads states:

“Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.”

Concerns were raised in relation to road safety, increased traffic movements, sight lines. Transport NI were subsequently consulted and returned a response which cited no objection subject to conditions.

#### Other Considerations

The P1 application notes that services including water and disposal of sewage will be via mains and surface water will be disposed of via the public system.

Policy LC1 PPS7 Addendum - Protecting Local Character, Environmental Quality and Residential Amenity states;

*“In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:*

*(a) the proposed density<sup>1</sup> is not significantly higher than that found in the established residential area;*

*(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*

*(b) all dwelling units and apartments are built to a size not less than those set out in Annex A”*

*The density of development is generally considered to be a calculation of dwellings per hectare. At present there are 15 dwellings in Upper Parklands situated in approximately 1.92 hectares (excluding the site) which equates to 7.8 dwellings per hectare. The proposal will result in 18 dwellings in 2.2 hectares, which equate to 8.2 dwellings per hectares. I do not consider this to be a significant increase in density. As discussed earlier in this report I consider the proposal to be in keeping with the character of the area.*



In conclusion I recommend permission is granted subject to conditions.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Approve with conditions.

**Conditions**

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

Reason: Time Limit

2. No other development hereby permitted shall become operational until the vehicular accesses has been constructed in accordance with Drawing No 05 Rev 2 bearing the date stamp 3 July 2017.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05 Rev 2 bearing the date stamp 3 July 2017, prior to the operation 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.

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

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

5. The visibility splays of 2.0 metres by 33.0 metres in both directions at the junction of the proposed accesses with the public road, shall be provided in accordance with Drawing No. 05 Rev 2 bearing the date stamp 3 July 2017, prior to the commencement of any other works or other development.

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

6. Within the first available planting season following the occupation of each dwelling, the landscaping scheme for that dwelling, as detailed on drawing no 05 Rev 2 bearing the stamp dated 3 July 2017 shall

be provided. Any tree, shrub or plant that dies within the first 5 years of planting shall be replaced in the same location with a similar size and species.

Reason: In the interest of neighbouring amenity.

### **Informatives**

The applicant must apply to the Dfi for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

Separate approval must be received from Dfi Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Dfi Roads Street Lighting Consultancy, Benson Street, Lisburn. The Applicant is advised to contact Dfi Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

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.

Notwithstanding the terms and conditions of the Department of Environment'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 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 Moygashel Road, Dungannon. A monetary deposit will be required to cover works on the public road.

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

The developer is required to enter into a licence agreement with the Department for Infrastructure, for the carrying out of the road works approved, prior to the operation of any works to the public road network.

The licence agreement shall be issued through the Dfi Roads Section Engineer whose address is Moygashel Road, Dungannon

<b>Signature(s)</b>  <b>Date:</b>

<b>ANNEX</b>	
<b>Date Valid</b>	23rd December 2016
<b>Date First Advertised</b>	12th January 2017
<b>Date Last Advertised</b>	27th July 2017
<b>Details of Neighbour Notification</b> (all addresses) James Ferris 1, Dunclare Heights, Dungannon, Tyrone, Northern Ireland, BT71 7QW James Ferris 1, Dunclare Heights, Dungannon, Tyrone, Northern Ireland, BT71 7QW The Owner/Occupier, 10 Upper Parklands Mullaghanagh Mullaghanagh The Owner/Occupier, 11 Upper Parklands Mullaghanagh Mullaghanagh Fintan O'Donnell and Bronwyn O'Donnell 11 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Fintan and Bronwyn O'Donnell 11 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Adrian And Monica Logan 12 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW The Owner/Occupier, 2 Upper Parklands Mullaghanagh Mullaghanagh Nan Donnelly 2 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Nan Donnelly 2 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Valerie Graham 22 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Eric Halliday 24 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Sean Mulgrew 26 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW The Owner/Occupier, 34 Old Eglis Road Mullaghanagh Dungannon The Owner/Occupier, 4 Upper Parklands Mullaghanagh Mullaghanagh Eugene and Jane McGonnell 4 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW Patrick Mallon 46 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1DB The Owner/Occupier, 5 Upper Parklands Mullaghanagh Mullaghanagh Paul & Marie Hughes 5 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW FXH McArdle 7 Dunclare Heights, Dungannon, Tyrone, Northern Ireland, BT71 7QW The Owner/Occupier,	

7 Dunclare Heights, Mullaghanagh, Dungannon, Tyrone, BT71 7QW  
FXH McArdle  
7 Dunclare Heights, Old Eglish Road, Dungannon, Tyrone, BT71 7QW  
Conor McCann  
7 Upper Parklands Mullaghanagh Mullaghanagh  
Conor and Aedamar McCann  
7 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW  
The Owner/Occupier,  
9 Dunclare Heights, Dungannon, BT71 7QW  
The Owner/Occupier,  
9 Upper Parklands Mullaghanagh Mullaghanagh  
David Williamson  
9 Upper Parklands, Dungannon, Mullaghanagh, Tyrone, Northern Ireland, BT71 7JW  
David Williamson  
9 Upper Parklands, Mullaghanagh, Dungannon, Co Tyrone, BT71 7JW  
Patrick Mallon  
Mallon And Mallon Solicitors, 46 Irish Street, Dungannon, Tyrone, Northern Ireland, BT70 1DB  
Liam Currie MRTPI  
No Address Supplied

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

#### Planning History

Ref ID: M/1992/0323

Proposal: Extension to private nursing home

Address: NIGHTINGALE NURSING HOME OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/0396

Proposal: Private nursing home

Address: ADJACENT TO 36 OLD EGLISH ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/6146

Proposal: Apartments 41 Old Eglish Road Dungannon

Address: 41 Old Eglish Road

Decision:

Decision Date:

Ref ID: M/1996/0009

Proposal: Dwelling  
 Address: SITE 41, UPPER PARKLANDS, OLD EGLISH ROAD, DUNGANNON  
 Decision:  
 Decision Date:

Ref ID: M/1993/0464  
 Proposal: Erection of Dwelling House  
 Address: SITE 40 UPPER PARKLANDS OLD EGLISH ROAD DUNGANNON  
 Decision:  
 Decision Date:

Ref ID: M/1995/0718  
 Proposal: Extension to Nursing Home  
 Address: OLD EGLISH ROAD DUNGANNON  
 Decision:  
 Decision Date:

Ref ID: LA09/2016/1815/F  
 Proposal: Proposed 6 No. detached two storey houses  
 Address: Opposite 2, 4 and 10 Upper Parklands, Dungannon,  
 Decision:  
 Decision Date:

Ref ID: M/1979/0070  
 Proposal: 11 KV O/H LINE, 33 KV O/H LINE  
 Address: GRANVILLE, LISNAHULL, MULLAGHANAGH, DUNGANNON  
 Decision:  
 Decision Date:

Ref ID: M/2014/0172/F  
 Proposal: 1 1/2 Storey extension to allow extension to kitchen with ensuite above  
 Address: 5 Upper Parklands, Dungannon, BT71 7JW,  
 Decision: PG  
 Decision Date: 18.06.2014

#### **Summary of Consultee Responses**

#### **Drawing Numbers and Title**

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0023/O	<b>Target Date:</b>
<b>Proposal:</b> Site for off site replacement dwelling and garage for residential purposes	<b>Location:</b> 20m East of 37 Loves Road Magherafelt
<b>Referral Route:</b> One objection received	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Martin Diamond 39a Loves Road Magherafelt BT45 6LB	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response

### 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

This proposal is for the replacement of a semi-detached single storey dwelling. The current dwelling is located along a long private lane which also serves four other dwellings and farm buildings and land. An off-site replacement location is proposed at the entrance to the lane within the corner of a large agricultural field. The proposed site is undefined on two sides and on the roadside and western boundaries defined by a modest agricultural hedge and post and wire fence. The land to the south of the new location rises up and is agricultural in nature. Immediately adjacent to the proposal site on the western side are two detached single storey dwellings and a large detached agricultural shed and garage.

### Description of Proposal

Outline application for 'site for off-site replacement dwelling and garage for residential purposes'.

### Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 21 - Sustainable development in the countryside

Consultees: - Transportni were asked to comment on this proposal and responded on 06.02.2017 with no objections subject to conditions and informatives

Environmental Health were asked to comment and responded on 25.01.2017 with no objections subject to advice.

NI Water were asked to comment and responded on 23.01.2017 with no objections and general advice.

In line with legislation this proposal was advertised in several local publications during Jan 2017.

Neighbours: - Owners/Occupiers of Nos 37, 39 \_ 41 Loves Road were notified of this proposal on 19.01.2017. One objection has been received from the owner/occupier of No. 37 Loves Road, the main points raised are outline below.

- The proposed off site location is carved out of a larger agricultural field and as such provides no visual integration for a dwelling and lacks defined boundaries - see points below with regards the proposal and its integration into the surrounding landscape.

- approval would create a ribbon of development along Loves Road when viewed with Nos 35 \_ 37 Loves Road - see consideration of this point below.

- Applicant has alternative site opportunities which may provide a more suitable level of integration - this may be so but the site outline in red is the one to be considered under this application.

In line with policy planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. From the site visit it is clear that the building proposed to be replaced was last used as a dwelling exhibiting characteristics of a dwelling in the form of all structural walls and roof, door and window openings and internal features such as fire places and light fittings etc.

The dwelling proposed to be replaced is a semi-detached single storey property and the dwelling attached has been maintained to a modern standard and is inhabited. According to CTY 3 of PPS21 the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. The curtilage of the existing dwelling is very restrictive as the dwelling fronts directly onto the access lane, is attached to a dwelling on the northern side, has agricultural buildings directly to the rear and agricultural yard area and a further residential access on the southern side, thus it could not reasonably accommodate a modest sized dwelling and an off-site location would be the most suitable.

In addition policy CTY 3 of PPS21 all states that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have visual impact significantly greater than the existing building. In this particular case as the existing dwelling location is sited along a long lane its visual impact is little to nothing however the proposed new location is within the corner of a large agricultural field with two sides only defined by very modest agricultural hedging and the other two remaining undefined resulting in a very exposed site with no integration.

Policy CTY 3 also states that the design of the replacement dwelling should be of a high quality appropriate to its rural setting and having regard to local distinctiveness, however as this is an outline application no design has been submitted at this stage.

Due to the location of the proposed site all necessary services would be available or easily achievable and access to the public road would not prejudice road safety or significantly inconvenience the flow of traffic on Loves Road.

In addition this policy (CTY3) also states that proposals to replace existing semi-detached dwellings will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development unless there are practicable mitigating circumstances to be considered. In this circumstance no case has been presented as to why this cannot be achieved.

The committee should also be made aware that the applicant has other possible opportunities off site on land within the applicants ownership and although possible access difficulties have been mentioned no overwhelming evidence has been presented to demonstrate why these alternative site opportunities cannot be explored.

In addition to complying with the above mentioned policy a new building in the countryside has to comply with CTY 13 of PPS13 - Integration and Design of Buildings in the Countryside and CTY 14 - Rural Character.

In order to comply with these a new building cannot be a prominent feature in the landscape - this alternative proposal site is not a prominent site. The site should also have long established natural boundaries and be able to provide a suitable degree of enclosure for the building to integrate into the landscape - in this instance the proposed site does not provide a suitable degree of enclosure and is artificially carved out of the corner of a large agricultural field thus meaning it cannot adhere to this policy. In addition the proposed site would rely primarily on the use of new landscaping for integration and so would not comply with this policy.

To comply with CTY 14 a new building must not be unduly prominent in the landscape - in this case the proposed alternative site would not be considered as a prominent location. Nor should a new building result in a suburban style build-up of development when viewed with existing and

approved buildings - in terms of this proposed site, immediately adjacent on the western side are two detached dwellings and a large detached agricultural shed all clearly seen from the public road and this proposal would be adding a fourth building into this line which would in my opinion create a built-up appearance to Loves Road.

Recommendation: Refusal - Contrary to PPS 21 - CTY 1, CTY 3, CTY 8, CTY 13 \_ CTY 14

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal recommended – contrary to CTY1, 3, 8, 13 & 14 of PPS21

**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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Loves Road.
4. 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 unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	6th January 2017
<b>Date First Advertised</b>	19th January 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 37 Loves Road Ballynagarve Magherafelt John Martin 37, Loves Road, Magherafelt, Londonderry, Northern Ireland, BT45 6LB The Owner/Occupier, 39 Loves Road Ballynagarve Magherafelt The Owner/Occupier, 41 Loves Road Ballynagarve Magherafelt	
<b>Date of Last Neighbour Notification</b>	19th January 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0023/O Proposal: Site for off site replacement dwelling and garage for residential purposes Address: 20m East of 37 Loves Road, Magherafelt, Decision: Decision Date:  Ref ID: H/1990/0566 Proposal: ALTS AND ADDS TO DWELLING Address: 37 LOVES ROAD MAGHERAFELT Decision: Decision Date:  Ref ID: H/2010/0388/F Proposal: Proposed small extension to front of dwelling. Address: 37 Love's Road, Magherafelt Decision: Decision Date: 08.08.2011  Ref ID: H/1999/0746/F Proposal: New Garage	

Address: 37 Loves Road, Ballynagarve, Magherafelt  
Decision:  
Decision Date: 09.02.2000

Ref ID: H/1975/0081  
Proposal: EXTENSION TO BUNGALOW  
Address: BALLYNAGARVE, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1994/0043  
Proposal: REPLACEMENT DWELLING  
Address: 37 LOVES RD MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2005/0491/F  
Proposal: Bungalow and garage  
Address: Approx 100m South East of 41 Loves Road, Magherafelt  
Decision:  
Decision Date: 16.08.2006

Ref ID: H/2003/0551/F  
Proposal: Dwelling and garage.  
Address: Approx 100m South of No 41 Loves Road, Magherafelt.  
Decision:  
Decision Date: 26.11.2003

Ref ID: H/2003/1433/O  
Proposal: Site of dwelling and garage.  
Address: Approx 100m South East of 41 Loves Road, Magherafelt.  
Decision:  
Decision Date: 08.11.2004

Ref ID: H/1993/0532  
Proposal: BUNGALOW & GARAGE  
Address: ADJ TO 39 LOVES ROAD MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1995/6068  
Proposal: RE-LOCATION OF DWELLING LOVES ROAD MAGHERAFELT  
Address: LOVES ROAD  
Decision:

Decision Date:

Ref ID: H/1990/0337

Proposal: SITE OF RETIREMENT BUNGALOW

Address: ADJ TO 39 LOVES ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1995/0678

Proposal: SITE OF DWELLING

Address: NEAR 39 LOVES ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2004/0087/O

Proposal: Site of replacement dwelling and garage.

Address: Adjacent to 39 Loves Road, Castledawson.

Decision:

Decision Date: 01.11.2005

Ref ID: H/2009/0355/F

Proposal: Proposed two storey dwelling and garage on a farm

Address: Approx 40m north east of 41 Loves Road, Magherafelt

Decision:

Decision Date: 14.09.2009

Ref ID: H/1974/0165

Proposal: EXTENSION TO HOUSE

Address: BALLINAGARVE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2016/0701/F

Proposal: Single storey rear extension to provide kitchen, porch and shower room and side extension to provide bedroom

Address: 39 Loves Road, Magherafelt,

Decision: PG

Decision Date: 04.08.2016

## Summary of Consultee Responses

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



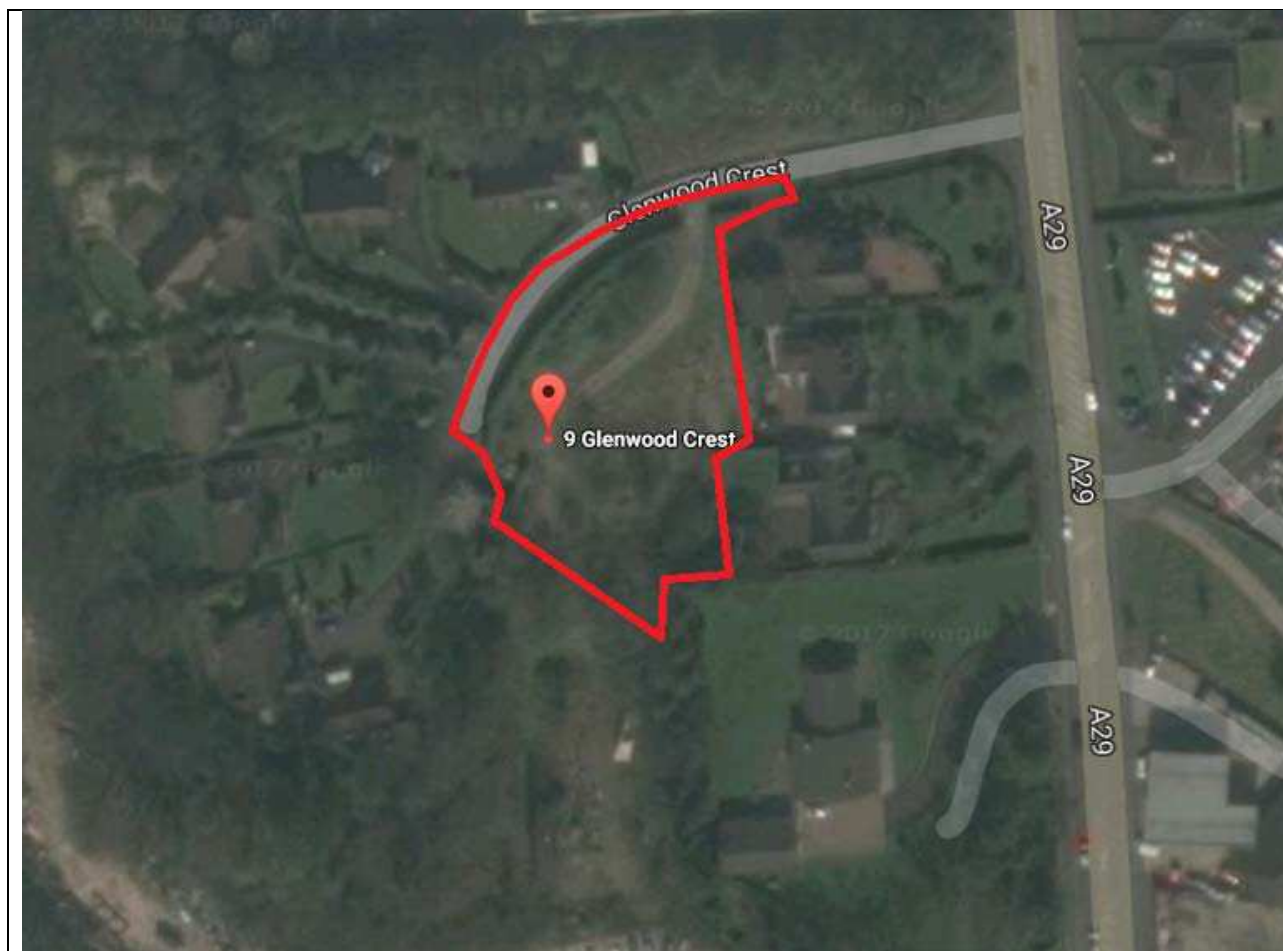


Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0064/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for 2 detached dwellings and garages	<b>Location:</b> Site approx. 60m NE of 9 Glenwood Crest and to the rear of nos 1 - 3 Glenwood Crest Cookstown
<b>Referral Route:</b>	Objections received
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr Paul McGonnell 9 Glenwood Crest Cookstown BT80 8XU	<b>Agent Name and Address:</b> APS Architects LLP Unit 4 Mid Ulster Business Park Derryloran Industrial Estate Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report
<b>Site Location Plan</b>

**Consultations:**

Consultation Type	Consultee	Response
Statutory	NIEA	No Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Multi Units West - Planning Consultations	Advice

**Representations:**

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

**Summary of Issues**

Two number objections were received from the owners of 1 and 2 Glenwood Crest.

Issues raised from objectors were;

impact on amenity.  
 overdevelopment of site  
 visual impact  
 impact on wildlife  
 loss of privacy  
 overbearing  
 topography of land  
 loss of view  
 loss of open space  
 loss of trees  
 subsidence  
 drainage

With regards to impact on amenity by way of noise, nuisance, overlooking, overbearing loss of privacy etc the proposed block shows the dwellings can achieve adequate separation distances, the design of the dwellings can be conditions to as to not be overbearing, cause loss of light or overlooking.

With regards to over development of the site this proposed development would slightly increase the density of the development, however, I would not have any concerns this would considerably alter the character of this established residential cul-de-sac.

With regards to the impact on existing views, the site will lie to the rear of the objectors house and on a ground level slightly higher, however, the presence of the existing houses at number 5,6 and 7 as well as the existing vegetation would mean that there are no existing views at present.

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

The site comprises an irregular shaped plot of land located at Glenwood Crest, Cookstown, to the rear of no's 1, 2, 3 and to the front of no's 4,5,6,7 and 8 Glenwood Crest. The red line of the site includes the arched laneway and then an overgrown grass area. This grassy area makes up the bulk of the site and it also includes a gravel path dissecting it in half. The land is relatively flat and there are a number of trees present throughout the site. The western and northern boundary of the site along the front of no's 4,5,6,7,8 Glenwood crest is defined by a 3 metre high evergreen hedge, the southern boundary by a large group of trees and the eastern boundary to the rear of no's 1,2,3 is defined by a mix of fencing and a cropped hedgerow. At the time of site visit there were also a number of mounds of soil present on the site.

The site lies within the settlement limit of Cookstown towards the south of the town. The surrounding area includes a mix of residential, supermarkets, filling stations, restaurants, and car sales. The Ballinderry River loops around the rear of the site a short distance from its south and west boundaries.

### **Description of Proposal**

The proposal seeks outline permission for 2 dwellings.

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

The Strategic Planning Statement which was published in September 2015 retained a number of existing policies, of which PPS 7 was one and is the relevant policy in this application proposal.

As this application seeks outline permission, it is the principle of development which is assessed. Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

a) The immediate surrounding area is mostly residential with all the surrounding houses detached two storeys with community and local facilities available close by with a local convenience shop, playing fields, supermarket, restaurants.

The principle of residential development is generally acceptable within the development limit of Cookstown and this proposal respects the use of the surrounding area which is mainly residential. When taking into consideration the plot sizes of the immediate vicinity the layout and scale of the proposal would be of a similar size. The existing plots in this development measure approximately 20 to 40 metres wide with depths ranging.

I am of the opinion two dwellings on this site would be of a similar density to the existing and would not represent an intensification of development nor would it constitute overdevelopment of the site as I think it is capable of accommodating two dwellings.

b) There are no archaeological features in the immediate vicinity of the site. The vegetation existing on the south eastern boundary would be worthy of protection and could be conditioned so if this application were approved.

c) Based on the sketch layout the applicant has submitted it is clear that there is adequate space to provide the required 70 metres squared of private rear amenity space for each dwelling, with the drawing showing over double this figure for both proposed dwellings.

d) Given the nature, scale and location of the development, there is no requirement for public open space to be provided as part of this application.

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

f) There appears to be adequate space for parking at the front of both proposed dwellings.

g) The appropriateness of the design of the development will be determined at reserved matters stage as details are not required to be submitted at outline stage.

h) The submitted block plan shows the dwellings set to the rear of Nos 1, 2 and 3 Glenwood Crest. However, the proposed block shows the dwelling back to back with these existing dwellings with wall to wall separation distances at the nearest point 16 metres. This could be conditioned at RM stage to ensure there would not be unacceptable adverse impacts on this neighbouring dwelling and for the proposed dwelling.

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

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

(a) This proposed development would slightly increase the density of the development, however, I would not have any concerns this would considerably alter the character of this established residential cul-de-sac.

(b) The pattern of development in the immediate area is two storey detached dwellings and I consider the type of dwelling proposed, would not have an impact on the overall character and environmental quality of this established residential area.

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

The size of the house cannot be determined at outline stage.

## CONCLUSIONS AND RECOMMENDATION

Having conducted a site visit and taking the planning history into account also, I feel this site has the capacity to accommodate two dwellings while providing adequate amenity space associated with each dwelling.

Further to consultation with NIEA i have carried out a further site visit accompanied by my senior planner, and we were in agreement that the site has limited bio diversity value. The trees to the south are a sufficient distance away from the proposed development so as to avoid any impact. In the group discussion with the principal planner it was agreed that condition a fence to separate and protect the trees and the site shall be erected prior to the construction phase. It was also the opinion of the group that a Land contamination, whilst not appearing to be necessary for this particular site it could be sought as a pre commencement condition.

Therefore approval is recommended.

## Neighbour Notification Checked

Yes

## Summary of Recommendation:

Having conducted a site visit and taking the planning history into account also, I feel this site has the capacity to accommodate two dwellings while providing adequate amenity space associated with each dwelling. Therefore approval is recommended.

## Conditions

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

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

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

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

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

3. The proposed dwellings shall have a ridge height of less than 7 metres above finished floor level.

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

4. 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.

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

Reason: To ensure the dwelling integrates into the landform.

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

7. The sewerage system connecting the proposed development to the mains network shall be constructed to a standard which is capable of being approved by Water Service. The adoption of the sewerage system within the development by Water Service should be received within one year of completion of the development.

REASON: In the interests of public health.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Department.

REASON: To safeguard the site and adjacent land against flooding and standing water.

9. Prior to the commencement of any development a Land Contamination Report shall be submitted to the Council for consideration and approval.

Reason; To safeguard the living conditions of future residents.

10. All existing trees and vegetation along the Southern and Western boundaries of the site as shown on approved drawing No. 01B date stamp received 2nd August 2017 shall be permanently retained intact and no lopping, topping, 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 the Council in writing within one week of the work being carried out.

Reason: To protect the local wildlife and natural habitat.

11. No development shall take place until a fence has been erected along the southern and eastern boundary on a line to be agreed with the Mid Ulster council. No works or construction activity shall take place outside the fenced area without the consent of the Department.

Reason: To protect the nature conservation interest.

**Informatives**

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

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th January 2017
<b>Date First Advertised</b>	2nd February 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 1 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG George Faulkner 1, Glenwood Crest, Cookstown, Tyrone, Northern Ireland, BT80 8XU The Owner/Occupier, 15 Dungannon Road Gortallowry Cookstown The Owner/Occupier, 17-19 Dungannon Road Gortallowry The Owner/Occupier, 2 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 2 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG Joan Slevin 2, Glenwood Crest, Cookstown, Tyrone, Northern Ireland, BT80 8XU The Owner/Occupier, 3 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 3 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG The Owner/Occupier, 4 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 4 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG The Owner/Occupier, 5 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 5 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG The Owner/Occupier, 6 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 6 Knocklyn Drive,Gortallowry,COOKSTOWN,Co. Tyrone,BT80 8ZG The Owner/Occupier, 7 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 8 Glenwood Crest Gortallowry Cookstown The Owner/Occupier, 9 Glenwood Crest,Gortallowry,Cookstown,Tyrone,BT80 8XU,	



<b>Date of Last Neighbour Notification</b>	6th April 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  <p>Ref ID: LA09/2017/0064/O          Proposal: Proposed site for 2 detached dwellings and garages          Address: Site approx. 60m NE of 9 Glenwood Crest and to the rear of nos 1 - 3 Glenwood Crest Cookstown,          Decision:          Decision Date:</p> <p>Ref ID: I/2007/0272/F          Proposal: Proposed 6 No. Townhouses and 13 off street parking spaces.          Address: Adjacent to 4 Glenwood Crest, Cookstown          Decision:          Decision Date: 03.01.2008</p> <p>Ref ID: I/2003/0722/O          Proposal: Proposed site for 1 No dwelling and garage          (Amended Proposal)          Address: Adjacent to 4 Glenwood Crest Cookstown          Decision:          Decision Date: 19.04.2004</p> <p>Ref ID: I/2007/0374/Q          Proposal: Proposed H3G Base Station          Address: Faulkner Farm, 31 Dungannon Road, Cookstown          Decision:          Decision Date:</p> <p>Ref ID: I/2006/0760/F          Proposal: Housing development of 20 no. apartments          Address: 15 Dungannon Road, Cookstown          Decision:          Decision Date: 29.06.2007</p> <p>Ref ID: I/1980/0299          Proposal: RESIDENTIAL DEVELOPMENT          Address: GORTALLOWRY, COOKSTOWN          Decision:          Decision Date:</p> <p>Ref ID: I/2011/0455/PREAPP          Proposal: 2 no. detached dwellings          Address: Glenwood Crest, Cookstown,          Decision: ELA</p>	

Decision Date:

Ref ID: I/1999/0429/A41

Proposal: Proposed Sun Lounge

Address: 1 Glenwood Crest, Cookstown, County Tyrone

Decision:

Decision Date:

Ref ID: I/1977/0427

Proposal: THREE NO SITES - BUNGALOWS

Address: GORTALLOWRY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1988/0343

Proposal: New Dwelling

Address: 3 GLENWOOD CRESCENT COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1996/0213

Proposal: Extension to Garage and Dwelling

Address: 3 GLENWOOD CRESCENT COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1987/0402

Proposal: DWELLING AND GARAGE

Address: 4 GLENWOOD CRESCENT, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0157

Proposal: Proposed Extension to Provide Guest Accommodation

Address: 4 GLENWOOD CREST COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0247

Proposal: TWO STOREY DWELLING HOUSE ON SITE 9

Address: 'GLENWOOD COURT', GORTALLOWRY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1980/0203

Proposal: RESIDENTIAL DEVELOPMENT

Address: GORTALLOWRY, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1985/0381

<p>Proposal: DWELLING AND GARAGE          Address: 9 GLENWOOD CREST, GORTALOWRY, COOKSTOWN          Decision:          Decision Date:</p> <p>Ref ID: I/1985/0476          Proposal: DWELLING AND GARAGE          Address: 8 GLENWOOD CREST, GORTALOWRY, COOKSTOWN          Decision:          Decision Date:</p>
<p><b>Summary of Consultee Responses</b></p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 01B          Type: Site &amp; Detailed Drawings          Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:          Response of Department:</p>

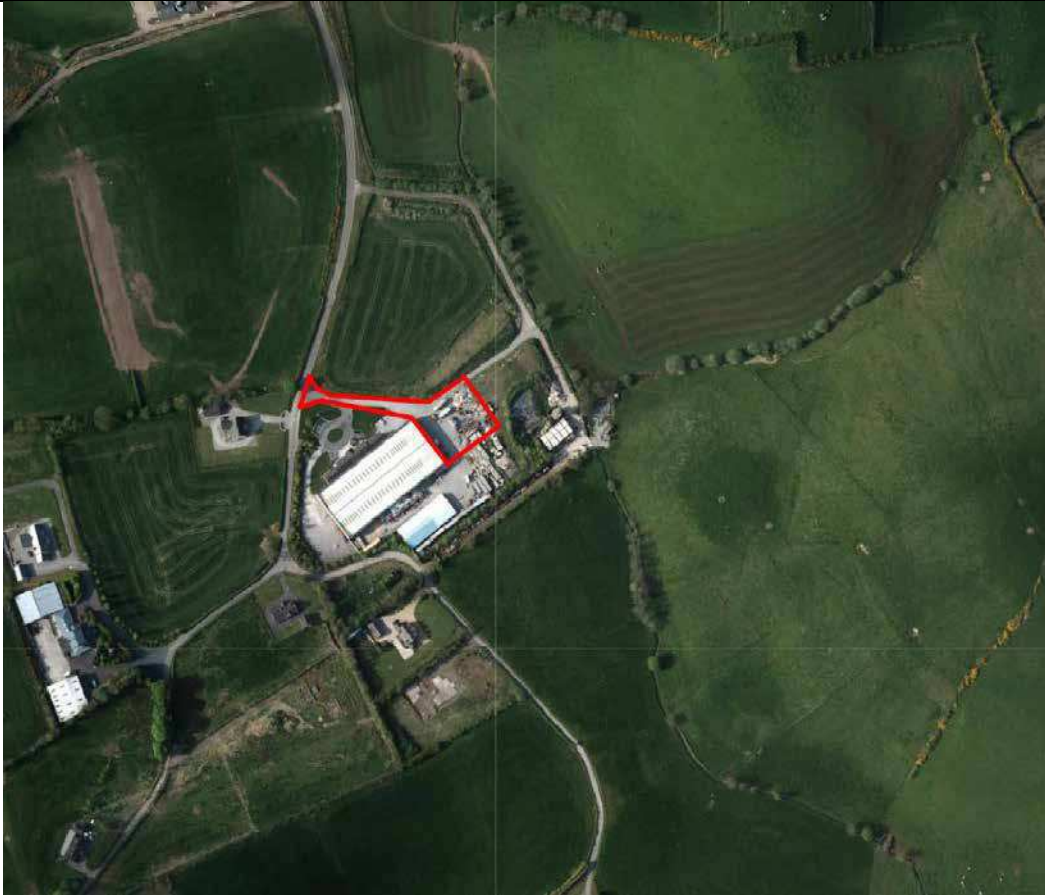


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0244/F	<b>Target Date:</b>
<b>Proposal:</b> The repositioning of dust extraction unit	<b>Location:</b> 16 Mullaghbane Road Dungannon
<b>Referral Route:</b> Objections received.	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Woodmarque Joinery 16 Mullaghbane Road Dungannon BT70 1SR	<b>Agent Name and Address:</b> Damian McNulty 21 Carranboy Road Lisnarick BT94 1JT
<b>Executive Summary:</b>  The main area of concern is potential noise impacts on neighbouring amenity. Noise information was submitted and Environmental Health were consulted. They have no objection to the proposal. I consider the proposal meets policy requirement and I recommend permission is granted.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

One objection was received. It highlighted that the dust extraction was previously housed within the factory with sound insulated panels in the walls and roof.

