



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: M/2010/0830/F	Target Date:
Proposal: Residential development for 25 dwellings	Location: Lands at South-East of Church Hill Road, Caledon
Referral Route: Major application – site for housing development over 2ha in area Objections received	
Recommendation:	Approve
Applicant Name and Address: Caledon Estates Company Estates Office 2 Main Street Caledon BT68 4TU	Agent Name and Address: Consarc Conservation The Gas Office 4 Cromac quay Belfast BT7 2JD
Executive Summary: This application is for a housing development within the settlement limits for Caledon, it is beside the River Blackwater, Caledon Conservation Area and listed buildings. The site is steeply sloping and there are flooding implications on the lower parts of the site beside the river. It is proposed to provide open space in the form of a wooded area within the site and a walk along the river. The waste water treatment works for Caledon is located at the entrance to the site, it has an exclusion area due to noise and odour. An objection has been received in relation to the access for the development off Mil Street.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Statutory	Historic Environment Division (HED)	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		
Increase in numbers of vehicles using the access through Mill Street		
Impacts on ecology in and adjoining the site		
No need for these houses in Caledon, other development approved and not built.		
Flooding along the river		
Close to WWTW		
Impacts on setting of listed building		

Characteristics of the Site and Area

The application site is 12.6ha in area and is comprised of agricultural fields and a disused covered reservoir. It is within the settlement limits of Caledon, on the north east side of the village. The site generally falls from the NW to the SE, with the area around the reservoir being the highest part of the site and the banks of the River Blackwater on the east side being the lowest part of the site. There are some mature trees within the site, low hedging between some of the fields and mature trees and native species hedging to the west. Other boundaries to the site and within it are defined by post and wire fences.

Access to the site is from Mill Street, at the end of the listed terrace of dwellings, these dwellings are 1/1/2 storey with ashlar stone work, slate roofs and dormer windows rising from the walls.

St Johns Church, Church of Ireland, sits to the west of the site and is accessed off the higher Church Hill Road, it is a dominant feature in the area with its spire and tower being of visible from the surrounding rural area.

Caledon has a well maintained conservation area, with a number of listed buildings within it. The predominant finishes within the conservation area are ashlar stonework, random rubble stonework and slate roofs with wooden windows. Kinnard Park, a social housing development also off Mill Street, has single storey semi-detached dwellings and 2 storey terraced housing with marble dash walls. It also has some frontage onto Main Street and this has stonework finish. Church Hill Road has a number of single storey cottages on the opposite side of it from the application site, these are Taylor cottages with rough render walls and hipped roofs. Other recent developments have been carried out to the west of the village, where there are social housing developments and some more recent private developments.

Description of Proposal

The proposal is for a Housing Development of 25 dwellings, a mixture of terraced, semi detached and detached properties located in the lower, east part of the site. The proposal, due to the levels of the site, will require cutting and filling to develop the site As the dwellings step down the hill. It is proposed to provide a central green space at the

junction within the site as well as a planted woodland to the upper level and a riverside walk.

Access to the development is from Mill Street and will require the provision of a new estate road beside the existing waste water treatment works for Caledon.

The proposed dwellings are in a variation of 6 house types with narrow gable depths:

- 6 Type A's which are 3 bedroom, 2 storey dwellings in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof.
- 8 Type B's which are 3 bedroom, 2 storey semi detached dwellings in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof.
- 3 Type C's which are essentially 4 bedroom, 2 storey dwellings with a roofspace conversion in a terrace of 3. The dwellings will be finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof with velux roof lights in the front and rear roof slopes
- 3 Type E's which are 2 storey split level with an off-set lower ground to the rear, the ridges of these are parallel with a valley between them, they have 4 bedrooms and are finished with natural stone and brick dressing around windows and doors, timber painted windows and doors and slate roof. Each has a detached garage to the side with steps between them
- 3 Type F's dwellings which are 4 bedroom, 2 storey detached with flat roofed front porch and single storey annex on lower ground floor to rear. These dwellings have smooth render painted, timber windows and doors and brick chimneys. They have a detached garage in the front yard finished to match the dwellings,
- 1 no Type G1 is a split level 2 storey dwelling with a 2 storey rear annex at lower ground floor level, the ridges of the house and annex run parallel and have a valley between them. It is finished with natural stone walls, brick dressing to the windows and doors which are timber painted and has slate roofs. It has a single storey detached garage in the front yard between the dwelling and the road and
- 1 no Type G2 which is a 2 storey detached dwelling with roofspace accommodation, it has a 2 storey rear return at lower ground floor level. The dwelling will be finished with stone with brick dressing around the windows and doors and red brick at the lower ground floor. There is a detached garage in the front yard.

Parking for the terraced and semi detached dwellings will be on-street in communal parking bays, with steps and ramps up to these dwellings with ranch type black railings. Each dwelling has a private garden area to the rear.

Planning Assessment of Policy and Other Material Considerations

Policy documents being considered:

Dungannon & South Tyrone Area Plan 2010

Strategic Planning Statement for Northern Ireland (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS2 – Planning & Natural Heritage

PPS3 – Access, Movement & Parking

PPS6 – Planning, Archaeology and the Built Heritage

PPS7 – Quality Residential Environments

PPS15 – Planning & Flood Risk (DA)

Mid Ulster District Council – Local Development Plan 2030 - Draft Plan Strategy
Caledon Conservation Area Booklet

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

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

The Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose within the settlement of Caledon, though the Plan does not generally provide any land use zonings in the villages, except for designating existing open space. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria. The criteria specified in SETT1 are generally the same as those in other regional retained policy and as such I consider SETT1 is met if the proposals meets other retained policy.

I do not consider the Strategic Planning Policy Statement provides any change in direction or clarification in relation to policies relevant to this application and as such I consider the existing policies contained in PPS3 – Access, Movement and Parking, PPS 7 – Quality Residential Environments, PPS8- Open Space, Sport and Outdoor Recreation, PPS12 – Housing in Settlements, PPS13 – Transportation and Land Use and PPS15 – Planning and Flood Risk should be considered in the determination of this proposal.

Regional Policy contained in PPS7 strives for Quality Residential Developments and Policy QD1 sets out 9 criteria that should be meet.

The site is steeply sloping in the middle section and it falls towards the River Blackwater to the east, this is a Local Landscape Policy Area on its banks and defines the eastern settlement limit for Caledon. The north boundary is also the settlement limit however development does not extend as far as the limit and there remains a break between limits and the development. This proposed development is primarily terraced and this is respective of existing mill house accommodation in Caledon. The development is in a linear form which follows the existing contours of the site to minimise the extent of the cutting and filling to enable the site to be developed. Open space in the site is located along the river banks in the form of a riverwalk which is linked to an area adjacent to the waste water treatment works and the entrance to the development which will be retained in grass with some planting. A larger area is to be planted in the middle of the site and

will become a woodland area. Overall the public open space provision for the development is well in excess of the 10% advocated for residential development. Private amenity space is enclosed by native species hedging and planters are proposed along the fronts of the houses. The minimum garden depth is 15m from the rear wall of the houses and lowest garden space is approx. 150sqm. I consider this is reasonable and adequate for the development and well in excess of the minimum of 40sqm or average of 70sqm as set out in Creating Places.

The site is in close proximity to a number of listed buildings and Historic Environment Division requested additional information to show the context of the proposed development with these especially St Johns Church. Following receipt of contextual drawings showing the development at lower levels than the church as well as the woodland area in the middle of the site to screen it, no further objections have been offered. This development was also considered by the Monuments Division who did not raise any objections or concerns from this development on any monuments. The site has a number of mature trees and an established field hedgerow within it. One tree is proposed to be removed and the hedgerow will be retained in the most part. Natural Heritage Division have considered a report about the site which indicates that some trees have the potential for bat roosting and they would like some further studies to be carried out. The studies will not necessarily mean that the trees cannot be removed, but that compensatory measures such as bat boxes should be provided if these are deemed necessary. I consider it appropriate to deal with this by way of a condition requiring the developer to carry out these studies and agree any mitigation prior to the commencement of any development in the site.

The proposed finishes for the dwellings can be found in the neighbouring developments and as such are already accepted in the area. The size of the development does not justify seeking local facilities especially as there is a good footway connection to the village centre close by, where these are already provided for.

Front to front separation distances within the development is in excess of 30m, which, given the sloping nature of the site, I consider will adequately deal with any potential overlooking or overshadowing issues. The gardens for 3 blocks 5, 6 and 7 are below the level of the upper road, however a combination of landscaping and the separation distance will help to protect the private amenity space here and reduce the impacts of overlooking of the rear windows of these properties.

Parking for the development is primarily in undesignated parking areas linked by steps and ramps to the terraced and semi detached properties. The parking areas provide 43 spaces to serve 17 dwellings which equates to over 2.5 spaces per property. This provision is in excess of the 1.75 spaces for 3 bedroom terraced properties as set out in the parking standards and 2.5 spaces for the 3 bedroom semi detached properties. The detached properties have a minimum of 3 curtilage spaces, including a space within a detached garage on each site. There is also provision of 6 visitor spaces so overall I am content that car parking for the site is well provided for.

Roads engineers have been consulted in relation to the roads infrastructure associated with the development and have not raised any concerns with the proposal, they have advised the development will be adopted, if constructed to their standards.

Rivers Agency have been consulted in relation to the flooding potential from the adjacent watercourse. A flood risk assessment has been submitted for consideration and identified part of the site was at risk from flooding. This part of the site has been excluded from development and is proposed as a river walk and landscaped area, this accords with CON2 of the Plan which designates a Local Landscape Policy Area here and advocates for a riverside walk along the west bank of the River Blackwater. Rivers Agency have asked for and considered a drainage assessment for the proposed development, they have not raised any concerns about the development in terms of the drainage assessment and have agreed that stormwater from the site can discharge unattenuated into the adjacent watercourse.

NI Water have advised there is capacity in the Caledon WWTW which is adjacent to the site, the scheme has been designed around the need to exclude development from close proximity of the WWTW to ensure residents do not experience nuisance due to noise or odour.

Objections received:

Roads matters -

Concern has been raised about the capacity of Mill Street to accommodate the traffic associated with these 25 dwellings. Mill Street is a public road and DFI Roads have been consulted with the scheme and have not raised any concerns about this. DFI Roads have indicated they will adopt the estate roads provided they are constructed in accordance with their design specifications and the scheme will be subject to a Private Streets Determination.

Natural Heritage Concerns-

On the opposite side of the River Blackwater whooper swans feed and there has been indications of barn owls in the area with a picture submitted that is purported to be a dead barn owl. Concerns have been raised that the development of the site will have negative impacts on ecology and a number of species have been identified as being within 2 kms of the site. It is suggested that conditions relating to planting out field margins and the woodland as well as preventing any further development of the entire site would remove the concerns. A whooper swan survey was carried out in 2013 which did not indicate there was any risk to the swans from the development. A Preliminary Ecological Appraisal (PEA) was carried out and submitted to NIEA for consideration. NIEA identified a need to consider bats roosting in trees on the site that had potential for roost sites, they have not raised any other issues with the PEA. NIEA guidance on bats indicates that mitigation may be appropriate in the form of bat boxes or roosts. I consider this could be dealt with by way of an appropriately worded condition that would require the provision of a survey and agreement of suitable mitigation prior to the removal of the trees. I also consider it appropriate to condition the lighting for the site to ensure there is low level lighting along the river corridor and within the development that will not impact on bats. It is noted the site is improved grasslands which may not have any significant biodiversity interests, as such I consider the overall mix of additional landscaping that is proposed to be provided and maintained by Caledon Estates in the new woodland and along the river corridor, will enhance the overall biodiversity of the site and local area. The PEA has indicated there may be potential for sediment run off from the site during construction phase that might impact on the river, however the development is set well back from the banks and a suitable buffer can be provided. I consider it is appropriate to condition the provision of a detailed Construction Method Statement prior

to the commencement of development to ensure these are appropriately taken into account.

Limit further development of Caledon and on this site-

The site lies within the settlement limits for Caledon as set out in the Dungannon and South Tyrone Area Plan. The Plan went through a public enquiry process and is the extant plan for the area. Mid Ulster District Council are in the process of producing its own draft plan strategy and will review the overall provision on housing lands in the towns and villages for the entire district. This proposal is for the development of 25 houses as set out in plans submitted for consideration, in the event of any future application being submitted they will have to be considered against the relevant plan and policies then in force.

Provision of Renewable Technologies within the development-

I am unaware of any current planning policies that require the provision of renewable technologies within new housing developments. Building Control Policies and a general public drive for these technologies are likely to be more appropriate ways to deliver these for the future.

SES have also been consulted due to the hydrological link to Lough Neagh and Lough Beg as the proposal has the potential to impact on Special Protection Areas, Special Areas of Conservation and Ramsar sites which must be assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The hydrological link from the proposed development to the features is approx. 35 kms and passes by and close to the settlements of Benburb, Blackwatertown, Moy, Tamnamore and Maghery before reaching Lough Neagh. Due to the distance between the site and the designated sites, the available capacity within the WWTW for Caledon and buffer between the development site and the Blackwater River, this proposal for 25 houses and the ancillary development would not be likely to have a significant effect on the features of any European site.

In light of the above considerations, I am content that this proposal meets with the planning policies and I recommend it is approved.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with 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, shall be provided in accordance with drawing No 35 Rev 3 bearing the Mid Ulster District Council stamp dated 25 JUN 2019 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 levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The (gradient of the access/gradients of the accesses) shall not exceed 8% (1 in 12.5) over the first 5m 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.

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

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

5. Prior to the occupation of any of the dwellings hereby approved a lighting scheme, as agreed in writing with Mid Ulster District Council, shall be provided in full. The lighting scheme shall provide details of the specifications of the lighting to be used across the entire site and shall be designed to have low lighting levels to mitigate the impacts on bats and keep the river corridor free from artificial lighting.

Reason: To ensure light from the development does not adversely impact on protected species.

6. No development hereby permitted shall commence until bat emergence – re-entry surveys have been undertaken, submitted to the Council for consideration and appropriate mitigation for bat activity has been agreed in writing. The mitigation as agreed shall be carried out in full prior to the removal of any trees on the site.

Reason: To ensure bats are accommodated.

7. A detailed Construction Method Statement, for works in, near or liable to affect any watercourse as defined by the Water (NI) Order 1999, shall be submitted to Mid Ulster Council and agreed with NIEA Water Management Section, at least 8 weeks prior to the commencement of any works on the site.

Reason: To protect the adjoining watercourse from pollution.

8. A clearly defined buffer of at least 10 m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the River Blackwater.

Reason: To prevent polluting discharges entering the adjacent watercourse and impacting on the site integrity of Lough Neagh and Lough Beg SPA/Ramsar.

9. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be carried out in accordance with details indicated on drawing nos. 54 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020, and shall be in place prior to the occupation of that dwelling on that site.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

10. The developer shall provide all hard and soft landscape works in accordance with drawing Nos 27 and 28 bearing the stamp dated 5 OCT 2016 and drawing nos 54, 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020 and to the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any of the dwellings hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

11. No development hereby permitted shall be commenced until the developer has provided a detailed and long term plan for the management of the open space and landscaped areas as identified on drawing nos 54, 55 and 56 bearing the Mid Ulster District Council stamp dated 9 MAR 2020 and details of signed contracts with a suitable landscape management company for the long term management and maintenance of all areas of public open space shall be provided to Council for agreement. The agreed contractors shall maintain the area of public open space in accordance with the details as agreed with the Council.

Reason: To ensure the long term upkeep of all areas of public open space in the interest of visual amenity and to ensure a quality residential environment.

12. No construction work should occur within a buffer zone of 300m from the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010 between November and February.

Reason: To minimise disruption to whooper swans

13. Prior to the commencement of any development hereby approved the size, type and location of temporary fencing shall be submitted and agreed with the Council. The fencing shall be erected along the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010, prior to and during construction of the development hereby approved and shall be removed following the completion of development on the site

Reason: To minimise disruption to whooper swans.

14. Prior to the removal of the fence referred to in condition 13, the developer shall submit a scheme of landscaping along the northern boundary of the site identified in red on drawing no 01 bearing the stamp dated 02 NOV 2010 for the agreement of the Council. The scheme as agreed shall be provided prior to the removal of the fence referred to in condition 13.

Reason: To minimise disruption to whooper swans.

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

PSD01. The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing Nos 35 Rev 3, 36 Rev 3, 37 Rev 3, 38 Rev 3 39 Rev 3 and 40 Rev 3 bearing the date stamp 25 JUN 2019.

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.

PSD02. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; (the final wearing course shall be applied on the completion of each phase of the development.)

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

Informatives

1. The applicant must apply to DFI Roads for a licence indemnifying the Department for Infrastructure against any claims arising from the implementation of the proposal.
2. The developer's attention is drawn to the comments of DFI Roads, DFI Rivers, Environmental Health and NI Water. These comments are available to view on the Planning Portal at www.planningni.gov.uk using the public access tool.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s)

Date:

ANNEX

Date Valid

2nd November 2010

Date First Advertised

19th November 2010

Date Last Advertised

2nd November 2021

Details of Neighbour Notification (all addresses)

The Owner/Occupier

1 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

10 Church Hill Cottages, Caledon, Caledon, BT68 4UX

Denver Irvine

10 Mill Street Caledon Tyrone

The Owner/Occupier,

10 Mill Street, Caledon, BT68 4TT

The Owner/Occupier,

11 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

12 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

13 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

14 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

15 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

16 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

17 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

18 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

19 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

2 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier,

20 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

21 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

22 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

23 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

24 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier

25 Church Hill Cottages, Caledon, Caledon, BT68 4UX

The Owner/Occupier
 26 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 3 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier
 4 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 4 Mill Street, Caledon, BT68 4TT
 The Owner/Occupier,
 5 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 5 Mill Street, Caledon, BT68 4TT
 The Owner/Occupier,
 6 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 6 Mill Street, Caledon, BT68 4TT
 The Owner/Occupier,
 7 Church Hill Cottages, Caledon, Caledon, BT68 4UX
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 8 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 8 Mill Street, Caledon, BT68 4TT
 The Owner/Occupier,
 9 Church Hill Cottages, Caledon, Caledon, BT68 4UX
 The Owner/Occupier,
 9 Mill Street, Caledon, BT68 4TT
 Richard William
 Email Address
 Richard William
 Email Address

Date of Last Neighbour Notification	02.11.2021
Date of EIA Determination	04.11.2010
ES Requested	No

Planning History

Ref ID: M/1999/0866/F

Proposal: replacement dwelling with detached garage

Address: No 30 Churchill Road, Caledon

Decision:

Decision Date: 19.01.2000

Ref ID: M/2004/2142/F

Proposal: Renewal of planning permission M/1999/0866/F with current planning permission existing thereon.