It notes that this is what the factory was duty bound to do under the Pac ruling.” It claims that by relocating the dust extraction system and generator outside, they are in breach of PAC ruling. The objectors state that since the dust extraction unit was moved outside in July 2016, they have experienced noise from it. Before this, no noise was experienced. He continue stating they would not object if the dust extraction system and generator were to be insulated in its present location.

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

The application site is located on the premises of an existing business – Woodmarque Joinery which is located just south of the A4 dual carriageway, between Eglish and Castlecaufield. It is located within an area which is largely characterised by agricultural land, farm holdings and dispersed settlement. The red line site encompasses a portion of land which adjoins the existing factory. The factory building which has a footprint of 85m x 38m and a ridge height of 8.75m is set behind, and adjoins a two storey building which a double height front projection and regularly spaced window openings and side extensions. The business site extends to approximately 4 acres and is accessible from Mullaghbane Road. The application site, is 0.3 hectares in size and accommodates a dust extraction unit which is subject of this application.

### **Description of Proposal**

The repositioning of dust extraction unit.

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

- SPPS
- Dungannon and South Tyrone Area Plan
- PPS3: Access, Movement and Parking
- PPS 4: Planning and Economic Development
- PPS21:Sustainable Development in the Countryside.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The Dungannon and South Tyrone Area Plan 2010 identifies the site outside any settlement limits, in an area of open countryside. The proposal is a retrospective application for a dust extraction unit which adjoins the existing factory buildings.

The policy context for the development includes the SPPS, Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21), and Planning Policy Statement 4 – Planning and Economic Development (PPS 4). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. The policy provides a list of acceptable non-residential development, which includes industry and business uses in accordance with PPS4. Policy CTY 1 goes on to state that 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.

Policy PED 2 of PPS 4 refers to economic development in the countryside. It states that proposals for such development will be permitted in 4 instances, the first of which is the expansion of an established economic development use under policy PED 3. Policy PED 2 indicates that, with the exception of the instances cited, all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. Policy PED

9 of PPS4 is titled 'General Criteria for Economic Development'. It lists 13 criteria that are required to be met by all proposals for economic development uses.

The first paragraph of the headnote to Policy PED3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

The use dates back to 2001 when permission was granted under application reference M/1999/0981/F for a joinery workshop.

Subsequent applications including M/2003/1006/F and M/2005/2333/F were made. Permission was granted for the access laneway to serve both farmland and the commercial silo's associated with the joinery business in 2013. It is evident that the economic development use is established.

This application seeks retrospective permission and follows an enforcement case - LA09/2016/0150/CA which is under consideration.

PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The proposal is set within a substantial economic development site and will not in my view result in a major increase to the site. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. PED 3 facilitates new buildings where it is not possible to use or extend existing states that where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

An enforcement notice – M/2002/0063/CA alleging the unauthorised erection of steel structure to the rear (SE Elevation) of the factory, dust extraction Unit, two silo's, steel stanchions and structure and hard-core yard was appealed under 2005/E006. The appeal failed and the Commission agreed with the Department, that the Notice should be varied as proposed by the Department, that planning permission should not be granted for the unauthorised works and that remedial measures should be carried out. This included the removal of the dust extraction unit from the site.

Upon review, it appears that the dust extraction unit was not fully removed from site but rehoused within the factory building. A representative at the time of site visit indicated that the unit was moved last year to its current external position following recommendation by their health and safety officer.

The proposal is a retrospective application where permission is sought for the repositioning of a dust extraction unit adjacent to the existing factory and a cladded screen wall measuring 15m x 10.6m and extending 8.75m in height. No new buildings are proposed.

The screen wall, while much smaller in length, is of a similar design and height to the factory building which exists. Similar grey cladding material is used to finish the wall and the dust extraction unit is situated behind. On review of the character of the area, it is apparent that the existing factory building and associated works dominates the immediate landscape. The proposal is considered in relation to the existing development which is permitted. I do not consider the provision of the dust extraction unit and screen wall will cause unacceptable adverse impact on visual amenity. The proposal is set within a substantial economic development site and will not in my view appear incongruent or adversely impact the character of the area.

In considering PED 9 - General Criteria for Economic development, in my view the proposal is compatible with existing use.

Concerns have been raised by a neighbour, residing at 20 Mullaghbane Road in relation to noise pollution. The curtilage of their dwelling is 80m south west of the application site. Environmental Health were consulted and a noise assessment was requested. This was submitted for consideration by Environmental Health who responded stating,

“Reference is made to the noise information contained in a letter to this department dated 9th September 2016 from KRM Acoustics. Also this department has reviewed the letter from a local resident dated 13th March 2017.

A review of KRM report has outlined that ambient noise levels never exceed 50dB, therefore noise from Woodmarque can only be less than 50dB. World Health Organisation guidelines of 'steady, continuous' noise could be applicable in this situation. Therefore no Environmental Health objection to the proposed.”

While acknowledging the enforcement appeal in 2005 required the removal of the dust extraction unit, concerns in relation to noise are alleviated by Environmental Health's response. On this basis, I am satisfied there will not be unacceptable adverse due to noise on neighbouring residential amenity. In my view neighbouring properties are sufficiently separated from the proposal to avoid adverse impact by overshadowing. The proposal is not located within a floodplain. There is no parking requirement associated with the proposal and I therefore have no concerns in relation to road safety.

In conclusion I consider the proposal meets the requirements of the aforementioned planning policies and I recommend permission is granted.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve.

**Conditions**

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

Reason: This is a retrospective application.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	17th February 2017
<b>Date First Advertised</b>	9th March 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 17 Mullaghbane Road, Mullaghbane, Dungannon, BT70 1SR Mr Mark Deehan and Mrs Susan Deehan 20 Mullaghbane Road, Dungannon, Tyrone, Northern Ireland, BT70 1SR	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2005/2333/F Proposal: Extension to existing building, remedial works, retention of boiler house & erection of silo bins to replace existing Address: 25 Mullaghbane Road, Dungannon Decision: Decision Date: 24.01.2007  Ref ID: M/2003/1006/F Proposal: Retention of Retaining Wall, Steel Structure, Incinerator Plant, Hardcore Yard and Shed/Boiler House Address: Mullaghbane Road, Dungannon Decision: Decision Date: 27.06.2006  Ref ID: M/1999/0981/F Proposal: Joinery Workshop (Amended Proposal) Address: 300 metres N.E of 25 Mullaghbane Road Dungannon Decision: Decision Date: 14.02.2001  Ref ID: LA09/2015/0869/PAD Proposal: proposed extension to existing factory floor and extension to existing timber store	

Address: Wood Marque Joinery, 16 Mullaghbane Road, Dungannon, BT70 1SR,  
 Decision:  
 Decision Date:

Ref ID: M/2012/0336/F

Proposal: Retention of access lane to serve farmland and commercial silos associated with established joinery business. (Amended description).

Address: Woodmarque Architectural Joinery Limited, 16 Mullaghbane Road,  
 Dungannon, Co Tyrone,  
 Decision: PG

Decision Date: 13.02.2013

Ref ID: LA09/2017/0244/F

Proposal: The repositioning of dust extraction unit

Address: 16 Mullaghbane Road, Dungannon,

Decision:

Decision Date:

### **Summary of Consultee Responses**

EH – no objection.

### **Drawing Numbers and Title**

Drawing No. 04

Type: Existing Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:

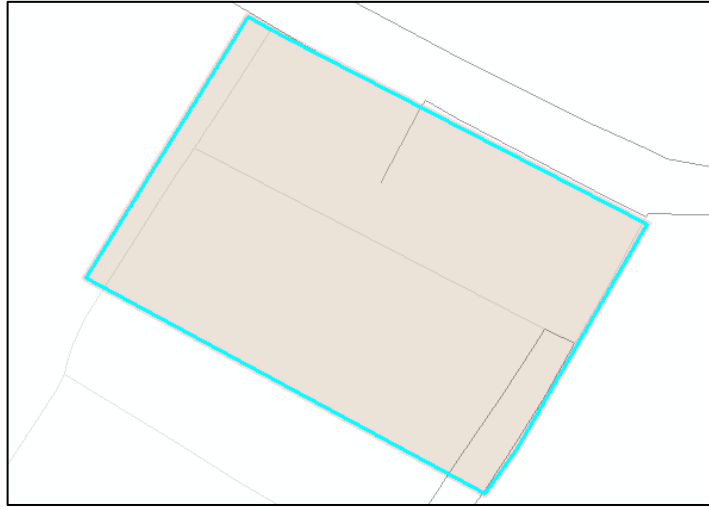


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0307/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of agricultural shed with slurry tank	<b>Location:</b> Approximately 230m North West of 40 Mullyneill Road Dyan Caledon
<b>Referral Route:</b> Agent is close relative of member of Planning Staff.	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Fiontan Sherry 35 Aughnasallagh Minterburn Caledon BT68 4YB	<b>Agent Name and Address:</b> Colin O'Callaghan O'Callaghan Planning Unit1 10 Monaghan Court Newry BT35 6BH
<b>Executive Summary:</b>  Approve, subject to the conditions outlined below.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	No Objection

### Representations:

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

### Summary of Issues

DAERA, NIEA, Transport NI, and the Council's Environmental Health Department (EHD) were consulted and have made comment on this application. All material considerations, including policy considerations, have been addressed within the determination of this application.

### Characteristics of the Site and Area

The site is situated on the Mullyneill Road, Caledon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an open area of the countryside with views spanning across the wider landscape.

The application site is bound on each of its sides by vegetation and hedgerows. The site is accessed via an existing access which is situated to the north of the site via Mullyneill Road. The site is part of an existing farm holding which consists of a cattle crush, a series of agricultural fields and a hard stand area which is in use as a storage area for footstock, namely round bales. The red line boundary of the site includes the cattle crush, the hard stand area and a small selection of a neighbouring field to the south. The cattle crush includes two walls to either side measured at 15m long and 2m in height, there are two gates at either side.

In terms of elevation the site area is relatively flat. The wider area of the farm holding rises slightly towards the south.

## Description of Proposal

The application seeks full planning consent for the erection of an agricultural shed with slurry tank on lands approx. 230m north west of 40 Mullyneill Road, Caledon, Co. Tyrone.

The proposal is sited to the western fringe of the application site and is measured at 9.5m in width and 19m in length. The ridge height of the proposal is measured at 7m. The proposal includes the provision of a slurry tank, below the ground level. Materials to be used on the proposed shed include a smooth plaster finish and green agricultural corrugated wall cladding and green agricultural corrugated cladding to roof. Rainwater goods are black upvc.

The proposed shed is to be used for the storage of livestock on the farm holding. The applicant has highlighted that the proposal relates to the provision of a new farm shed at this location which is within the farm holding of the applicant. It has also been noted that the farm holding is divided into two separate locations, 6ha located at Glendavagh Road (2 miles away) and 28ha located on the land associated with the application site.

The proposal involves the use of an existing agricultural access provision at the site.

## Planning Assessment of Policy and Other Material Considerations

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

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

### Planning History

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

### Representations

No affected owner or occupiers with premises on neighbouring land were identified. This was checked during a visit to the site.

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

### Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21 and PPS 3 have been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS 21 sets out planning policies for development in the countryside whilst the policy provision within PPS 3 deals with access, movement and parking.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

CTY 12

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and where the criteria below have been met. DAERA were consulted on this application and have confirmed that the farm business has been in existence for more than 6 years and the business has claimed single farm payment in the last 6 years. With this in mind I am content that the agricultural holding is both active and established.

*a) It is necessary for the efficient use of the agricultural holding or forestry enterprise;*

As noted above this farm holding is split into two locations, one of which is at Glendavagh Road (6ha) and one at the application site on Mullyneill Road (28ha).

The applicant has provided supporting information highlighting that the proposal will aid in the efficient functioning of the farm by providing shelter for additional livestock during winter months. The applicant has also noted that the current farm shed at Glendavagh Road is only sufficient enough to accommodate up to 25 livestock and that extending this shed would not support the farm enterprise as the bulk of the farm livestock is kept on the larger portion of land at the Mullyneill Road farm. The applicant has highlighted that current arrangements result in him having to sell off part of his livestock during the winter months as he does not have sufficient space to house them.

I consider that the proposed farm shed would be an efficient measure for the farm. It would allow the applicant to house his livestock on the larger portion of the farm holding, where the majority of his livestock will be. It will also allow for the applicant to increase his livestock and remove the need for him to sell off part of his stock during the winter months. It has been demonstrated that the farm building is necessary in terms of the efficient use of the agricultural holding.

*b) In terms of character and scale it is appropriate to its location;*

The proposed agricultural shed is sited in area which is well screened by natural vegetation in the form of hedgerows and mature tree coverage. In addition to this, the proposal is sited in an area which makes use of the surrounding topographical aspect of the land. The surrounding land rises gradually and this helps create a sense of enclosure at a local level. The surrounding vegetation and topography restricts the level of visibility onto the proposal and helps the proposal integrate into the surrounding rural landscape.

*c) It visually integrates into the local landscape and additional landscaping is provided as necessary;*

As noted above the proposal integrates with the existing setting and landscape and I am satisfied that the existing vegetation and hedgerows are sufficient in terms of providing a sufficient degree of integration. The siting of the proposal in close proximity to the existing cattle crush on the site also helps integrate the building into this area of the countryside.

*d) It will not have an adverse impact on the natural or built heritage; and*

There are no sensitive built heritage features of note within the site or the surrounding area. With this in mind and taking into consideration the integrated nature of the proposal I consider that the proposal will not have a negative impact on any historic buildings or monuments.

In terms of natural heritage and conservation DAERA Planning Response Team (NIEA) were consulted. The response from NIEA dated 14/06/2017 highlights that they are content with the proposal in terms of its potential impact on designated sites or natural heritage interests.

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

The Council's Environmental Health Department were consulted on this application and have responded highlighting that they have no objection to the proposal. I am content that the proposal will not have a negative or detrimental impact on the amenity of surrounding residential dwellings in terms of noise, smell or pollution. Environmental Health have suggested that the applicant is referred to an informative relative to noise associated with any plant and equipment used on the site.

In addition to that above and in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

There is insufficient space within the existing farm shed at Glendavagh Road to accommodate the efficient running of the farming business and with the majority of farm land located at the Mullyneill Farm site it is considered that this would be a more appropriate location for a new farm building on the holding. Evidence has been submitted which documents that a farm building on the application site at Mullyneill would allow for a more efficient use of the farm holding.

In terms of the design of the building I consider that the scale, form and sizing is appropriate for the location within which it will sit, as highlighted above. In addition to this I am satisfied that the materials used on the finishes of the building are appropriate for the type of building in this rural context.

The proposed building is sited beside an existing farm building in the form of the existing cattle crush on the site.

#### Design, Integration and Rural Character

An assessment of the proposed siting of the development along with its visual and physical impact has been documented above. In terms of visual integration and impact on rural character the proposal is deemed to comply with policies CTY 13 and 14 of PPS 21 and the policy requirements therein.

#### Access

As the application involves an intensification of the existing access provision it was deemed necessary to consult with Transport NI. Transport NI responded on 20/06/2017 highlighting that they were content with the proposal put forward, subject to condition. I consider that the proposed access is acceptable conforms to the provisions of PPS 3 –Access, Movement and Parking.

#### Conclusion

Members are advised that the proposed development is considered to be in compliance with the policy objectives of the SPPS, PPS 21 and PPS 3, and accordingly approval is recommended.

#### **Neighbour Notification Checked**

N/A

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

Approve, subject to the conditions outlined below.

Conditions/Reasons for Refusal:

Conditions

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

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

2. The building hereby permitted shall be limited to agricultural use only.

Reason: The site is located in the rural area where it is the policy of the Planning Authority to restrict development and the planning permission hereby granted, is to support the operational needs of the active and established agricultural holding.

3. The vehicular access, including visibility splays of 2.0m x 45.0m and any forward sight distance shall be provided in accordance with Drawing No. 01 Rev A, bearing the date stamp 25.05.2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### 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. The applicant's attention is drawn to the comments made by NIEA dated 14.06.2017 and The Council's Environmental Health Department dated 20.04.2017.
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.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	1st March 2017
<b>Date First Advertised</b>	16th March 2017
<b>Date Last Advertised</b>	16th March 2017
<b>Details of Neighbour Notification</b> (all addresses) N/A	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0307/F Proposal: Erection of agricultural shed with slurry tank Address: Approximately 230m North West of 40 Mullyneill Road, Dyan, Caledon,	
<b>Summary of Consultee Responses</b> No objections received from any consultees.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Rev A. Type: Proposed Plans Status: Approved.	
<b>Notification to Department (if relevant)</b>  N/A	



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0422/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site of dwelling and domestic garage for residential purposes	<b>Location:</b> 150m North West of 107 Bancran Road Draperstown
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for Refusal.	
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Applicant Name and Address:</b> Stephen Donnelly 14 Cordarragh Road Draperstown BT45 7AW	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No objections have been received in respect of this application.

### **Description of proposal**

This is an outline application for a dwelling on a farm holding therefore details of the design and siting have not been submitted.

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

The area is rural in character with dwellings and farm buildings sited on road frontage sites in addition to some farm groupings being set back off this minor public road and accessed via existing farm laneways. The site is a small steeply sloping field set back mid-way along the existing laneway, 180m north of the Bancran Road and 170m south of the existing farm dwelling and outbuildings and accessed via the existing laneway which also serves two 2 storey dwellings and adjoining farm outbuildings. The general area is steeply undulating with land rising steeply from the road towards the north and the site. The site is bounded by a mature thorn hedge along the southern boundary with a low thorn hedge along the western boundary. The northern and eastern boundaries are undefined. The only critical views of the site are from the end of the laneway, from where a dwelling on the site would appear divorced and isolated from the existing farm complex.

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

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

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

### **Planning History**

The applicant originally applied for a site for a farm dwelling on this site under H/2006/0324/O which was withdrawn on 8th January 2008 following a recommendation to refuse, contrary to policies CTY 1 and CTY 11 of draft PPS 14, but prior to the decision issuing.

A second similar application for a dwelling on the farm was submitted by the same applicant on the same site under H/2009/0693/F and this was again withdrawn on 12th March 2010 following a recommendation to refuse, contrary to policies CTY 1 and CTY 10 of draft PPS 21, but prior to a decision issuing.

A third application for a dwelling and garage on a farm was subsequently approved for the applicant under H/2010/0121/F on 14th May 2010. This site was within field 8 as identified on the current farm map and is 60m to the north of the current and previously approved sites.

A fourth application (H/2013/0429/F) was submitted for a change of house type to that approved under H/2010/0121/F. This application was approved on 3rd April 2014 and was within the same site as the previously approved dwelling. A condition of that approval was that 'the development hereby permitted shall be begun before 15th May 2015'. However as the development has not commenced, the approval has expired.

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

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

#### CTY 10 – Dwellings on Farms

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

- DARD were consulted and advised that the farm business has been in existence for more than 6 years and the business has claimed SFP or LFACA or Agri Environment scheme in the last 6 years.
- A planning history check of the farm shows that although there have been two approvals granted for a dwelling on the farm since 25.11.2008 (detailed above), neither of these approvals were commenced and both have subsequently lapsed. No dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- However, a dwelling on the proposed site would not be visually linked or sited to cluster with an established group of buildings on the farm. The site is located 170m away from the existing grouping and there is no visual linkage or clustering with the existing farm dwelling or any farm buildings.

The applicant has provided a statement explaining the reason for the separation. The applicant's wife is a childminder and feels that a site close to the farm yard would be hazardous. Additionally, the existing lane gets steeper closer to the farmyard which would create accessibility issues during the winter time. Such problems would affect the child minding business. The supporting statement also claims that the proposed site does not impact on the layout of the farm whereas a higher site would limit access to the rest of the farm and to a neighbouring farm. A letter was also provided from a mortgage advisor in connection with self-build sites linked to farm businesses. This advises that 'to give a mortgage the best chance ideally you would have your own access to the main road'.

In this case the site does not propose to have its own access to the road and therefore this point is irrelevant. The letter goes on to advise that 'where this is not possible due to planning restrictions, the further your property is from the farm the more attractive it should be to lenders.' However, planning policy does not make allowances for alternative sites elsewhere on the farm on the basis of the availability of mortgages. The only exception provided for in the policy is on the grounds of health and safety or where there are verifiable plans to expand the farm business. No evidence has been provided that there are any plans to expand the farm at the existing building group. Although the applicant has stated that there are safety concerns regarding the child minding business, this is easily addressed by means of having secure external play areas for children which would be expected of any child minding business in any case. Regarding access to the remainder of the farm and the 'upper site' impacting on this, it is difficult to understand the rationale behind this as a site located at the northern end of fields 8, 11 or 12 on the farm map would not restrict access to the rest of the farmlands as access could still be achieved off the existing farm lane. Furthermore, the applicant did not have an issue with a site impacting on access to the remainder of the farm when they submitted applications H/2010/0121/F or H/2013/0429/F within field 8. Both of these applications were approved. The issue of taking services ie. water and electricity to the site was also raised. It should be noted that the P1 states that the source of water supply is 'Mains' and that NI Water have advised that mains water is available within 20m of the site. Therefore there is no reason why this cannot be extended up the lane to a site beside the existing farm complex. In addition the availability of electricity can easily be overcome by extending the existing network.

It is my opinion that on balance, the proposed site is located too far from the existing farm complex to be visually linked or to cluster with existing buildings on the holding. Therefore a dwelling on this site would be contrary to this policy.

**CTY 13 – Integration and Design of Buildings in the Countryside**

This is an outline application for a dwelling on a farm. The site is set 170m south of the existing cluster of farm buildings. Although a dwelling on the proposed site would benefit from the backdrop of steeply rising ground, it is visually divorced from the existing farm buildings and therefore, when viewed from the public road system will appear as a separate entity. Therefore any dwelling on the proposed site would suffer from a lack of integration and would be contrary to this policy.

**CTY 14 – Rural Character**

A dwelling on the proposed site would result in a change to the character of the surrounding area as it would be read with the existing dwellings at no's. 101 and 107 to either side of the access laneway in addition to being read with the approved dwelling to the rear of no.101 approved under H/0226/0624/RM and which is under construction. In addition it will also be read with the two existing dwellings at 103 and 105 and the farm buildings. A dwelling on this site will be viewed from the public vantage points both on the Bancran Road and along the access laneway from where there is a public interest as it serves a third party dwelling at no.103 Bancran Road.

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

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

**Recommendation**

On consideration of the above, it is my opinion that the proposal fails to meet the policy requirements, therefore planning permission should be refused for the reasons stated below:-

**Neighbour Notification Checked****Yes****Summary of Recommendation:**

Refuse for the reasons stated below:-

**Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and sufficient health and safety reasons do not exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	23rd March 2017
<b>Date First Advertised</b>	6th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 101 Bancran Road,Glengomma,Draperstown,Londonderry,BT45 7DA, The Owner/Occupier, 103 Bancran Road,Glengomma,Draperstown,Londonderry,BT45 7DA, The Owner/Occupier, 105 Bancran Road Glengomma Draperstown The Owner/Occupier, 107 Bancran Road Glengomma Draperstown	
<b>Date of Last Neighbour Notification</b>	31st March 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0422/O Proposal: Proposed site of dwelling and domestic garage for residential purposes Address: 150m North West of 107 Bancran Road, Draperstown, Decision: Decision Date:  Ref ID: H/1993/0262 Proposal: 11 KV O/H LINE (BM1903'92) Address: BANCRAAN ROAD DRAPERSTOWN Decision: Decision Date:  Ref ID: H/2010/0121/F Proposal: Dwelling and garage on farm for residential purposes Address: 100m South West of 105 Bancran Road, Draperstown Decision: Decision Date: 18.05.2010  Ref ID: H/2006/0324/O Proposal: Site of proposed traditional rural farm dwelling and Garage Address: Site approx 180M South of No.105 Bancran Road, Glengomma, Draperstown Decision:	



<p>Decision Date: 08.01.2008</p> <p>Ref ID: H/2009/0693/F</p> <p>Proposal: Proposed new dwelling and garage on a farm</p> <p>Address: 100m South West of 105 Bancran Road, Draperstown(amended P1 form)</p> <p>Decision:</p> <p>Decision Date: 12.03.2010</p> <p>Ref ID: H/2013/0429/F</p> <p>Proposal: Proposed change of house type from that previously approved under H/2010/0121/F</p> <p>Address: 100m SW of no. 105 Bancran Road, Draperstown,</p> <p>Decision: PG</p> <p>Decision Date: 03.04.2014</p>
<p><b>Summary of Consultee Responses</b></p> <p>All consultees responded positively</p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 02</p> <p>Type: Miscellaneous</p> <p>Status: Submitted</p> <p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0450/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed off-site replacement dwelling with 8m ridge height and new garage	<b>Location:</b> 120m North West of 47 Bancran Road Draperstown
<b>Referral Route:</b>  This application is being presented to Committee as two objections have been received in respect of the proposal.	
<b>Recommendation:</b>	<b>Approve</b>
<b>Applicant Name and Address:</b> Paul and Katrina Heron 20 Glengomna Road Draperstown BT45 7JQ	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh BT51 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

**Representations**

Two identical representations have been received in respect of this application from two neighbouring dwellings and refer to the following:-

- The existing building does not exhibit all the characteristics of a dwelling which has had extensive restoration works carried out;
- The proposed dwelling will have a visual impact significantly greater than the existing building;
- The number of dwellings currently existing around the area already mars the distinction between a settlement and an urban sprawl;
- The necessary modifications to the existing laneway will have a significant impact on the river corridor that interacts with proposed lanes.

**Description of Proposal**

The proposal is for the off-site replacement of a small single storey detached dwelling which currently sits on a roadside site. The proposed dwelling is to have an 8.0m ridge height with the retention of the existing building for ancillary enjoyment. The existing site has no front boundary and is on a wedged shaped site with a mature rear boundary hedge and a farm laneway extending along the southern side of the existing building which measures approximately 6m x 4m with the front wall recently having been largely rebuilt. This is evident by the new mortar jointing between the stonework and the new timberhead over the door opening. There is one additional window opening in the front façade, with two additional windows in the rear wall, an internal chimney breast on the gable nearest the laneway and asbestos sheeting on the roof. There is evidence of a previous lean-to on the northern gable of the existing building, but this has been demolished. The land to the rear of the site sits approximately 1m higher than the ground level of the existing building on which a previous approval has also been granted for a dwelling. This restricts the potential for any amenity space around the existing building. The proposed site is set back 110m to the west of the existing building and is on a site which is elevated above the road level but due to the mature boundary hedgerows along the southern and northern boundaries in conjunction with the intervening hedgerows between the site and the public road, there are no critical views of the site. There is a small copse of mature conifer trees to the southern boundary with a small water course running through the copse.

**Characteristics of the site and area**

The area is rural and characterised by farm dwellings and buildings set both along the road frontage and also set back off the road.

The site is currently occupied by a small single storey detached building which is set on a road frontage site with no roadside boundary.

**Relevant planning history**

There is no planning history on this site.

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

The site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 – sustainable development in the countryside Policy CTY 3 – Replacement Dwellings States the planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. This includes buildings previously used as dwellings.

The existing structure on site has all four external walls intact and also has a roof and the remnants of a chimney and chimney breast. The building which is currently vacant has had extensive restoration works recently completed as a large section of the front wall has been rebuilt. This is evident from the fresh nature of the stonework along the front façade which includes a new timber lintel over the front door. However, setting this issue aside, the building does have the characteristics of a building which was formerly used as a dwelling at some point in its past as there is an internal chimney breast on the gable wall which still projects through the roof. The building still retains some of the features associated with a dwelling such as door and window openings in addition to the chimney/fireplace. All four external walls are fully intact and the roof is still in place.

The existing building is not considered to be a vernacular design.

In addition, this policy states that proposals for a replacement dwelling will only be permitted where all of the following criteria are met:-

- the replacement dwelling is sited within the established curtilage of the existing dwelling unless it is too restrictive to accommodate a modest size dwelling or that there are clear landscape, heritage, access or amenity benefits;

As the existing site is considered to be too restrictive to allow for the provision of adequate private amenity space, car parking and ancillary space, the site cannot accommodate a dwelling designed to modern day standards. Therefore the principle of an off-site replacement dwelling is acceptable.

- The overall size of the dwelling should allow it to integrate and have no greater a visual impact than the existing building;

The proposed is for a dwelling with an 8.0m ridge height. Given the mature boundary vegetation which exists at the site and within the immediate surrounding area, such a dwelling can be accommodated even though it will be significantly larger than the existing building to be replaced. Furthermore, given that the proposed dwelling will be sited further away from the public road and there are no critical views of the site from the public road system, the proposed dwelling will not have any greater visual impact than the existing building. The site can accommodate a dwelling of the scale proposed.

- The design should be of high quality and be appropriate for its setting with regard to local distinctiveness;

As this is an outline application, details of the design apart from the proposed ridge height have not been submitted and are not required at this time. However, the design can be conditioned and will be further considered at the reserved matters stage.

- All services can be provided without adverse impact on the environment or character of the locality;

The provision of services will not have any adverse impact on the environment or character of the locality.

- Access will not prejudice safety and convenience of traffic.

An existing farm access laneway is to be used. Transport NI have advised that the access arrangements are acceptable. The proposal will have no adverse effect on traffic.

### CTY 13 – Integration and Design of Buildings in the Countryside

This is an outline application for a replacement dwelling located off-site. The site is set back 110m from the public road and is accessed via an existing farm laneway. The existing boundary hedgerows are defined by mature trees and bushes with the result that a dwelling with an 8.0m high ridge height would be able to achieve an acceptable degree of integration. Such a dwelling's integration potential would be aided by the continuously rising ground to the north west which provides a good back cloth. The dwelling as proposed will benefit from the fact that there are no critical views from the public road system. In this instance a dwelling with a ridge height of 8.0m

above finished floor level, with a maximum under-build of 0.45m, could be satisfactorily integrated into the surrounding landscape.

#### CTY 14 – Rural Character

A dwelling on the application site would not result in a change of character of the surrounding area given that it is not only a replacement dwelling and the existing can be conditioned to be demolished, but there are no critical views of the site, so the proposed dwelling will not contribute to an erosion of rural character.

#### PPS 3 – Access, movement and parking

Transport NI were consulted and advised that they have no objection to the proposal subject to the provision of conditions.

#### Other policy and material considerations

The first two issues raised by the two objections received in relation to this proposal have already been considered above. The third issue in relation to the marring of the distinction between a settlement and the surrounding countryside, or result in urban sprawl, is not relevant in this case as there is no settlement at this location. Whilst it is acknowledged that there are a number of dwellings in the immediate area, the relevant policy for considering build up in a rural area is PPS 21 - Policy CTY 14.

The final point raised in the objections refers to the impact that widening the existing farm lane will have on the river corridor. While it is acknowledged that there is a stream extending alongside the existing laneway this is not an unusual situation and in itself would not be a reason for refusing the application. Any works required to upgrade the existing laneway would be expected to take account of the existing watercourse and not to cause pollution or other environmental damage to such. If any such pollution incident were to occur, it would be policed under separate legislation.

In my opinion, the site can satisfactorily accommodate a dwelling of the scale as proposed. The existing mature vegetation in and around the site in addition to the degree of screening provided by the distance the proposal is set back from the public road, will allow the proposal to achieve an acceptable degree of integration. As the dwelling is a replacement, the proposal will not have any impact on rural character.

In relation to the retention of the existing building for ancillary enjoyment, given that the proposed separation between the existing building and the site is in excess of 110m, in my opinion it is unreasonable to expect the existing building to be retained for any purpose in connection with a new dwelling on the proposed site. To expect the occupier of the new dwelling to walk over 100m to a domestic store or other use would be irrational especially when there is no physical or visual linkage between the two buildings.

#### Recommendations

That planning approval be granted for the proposed development subject to the following conditions :-

**Neighbour Notification Checked**

**Yes**

#### Summary of Recommendation:

Approve subject to the conditions listed below:-

## Conditions

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

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

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

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

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

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the stamped approved drawing no. 01 date stamped 28th March 2017 is demolished, all rubble and foundations have been removed and the site restored in accordance with a scheme to be submitted to the Council and approved in writing

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. The dwelling hereby permitted shall have a ridge height of not greater than 8.0 metres above finished floor level, designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

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

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

Reason: In the interest of visual amenity.

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 Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

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

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

8. The existing natural screenings along the north-eastern and southern boundaries of this site and along the northern boundary of the access laneway shall be retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full

explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

9. The copse of conifer trees within the blue lands to the south of the proposed access point shall be permanently retained and let grow, unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the proposed access works integrate into the countryside and to ensure the maintenance of screening to the site.

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

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

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

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

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

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

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

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

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

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	28th March 2017
<b>Date First Advertised</b>	13th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 45 Bancran Road Doon Draperstown The Owner/Occupier, 46 Bancran Road Doon Draperstown The Owner/Occupier, 47 Bancran Road Doon Draperstown C McCullagh 47, Bancran Road, Draperstown, Londonderry, Northern Ireland, BT45 7DA J McCullagh 47A Bancran Road, Draperstown, Derry, BT45 7DA The Owner/Occupier, 47a Bancran Road, Doon, Draperstown, Londonderry, BT45 7DA The Owner/Occupier, 48 Bancran Road Doon Draperstown	
<b>Date of Last Neighbour Notification</b>	12th April 2017
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0450/O Proposal: Proposed off-site replacement dwelling with 8m ridge height and new garage with the retention of the former dwelling for ancillary enjoyment Address: 120m North West of 47 Bancran Road, Draperstown, Decision: Decision Date:  Ref ID: H/2005/0324/F Proposal: Two storey dwelling & garage for residential purposes Address: Adjacent to 45 Bancran Road, Draperstown Decision: Decision Date: 25.01.2007	
<b>Summary of Consultee Responses</b>  All consultees responded positively	

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



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0475/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> To the rear of 4B Carnaman Road and 2 & 3 Curraghbrock Lane Knockloughrim Magherafelt
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for refusal and one letter of objection has been received :-	
<b>Recommendation:</b>	<b>REFUSE</b>
<b>Applicant Name and Address:</b> H Millar Esq. 96 Mayogall Road Knockcloghrim Magherafelt BT45 8PD	<b>Agent Name and Address:</b> Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Summary of Issues

One representations has been received in relation to this proposal and relates to ribbon development and rural character which have been considered in the report below.

### **Description of proposal**

The proposal is for a site for a dwelling and garage.

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

The site is located in the rural area and is accessed via a proposed laneway which is to be located between two road frontage dwellings. There are four bungalows fronting directly onto the Carnaman Road with a fifth currently under construction at no.4B. There are three additional dwellings located on Curraghbrook Lane which is at the southern end of the line of road frontage dwellings. The access laneway turns along the rear of one dwelling and is sited in the corner of the field, to the rear of four additional dwellings.

The site is currently a rough grazing field and sits approximately 2m higher than the dwelling currently under construction at no. 4B. There are little if any critical views of the site on approach from either direction.

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

The proposal accords with the Magherafelt Area Plan 2010 insofar as it is for a dwelling in the rural countryside outside of any designated areas.

The applicant has submitted a supporting statement and has requested that the proposed development be assessed under policies CTY 2 – Development in dispersed rural communities and CTY 2A – New dwellings in existing clusters.

Policy CTY 2 provides for developments of small cluster or ‘clahan’ style developments of up to 6 houses at an identified focal point, within a dispersed rural community designated in a development plan. The proposed site is not within a dispersed rural community as defined in the Magherafelt Area Plan 2015. Therefore, this policy is not relevant to this proposal.

PPS 21 – Policy CTY2A states that planning approval will be granted for a dwelling at an existing cluster provided that the proposal satisfies all of the stated criteria :-

- The cluster lies outside of a farm holding which has more than four buildings of which at least three are dwellings;

The site is located to the rear of a number of dwellings fronting onto both Carnaman Road and Curraghbrook Lane. At present there are 7 dwellings with an additional 2 under construction. All of these dwellings lie outside of a farm;

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

the dwellings at this location appear as a visual entity when viewed on approach from either direction;

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

the existing dwellings are not associated with any focal point such as a community building/facility and it is not located at or close to a cross-roads. The dwellings comprising the visual entity are located at least 150m from a ‘T’ junction which does not fulfil the requirements of this criteria;

- The site has two dwellings to the south eastern side (fronting onto Curraghbrook Lane) with a third dwelling under construction, with one dwelling to the south west and a second dwelling under construction. Therefore the site provides a suitable degree of enclosure;
- the proposed development can be absorbed into the cluster by rounding off and consolidation as it will have development on two sides ie. no's. 4B and 4C Carnaman Road and no's. 2, 3 and 4 Curraghbrook Lane. Therefore the proposed development will not significantly alter its existing character or visually intrude into the open countryside;
- the proposed dwelling has the potential to adversely impact on residential amenity as it sits directly to the rear of a number of dwellings and given the existing site levels, any dwelling will sit substantially higher than the dwelling currently under construction at no. 4B, thereby resulting in an issue of overlooking and potentially intervisibility.

Consequently the site fails to satisfy all the criteria of this policy and therefore is unacceptable.

Policy CTY 13 – Integration and Design of Buildings in the Countryside is also relevant as the proposal is for a new dwelling in the countryside. The proposal is not considered to be a prominent feature as it sits to the rear of the existing dwellings on Carnaman Road and Curraghbrook Lane. Although it lacks long established natural boundaries it is nestled to the rear of the existing dwellings which will provide a means of enclosure when viewed from the public road. Consequently the proposed dwelling will not rely on proposed landscaping to achieve an acceptable degree of integration. As the ancillary works amount to the provision of the access laneway, which is positioned between two existing dwellings, this does not create an unacceptable issue. As this is an outline application, a dwelling could be conditioned to be of an acceptable design to suit its surroundings and therefore achieve an acceptable relationship with the landform, existing buildings, topography etc.

Policy CTY 14 – advises that the proposal will be granted approval provided it does not cause a detrimental change to or further erode rural character. The proposed dwelling will not be prominent due to being sited to the rear of the existing dwellings. There will be limited views of the site from the public road system from where the proposed dwelling will be set to the rear of the existing built form. The proposal will not result in a suburban style build-up and does not create ribbon development, nor will the ancillary works damage rural character.

PPS 3 – Access, Movement and Parking – Transportni advised that in terms of the proposed access the proposal is acceptable subject to the relevant condition.

The applicant has submitted a statement in support of the proposed development. In this statement they ask for the application to be assessed under policies CTY2 and CTY2A. This has been discussed above. The applicant also alleges that 'the Planning Departments previous approvals have created the cluster, some as recent as 2015....' However, no's. 4 and 4A Carnaman Road were approved in 2003 and 2002 respectively, while no's 4 and 5 Curraghbrook Lane were approved in 2004 and 2003 respectively. No's 4B and 4C Carnaman Road and 1, 2 & 3 Curraghbrook Lane were approved as infill dwellings. The dwelling to the rear of the engineering works, also referred to by the applicant, was originally approved on 28.06.2005. None of these dwellings were approved under policy CTY2A. Therefore this application is assessed under a different context to the aforementioned approvals and in doing so is found to be contrary to policy and should be refused for the following reason;

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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#### **Summary of Recommendation:**

Refuse for the reason stated below:

**Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or is not located at a cross-roads and the dwelling would if permitted adversely impact on residential amenity.

**Signature(s)****Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	3rd April 2017
<b>Date First Advertised</b>	20th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Carnaman Road Dreenan Knockcloghrim The Owner/Occupier, 12 Carnaman Road Dreenan Knockcloghrim The Owner/Occupier, 2 Curragh Broc Lane,Dreenan,Knockcloghrim,Londonderry,BT45 8SB, The Owner/Occupier, 3 Carnaman Lane, Carnaman Road,Dreenan,Knockcloghrim,Magherafelt,Londonderry,BT45 8PN, The Owner/Occupier, 3 Carnaman Road Dreenan Knockcloghrim The Owner/Occupier, 4 Carnaman Road,Dreenan,Knockcloghrim,Magherafelt,Londonderry,BT45 8PN, The Owner/Occupier, 4 Curragh Broc Lane,Dreenan,Knockcloghrim,Londonderry,BT45 8SB, The Owner/Occupier, 4A Carnaman Road,Dreenan,Knockcloghrim,Magherafelt,Londonderry,BT45 8PN, The Owner/Occupier, 4B Carnaman Road,Dreenan,MAGHERAFELT,Co. Londonderry,BT45 8PN The Owner/Occupier, 4C Carnaman Road Dreenan MAGHERAFELT The Owner/Occupier, 5 Carnaman Lane, Carnaman Road,Dreenan,Knockcloghrim,Magherafelt,Londonderry,BT45 8PN, The Owner/Occupier, 6 Carnaman Road,Dreenan,Gulladuff,MAGHERAFELT,Co. Londonderry,BT45 8PN The Owner/Occupier, 7 Carnaman Lane, Carnaman Road,Dreenan,Knockcloghrim,Magherafelt,Londonderry,BT45 8PN, The Owner/Occupier, 8 Carnaman Road Dreenan Knockcloghrim	
<b>Date of Last Neighbour Notification</b>	19th April 2017
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No



## Planning History

Ref ID: LA09/2017/0475/O

Proposal: Dwelling and garage

Address: To the rear of 10 Carnaman Road / 3 and 5 Curraghbrook Lane,  
Knockcloghrim, Magherafelt,

Decision:

Decision Date:

Ref ID: H/2005/1090/O

Proposal: Site of Dwelling and Garage

Address: Site 130m north of 6 Carnaman Road, Gulladuff

Decision:

Decision Date: 12.10.2007

Ref ID: H/2004/1176/O

Proposal: Site Of Dwelling & Garage

Address: 300 Metres South East Of Mayogall Road & Carnaman Road Junction  
, Gulladuff

Decision:

Decision Date: 08.12.2005

Ref ID: H/2006/0154/RM

Proposal: Proposed Dwelling and Garage

Address: 300m SE of Mayogall Road and Caraman Road Juction, Gulladuff

Decision:

Decision Date: 08.08.2006

Ref ID: H/2011/0367/F

Proposal: 3 No Dwellings and domestic garage

Address: Sites nos 1, 2 and 3 Curragh Broc Lane Knockloughrim Magherafelt BT45  
8PN,

Decision:

Decision Date: 30.01.2012

Ref ID: H/2009/0188/O

Proposal: Proposed bungalow and domestic garage.

Address: Adjacent to 4 Carnaman Road, Knockloughrim, Magherafelt.

Decision:

Decision Date: 01.11.2010

Ref ID: H/2013/0191/RM

Proposal: Proposed bungalow with rooms in the roof space and domestic garage

Address: 60m NW of 4 Carnaman Road, Gulladuff, Magherafelt,

Decision: PG

Decision Date: 05.08.2013

Ref ID: H/2004/0231/O

Proposal: Site of new dwelling and garage.

Address: Opposite 3 Carnaman Road, Knockloughrim, Magherafelt.

Decision:

Decision Date: 11.11.2005

Ref ID: H/2011/0178/F

Proposal: Proposed bungalow with rooms in the roof space and domestic double garage  
Address: 35 Metres North West of 4 Carnaman Road, Knockloughrim, Magherafelt, BT45 8PN,

Decision:

Decision Date: 29.07.2011

Ref ID: H/2003/0638/O

Proposal: Site of dwelling and garage.

Address: Opposite No.3 Carnaman Road, Knockloughrim.

Decision:

Decision Date: 20.02.2004

Ref ID: H/2007/0443/F

Proposal: 1 no dwelling

Address: Opposite no. 3 Carnaman Road, Knockloughrim

Decision:

Decision Date: 16.07.2007

Ref ID: H/2011/0189/O

Proposal: Proposed bungalow with rooms in the roofspace and domestic garage

Address: 60 m North West of 4 Carnaman Road, Knockloughrim, Magherafelt, BT45 8PN,

Decision:

Decision Date: 29.07.2011

Ref ID: H/1991/0612

Proposal: SITE OF BUNGALOW

Address: CARNAMAN ROAD DREENAN MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2015/0038/F

Proposal: Proposed bungalow with domestic double garage with attic store (change of house type from that approved under planning ref. H/2013/0191/RM)

Address: 60m North West of 4 Carnaman Road, Knockloughrim, Magherafelt, BT45 8PN,

Decision: PG

Decision Date: 12.05.2015

### **Summary of Consultee Responses**

All consultees responded positively.

<b>Drawing Numbers and Title</b>
Drawing No. 01/1 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0498/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to existing domestic garage to provide a new commercial machinery store	<b>Location:</b> 100m N.E. of 29 Fegarran Road Cookstown
<b>Referral Route:</b> Refusal recommended – Contrary To PPS21 & PPS 4	
<b>Recommendation:Refusal</b>	
<b>Applicant Name and Address:</b> Granville Carson 29 Fegarran Road Cookstown	<b>Agent Name and Address:</b> J Lamont 82 Windsor Crescent Cookstown BT80 8EZ
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	1
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

Proposal contrary to PPS21 & PPS 4

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

The proposal site is located on Feegarron Road, Cookstown to the rear of No. 29. There is currently a small shed to the rear of the proposed within a concrete yard, this is accessed via an existing laneway east of No. 29 Feegarron Road while the dwelling No 29 is accessed via a separate entrance NW of the shed access. The site is elevated above the level of the road and is flanked to the rear and sides by agricultural land. There are no immediate neighbours. The proposed third access is to be taken along the edge of the neighbouring agricultural field and the curtilage of the existing shed and yard to be extended into the neighbouring agricultural field.

### **Description of Proposal**

Full application for 'Extension to existing domestic garage to provide a new commercial machinery store'.

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

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3- Access, Movement and Parking

Planning Policy Statement 4 - Planning and Economic Development

PED 2 - Economic development in the countryside

PED 6 - Small rural projects

PED 9 - General Criteria for Economic development

Consultees: - Transportni were asked to comment and responded on 16.05.2017 with no objections subject to conditions.

Environmental Health were asked to comment and responded on 30.06.2017 with no objections subject to advice.

NI Water were asked to comment and responded on 02.05.2017 with no objections subject to advice.

Neighbours: - Owners/Occupiers of Nos. 27 \_ 27a Feegarron Road were notified of this proposal on 28.04.2017 - no representations have been received to date.

In line with legislation this proposal was advertised in the local press during April 2017, no objections/representations have been received to date.

In line with PPS4 proposals for economic development in the countryside will only be permitted in exceptional circumstances. Having considered the information submitted it is not my opinion that this particular case has been demonstrated to be an exceptional circumstance.

According to PED 6 a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where it is demonstrated that ALL of the following criteria are met:  
a) there is no suitable site within the settlement; - no explanation has been given as to why this site has been chosen over one that is sited within a settlement.

b) the proposal would benefit the local economy or contribute to community regeneration; - no evidence has been given as to the benefit from this proposal to the local community, however a letter of support has been submitted from Cllr Mark Glasgow dated 17th July 2017 whereby he states that there is no available site within a nearby settlement and supports the size of the proposed shed. In addition he states that the proposal would benefit the local economy and/or contribute to community regeneration as the applicant has and continues to employ local school leavers. Cllr Glasgow also states that the proposal would not cause urban sprawl and the proposed building is in keeping with its surroundings without being overly dominant.

c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

Having considered the supporting statement and the proposal it would be my professional opinion that no justifiable explanation has been given as to why this particular proposed store could not be relocated to a nearby settlement and as such fails to meet this criteria.

In addition it has not been demonstrated how this proposed store would benefit the local economy or contribute to community regeneration as to allow an exception and as such the proposal also fails on this criteria.

Finally with regards point c this proposal is not clearly associated with the settlement and as the criteria for PED 6 states that ALL points a, b \_ c should be adhered the proposal fails to comply with PED 6 and I would advise the committee to issue a refusal.

In addition according to PED 9 a proposal for economic development use, in addition to the other policy provisions will be required to meet ALL of the following criteria:

a) it is compatible with surrounding land uses; - the size of the building and design is in keeping with the rural location however the proposed storage use is not one that is acceptable in this rural location.

b) it does not harm the amenities of nearby residents; - there are no immediate neighbours to the proposal site and no objections have been received following neighbour notification or advertisement.

c) it does not adversely affect features of the natural or built heritage; - there are noneighbouring natural or built heritage sites which could be potentially affected by the approval of this proposal.

d) it is not located in an area of flood risk and will not cause or exacerbate flooding; - following a GIS database search no flood risk has been identified.

e) it does not create a noise nuisance; - as the proposed building would only be used for the storage of machinery it is unlikely that there would be any noise nuisance caused.

f) it is capable of dealing satisfactorily with any emission or effluent; - as the proposed building would only be used for the storage of machinery it is unlikely that there would be any noise nuisance caused.

g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; - Transportni were asked to comment and responded on 16.05.2017 with no objections to the proposal subject to conditions.

h) adequate access arrangements, parking and manoeuvring areas are provided; Transportni were asked to comment and responded on 16.05.2017 with no objections to the proposal subject to conditions.

i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; - this point has not be addressed in the submitted material.

j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; - all existing trees and hedgerows within the site and on the boundary are shown to be permanently retained intact, with no lopping, felling or removal without prior approval from the Planning Authority.

k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; - no outside storage has been indicated, all existing trees and hedgerows within the site and on the boundary are shown to be permanently retained intact, with no lopping, felling or removal without prior approval from the Planning Authority.

l) is designed to deter crime and promote personal safety; and - no evidence of this has been shown in the submitted material.

m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. - the proposed building although larger than the existing shed on site does have the design and finishes of an agricultural building. The site is elevated above the road level and the proposed shed would appear dominant behind the dwelling however I do not feel to an unacceptable level. The proposal does also propose an additional access point, currently there are two access points into the dwelling and existing shed and yard and these are not shown to be closed off but rather for there to be 3 access points, this in itself I would suggest is not appropriate in this rural location. Upon inspection on site on 06.09.2017 it was evident that the third proposed access has already been implemented.

In addition to the aforementioned policies 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. Under PPS21 it states that planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposal in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with policy CTY 4;
- tourism development in accordance with PPS 4;
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS8;
- renewable energy projects in accordance with PPS18;
- a necessary community facility to serve the local rural population.

This particular proposal fails to meet any of these requirements and so fails to meet CTY 1 of PPS21.

A new building proposed in the countryside also needs to be accessed under CTY 13 - Integration and Design of Buildings in the countryside. This policy 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.



A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or - the proposal site is elevated above the road level of Feegarran Road and sited to the rear of a single storey detached dwelling however I do not feel the proposed building would be unduly prominent.
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or - the site is surrounded by agricultural land, the site is bounded by existing vegetation.
- c) it relies primarily on the use of new landscaping for integration; or
- d) ancillary works do not integrate with their surroundings; or - a new additional access has been proposed this is carved out of the neighbouring agricultural field and the proposed building is to extend out of the existing curtilage into the field.
- e) the design of the building is inappropriate for the site and its locality; or - the design of the building is agricultural in design.
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or - the proposal site is elevated above the road level however would have an agricultural appearance in the rural landscape.
- g) in the case of a proposed dwelling on a farm (see Policy CTY 10) - no evidence has been submitted with regards a farming activity on the site.

Finally the proposal needs to be considered against the criteria of CTY 14 - Rural Character whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be considered unacceptable where:

- a) it is unduly prominent in the landscape - it is my consideration that the proposed building will not be unduly prominent in this rural landscape.
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or - this proposal would not cause a build-up of development
- c) it does not respect the traditional pattern of settlement exhibited in that area; or - the proposal would adhere to this criteria
- d) it creates or adds to a ribbon of development; or - ribbon development would not be created should an approval be granted.
- e) the impact of ancillary works( with the exception of necessary visibility splays) would damage rural character. - the proposed new additional access would have an unacceptable access in the rural landscape.

Having considered all of the above I feel the committee should consider this proposal as a refusal as it is contrary to PPS4 - PED 2, PED 6 \_ PED 9 and contrary to PPS21 - CTY 13 \_ 14

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal recommended

**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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to the Department's Planning Policy Statement 4, PED 2, in that the proposal does not represent any of the exceptions to economic development in the countryside and it has not been demonstrated that no suitable site exists within a settlement, nor has it been demonstrated how the proposal would benefit the local economy or contribute to community regeneration or how the proposed development is clearly associated with the settlement.
4. The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development Policy PED 9 in that the proposal would not be compatible with surrounding land uses and the proposed additional access would be detrimental to the visual amenity of the area.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	6th April 2017
<b>Date First Advertised</b>	20th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 27 Feegarron Road Unagh Cookstown The Owner/Occupier, 27a Feegarron Road, Cookstown Mark Glasgow Email	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0498/F Proposal: Extension to existing domestic garage to provide a new commercial machinery store Address: 100m N.E.of 29 Fegarran Road, Cookstown, Decision: Decision Date:  Ref ID: I/2003/0770/F Proposal: Proposed shed & New access Address: Rear of 29 Feegarron Road Cookstown Decision: Decision Date: 15.11.2003  Ref ID: I/2003/0488/F Proposal: Proposed detached garage Address: Rear of 29 Feegarron Road, Cookstown Decision: Decision Date: 12.09.2003  Ref ID: I/1979/0557 Proposal: RETIREMENT FARM DWELLING HOUSE Address: FEGARRON ROAD, UNAGH, COOKSTOWN	

<p>Decision: Decision Date:</p> <p>Ref ID: I/1979/055701 Proposal: PROPOSED RETIREMENT FARM DWELLING Address: FEGARRON ROAD, UNAGH, COOKSTOWN Decision: Decision Date:</p> <p>Ref ID: I/2003/0226/F Proposal: Proposed detached garage Address: Rear of 29 Feegarron Road, Cookstown Decision: Decision Date: 09.06.2003</p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 05 Type: Existing Elevations Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Elevations Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Floor Plans Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department: Response of Department:</p>

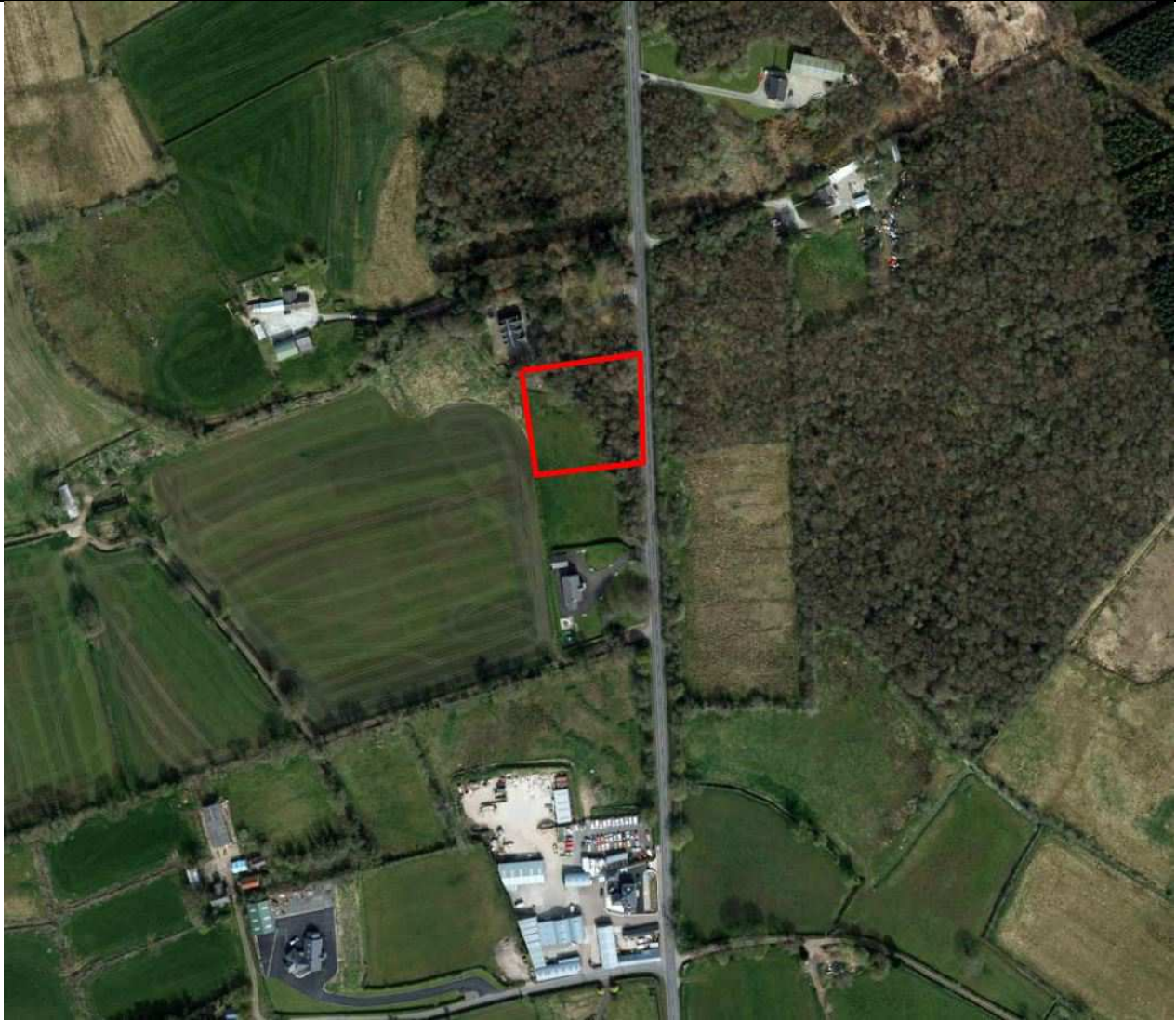


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0538/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 Storey Dwelling and domestic garage	<b>Location:</b> 65m south of 61 Deerpark Road Leitrim Castledawson Magherafelt
<b>Referral Route:</b> Refusal recommended – contrary to CTY 1, CTY 8 & CTY 14 of PPS21	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Norman Leslie 100 Oldtown Road Castledawson Magherafelt	<b>Agent Name and Address:</b> T J Fullerton 12 Rainey Court Magherafelt BT45 5BX
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	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 proposal site is located on the roadside of Deerpark Road, Bellaghy. The site is one of two proposed out of a large agricultural field. Located on the southern boundary is a detached 2 storey dwelling and detached garage, while on the northern boundary is a detached 2 storey dwelling. The roadside boundary of the proposed site consists of mature hedging and trees which currently shields the proposal sites from view when travelling along the public road. To the rear of the site is further agricultural land.