Address: No 30 Churchill Road, Caledon.

Decision:

Decision Date: 05.07.2005

Ref ID: M/2004/1128/F

Proposal: Replacement Waste Water Treatment Works

Address: Caledon WWTW, Mill Street, Caledon

Decision:

Decision Date: 20.01.2005

Ref ID: M/1999/1165/Q

Proposal: Surplus Land

Address: Church Hill Road Caledon

Decision:

Decision Date: 26.07.2000

Ref ID: M/2009/0093/Q

Proposal: Development of Land

Address: Lands at Caledon

Decision:

Decision Date: 01.02.2010

Ref ID: M/2010/0022/LB

Proposal: Conversion of public bar & lounge to residential dwelling

Address: 18 Main Street, Caledon

Decision:

Decision Date: 09.03.2010

Ref ID: M/1995/0682

Proposal: Renovations and extension to 7 No Dwellings

Address: NO 3,4,5,6,7,8 & 9 MILL TERRACE CALEDON

Decision:

Decision Date: 31.07.1996

Ref ID: M/1998/0333

Proposal: Re-alignment of Mill Street

Address: MILL STREET CALEDON

Decision:

Decision Date: 08.06.1998

Ref ID: O/1975/0160

Proposal: PROPOSED 11KV O/H LINE (DRAWING NO. C6842)

Address: CLONTYCARTY AND GORTMALEGG

Decision:

Decision Date: 15.05.1975

Ref ID: M/1988/0343

Proposal: EXTENSION TO PUBLIC HOUSE

Address: DEERPARK LOUNGE, 18 MAIN STREET, CALEDON

Decision:

Decision Date: 22.06.1988

Ref ID: M/1995/0681

Proposal: Renovations to 7 No Dwellings

Address: NO 3,4,5,6,7,8 & 9 MILL TERRACE CALEDON

Decision:

Decision Date: 31.07.1996

Ref ID: M/1974/0454

Proposal: ALTERATIONS AND IMPROVEMENTS TO SHOP

Address: MAIN STREET, CALEDON

Decision:

Decision Date: 16.12.1974

Summary of Consultee Responses

NI Water - Multi Units West - Planning Consultations – capacity in WWTW, WWTW close by and may experience noise and/or odours

Rivers Agency – Flood Risk Assessment and Drainage Assessment received and considered, no development in the flood risk area and discharge can be accepted at full rate into the watercourse

NIEA – Whooper Swan Survey and Preliminary Ecological Assessment considered, requesting bat emergence and re-emergence surveys

Shared Environmental Services – notes NIEA have requested additional information about site features

DFI Roads - Enniskillen Office – Streets to be adopted

Historic Environment Division – no Historic Monuments concerns noted, Historic Buildings have considered impacts in listed buildings and are content

Drawing Numbers and Title

Drawing No. 01
Type:
Status: Submitted

Drawing No. 02
Type:
Status: Submitted

Drawing No. 03 REV 7
Type:
Status: Submitted

Drawing No. 05
Type:
Status: Submitted

Drawing No. 07 Rev 2
Type:
Status: Submitted

Drawing No. 08 Rev 3
Type:
Status: Submitted

Drawing No. 10 Rev 3
Type:
Status: Submitted

Drawing No. 11 Rev 3
Type:
Status: Submitted

Drawing No. 15 Rev 3
Type:
Status: Submitted

Drawing No. 16 Rev 3
Type:
Status: Submitted

Drawing No. 23 Rev 1
Type:
Status: Submitted

Drawing No. 25 Rev 1
Type:
Status: Submitted

Drawing No. 27
Type:

Status: Submitted

Drawing No. 28

Type:

Status: Submitted

Drawing No. 29 Rev 3

Type:

Status: Submitted

Drawing No. 30 Rev 3

Type:

Status: Submitted

Drawing No. 31 Rev 3

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Status: Submitted

Drawing No. 32 Rev 3

Type:

Status: Submitted

Drawing No. 33 Rev 3

Type:

Status: Submitted

Drawing No. 34 Rev 3

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Status: Submitted

Drawing No. 35 Rev 3

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Status: Submitted

Drawing No. 36 Rev 3

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Status: Submitted

Drawing No. 37 Rev 3

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Status: Submitted

Drawing No. 38 Rev 3

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Status: Submitted

Drawing No. 39 Rev 3

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Status: Submitted

Drawing No. 40 Rev 3

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Drawing No. 59
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Status: Submitted

Drawing No. 60
Type:
Status: Submitted

Finished Schedule

Noise Assessment

Odour Impact Assessment

Design and Access Statement

Flood Risk Assessment

Drainage Assessment

Preliminary Ecological Appraisal

Whooper Swan Survey

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1702/F	Target Date:
Proposal: Housing Development comprising of 3 pairs of semi detached dwellings and one detached dwelling	Location: At the junction of Shore Road/ Ballynagarve Road Ballyronan
Referral Route: Committee refusal- this proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking	
Recommendation:	
Applicant Name and Address: Bridge Developments 3 Market Square Toomebridge	Agent Name and Address: D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Environmental Health Mid Ulster Council	Content
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Summary of Issues

All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located within the development limits of Ballyronan as identified in the Mggherafelt Area Plan 2015 and forms part of a housing development on which development has commenced. Access to the development area is gained from Ballynagarve Road. There are a number of foundation slabs laid. The immediate area has a mixture of land uses including

residential, retail and commercial. To the south is the settlement centre of Ballyronan and to the east is Ballyronan Marina.

Description of Proposal

Full application for 'Housing development comprising of 3 pairs of semi detached dwellings and one detached dwelling'.

Planning Assessment of Policy and Other Material Considerations

The following policy will be used in this assessment::

SPSS

Cookstown Area Plan 2010

Planning Policy Statement 7 - Quality Residential Environments

Addendum to Planning Policy Statement 7 - Safeguarding the character of Established Residential Areas.

Planning Policy Statement 3 - Access, Movement and Parking

Creating Places

Site History - I/2004/0968/F - Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road - Permission Granted - 04.12.2006

Consultees: - Environmental Health were asked to comment and responded on 18.02.2019 with no objections

NI Water were asked to comment and responded on 28.06.2019 with no objections subject to advice.

DFI were asked to comment and responded on 14.02.2019 seeking additional information and amendments. This information was requested on 2nd April 2019, 9th July and 9th October 2019. No contact or information has been received from the agent since March 2020.

The proposal site is located within the development limits of Ballyronan as per the Cookstown Area Plan 2010. There was previous approval on a larger area of land adjacent which also included this current proposal site, this approval was for a 'Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road'

This current proposal is for 3 pairs of semi detached dwellings and one detached dwelling (7 units in total) The proposed dwellings have a ridge height of approx. 9metres in height and are of a simple design. The proposed development respects the surrounding context and is appropriate to the local 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 existing development located in Lough Way is a mixture of house types with their being semi detached, detached and terraced 2/3 storey properties. The proposed house types in this application are in keeping with this neighbouring existing development but yet still providing an interesting mixed development suitable to the locality.

No archaeological or built heritage and landscape features have been identified. Due to the numbers of units proposed no open space is required to be provided. This proposal is adjacent to the existing housing development however indicates no connectivity.

Following consultation with DfI they have requested additional information and amendments, these were requested from the agent on 02.04.2019, 09.07.2019 and 09.10.2019, nothing has

been submitted and no further correspondence has been received from the agent thus the application fails to meet the requirements of PPS 3 _ PPS 7 as it cannot be determined whether adequate and appropriate provision has been made for parking.
An adequate level of detail for the proposed fencing and landscaping has been provided.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended

Conditions/Reasons for Refusal:

Refusal Reasons

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal and as such this proposal is contrary to policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that it has not been demonstrated by way of adequate technical plans, Private Street Determination plans and a Transport Assessment Form that the proposal will not prejudice road safety or inconvenience the flow of traffic.

Signature(s)

Date:

ANNEX	
Date Valid	21st December 2018
Date First Advertised	17th January 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Ballynagarve Road Magherafelt Londonderry The Owner/Occupier, 1 Lough Way Magherafelt Londonderry The Owner/Occupier, 1,3,5,7,9,11,13,15,19,21and 23 Lough Way, Ballyronan The Owner/Occupier, 11 Lough Way Magherafelt Londonderry The Owner/Occupier, 15 Lough Way Magherafelt Londonderry The Owner/Occupier, 19 Lough Way Magherafelt Londonderry The Owner/Occupier, 21 Lough Way Magherafelt Londonderry The Owner/Occupier, 23 Lough Way Magherafelt Londonderry The Owner/Occupier, 3 Lough Way Magherafelt Londonderry The Owner/Occupier, 5 Lough Way Magherafelt Londonderry The Owner/Occupier, 7 Lough Way Magherafelt Londonderry The Owner/Occupier, 9 Lough Way Magherafelt Londonderry	
Date of Last Neighbour Notification	28th January 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1702/F Proposal: Housing Development comprising of 3 pairs of semi detached dwellings and one detached dwelling Address: At the junction of Shore Road/ Ballynagarve Road, Ballyronan, Decision: Decision Date:	

Ref ID: LA09/2017/1642/NMC

Proposal: Proposed use of House type C as approved on sites 3,5,7 and 9 instead of house type F and G

Address: 3,5,7 and 9 Lough Grove, The Moorings, Ballyronan Road, Ballyronan, Magherafelt,

Decision: CR

Decision Date:

Ref ID: I/2014/0391/F

Proposal: Change of house types and minor amendments to previously approved development.

Address: Lough Mews, Lough Drive, Lough Grove and Lough Way, The Moorings, Ballyronan, and Shore Road, Ballyronan,

Decision: PG

Decision Date: 22.06.2015

Ref ID: I/2004/0968/F

Proposal: Proposed Housing Development Incorporating 80 No Dwellings & 28 No Garages Accessing Magherafelt Road, Shore Road, Ballynagarve Road

Address: Lands at Junction of Magherafelt Road / Shore Road, Ballyronan

Decision:

Decision Date: 04.12.2006

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.
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Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 02
Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 01

Type: Site & Detailed Drawings

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



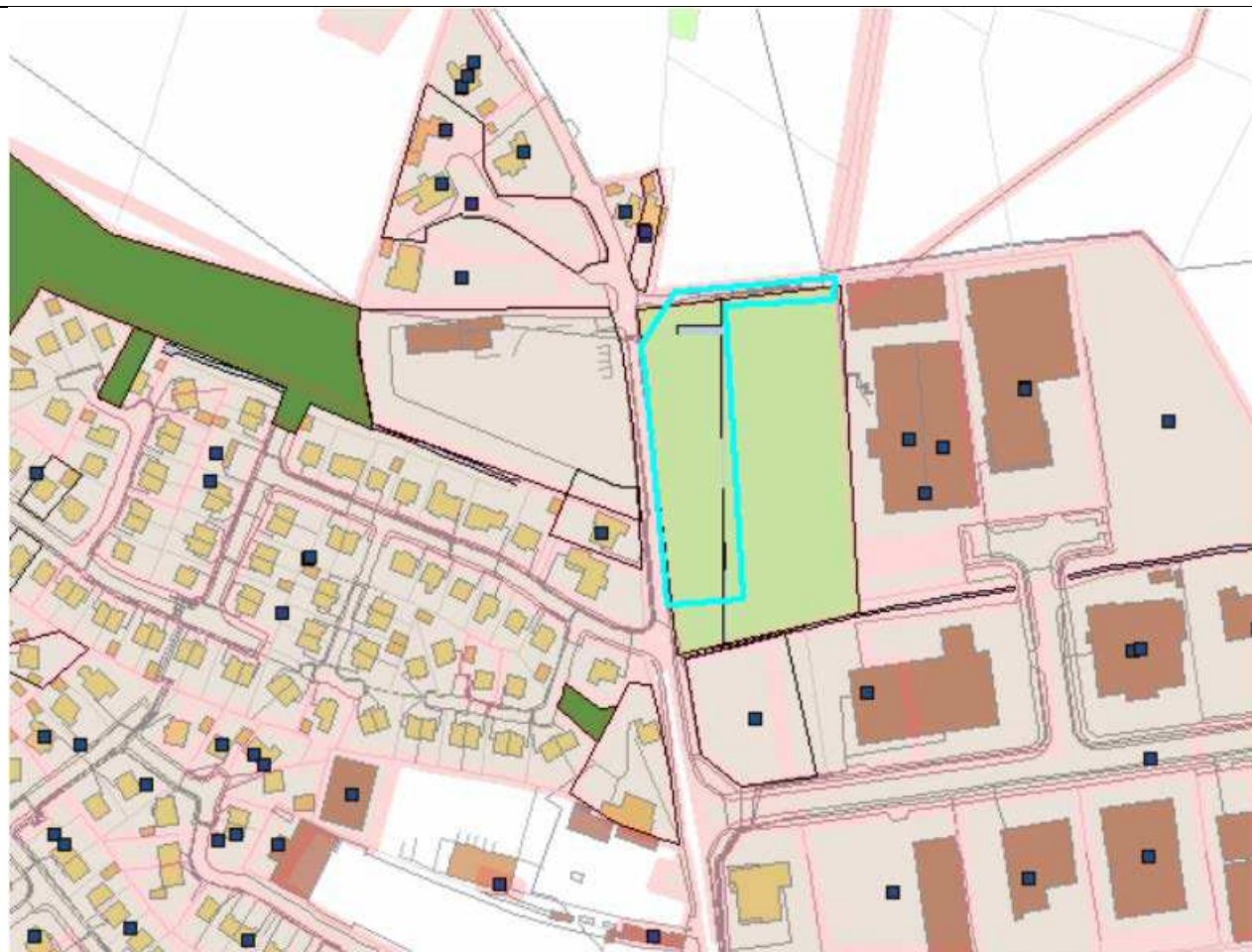
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1482/F	Target Date:
Proposal: Retention of workshop	Location: Approx 70m West of Unit 10 Station Road Industrial Estate Station Road Magherafelt
Referral Route: This application is being presented to Committee as it is being recommended for Refusal and it has attracted one letter of objection.	
Recommendation:	REFUSE
Applicant Name and Address: Four Dee (NI) Ltd Unit 10 Station Road Industrial Estate Magherafelt	Agent Name and Address: Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
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
<p>Summary of Issues</p> <p>One objection has been received in respect of this application and has raised the following concerns:-</p> <ol style="list-style-type: none"> 1. Environmental Health concerns in respect of existing breaches of noise limits; 2. The operators of the site have not offered any solution to the above problem; 3. The noise report suggests that the external doors can be kept closed, yet this is not done to date; 4. Excessive noise emanating from the site, noise and disturbance impacting on the well being and sleep patterns of the objectors family; 5. Council has met with the applicant but the nature of these discussions are not made public and the objector welcomes the opportunity to be involved in same. 	
<p>Characteristics of the Site and Area</p> <p>The site is located on Station Road just within the settlement limits of Magherafelt and falls between the existing industrial premises at Station Road, the redundant former Magherafelt Council yard, the Brambles housing development and the open countryside to the north. The site is part of a major area of existing industry within the Magherafelt Area Plan 2015. The site is 0.477ha in area and the proposed access is to be taken through the existing site. There is an entrance gate located at the north western corner of the site and which accesses directly onto the Station Road.</p> <p>An access to a private third party dwelling (the objectors dwelling) is located immediately adjacent to the entrance gates at the north western corner of the site with the dwelling being located approximately 25m from the site boundary and approximately 35m from the proposed shed.</p> <p>Views into the site can be achieved from the Station Road to the West. Planning history on the site relates to an application for an extension to Station Road Industrial Estate which includes Ref: H/1995/0082/F which was granted permission on the 4 July 1995, H/2013/0279/O - Proposed erection of industrial unit, car parking facilities, security fencing, drainage and associated site works, approved 18.03.2014 and H/2014/0218/RM - Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works which was approved on 6th May 2015.</p> <p>To the south west of the site, across Station Road is The Brambles, a residential development. Numbers 1 and 3 would be most affected by the proposed development. To the north of the Brambles and directly across the Station Road from the site, is the former Magherafelt Council yard. Immediately north of the site is open countryside which forms part of the Local landscape Policy Area MT 34. A pair of semi-detached dwellings area located on the edge of the and with the settlement development limit of Magherafelt. The dwellings front towards the north-western corner of the proposed site and lie within the LLPA MT 34.</p>	
<p>Description of Proposal</p> <p>The proposal is for the erection of a single Workshop measuring 17.6m x 7.0m with an eaves height of 3.9m and a ridge height of 4.6m. The floor plans as submitted are inaccurate insofar as the only depict</p>	

two roller shutter doors. These two doors are indicated as being on the western elevation (facing the Station road) and the northern elevation (facing the objectors dwelling).

The workshop has a roller shutter door on both the northern and western elevations with a solid rear elevation, which is adjacent to the existing, much larger shed to the east. The southern elevation has a single pedestrian door with a small hatch type opening to allow steel beams to be pushed through on a series of rollers. The building is used for the cutting of steel.

The external finishes on all buildings are as follows:-

Roof and walls: vertical trapezoidal cladding, black colour with black flashings with translucent panels;

Pedestrian Doors: Composite doors black in colour;

Roller doors: galvanised metal roller shutter doors.