## Description of Proposal

Outline application for 'proposed 2 storey dwelling and domestic garage'.

## Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General principles

Planning Policy Statement 21 - Sustainable development in the countryside.

Neighbours: - Owners/occupiers of Nos. 58, 59, 61 \_ 63 Deerpark Road were notified of this proposal on 04.05.2017, no representations have been received to date.

In line with legislation this proposal was advertised in the local press during May 2017, no objection have been received to date.

Consultees: - Transportni were asked to comment on the proposal and responded on 24.05.2017 with no objections subject to conditions.

NI Water were asked to comment and responded on 04.05.2017 with no objections subject to advice.

Environmental Health were asked to comment and responded on 10.05.2017 with no objections subject to advice.

It is important to mention that there is a current application (LA09/2016/1371/O) immediately adjacent to this current application also for an infill dwelling and garage and for the same applicant. For the purposes of this report I will refer to LA09/2016/1371/O as site 1 and LA09/2017/0538/O as site 2.

In line with policy, planning permission will be granted for 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. One of these such types is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS21.

On occasion the development of a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage can be considered as an exception.

The proposal site is located within a large agricultural roadside field, this current proposal site is approx. 60metres in width while the adjacent infill proposal site is approx. 50metres in width. In comparison the existing dwelling located south of site 1 has a frontage of approx. 50metres and the dwelling north of site 2 has a frontage of approx. 60metres. The existing dwelling south of

site 2 is a detached 2 storey property with a detached garage adjacent, both these buildings are visible when viewed from the Deerpark Road and this property has a frontage directly to the roadside consisting of a formal garden. The existing dwelling located immediately north of site 2 is a detached 2 storey dwelling which is set back approx. 60metres from the Deerpark Road.

This property has a large front garden and winding access but is not clearly visible when viewed from the roadside due to existing planting and vegetation rather it's only the entrance gates and access point of the property that makes you aware that a dwelling exists on the site.

The front boundary of both sites 1 and 2 consists of mature dense vegetation and trees, the boundary between site 1 and the neighbouring property consists of a modest hedge and the boundary on the northern side of site 2 consists of mature trees and hedging, this results in there being no visual linkage between the existing buildings thus failing to meet the criteria of 'an otherwise substantial and continuously built up frontage' under CTY 8 of PPS21. The land that makes up proposal sites 1 and 2 provides an important visual relief and maintains the rural character of the area.

In addition to the requirement of compliance with the above mentioned policy it is also necessary for this proposal to be assessed against the requirements of CTY 13 of PPS21 - Integration and design of buildings in the countryside. Under this part of the policy 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.

Should an approval be granted on the proposal site it would not be a prominent feature in the landscape, however I would have concerns that the strong roadside boundary would be removed or reduced and would reduce the level of enclosure and/or integration. As this is an outline proposal the design has not been proposed however it has been stated in the description that a 2 storey dwelling is requested, due to the adjacent house types I feel this would be acceptable should an approval be granted. Having considered these points it is my consideration that the proposal would meet the requirements of CTY 13.

Finally this proposal should be assessed against the requirements of CTY 14 - Rural Character. According to this planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area; a new building will be unacceptable when it is unduly prominent in the landscape, or it results in a suburban style build-up of development when viewed with existing and approved buildings. In the case of this proposal it is my consideration that an approval on this site would result in a suburban style build-up of development when viewed with existing and approved buildings. Should an approval be granted a ribbon of development would be created and the traditional pattern of development would not be respected. As such the proposal fails to meet policy CTY 14 of PPS21.

Recommendation: Refusal

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal recommended – contrary to CTY 1, CTY 8 & CTY 14



**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 proposal would, if permitted, result in the (creation/addition) of ribbon development along Deerpark Road (footpath or private lane).
3. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would be a prominent feature in the landscape with the removal of existing trees that provide an important visual break and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th April 2017
<b>Date First Advertised</b>	5th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 58 Deerpark Road Leitrim Bellaghy The Owner/Occupier, 59 Deerpark Road Ballydermot Bellaghy The Owner/Occupier, 61 Deerpark Road Leitrim Bellaghy The Owner/Occupier, 63 Deerpark Road Leitrim Bellaghy	
<b>Date of Last Neighbour Notification</b>	4th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1371/O Proposal: Infill site to be considered under Policy PPS21 (CTY08) Address: Adjacent to and North of 61 Deerpark Road, Bellaghy, Decision: Decision Date:  Ref ID: LA09/2017/0538/O Proposal: Proposed 2 Storey Dwelling and domestic garage Address: 65m south of 61 Deerpark Road, Leitrim, Castledawson, Magherafelt, Decision: Decision Date:  Ref ID: H/2004/0261/O Proposal: Site of dwelling. Address: 80m South East of 59 Deerpark Road, Bellaghy. Decision: Decision Date: 11.11.2005  Ref ID: H/2003/0067/F Proposal: House And Garage.	

Address: Adjacent to access of 59 Deerpark Road, Bellaghy.

Decision:

Decision Date: 20.05.2004

Ref ID: H/2000/0905/O

Proposal: Site Of Dwelling

Address: Entrance to 59 Deerpark Road, Bellaghy

Decision:

Decision Date: 22.06.2001

Ref ID: H/2002/0746/F

Proposal: Dwelling and Garage

Address: 250 Metres South East Of 59 Deerpark Road, Bellaghy

Decision:

Decision Date: 29.10.2002

Ref ID: H/1993/6054

Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT

Address: NEAR BELLAGHY

Decision:

Decision Date:

### Summary of Consultee Responses

Transportni were asked to comment on the proposal and responded on 24.05.2017 with no objections subject to conditions.

NI Water were asked to comment and responded on 04.05.2017 with no objections subject to advice.

Environmental Health were asked to comment and responded on 10.05.2017 with no objections subject to advice.

### Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

### Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0564/O	<b>Target Date:</b>
<b>Proposal:</b> Replacement dwelling and garage	<b>Location:</b> Lands at 110m South West of 43 Lisnastane Road Lisnastane Coalisland
<b>Referral Route:</b> Objection received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Charles Devlin 6 Parknascull Coalisland	<b>Agent Name and Address:</b> Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice

#### Representations:

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

## Summary of Issues

One representation received. Issue was sight lines within their ownership. However, the applicant does not propose any new sightlines and TNI have stated that although the access is substandard, as this is for a replacement dwelling they can only suggest that the applicant improves the access. Discussed and agreed at group.

## Characteristics of the Site and Area

The site comprises the northern portion of a larger agricultural field. It is located approx 110 metres south west of number 43 Lisnastrane road, Coalisland. The site falls gently to the south, with the southern boundary undefined on the ground. The remaining boundaries are all defined by tall mature trees which give the site a high level of enclosure. The site is accessed via a long narrow laneway off the Lisnastrane Road. The building for replacement is in a poor state with trees and shrubs over growing the walls. The building was a stone structure with a tin roof, however, there has been considerable patch work done to it over the years with fresh blockwork and even brickwork evident. At the time of site visit it wasn't possible to enter the building however, via the window openings it was clear the place has been used as a store. Some of the external openings have been closed up and there was a number of cattle pens along the rear of the building.

The site lies within the open countryside outside of any settlement limits as defined by the Dungannon Area Plan 2010. It is located a short distance to the South West of Coalisland. The area is predominantly rural with agricultural fields surrounding the site on all sides. There area a scattering of dwellings and farm holdings located along the roadside as is the case along this particular laneway

## Description of Proposal

The proposal seeks planning permission for a replacement dwelling and garage.

## Planning Assessment of Policy and Other Material Considerations

PPS 1 General Principles  
 PPS 3 Access, Movement and Parking  
 PPS 21- Sustainable Development in the Countryside  
 Building on tradition: A sustainable design guide for the Northern Ireland countryside  
 Cookstown Area Plan 2010

### History

There are no previous planning applications on the site.

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

- Policy CTY1- Development in the Countryside;
- Policy CTY3- Replacement Dwellings;

- Policy CTY13- Integration and Design of Buildings in the Countryside; and
- Policy CTY14 - Rural Character.

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a replacement dwelling and therefore must be considered against Policy CTY3 of PPS21.

The applicant is applying for a replacement dwelling and therefore Policy CTY 3 of PPS21 is relevant. Policy CTY 3 states that 'Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.' It is considered that the proposal may meet these essential criteria as the building to be replaced does exhibit some of the essential characteristics of a dwelling. The building to be replaced is an old stone building with a tin roof and pathced walls, there is one room inside and the whole building has become over grown with vegetation. It is also clear that there has been some patching up done with a mix of stone, blocks and bricks being used to reconstruct the outer walls.

The applicant has been asked to present any documentation or proof that the building has ever been a dwelling and has submitted some photos and an old OS map. The map does show the building is present but it has not been given a number. Also the photos do not show anything further than my site inspection. There has been a small hole cut in the roof for the chimney, and the remains of a harth wall on the inside gable.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that in this case were the building to be deemed acceptable for replacement a small dwelling could blend in successfully with its immediate and wider surroundings. Furthermore as the site is well back from the roadside, it is considered that the site could absorb a small dwelling. Integration is not a concern.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a small dwelling with a ridge height of less than 6 metres.

Transportni were consulted and have replied stating that the existing access visibility is substandard, in the Northwesterly direction, splays of (2.0m \* 33.0m), would normally be required, however in cases of replacement dwellings using existing accesses, that do not comply with current standards, it may not be defensible to issue recommendations for refusal, unless there are clear intensification arguments.

If it is MUC opinion that the existing dwelling meets other criteria within PPS 21, then the applicant is strongly advised on the grounds of road safety to improve the access, consistent with the standards contained in Development Control Advice Note 15 (DCAN 15).

The application was advertised on 11th May 2017 and Neighbour Notifications were issued on 9th May 2017 however no representations were received in respect to this application.

Approval recommended.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>	
<p>Conditions</p> <p>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:-</p> <p>i. the expiration of 5 years from the date of this permission; or</p> <p>ii.the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>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.</p> <p>Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.</p> <p>3.The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan 01 date stamped 29/08/2017 is demolished, all rubble and foundations have been removed and the site restored in accordance with a scheme to be submitted to the Council and approved in writing.</p> <p>Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.</p> <p>4.The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.</p> <p>Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.</p> <p>5.The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.</p> <p>Reason: In the interest of visual amenity.</p> <p>6.A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.</p> <p>Reason: In the interests of visual amenity.</p> <p><b>Informatives</b></p>	



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

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

3. The Department for Infrastructure, Roads Section has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users; measures should be taken to provide acceptable visibility splays of (2.0m x 33.0m) in both directions.

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

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

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

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

Mid Ulster Council receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this Environmental Health before any detailed plans are prepared.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	25th April 2017
<b>Date First Advertised</b>	11th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 43 Lisnistrane Road Lisnistrane Coalisland The Owner/Occupier, 45 Lisnistrane Road,Lisnistrane,Coalisland,Tyrone,BT71 5DE, The Owner/Occupier, 47 Lisnistrane Road Lisnistrane Coalisland The Owner/Occupier, 55 Lisnistrane Road Lisnistrane Coalisland	
<b>Date of Last Neighbour Notification</b>	9th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0564/O Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnistrane Road, Lisnistrane, Coalisland, Decision: Decision Date:  Ref ID: M/1980/0547 Proposal: REFUSE TIP Address: LISNASTRANE, COALISLAND Decision: Decision Date:  Ref ID: M/2003/1042/O Proposal: Proposed retirement dwelling - living accommodation Address: Adjacent to Crossan House 43 Lisnistrane Road Coalisland Decision: Decision Date: 21.09.2004  Ref ID: M/2004/1501/RM Proposal: Proposed retirement dwelling - living accommodation	

Address: 43 Lisnastaine Road, Crossan House, Lisnastaine, Coalisland Decision: Decision Date: 14.12.2004
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0583/F	<b>Target Date:</b>
<b>Proposal:</b> Single storey dwelling and garage on a farm	<b>Location:</b> Land to west of 17 Ballynahone Road Ballynahone More Maghera
<b>Referral Route: Objection</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Lloyd Porter 2 Tirruadh Road Draperstown Magherafelt	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

Statutory	Transport NI - Enniskillen Office	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> Reduced visibility caused by the new access. Has permission already been granted for new access onto the Ballynahone Road?		
<b>Characteristics of the Site and Area</b> The site is located 1 mile northeast of Tobermore in open countryside in accordance with the Magherafelt Area Plan. The site is located 50m west of No 17 Ballynahone Road and is cut portion of large agricultural field identified as field No 3 on the farm maps submitted with the application. The site setback is 50m from the edge of the public road and access is obtained from a new laneway running alongside an existing paired laneway. The south-eastern and south-western boundaries are defined by hawthorn hedge and there are some mature trees along the south-western boundary.		
<b>Description of Proposal</b> The application seeks full planning permission for a single storey dwelling and garage on the farm The proposed dwelling has a 16.5m frontage with a gable depth of 9.1m and a ridge height of 6.5m above ground level. A small front porch and side projection are also proposed. The chimneys are expressed on the ridge, the wall finishes are dash render and locally sourced basalt stone to front porch and the roof finish is blue/black slates. The proposed garage is 8.5m x 6.5m with a ridge height of 5.4m above ground level.		
<b>Planning Assessment of Policy and Other Material Considerations</b>  Relevant Site History: LA09/2016/0928/O - Single storey dwelling on a farm. Application withdrawn 10th May 2017  Representations: 4 neighbour's notification letters were sent to the occupiers of Nos 15, 17, 19 & 19A Ballynahone Road, Maghera 1 letter of representation has been received from Joanne Duncan who resides at No 15 Ballynahone Road, the property located 40m south west of the south. Ms Duncan raises the following concerns:-  1. The new access will reduce the visibility for traffic when three parallel driveways join the Ballynahone Road. 2. Has permission already been granted for a new a new access from the Ballynahone road into the application site/field?  With regards to the first objection, Transport NI were consulted and have no objections to the proposed access arrangements on to the Ballynahone Road including visibility splays subject to standard conditions and informatives. With regards to the second objection, I have checked the planning portal and I am not aware of permission for a new entrance onto Ballynahone Road at this location, however under The		

Planning (General Permitted Development) Order (Northern Ireland) 2015 - Part 7, Agricultural Building and Operations a landowner can create a new entrance onto the public road without having to obtain planning permission provided it's for agricultural use only.

**Development Plan and Key Policy Consideration:**

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

Magherafelt Area Plan 2010: The site itself is located in the open countryside. There are no other designations on the site.

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

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. I am satisfied the proposal complies with criterion (a)

Under criterion (b) which requires 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. A planning history search reveals no development opportunities have been sold off from the farm holding, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The proposal site is a cut out portion of a large agricultural field identified on the farm map as field No 3. The established grouping is located a short distance south east of the site and consists of a number of agricultural sheds and farm dwelling. I am satisfied the proposal complies with criterion (c) and criterion (g) of CTY13.

**Integration**

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am satisfied the proposed single storey dwelling can visually integrated into the surrounding landscape. The vegetation along the eastern boundary would help to screen the proposed dwelling when travelling west and when travelling in the opposite direction the roadside

vegetation would result in only fleeting views of the new dwelling. The mature vegetation along the rear (southern) boundary would provide a visual backdrop for the new dwelling to integrate into the landscape.

In terms of design the proposed dwelling has become fairly standardised in rural areas and does consist of elements which are considered traditional (i.e. vertically emphasised windows, linear form). The finishes include black/blue slates, roughcast render and natural stone are generally acceptable and will not appear incongruous in the location. The orientation of the proposed dwelling fronts onto the public road which is considered acceptable.

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

With regard to Rural Character, I am satisfied that the proposed dwelling will not cause a detrimental change to the rural character and criteria (a), (b), (c) & (d) of CTY 14 have been met. The application proposes a new laneway onto the Ballynahone Road which will run alongside an existing paired laneways. Three laneways running side-by-side would generally be unacceptable arrangement in the rural area. However the visual impact of the new laneway when read with the existing paired laneway will be minimal due to the existing treeline boundary separating the existing laneways which would help to soften the overall impact of the new laneway. Therefore, I am satisfied the new laneway will not cause a detrimental change to the rural character and criterion (e) of CTY 14 has been met.

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

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. I am also satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on neighbour amenity.

**Neighbour Notification Checked:** Yes

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

##### Conditions

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

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

2. The vehicular access, including visibility splays of 2.4m x 70m in both directions, shall be in place, in accordance with drawing No. 02 which was received on 28th April 2017, prior to the commencement of any other works or other development hereby permitted.

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

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

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

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



except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity.

5. All planting comprised in the approved details of drawing No 02 which was received on 28th April 2017 shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

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

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

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

7. Notwithstanding the provisions of Article 3 and Schedule 1, Part 3 (A) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no gates, walls, gate pillars, fences or other means of enclosure shall be erected or constructed at the access point onto the public road without the prior agreement in writing of the Council.

Reason: To preserve the amenity of 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.

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

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

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

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 which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

8. It is the responsibility of the developer to ensure that

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

**Signature(s) Sean Diamond**

**Date: 20/09/2017**

<b>ANNEX</b>	
<b>Date Valid</b>	28th April 2017
<b>Date First Advertised</b>	11th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Ballynahone Road,Ballynahone Beg,Maghera,Londonderry,BT46 5DL, The Owner/Occupier, 17 Ballynahone Road Ballynahone Beg Maghera The Owner/Occupier, 19 Ballynahone Road Ballynahone Beg Maghera The Owner/Occupier, 19A Ballynahone Road,Ballynahone Beg,Maghera,Londonderry,BT46 5DL, Joanne Duncan Joanne.duncan@boots.com The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0928/O Proposal: Single storey dwelling on a farm Address: Land to West of 17 Ballynahone Road, Ballynahone More, Maghera, Decision: WITHDR Decision Date: 10.05.2017  Ref ID: LA09/2017/0583/F Proposal: Single storey dwelling on a farm Address: Land to west of 17 Ballynahone Road, Ballynahone More, Maghera, Decision: Decision Date:  Ref ID: H/2005/1285/F Proposal: 11kv Supply Address: Opposite 21 Ballynahone Road, Maghera Decision: Decision Date: 11.05.2006  Ref ID: H/2003/0065/F	

Proposal: Dwelling.  
 Address: Approx 100m South West of no.17 Ballynahone Road, Maghera.  
 Decision:  
 Decision Date: 09.05.2003

Ref ID: H/2004/0775/F  
 Proposal: Dwelling & Garage  
 Address: Site Adjacent To 21 Ballinahone Road, Maghera.  
 Decision:  
 Decision Date: 30.01.2006

Ref ID: H/1999/0450  
 Proposal: SITE OF DWELLING ADJACENT TO 17 BALLINAHONE ROAD MAGHERA  
 Address: ADJACENT TO 17 BALLINAHONE ROAD MAGHERA  
 Decision:  
 Decision Date: 18.12.1999

Ref ID: H/2000/0712/RM  
 Proposal: Dwelling and garage  
 Address: Adjacent to No 17 Ballynahone Road, Maghera  
 Decision:  
 Decision Date: 12.12.2000

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Drawing No. 03  
 Type: Proposed Plans  
 Status: Submitted

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

Date of Notification to Department:  
 Response of Department:



## Development Management Officer Report

### Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0673/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed new dwelling and garage	<b>Location:</b> 5m South of 38 Craigmores Road Maghera
<b>Referral Route:</b> Contrary to CTY 10	
<b>Recommendation:</b>	Refusal
Applicant Name and Address: Patrick Mc Williams 50 Five Mile Straight Draperstown Magherafelt	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues:** No Issues

**Characteristics of the Site and Area**

The site is located approximately 0.5 mile north west of Maghera in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located just south of No 38 Craigmores Road, a large equestrian centre, known as the Fort Centre. The proposed site is cut portion of a large agricultural field, identified as field No 11 on the submitted farm map. The site is bound by mature vegetation along the northern, eastern and western boundaries of the site, the remaining boundaries are undefined. A new access is proposed along the northern boundary of the site.

The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature.

**Description of Proposal**

The application seeks outline planning permission for a detached dwelling and garage on the farm

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

No relevant history.

**Representations:**

2 neighbour notification letters were sent to the occupiers of Nos 36 & 38 Craigmores Road, Maghera.

No letter of representation have been received

**Development Plan and Key Policy Consideration:**

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

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

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

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is

currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years, therefore the proposal complies with criterion (a).

Under criterion (b) which requires 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. A planning history search reveals no development opportunities have been sold off, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. There appears to be no group of farm buildings located on this part of the farm holding. The existing group is located at No 50 Five Mile Straight, Draperstown, approximately 6 miles from the proposal site. Criterion (c) refers to exceptional circumstances where 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 subject to there either health and safety reasons or verifiable plans to expand the farm business at the existing group.

I contacted the agent on 2nd of June requesting question 6 on the PIC Form be completed either demonstrating plans to extend the farm business at the existing group or demonstrable health and safety reason as to why a new dwelling cannot be sited beside the existing group at No 50 Five Mile Straight. To date, the information requested has not been submitted, instead, the agent argues that the applicant's son is to inherit this portion of the farm holding and will require a new dwelling. However, in my opinion this is not reason enough to set aside policy and does not amount to compelling or site-specific reasons for siting a new dwelling away from the farm group, therefore the proposal is considered contrary to CTY 10.

#### **Integration**

As the proposal does not constitute an exception to Policy CTY 10 and the proposed building is not visually linked or sited to cluster with an established group of buildings on a farm, it is contrary to criterion (g) of policy CTY 13 of PPS 21. With regards to criteria (a), (b), (c), (d) & (e) of policy CTY 13, I am satisfied that a dwelling with ridge height of 6.5m can be integrated into the surrounding landscape.

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

Given the large extent of mature vegetation along the roadside boundary of the entire field and along the northern boundary, a new dwelling would not readily be visible with the existing buildings to the north or to the west of the site and will not cause a detrimental change rural character of the area.

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

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. I am also satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this will be further considered at RM stage if approval is forthcoming.

#### **Neighbour Notification Checked**

Yes

**Summary of Recommendation:** I recommend refusal on the bases of non-compliance with CTY1, 10 & 13 of PPS 21.

#### **Refusal Reasons**



1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm nor has it been demonstrated that health and safety reasons exist to justify an alternative site or verifiable plans exist to expand the farm business at the existing group of buildings located at No 50 Five Mile Straight.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s) Sean Diamond

Date: 20/09/2017

<b>ANNEX</b>	
<b>Date Valid</b>	16th May 2017
<b>Date First Advertised</b>	1st June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 36 Craigmores Road Craigmores Maghera The Owner/Occupier, 38 Craigmores Road Craigmores Maghera	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b> Ref ID: LA09/2017/0673/O Proposal: Proposed new dwelling and garage Address: 5m South of 38 Craigmores Road, Maghera, Decision: Decision Date:  Ref ID: H/1983/0501 Proposal: FODDER STORAGE Address: CRAIGMORE ROAD, MAGHERA Decision: Decision Date:  Ref ID: H/1979/0347 Proposal: INDOOR RIDING CENTRE Address: CRAIGMORE ROAD, MAGHERA Decision: Decision Date:  Ref ID: H/1974/0191 Proposal: SITE OF BUNGALOW Address: CRAIGMORE ROAD, MAGHERA Decision:	

<p>Decision Date:</p> <p>Ref ID: H/1996/0647</p> <p>Proposal: EXTENSION TO EXISTING ARENA FOR CLUB ROOM AND ANCILLARY ACCOMMODATION</p> <p>Address: CRAIGMORE ROAD MAGHERA</p> <p>Decision:</p> <p>Decision Date:</p>
<p><b>Summary of Consultee Responses</b></p>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 01</p> <p>Type: Farm Boundary Map</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>

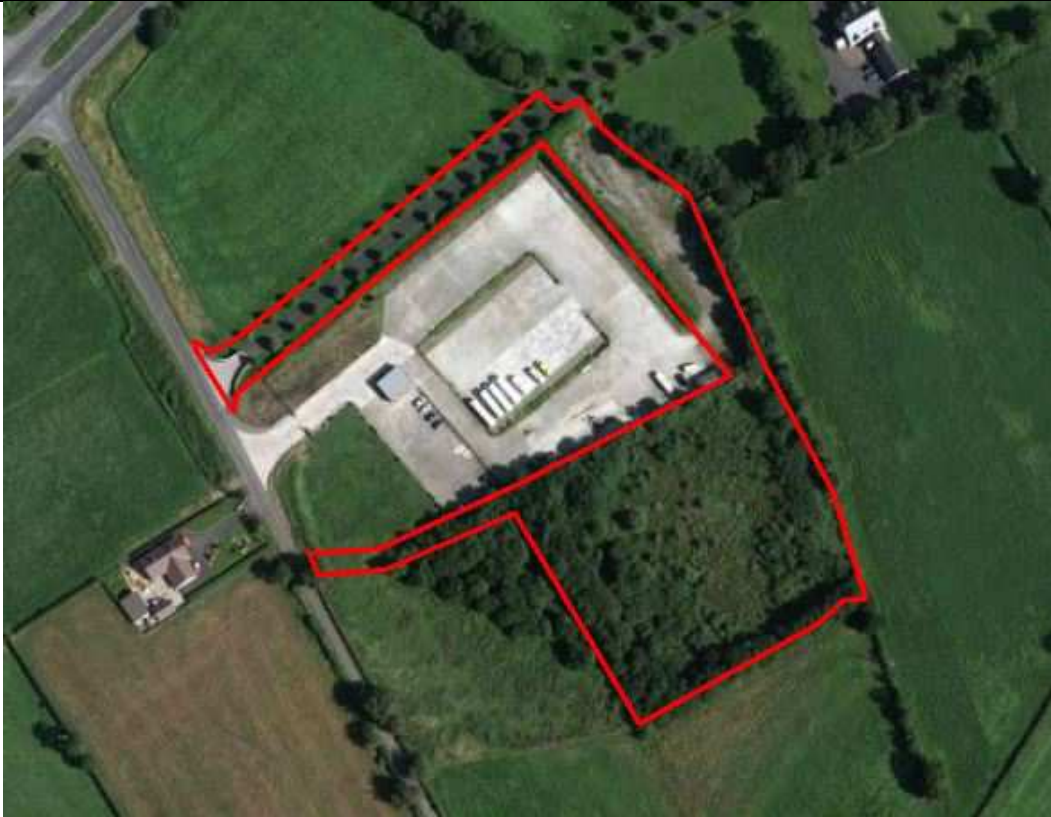


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0810/F	<b>Target Date:</b>
<b>Proposal:</b> New Dwelling	<b>Location:</b> Coltrim Lane Moneymore (approx. 220m from Junction with Cookstown Road)
<b>Referral Route:</b>  Refusal recommended – Contrary to CTY 1 and 7 of PPS 21.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr M Hamilton 50 Cookstown Road Moneymore	<b>Agent Name and Address:</b> Manor Architects Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Executive Summary:</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Refusal recommended - Contrary to CTY 1 and 7 of PPS 21.

## Characteristics of the Site and Area

The site is located approximately 1.65km from Moneymore just a few hundred metres from Coltrim Lane junction located along the main Moneymore – Cookstown Road. The application site is located in the open countryside as defined by the Cookstown Area Plan 2010. The site is set back off the Coltrim Lane, worth noting that the proposed dwelling is set further back than the previous approval I/2008/0347/RM. The proposed site is stated to have two access points, one directly off the Coltrim Lane and the other off a private laneway at the rear of the Bus Park. There is an area of hardstanding in the location of the proposed dwelling with the remainder of the site being a mix of grassland and mature trees. With predominately all boundaries being defined by mature trees with part of it being defined by the Bus Park. The immediate locality is defined by a mix of development inclusive of residential, agricultural, Bus Park and Go-Kart Track.

### Relevant planning history

I/2008/0347/RM – New dwelling and garage. Permission Granted 15/05/2009

I/2004/0201/O – New dwelling. Permission Granted 23/05/2005

### Representations

There was one neighbour notification letter sent out however no representations were received on this application.

## Description of Proposal

This is a proposed full application for a new dwelling. It has been confirmed by way of a letter from the agent that this application sees the submission of a renewed application, previously not implemented, to meet the needs of an established non- agricultural business enterprise (Bus Park) in accordance with CTY 7. The proposal is for a single storey dwelling with the proposed dwelling having a 22m frontage with a gable depth of 16.4m and a ridge height of 5.3m. The wall finish will be natural stone facing and brilliant white K-Rend with a mix of zinc and natural slate roofing.

## 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

#### Strategic Planning Policy Statement (SPPS)

#### PPS 21 Sustainable Development in the Countryside

Within the submitted Design and Access Statement it was stated that the proposal is in conformity with planning policies for development in the countryside set out in the planning strategy for rural Northern Ireland. Issue is that PPS 21 now takes precedence over this and therefore must comply under it, it was confirmed by the agent that they wish this to be considered under CTY 7 with regards to the operations of the adjacent Bus Park.

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'.

Policy CTY 7 states that the planning permission will be granted for a dwelling in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work. Goes on to state that where such a need is accepted the dwelling house will need to be located beside, or within, the boundaries of the business enterprise and integrate with the buildings on the site. And that planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

The agent submitted a letter to confirm the reasoning for this is that there is a long established bus park immediately adjacent to the site. The development previously approved, accepted under a different policy but acceptable nonetheless in principle, is immediately adjacent to this business and accessed from it. With any rural business where there is significant value in machinery/ vehicles there is the need for control/ supervision. This more modest dwelling house seeks to monitor/access and assist with operation of the business.

There are a number of concerns in relation to this application, firstly after a phone conversation with the applicant in which he confirmed that he did not actually own the bus park which has raised concerns over the necessity of this application. The applicant's agent with regards to the ownership stated in a submitted letter that Mr Hamilton does not own the business, however, Mr Hamilton carries out all maintenance and security associated with the business around the site. As it has been confirmed that the applicant does not own the business I am of the opinion that there is still no site specific need for a dwelling. Reasoning for this as whilst I acknowledge that Mr Hamilton may carry out maintenance and security the issue is that he already lives in No.50 Cookstown Road which is located approximately 300m from the bus park, questioning as to why a dwelling is needed adjacent to the bus park. From this I am of the opinion that Mr Hamilton would be more than capable to continue carrying out maintenance and security from his own dwelling at No.50 Cookstown road and there has no site specific need for an additional dwelling. To reinforce this argument is the fact that the agent stated that this is a long established bus park which begs the question for the 'essential' need for a dwelling as the bus park has been able to operate without this new dwelling. In the same letter submitted by the agent and in the submitted supporting statement made reference to a historic planning approval however whilst this was considered, issue is that the permission has lapsed and no works were ever commenced confirmed by the agent. In addition it was approved under a different policy which has been superseded by PPS 21 therefore my opinion remains the same. Given the fact over concerns over ownership of the bus park, close proximity of the applicant's dwelling, from this I must recommend refusal as the application has failed under CTY 7 of PPS 21.

The proposal must comply with CTY 13 which states that the proposed development is able to visually integrate into the surrounding landscape and of appropriate design. As stated the site does benefit from existing vegetation on almost all boundaries with minimal views from the public road, this with the single storey nature of the dwelling means it won't be unduly prominent and will help integrate the dwelling into the landscape. I am content that a dwelling in this location would be capable of complying with CTY 13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As stated I am content that this dwelling would not be unduly prominent in the landscape and would not result in a suburban style build-up of development. I am content that a dwelling would be able to comply with CTY 14.

Rivers Agency were consulted as a portion of the site was affected by surface water flooding however in their response stated that with regards to the new hardstanding it should be determined by the Planning Service should determine if the change of use from existing Greenfield new area of hardstanding is greater than 1000m<sup>2</sup>. However it is worth noting that the application is proposing the change of use from area of hardstanding to Greenfield not that stated by Rivers Agency that it is felt that a drainage assessment is not needed. Final note is that during the site visit it was noted that there was a large area of hardstanding present on the site however from a history search there does not appear to be any permissions for this and is therefore deemed as unlawful which has been passed to the enforcement team pending a decision on this application.

Consultations were also sent to Transport NI, NI Water and Environmental Health however all have returned with no objection subject to conditions and informatives.

I have ecological or residential amenity concerns.

On balance and despite the fact that the dwelling may be able to visually integrate, the proposal has failed under CTY 7 in displaying the essential need for a dwelling in association with the Bus Park and from this failure under PPS 21 I therefore must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal is recommended

**Conditions/Reasons for Refusal:**

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	14th June 2017
<b>Date First Advertised</b>	29th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Coltrim Lane, Moneymore, Co Derry	
<b>Date of Last Neighbour Notification</b>	26th June 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0810/F Proposal: New Dwelling Address: Coltrim Lane, Moneymore (approx. 220m from Junction with Cookstown Road), Decision: Decision Date:  Ref ID: LA09/2016/1259/F Proposal: Variation of Condition No's 3 and 4 of Planning Approval I/2000/0565/F Address: Adjacent to 46 Cookstown Road, Moneymore, Decision: PG Decision Date:  Ref ID: I/2008/0347/RM Proposal: New dwelling + garage Address: Coltrim Lane, Moneymore (approximately 220m from junction with Cookstown Road) Decision: Decision Date: 15.05.2009  Ref ID: I/2002/0208/F Proposal: Reduction in the area of car parking area from that originally approved under planning permission I/2000/0565.	

Address: Cart Track, adjacent to No 46 Cookstown Road Money more

Decision:

Decision Date: 23.12.2002

Ref ID: I/2001/0619/F

Proposal: Office and Store

Address: Adjacent to 46 Cookstown Road Money more

Decision:

Decision Date: 13.01.2004

Ref ID: I/2000/0565/F

Proposal: Use of land for cart track

Address: Adjacent to 46 Cookstown Road Money more

Decision:

Decision Date: 18.06.2001

Ref ID: I/1999/0490/O

Proposal: Dwelling house

Address: Adjacent to no 46 Cookstown Road Money more

Decision:

Decision Date: 14.04.2000

Ref ID: I/2000/0334/F

Proposal: Dwelling

Address: Adjacent to no 46 Cookstown Road Money more

Decision:

Decision Date: 08.11.2000

Ref ID: I/2006/0356/O

Proposal: New Dwelling

Address: Coltrim Lane, Money more (approx 240m from junction of with cookstown Road)

Decision:

Decision Date: 07.12.2006

Ref ID: I/2004/0201/O

Proposal: New Dwelling

Address: Coltrim Lane, Money more (Approximately 220 M from Junction with Cookstown Road)

Decision:

Decision Date: 23.05.2005

Ref ID: I/2001/0257/F

Proposal: Bus parking area with ancillary facilities including small building - office,WC and canteen

Address: 120 metres south east of Coltrim Cross Roads Coltrim Lane Moneymore

Decision:

Decision Date: 01.10.2002

Ref ID: I/2004/0081/F

Proposal: Amendment to previous condition 03 on Planning Permission I/2000/0565 for the approval of 2No Karts (Rotax Leisure Kart) as tested and evaluated in accordance with guidelines agreed with statutory bodies

Address: Adjacent to no. 46 Cookstown Road, Moneymore

Decision:

Decision Date: 01.07.2004

Ref ID: I/2000/0190/F

Proposal: Use of land for cart track

Address: Adjacent to no 46 Cookstown Road Moneymore

Decision:

Decision Date: 20.12.2000

Ref ID: LA09/2016/0016/F

Proposal: Proposed temporary staff room / office

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 26.02.2016

Ref ID: LA09/2016/0322/F

Proposal: Proposed ECO-Wash waste water treatment system (to allow for the washing of company vehicles)

Address: 4 Coltrim Road, Moneymore,

Decision: PG

Decision Date: 20.05.2016

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

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

Drawing No. 04  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 01  
Type: Block/Site Survey Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:

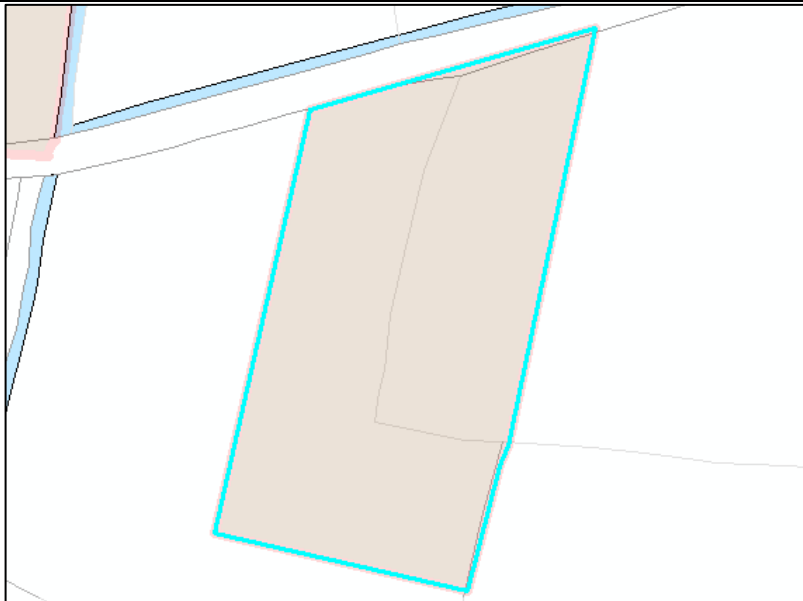


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 03.10.2017	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0846/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed cattle welfare unit including storage for hay and meal. Proposed yard area for storage of round bales ,farm plant and machinery	<b>Location:</b> 175m South East of 66A Kilnacart Road Dungannon
<b>Referral Route:</b> Application recommended for Refusal and one objection received.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Niall McCann 66A Kilnacart Road Dungannon	<b>Agent Name and Address:</b> Sam Smyth Architecture Unit 45 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary
Statutory	Transport NI - Enniskillen Office	Advice

### Representations: 1

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

### Summary of Issues

DAERA, Transport NI, and Rivers Agency were consulted and have made comment on this application. One letter of objection has been received and the comments made have been considered below. All material considerations, including policy considerations, have been addressed within the determination of this application.

### Characteristics of the Site and Area

The site is situated on the Kilnacart Road, Dungannon, Co. Tyrone. This area is categorised as countryside within the Dungannon & South Tyrone Area Plan 2010.

The area surrounding the site exhibits an undulating nature and can be described as a rural area with an element of small scale variation in elevation. This is quite an enclosed area of the countryside with little in terms of wide spanning views or prospects.

The application site is bound on each of its sides by vegetation and hedgerows. The site is accessed via an existing access which is situated to the north of the site via Kilnacart Road. The site is part of an existing farm holding which includes lands surrounding the site and lands, in a separate parcel, some 250m to the north of the proposal. The lands which surround the application site do not host any farm buildings, however it is noted that the lands to the north of the site include up to nine farm buildings. The red line boundary of the site includes an existing hard stand area and agricultural pasture. The proposed access to the application site is also in situ. The site is currently being used to store round bales.

In terms of elevation the site area is relatively flat with a small rise in elevation to the south of the site and a gradual reduction in elevation towards a small stream to the west.

### **Description of Proposal**

Members are advised that this application relate to a proposed cattle welfare unit on lands 175m south east of 66A Kilnacart Road, Dungannon, Co. Tyrone.

The proposal is sited to the eastern fringe of the application site and is measured at 9.5m in width and 24.5m in length. The maximum ridge height of the proposal is measured at 9.8m. The proposal includes the provision of external cattle pens to the front of the welfare unit in an area measured at 9m in width and 18.2 in length. In addition the applicant seeks permission for a hard stand area to make up part of a hard-core yard which surrounds the site. It is noted that this hard-core yard area is to be used for the storage of round bales as well as farm plant and machinery. Materials to be used on the proposed cattle unit include a shuttered concrete finish to lower walls, dark green coloured double skin cladding to upper walls and dark green coloured double skin cladding to roof.

The proposed cattle welfare unit is to be used for the storage of livestock on the farm holding, as well as storage of hay and meal. The applicant has highlighted that the proposal relates to the provision of a new agricultural shed at this location.

### **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).
- Dungannon & South Tyrone Area Plan 2010.
- Planning Policy Statement (PPS) 3 – Access, Movement and Parking.
- PPS 15 – Planning and Flood Risk.
- PPS 21 - Sustainable Development in the Countryside.

### **Planning History**

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

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objection has been received - see consideration below.

### **Assessment**

The principal planning policies are provided by the SPPS, PPS 21, PPS 15 and PPS 3.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21, PPS 15 and



PPS 3 have been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS 21 sets out planning policies for development in the countryside whilst the policy provision within PPS 15 and PPS 3 deals with flood risk and access provision, respectively.

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

### **PPS 21**

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding. DAERA were consulted on this application and have confirmed that the farm business has been in existence for more than 6 years and the business has claimed single farm payment in the last 6 years. Although the applicant name and the name provided as the holder of the farm business ID are different, the applicant has provided supporting information which highlights that the land has been used for agricultural purposes by the owner of the farm ID for a period in excess of six years. The response from DAERA cross referenced with DAERA issued farm maps, supplied by the applicant, confirms that this is indeed the case.

With this in mind I am content that the agricultural holding is both active and established. CTY 12 includes five further criteria (a-e):

a)As noted above this farm holding is split into a series of locations, the bulk of which is located to the north of the application site at lands at Killybracken Road, which includes nine existing farm buildings. The applicant has highlighted that these existing farm buildings are all currently being utilised.

Some 30ha of farm land is located in and around the application site at Kilnacart Road, there are no existing farm buildings at this location.

The applicant has provided supporting information highlighting that the proposal will aid in the efficient functioning of the farm by providing a farm shed for the storage of cattle and feedstuff at this part of the farm holding.

I consider that the proposed farm shed would benefit the farm holding by providing facilities for livestock at this part of the farm.

b)The proposal presents an agricultural building which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area.

Notwithstanding that above, the proposal is sited away from any other farm buildings on this farm holding and this detracts from its ability to integrate, furthermore the size and scale of the proposal is not in keeping with this area of the countryside. The introduction of a new farm building of the size and scale proposed at this location will have a negative impact on the rural character of this area. Although buildings of this nature are not considered uncommon in the countryside, they are usually part of a wider grouping of farm buildings.

c)The proposed agricultural shed would benefit from the existence of natural vegetation in the form of hedgerows and mature tree coverage which are sited to the rear of the site area. The hedges to the east and front of the site, at the Kilnacart Road, are much smaller and provide less in terms of natural screening to the site. Views onto the proposal will be prevalent from areas along the Kilnacart Road on approach to the site in both directions. Again, the lack of other buildings on the

holding, detract from the ability of the proposal to integrate successfully. The proposal would present a new and prominent feature in the context of this rural landscape setting. Members are advised that the proposal fails to comply with criteria b or c of Policy CTY 12.

d) There are no sensitive built heritage features of note within the site or the surrounding area. I consider that the proposal will not have a negative impact on any historic buildings or monuments.

e) It is noted that the proposal is sited some 170m away from the closest unconnected dwelling. I am content that the proposal will not result in detrimental impact on the amenity of residential dwellings outside of the holding or enterprise including potential problems arising from noise, smell and pollution.

#### CTY 12 – Additional Requirements

In addition to that above and in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

The applicant has provided a supporting statement that identifies that there are nine other buildings on the farm holding, albeit that they are situated on a separate portion of land, 250m to the north of the application site. The applicant has outlined that these existing buildings cannot accommodate the new facilities proposed under this application and that the current buildings are all currently being utilised.

As noted above the materials to be used on the proposal are not uncommon on agricultural developments which surround the wider area, however this does not detract from the overall presence associated with this proposal which has been sited in isolation, away from any of the other buildings on this farm.

CTY 12 stipulates that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

Although the applicant has highlighted that the existing farm buildings are all currently being utilised and unsuitable to provide the modern facilities proposed, no evidence has been submitted which shows that a new building sited within or next to this group of farm buildings would not satisfy the needs of the farm. The supporting statement provided by the applicant highlights that the proposal will contribute to the efficient running of the farm holding by ensuring that this part of the farm (30ha) has facilities for the storage of cattle and foodstuffs and thus reduces the need for travelling with same between the two parts of the farm. Whilst this proposal would increase the efficiency of the farm, I do not consider that the increased efficiency would be significant, bearing in mind the application site is only 250m away (280m road journey) from the main grouping of farm buildings at Killybracken Road. Whilst the proposal would be of benefit to the farm holding, I do not consider that it is essential and members are therefore advised that the proposal fails to meet the criteria for exceptionality, as documented above.

#### **CTY 13 & 14**

An assessment of the proposed siting of the development along with its visual and physical impact has been documented above. In terms of visual integration and impact on rural character members are advised that the proposal fails to integrate into the existing landscape setting and has a negative impact on the integrity of the existing rural character of the area. For the reasons

documented above the proposal fails to meet the policy requirements of policies CTY 13 and 14 of PPS 21.

### **PPS 15**

Rivers Agency were consulted during the processing of the application and responded on 07/09/2017 highlighting that they were content with the proposal and the associated Drainage Assessment which was provided by the applicant. I am content that the proposal complies with the policy provision contained within PPS 15 – Planning and Flood Risk.

### **PPS 3**

As the application involves an intensification of the existing access provision it was deemed necessary to consult with Transport NI. Transport NI responded on 10/08/2017 highlighting that they were content with the proposal put forward, subject to condition. I consider that the proposed access is acceptable and conforms to the provisions of PPS 3 –Access, Movement and Parking.

### **Objection**

One objection was received on this application and the issues raised included:

- The ownership of the farm business ID supplied
- Integration
- Neighbouring Amenity
- Compliance with prevailing Planning Policy
- Use of the proposal for storing and working of Heavy Goods Vehicles (HGV's)

The applicant has highlighted on the P1 form that they are the owner of the application site. Although they are the owner of the land they do not necessarily have to be the party which farms the land. In this instance, the applicant has highlighted that the farm business ID belongs to a relative who has farmed the land for over six years. The applicant has provided details surrounding the farming activities on the application site as well as farm maps which show that the application site is within the land in the farm business in question. Furthermore, DAERA Countryside Management and Inspectorate Branch have confirmed that the farm business ID has been in existence for a period of more than 6 years and that the business has made payment claims within this period. I am satisfied that the application site is on active and established farm land.

Issues in relation to integration, neighbouring amenity and compliance with prevailing planning policy have been discussed at length above.

The objector has raised concerns in relation to the storage and working of HGV vehicles from the proposed unit. The objector has highlighted that the applicant owns a HGV business which has outgrown the existing premises and has provided aerial imagery which shows the parking of HGV vehicles around the applicant's house and premises. It was noted during a site visit that HGV vehicles and trailers were parked around the applicants house and working premises. Furthermore disused HGV trailers were present along the western boundary of the application field. Bearing in mind the nature of the applicants business along with the evidence submitted by the objector, observations made on site and the fact that a HGV turning area has been provided for within the Site Layout drawing submitted by the applicant, it is understandable that the objector may come to this conclusion.

Notwithstanding that above, the application before me is for an agricultural building in the form of a cattle welfare unit and therefore must be assessed as such. The policy provision within PPS 21 CTY 12 is the applicable policy consideration. Had the application been for the storage and working of HGV Vehicles the application would have been assessed under PPS 4 – Planning and Economic Development where, in line with Policy PED 2, permission for the introduction of a new building for economic development in the countryside will only be granted in exceptional circumstances.

<b>Conclusion</b>
Members are advised that the proposal is contrary to Policies CTY 12, 13 and 14 of PPS 21, for the reasons documented above.
<b>Neighbour Notification Checked</b>
<b>Yes</b>
<b>Summary of Recommendation:</b>
Refuse, per reasons outlined below.
Reasons for Refusal:
<ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping; and it has not been demonstrated that there are no alternative sites available at an existing group of buildings on the holding and that an alternative site away from the farm buildings is essential for the efficient functioning of the farm business.</li> <li>2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would fail to integrate into the surrounding landscape by virtue of its prominence.</li> <li>3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would be unduly prominent in the landscape and result in a detrimental change to the rural character of the area.</li> </ol>
<b>Signature(s)</b>
<b>Date:</b>

<b>ANNEX</b>	
<b>Date Valid</b>	22nd June 2017
<b>Date First Advertised</b>	6th July 2017
<b>Date Last Advertised</b>	6th July 2017
<b>Details of Neighbour Notification</b> (all addresses) Patrick Cassidy 104a Killyliss Road, Eglish, Dungannon, Tyrone, BT70 1LE The Owner/Occupier, 66A Kilnacart Road, Dunamony, Dungannon, Tyrone, BT70 1PD,	
<b>Date of Last Neighbour Notification</b>	26th June 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b> N/A	
<b>Summary of Consultee Responses</b>  DAERA, Transport NI, and Rivers Agency were consulted and responded on this application. No issues have been identified through the consultation process.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 REV B Type: Site Layout or Block Plan Status: Approved Drawing No. 03 Type: Proposed Plans Status: Approved	
<b>Notification to Department (if relevant)</b> Date of Notification to Department: Response of Department:	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 4 <sup>th</sup> September	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0874/F	<b>Target Date:</b> 09.10.2017
<b>Proposal:</b> Rear ground floor bedroom and shower room extension (with storage area under bedroom extension) to dwelling	<b>Location:</b> 8 Willow Close DUNGANNON
<b>Referral Route: Committee Determination</b>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Damien Cahalane 8 Willow Close Dungannon	<b>Agent Name and Address:</b> Peter Mc Caughey 31 Gortnasaor Dungannon BT71 6DA
<b>Executive Summary:</b> The host property is on an elevated site that is a split level bungalow with dual access front and rear. The proposed extension has been requested under disability needs yet is perceived to overshadow the amenities of No. 12 Willow Park. An objection was received due to the impact of what could be considered a two-storey extension- based upon proximity and the elevated difference in height.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues

The main issue to be considered is whether the proposed extension would be in keeping with the built form and appearance of the existing property and character of the surrounding area, following one objection received.

### Characteristics of the Site and Area

The application site is located within The Willows, a residential development scheme on the Mullaghmore Road, Dungannon, Co. Tyrone in the townland of Mullaghmore. The site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010.

This host property is a medium sized bungalow house that is split level with a garage at lower ground level and living accommodation above, at ground level. The site is elevated at the primary entrance with an upward sloping driveway that completes to the rear of the property where a secondary access/egress occurs onto Willow Park, which neighbouring properties face onto. Mature hedging and panel fencing establish the boundaries for the curtilage of the property.

The host property is single storey with a light brown brick plinth that also provides the lower ground level elevation finish to the garage with a peddle dash render finish to the walls at ground level. The pitched roof structure is composed of brown ridge tiles, with a

porch front gable projection and side gable finishes. The present use of the land, is residential with the host property located within the settlement limits; the red line submitted site plan indicates a detached dwelling with ancillary buildings within the curtilage that has a perimeter of approx. 86 metres.

Whilst Willow Close is a cul-de-sac with no. 8 positioned off the half-hammer head with adjacent residential properties of a similar design and size, the wider area includes similar residential properties for Willow Drive, Willow Park and Willow Gardens.

The perceived impact of the proposal on the amenity and landscape and character of the area is a primary consideration.

### **Description of Proposal**

Rear ground floor bedroom and shower room extension (with storage area under bedroom extension at lower ground level) to dwelling.

The proposal makes internal alterations to bedroom 3 plus en-suite to the eastern part of the dwelling. Bedrooms 1 and 4 remain unaffected, with the ensuite to bedroom 2 being closed/sealed and alterations to the ensuite to form a bathroom (now accessible from bedroom 3) and adapted for restricted mobility use. As part of the proposal, bedroom 3 is extended by 3.1 metres by 4.3 metres in width and this forms the extension, with a ridge height of 3.9 metres, in contrast to the host property ridge height of 4.9 metres.

Existing access from the utility room is retained, with a new side entrance created for bedroom 3, that is level/ ramped access (1:20) over 6 metres and 1.2 metres in width along the rear elevation (bathroom and bedroom 4). Proposals also incorporate paving for improved access to the rear garden.

The existing retaining wall in front of bedroom 3, that enables access along the eastern boundary to the front and lower ground level, is also amended in width and length yet retains steps as opposed to being ramped/level access, due to the decrease in height (approx. 2.4 metres) from the rear to the front of the property. The retaining wall, projects 1.2 metres beyond the proposed extension at bedroom 3 and is 6.5 metres in length, in comparison to previously being 3.7 metres in length; the thickness of the wall is also amended from 0.2 metres to 0.3 metres.

Similar external materials are proposed as existing for the host building.

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

The following planning publications and planning policy statements establish the policy context.

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 4 : Planning and Economic Development

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



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

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

### Planning History

There is nothing discovered that is specific or recent to the site other than the proposal is within the settlement limits of DUNGANNON, as defined in the Dungannon and South Tyrone Area Plan 2010.

### Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers together with neighbour notifications undertaken. No representations were sought, with one objection received at date of Report.

### Considerations

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

Whilst the Dungannon and South Tyrone Area Plan 2010 aim is to provide a planning framework, there is no specific advice or guidance on this kind of development. The proposal must also accord with EXT 1 of PPS7 addendum in terms of design and amenity considerations.

The proposal incorporates works to the host property that whilst to the rear for this property could also be considered as works to the front elevation, on the basis of dual access and the siting of the properties along Willow Park. Several of these properties would have comparable front porch and bay window projections with a hipped roof and following discussions, an amended design with a hipped roof structure was submitted on the 17<sup>th</sup> August 2017 and this proposal is currently being considered.

In regards to satisfying Policy EXT 1, it is my view the overall siting, scale and design of the proposed extension is subordinate to the original host property nor is it detrimental to the character and appearance of the host property. In relation to bedroom 3 being extended by 3.1 metres by 4.3 metres in width, with a ridge height of 3.9 metres, I assessed the loss of light as a result of the extension, on the neighbouring property. The neighbour has an octagonal hipped roof projection with 4 windows. This dwelling is in the shadow of the host property and the proposed extension will also over shadow, however I do not consider the extension will so significantly over shadow as to warrant refusal of planning permission. This has been further mitigated through the introduction of a hipped roof, as opposed to a gable end for the proposal that in my view, minimises the potential

for overshadowing to No. 12 and respects the appearance with other hipped roof style projections onto Willow Park.

Accordingly, whilst the proposal incorporates works to the host property are to the rear for this property that has dual access with adjacent properties facing onto Willow Park, I am satisfied the proposal does not unduly affect the privacy or amenity of neighbouring residents in proximity of No. 9 Willow Park. Furthermore, the proposal will not cause the unacceptable loss of, or damage to, trees, or other landscape features. Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Therefore on the basis of the evidence available, I am persuaded on the balance of advantage from policy guidance, to recommend approval for application LA09/2017/0874/F], subject to conditions and informatives.

#### Neighbour Notification Checked

Yes/No

#### Summary of Recommendation:

The proposal accords with the policy requirements of SPPS and PPS 7 (Addendum) nor does it pose a negative impact upon public safety or the amenity of the site and its surrounding environment.

Recommend approval for application [LA09/2017/0874/F] subject to conditions and informatives.

#### Conditions/Reasons for Refusal:

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

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

#### Informatives

1. This permission does not 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:

<b>ANNEX</b>	
<b>Date Valid</b>	26th June 2017
<b>Date First Advertised</b>	20th July 2017
<b>Date Last Advertised</b>	N/A
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 12 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, Oliver and Eileen Hurle 12, Willow Drive, Dungannon, Tyrone, Northern Ireland, BT70 1XE The Owner/Occupier, 15 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 3 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 4 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 48 MULLAGHMORE ROAD, Willow Drive, Mullaghmore, DUNGANNON,Tyrone, BT70 1RB The Owner/Occupier, 5 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 6 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE, The Owner/Occupier, 7 Willow Drive,Mullaghmore,DUNGANNON,Tyrone,BT70 1XE,	
<b>Date of Last Neighbour Notification</b>	30th June 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0874/F Proposal: Rear ground floor bedroom and shower room extension (with storage area under bedroom extension) to dwelling Address: 8 Willow Close, Dungannon, Decision: Decision Date:   Ref ID: M/1975/0432	

Proposal: ERECTION OF 3 SUBSIDY BUNGALOWS

Address: MULLAGHAMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/0515

Proposal: 48 NO BUNGALOWS

Address: MULLAGHMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1981/0401

Proposal: RESIDENTIAL DEVELOPMENT

Address: MULLAGHMORE, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0292

Proposal: New Dwelling

Address: 40M SE OF 48 MULLAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1995/0683

Proposal: Proposed dwelling

Address: 40M SOUTH WEST OF 48 MULLAGHMORE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0222

Proposal: Erection of 4 no. dwellings and garages

Address: SITES 4,6,7,& 8 WILLOW CLOSE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/0280

Proposal: Erection of 2 no. dwellings and garages

Address: SITE 12 WILLOW DRIVE AND SITE 5 WILLOW CRESCENT  
MULLAGHMORE DUNGANNON

Decision:

Decision Date:

Ref ID: M/1998/0130

Proposal: Erection of 2 No. Dwellings,

Address: SITE 2 WILLOW CLOSE AND SITE 1 WILLOW GARDENS DUNGANNON

Decision:

Decision Date:

Ref ID: M/2001/1277/F

Proposal: 2 No Detached Dwellings

Address: To the rear of 1 Willow Gardens Dungannon and 13 Mullaghmore Road, Dungannon

Decision:

Decision Date: 30.08.2002

Ref ID: M/2005/0274/F

Proposal: Replacement Dwelling House

Re-orientation for proposed dwelling (amended plans)

Address: 52 Mullaghmore Road, Dungannon

Decision:

Decision Date: 14.07.2005

Ref ID: M/2005/2160/F

Proposal: Proposed change of house type

Address: 15 Willow Drive, Dungannon

Decision:

Decision Date: 13.01.2006

Ref ID: M/2005/2258/F

Proposal: 8 no. detached dwellings and garages, and 6 no. semi-detached dwellings and garages.

Address: Willow Drive, Dungannon.

Decision:

Decision Date: 04.04.2007

Ref ID: M/2010/0053/F

Proposal: Demolition of existing buildings and construction of 3 dwellings

Address: 48 Willow Drive, Dungannon, BT70

Decision:

Decision Date: 24.08.2010

Ref ID: M/2012/0317/F

Proposal: Proposed change of house type from previously approved application no. M/2007/1608/F

Address: Approx 40m NW of 8 Willow Close, Dungannon,

Decision: PG

Decision Date: 11.10.2012

<b>Summary of Consultee Responses</b> N/A
<b>Drawing Numbers and Title</b>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted 26<sup>th</sup> June 2017</p> <p>Drawing No. 02 Rev 1 Type: Existing and Proposed Floor Plans Status: Submitted 17<sup>th</sup> Aug 2017</p> <p>Drawing No. 03 Rev 1 Type: Proposed Elevations Status: Submitted 17<sup>th</sup> Aug 2017</p>
<b>Notification to Department (if relevant)</b>  Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0876/F	<b>Target Date:</b>
<b>Proposal:</b> Extension to existing school	<b>Location:</b> 23 Rocktown Road Knockloughrim
<b>Referral Route:</b> This is a major application.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Hydepark Educational Trust 7A Hydepark Road Newtownabbey	<b>Agent Name and Address:</b> Michael Herron Architects 2nd Floor Corner House 64-66A Main Street Coalisland BT71 4NB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

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

### Summary of Issues

Visual impact

### Characteristics of the Site and Area

The application is located in a rural area approximately 1 mile outside the settlement limit of Knockloughrim.

The site itself rises slightly but the proposed finished floor levels will be the same as the existing building. The site is a grassed area at present with a fence defining the northern boundary along the Rocktown Road, a strong hedge and trees will be retained along the southern and western boundary and the existing school is to the eastern boundary.

The immediate area is characterised by single dwellings, agricultural buildings, the existing school and Keenan's Quarry.

### Description of Proposal

This application is for an extension to an existing school

### Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement  
Magherafelt Area Plan  
Planning Policy Statement 21



The existing school is located off the Rocktown Road with the nearest settlement being Knockloughrim. This is a post primary school which is single storey in height and this application seeks to extend the school in a linear form with a design to match the existing building to the east/south east of the existing building. It is not proposed to accommodate any additional pupils and so the car parking provision has not increased and accordingly Transport NI were not consulted.

The extension will accommodate a new sports hall, changing rooms, showers, toilets, 2 craft workshops, a staff room, office accommodation and an SDL suite.

Environmental Health and NI Water were consulted and no objections or issues of concern were raised.