The site as outlined on the location map also includes a large area to the south of the proposed shed, on which an existing earth bank is indicated. This part of the site has extant approval for the 'Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works' approved under H/2014/0218/RM on 6th May 2015.

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 proposal accords with the Magherafelt Area Plan 2015 insofar as it is located within an area designated as a 'Major area of existing industry'.

The overarching criteria for considering industrial development within settlements is PPS 4 Policy PED 1 ? Economic Development in Settlements which states that in terms of extensions for economic development in settlements, an extension will be determined on its merits having regard to Policy PED 9.

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 generally could be considered as being compatible with surrounding land uses as it is for an industrial use within an area identified as existing industrial land. However, as Environmental Health have advised that:-

the previously approved sheds approved under H/2014/0218/RM have now been erected.

In response to the submitted objection letter, noise monitoring was undertaken at one of the properties listed in Table 1 of condition 5 of planning approval H/2014/0218/RM on 15th July 2021 and 24th August 2021 and found to exceed the LAeq,1 hour values listed within Table 1.

It was noted that this proposed workshop was not in use during either monitoring periods, meaning the existing site activities are producing noise levels in excess of those listed within condition 5 of H/2014/0218/RM.

The approval of this application would further increase noise levels and result in additional impact on nearby residential amenity.

Therefore the proposed development, if approved, would only serve to exacerbate an already unacceptable situation by means of increasing the noise nuisance at the neighbouring dwellings.

(b) As detailed above, the existing site activities are already in breach of the approved noise limits. Therefore to approve this proposed development would only lead to an increase in those noise levels and thereby cause further disturbance and loss of residential amenity.

(c) The site is immediately south of Local Landscape Policy Area MT34 - North and East Magherafelt as identified in the Magherafelt Area Plan. There is an existing hedgerow along the northern boundary which is to be retained. There are no built heritage features in the immediate vicinity.

(d) Rivers Agency advise that part of the site lies within the 1 in 100 year fluvial flood plain and that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The proposed development is not considered to be an exception as defined in Policy FLD 1 of PPS 15 Planning and Flood Risk. The applicant contends that the proposal is for the retention of the shed only and 'the topographical survey indicates the footprint of the existing workshop is not located within the footprint of the 1 in 100 year flood plain and therefore we consider a FRA is no required for the application.'

However, as no such topographical survey or other means of demonstrating conclusively that the proposed development will not be affected by or is not located within the 1 in 100 year flood plain, has been provided, it has not therefore been satisfactorily demonstrated that the proposed development will not be liable to flooding or will not cause flooding elsewhere.

(e) As detailed in the report above, Environmental Health have advised that the proposed development will increase the noise nuisance thereby causing a loss of residential amenity;

(f) No concerns regarding emissions or effluent have been raised;

(g) Transport NI advised that they have no objection to the proposal;

(h) Transport NI have not raised any issues regarding access or manoeuvring in the site;

(i) As the site is located within and on the edge of the settlement, provisions are already in place to enable walking or cycling to the site, albeit along the public road/footpath.

(j) The site layout, building design are acceptable. The landscaping can be improved by the provision of a good quality hedge along the Station Road boundary;

(k) The site is adequately enclosed by means of a security fence. The provision of a good quality hedge along the Station Road boundary would, through time, screen the site from this public view.

(l) It is in the applicants interest to guard against crime and with the existing security fence around the site perimeter the site should be secure.

(m) The site is not located in the countryside, however, the aforementioned hedge along the Station Road boundary would aid integration.

PPS 15 - Planning and Flood Risk Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains advises that 'Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.' The proposed development is not considered to be one of the exceptions to the policy and therefore, as the applicant has failed to satisfactorily demonstrate that the proposed development does not lie within above areas, it is contrary to this policy.

Recommendation	
It is recommended that permission is refused for the following reasons:-	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Refuse for the reasons listed below:-	
Reasons for Refusal:	
<ol style="list-style-type: none">1. The proposed development is contrary to Planning Policy Statement 4 Policy PED 9 in that the proposed development would, if permitted, further increase noise levels and result in an unacceptable additional impact on nearby residential amenity.2. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to satisfactorily demonstrated that the proposed development will is not located within a fluvial flood plain and, if permitted, would not lead to flooding elsewhere.	
Signature(s)	
Date:	

ANNEX	
Date Valid	8th November 2019
Date First Advertised	26th November 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 The Brambles, Magherafelt, Londonderry, BT45 5RY The Owner/Occupier, 3 The Brambles, Magherafelt, Londonderry, BT45 5RY The Owner/Occupier, 36 Station Road Magherafelt Londonderry Kieran Fields 39 Station Road Magherafelt Londonderry	
Date of Last Neighbour Notification	20th November 2019
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2019/1482/F Proposal: Retention of workshop Address: Approx 70m West of Unit 10, Station Road Industrial Estate, Station Road, Magherafelt, Decision: Decision Date: Ref ID: LA09/2017/1694/O Proposal: Replacement dwelling and garage Address: Lands approx. 120m East of Breezemount, 49 Station Road, Magherafelt, Decision: PG Decision Date: 28.03.2018 Ref ID: H/1986/0500 Proposal: HV O/H LINE BM 8126 Address: AGHASKIN, BALLYHEIFER AND TOWNPARKS MAGHERAFELT Decision: Decision Date: Ref ID: H/2011/0471/O Proposal: Replacement dwelling on site of existing vacant and derelict cottage Address: Site approx 120 m east of no 49 Station Road Magherafelt BT45 5EB,	

Decision:
Decision Date: 03.02.2012

Ref ID: H/1993/6055
Proposal: LANDS FOR INDUSTRY STATION ROAD MAGHERAFELT
Address: STATION ROAD
Decision:
Decision Date:

Ref ID: H/1995/0082
Proposal: EXTENSION TO INDUSTRIAL ESTATE
Address: STATION ROAD INDUSTRIAL ESTATE MAGHERAFELT
Decision:
Decision Date: 04.07.1995

Ref ID: H/2013/0279/O
Proposal: Proposed Erection of Industrial Unit, Car Parking Facilities, Security Fencing, Drainage and Associated Site Works
Address: Lands approx 10m West of Unit 10 Station Road Industrial Estate, Station Road, Magherafelt, BT45 5EY,
Decision: PG
Decision Date: 19.03.2014

Ref ID: H/2014/0218/RM
Proposal: Erection of 2 no industrial units, 1 no utility block, car parking facilities, security fencing, drainage and associated site works
Address: Lands approximately 10 m west of unit 10 Station Road Industrial Estate Station Road Magherafelt,
Decision: PG
Decision Date: 06.05.2015

Ref ID: H/2013/0229/F
Proposal: Change of access position from previously approved site H/2011/0471/O
Address: Site approx 120m East of 49 Station Road, Magherafelt,
Decision: PG
Decision Date: 16.09.2013

Summary of Consultee Responses

Environmental Health advised that the existing development is already operating at noise levels which exceed those approved. Therefore any further noise generating developments within this site will only increase the noise nuisance and a further loss of residential amenity.

DfI Rivers advised that part of the site lies within the 1 in 100 year fluvial flood plain and such development should not be approved unless the applicant has demonstrated that the proposed development constitutes an exception.

DfI Roads had no objections.

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 02 Type: Proposed Elevations Status: Approved Drawing No. 03 Type: Site Layout or Block Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



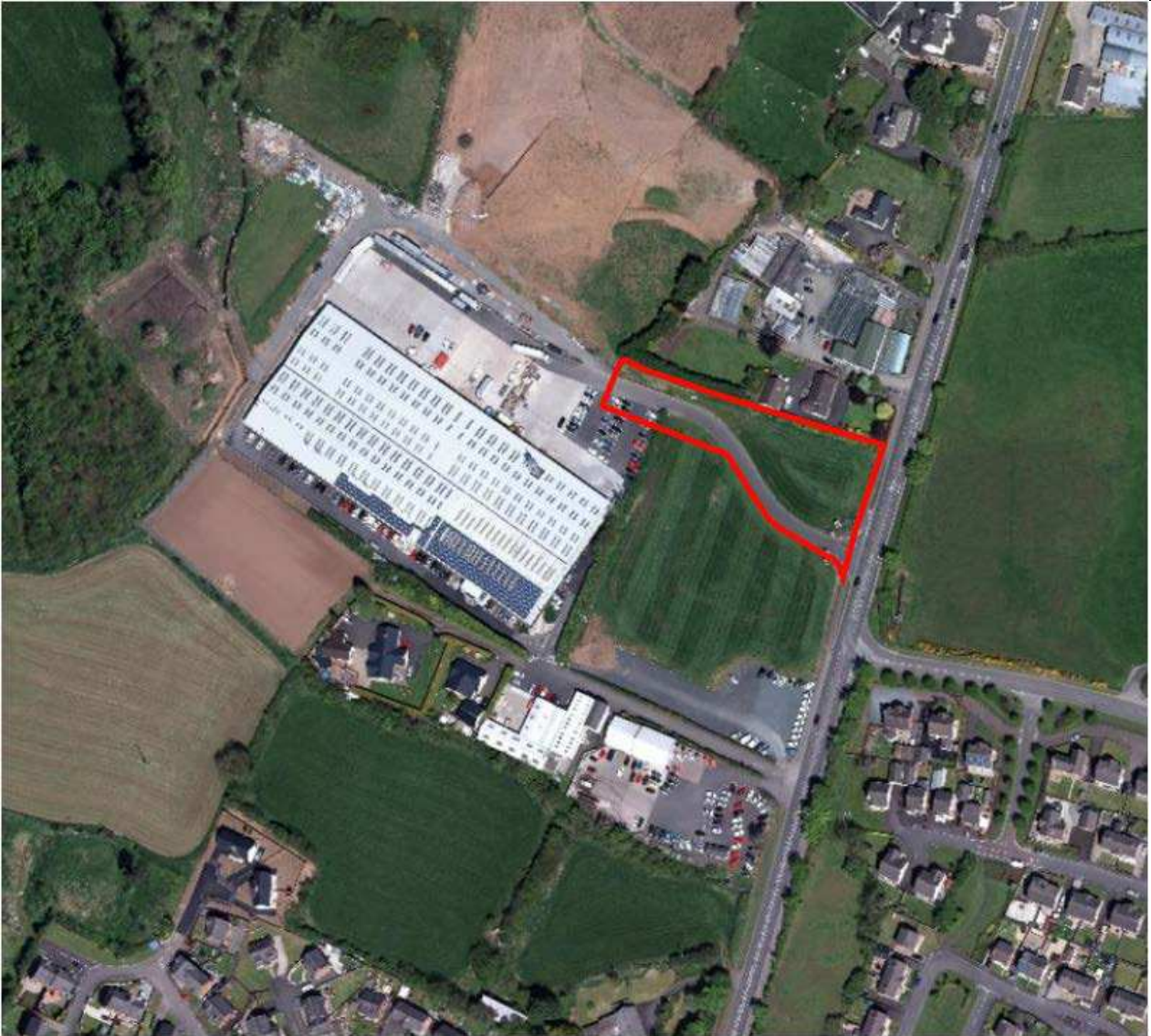
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0010/F	Target Date:
Proposal: Proposed new creche building, car parking and all associated site works	Location: Lands 75m NE of 100 Coleraine Road Maghera.
Referral Route: This application is being presented to Committee as it has attracted two letters of objection.	
Recommendation:	Approve
Applicant Name and Address: Specialist Joinery Group 100 Coleraine Road Maghera BT46 5BP	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

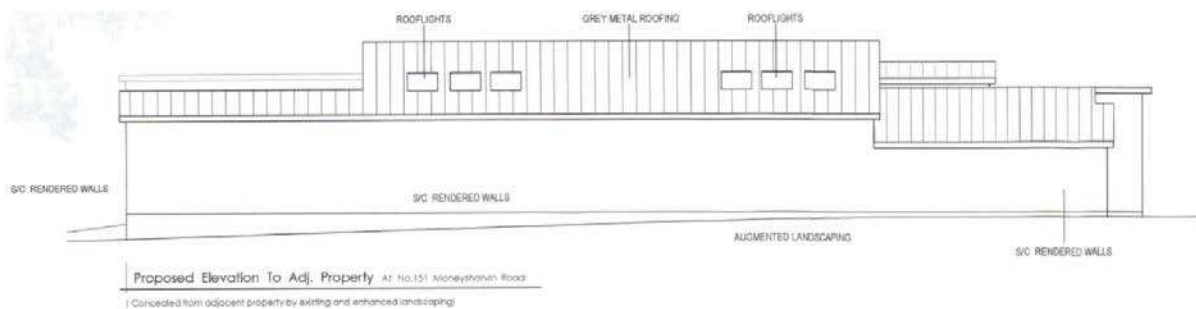
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response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

Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Rivers Agency	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	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>One letter of objection was received in respect of this proposal and relates to the following:- Raising of ground levels causing flooding of objectors property; Loss of sunlight; Health and well-being of the privacy of private amenity space; Loss of the quiet and intimate use of a conservatory; The provision of a boundary screen fence or hedge will also cause the loss of light;</p> <p>The land levels do appear to have been raised from the original field levels when viewed on Google street View. However, although the levels now sit above the level of the adjacent dwelling, these levels have existed for some time and do not appear to have been the subject of any previous complaint nor subsequent enforcement action. Department for Infrastructure – Rivers, were consulted and advised that the Drainage Assessment was acceptable and they have no reason to disagree with its conclusions. However, the responsibility for justifying the Drainage Assessment and the implementation of the proposed flood risk measures rest with the developer.</p> <p>The objectors dwelling is set at a lower level than the proposed creche, however the site plan has been amended and the creche has been re-sited so that it sits 3m from the boundary hedge and 7m from the dwelling. The boundary hedge is a tall conifer hedge which completely screens the dwelling apart from the top portion of the gable and roof, when viewed from the proposed site. The proposed building is low set with a roof sloping away from the objectors dwelling. It has an eaves height of 3.4m above ground level at the point closest to the objectors dwelling and rises to a ridge height of 5.75m at a point which is 17.5m from the objectors dwelling. I do not therefore accept that the proposed building will have such a detrimental effect on the objectors property that it will cause a loss of natural light.</p>		



The objectors dwelling from the proposed site with no view of windows into habitable rooms

The proposed building has a solid wall with no openings along the boundary facing the objectors property and therefore it will not cause a loss of privacy. The existing boundary hedge, as discussed above, completely screens the rear of the objectors dwelling from the site at present. Therefore in my opinion, the proposed building will have no detrimental impact on the health and well-being or the privacy of the objectors private amenity space.



The boundary wall next to the objectors property with no window or door openings

The objectors conservatory is not currently visible from the application site. Environmental Health Department originally advised that there is the potential for loss of amenity due to noise from the proposed layout. However, the layout was subsequently redesigned and following the submission amended plans and a sound impact assessment of to take account of this, EHD advised that the proposal was acceptable subject to a specific condition requiring the provision of a 2.4m high acoustic barrier.

At present there is a tall conifer hedgerow along the boundary with the objectors dwelling and there is no proposal to provide a second hedge or a fence at this point. The sound impact assessment recommended that approximately 9m length of a 2.4m high acoustic barrier be provided along the north eastern boundary of the external secure play area at the western end of the building proposed building. The acoustic barrier extends 2m along the side of the objectors garage with the remainder to the rear of the garage. Buffer planting is proposed between this barrier and the existing boundary hedgerow. Therefore, there will be no loss of light due to the provision of a boundary hedge or fence.

Characteristics of Site and Area

The site has a 40m frontage along the Coleraine Road and is accessed via the main entrance to the joinery works, directly off the Coleraine Road (A29 protected route). The site is located on an area of grass at the entrance to an existing large joinery works and sits to the southern side of a

single detached bungalow which is occupied by the owner of the adjoining former garden centre, which appears to have ceased trading. The site levels have been raised over time and now the site sits around 1m above the level of the adjacent dwelling. The boundary between the site and the dwelling is defined by a tall mature hedgerow which extends the entire length of this boundary with what appears to be a dry ditch at the bottom of the hedge. There is a large hardcored area to the south of the site, which shares the same access and which has secured planning approval for a petrol filling station ref: LA09/2019/1027/F. That area is currently used as an extension of the display area for the adjacent car sales business.

The site is located in an area which has been zoned in the Magherafelt Area Plan 2015 for Industry (MA11). The site is part of a larger zoning which surrounds the applicants existing joinery and glass factories in addition to an adjacent property containing a car sales and a tile showroom. A former garden centre which appears to have ceased trading and is largely vacant is located to the north of a single bungalow to the north of the site. Immediately north of the former garden centre are a number of residential dwellings and Anniscliff House Residential Care Home. The site is directly opposite a large agricultural field with a large residential development to the south of that field.



The site is located within the settlement development limits of Maghera on an area of land zoned within the Magherafelt Area Plan 2015 as industrial land MA 11.

The Key Site Requirements of MA 11 are

- The site is to be used for light industrial use (Use Class B2);
- A transport assessment should be submitted;
- Existing trees and vegetation to be retained along the boundaries;
- Open boundaries along the north and west adjoining the open countryside to be planted with an 8-10m tree belt to assist integration and to define the settlement development limit;

- Provide a 2 metre planted buffer along the boundary with existing residential property and zoning MA 03/04.

Description of Proposal

The proposal is for the erection of a new creche building, car parking and all associated site works. The building consists of a number of playrooms/play areas, staff room, office, kitchen, laundry room, medical room, and associated stores etc. All of these areas are roofed over with an adjoining covered play area located to the north western end of the building adjacent to an external secure play area. An area of car parking and set down area are located to the front of the site .

The proposed building has differing ridge heights ranging from 4.2m to 6.2m with an overall length of 33.5m and an overall width of 22.3m at the south eastern end fronting onto the Coleraine Road. The front elevation of the building is stepped back at several points which lessens the visual impact of the length of the building.

External finishes are sand/cement coloured render walls which are to be painted, grey metal roofing and fascias.

Planning Assessment of Policy and Other Material Considerations

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

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

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

The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so-as-to ensure safe, high quality and otherwise satisfactory forms of development.