PPS 21 allows for a necessary community facility to serve the local rural population. We have not been told if the pupils are from the local rural area however this is an extension to an established school that does not propose any increase in pupil numbers or traffic generation. It is my understanding the vast majority of the pupils are bused to the school with very little traffic generated by parental cars. Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It is my opinion this proposed extension is of an appropriate design given that it is to be of a similar height and design as that of the existing school building.

Accordingly it is my opinion this application should be approved.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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<b>Summary of Recommendation:</b> Approve subject to the listed conditions
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<b>Conditions</b>
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- |   |
|---|
| 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.
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<b>Signature(s)</b>
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<b>Date:</b>
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<b>ANNEX</b>	
<b>Date Valid</b>	27th June 2017
<b>Date First Advertised</b>	20th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 26 Rocktown Road Lemnaroy Bellaghy The Owner/Occupier, 27 Rocktown Road Lemnaroy Bellaghy The Owner/Occupier, 30 Rocktown Road, Rocktown, Bellaghy, Londonderry, BT45 8EQ,	
<b>Date of Last Neighbour Notification</b>	7th July 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	/No
<b>Planning History</b>  Ref ID: LA09/2017/0072/PAN Proposal: Extension to existing school Address: 23 Rocktown Road, Knockloughrim, Decision: PANACC Decision Date:  Ref ID: LA09/2017/0876/F Proposal: Extension to existing school Address: 23 Rocktown Road, Knockloughrim, Decision: Decision Date:  Ref ID: H/2009/0286/F Proposal: Proposed extension to existing school and 2 no portable buildings Address: 23 Rocktown Road, Knockloughrim Decision: Decision Date: 21.10.2009  Ref ID: H/1994/6132 Proposal: 2 SITES FOR DWELLING AND CHANGE OF USE FROM SCHOOL TO DWELLING OR RESTAURANT 23 ROCKTOWN ROAD MAGHERAFELT Address: 23 ROCKTOWN ROAD Decision: Decision Date:  Ref ID: H/2004/0138/O Proposal: Site of dwelling and garage.	

Address: Site 20m East of 23 Rocktown Road, Bellaghy.

Decision:

Decision Date:

Ref ID: H/2009/0082/Q

Proposal: Re-Use as a school, For approximately 100 students, to be managed by the Hydebank Education Trust.

Address: Vacant School site at 23 Rocktown Road, Knockloughrim.

Decision:

Decision Date:

Ref ID: H/2010/0595/F

Proposal: 2 no. proposed mobile classrooms

Address: 23 Rocktown Road, Knockloughrim, BT45 8QE,

Decision:

Decision Date: 08.02.2011

Ref ID: H/2003/0803/O

Proposal: Site of Dwelling & Garage

Address: adj to 23 Rocktown Road, Bellaghy

Decision:

Decision Date: 05.03.2004

Ref ID: H/2005/1185/RM

Proposal: 1No. Dwelling and 1No. Garage

Address: Adjacent to No.23 Rocktown Road, Bellaghy

Decision:

Decision Date: 31.05.2006

Ref ID: H/1994/6025

Proposal: SITE OF DWELLING/COMMERCIAL DEVELOPMENT 25 ROCKTOWN ROAD  
CASTLEDAWSON

Address: 25 ROCKTOWN ROAD

Decision:

Decision Date:

### **Summary of Consultee Responses**

No objections

### **Drawing Numbers and Title**

Drawing No. 03  
Type: Existing Elevations  
Status: Submitted

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

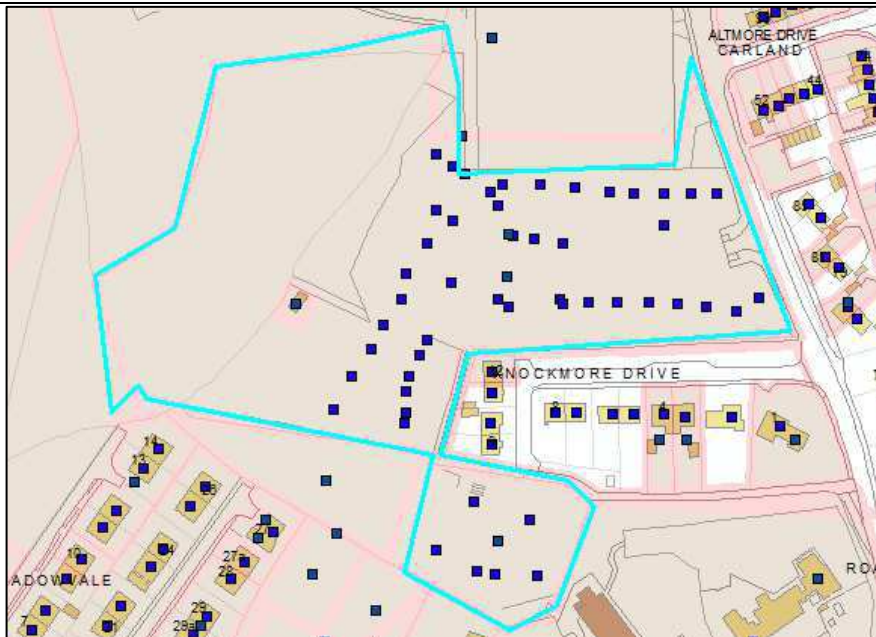


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0884/NMC	<b>Target Date:</b>
<b>Proposal:</b> Change of external house design and finishes	<b>Location:</b> Unit 16 17 18 19 20 Earls Court Carland Road Dungannon
<b>Referral Route:</b> Request by Area Planning Manager	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Sandale Developments 8a Garvagh Road Donaghmore Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>  Application for Non Material change to planning approval M/2004/1099/F. Proposed changes are considered Non Material in nature.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



**Consultations:** None

Consultation Type	Consultee	Response
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### 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

Acceptability of the proposed changes to the external house design and finishes of the dwellings approved under application M/2004/1099/F and whether or not the proposed works are considered to be non-material in nature.

### Characteristics of the Site and Area

The application for non-material change relates to an earlier planning approval for the erection of 35no. detached dwellings and construction of housing estate roads & ancillary works which was approved under planning reference M/2004/1099/F. The site is located inside of the development limits of Dungannon as outlined in the Dungannon and South Tyrone Area Plan 2010.

Members are advised that a planning permission was granted to amend the house type and layout of the first phase of houses within the scheme approved under M/2004/1099/F. Application LA09/2015/0153/F was approved on the 11th of November 2016 for the erection of 44 houses on the first phase of this development site. The LA09/2015/0153/F approval does not relate to the application site and as such the previous M/2004/1099/F approval is pertinent.

The site is currently under development with construction works taking place on the development at present.

The main land use in the area is residential, however the site is in close proximity to a school and other local community facilities.

## Description of Proposal

The applicant seeks consent to make a non-material change to planning approval M/2004/1099/F in the form of changes to the external house design and the proposed finishes. The application for non-material change relates to unit numbers 16,17, 18,19, and 20 (5 detached dwellings) which were approved in the earlier permission.

This application seeks to make the following changes to the 5 dwellings which were approved under the consented scheme:

-Change to wall finishes including the provision of grey dash plaster walls at first floor level and smooth heavy lined plaster walls at ground floor level. This is in replacement of the red brick and render finishes approved in the previous scheme.

-Changes to window and door detail. The windows and doors are in the same location as previously approved however the design and style of window has changed to incorporate a more rectangular form.

Notably the size, scale, mass and type of dwelling (detached) remains the same without any changes in this regard. The internal layout and location/orientation of windows and doors also remains as previously approved.

Members are advised that no applications for any additional changes have been approved on this part of the development site since the approval of M/2004/1099/F.

The applicant has noted that the proposed dwellings are currently built to first floor level.

## Planning Assessment of Policy and Other Material Considerations

The application seeks consent to make the above alterations under a non-material change consent. The assessment of this application therefore relates to whether or not the proposed works are considered to be non-material.

Applications for non-material change to a planning approval are considered under Section 67 of the Planning Act (Northern Ireland) 2011. Proposals which are considered to be de-Minimis or immaterial in the context of the original approval will be acceptable. Further guidance is provided in the DOEs Development Management Practice Note 25 - Non-Material Change, which provides a list of criteria that are considered material changes. They are outlined below:

1. *any potential conflict with planning policy;*
2. *any alteration to the application site boundary;*
3. *any potential conflict with any of the conditions on the planning permission;*
4. *an exacerbation of concerns raised by third parties at the original application stage;*
5. *an extension to development already approved;*
6. *an increase in height of the building or extension ;*
7. *any potential overlooking of a neighbouring property;*
8. *a material change in the design of the building;*
9. *new works or elements not considered by any environmental statement submitted with the application; and*
10. *the requirement for any consultations to be undertaken or any public advertising or neighbour notification.*

## Representations

As an application for a non-material change is not an application for planning permission, the existing provisions relating to statutory consultation and publicity do not apply.

**Assessment**

The proposal relates to a non-material change to M/2004/1099/F which was approved on 08.02.2006. Condition No.01 of the earlier approval relates to time scales for commencement of the development and states that development should be begun within 5 years of the date of the permission. This 5 year period has now expired but the applicant has advised that development had commenced on the site before the expiry date and as such the approval is live. In consideration of that above I have assessed historical ortho imagery and Google Street view imagery which confirms that the development had commenced on the site before the permission expired. I am content that the development site is live.

I consider that the amendments proposed are non-material/de-Minimis in nature. The proposed alterations to the previous planning approval are of a minor nature and are insignificant in terms of the overall associated impact.

The proposed minor changes do not conflict with planning policy. The application site boundary is not altered from the previous approval nor is there any conflict with the conditions attached to said approval.

The approval of this application for a non-material change will not increase or add to the impact of the development on the amenity of nearby occupied properties. The changes proposed will not give rise to any negative impact by way of impact on neighbouring amenity.

The proposed changes do not increase the plot size of the approved development and will not lead to an increase in terms of the potential for impact with regard to overlooking, dominance or privacy concerns.

The proposed changes cannot be described as a material change in the design of the approved scheme, it does not add any additional works or elements to the scheme and it does not bring about the requirement for any statutory or non-statutory consultation, neighbour notification, or public advertising.

**Historic Environment**

Members are advised that an earlier application on the site was assessed under application LA09/2017/0153/F. This application related to a change of house type on this second phase of the development. During the processing of application LA09/2015/0256/F and LA09/2017/0153/F Department for Communities Historic Environment Division (HED) were consulted. Within their consultation responses on both applications HED have highlighted that the site is located close to the site of the former Dungannon Work House. The historic 3rd Edition OS 6" map (1900) for this area shows that the south-south-eastern boundary of this application site bounds on to what has been identified as a 'grave yard' for the work house. HED have therefore highlighted concerns that site works could disturb/destroy buried archaeological remains here.

Members are advised that this application is for a non-material change to the M/2004/1099/F approval and that the works proposed are considered to be non-material in nature. Notwithstanding the outcome of this application the developer retains the earlier approval as a 'fall back' position and may construct these 5 detached houses on the basis of the earlier approved scheme. HED have confirmed that in the event where the developer were to proceed with the development with or without archaeologists present and uncover human remains, the standard procedure involves a PSNI investigation. This will stop the site works on the area of the find.

The alterations proposed under this non material change application do not exacerbate or add to any concerns raised by third parties during the processing of the earlier application.

As noted above, the applicant has highlighted that the 5 dwellings have now been built to first floor level with no remains having been found in or around the excavation/site area.

**Conclusion**

I consider the proposed changes to be non-material and I recommend permission is granted.

**Neighbour Notification Checked**

N/A

**Summary of Recommendation:**



Alterations to previous permission are considered to be non-material. Approve.
Conditions/Reasons for Refusal: N/A.
<b>Signature(s)</b> <b>Date:</b>

<b>ANNEX</b>	
<b>Date Valid</b>	28th June 2017
<b>Date First Advertised</b>	N/A
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) N/A	
<b>Date of Last Neighbour Notification</b>	N/A
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b> Ref ID: LA09/2017/0885/NMC Proposal: Provision of canopy covers over front doors of each dwelling Address: 2 and 46 Earls Court, Carland Road, Dungannon, Decision: CG Decision Date:  Ref ID: LA09/2017/0619/NMC Proposal: Provision of canopy cover to the front door of each house Address: 1,3 to 23,25,27,29,31,33,34,36,38,40,42,44,48,50,52,54,56,58,60,62,64 and 66, Earls Court, Carland Road, Dungannon, Decision: CG Decision Date:  Ref ID: LA09/2017/0155/F Proposal: Change of house type approved in LA09/2015/0256/F on sites 1 and 18 (Postal numbers 2 and 46)	

Address: Sites 1 and 18 (Postal numbers 2 and 46) Earls Court, Carland Road, Dungannon,

Decision: PG

Decision Date: 25.05.2017

Ref ID: LA09/2017/0153/F

Proposal: Change of house type approved in M/2004/1099/F

Address: Postal No's 24, 26, 28, 30 and 32 Earls Court, Carland Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2017/0082/NMC

Proposal: Non Material Change to Planning Approval LA09/2015/0256/F (change of internal layouts within semi-detached house, including amendment of windows/doors to side and rear elevations. Change of floor level on No 42 from 101.80 to 102.30)

Address: Earls Court, Carland Road, Dungannon,

Decision: CG

Decision Date:

Ref ID: LA09/2016/1792/NMC

Proposal: Removal of chimneys from all houses and provision of oil fired heating systems

Address: Earls Court, Carland Road, Dungannon,

Decision: CG

Decision Date:

Ref ID: LA09/2015/0256/F

Proposal: Erection of 44 houses (2 detached and 42 semi detached), estate roads and ancillary works

Address: Earls Court, Carland Road, Dungannon,

Decision: PG

Decision Date: 15.11.2016

Ref ID: M/2004/1099/F

Proposal: Erection of 35no. detached dwellings and construction of housing estate roads & ancillary works.

Address: Site of former Drumglass High School, Carland Road, Dungannon

Decision:

Decision Date: 08.02.2006

#### **Summary of Consultee Responses**

N/A

#### **Drawing Numbers and Title**

Drawing No. 01

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0923/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed new dwelling and domestic garage	<b>Location:</b> 45m N.W. of 177 Glen Road Maghera
<b>Referral Route:</b>  Refusal recommended – Contrary to CTY 1, CTY2a, CTY 8, CTY 13, CTY 14 and CTY 15 and one objection was received.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Jenna Duffy 40 Glen Road Maghera BT46 5AP	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b> Refusal	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Contrary to CTY 1, CTY 2a, CTY 8, CTY 13, CTY 14 and CTY 15 of PPS 21 and one objection was received.

There was one objection received in connection with this application. The only concern raised was that they stated that the proposed development will overlook the rear of their property and would as a result lead to a loss of privacy.

## Characteristics of the Site and Area

The site is located just outside the settlement of Glen and from this is located in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 45m NW of 177 Glen Road, Maghera and sits in the eastern half of a large agricultural field which is relatively flat however there is a slight fall from the roadside. The site is bounded by a mix of mature trees and hedging with a line of post and wire fencing along the northern, southern and eastern boundaries and is adjacent to the Fallagloon Burn. It is worth noting that the proposed dwelling sits outside a flood zone. Wherein the western boundary remains undefined as the site is part of a larger agricultural field but there is proposed planting within this application to define these boundaries. The immediate area is a mix of development, predominantly agricultural, with residential, Church, Fallagloon AOH hall and Sperrin View Business Park nearby.

### Relevant planning history

H/2015/0010/F – Proposed Stables and Tack Store – Ongoing

H/2013/0483/F – Proposed 2 storey dwelling and garage – Application Withdrawn

### Representations

There were four neighbour notifications sent however there was one objection received.

## Description of Proposal

This is a full application for a proposed new dwelling and domestic garage under policy CTY 2a at 45m NW of 177 Glen Road, Maghera. The proposed dwelling is to be two storey with a ridge height of 9.5m, a frontage of 18.6m and a gable depth of 12.7m. The wall finish is identified as dry dash with smooth grey plaster base and bands and black flat concrete tiles.

## 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.

### Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

CTY 15 – The Setting of Settlements

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. With regards to this application. Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

The proposed site is located outside any farm and there are none in close proximity. In terms of the cluster consisting of four or more buildings, I must first note that the dwellings to the east starting with no.177 Glen Road are all part of the settlement limit of Glen and should not be considered to fall within the cluster as a result. From this there are two dwellings directly south of the site inclusive of nos. 180 and 182 Glen Road and the only other buildings that may be considered is Fallaghloon AOH hall and Sperrin View Business Park. However despite the distance between these the application still fails this criteria as it has only been able to demonstrate there to be two dwellings in the proposed cluster and not the three as per stated in policy.

Following on from this as stated there is a significant distance of 200+ metres from the site to the Business Park and AOH hall and from this I would not be content that this proposed cluster can be viewed as a visual entity. Worth noting that there is a proposed application for a proposed stables and tack store adjacent the site but as this an ongoing application it cannot be considered in this application. From this I hold the opinion that the proposed cluster has failed the second criteria as it is not seen as a visual entity.

There was no identified focal points in the submitted plans however the agent confirmed their intention was to use the Fallaghloon AOH hall. It is noted that the St. Patrick's Church nearby is within the settlement limits and cannot be considered. The issue that remains is the separation distance between AOH hall and the site, as stated there is 200+ metres between the two. From this I am not content that the proposed cluster is not associated with a focal point due to the separation distances and from this fails this criteria.

The fourth criteria requires the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. In addition the policy states that the site is able to be absorbed into the existing cluster through rounding off. Even though as a result of existing mature vegetation that a dwelling could integrate at this site however I am not content that the development is bound on two sides and as it is considered that there is no cluster therefore it would not able to round off development. In so far the application has failed this criteria as well.

The final criteria requires the development to not have an adverse impact on residential amenity. An objection was received from no. 177 Glen Road with the opinion that the proposed development will overlook the rear and side of their property and lead to a loss of privacy. However whilst I acknowledge these concerns I am content due to the separation distances and

the intervening mature hedging and trees that the proposed dwelling would not have an adverse impact on residential amenity. Therefore fulfilling this criteria.

For the above reasons it is evident that the proposed development fails under policy CTY 2a and I would take the opinion of a refusal for this application.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. I am of the opinion that if this dwelling were to be approved it would result in the creation of ribbon development and would lead to further development through infilling. From this I must recommend refusal.

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. As stated the site does benefit from mature trees and hedging along the NE and SE boundaries and from this I would be content that a dwelling would not be a prominent feature. From this I would be content on balance that the dwelling would have the ability to integrate into the landscape. However it is worth noting with regards to design that elements of the proposed dwelling reflect that of No.177 Glen Road, issue is that No.177 is within the settlement limits and falls under a different policy. From this I am of the opinion that the design of the proposed dwelling is unacceptable in its rural location, mainly that of the hip-roof and roof dormer windows. It was felt prudent to ask for a new house design as the application had failed to comply with CTY 2a. From this I must recommend refusal with regards to inappropriate design.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that the dwelling will not be prominent feature nor will it result in a suburban style build-up of development. However as stated I am of the opinion that this development would result in the creation of ribbon development and again I must recommend refusal.

There were no arguments for a dwelling on the farm presented and there is no replacement opportunities on site and therefore not applicable in this case. However with regards to CTY 15 I hold the opinion of the position of the site with the settlement limit that if approved this development would mar the distinction between the settlement and the surrounding countryside. From this I must recommend refusal on these grounds.

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

Transport NI were consulted and responded that they had no objection subject to conditions and informatives.

Consultations were also sent out to NI Water and Environmental Health, all of which have replied with no objection subject to conditions.

On balance of the policy I must recommend refusal for this application.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

Refusal is recommended.

**Reasons for Refusal:****Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Glen Road.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling; nor does the cluster appear as a visual entity in the local landscape. The cluster is not associated with a focal point or the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure
4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Glen and the surrounding countryside.
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the design of the proposed building is inappropriate for the site and its locality.
6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)****Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	6th July 2017
<b>Date First Advertised</b>	27th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 175 Glen Road Fallagloon Maghera The Owner/Occupier, 177 Glen Road Fallagloon Maghera Mr and Mrs McKenna 177 Glen Road, Maghera, BT46 5JN The Owner/Occupier, 180 Glen Road, Fallagloon, MAGHERA, Co. Londonderry, BT46 5JN The Owner/Occupier, 182 Glen Road, Fallagloon, MAGHERA, Co. Londonderry, BT46 5JN	
<b>Date of Last Neighbour Notification</b>	24th July 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0923/F Proposal: Proposed new dwelling and domestic garage Address: 45m N.W. of 177 Glen Road, Maghera, Decision: Decision Date:  Ref ID: H/2013/0483/F Proposal: Proposed 2 storey dwelling and garage Address: 30m West of 177 Glen Road, Maghera ,BT46 5JN, Decision: WITHDR Decision Date: 01.10.2014  Ref ID: H/2015/0010/F Proposal: Proposed Stables and Tack Store Address: Approx. 70m NW of 175 Glen Road, Maghera, Decision: Decision Date:	

Ref ID: H/2000/0656/Q

Proposal: Site of industrial hardware business

Address: Glen Road, Maghera

Decision:

Decision Date:

Ref ID: H/1992/6012

Proposal: SITE OF DWELLING GLEN ROAD MAGHERA

Address: GLEN ROAD

Decision:

Decision Date:

Ref ID: H/2008/0623/F

Proposal: Erection of single storey commercial unit to the rear of existing business park

Address: 1 Sperrin View Business Park, Glen Road, Falagloon, Maghera

Decision:

Decision Date: 21.12.2009

Ref ID: H/2006/0024/RM

Proposal: 1 No Dwelling & 2 No Garages

Address: Glen Road, Maghera (300m East of Glenshane Road)

Decision:

Decision Date: 26.06.2006

Ref ID: H/2003/1133/O

Proposal: Site Of Two Storey Dwelling & Detached Garage.

Address: Glen Road, Maghera 300 Metres East Of Glenshane Road

Decision:

Decision Date: 21.09.2004

### Summary of Consultee Responses

### Drawing Numbers and Title

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

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

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0938/O	<b>Target Date:</b>
<b>Proposal:</b> Replacement Dwelling & Garage (amended certificate)	<b>Location:</b> 28m North of 89 Innishrush Road Clady Road Portglenone
<b>Referral Route:</b>  Approval to go to committee – Objections received	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr M Clarke 11 Orchard Drive Portglenone	<b>Agent Name and Address:</b> Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
<b>Executive Summary:</b> Approval	
<b>Signature(s):</b> <b>Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

### Representations:

Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Six objections were received and summary of the issues raised are below:

- Infringement of privacy of residents and visitors
- Increase in traffic and safety concerns
- Adverse visual concerns

- land ownership concerns
- Failure in policy
- Loss of light

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

The site is located approximately 0.9km NW of Innishrush and is defined to be within the open countryside as defined by the Magherafelt Area Plan 2015. The site is accessed off an existing laneway off the Innishrush Road in that the site is southern half of a much larger agricultural field. The building to be replaced sits approximately 30m from the proposed siting along the laneway with a line of hedging to the rear of the building. The proposed siting inclusive of a proposed laneway encompasses two different portions of agricultural land, both in which are bounded by mature hedging on all boundaries. However worth noting that as the site is only a portion of a larger agricultural field that a new northern boundary would need to be planted out. The land in which the proposed dwelling is due to be positioned has a steep fall from west to east. The surrounding area is predominantly agricultural uses with scattering of residential dwellings and a pub and church in close proximity.

#### **Representations**

There were five neighbour notification sent out however four objections were received in connection with this application.

### **Description of Proposal**

This is an outline application for a replacement dwelling and garage at the site 28m North of 89 Innishrush Road, Clady. It is worth noting that the proposed dwelling is to be relocated approximately 30m NW of the existing building in the adjacent field.

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

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 21 Sustainable Development in the Countryside  
CTY 3 – Replacement Dwellings  
PPS 3 – Access, Movement and Parking

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However

favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

During the site visit it was clear that the building to be replaced was at one point a liveable dwelling in that it still exhibited the main characteristics of a dwelling. I am content that all external walls were substantially intact with evidence of windows, chimney and doors. It is also clear that the dwelling has since fallen into disrepair however claims by one of the objectors that he and his family had at one point lived in this dwelling clarifies any remaining concerns whether this was a dwelling or not. From this I am content that the building on site has been capable of demonstrating that it does exhibit the main characteristics of a dwelling.

In addition the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. It is noted that the dwelling to be replaced has a small curtilage and is located along the laneway and the applicant does not own the land to the rear, from this I conclude that a modest dwelling could not reasonably be accommodated and therefore an alternative location is required. From review of the proposed approx. position of the dwelling I conclude that this is the most appropriate location in that there will be limited public views of the site, has existing mature vegetation to aid integration. On balance I am content that this location is appropriate however the new northern boundary will be required to be planted and as much of the existing vegetation retained.

In terms of design as this is an outline application the design and layout has not been fully defined however it is felt that to respect the area and that the proposed dwelling should follow the traditional design in the countryside. I feel it necessary for the need for a landscaping plan to be part of the reserved matters application to ensure integration with the need for as much of the existing vegetation to be retained. In addition, as the two dwellings in close proximity are single storey however as there is limited public views I am content to pose a 6.0m ridge height restriction from existing ground level to protect the character of the area. In terms of the building to be replaced I do not feel it necessary to demolish this building rather condition it that it cannot be used for human habitation.

In response to the objections raised, I am content that an appropriately designed dwelling will not adversely impact on residential amenity in terms of privacy and any loss of light due to separation distances and existing mature vegetation. As stated there will be minimal public views of the site and again an appropriately designed dwelling will not have in my opinion an adverse visual impact. In addition any references to failure in planning policy has been dealt with previously in that I am content that the proposed development complies with CTY 3 of PPS 21. Furthermore with regards to the debate over the ownership of the building and the subsequent lands, a records check showed the lands were owned by St. Columbs Diocesan Trust and with an amended certificate this issue was dealt with. Finally in terms of road safety and additional vehicles Transport NI were consulted and confirmed that they had no objection subject to conditions and informatives.

Consultations were sent to Environmental Health, NI Water, Historic Environment Division and Transport NI, and all responses were received with no objection subject to conditions and informatives.

I have no flooding, ecological or residential amenity concerns.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.

**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, the dwelling to be replaced, coloured green on the approved plan date stamped 10th July 2017, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house.

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

4. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, shall be submitted to the council for approval. 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 within 5 years of the planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscaping in order to aid visual integration.

5. The proposed dwelling shall have a ridge height of less than 6.0 metres above existing ground level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.



6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

**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 authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

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

4. 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 any other statutory authority.

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

6.The applicant's attention is drawn to the attached information note from Environmental Health.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	10th July 2017
<b>Date First Advertised</b>	27th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Patricia Abbott 1 First Avenue, Bay Lands, Bangor, Down,BT20 5JT Michelle Henry 2 Bryansburn Road, Bangor,BT20 3SA Joanne Quinn 2 Claragh Hill Court, Kilrea, BT51 5YT The Owner/Occupier, 84 Innishrush Road Inishrush Portglenone The Owner/Occupier, 85 Innishrush Road Inishrush Portglenone The Owner/Occupier, 86 Innishrush Road Inishrush Portglenone jackie merrick 89 Innishrush Road Inishrush Portglenone Murtagh G. Henry 89 Innishrush Road, Portglenone,BT44 8LG	
<b>Date of Last Neighbour Notification</b>	11th September 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: H/2000/0751/RM Proposal: Dwelling and Garage Address: Adjacent to 89 Innishrush Road, Portglenone Decision: Decision Date: 21.11.2000  Ref ID: H/1976/0314 Proposal: REPLACEMENT BUNGALOW Address: 87 INNISHRUSH ROAD, PORTGLENONE Decision: Decision Date:	

Ref ID: H/1985/0089  
Proposal: IMPROVEMENTS TO HOUSE  
Address: 85 INNISHRUSH ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/2002/0572/F  
Proposal: New Access  
Address: 85 Inishrush Road, Portglenone  
Decision:  
Decision Date: 18.08.2002

Ref ID: LA09/2017/0938/O  
Proposal: Replacement Dwelling & Garage  
Address: 28m North of 89 Innishrush Road, Clady Road, Portglenone,  
Decision:  
Decision Date:

Ref ID: H/1999/0546  
Proposal: SITE OF DWELLING  
Address: ADJACENT TO 89 INNISHRUSH ROAD PORTGLENONE  
Decision:  
Decision Date: 18.12.1999

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
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Drawing No.  
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Status: Submitted

Drawing No. 01  
Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> M/2015/0113/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Proposed dwelling and domestic garage	<b>Location:</b> Site adjacent to 38 Moghan Road Castlecaulfield Dungannon
<b>Applicant Name and Address:</b> Dr Patrick McKenna 2 Carrnagh Bridge Road Dungannon BT71 6EY	<b>Agent name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Summary of Issues:</b>  No consultee objections and no third party representations received. The proposal does not meet policy CTY10 – Dwelling on a Farm or CTY6 – Personal & Domestic Circumstances	
<b>Summary of Consultee Responses:</b> Roads – approve with conditions Environmental Health – close to a wind turbine, however other sensitive development closer and there when turbine was approved Department of Agriculture – active and established farm	
<b>Characteristics of the Site and Area:</b>  The roadside boundary of the property is roadside verge approx. 1m wide, with a small drainage channel running along it. There are 2m high ‘wind’ bushes running along the northern boundary of the site. The south western boundary of the application site is defined by small trees approx. 5-6m high. The south eastern boundary of the site is defined by 1 – 1.5m high fir hedge (domestic) belonging to the adjacent dwelling to the south. There is a rising land mass (moderately) from roadside towards the south west. The current land use is agricultural grazing land.	

The area has moderate development pressure as is evident by the number of relatively recent dwellings constructed along this road at roadside further north. In saying that it retains all the essential characteristics of a rural agricultural area.



#### **Description of Proposal**

Proposed dwelling and domestic garage

#### **Deferred Consideration:**

Members are advised this application was before them in March 2016 and following a meeting with the Planning Manager and submission of additional information it has been further considered.



The issue in this case is the siting of the dwelling as it is accepted this proposal is for a dwelling on a farm which is 1). currently active and established and 2) there have not been any sites granted on the holding or sold off from it since November 2008. The proposed site is not beside a group of buildings on a farm and it has not been demonstrated that a dwelling could not be sited beside an existing group of buildings on the farm. Instead there are personal and domestic circumstances being put forward for consideration for the proposed occupier, which I do not consider in their own right would justify a dwelling in the countryside. Members will be fully appraised of these circumstances, in committee, at the planning meeting.