Magherafelt Area Plan 2015

Policy COY 1 Community Uses states that planning permission will be granted for community uses within settlement development limits provided all the following criteria are met:-

- There is no significant detrimental effect on amenity;
This has been discussed in the report above in respect to the objection received.
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly zoned sites;
Although the proposed development is located with land zoned for industrial use it is located at the eastern extremity of the zoned lands and on a small wedge of land which will not prejudice the development of the remainder of the zoning.
- The proposals are in keeping with the size and character of the settlement and its surroundings;
The proposed building is of modest scale and will be reflective of the existing factory building further into the zoned land. The character of the area includes an existing cr?che which is less than 100m from the site.
- Where necessary, additional infrastructure is provided by the developer;
The access road has already been provided by the developer and is shared by the existing factory, the approved factory extension and the approved filling station (neither yet constructed). There is no other additional infrastructure required for the proposed development which does not already exist.
- There are satisfactory access, parking and sewage disposal arrangements;
As discussed above, the access arrangements already exist. The parking and sewage disposal arrangements are acceptable as advised by consultees.

With regards to the Key Site requirements as stated above, the proposed development does not fall within Use Class B2 – Light Industrial Use. However, the proposal is for an economic development opportunity within an urban area and as it is located immediately adjacent to a residential dwelling, it is more preferable than a Class B2 industrial use. It should be noted that the Key Site Requirements relate to the entire zoning and not only the proposed site. A large part of the zoned lands has already been developed by the existing joinery business which is a Use Class B

- The site is to be used for light industrial use (Use Class B2);
- A transport assessment should be submitted;
- Existing trees and vegetation to be retained along the boundaries;
- Open boundaries along the north and west adjoining the open countryside to be planted with an 8-10m tree belt to assist integration and to define the settlement development limit;
- Provide a 2 metre planted buffer along the boundary with existing residential property and zoning MA 03/04.

Although the key site requirement states that the site should be used for light industrial use (Use Class B2) it is my opinion that the proposed use does not compromise the remainder of the zoning and is a more preferred use adjacent to a residential dwelling than a Class B2 use. Whilst a transport assessment was not provided details of the number of vehicles attending the site on a daily basis was provided on the P1 form and DfI Roads did not deem this necessary and advised that the applicant is responsible for the access arrangements from the site onto what is a private access road, which has already been granted approval.

The existing hedgerow is being retained along the north eastern boundary and is being supplemented by the provision of a band of buffer planting at the northern end of the proposed building. The objector raised the point that if additional planting or a privacy fence was provided along the boundary, this would have the negative affect by way of loss of light. Although no additional planting has been proposed along the boundary, the building has a blank wall without

any openings and the building is to be positioned further away from the boundary than originally proposed. As the building is now to be positioned 7m from and the roof sloping away from the applicants dwelling it is my opinion that the proposal will not cause an unacceptable loss of light to the objectors property, which is already well screened by the boundary hedge.

In my opinion, although when considered against the Key Site Requirements, the proposal does not meet all points, it is still an acceptable proposal on this site.

In considering the above issues, it is my opinion that the proposed development should be approved subject to the conditions listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

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

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

2. The premises hereby approved shall be used only as a creche and for no other purpose in Use Class D1 of the Schedule to The Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

3. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02/3 received 1st November 2021 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. The building hereby approved shall not remain open for business prior to 06:00 hours and after 19:00 hours Monday to Friday.

Reason: In the interest of residential amenity.

5. All proposed planting as indicated on the stamped approved drawing no. 02/3 date stamped 1st November 2021 shall be undertaken prior to the building hereby approved becoming operational.

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

Signature(s)

Date:

ANNEX	
Date Valid	2nd January 2020
Date First Advertised	14th January 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 108 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 110 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 151 Moneysharvan Road Maghera Londonderry</p> <p>Robert Graham 151 Moneysharvan Road, Maghera, BT46 5HZ</p> <p>Robert Graham 151 Moneysharvan Road, Maghera, BT46 5HZ</p> <p>The Owner/Occupier, 151a ,Moneysharvan Road, Maghera, Londonderry, BT46 5HZ</p> <p>The Owner/Occupier, 2 Rowan Glynn, Maghera, Londonderry, BT46 5FG</p> <p>The Owner/Occupier, 5 Ash Glynn Maghera Londonderry</p> <p>The Owner/Occupier, 96 Coleraine Road, Maghera, Londonderry, BT46 5BP</p> <p>The Owner/Occupier, 98 Coleraine Road Maghera Londonderry</p>	
Date of Last Neighbour Notification	30th November 2021
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2020/0010/F</p> <p>Proposal: Proposed new creche building, car parking and all associated site works.</p> <p>Address: Lands 75m NE of 100 Coleraine Road , Maghera.,</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: LA09/2019/1568/LDE</p> <p>Proposal: Storage Building for adjacent joinery workshops</p> <p>Address: 100 Coleraine Road, Maghera,</p> <p>Decision: PR</p>	

Decision Date:

Ref ID: LA09/2019/1650/PAD

Proposal: Mixed use development comprising garden centre (4,500 sq ft), gift shop (3,600 sq ft), cafe/drive thru (2,850 sq ft), restaurant (2,050 sq ft), convenience shop (3,150 sq ft), petrol filling station & circa 91 car parking spaces

Address: 151-151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1652/PAN

Proposal: Mixed use development comprising garden centre (4,500 sq ft), gift shop (3,600 sq ft), cafe/drive thru (2,850 sq ft), restaurant (2,050 sq ft), convenience shop (3,150 sq ft), petrol filling station & circa 91 car parking spaces

Address: 151 - 151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1288/LDE

Proposal: Confirmation that Nelson's Flowers Garden Centre and Mid Ulster Model Shop is lawful both in its development and its use as a retail location.

Address: 151a Moneysharvan Road Maghera,

Decision: PG

Decision Date:

Ref ID: LA09/2018/0932/LDP

Proposal: Re shaping of existing agricultural land to smooth of levels and upgrade of land drainage

Address: Lands 50m North of 100 Coleraine Road, Maghera,

Decision: PG

Decision Date:

Ref ID: LA09/2016/0883/F

Proposal: Proposed dwelling and garage

Address: Site adjacent to 110 Coleraine Road, Maghera,

Decision: PG

Decision Date: 13.10.2016

Ref ID: LA09/2015/1292/F

Proposal: Proposed Joinery Workshop extension incl. Fabrication workshops, stores, offices and service areas

Address: 100 Coleraine Road, Maghera, BT46 5BP,

Decision: PG

Decision Date: 08.07.2016

Ref ID: H/2014/0397/PREAPP

Proposal: Mixed Development to include call centre, petrol filling station, creche, store and distribution, research and development buildings

Address: Lands at 100 Coleraine Road/Moneysharvin Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2002/0713/F

Proposal: Extension to Existing Joinery Works

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 14.11.2002

Ref ID: H/2011/0107/F

Proposal: Proposed dwelling and garage

Address: Site adjacent to 110 Coleraine Road, Maghera,

Decision:

Decision Date: 30.06.2011

Ref ID: H/2006/0409/F

Proposal: Proposed right hand turning lane access to existing junction

Address: Junction of Coleraine Road and Crew Road, Maghera

Decision:

Decision Date: 24.07.2007

Ref ID: H/2005/1260/O

Proposal: Site for the construction of a convenience retail unit, associated car parking, service yard and general site works.

Address: Site adjacent to 100 Coleraine Road, Maghera

Decision:

Decision Date:

Ref ID: H/1992/0633

Proposal: SITE OF EXTENSION TO JOINERY WORKS

Address: 100 COLERAINE RD MAGHERA

Decision:

Decision Date:

Ref ID: H/1993/0152

Proposal: MANUFACTURING BUILDING FOR EXPANSION OF EXISTING JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0732/F

Proposal: Extension To Joinery Works.

Address: 100 Coleraine Road, Maghera.

Decision:

Decision Date: 11.10.2001

Ref ID: H/1994/0165

Proposal: EXPANSION OF JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2010/0292/O

Proposal: Proposed Joinery Workshop expansion including Stores and Offices

Address: 100 Coleraine Road, Tamnymullan, Maghera

Decision:

Decision Date: 17.08.2011

Ref ID: H/1998/0389

Proposal: SITE OF INDUSTRIAL DEVELOPMENT OF 8 - 10 UNITS FOR LIGHT INDUSTRIAL USE FOR LOCAL COMMUNITY

Address: ADJACENT TO 100 COLERAINE ROAD, MAGHERA

Decision:

Decision Date: 05.03.2001

Ref ID: H/1998/0172

Proposal: INDUSTRIAL UNITS

Address: ADJACENT TO 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2003/0642/RM

Proposal: 8 No. Light Industrial Units for local community.

Address: Adjacent to 100 Coleraine Road, Maghera.

Decision:

Decision Date: 21.07.2005

Ref ID: H/1977/0140

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: TAMNYMULLAN, MAGHERA

Decision:

Decision Date:

Ref ID: H/1975/0281

Proposal: SITE OF DWELLING

Address: TAMNEYMULLAN, MAGHERA - A29

Decision:

Decision Date:

Ref ID: H/2011/0559/F

Proposal: Proposed joinery workshop expansion including stores - The proposed expansion of the existing joinery workshop is in part substitution for the temporary (unauthorised) storage sheds (Amended Plans Received).

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 25.06.2012

Ref ID: H/1994/0526

Proposal: UNDERGROUND PUMPING STATION AND KIOSK

Address: COLERAINE ROAD MAGHERA

Decision:

Decision Date: 20.02.1995

Ref ID: H/1983/0018
Proposal: SITE OF HOUSE AND GARAGE
Address: BALLYSCULLION ROAD, BELLAGHY
Decision:
Decision Date:

Ref ID: H/1973/0039
Proposal: SITE OF DWELLING
Address: TAMNYMULLAN, MAGHERA, COUNTY DERRY
Decision:
Decision Date:

Ref ID: H/1984/0387
Proposal: HORTICULTURE STORE
Address: MONEYSCHARVIN ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/1983/0459
Proposal: HORTICULTURE SHOP
Address: BESIDE 151 MONEYSHARMIN ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/1980/0289
Proposal: BUNGALOW WITH GARAGE
Address: MONEYSCHARVIN ROAD, MAGHERA
Decision:
Decision Date:

Ref ID: H/1989/0041
Proposal: GARAGE/STORE
Address: 151 MONEYSCHARVIN ROAD MONEYMORE
Decision:
Decision Date:

Ref ID: H/2011/0336/F
Proposal: Erection of dwelling and garage
Address: 151 Moneysharvan Road, Maghera, BT46 5HZ,
Decision: PG
Decision Date: 08.10.2012

Ref ID: H/1991/6129
Proposal: ORNAMENTAL GARDENS MAGHERA
Address: MAGHERA
Decision:
Decision Date:

Ref ID: LA09/2015/1076/F
Proposal: Proposed 2No. Greenhouses in association with an established business
Address: 32m N.W. of 151 Moneysharvan Road, Maghera,

<p>Decision: PG Decision Date: 18.01.2016</p>
<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Status: Submitted</p> <p>Drawing No. 02/3 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03/2 Type: Cross Sections Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</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

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0122/F	Target Date:
Proposal: Proposed housing development consisting of 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works (revised scheme)	Location: Lands located between Killymeal Grange and Dunlea Vale (Former Oaks Park Stadium) Dungannon Co Tyrone
Referral Route: Refusal	
Recommendation:	Refuse
Applicant Name and Address: Landmark Homes (NI) Ltd 1 Lisgobbin Road Dungannon BT71 7PT	Agent Name and Address: J . Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The proposal is contrary to PPS3 in that the agent has failed to provide a right hand turning lane and this will result in road safety issues.	
Signature(s):	

Case Officer Report

Site Location Plan



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

Description of proposal

This is a full planning application for 4 No. detached 2 storey houses, 30 semi-detached 2 storey houses (Total 34), foul water treatment works and associated site works at the former Dungannon Greyhound Stadium, Oaks Park. The stadium and all buildings relating to the same have no been removed from the site and there is no reference on the ground to the former use of the site.

Characteristics of Site and Area

This site is located to the rear of Killymeal Grange, a residential cul-de-sac, with proposed access through this residential development and onto Killymeal Road. At the time of my site visit the site seemed to have been fairly recently cleared for development, and it seemed that some drainage works and culverting had taken place. Fill had been brought onto the site to raise current ground levels, however it was not clear what previous levels within the site were, or where the fill has originated from. The fill had the appearance of inert building waste, stone, soil and earth.

Some vegetation remained along the northern boundary of the wider site, however, most trees and shrubs within this site had been removed.

There is a local woodland and community recreation space located to the east of the site, with the Oaks Centre, a large scale shopping, entertainment, food and commercial centre located to

the north west. To the SW is the South West College, Dungannon Primary School, Dungannon Council Offices, and Dungannon Leisure Centre.

Planning Assessment of Policy and Other Material Considerations

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

Area Plan

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

The Dungannon & South Tyrone Area Plan does not zone this site for any particular purpose and is marked as white land in the area plan. Policy SETT1 allows for favourably consideration of development provided it meets a number of criteria.

Relevant Planning Policy

SPPS Strategic Planning Policy Statement
 PPS7 Quality Residential Environments
 PPS8 Open Space, Sport and Outdoor Recreation
 PPS15 Planning and Flood Risk (revised) 2015
 PPS6 Planning, Archaeology and the Built Heritage
 PPS3 Access, Movement and Parking
 PPS2 Natural Heritage

Design Guide Creating Places

Planning History

M/2005/1356/O- Provision of mixed residential development of 120 dwellings and realignment of existing road, at Dungannon (Oaks Park) Stadium, Oaks Road, Dungannon. Permission was granted 14/10/2011.

Representations

No 3rd party objections or letters of support have been received on this application.

Recommendation

The Strategic Planning Policy Statement provides no change in direction or clarification in relation to policies relevant to this application, which I have listed above.

In 2011 the principle of 120 dwellings was found to be acceptable on the site of the former greyhound track in Dungannon, which this subject site forms the southern portion. At the time of this decision the Dungannon and South and South Tyrone Area Plan 2010, PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation were in place and these policy provisions have not changed, nor does the SPPS provide a change in policy direction. PPS15 Planning and Flood Risk (revised) was introduced in September 2015 and is therefore a new policy consideration that has to be considered as part of this assessment.

This subject application is for 34 dwelling units. Drawing No. 02 submitted along with this application shows a wider proposed conceptual layout for the site, indicating a total of 81 dwellings. This is a substantial decrease of the 120 units that were granted in principle under the 2005 application.

In terms of the proposed layout, I find the proposal to be in keeping with the policy criteria of QD1 of PPS7. The density is reflective of what has been granted recently in the surrounding area, and is reflective of what currently exists in the area, and is much less to what was granted under the 2005 application in a similar policy context. The proposed dwellings are of a design acceptable for the site and surrounding area. The height, scale, massing, plot sizes, garden sizes and finishes of the buildings and ancillary works are reflective of the area and are acceptable. There is sufficient parking, private amenity space, means of access, landscaping and infrastructure to deal with waste water and storm water and no consultees have raised objections on these issues. Proposed levels within the site are acceptable and there will be no issues of overlooking, overshadowing or over dominance of neighbouring property. NIEA have raised some concern over the loss of trees on this site. However, at the time of my site visit there was no evidence of any trees on this site as the site had been cleared. Some boundary trees to the north have been retained, with everything else removed. The site does not benefit from a Tree Protection Order and there was none in place at this time of this application. Given that there is a large local woodland and openspace area designated to the east of the site I find this to be an acceptable compensation for any trees lost. From previous orthos of the site it is unclear as to the exact quality of these trees and benefit of this area to wider biodiversity in the area. The proposal also provides communal open space and compensatory tree planting which is shown on drawing No. 12 rev1 date received 05/10/2021. I find this to be acceptable in the wider context of this particular site and environment and do not require any further information from the agent in this regard as suggested by NIEA. There were no natural or historic conservation interests identified on my site visit, and none are known at this site at present, and no consultees have identified any at this time.

In terms of developing housing on an area of open space, this was visited under the previous permission M/2005/1356/O. PPS8 was in existence at this time and the principle of 120 dwellings were found to be acceptable. I do not intend to revisit under this assessment under this consideration.

PPS15 Planning and Flood Risk has been introduced from the original permission. The agent has provided a Drainage Assessment and Rivers Agency now agree with the principle of this assessment in that it is not within a flood plain and will not cause flooding or drainage problems elsewhere. Rivers Agency did however highlight to the Planning Department of Mid Ulster that an open watercourse through the site had been culverted. Policy FLD4 allows for the culverting of a watercourse where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof, or, where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action. In support of the culverting of this site, the engineer employed by the applicant suggested that to leave the watercourse running through the site would mean that over 50% of the land would not be able to be developed. This solution was sent to Rivers Agency for comment who raised no objections with the solution. On discussion with senior colleagues it was considered acceptable in this case given the wider social and economic benefits from additional housing on this centrally located urban land within Dungannon.

DfI Roads have objected to this proposal in terms of PPS3 Access, Movement and Parking. As the proposal will result in over 50 or more dwellings turning onto the public road network then it is advised that a right hand turning lane is required. DfI Roads acknowledge the information provided by the agent's road engineers however, without a right hand turning lane recommend that the proposal is refused for the following 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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

2.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 as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

DfI Roads are Council's statutory consultee when it comes to road safety issues. At this time I advise Members that the proposal should be refused for the road safety reasons stated.

Other Consideration

Some land contamination issues were raised by NIEA and SES on this site. These have been addressed by the agent and NIEA have no concerns subject to planning conditions should permission be granted.

SES have yet to complete a HRA on this site as it has not been demonstrated that the proposal will not have a detrimental impact on European Protected Sites at this time. SES require comment from NIEA on a recently submitted CEMP and depending on NIEA's response will determine if SES can complete their HRA or not. The HRA will have to be completed prior to any decision being reached.

Environmental Health do not raise any objections to this proposal in terms of detrimental impacts to residential amenity or human health subject to conditions in relation to land contamination and the temporary sewage treatment plant that is proposal.