It is clear the proposal does not fit entirely within the policy for a dwelling on the farm and the special and domestic circumstances are not, in my opinion, so compelling and site specific as to warrant a new dwelling. However, given that the policy would in principle allow a dwelling on another part of the farm, I would have sympathy in this case and I consider the special circumstances being presented are a material factor that must be given some weight in the determination of this application. I consider members could make an exception in these case and grant permission on this site for a dwelling, with the understanding that Dr McKenna will not be able seek permission under the farm business for 10 years, under the current policy context. In principle, therefore I consider that a dwelling could be permitted on this site.

The site itself has existing buildings to the south and mature vegetation on the north and west boundaries as well as along the east boundary with the road. Access requirements will dictate some of the roadside hedge is removed, however an access in the NE corner of the site will reduce the amount of vegetation to be removed from the frontage. In my view, this site will be capable of satisfactorily integrating a single storey, modestly sized dwelling in the south west corner where it reads with the existing buildings and benefits from mature vegetation to its rear. I consider a dwelling in this position would be sufficiently removed from the existing dwellings to prevent overlooking and as it is on the north side of these, will not have any significant impacts due to overshadowing.

A wind turbine has been erected to the NW of the application site and following consultation with Environmental Health, there are no concerns about the impacts of the turbine on the development as there is other approved and occupied dwellings closer to the turbine.

**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 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 Council, in writing, before any development is commenced.

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

3. The proposed dwelling shall exhibit the traditional elements of rural design, particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable design guide for the Northern Ireland countryside, 'Building on Tradition'.

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

4. The proposed dwelling shall have a ridge height of 5.5 metres or less above finished floor level.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

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

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays approved plan 01 REV 1 date stamped 18 JAN 2016. 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 amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

7. Prior to the commencement of any development hereby approved the vehicular access, including visibility splays of 2.4m x 60m and any forward sight line, shall be provided in accordance with details as submitted and approved at Reserved Matters stage. 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.

8. The proposed dwelling shall be in the area shaded green on the approved plan 01 REV 1 date stamped received 18 JAN 2016 and the remainder of the land within the red outline of the application site shall be retained as agricultural land.

Reason: To ensure that the development is not prominent in the landscape and does not adversely impact on rural character.

**Signature(s):**

**Date**



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

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Melvin Bowman	
<b>Application ID:</b> LA09/2016/0761/F	
<b>Proposal:</b> Extension to existing portacabin to provide storage and office accommodation	<b>Location:</b> 40m North West of 35 Moss Road Ballymaguigan Magherafelt
<b>Applicant Name and Address:</b> Christopher Cassidy 58 Aughrim Road Magherafelt	<b>Agent name and Address:</b> CMI Planners Ltd 80 - 82 Rainey Street Magherafelt
<b>Summary of Issues:</b>  One letter of objection was initially received and one anonymous letter of support. The letter of objection which related to the following issues was subsequently withdrawn; Siting of an unauthorised mobile building; Significant site works are ongoing; Loss of privacy to adjacent property; Increase in noise and pollution; Overbearing and inappropriate design	
<b>Summary of Consultee Responses: No objections.</b>	
<b>Characteristics of the Site and Area:</b>  Description of Proposal  Extension to existing portacabin to provide storage and office accommodation. The proposed extension measures 11.0m long by 3.4m wide with an additional link between the existing and proposed structures and measuring 3.5m by 3.2m, giving a total increase in floor area of 48.6m <sup>2</sup> . The proposed extension is set at right angles to the existing structure, is further back on the site	

from the roadside boundary, closer to the site entrance and has a similar flat roof, which is 0.5m higher.

#### Characteristics of the site and surrounding area

The site is comprised of a large area of rough overgrown land on a road frontage site. There is a bungalow, no.35, immediately to the eastern boundary. The site contains a small portacabin and the frame of a larger prefabricated building, which has been set up on concrete pipes as a base. These pipes are approximately 1.0m high and have been filled with concrete to provide a stable base for the steel frame of the prefab building. The prefab building is in poor state of repair with two of the four sides having been removed. The other two sides have been partially removed with the timber frame exposed. The floor level of the prefab building sits approximately 1.2m above existing ground level. This prefab building was the subject of a previous application and subsequent planning appeal which was dismissed – Ref: LA09/2015/0598/F.

There is an existing hedge along the roadside boundary with a 3m high hedge along the eastern boundary next to no.35. The other boundaries on the south and west are defined by trees and bushes/shrubbery. The site lies outside the settlement development limit of Ballymaguigan as defined in the Magherafelt Area Plan 2015. The site is some 80m outside the development limit on the southern side of the Moss Road. There is a vacant site opposite the site with the entrance to Moss Tiles to the east.

#### Description of Proposal

Extension to existing portacabin to provide storage and office accommodation

#### Deferred Consideration:

Members will recall that this application was deferred at the July 2017 Planning Committee meeting to allow a site visit to take place.

The details and points noted at the visit are outlined below:

**Meeting:** Fri 21 July 2017 10.30am (at the site)

**In Attendance:** Melvin Bowman (MB)  
Chris Cassidy (applicant) (CC)  
Cllrs McPeake / Bateson / Kearney

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#### **Note of members site visit.**

1. MB explained the protocol at the outset and that this advised against and lobbying / influence of members during the site visit.

2. MB clarified all relevant site history and reminded those present that enforcement proceedings were in place regarding the both the u/a structure on site and the office conversion of the portacabin building.
3. CC explained how he intended to incorporate the existing portacabin in to the scheme which also involves utilising the front section of the u/a steel structure sitting adjacent to the portacabin – a small link corridor was to be provided.
4. We examined the extent of hedge loss for access – CC had recently trimmed back to the LHS and it seemed to me that visibility did exist to this side in its present form.
5. MB explained the extent of the settlements of Ballymaguigan and how the site was located outside this. The importance of the site as a visual break was also reinforced as also agreed with by the PAC recently. It was also reinforced that to assume the site would at some future stage in all likelihood be drawn into the settlements was premature.
6. Members examined the portacabin although MB did express that this wasn't material to the decision given that it benefitted from no permission to use this as an office. As per the appeal visit the office use remains in place and a generator was providing a source of power. The other half of the porta cabin remains as ancillary storage.
7. MB queried site levels which are felt to have been increased. CC argued that this had happened as long ago as 2007 but didn't deny that the structures on site were sitting higher than previously existing ground levels.
8. The meeting concluded.

Having reviewed the case, and in considering the case officers original assessment of the proposal against the relevant planning policy considerations, the findings of the PAC at the recent appeal and all other material considerations, I have found no grounds to form a different opinion than that presented to the Committee at its July meeting and therefore conclude that permission should be refused for the reasons previously set out below:

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

##### **Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement nor is this a proposal which is facilitated by PPS 4 planning and Economic Development.
2. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development: Policies PED 4 - Redevelopment of an Established Economic Development Use in the Countryside and PED 9 – General Criteria for Economic Development, in that; the proposal would, if permitted, fail to provide adequate access to public transport; harm the rural character and appearance of the local area; there are no environmental benefits; it fails to provide sustainability; and would have a significantly greater visual impact than the existing building.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building will fail to integrate as the proposed site lacks long established natural boundaries and much of the front boundary is proposed to be removed. The proposed site is therefore unable to provide a suitable degree of enclosure for the building to integrate into the surrounding landscape as it will rely primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, result in a

suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, mar the distinction between Ballymaguigan and the surrounding countryside.

**Signature(s): M.Bowman**

**Date 19<sup>th</sup> Sept 2017.**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2016/1654/A	<b>Target Date:</b>
<b>Proposal:</b> The sign will consist of a flat screen fixed to gable wall with brackets. It shall display moving images and static images for advertising	<b>Location:</b> 53 Main Street, Maghera (Walsh's Hotel) Sign to be displayed on the Coleraine Rd side of the building
<b>Applicant Name and Address:</b> Mr Kieran Bradley Walsh's Hotel 53 Main Street Maghera BT46 5BN	<b>Agent name and Address:</b> Mr Sean McKenna 4 Glen Cree Glen Road Maghera BT46 5JB
<b>Summary of Issues:</b> Amenity and Public Safety	
<b>Summary of Consultee Responses:</b>  Transport NI have concerns that the LED sign creates a traffic hazard which causes a distraction to drivers and may lead to shunting type collisions on the approach to the junction. TNI also have concerns regarding the protected route and the description stating that the LED sign will display moving images. TNI have therefore recommended refusal.	
<b>Characteristics of the Site and Area:</b>  The site is located within the settlement limit of Maghera, as defined by the Magherafelt Area Plan 2015. The site is located at Walsh's Hotel, on the junction of Main Street and Coleraine Road, both designated as protected routes. There is currently an LCD screen measuring 5m x 3m attached to the northern gable end of the hotel. The screen is visible when viewed from the North by both drivers and pedestrians on Coleraine road. The site is located within Maghera town centre and an area of archaeological potential. The surrounding area is characterised mainly by retail land uses, with a row of shops opposite the site and a filling station and fast food restaurant immediately adjacent to the site.	



**Description of Proposal**

An application has been made for consent to display an advertisement. The proposal is for the retention of the LCD screen. The sign consists of a flat screen fixed to the gable wall with brackets. The screen will be illuminated internally and will display both static and intermittent images. The screen measures 5 m x 3 m.

**Deferred Consideration:**

This application was presented before the Planning Committee in March 2017 where it was deferred for the workshop on signage.

This application for a new flat screen sign for the display of moving and static images for advertising is on the rear wall of Walsh's Hotel in Maghera. It falls to be considered under Policy AD 1 of PPS 17: Control of Outdoor Advertisements.

Policy AD 1 address issues of amenity and public safety and states consent will be given for the display of an advertisement where:

- (i) It respects amenity, when assessed in the context of the general characteristics of the locality; and
- (ii) It does not prejudice public safety.

As detailed above the sign measures 5m x 3m and covers the vast majority of the rear gable wall on which it has been fixed to. The application is within the development limits of Maghera at a very busy traffic light junction at the junction of the Coleraine Road/Hall Street/Main Street. There is a mix of business, retail and educational uses in the area with business having their own signage. Nevertheless this advertising sign must be assessed on its effect upon the appearance of the building and the immediate neighbourhood where it is displayed and its impact over long distance views. This sign has been erected without planning permission but this allows a full assessment of its impact. The sign does not respect the amenity of the neighbourhood and dominates the area particularly given the size of the screen and the moving images that are displayed throughout the day and night. The sign appears as incongruous on the host building itself, which although is a hotel use, it appears as a dominant use on the host building.

On approaching the site from the Coleraine Road driving/walking into Maghera town there is a long distance view. Again the sign has the effect of appearing as dominant on the approach into Maghera given the sheer size of it in the streetscape.

Annex A of PPS 17 provides guidance for outdoor advertisements and in it deals with Poster Panel Displays which generally do not relate directly to the land or premises on which they are located as is the case in this application. Having seen the various advertisements being displayed some relate directly to the hotel and upcoming functions itself and other displays are for the benefit of business not connected to the Hotel itself. Annex A acknowledges poster panel displays rely on size and siting for their impact and they have the potential to be over dominant and obtrusive in the street scene and therefore there is a need to ensure that such displays respect the scale of their surroundings. It is my opinion this guidance reinforces the unacceptability of the sign at this location and at the size as erected and is contrary to Policy AD 1 of PPS 17 by way of its impact on amenity when assessed in the context of the general characteristics of the locality.

Policy AD 1 addresses issues of public safety with a new advertisement. It is acknowledged that by their very nature they are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. There are a number of advertisement types which are likely to pose a threat to public safety and these include:-

- Signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;
- Signs sited or designed primarily to be visible from a motorway or other special road.

Policy AD 1 states that in assessing the impact on public safety the vital consideration will be whether the advertisement is likely to be so distracting that it creates a hazard to or endangers people in the vicinity be they drivers cyclists or pedestrians.

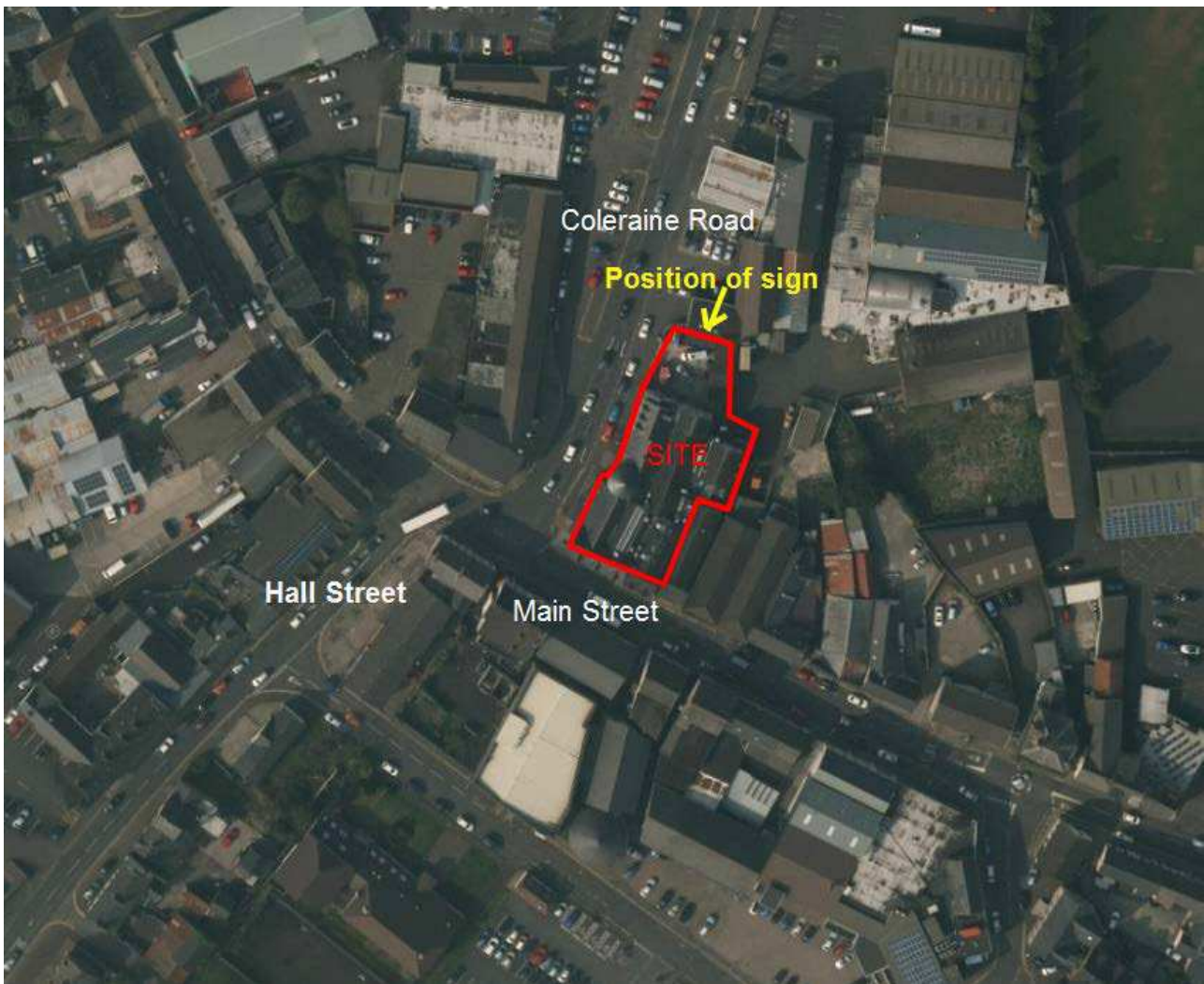
The A29, from which the sign is prominent in the streetscape, is a protected route and this must be given weight when considering this application. Policy AD 1 is clear when it states that signs which are sited or designed primarily to be visible from a special road are likely to pose a threat to public safety. The sign is of such a considerable size in a very prominent location that it has been designed to attract the attention of all people in the vicinity of the application site, indeed it is its very purpose. Transport NI are concerned that it is mounted on the approach to a busy traffic light controlled junction. Vehicles regularly have to queue here as the lights go through the various phases and the erection of this sign, at 5m x 3m, will, in the opinion of TNI, create a road traffic hazard which will distract drivers and may lead to shunting type collisions on the approach to the junction. TNI also have a particular concern that the description states clearly that it shall display moving images. Transport NI have recommended 2 reasons for refusal for this application as they are of the opinion it will prejudice the safety and convenience of road users as it would distract the attention of motorists from road traffic signals and thereby creating a traffic hazard.

**Reasons for Refusal:**

1. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality.
2. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.
3. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.

**Signature(s):**

**Date**





## Deferred Consideration Report

Summary	
<b>Case Officer:</b>  Melvin Bowman	
<b>Application ID:</b> LA09/2017/0272/F	
<b>Proposal:</b> A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F)	<b>Location:</b> Beltonanean Mountain Beltonanean TD Cookstown Co. Tyrone.

<b>Applicant Name and Address:</b> Mr Graham Bell 24b Ballinasollus Road Cookstown BT80 9TQ	<b>Agent name and Address:</b> Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<b>Summary of Issues:</b> application deferred at Sept meeting for a site visit.	
<b>Summary of Consultee Responses: No objections.</b>	
<b>Characteristics of the Site and Area:</b>  Description of proposal This is renewal of a full planning for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F).  Characteristics of Site and Area The site is located in the townland of Beltonanean some 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site is accessed off Beltonanean Road on rising ground close to old derelict farm buildings and some sheds with some mature trees and hedges. A 60m met mast is already located close to the site of the proposed turbine The turbine is located on the lower slopes of this upland area which includes Beltonanean Mountain, Corvanaghan, Oughtmore and Evishbrack Mountain. To the north and east beyond lies the main body of the Sperrins AONB. This site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery is located immediately south of the site on Corvanaghan Road.	
<b>Deferred Consideration:</b>  This application was recommended for approval at the Sept 2017 meeting of the Planning Committee.  Members resolved to defer the application for a site visit which took place on the 21 Sept 2017.  A summary of the visit is outlined below:  I accompanied Cllrs Mallaghan / Bateson/ Glasgow/ McKinney and Robinson on the visit.  It had been suggested at the previous Committee that members should perhaps visit a turbine of similar size and dimensions to that proposed under this application. That being the case I took members to visit the turbines erected in Brackagh Quarry by Creagh Concrete. Whilst these measure 115m to the tip and this application proposes a total height to tip of 92.5m this allowed for	

a broadly similar comparison. The differences in heights were fully explained to members during the visit.

An inspection of the application site followed at which I identified the location of the turbine and explained that it was an identical in height structure to that which the applicant had gained permission for previously. This is a renewal of that permission.

The context of the landscape was clarified as was the identification of local dwellings. I provided some clarity around how the main policy change from the Department's decision to allow the first permission was the publication of the SPPS and its requirement to take a more cautious approach to wind energy development in areas of AONB. The visit concluded shortly after.

I explained to those present that since the last Committee the applicant had clarified that an infra-red light would be used on the turbine and that this had been confirmed as acceptable by the MOD. This should overcome any light pollution concerns in relation to the dark skies project in the area.

I have examined the case officer's report and considered the visual assessment gained during the site visit. The case officer has assessed this application against the requirements of the SPPS and has carefully considered how the proposal meets the requirements of the relevant policy.

Given the proposals location in this AONB, had this application come before the Council with no previous planning history for an identical turbine, I would have been more concerned about a recommendation to approve it. It is a tall structure at 92.5m and will sit in isolation in the landscape with significant public views particularly from a SE approach. However, weight must be afforded to the site history and in this context and on balance I feel that an opinion to approve is the correct one.

**Conditions:** as previously listed in the Sept Report in addition the following should be included:

- any aviation light erected on the turbine shall only be of infra-red type as agreed by the MOD.

**Signature(s):** M.Bowman

**Date** 22 Sept 2017.



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Karen Doyle	
<b>Application ID:</b> LA09/2017/0354/O	<b>Target Date:</b>
<b>Proposal:</b> Infill site for 2no dwellings and detached garages	<b>Location:</b> Land between No's 15 and 17 Quilly Road Moneymore
<b>Applicant Name and Address:</b> Mr E & C McGuckin 17 Quilly Road Moneymore BT45 7SE	<b>Agent name and Address:</b> Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
<b>Summary of Issues:</b> Contrary to policies CTY 1, 8, 13 and 14.	
<b>Summary of Consultee Responses:</b> No objections	
<b>Characteristics of the Site and Area:</b>  The site is located approximately 3.1 km from Moneymore and is defined to be in the open countryside as per the Cookstown Area Plan 2010. The site is located in the front portion of a large agricultural field wherein the site has an undulating land form where the site falls from the roadside towards the east. The northern, southern and western boundaries are defined by post and wire fencing with scattering of hedging in the south western corner, whilst the eastern is undefined as mentioned the site is a portion of a larger field. To the north of the site sits a single storey detached dwelling with a garage to the rear and a mobile home that doesn't have planning permission. To the south sit another detached single storey dwelling with a small outbuilding to the front. The immediate locality is characterised by residential development, with the wider surrounding area is characterised by agricultural land and residential uses predominantly.	
<b>Description of Proposal</b>  This is an outline application for a proposed infill site for 2No. dwellings and detached garages located between No 15 and 17 Quilly Road, Moneymore.	

**Deferred Consideration:**

Policy CTY 1 of PPS 21 sets out 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. A number of instances when planning permission will be granted for a single dwelling are outlined. The agent contends this application represents an infill opportunity in accordance with CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site. Policy CTY 8 requires four specific elements to be met

- The gap must be within an otherwise substantial and continuously built up frontage;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- Other planning and environmental requirements must be met.

Having visited the site I accept there is a dwelling at No 17 and a dwelling and dwelling and a small shed at No 15 all with a frontage to the road. However it is my opinion that this application fails to meet the exception tests of CTY 8 for the following reasons:

- Whilst there may be a line of 3 or more buildings with the dwelling at No 17 and the very small shed and dwelling at No 15 along the road frontage, there is a garage to the rear of No 17 and CTY 8 requires the line of 3 or more buildings not to have accompanying development to the rear. It is my opinion this does not therefore constitute a substantial and built up frontage. Policy CTY 8 also requires the frontage to be continuously built up. It is clear from visiting the site there is no continuously built up frontage and this field provides a strong visual break between the buildings at No 15 and the dwelling at No 17 Quilly Road. The agent is misplaced in relying on the garage to the rear of No 17 as this is not only accompanying development to the rear but neither does it have a frontage to the Quilly Road.
- Given that I feel the first exception has not been met it would fall that the 2<sup>nd</sup> and 3<sup>rd</sup> exceptions are also not met but for the purposes of this report I will detail my consideration of them nevertheless. The 2<sup>nd</sup> exception requires the site to be a small gap site. At the deferred office meeting there was time spent on physically measuring the length of the application site and the frontages of Nos 15 and 17 Quilly Road. However the agent is seeking to include the unauthorised mobile home to the east of No 17 Quilly Road and our Enforcement section has been informed of the unauthorised development. In seeking to rely on this unauthorised mobile home this automatically reduces the frontage length of the application site but this is misplaced given the unauthorised status of the mobile home and thus it cannot be considered to have a separate frontage. It is clear from an overview of the site location plan at drawing 01 that this site is capable of accommodating more than the maximum 2 houses detailed in the exception to Policy CTY 8. It is also in its ability of accommodating more than 2 houses that it is confirmed, in my opinion, that this site is not a small gap site and provides a strong visual break which helps to maintain the very rural character of this area.
- In addressing the existing development pattern along the road frontage the agent is also relying on dwellings on the opposite side of the road as a basis on which to inform a decision on the acceptability of this site. This is misplaced as the policy clearly requires the site to be considered within the road frontage and not the wider development pattern of the area, simply the road frontage on which the site is located and nothing else. Given that I consider the site capable of accommodating more than 2 houses based on the pattern of development in the area I do not consider an approval would respect the existing development pattern along the frontage.



- The fourth element to be addressed is the other planning and environmental requirements which namely the ability of a new dwelling to integrate into the landscape in accordance with CTY 13 and the rural character in accordance with CTY 14. The site, as outlined in red, is located in the front portion of a very large roadside field and would be heavily reliant on new vegetation to aid the integration of 2 dwellings and as such is contrary to points (b) and (c) of CTY 13. Para 5.64 states that while new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. CTY 14 lists the circumstances in which a new building will be unacceptable and it is point (c) in my opinion which cannot be met, namely it creates a ribbon of development which will cause a detrimental change to rural character.

The agent has relied on an appeal case to support this application on a site outside Saintfield (2013/A0254). Having read the appeal report and considered the site location it is my opinion that given the quantum of development that exists and the size of the gap site Mid Ulster District Council would have allowed a dwelling on what I would consider an infill site and I do not consider the appeal, as presented, has any commonality with the application as it is. The key difference being that in the appeal case there would have been no change in rural character at that location but in the current application we would be allowing the infilling of a large gap site and changing the rural character. In addition rather than infilling a small gap site we would be creating a ribbon of development where one currently doesn't exist. Furthermore it is clear that an approval would result in a suburban style build-up of development which does not reflect nor respect the traditional pattern of development which is in contradiction with Policy CTY 14 which seeks to prevent a detrimental change to the rural character of an area. Consequently I am recommending a continued refusal of this application.

#### **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 proposal would, if permitted, result in the creation of ribbon development along Quilly 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 unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and it will rely primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s):**

**Date**



<b>Report on</b>	<b>Update on BT Consultation on the removal of a public payphone at the Bush.</b>
<b>Reporting Officer</b>	<b>Chris Boomer Planning Manager</b>
<b>Contact Officer</b>	<b>Sinead McEvoy</b>

<b>Is this report restricted for confidential business?</b>	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

<b>1.0</b>	<b>Purpose of Report</b>
1.1	Members will recall that the Planning Manager agreed to provide a paper on the handling of a BT Consultation on the removal of a public payphone at the Bush and options as to how the Committee may wish to consider the issue further.
<b>2.0</b>	<b>Background</b>
2.1	On 7 <sup>th</sup> September 2017 the Planning Department of Mid Ulster District Council received correspondence from British Telecom (BT) which advised that they are considering removing the existing public payphone located near the junction of Cavan Road and Bush Road, within the village of Bush.
2.2	The Planning Department has been performing a 'post box' role in the handling of the consultations from BT on this and other similar consultations. BT are following OFCOM guidance on the removal of payphones/boxes and their guidance names Council's in Northern Ireland as the 'post box' for collecting commentary. Upon receipt of the consultation from BT it is then forwarded to Democratic Services who then report it to the relevant Council meeting along with any representations received.
2.3	The OFCOM guidance on the removal of public call boxes states that if a local organisation writes to BT within 90 days to object, setting out their reasons, BT cannot removal the call box. This is known as a 'Local Veto'.
<b>3.0</b>	<b>Main Report</b>
3.1	In this particular case the payphone in question is a 'classic' style red phone box, of the 'K6' variety, which was originally designed by Sir Giles Gilbert Scott in 1935 to commemorate the silver jubilee of King George V and is widely considered to be a modern design icon. The once common sight of a red phone box within the towns and villages of Northern Ireland is now becoming rarer due to modern replacements and the increase in popularity of mobile phones. At present this particular phone box does not have any associated designations which would afford it any special protection

3.2	<p>The Committee may wish to know that to-date representations have been received on behalf of the community which highlight the following objection issues:</p> <ul style="list-style-type: none"> <li>• The phone box is a feature in the village and rather than removing it, BT should make investment in the phone box to tidy it up.</li> <li>• This is a rural community with many elderly residents. This kiosk could prove a life saver in an emergency 999 incident.</li> <li>• Rather if the kiosk was painted and maintained perhaps more people would use it.</li> <li>• The traditional red kiosk is part of the history and culture of the village and the Bush Community Culture Group would like to see it retained for future generations.</li> </ul>
3.3	<p>These representations have been provided to Democratic Services who will have the consultation and related representations listed on the Correspondence Report for the September Council meeting.</p>
3.4	<p>It is clear from the representations received to-date that the local community would like to see the phone box remain. It is considered that there are <b><u>two options</u></b> available to the council as a means of achieving this:</p> <ol style="list-style-type: none"> <li>1. Make use of the 'Local Veto' as contained within the OFCOM guidance whereby the council would submit their objection to BT setting out the reasons submitted by the local community.</li> <li>2. Investigate the option of the 'Temporary Listing' of the phone box through the service of a Building Preservation Notice (BPN). The detail of this process is set out below.</li> </ol>
3.5	<p><b>Building Preservation Notices (BPN)</b></p> <p>A BPN is a form of temporary listing which provides statutory protection to an unlisted building, for a period of 6 months, as if it were listed. The Planning Act gives Mid Ulster Council the discretionary power to serve a BPN on the owner and occupier of a non-listed building that they consider meets the following tests:</p> <ul style="list-style-type: none"> <li>• It is of special architectural or historic merit; and</li> <li>• It is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest.</li> </ul>
3.6	<p>Mid Ulster Council and the Department of Communities have responsibility under the Planning Act (NI) 2011, to protect and conserve the historic environment for the benefit of our present and future generations. The Department of Communities, Historic Environment Division retains the legal power to designate (list) a historic structure. It is important to highlight that his legal power to 'list' a building is not within the Council's remit and the service of a BPN is only a temporary measure. In moving forward with the service of a BPN the advice and input of DoC HED is critical since it is they who decide if the building should then be 'listed'.</p>
3.7	<p>A key consideration for the Members is the issue of '<u>Compensation</u>', as set out in Section 179 of the Planning Act (NI) 2011. Under this Planning Legislation Mid Ulster Council is liable for 'Compensation' with regard to BPN's in the following two situations</p> <ul style="list-style-type: none"> <li>• <b>Revoked planning permission</b> – a BPN can be served on a heritage structure even if there is an existing planning permission for its demolition or alteration. Should the heritage structure be subsequently listed, Listed Building Consent (LBC) will be required. If LBC is not granted for works approved under a current planning application,</li> </ul>

	<p>this may require the current planning application to be revoked. Applicants may then seek compensation for losses incurred.</p> <ul style="list-style-type: none"> <li>• <b>Heritage Structure subject to a BPN is not Listed</b> – If after consideration, the heritage structure is not protected by the DoC, HED as an official listed structure, <b>Section 186 of the Planning Act 2011</b> applies. The land owner may claim compensation for ‘<i>any loss or damage directly attributable to the effect of the notice</i>’, including ‘<i>a sum payable in respect of any breach of contract caused by the necessity of discontinuing or countermanding any works to the building on account of the BPN being in force with respect to it.</i>’</li> </ul> <p>It is therefore important for the Council to have due regard to the potential for compensation claims when considering serving a BPN.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b><u>Financial &amp; Human Resources Implications</u></b></p> <p>Financial:</p> <p>Human:</p>
<b>4.2</b>	<b><u>Equality and Good Relations Implications</u></b>
<b>4.3</b>	<b><u>Risk Management Implications</u></b>
<b>5.0</b>	<b>Recommendation(s)</b>
<b>5.1</b>	<p>Members are requested to note the contents of this report and advise if they wish to use the ‘local veto’ option to keep the payphone at the Bush.</p> <p>Should members wish to consider the option of a Building Preservation Notice then they are requested to advise if they would like further investigation carried out by the planning department on the merits of temporary listing, including consultation with DoC, HED.</p>
<b>6.0</b>	<b>Documents Attached &amp; References</b>



**Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 5 September 2017 in Council Offices, Ballyronan Road, Magherafelt**

**Members Present**

Councillor Mallaghan, Chair

Councillors Bateson, Bell, Clarke, Cuthbertson, Gildernew, Glasgow, Kearney, McAleer, McEldowney, McKinney, Reid, Robinson, J Shiels

**Officers in Attendance**

Dr Boomer, Planning Manager  
Ms Doyle, Senior Planning Officer  
Mr Marrion, Senior Planning Officer  
Ms McKearney, Senior Planning Officer  
Ms McMullen, Council Solicitor  
Ms Grogan, Committee Services Officer

**Others in Attendance**

**Applicant Speakers**

LA/09/2016/1241/F Charlotte Irwin – Six West Ltd  
LA/09/2015/0452/F Clare McParland – Clyde Shanks  
LA09/2015/1223/F Chris Cassidy – CMI Planners  
LA09/2017/0272/F Hayley Dallas – Ross Planning  
LA09/2017/0576/F Thomas Bell – Clyde Shanks  
Elaine Shaw – Northway  
LA09/2015/1239/F Gemma Jobling – JPE Planning  
Eunan Rafferty – Creagh Concrete  
LA09/2016/0797/F Jason Taggart – Taggart Design  
LA09/2016/0965/O Sheila Curtin – 2 Plan NI

Councillor B McGuigan

The meeting commenced at 7 pm

**P117/17 Apologies**

Councillors McPeake and Mullan.