No consultees have specifically raised any significant environmental impacts at this time, so a negative EIA screening has been completed.

In light of the above considerations, I recommend that planning permission is refused for the reasons stated.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

That planning permission is refused for the following reasons;

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 as the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

2.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 as it would lead to an unacceptable level of conflict by reason of the increased number of vehicles entering and leaving the existing access.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	20th July 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 22 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 24 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 26 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 28 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 30 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 32 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 34 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 36 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 38 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 40 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 42 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 46 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 48 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 50 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 52 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, 58 KILLYMEAL GRANGE, DRUMCOO, DUNGANNON, TYRONE, BT71 6WQ, The Owner/Occupier, Dungannon Primary School Circular Road Dungannon	
Date of Last Neighbour Notification	6th July 2021
ES Requested	No



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1286/F	Target Date:
Proposal: Proposed change of house type from previously approved application no I/2007/0350/F	Location: Approx 36m North of 127 Drum Road Cookstown
Referral Route: Approval to Committee - Objections received	
Recommendation:	
Applicant Name and Address: KE Holdings 79 Tulnacross Road Cookstown BT80 9NP	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Approval – To Committee – Objections received

Characteristics of the Site and Area

The majority of the site is located within the development limits of Cookstown within undesignated white land, with a small portion of the site extending in the countryside as defined in the Cookstown Area Plan 2010. I note that the red line covers an existing access that serves one other property leading to an undeveloped piece of land. I note that the immediately north and west of the site is agricultural land with to the south and east is all residential development.

Relevant planning history

I/2007/0350/F - Retention of access and 1 no. dwelling & construction of 1No. dwelling - Adjacent to 127 Drum Road, Cookstown - Permission Granted - 13.08.2008

Representations

There were eight neighbour notification letters sent out however there three objections received.

Description of Proposal

This is a proposed full application for a proposed change of house type from previously approved application no I/2007/0350/F, the site is located Approx 36m North of 127 Drum Road, Cookstown. I note that principle of development has already been established under I/2007/0350/F however the application will still be considered under PPS 7 respectively.

Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010
Mid Ulster Local Development Plan 2030 - Draft Strategy
Strategic Planning Policy Statement (SPPS)
PPS 7: Quality Residential Environment
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. 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.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

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 surface areas:-

Upon review of the proposed development and its wider setting I am content that the development would be able to successfully respect the surrounding context and that site is acceptable in of layout, scale, proportions, massing and appearance of buildings structures and landscaped and hard surface areas.

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

I note that there are no archaeological and built heritage, and landscape features in the immediate vicinity so there is no conflict with this part of the policy.

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:-

First I note that a development this size does not require public open space. As noted that part of the site extends into the countryside to facilitate additional garden space, from such I am content that sufficient private amenity space has been provided. I note that during the site visit that site has already extended into the small portion of the countryside given the awkward way the development limits have been drawn. This appears to have squared off the site and has been done for some time. As such I am content that it does not affect the character of the area.

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

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

e) 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:-

I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.

f) adequate and appropriate provision is made for parking:-

I am content that there is sufficient provision made for parking as per the site plan submitted, in addition there is an attached garage to the dwelling to add to the parking provision.

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

I note that the design is quite simple in form, materials and detailing, given this I am content that the design is acceptable.

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:-

I note that the application was initially for two semi-detached dwellings which I was of the opinion was unacceptable as it did not reflect the surrounding area and was seen as over-development.

The reduction down to just one dwelling again is more in line with the character of the area.

Taking this into consideration I am content that the dwelling is designed in such a way that it is unlikely to result in adverse impacts on neighbouring amenity by way of overlooking, loss of light, overshadowing, noise or other disturbance.

i) the development is designed to deter crime and promote personal safety:-

It is my opinion that the proposed development will not increase the potential for crime.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposed development will have little impact on the character of the area due to the limited public interest due to its sympathetic siting, wherein it will be read as part of the area.

PPS 3: Access, Movement and Parking

DFI Roads were consulted in relation to the amended scheme, in their final response confirmed that they had no objections to the application.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On

the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

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

I note that throughout the planning process there were two objections received, in response to the comments made by the objector are as follows. Initially the objector raised concerns over the continued use of his number (127) and over the years has lost post after 127b was built. Made note that there is no 127a but yet they were sent a neighbour notification was sent them and not him. I note that this was rectified and I am confirm that the relevant properties were notified.

In a second comment the objector raised concerns that the boundary that they are looking planning for is cutting across my property and also cuts into the greenbelt. The sight lines are not adequate for accessing the extremely busy Drum Road, I have spoken to the road service and they are not satisfied the sight lines for this development, The development is 9 metres from my boundary. It is a very small area and I feel building a semi-detached property here will hinder my access I have to the rear of my property.

A third objection was received to state that the objector wanted to ensure that 127 Drum Rd have a Right of way at all times and for all purposes from the A505 to the rear of 127 Drum Rd to the side of the existing shed that is to be demolished. The red boundary line on the map appears to be tapering in to the right corner of my front garden.

To answer each of these points, I note that it does not appear that application cuts over any lands owned by the objector but any dispute over ownership is a civil matter. The issue that site cuts into the 'greenbelt' now more commonly known as the countryside, this issue has been addressed in my report and it is considered de-minimis and reads as part of the development limits as a whole. In terms of the comments over the access and splays I note that DFI Roads were consulted and confirmed that that they had no objections to the proposal, as such I am content that the access is considered compliant under PPS 3. I agree with the comments that the semi-detached dwellings initially applied were inappropriate, this has been amended and it is back to just one dwelling which in my opinion is unlikely to cause any adverse impact on neighbouring amenity. Finally, it has been confirmed by the agent that the proposed application will not affect the objectors Right of Way, and if he does it would be a civil matter between the two parties. In terms of the red line tapering to the right corner of the objectors land, the agent responded to note that the red line boundary follows the boundary line on the OS map. The line shown east of this is a 3d wall line showing up on the plan that we have drawn to represent a fence on presentation images. I have now removed this line. From such I am content that the objectors land should not be impacted and as already noted any dispute over ownership is a civil matter.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approval

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. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 03rd November 2021 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the surrounding context.

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

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

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 03rd November 2021 prior to the commencement of any other development hereby permitted.

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

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

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

Informatives

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

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

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

4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:

ANNEX	
Date Valid	16th October 2020
Date First Advertised	27th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Drumlea Park, Cookstown, Tyrone, BT80 9JU The Owner/Occupier, 10 Drumlea Park Cookstown Tyrone The Owner/Occupier, 125 Drum Road Cookstown Tyrone Francis Quinn 127 Drum Road Cookstown Tyrone The Owner/Occupier, 127A Drum Road, Cookstown, BT80 9DN The Owner/Occupier, 127b ,Drum Road, Cookstown, Tyrone, BT80 9DN The Owner/Occupier, 2 Drumlea Park, Cookstown, Tyrone, BT80 9JU The Owner/Occupier, 8 Drumlea Park Cookstown Tyrone	
Date of Last Neighbour Notification	1st December 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1286/F Proposal: Proposed change of house type from detached dwelling to 2no. semi detached dwellings from previously approved application no I/2007/0350/F Address: Approx 36m North of 127 Drum Road, Cookstown, Decision: Decision Date: Ref ID: I/1975/0309 Proposal: SITE FOR NEW V1 AND DT CENTRE Address: COOKSTOWN Decision: Decision Date: Ref ID: I/2003/0678/F	

Proposal: Extension to dwelling
 Address: 125 Drum Road Derryloran Kirktown Cookstown
 Decision:
 Decision Date: 28.10.2003

Ref ID: I/1994/6141
 Proposal: Proposed site for dwelling Blackhill Cookstown
 Address: Blackhill Cookstown
 Decision:
 Decision Date:

Ref ID: I/1988/0296
 Proposal: PRIVATE HOUSING DEVELOPMENT
 Address: DRUM ROAD, COOKSTOWN
 Decision:
 Decision Date:

Ref ID: I/2002/0642/F
 Proposal: Two Dwellings and Domestic Garages (RE-ADVERTISEMENT)
 Address: Adjacent to 127 Drum Road, Cookstown
 Decision:
 Decision Date: 03.02.2004

Ref ID: I/2010/0142/F
 Proposal: Proposed change of house type from detached dwelling to 2 no semi-detached dwellings from previously approved application no I/2007/350/F
 Address: Approx 36m north of 127 Drum Road Cookstown
 Decision:
 Decision Date: 09.11.2010

Ref ID: I/2007/0350/F
 Proposal: Retention of access and 1 no. dwelling & construction of 1No. dwelling
 Address: Adjacent to 127 Drum Road, Cookstown
 Decision:
 Decision Date: 13.08.2008

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1499/F	Target Date:
Proposal: Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site	Location: 56 Pomeroy Road Tanderagee Road Pomeroy
Referral Route: Applicant is Mid Ulster District Council	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Burn Road Cookstown	Agent Name and Address: Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division (HED)	No Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	DAERA - Forestry Division	No Objection
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	DAERA - Forestry Division	
Non Statutory	NIEA	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 within the open countryside, located north east of the settlement limits of Pomeroy as per the Cookstown Area Plan. The red line of the application extends from the existing entrance at the Tanderagee Road with a private road leading to the proposed siting of the building. The site is currently a construction site where the previous Forestry School was situated and has since been previously demolished. The site is rural in nature being located within an existing forest park. There are two dwellings located within close proximity with No. 50 to the south and No.52 to the west, which share the same access. There is another vacant building located to the north, with an existing car park to the rear of this.	
Description of Proposal This is a full planning application for the following: "Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site."	
Site History LA09/2017/0409/O- Demolition and clearance of existing abandoned forestry school and replace with new forestry Building. 56 Pomeroy Road, Tanderagee Road, Pomeroy. Permission Granted 05.07.2017.	
Planning Assessment of Policy and Other Material Considerations Cookstown Area Plan 2010 Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2- Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6- Planning, Archaeology and the built heritage PPS 21 Sustainable Development in the Countryside The application is for the replacement of existing Forestry college building, The site is located in the open countryside as defined by the Cookstown Area Plan 2010. There are a range of types of development which in principle are considered to be acceptable in the countryside. Development in the countryside is controlled under the provisions of the SPPS and PPS 21 Sustainable Development in the countryside. The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been	

adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) It is necessary for the efficient use of the forestry enterprise.

The outline planning approval granted in 2017 related to the demolition and clearance of the existing building and replacing it with one for the similar use. It was agreed within the granting of that approval that the principle of development was acceptable and I am content this is still the case. As part of this planning application, Forest Service were consulted and they confirmed that Pomeroy Forest is managed by Forest Service and they offer no objection to the proposed development.

(b) In terms of character and scale it is appropriate for its location.

I am content the proposal is appropriate for its location, with a modest scale with a maximum ridge height for 7.8m. The new building is sympathetic in scale and will allow it to become a focal point within the existing forest development.

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

I am content the building will visually integrate into the local landscape given it is located within an existing forest.

(d) It will not have an adverse impact on the natural or built heritage.

Consultations were issued to HED who were content that the proposal was far enough removed from the listed building- The Alexander Vault, as to cause no reason for concern. NIEA were also consulted regarding potential impacts on natural heritage given the fact the proposal is located within a forest it has the potential to impact on wildlife. NIEA requested additional information in terms of surveys to satisfy that any impacts could be reduced and mitigated. The agent has provided further information and NED were consulted and confirmed they are content that the development is unlikely to have a significant impact on any natural heritage features worthy of protection.

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

Environmental Health were consulted regarding a number of impact assessments provided including noise impact. There are two residential dwellings located within close proximity to the proposed building. Environmental health raised some concerns regarding land contamination and following further assessment, they offered no objections subject to conditions. I am content the proposal will not result in a detrimental impact on the amenity of residential dwellings.

As this is a new building being proposed it will need to also meet the following criteria:

- *There are no suitable existing buildings on the enterprise that can be used*

At outline stage, it was agreed the building that was on site was derelict and was to be replaced. There are no other buildings available which could be used.

- *The design and materials to be used are sympathetic to the locality and adjacent buildings*

I am content that the design and materials proposed which are to be vertical timber cladding battens and dark grey metal cladding will be sympathetic to the locality and buildings nearby.

- *The proposal is sited beside existing forestry buildings*

There is an existing building located beside the proposal, to the north. I am content the proposal complies with the policy criteria contained within Policy CTY 12.

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. The principle of development was deemed acceptable at the outline stage with the design of the proposal to be assessed now that full design details have been submitted. I am content the building will not be a prominent feature in the landscape and the location for the proposal is acceptable being located within an existing forest park. The design of the building is appropriate with a ridge height of 7.9m; it is of an acceptable scale. The proposed finishes of high quality with timber cladding and dark grey metal cladding which is acceptable given its rural location. I am content that the proposal complies with policy CTY 13 of PPS 21.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that the proposal will not cause a detrimental change to or erode the character of the area given the building is for the replacement of a previously established forestry building.

PPS 3- Access, Movement and Parking

DfI Roads were consulted as part of this planning application who requested a Traffic Assessment Form (TAF) to be submitted. This was received and DfI Roads were re-consulted and were content that parking and access has been considered and facilitated for therefore, offered no objection subject to conditions.

Other Material Considerations

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

Neighbour Notification Checked	Yes/No
Summary of Recommendation: Approval subject to 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 visibility splays of 4.5 metres by 90 metres at the junction of the forest access road with the public road (at Tandragee Road / Slate Quarry Junction) shall be provided prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No(s) 06 and 07 bearing date stamp 17 November 2020 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. In the event that previously unknown contamination is discovered falling outside the scheme of the approved revised remediation scheme, development on the site shall cease pending submission and agreement of a written report, detailing the proposed investigation, risk assessment and remediation scheme, by Planners in consultation with Mid Ulster District Council's planning department and the Northern Ireland Environment Agency. Development works shall not resume until the approved written report has been fully implemented to the satisfaction of Planners in consultation with Mid Ulster District Council Planning Department and the Northern Ireland Environment Agency.

Reason: To protect the human health of future site users.

5. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.

6. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and Mid Ulster District Council's Planning Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

7. After completing any remediation works required, and prior to operation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Councils Planning Department. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

Informative

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. 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 Planning Authority or other statutory authority.
4. The applicant is advised to refer to the detailed consultations responses from DfI Roads, DAERA - Forestry Division and NIEA that have provided informatives.

Signature(s)

Date:

ANNEX	
Date Valid	17th November 2020
Date First Advertised	8th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 52 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, 54 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, 56 Tanderagee Road,Pomeroy,Tyrone,BT70 3HS The Owner/Occupier, 58 Tanderagee Road Pomeroy Tyrone The Owner/Occupier, Archada 50 Tanderagee Road Pomeroy	
Date of Last Neighbour Notification	11th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0409/O Proposal: Demolition and clearance of existing abandoned forestry school and replace with new forestry Building Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: PG Decision Date: 06.07.2017 Ref ID: LA09/2020/1499/F Proposal: Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: Decision Date:	

Ref ID: LA09/2016/1266/F

Proposal: Redevelopment of existing maintenance yard to a public car park, extension to an existing footpath and the introduction of passing bays along the existing access/laneway

Address: Pomeroy Forest, Tanderagee Road, Pomeroy,

Decision: PG

Decision Date: 09.02.2017

Ref ID: I/2006/1153/Q

Proposal: Future Development of Site

Address: Pomeroy Forestry School

Decision:

Decision Date:

Ref ID: I/1979/0182

Proposal: EXTENSIONS AND ALTERATIONS TO FORESTRY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed 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: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans

Status: Submitted

Drawing No. 14
Type: Proposed Plans
Status: Submitted

Drawing No. 15
Type: Proposed Plans
Status: Submitted

Drawing No. 16
Type: Proposed Plans
Status: Submitted

Drawing No. 17
Type: Proposed Plans
Status: Submitted

Drawing No. 18
Type: Proposed Plans
Status: Submitted

Drawing No. 19
Type: Proposed Plans
Status: Submitted

Drawing No. 20
Type: Proposed Plans
Status: Submitted

Drawing No. 21
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



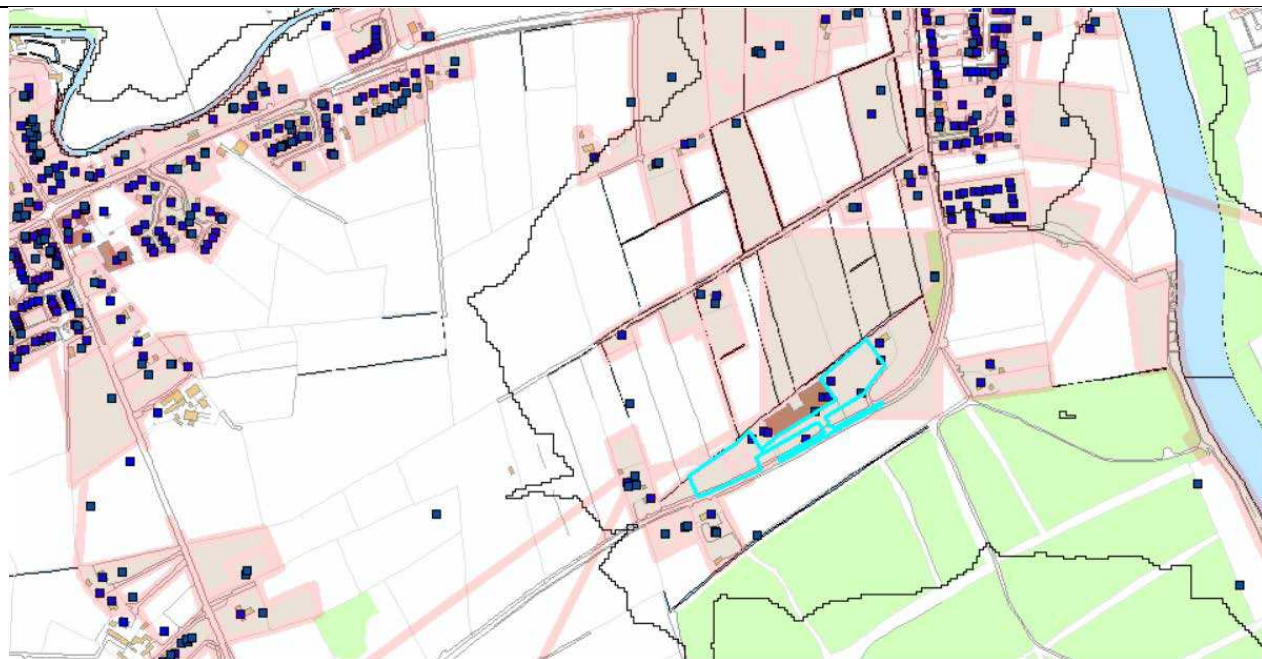
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1519/F	Target Date:
Proposal: Proposed storage & distribution centre for finished electrical products (Amended plans received)	Location: 23 Ballymacombs Road Portglenone.
Referral Route: This application is being presented to Committee as it has attracted a letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Mechanical & Electrical Fixings Ltd 10 Dryden Road Edinburgh Loanhead EH20 9LZ	Agent Name and Address: CMI Planners 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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 representation has been received in relation to this proposal and relates to the following issues:-

The business enterprise has extended over a number of years and sought approval retrospectively;
It is not an offence to seek retrospective approval and any such application is assessed as if the development does not yet exist on site.