**P118/17 Declarations of Interest**

The Chair reminded members of their responsibility with regard to declarations of interest.

*Councillor Reid declared an interest in application LA09/2016/1307/F*  
*Councillor McKinney declared an interest in application LA/2015/1239/F*  
*Councillor McAleer declared an interest in LA/2016/0693/F*

**P119/17 Chair's Business**

The Planning Manager updated the committee on the Development Plan and advised that there was good progress and representation being made and would anticipate being in a position to finalise a paper on the consultations responses for the plan in October. He advised that he would liaise with Democratic Services to arrange a suitable date for all members.

## **Matters for Decision**

### **P120/17      Planning Applications for Determination**

**M/2015/0097/F      Housing Development (40 units) state road and foul water treatment plant at 46 Tullyvar Road, Aughnacloy for Leo Daly**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved:** That planning application M/2015/0097/F be approved subject to conditions as per the officer's report.

**LA09/2015/0353/F      45 bedroom care home for the elderly at 180 – 182 Battery Road, Moortown (renewal of I/2009/0134/F) for Mr Lawrence McGuigan**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor J Shiels  
Seconded by Councillor Bell and

**Resolved:** That planning application LA09/2015/0353/F be approved subject to conditions as per the officer's report.

**LA09/2015/0452/F      Residential development of 65 dwellings, open space, landscaping, upgrade/traffic calming and ancillary site works at Mullaghboy Lane, Magherafelt for Mr J Keatley**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2015/0452/F be approved subject to conditions as per the officer's report.

**LA09/2015/1223/F      Engineering workshop, welfare building, drainage and service yard in relation to existing company at 21 Farlough Road, Dungannon for Specrum**



Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2015/1223/F be approved subject to conditions as per the officer's report.

**LA09/2016/1136/F Single storey stand-alone coffee shop unit and car parking provision at Oaks Retail Park, Oak Road, Dungannon for MBCC Foods (Ireland) Ltd**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/1136/F be approved subject to conditions as per the officer's report.

**LA09/2016/1241/F Extension of existing quarry at Carmean Quarry, Carmean Lane, Moneymore for Northstone Materials**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2016/1241/F be approved subject to conditions as per the officer's report.

**LA09/2016/1246/F Winning and working of minerals (sand and gravel) with restoration to agricultural lands at land W of 53 Knockalerry Road, Cookstown for Mr Wilbert Patterson**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Glasgow  
Seconded by Councillor Reid and

Mr Marrion (SPO) referred to addendum and advised that the address on the planning agenda was incorrect (Knockaleery Road) but was correct on the application and was correctly advertised. He advised that the EHO response was to have conditions attached.

**Resolved:** That planning application LA09/2016/1246/F be approved subject to conditions as per the officer's report.

**LA09/2016/1590/F Store for existing moulds and vehicle parts at 15 Cullenfad Road, Dungannon for Mr Ivan McKeown**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Cuthbertson  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/1590/F be approved subject to conditions as per the officer's report.

**LA09/2016/1624/O Dwelling and garage on a farm at lands to the rear of 215-217 Washingbay Road, Coalisland for B Donnelly**

Mr Marrion (SPO) presented a report on planning application LA09/2016/1624/O advising that it was recommended for refusal.

Proposed by Councillor Gildernew  
Seconded by Councillor McKinney and

**Resolved:** That planning application LA09/2016/1624/O be refused on grounds stated in the officer's report.

**LA09/2016/1795/F One and a half storey domestic garage at 31 Tullycall Road, Cookstown for Philip Thom**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Reid  
Seconded by Councillor Bateson and

**Resolved:** That planning application LA09/2016/1795/F be approved subject to conditions as per the officer's report.

**LA09/2017/0118/O Dwelling (amended access detail) between 18 and 20 Brackagh Road, Moneymore for Mr & Mrs P Cassidy**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Kearney  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2017/0118/O be approved subject to conditions as per the officer's report.

**LA09/2017/0154/F Dwelling on a farm at 120m SE of 48 Stiloga Road, Eglish, Dungannon for PJ and Mikila McGee**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0154/F be approved subject to conditions as per the officer's report.

**LA09/2017/0180/F New car dealership building, incorporating two new vehicle showrooms, workshop, valet shop sales and administration space; external car parking facilities an associated landscaping works and external car sales provision at lands immediately SE and adjacent to 59 Moy Road, Dungannon for Donnelly Bros**

Application listed for approval subject to conditions as per the officer's report.

Mr Marrion (SPO) drew members attention to circulated addendum from Roads Service advising of additional conditions for inclusion.

Proposed by Councillor Reid  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0180/F be approved subject to conditions as per the officer's report.

**LA09/2017/0231/O Dwelling and garage/store on a farm at 55m NW of 132 Glen Road, Maghera for Mr Jethro Selfridge**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor J Shiels and

**Resolved:** That planning application LA09/2017/0231/O be approved subject to conditions as per the officer's report.

**LA09/2017/0272/F A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2012/0211/F) for Graham Bell**

Application listed for approval subject to conditions as per the officer's report.

Councillor Glasgow proposed to accept the recommendation of the Case Officer.

Ms Doyle (SPO) went through the report and advised that this application was a renewal (I/2010/0211/F) of a full planning for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments would comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; onsite drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain.

She advised that the site was located in the townland of Beltonanean, 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site was accessed off Beltonanean Road on rising ground close to old derelict farm buildings and some sheds with some mature trees and hedges. A 60m met mast was already located close to the site of the proposed turbine. The turbine was located on the lower slopes of this upland area which includes Beltonanean Mountain, Corvanaghan, Oughtmore and Evishbrack Mountain. To the north and east beyond lies the main body of the Sperrins AONB and the site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery was located immediately south of the site on Corvanaghan Road.

Ms Doyle advised that any development than generates energy from renewable resources would be permitted where the proposal and any associated buildings and infrastructure, would not result in any unacceptable adverse impact on the following planning consideration:

- Public safety, human health or residential amenity
- Visual amenity and landscape character
- Biodiversity, nature conservation or built heritage interests
- Local nature resources, such as air quality, water quality/quantity
- Public access to the countryside.

Ms Doyle stated that a third party objection had been received which raised the following concerns and what her views were on the matter:

- 1) **Previous conditions be attached to this permission should permission be granted – a reasonable request should permission be granted.**
- 2) **That the new assessment takes account of the AONB and a cautious approach being adopted – this has already been addressed**
- 3) **That the light at the tip of the turbine having detrimental impact on the Dark Sky status that the area is trying to establish – no other evidence to prove that Dark Sky status would not be achieved should the light be attached to the turbine for safety measures.**

She advised that the statutory agencies including NIEA, Roads Service and Telecommunications/Television/Aircraft Traffic had no concerns in terms of potential impacts and would be happy to recommend planning permission subject to conditions adhered too.

Councillor Bell said that listening to the officer's report and given the sensitivities around the Dark Skies and other similar projects within that area and taking into consideration the slight changes in protocol from the original planning application, he would be requesting that a site meeting be held.

Councillor Clarke agreed with Councillor Bell's sentiments and agreed that there could be issues around the Dark Sky project as what is visible to the naked eye for night photography could be detrimental due to red dots everywhere.

The Planning Manager advised said that he would have no issue with agreeing to a site meeting as this could determine a way forward on new proposals similar to this one coming forward.

Councillor Reid raised the following questions with the Planning Manager:

- i) Was there no site meeting prior to this application.
- ii) Was there any information received
- iii) If the Planning Manager wasn't 100% happy at any point why was approval granted in the first instance

The Planning Manager stated that approval was granted previously, this does not mean we have agree or disagree with that proposal, however it was a matter of fact that an approval was granted and that account must be taken of it in considering this application. He said that if the members decide to visit the site, this may have additional benefits to the consideration of this application, as it could assist in understanding existing policy and the implications of policy changes in a new Local Development Plan.

He said that the report was the view of the Case Officer which was assigned to the planning application which doesn't necessarily mean that it's the view of everyone else within the Planning Department or indeed the Council. In the terms of the Dark Sky project and the impact of safety regarding aircraft, options should be investigated like infra-red lights which could be picked up by the aircraft.

Councillor Glasgow advised that he would be happy to withdraw his proposal in favour of a site meeting being held.

Proposed by Councillor Bell  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2017/0272/F be deferred for a site meeting.

**LA09/2017/0322/O Site for 2 infill dwellings and garages 50m NW of 25 Aughagranna Road, Stewartstown for Brian McCuskey**

Mr Marrion (SPO) presented a report on planning application LA09/2017/0322/O advising that it was recommended for refusal.

Councillor Reid referred to the two existing properties and site on the map and asked if all the three properties were passed and sitting back behind, would this be classed as a ribbon development.

Mr Marrion (SPO) advised that as this property had access to the road and are all visually linked, to get access there would need to be a hedge and a view along the road.

Councillor Clarke stated that sometimes that this can't be achieved as a hedge may be hiding a building and enquired if there was another dwelling across the road from the proposed site.

The Planning Manager said that by looking at the aerial photo it looks like a large gap.

Councillor Gildernew stated that not taking the one across the road, the site looks as large as whole field and there was a need to take this into consideration.

Proposed by Councillor McKinney  
Seconded by Councillor Cuthbertson and

**Resolved:** That planning application LA09/2017/0322/O be refused on grounds stated in the officer's report.

**LA09/2017/0336/F Dwelling and detached garage (in substitution for approved LA09/2017/1585/O) at approx. 70m NW of 31 Rhone Road, Moy for Matthew Hughes**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McAleer  
Seconded by Councillor Gildernew and

**Resolved:** That planning application LA09/2017/0336/F be approved subject to conditions as per the officer's report.

**LA09/2017/0380/O Site for dwelling in a gap site 80m S of 31 Gortnaskey Road, Draperstown for Oonagh Barrett**

Ms Doyle (SPO) presented a report on planning application LA09/2017/0380/O advising that it was recommended for refusal.

Councillor Bell stated that this committee had previously passed gap sites like this one at No. 31. He said that the size of the frontage on the bend and the property to the south of the site that you could fit another 2 houses into the area. He said that he would be sympathetic towards the applicant in this instance and given that other applications similar to this one had been passed, he would propose an office meeting to get clarity.

Proposed by Councillor Bell

Seconded by Councillor Clarke

To defer for an office meeting.

The Planning Manager advised that this application differs from the previous as looking at the map the 2 houses have their own frontage to the road and a separate detached garage is evident creating 3 or more buildings. An office meeting and an Officer's second opinion.

Councillor Cuthbertson recommended refusing the application as he stated that if the applicant or agent were concerned they would have been here tonight to try and convince the committee to overturn the recommendation of refusal.

Proposed by Councillor Cuthbertson  
Seconded by Councillor J Shiels

To refuse the application.

The Chair advised that all members of the committee should have their opinion taken into consideration and if the majority of members were recommending an office meeting then this should be considered.

Councillor McKinney said that he would be happy to second Councillor Bell's proposal of having a site meeting as it would clarify things.

Councillor B McGuigan was in attendance and the Chair invited him to address the committee.

Councillor B McGuigan advised that he had spoken to the Architects this morning and that they agreed that there were issues around this application and would be happy if the committee would be in agreement to defer for an office meeting so this can be an opportunity to discuss a potential way forward or whether this was an appropriate site.

The Planning Manager agreed that this was a fair request and advised that looking at the aerial photo that the gap looks very big compared to the plan behind and would be good to get an accurate view.

Councillor J Shiels said that he would be happy to second Councillor Cuthbertson's recommendation for refusal.

Members voted on Councillor Bell's proposal to defer planning application LA09/2017/0380/O for an office meeting.

For - 11  
Against - 2

Members voted on Councillor Cuthbertson's proposal to refuse planning application LA09/2017/0380/O.

For - 2  
Against - 11

**Resolved:** That planning application planning application LA09/2017/0380/O be deferred for an office meeting.

**LA09/2017/0385/F Retention of existing 14m lattice tower and security compound with new concrete base and transmission cabin at Slieve Gallion, Tullynagee Road, Moneymore for Go Fibre Limited**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Clarke  
Seconded by Councillor McKinney and

**Resolved:** That planning application LA09/2017/0385/F be approved subject to conditions as per the officer's report.

**LA09/2017/0576/F Clean rainwater harvested attenuation lagoon, culvert (access) and ancillary site works associated with approved and under construction In Vessell Composting Facility at lands approx.. 215m E of 17 Aghnagar Road**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2017/0576/F be approved subject to conditions as per the officer's report.

**LA09/2017/0655/F Health and beauty salon at 48A Milltown Street, Dungannon for Leah Cuddy**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McKinney  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2017/0655/F be approved subject to conditions as per the officer's report.

**LA09/2017/0827/O Dwelling and garage 50m E of 37 Kilrea Road, Portglenone for Richard Lowry**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Kearney  
Seconded by Councillor Glasgow and



**Resolved:** That planning application LA09/2017/0827/O be approved subject to conditions as per the officer's report.

**LA09/2017/0893/F Domestic shed at 47 Annaghquinn Road, Rock, Dungannon for Kevin McGeehan**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Bell  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2017/0893/O be approved subject to conditions as per the officer's report.

**LA09/2015/1239/F Removal and alteration of conditions 2, 3 and 6 of previous approval H/2007/0546/F in relation to noise and operating hours, at Creagh Industrial Estate, Blackpark Road, for Creagh Concrete Products Ltd**

*Councillor McKinney declared an interest in application LA09/2015/1239/F.*

Application listed for approval subject to conditions as per the officer's report.

Councillor Reid proposed to accept the recommendation of approval.

Ms Doyle (SPO) brought members through the report and advised the description was to amend the proposal for the removal and alteration of conditions 2, 3 and 6 of previous approval H/2007/0546/F relating to noise and operating hours. She advised that 4 local objections had been received to the proposed alteration of opening hours which were previously approved under H/2007/0546/F which were 7.30 am to 7.00 pm Monday to Friday and 7.30 am to 3.00 pm on a Saturday. She said that in effect this permission would permit the operation of building TF1 2½ hours earlier Monday to Saturday and closing 3 hours later Monday to Friday. When the application previously came before the Committee it proposed the alteration to Condition 6 of the earlier permission only to ensure resident's amenity was not adversely affected.

Ms Doyle (SPO) continued to state that after considering all conditions relating to the site which was imposed under application H/2007/0546/F, and to regularise the overall situation relating to building TF1, it seems more appropriate to include conditions 2 and 3 which would read:

Condition 2: i) Internal noise within the buildings permitted by this permission; and  
ii) External noise levels at 1m from all facades and roofs of the buildings permitted by this permission

Planning Service shall be advised in writing of the date of the noise survey at least 2 weeks prior to the event, to enable Planning Service Officer's or Officers from

Planning Service's consultees to witness the measurements. This is to ensure resident's amenity is not adversely affected.

Condition 3: If the noise levels presented within the report required by condition 2, exceed those levels inputted into the noise prediction model contained within the noise report entitles 'Noise Impact Assessment Report for the Proposed New Buildings on the Creagh Concrete Site November 2007' then further works to reduce noise levels until they do not exceed those levels inputted into the noise prediction model shall be undertaken within a time frame specified by Planning Service. Within one month of the completion of further works, a noise survey shall be completed as per condition 2. This is to ensure resident's amenity is not adversely affected.

She advised that full revised noise reports had been submitted to address this proposal (and other related applications for Creagh). The findings have been accepted by EHO of Mid Ulster Council subject to conditions. The Acoustic Consultant for Creagh had utilised noise modelling software to calculate, present, access and predict the environmental noise from the proposed application on the nearest residential properties. The model conclusions demonstrate that noise levels at the nearest noise sensitive receptors are compliant with BS 4142:2014, based on a number of assumptions, there should be no adverse noise impacts predicted at receiver locations.

The Planning Manager referred to the objection letter from Mr & Mrs Mulholland which had been read out and said that it was important to consider this carefully. He said that the letter claimed wrong doing in that the recommendation to approve was made prior to the formal response of the Environmental Health Officer. However prior to asking for a formal response on the EPIC system, the Head of Development Management had verbally liaised with Environmental Health Officers beforehand. He continued to say that it wasn't normal practice to liaise with Objectors over consultee responses and would be content that the Objectors view that the application should be refused had been considered.

Councillor Glasgow stated that this application had been in the pipeline for a long time and that he had every faith that the Planning Department had considered all the aspects of the case carefully and with that in mind would be also recommending approval of the application.

**Resolved:** That planning application LA09/2015/1239/F be approved subject to conditions as per the officer's report.

**LA09/2016/0693/F Detached shed for winter storage of caravan and general domestic use at 239 Ballygawley Road, Dungannon for Martin McCaul**

*Councillor McAleer declared an interest in item LA09/2016/0693/F.*

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew  
Seconded by Councillor Kearney and

**Resolved:** That planning application LA09/2016/0693/F be approved subject to conditions as per the officer's report.

**LA09/2016/0797/F Retrospective change of use to car sales yard (including front garden changing to hardstanding car display) and tyre/alloy wheels sales at 53 and 53a Ballyronan Road, Magherafelt for Top Gear NI**

Application listed for approval subject to conditions as per the officer's report.

The Chair advised the committee that a request to speak on the application had been received from Mr Taggart who wished to change one of the conditions on the application and invited him to address the committee.

Mr Taggart advised that he was in attendance tonight to try and change the conditions for operating hours for his car dealership business.

The Planning Manager advised in that instance that this would need to be deferred for an office meeting.

Mr Taggart said that he would like to request that the condition on operating hours be enhanced in line with other car dealerships. He advised that the anticipated operating hours would be 8am – 8pm, two evenings a week instead of 8am – 6pm. He said that this would have no impact on residents within the area.

The Planning Manager stated that the conditions was to protect the residents within the area from nuisance in the evening time.

Mr Taggart advised that in the past it was a tyre depot and didn't want to defer the application but rather than move it forward.

Councillor Bell asked if it was possible to approve the condition of having two nights a week only and no more.

The Planning Manager said that he could see issues relating to this as the site was behind residential dwellings and this could cause annoyance, and impact on resident's privacy.

He said that it may be useful for the Case Officer to go through the report and enlighten the committee again.

Ms Doyle (SPO) brought members through the report.

The Planning Manager said that in his view that this was in operation and felt that one month would make no difference to the applicant if the application was differed for one month until clarification had been sought on the proposal.

Proposed by Councillor McKinney  
Seconded by Councillor Clarke and

**Resolved:** That planning application LA09/2016/0797/F be deferred for one month until all issues were investigated.

**LA09/2016/0965/O Dwelling and garage at lands between 103 Killymeal Road and 7 Edendork Road, Dungannon for Mr Rodger Jones**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Gildernew  
Seconded by Councillor Reid and

**Resolved:** That planning application LA09/2016/0965/O be approved subject to conditions as per the officer's report.

**LA09/2016/1300/O New dwelling at site 20m NE of 49 Brough Road and adj to Brough Road Crossroads, Castledawson for Mr Cathal McOscar**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor McEldowney  
Seconded by Councillor Bell and

**Resolved:** That planning application LA09/2016/1300/O be approved subject to conditions as per the officer's report.

*The Chair advised that item LA09/2016/1307/F would be taken later in the meeting.*

**LA09/2017/0367/O Dwelling at 51 Drum Road, Cookstown for Mr and Mrs Glackin**

Application listed for approval subject to conditions as per the officer's report.

Proposed by Councillor Glasgow  
Seconded by Councillor McKinney and

**Resolved:** That planning application LA09/2017/0367/O be approved subject to conditions as per the officer's report.

***Meeting recessed at 7.55 pm and recommenced at 8.15 pm.***

**P121/17          Removal of Public Payphone at Cavan Road, Bush, Dungannon**

The Chair referred to Addendum item 12 – Removal of Kiosk at Cavan Road, Bush.

The Planning Manager advised that a response had to be issued to BT and would be advising of the community concerns for its removal. He said that he would be asking the committee for approval for an Officer to formally issue a response.

The Chair advised that the residents of Rock requested that their telephone kiosk remain in the village as a conservation piece and may be worth considering the same in the Bush.

Councillor Cuthbertson advised that within the procedure of the Local Authority it states that if residents request that the telephone kiosk remain, BT haven't the authority to remove it. He said that local residents of Bush would be happy for the kiosk to remain as a centrepiece within the Village, but it may be worth taking into consideration the elderly residents in all of this and the possible use of an operational public payphone.

Councillor Clarke said that he knew of one village phone box which was removed after being hit by a car and it was never reinstated by BT.

The Planning Manager stated that there was a need to develop a process on a way forward on the removal of the phone boxes within our communities and he would suggest compiling a report which would be brought back to committee with a view of setting a system in place.

Councillor Kearney said that in some rural communities a public payphone could be a lifeline to some people when trying to contact the Emergency Services.

**Resolved:** That a response be issued to BT on concerns raised by members on the probable removal of public payphone at Cavan Road, Bush, Dungannon

**LA09/2016/1307/F   Construction of motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; crèche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2 No.) and Dungannon Road (1 No.) at Clay Pits, Dungannon Road, Coalisland for Manna Developments**

*Councillor Reid declared an interest in application LA09/2016/1307/F.*

Application listed for approval subject to conditions as per the officer's report.

The Planning Manager advised that the complex in Coalisland should not be just looked upon as a racetrack as there were more issues to take into consideration for example wildlife, transportation, amenity, public safety etc. He said that from the report it shows how each of the issues were not considered fatal to the application and could be dealt with by negative conditions. Each has been worked through, e.g. conditions relating to a new road and the link around the back of Coalisland. He said that Roads Service had accepted to treat this accordingly as this wasn't a housing development and were happy in principle. There were issues around race days as a lot of people would be coming to Mid Ulster and provision would be needed for parking and busing people to the site, which again was to be dealt with within the conditions.

He advised that the noise was the key potential impact and that noise levels was best controlled by limiting the number of event days and restricting vehicle use on non-event days through condition.

Another key issue related to land stability from possible old mines under the site. A view had been taken that as this was a predominantly open space use and that a risk could be mitigated against through use of pre commencement conditions requiring further investigation and engineering or design proposals to overcome any risks.

The Planning Manager stated that he was unhappy about consultations with GSNi and their response regarding mineshafts within the area, and the lack of evidence to whether they were present and whether they posed a major risk. Although GSNi have raised this concern they wouldn't commit to saying that they would be in favour of refusing the application. Investigations have been carried out by the applicant to see if mineshafts were there but the consultants conclusions had not been accepted.

*Councillor J Shiels left the meeting at 8.25 pm.*

The Planning Manager stated that he had received a phone call from the Department regarding Geological Survey stating that they were unhappy to support the proposal because they did not feel they had sufficient information to assess whether there was a risk from the mineshafts.

He read a letter dated 25<sup>th</sup> August 2017 from Geological Survey section outlining their concerns to the proposal. He said that the letter was conflicting as it said two different things and they had every opportunity to object but wouldn't commit to using the word.

Councillor Cuthbertson enquired if the Department could still call the application in if a decision was made tonight.

The Planning Manager stated that the application could be called in at any time prior to a decision being issued and the Department can serve a directive on the Council not to issue a decision. They also have powers to revoke a decision. However, in

his view there was no duty to notify the Department of the application under the provisions of Department of the Environment Planning (General Development Procedure) Order (Northern Ireland) 2015 Planning (Notification of Applications) Direction 2015, which was read out to the committee.

The Council Solicitor advised that the interpretation of the letter was that the proposal indicated a risk and her preference would be to defer the application until the requested information was issued to the Department. She said that she would err on the side of caution as she didn't want it said that proper procedures weren't adhered to.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Maneely to address the committee.

Mr Maneely said that he wanted to thank the Planning Department for going the extra mile on this application. He said that he wasn't expecting this outcome tonight as approximately eight weeks ago, the same thing had been discussed. He said that the letter read out by the Planning Manager was incorrect as Engineers were sent out to investigate the site which was passed and this was then issued to GSNI which they chose to ignore. He continued to say that there was a duty of care as professionals as this was a 140 acre site. He said that this wasn't a principle problem but an Engineering problem and was aware of mineshafts within the area which the Council built its refuge site on and no fatalities had occurred for over 100 years which should tell you something.

Councillor Reid addressed the meeting and advised earlier that he had declared an interest in the application and when he first seen the proposal, he was very excited as it was a massive thing for the Mid Ulster Area which was brought about by one individual man who decided to invest in his own homeland.

Mr Maneely said that the majority of Coalisland and Edendork were sitting on mineshafts and if there was something suspicious about this, that he wouldn't be happy to proceed if things weren't right, but that he was confident it was and on that basis he would be happy to defer the application until everything was in place as he wanted to see this major investment proceeding.

The Chair said that the committee needed to decide on whether to defer the application until the conditions outlined by GSNI were investigated or proceed with the recommendation of the Officer.

Councillor Clarke said that looking carefully at the start of the letter issued by GSNI where they suggested that they have all the relevant information on mines within the area, then they should be the ones who should be advising on how to get around this obstacle. The GSNI should be in a position to start where the information was on the mines and as there were a lot of complications on this one with little effort to try and resolve the matter.

Councillor Bateson felt that only the logical conditions needed to be established and try and work these off and proposed to proceed with the application otherwise it would remain a mystery.

Councillor Glasgow stated that if GSNI were so against the application then why were they not here tonight as villages weren't supposed to be built on mineshafts in the first instance. He said that he agreed with Councillor Clarke in considering such a huge project, why was the relevant information not provided and would second Councillor Bateson's proposal to agree to the recommendation of approval as outlined tonight.

Councillor Kearney also agreed that if GSNI were so concerned about the application, they would have made an effort to be in attendance tonight to highlight their concerns.

The Planning Manager advised that GSNI were aware that the application was recommended for permission subject to conditions relating to land stability and had waited until now to raise concerns and when he asked them if they wished to formally object to the application they didn't commit to a reaction.

Councillor Bell felt that the Statutory Agencies should be held liable if they were withholding information.

Councillor Cuthbertson stated that the conditions were fairly strong and he would be confident that they would be protected by the Council. He said that last month if this application was approved, then the Department could have called it in and asked if a decision was made tonight, could the Department step in and put the project at risk as this could go on for years.

Councillor Bateson said that the only way to establish the implementation of the conditions would be to eliminate them as this site could remain the same for the next 100 years if not being established now.

Councillor Glasgow stated that the conditions were as tight as he had ever seen before for such huge investment and if the conditions were not adhered to then a lot of money would be lost. He said that he felt that this committee had to make a decision to proceed with this project and make a stand against the Statutory Agency.

Councillor Gildernew said that he would also be happy to accept the recommendation of approval of the application.

Councillor Robinson referred to the Council Solicitor's recommendation of using an err of caution and enquired if this should be taken into consideration by the committee.

Councillor Bateson stated that there was an element of risk on any application and based on the information provided, strict conditions are in place and once an established risk was identified then this can be addressed.

The Planning Manager stated that GSNI haven't formally objected to the application.

The Council Solicitor advised that her problem was that the letter was open to interpretation.



The Planning Manager said that there was a need by the committee to make a decision given the applicant had asked for one, the alternative was therefore to approve with condition or refuse based on lack of information.

The Council Solicitor stated that there was a lot involved but that GSNI have asked for information and would go down the route of deferring the application until all the relevant information was generated, and would still be of the opinion that an err of caution be made.

Proposed by Councillor Bateson  
Seconded by Councillor Glasgow

**Resolved:** That planning application LA09/2016/1307/F be approved subject to conditions as per the officer's report.

### **Matters for Information**

#### **P122/17 Minutes of Planning Committee held on Tuesday 1 August 2017**

Members noted minutes of Planning Committee held on Tuesday 1 August 2017.

### **Local Government (NI) Act 2014 – Confidential Business**

Proposed by Councillor Clarke  
Seconded by Councillor Robinson and

**Resolved:** In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P123/17 to P128/17.

#### **Matters for Decision**

P123/17 Receive 3 no. Enforcement Cases

#### **Matters for Information**

P124/17 Confidential Minutes of Planning Committee held on Tuesday 1 August 2017

P125/17 Enforcement Live Caseload

P126/17 Enforcement Cases Opened

P127/17 Enforcement Cases Closed

Councillor McKinney requested that at the next meeting that fresh water be provided.

#### **P128/17 Duration of Meeting**

The meeting was called for 7.00 pm and ended at 9.40 pm.

Chair \_\_\_\_\_

Date \_\_\_\_\_