The nature of the site has changed from one business to storage and distribution, resulting in negative impact on the rural environment in terms of visual amenity, scale of the development site, security lighting HGV entering and existing and using rural roads;

Whilst I would agree that the nature of the site has changed over time, especially since the approvals were granted following the planning appeal ref H/2010/0426/F, the proposed development will do little to further erode the rural character of this area.

The site has reached its limits in this rural location;

The overall site extends to the boundary with No. 25 Ballymacombs Road, however, the proposed site stops 60m short of that common boundary and therefore there is still that 60m wedge left undeveloped.

Adverse impact on residential amenity by way of visual, noise and general disturbance whilst no mitigation measures could reverse this;

Environmental Health Department requested a noise impact assessment which was duly submitted in addition to an amended site plan showing the location of buffer planting along with an acoustic fence to safeguard the amenity of the neighbouring dwelling. EHD accepted these amendments and advised that the proposal is acceptable subject to the suggested condition.

It was the objectors understanding that no further development could proceed in the foreseeable future, that the site was filled in for drainage purposes only with permission sought retrospectively;

The objectors understanding on the future potential of the site is not a planning matter.

Adverse impact on neighbours health from pollution;

As advised above, EHD did not raise any issues of concern regarding the potential health implications from the proposed development.

Characteristics of the Site and Area

The site is set to the western side of an existing storage and distribution centre which has a number of large units all fronting onto the Ballymacombs Road and enclosed by security fencing. At present there are a number of units which are all adjacent to each other and all are accessed via a large gated entrance leading to a concrete yard which provides for parking, turning, loading and off-loading. The proposed site has been substantially infilled, bringing it up to the same ground level as the existing units and slightly below road level.

At present the existing buildings are occupied by non agricultural uses. Some of the units are occupied by the following:-

Doherty Woodshavings

Kindercraft

McAtamneys Butchers

McAleese Fruit & Veg store

McAtamneys Food Factory

Donnelly's Potato store with office at front

Description of Proposal

Proposed storage & distribution centre for finished electrical products.

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.

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition: A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4. Therefore the overarching criteria for considering industrial development in the countryside is PPS 4 Policy PED 2 - Economic Development in the Countryside which states that approval will be granted for an expansion of an established economic development in accordance with PED 3 and PED 9 General Criteria for Economic Development.

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

In considering the proposal it is critical to consider the planning history of this site. H/2010/0426/F proposed to extend the existing site to the south west with two additional units running side by side and adjacent to the existing sheds. That proposal was found to be unacceptable and was refused as the proposal was contrary to Policies PED 3 of PPS 4, CTY 1, 13 & 14 of PPS 21. The subsequent appeal was also dismissed with the PAC upholding all three refusal reasons.

A subsequent planning application (LA09/2015/0549/F) was presented to Committee with a recommendation to refuse as it was considered to be contrary to planning policy as per the aforementioned planning appeal. However, Committee took the decision to approve that application and subsequent applications (LA09/2017/0572/F and LA09/2018/1209/F) which extend the build form further in a south westerly direction. This proposed development will extend that built form further again towards the south west, to a point where the site is around 60m from the nearest third party dwelling at No.25 Ballymacombs Road.

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 all of the stated criteria (a-m)

The development is considered to be compatible with the surrounding land uses;

It is my opinion that the proposed development will not harm residential amenity and EHD have not raised any issues regarding this.

There are no features of natural or built heritage on the site which could be detrimentally affected.

DfI Rivers considered the Drainage Assessment and did not raise any issues of concern relating to flooding or flood risk.

As detailed above, EHD did not raise any issues regarding noise nuisance.

As the proposed site is to be used for storage and distribution, there will be no emissions or effluent discharged.

DfI Roads did not raise any issues relating to extra vehicular movements.

The proposed development will utilise the existing access into the overall site which is deemed to be satisfactory.

As the site is located within a rural area, it is not practicable to achieve a movement pattern which fully supports walking, however the site is located approximately 0.5 miles from Portglenone on the A54.

The site layout, building design associated infrastructure and landscaping arrangements are all acceptable.

The proposed development includes additional buffer planting along the south western boundary in addition to a hedgerow and acoustic fence along the site frontage which will help screen the site.

The site is secured by a 2.4m high security fence.

The building will be viewed in association with the existing buildings and will achieve an acceptable degree of integration which will be aided by the proposed planting.

PPS 21 - Policy CTY 13 Integration and Design of buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Given that the site has been extended to the present extent, the proposed building will not have any more detrimental impact on visual amenity than what presently exists. Therefore I do not feel that the proposal is contrary to this policy.

PPS 21 - Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. The proposed development is considered to be unacceptable, as like the aforementioned appeal the proposal is considered to extend the complex in a linear fashion into an area which provides a visual break in development along the Ballymacombs Road. The scale of the extension of development into the visual break is such that it would harm and erode the rural character of the local area. However, although the proposal offends this policy, given that approval has been granted for three separate buildings to this end of the existing commercial yard since the aforementioned planning appeal, all of which extend the built form in a further south westerly direction, Committee may be of the opinion that there is little to be gained by resisting this proposal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

On consideration of the above, it is my opinion that whilst the proposal is contrary to Policy CTY 14, in that it would extend the ribbon of development along this stretch of the Ballymacombs Road, Committee may consider this to be an exception to policy and consider granting approval for the reasons stated below:-

Conditions:

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

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

2. The premises hereby approved shall be used only for Use Class B4: Storage and Distribution, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

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

3. All proposed planting as indicated on the stamped approved drawing no. 02/1 date stamped 20th August 2021 shall be undertaken during the first available planting season following the building hereby approved becoming operational.

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

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

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

5. No operations in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/1 bearing date stamp 20th August 2021. to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. Prior to the commencement of the development hereby approved, an acoustic barrier shall be constructed of closed board timber as annotated on Drawing No. 02/1, date stamped 20th August 2021. The barrier shall be permanently retained and maintained.

Reason: To protect residential amenity.

7. The building hereby permitted shall only be used for storage purposes. No manufacturing activities shall take place within the buildings permitted by this permission.

Reason: To protect residential amenity.

8. No storage or processing operations shall take place outside the building permitted by this permission.

Reason: To protect residential amenity.

9. All attenuation, construction methods and recommendations in the noise impact report stamped received 7th June 2021 and entitled 'Grainger Acoustic Report' shall be instigated, prior to the development hereby approved becoming operational, to prevent the transmission of noise to nearby dwellings.

Reason: To protect residential amenity.

10. Acoustic strip curtains provided in accordance with the recommendation of the noise impact assessment shall be maintained in good condition so as to provide a level of attenuation commensurate with the noise impact assessment.

Reason: To protect residential amenity.

11. All doors to the buildings permitted by this permission shall be kept closed except when opening is necessary to facilitate deliveries or movement of materials / vehicles/ personnel into or out of the building.

Reason: To protect residential amenity.

12. Hours of opening shall be restricted to Mon- Fri 07:00 - 19:00 hours, Saturday 08:00 - 13:00 and at no times on Sunday. Outside of these times, the premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site.

Reason: To protect residential amenity.

13. All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: To protect residential amenity.

14. Within 4 weeks of a written request by Mid Ulster District Council, following a reasonable noise complaint, the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainant's property following the procedures described in BS4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to Mid Ulster District Council for written approval prior to any monitoring commencing .

Reason: To protect residential amenity.

15. If any report submitted as per Condition 14, indicates that noise levels exceed the levels as predicted within the acoustic report stamped received 7th June 2021 activity shall cease on site until measures have been put in place to reduce the noise level to no greater than those as predicted .

Reason: To protect residential amenity.

Signature(s)

Date:

Date Valid	30th November 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23a Ballymacombs Road Portglenone The Owner/Occupier, 25 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, 28 Ballymacombs Road Portglenone Londonderry Roy Turtle Email Address	
Date of Last Neighbour Notification	22nd November 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1519/F Proposal: Proposed storage & distribution centre for finished electrical products. Address: 23 Ballymacombs Road, Portglenone., Decision: Decision Date: Ref ID: LA09/2018/1375/F Proposal: Retention of inert material deposited on agricultural land for the purposes of improved drainage Address: Approx 120m West of 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 13.08.2019 Ref ID: LA09/2018/1209/F Proposal: Extension to existing Kindercraft business to provide storage for raw materials, packaging and finished products Address: 23 Ballymacombs Road, Portglenone, Decision: PG Decision Date: 13.08.2019 Ref ID: LA09/2016/1755/F Proposal:	

Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone
Address: 23 Ballymacombs Road, Portglenone,
Decision: PG
Decision Date: 08.11.2017

Ref ID: LA09/2017/0572/F
Proposal: Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products
Address: 23 Ballymacombs Road, Portglenone,
Decision: PG
Decision Date: 14.11.2017

Ref ID: H/2015/0033/LDP
Proposal: Erection of farm shed utilising existing access.
Address: 23 Ballymacombs Road Portglenone,
Decision: PR
Decision Date:

Ref ID: H/1987/0024
Proposal: ALTS AND ADDS TO HOUSE
Address: 10 BOYNE ROW CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/1975/0001
Proposal: SITE OF REBUILDING OF FIRE DAMAGED LICENSED PREMISES
Address: CLADY, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2013/0149/F
Proposal: Amendment to planting scheme approved under previous application
H/2012/0168/F
Address: 23 Ballymacombs Road, Portglenone,
Decision: PG
Decision Date: 15.04.2014

Ref ID: H/2012/0318/F
Proposal: 11KV Overhead Powerline
Address: 180m NNE of 23A Ballymacombs Road, Portglenone,
Decision: PG
Decision Date: 16.10.2012

Ref ID: H/2013/0272/F
Proposal: Construction of a carpark in connection with an established business
Address: 60m South West of 23 Ballymacombs Road,Portglenone,
Decision: PR
Decision Date: 15.05.2014

Ref ID: H/2012/0168/F

Proposal: One additional unit for storage purposes, extension to existing car parking and new landscaped boundary treatments

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 22.10.2012

Ref ID: LA09/2015/0549/F

Proposal: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F

Address: 23 Ballymacombs Road, Portglenone,

Decision: PG

Decision Date: 20.04.2017

Ref ID: H/2008/0494/F

Proposal: Retention of hardcore area used for turning area, parking and storage area to existing industrial units

Address: 23 Ballymacombs Road, Portglenone

Decision:

Decision Date: 28.05.2009

Ref ID: H/2010/0426/F

Proposal: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area

Address: 23 Ballymacombs Road, Portglenone

Decision:

Decision Date: 15.03.2011

Ref ID: H/2006/0458/F

Proposal: Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning

Address: 23 Ballymacombs Road, Portglenone

Decision:

Decision Date:

Ref ID: H/2003/0038/F

Proposal: 3 No. Industrial Units (retrospective).

Address: 23 Ballymacombs Road, Portglenone.

Decision:

Decision Date: 30.09.2003

Ref ID: H/2007/0120/F

Proposal: To change the use from food storage to food processing and storage.

Address: Unit 7, 23 Ballymacombs Road, Portglenone, Co. Antrim

Decision:

Decision Date: 17.05.2007

Ref ID: H/1987/0218

Proposal: AGRICULTURAL SHED

Address: 23 BALLYMACOMBS ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1989/0155
Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES
Address: 23 BALLYMACOMBS ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1988/0296
Proposal: CHANGE OF USE FROM AGRICULTURAL SHEDS TO STORES
Address: 23 BALLYMACOMBS ROAD PORTGLENONE
Decision:
Decision Date:

Ref ID: H/2004/0484/O
Proposal: Site of dwelling.
Address: Adj to 23A Ballymacombs Road, Portglenone.
Decision:
Decision Date:

Ref ID: H/1983/0181
Proposal: BUNGALOW AND GARAGE
Address: BALLYMACOMBS ROAD, PORTGLENONE
Decision:
Decision Date:

Ref ID: H/1982/0234
Proposal: SITE OF BUNGALOW
Address: BALLYMACOMBS ROAD, PORTGLENONE
Decision:
Decision Date:

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 01
Type: Further Particulars
Status: Submitted

Drawing No. 02/1
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 03
Type:
Status: Submitted

Drawing No. 04
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 05
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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0688/F	Target Date:
Proposal: Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel pit site, this will enable the operator to create bunds at haul roads and at ponds at the site	Location: 58A Knockaleery Road Magheraglass Cookstown
Referral Route: Committee- Approval The agent works for the Council	
Recommendation:	
Applicant Name and Address: Maurice Hamilton 47 Shivey Road Sandholes Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Statutory	Health & Safety Executive for NI	Content
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Environmental Health Mid Ulster Council	Content
Statutory	Environmental Health Mid Ulster Council	

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

The site is located at 58A Knockaleery Road, Magheraglass, Cookstown and is located outside any designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is located within an existing Gravel pit, adjacent to Magheraglass landfill site.

The surrounding area is characterised by agricultural land with dispersed dwellings and farm buildings

Description of Proposal

Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with in gravel pit site. This will enable the operator to create bunds at haul roads and at ponds at the site.

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2020/1204/PAD	Sand and Gravel Pit, Knockaleery Road	Potential commercial/industry or housing.	CONSULTATION(S) ISSUED	
I/1995/0452	ADJACENT TO 60 KNOCKALEERY ROAD	Proposed sand and gravel pit	PERMISSION GRANTED	
LA09/2021/0688/F	58A Knockaleery Road, Magheraglass	Proposed importing of clay and inert material for storage	VALID APPLICATION RECEIVED	
I/2010/0371/F	Magheraglass Landfill site, 60 Knockaleery Road	Proposed 25x20m steel portal frame shed for temporary storage	APPLICATION WITHDRAWN	02.11.2010
I/2012/0020/CA	Adjacent To 60 Knockaleery Road, Magheraglass	OPERATIONAL DEVELOPMENT - Unauthorised winning of gravel	ENFORCEMENT CASE CLOSED	28.09.2016
I/2011/0041/CA	Emersons Quarry, Knockaleery Road, Magheraglass	Mineral Extraction (beyond I/1995/0452 approval)	ENFORCEMENT CASE CLOSED	27.02.2012

Regional Development Strategy 2013

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)

PPS 2 Natural Heritage

Planning Policy Statement 11- Planning & Waste Management

Planning Policy Statement 3: Access, Movement and Parking.

The Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the

Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Cookstown Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application and the minerals policies do not contain any specific guidance for this type of application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

There is no specific planning policy that covers importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking within SPPS

PPS 2 Natural Heritage sets out policies for conservation, protection and enhancement of our natural heritage. Within the context of policy, natural heritage is defined as the diversity of our habitats, species, landscapes and earth science features.

Having regard to the above Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; priority and protected species and to biodiversity and geological interests within the wider environment.

Policy NH 1 relates to European and Ramsar sites. The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites, has been assessed in accordance with the requirements.

The above policies do not in this case apply, as the site is not classified.

PPS 11 Planning and Waste Management

The above policy sets out criteria for the development of waste management facilities and includes guidance on the issues likely to be considered in the determination of this application.

Policy WM 4 relates to land improvement. The policy states that the disposal of inert waste by its disposition on land will only be permitted where it is demonstrated that it will result in an improvement and that the following criteria are met:-

It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM 1); and

- 1) There is a local need for the development and it can be demonstrated that it is the BPEO;
- 2) Only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited;
- 3) Detailed measures are included for the appropriate restoration and aftercare of sites that will help to enhance bio-diversity.

Paragraph 9.2 states that the deposition of inert waste can result in an improvement in land quality. In this case, the importing of inert material would result in land improvement as it will be used within the site to create bunds for health and safety

purposes. The proposals purpose is shown to improve access and for health and safety rather than dispose of waste materials.

The site is not within area designated for its landscape quality and the existing mature planting along the boundaries will be retained.

Environmental health were consulted on the application and responded to say that they had no objections to the proposal in principle. However, the importation of clay and inert material will involve HGV movements and the use of excavators/bulldozer equipment in the bund creation which may give rise to excessive noise at nearby residential amenity. In order to afford some protection to these residential properties Environmental Health Department request that a condition limiting the hours of use be attached.

NIEA, Water Management Unit were consulted on this application and were content with the proposal subject to conditions. the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.

NIEA Waste Regulation Unit has considered the impacts of the proposal and commented that should the proposal go ahead then a waste authorisation for the site will be required. Planning approval should not be construed that the waste authorisation will automatically also be approved. The design of the waste authorisation will be that there should be no negative environmental impacts from this proposal. Should there be any negative impacts then the authorisation will have conditions to mitigate the impacts which may include cessation of the activity causing the impacts.

SES were consulted informally and were content that no formal consultation was required. Using a grid reference from an outgoing consultation on the planning portal, the proposed site does not appear to be connected to any European site but and we note that the Statutory Nature Conservation Body (NIEA) has been consulted.

The Health and Safety Executive for Northern Ireland were consulted on the application and responded to say that they have no objection to the proposal.

DFI Roads were consulted on the proposal and had no objection. They 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.

Rivers Agency were consulted on this application and had no objection.

I am content the proposal has been assessed against relevant planning policies and all relevant material considerations and consultation replies have been considered. I am satisfied that the proposal will not have an adverse impact on the environment and it will respect the character and residential amenity of the surrounding area.

Conclusion

I therefore recommend that planning consent is granted subject to conditions.

Neighbour Notification Checked	Yes
Summary of Recommendation: Approve subject to 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. Equipment and vehicles (including HGV's entering and exiting the site) shall only be used within the approved site between the following hours: 07:00 and 19:00 Monday to Friday 07:00 and 13:00 Saturday At no time on Sundays or Bank Holidays Reason: To protect residential amenity from noise. 3. All infill material must be strictly inert Reason: To protect the environment of the site during infilling 4. A waste authorisation for the site will be required Reason : To ensure that there is no negative environmental impacts from the proposal 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. This determination relates to Planning Control only and is not to be construed as binding the Department in respect of any application required, or consent, agreement or approval obtained for or in connection with a Conservation Area Grant, an International Fund for Ireland Grant or an Urban Development Grant, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such	

applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.

4. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Commercial or Industrial Developments and Abstractions and Impoundments

5. Care will need to be taken to ensure that polluting discharges do not occur during the infilling/construction and operational phases of this development. The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance paying particular attention to where further information can be found regarding oil storage (including mobile bowzers over 200 litres), the safe operation of refuelling facilities, incident response - dealing with spills, safe storage - drums and intermediate bulk containers, the use of oil separators in surface water systems.

6. The applicant will be required to comply with the Control Of Pollution (Oil Storage) Regulations (NI) 2010. A key requirement of the Regulations is that oil storage containers (including temporary storage) must have a secondary containment system (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment.

7. Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on the water environment.

8. The applicant should also refer to DAERA Standing Advice on Discharges to the Water Environment.

9. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous,

noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to ?20,000 and / or three months imprisonment.

10. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter

Signature(s)

Date:

ANNEX	
Date Valid	5th May 2021
Date First Advertised	18th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 60 Knockaleery Road, Cookstown BT80 9EH	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1204/PAD Proposal: Potential commercial/industry or housing. Address: Sand and Gravel Pit, Knockaleery Road, Cookstown, BT80 9EH., Decision: Decision Date: Ref ID: I/1995/0452 Proposal: Proposed sand and gravel pit Address: ADJACENT TO 60 KNOCKALEERY ROAD MAGHERAGLASS COOKSTOWN Decision: Decision Date: Ref ID: LA09/2021/0688/F Proposal: Proposed importing of clay and inert material for storage to facilitate forming of health and safety bunds and banking with gravel pit site, this will enable the operator to create bunds at haul roads and at ponds at the site Address: 58A Knockaleery Road, Magheraglass, Cookstown, Decision: Decision Date: Ref ID: I/2010/0371/F	

Proposal: Proposed 25x20m steel portal frame shed for temporary storage of organic (garden and kitchen) waste, 80m west of existing offices, works to include 2m lower deck for loading and 2no. roller doors. Colour of shed to be goose wing with black flashings.
Address: Magheraglass Landfill site, 60 Knockaleery Road, Cookstown
Decision:
Decision Date: 02.11.2010

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0748/O	Target Date:
Proposal: Proposed site for dwelling and garage in a cluster	Location: 70m S.W. of 55 Drumenny Road Coagh
Referral Route: To Committee - Approval - Exception to Policy	
Recommendation:	
Applicant Name and Address: Cliona Hagan 55 Drumenny Road Coagh	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

To Committee - Approval - Exception to Policy.

Characteristics of the Site and Area

The site is located approximately 0.7km south of the development limits of Ballinderry and it is designated to be within the open countryside as per the Cookstown Area Plan 2010. The red line covers an existing access of No 55 running to the rear of No. 55 towards the site that contains an old workshop and mix of grass and stoned area. The northern and western boundaries are defined by mature hedging and trees with the southern boundary being defined by a line of fencing. The immediate area is defined by a mix of residential and agricultural land uses, with the wider being predominately agricultural.

Representations

Eight Neighbour notifications were sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a site for dwelling and garage in a cluster, the site is identified as 70m S.W. of 55 Drumenny Road, Coagh.

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 201

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- 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.

With regards to the first criteria, I am content that the cluster lies outside a farm and consists of four or more buildings in that at least three of these are dwellings (Nos. 55 & 55a Drumenny Road & 64, 64a & 70 Derrycrin Road). Furthermore I am content that the cluster appears as a visual entity. Upon review of the submitted plans and what was witnessed it was unclear what focal point they were identifying to be associated with the cluster.

This was put to the agent who response who initially stated that the focal point was a horse riding business to the north of the site and stated would provide additional information of the business and how this is a focal point. However after considerable time no supporting information was submitted and after group discussions it was concluded in the absence of this it

could not confirmed as a focal point. From such even if deemed as a focal point I have doubts over the association of the proposed focal point and the cluster given the separation distance between the two. As such the application would fail under this part of the policy.

In terms of suitable degree of enclosure I am content that the site is bounded on two sides with other development within the cluster. In terms of rounding off, the site is located in the middle of the cluster so I am content that it can be absorbed easily within the cluster. Finally, I am content that an appropriately designed dwelling would not have an adverse impact on neighbouring amenity.

I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, it has been argued that it fails the infill policy as extends the ribbon of development. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

From such and after discussions with the Planning Manager it was agreed that this could be taken as an exception to policy given the level of build-up of development in the immediate vicinity and it would be in the planning benefit to redevelop this piece of land than leave it as is.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no exact design or siting details have been provided, however, I am content that an appropriately designed dwelling will not appear as visually prominent. I note that there is existing landscaping which should be retained where possible with additional landscaping added where necessary to aid integration. Therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 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. As stated that an appropriately designed dwelling would not appear as visually prominent. I note that a dwelling in this location would read with the rest of the dwelling and would not adversely impact on the character of the area. I am content that a dwelling in this location is unlikely to lead to additional dwelling through infilling I am content this application is able to comply under CTY 14.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approval	
<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> <ul style="list-style-type: none"> 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. <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 proposed dwelling shall have a ridge height of less than 6.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.</p> <p>Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.</p> <p>4. 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>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.</p> <p>Reason: To ensure the dwelling integrates into the landform.</p> <p>6. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.</p> <p>Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.</p> <p>7. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.</p>	

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

8. 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 and details of a native species hedge to be planted to the rear of the of the visibility splays. 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.

9. 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 other statutory authority.

Signature(s)

Date:

ANNEX	
Date Valid	17th May 2021
Date First Advertised	1st June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 54 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 55a Drumenny Road Cookstown The Owner/Occupier, 56 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 56a ,Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 58 Drumenny Road, Cookstown, Tyrone, BT80 0HL The Owner/Occupier, 64 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ The Owner/Occupier, 64a Derrycrin Road Cookstown The Owner/Occupier, 70 Derrycrin Road Cookstown Tyrone	
Date of Last Neighbour Notification	28th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0748/O Proposal: Proposed site for dwelling and garage in a cluster Address: 70m S.W. of 55 Drumenny Road, Coagh, Decision: Decision Date: Ref ID: I/1994/0072 Proposal: Dwelling Address: TO REAR OF NO 64 DERRYCRIN ROAD, COAGH, CO TYRONE. Decision: Decision Date: Ref ID: I/2010/0444/O Proposal: Proposed dwelling and garage (under CTY2a of PPS21)	

Address: Land 30m North East of 64a Derrychrin Road, Ballinderry

Decision:

Decision Date: 11.03.2011

Ref ID: I/2009/0653/F

Proposal: Proposed temporary permission for mobile home pending the development of dwelling approved under planning application I/2009/0322

Address: Land 100m south west of 55 Drumenny Road, Ballinderry

Decision:

Decision Date: 01.07.2010

Ref ID: I/1993/0348

Proposal: Dwelling

Address: 70M SOUTH WEST OF JUNCTION OF DRUMENNY ROAD/DERRYCRIN ROAD COAGH

Decision:

Decision Date:

Ref ID: I/2003/0947/O

Proposal: Site for dwelling (renewal of I/2000/0695/O)

Address: Adjacent to 55a Drumenny Road, Coagh, Cookstown

Decision:

Decision Date: 10.12.2003

Ref ID: I/2009/0322/F

Proposal: Change of house type to that previously approved under application number I/2006/1205

Address: Adjacent to & SW of 55a Drumenny Rd, Ballinderry BT80 OHL

Decision:

Decision Date: 21.10.2009

Ref ID: I/2000/0695/O

Proposal: Site for dwelling (Renewal of I/1997/0486)

Address: Adjacent to 55a Drumenny Road Coagh Cookstown

Decision:

Decision Date: 11.01.2001

Ref ID: I/1997/0486

Proposal: Site for dwelling

Address: DERRYCRIN ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1990/0400

Proposal: Improvements to Dwelling

Address: 55 DRUMENNY ROAD, COAGH, CO TYRONE.

Decision:

Decision Date:

Ref ID: I/1996/0026

Proposal: Extension and alterations to dwelling

Address: 55 DRUMENNY ROAD COAGH

Decision:

Decision Date:

Ref ID: I/1988/0372

Proposal: DOMESTIC GENERAL PURPOSE SHED

Address: DERRYCHRIN, BALLINDERRY BRIDGE, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/013301

Proposal: ERECTION OF DWELLING

Address: DRUMENNY ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/0133

Proposal: ERECTION OF DWELLING

Address: DRUMENNY ROAD, COAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2019/0131/O

Proposal: Proposed new dwelling in infill site

Address: Proposed new dwelling on infill site between 64 and 70 Derrycrin Road,
Coagh, Cookstown,

Decision: PG

Decision Date: 14.03.2019

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 10/01/2022	Item Number:
Application ID: LA09/2021/0856/O	Target Date:
Proposal: Proposed outline permission for a two Storey Dwelling and garage previously approved under M/2008/0520/ with an onsite septic tank (Additional Information on Septic Tank)	Location: Site at Tunnel Lodge 100m N.W. of 4 Park Lane Dungannon
Referral Route: 1. Agent is a Mid Ulster Council employee.	
Recommendation:	Approval
Applicant Name and Address: Nigel Fleming 55 Bushvale Dungannon	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary: M/2008/0520/F is a previous approval for a dwelling at the application site but that permission has since lapsed and no works were done to commence this permission. This application is for a dwelling on the same site so I am content the principle of a dwelling in this location has been established. As the site is within the settlement limit of Dungannon there is no waste water treatment capacity available, therefore a new septic tank is proposed and NI Water are content.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and is predominantly residential with cul-de-sacs of detached dwellings. Immediately south of the site is mainly fields and abutting the south east are 5 no. dwellings on single plots. The site has a roadside frontage onto the Moy Road which is a heavily trafficked road in and

out of Dungannon town centre. Across the road is a site which is being cleared for further housing development and behind this is Windmill Wood.

The application site is a portion of land with an existing tarmacked entrance off the Moy Road. The site itself is overgrown with vegetation and has quite a steep topography. Along the roadside boundary is a stone wall and a row of established trees. In addition, there are established trees on either side of the access lane which slopes downwards to the site itself.

Description of Proposal

This is an outline application for Proposed two Storey Dwelling, garage and septic tank previously approved under M/2008/0520/F at Site at Tunnel Lodge, 100m N.W. of 4 Park Lane, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

M/2003/1064/O - Site for 4 Dwelling Houses - Tunnel Lodge, Moy Road, Dungannon – Permission Granted 17.12.2004

M/2007/1484/RM - Site 3- Tunnel Lodge. Moy Road. Dungannon - Proposed 2 storey dwelling including basement ancillary site works and landscaping – Permission Granted 23.04.2008

M/2008/0520/F - Proposed dwelling and garage - Site 3 Tunnel Lodge, Moy Road, Dungannon - Permission Granted 22.10.2008

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. As the site is within the limit SETT 1 is the relevant policy

which applies. I am content as the proposal complies with all the criteria in QD1 in PPS 7 – Quality Residential Environments it will also comply with SETT 1.

The site is within Local Landscape Policy Area LLPA05 – Milltown House/Moy Road Dungannon. This LLPA is designated at Milltown House and the remnants of Ranfurly House and Ballynorthland Demesnes. I am content as the proposed dwelling is sited within an area which is not visible from the public road in critical views and the proposal will not involve the removal of a significant number of trees that the proposal will not have an unacceptable impact on the visual amenity of the area.

There is no confirmed Tree Preservation Order for trees at the site and in the immediate area. I consulted the Mid Ulster Council Conservation Officer who confirmed this is an email dated 5th July 2021.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that 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.

Planning Policy Statement 7 – Quality Residential Environments

Policy QD 1 – Quality in New Residential Development

The proposal is for a dwelling on the site below as shown in figure 1. I have no concerns about a two storey dwelling on this site as the principle of development has already been established through planning approval M/2007/1484/RM. This permission previously granted approval for a two storey dwelling at the same site. As shown in figure 1 below the land slopes downwards from the roadside so the proposed dwelling will not be a prominent feature when viewed from the road so I have no concerns.



Figure 1 – Photograph from the application site at the site visit.

The site is not within any other archaeological or landscape features. There was a Tree Preservation Order LA09/2018/0013/LA09 at the site but this is not a valid TPO.

As this application is for one dwelling there is no need for the provision of public open space.

There is no requirement for local neighbourhood facilities.

There is a public footpath which runs along the side of the Moy Road on the same side as the road as the application site. Therefore I am content there are opportunities to walk and cycle to facilities within Dungannon town centre.

I am content there is sufficient space at the site for the parking of two cars and the applicant has shown this on the block plan submitted.

As this is an outline the design of the dwelling will be considered at the Reserved Matters Stage but the proposal is within the settlement limit of Dungannon so a contemporary design will be more acceptable than the countryside.

There are no other dwellings abutting the site so I am content the dwelling will not create unacceptable loss of light, overshadowing or noise disturbance to other dwellings in the immediate area.

The applicant has proposed gates to the entrance to the dwelling which I am content will promote personal safety at the site.

Overall, I am of the opinion the proposal complies with QD1 in PPS 7.

Planning Policy Statement 3 – Access, Movement and Parking

A consultation was sent to DFI Roads for comments, in their response confirmed that they had no objections to the proposal subject to informatives and conditions. DFI Roads confirmed there is a footway in place and an existing/established entrance which needs detailed on a Reserved Matters application.

Other Considerations

As this is an application within the settlement limit NI Water were consulted. There is an ongoing issue with no waste water treatment capacity in Dungannon so the applicant has proposed the dwelling will be served by a septic tank. NI Water were re-consulted and were content. There are no other dwellings abutting the site so I am satisfied the septic tank is located a sufficient distance from other dwellings for there to be no unacceptable amenity issues.

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

I am content the proposal complies with all the criteria in QD1 in Planning Policy Statement 7 – Quality Residential Environments.

Conditions

1. Application for the approval of 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 the 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 design and external appearance of the buildings, and the landscaping of the site (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. No development shall take place until a plan indicating existing and proposed floor levels has been submitted to and approved by Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

4. The existing mature trees and vegetation within the entire site boundaries shall be retained. No other trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Department, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

5. 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. 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 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.

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 any 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.

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

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.

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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0952/F	Target Date:
Proposal: Extension to existing curtilage & domestic storage shed.	Location: 45m South of 211a Washingbay Road Coalisland BT71 5EG.
Referral Route: Contrary to Policies CTY1 of PPS 21 & EXT1 of the addendum to PPS7	
Recommendation: Refuse	
Applicant Name and Address: Mr Tony McCuskey 211a Washingbay Road Coalisland BT71 5EG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection

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

Description of Proposal
This is a full planning application to extend the curtilage of an existing single storey detached dwelling located at 211a Washingbay Rd Coalisland; and to erection a domestic storage shed within the extended curtilage.

The curtilage is proposed to be extended to the rear / south of the property and would almost double the existing curtilage. The proposed shed has a rectangular floor plan and pitched roof construction and measures approx. 18m in gable depth x 22m in length x 6.3m in height. Finishes include green cladding to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.



Fig 1: Site Plan

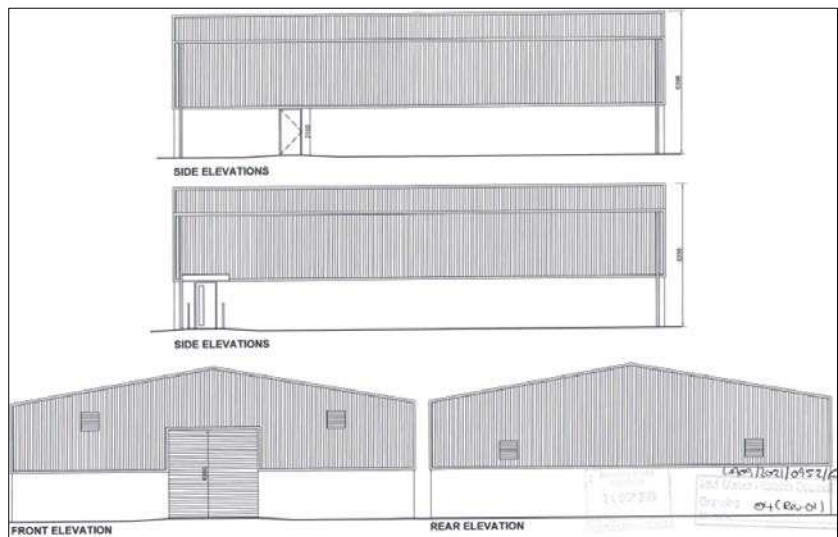


Fig 2: Elevations

Characteristics of the Site and Area
The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 4km east of Coalisland and 1.5km west of Lough Neagh.

The site is a long narrow plot containing no. 211a Washingbay Rd a chalet dormer dwelling and its curtilage including a detached sunroom to the rear / west of the dwelling; and agricultural lands to the south of the aforementioned property's curtilage. The dwelling has a simple rectangular shaped floor plan and pitch roof construction with a 1½

storey front porch and dormers on its front elevation and a dropped pitch rear return offset to its east gable. It has brick walls and dark roof tiles/slates. A garden runs right round but primarily to the front of the dwelling. A tarmac drive runs along the west side of the property's front garden providing access to tarmac area of parking immediately to the front of the property and a concrete amenity area immediately to the rear. A mature hedge and stone access pillars and walls define the roadside boundary of the site. A mature hedge also defines the eastern boundary of the site and the remaining boundaries are undefined.

Whilst views of the site are limited until just before and passing along its roadside frontage due to the existing vegetation on site, which alongside vegetation and development within the wider vicinity, enclose and screen it.

The immediate area surrounding the site, comprising relatively flat open topography typical of the Loughshore Area, has come under considerable development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. The site contains a large shed and concrete yard, the shed is agricultural / commercial in appearance and occupies much of the site as identified.

Planning Assessment of Policy and Other Material Considerations

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

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Representations

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

Relevant Planning History

On Site

- M/1997/0496 - Proposed dwelling - Granted 7th January 1998

- M/2005/2006/F - General purpose shed for 4 No vehicles (commercial), caravan, lawn mower two cars and other domestic items including bicycles, quads, ladders - Withdrawn 14th September 2006
- M/2011/0453/F - New double garage - Granted 16th August 2011

Adjacent Site

- M/2014/0471/F - Site for 2 no dwellings (Infilling gap site) - Granted 11th September 2015

The above application relates to lands located at the roadside between the property on site 211a Washingbay Rd and no. 215 Washingbay Rd.

- M/2012/0590/F - Proposed farm building - Coalisland - Granted 19th June 2013
- LA09/2016/1428/F - Relocation of laneway to service a farm shed approved under M/2012/0590/F with the shed relocated within the approved curtilage 35 m west of the approved location due to ground levels and amended site design - Granted 9th February 2017
- LA09/2017/0897/F - Part use of existing farm shed to provide internal dry storage of plastic bags and plastic wrapping covers in association with the applicants established horticultural business (Evergreen Peat) - Refused 6th February 2020 (Appeal in progress)
- LA09/2019/0489/F - Retention of the existing curtilage for the purposes of parking trailers associated with Evergreen Peat - Refused 7th February 2020

The above applications relate to lands immediately southeast of the current site comprising a large shed of agricultural / commercial appearance and yard.

Dungannon and South Tyrone Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

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.

Planning Policy Statement 21 Sustainable Development in the Countryside – Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Planning Policy Statement 7 Residential Extensions and Alterations – Is the relevant policy for extensions and alterations to residential properties. Policy EXT 1 outlines permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

Para A11 of the Addendum to PPS7, Justification and Amplification relating to 'Garages and other associated outbuildings', outlines buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. Para. A13 of the Addendum adds that in the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.'

I am not content the proposed shed is domestic in scale, massing, design and external finish as such it is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area. The proposed shed is not subordinate to the dwelling on site nor is it a similar in style including materials. It has a larger footprint than the property on site and an agricultural / commercial rather than domestic appearance. Furthermore, it is not designed as part of the overall layout of the property and as a result from the critical views to result in an integrated rural group of buildings owing it's location set back to the rear of the property

- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

Owing to the location of this proposal to the rear of an existing dwelling and separation distances that that would be retained between the proposed domestic shed and neighbouring properties I am content the privacy or amenity of neighbouring residents should not be unduly affected.

- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

As the proposal is to be located on improved grassland and existing vegetation bounding the site is to be retained it should not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

As the proposal seeks to extend the curtilage of the property on site to accommodate the proposed shed existing space within the curtilage of the dwelling for recreational and domestic purposes, will be retained.

Additional Considerations

In addition to checks on the planning portal Environment Map (NED) map viewers available online have been checked and identified no built heritage assets of interest on site or immediate vicinity.

Flood Maps NI indicate no flooding on site.

The proposal is under the 10.7m and 15.2m height thresholds in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for the extension to the curtilage of a dwelling a domestic shed.

Case Officer recommendation: Approve

Neighbour Notification Checked	Yes
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Summary of Recommendation:	Refuse
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Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 of Planning Policy Statement 21 & EXT 1 of the addendum to Planning Policy Statement 7, in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.

Signature(s)

Date:



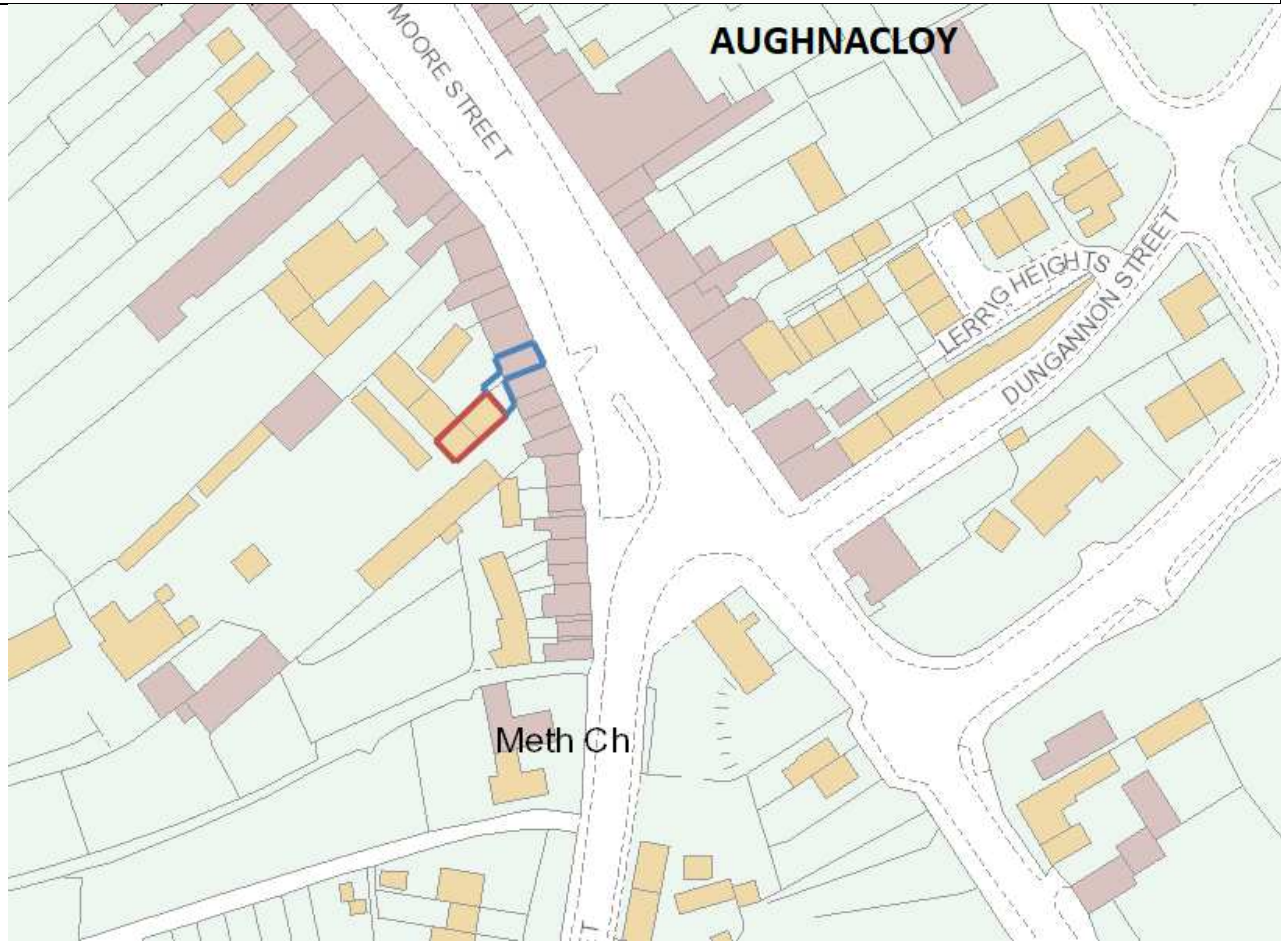
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1038/F	Target Date:
Proposal: Change of use from domestic garage & store to living accommodation	Location: To the rear of 155 Moore Street Aughnacloy
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Bernie Corley 153 Moore Street Aughnacloy BT69 6AX	Agent Name and Address: JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	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

None

Characteristics of the Site and Area

The application site is located at lands to the rear of number 155 Moore Street, Aughnacloy. The site lies within the settlement limits of Aughnacloy and within the area of townscape character, ATC as depicted by the DSTAP 2010. The surrounding area is largely characterised by residential development of all density as well as some commercial development.

The red line of the site includes a two storey block structure with a hipped roof, and white upvc windows and doors to the front elevation. The site lies to the rear of an existing mid terraced property which extends two storeys in height. The blue line indicates that the building is not directly behind the applicants own dwelling which further north at number 153 Moore street. The building is accessible directly from the public footpath and via an archway to the East.



It was not clear from site visit if the building was in use, however, it was in a poor state of condition. At the time of site visit, the building was structurally intact, however, the buildings construction did not look finished, the walls had no plaster and there were missing sills and door heads. It must also be noted there was a door on the front elevation first floor which had no access. There was also two windows on the first floor side elevation and a garage door on the rear elevation.

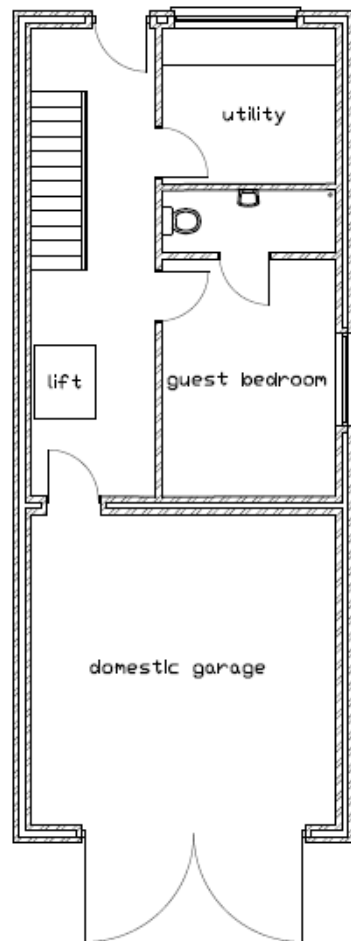


To the rear of the site and outside of the red line there was a large gravel yard which slopes away to the South, there were also a number of other outbuildings surrounding this yard.

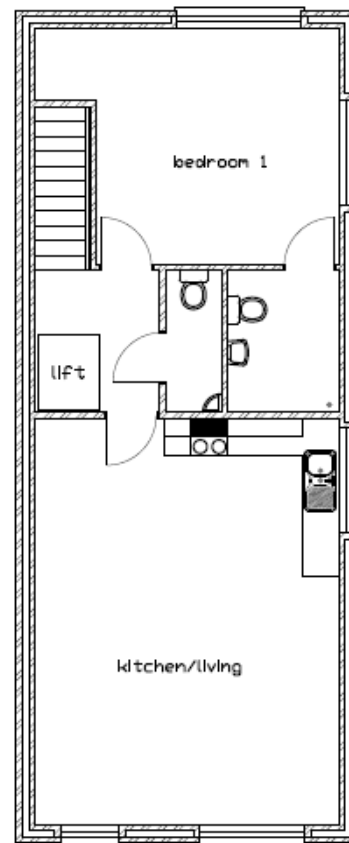


Description of Proposal

The proposal seeks full planning permission for a change of use from domestic garage & store to living accommodation



PROPOSED GROUND
FLOOR LAYOUT
Scale-1/100



PROPOSED FIRST
FLOOR LAYOUT
Scale-1/100

Planning Assessment of Policy and Other Material Considerations

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan
- Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
- PPS3: Access, Movement and Parking
- PPS 6 (Addendum): Areas of Townscape Character
- Addendum to PPS7: Residential Extensions and Alterations

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

The Dungannon and South Tyrone Area Plan identifies the site within the settlement limits of Aughnacloy which gives favourable consideration to development subject to plan policies. The site is also designated within an Area of Townscape Character, thus PPS 6 (Addendum) which is retained by the SPPS, is the main policy consideration for the proposal.

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.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

History

M/2009/0935/F - To the rear of 155 Moore Street, Aughnacloy - Retention of domestic garage and domestic store ? GRANTED 23.04.2010

Background

The applicant has submitted supporting information suggesting that they feel this is ancillary accommodation rather than a standalone dwelling. They suggest that the granting of planning approval for the building as a garage and store in 2010 confirms that it belongs to number 155 albeit positioned to the rear of number 153. The applicant has also submitted further information including a new floor plan showing a lift within the proposed living accommodation and a statement suggesting health problems is justification for the ancillary living accommodation, however, there has been no evidence supporting this claim.

Subsequent to the previous development management discussion regarding this application the agent was asked to provide numerous details including; an overall concept plan, identify circulation space including bin collection area, identify private rear amenity space, clearly layout parking and access details, detail how applicant will deal with waste from the site, and finally detail the proposed finishes. At the time of writing none of the above information has been received as the agent has argued that the building is ancillary living accommodation and none of the above is required.

PPS 3 - Access, Movement and Parking.

Policy Amp 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. And Policy Amp 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a protected route. In this instance DFI Roads were consulted for comment and they responded requesting a controlled turning area and 2 parking spaces which have not been received, the site has no space designated for turning and parking and no area to show any parking, however, it must be noted that there is a large amount of on street parking in Aughnacloy.

PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 New Development in an Area of Townscape Character states ?The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the

area are protected and integrated in a suitable manner into the design and layout of the development?.

The proposal seeks to change the use of the garage and store to the rear of number 155 Moore Street to living accommodation. The agent claims that although the building is detached from the applicants home approx. 5 metres to the south, and to the rear of a neighbouring dwelling it is ancillary accommodation. With regards to policy ACT 2 it is my opinion that the proposal will not enhance the overall character of the area, as the building is essentially a self-contained unit that could clearly stand alone without any private amenity or parking. In addition the building has been left with an unsightly Block finish and no proposed finishes have been shown on the drawings after being requested.

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials. I note that the proposed finishes have not been detailed on the drawings, these details have been requested but as yet they have not been received. The overall scale and massing, do not change and are therefore deemed as acceptable. I am content on balance that the proposed alterations will not have a significantly greater adverse impact on the character of the surrounding area.

(b) In terms of any impact on neighbouring amenity, as the proposal requires changing the use from an existing garage to living accommodation, coupled with the minimal separation distances of approx. 3 metres between the building and the nearest non connected dwelling I have serious concerns that the proposed works are likely to cause an adverse impact on neighbouring amenity.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. This proposal will not cause loss of trees or landscape features as again it is altering the existing garage.

(d) I note that the red line of the site does not include any private amenity space, nor area for parking or manoeuvring of vehicles, in addition DFI Roads have asked for this information and it has not been forthcoming. As such I consider this contrary to policy.

It is my opinion that this proposal fails to comply with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations. (parts B and D)

Paragraphs 2.8 to 2.11 of the explanatory text of the Addendum to PPS 7 relate to ancillary accommodation. Paragraph 2.9 states that "to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. Such additional accommodation should normally be attached to the existing property and be internally accessible from it, although a separate doorway access will also be acceptable".

-In this case the building is clearly detached from the host dwelling, and its function is not supplementary to its use, as the building has its own kitchen, living room, utility, garage and two bedrooms.

Paragraph 2.10 deals with situations where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding. It explains that planning permission will normally depend on the development providing a modest scale of accommodation in order to ensure the use of the building as part of the main dwelling. It goes on to say that the construction of a separate building, as self-contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right.

-Again in this case it is clear that the proposal is a self-contained unit of accommodation and could easily stand alone.

Paragraph 2.11 indicates that in all cases, the planning authority will need to be satisfied that the proposed accommodation will remain ancillary to the main residential property; where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling, and not as a separate unit of accommodation.

-Finally, the proposal with its own kitchen, living, bedrooms and garage rather than any shared facilities would clearly be self-sufficient and a separate unit of accommodation. Ancillary accommodation should be designed in a way to demonstrate its dependency with the existing property. In this case it is clear the unit could practically and viably operate on its own and is therefore not acceptable.

Consultation

Transport NI - have requested a controlled turning area and 2 parking spaces which have not been received.

NIW - have stated that the WWTW in Aughnacloy are at capacity and no alternative solution has been suggested to deal with this increased load.

Conclusion

In conclusion, it is my opinion that refusal should be recommended as the proposal is not ancillary accommodation and therefore approval would result in the creation of a new dwelling unit on the site. In addition, the site does not satisfy PPS 3 in that there are no parking or areas for manoeuvring of vehicles shown, the site has no means of WWTW, the proposal if approved would result in an unacceptable loss of amenity for the residents in number 155 Moore Street.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is Contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the building is a self-contained unit of accommodation and could easily stand alone and therefore not ancillary to the existing dwelling.

2. The proposal is contrary to Addendum to Planning Policy Statement (PPS) 7 ? Residential extensions and alterations in that the development would, if permitted, harm the living conditions of the residents in No.153 Moore Street by reason of loss of amenity and reduced privacy caused by overlooking.

3. The proposal is contrary to PPS 6 (Addendum): Areas of Townscape Character - Policy ATC 2 in that the development would, if permitted, be detrimental to the Area of Townscape Character and detract from the character of the surrounding area by reason of its adverse effect on the amenity of neighboring development and relationship to adjoining buildings.

Signature(s)

Date:

ANNEX	
Date Valid	9th July 2021
Date First Advertised	20th July 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 151 Moore Street Aughnacloy Tyrone The Owner/Occupier, 153 Moore Street,Aughnacloy,Tyrone,BT69 6AR The Owner/Occupier, 155 Moore Street Aughnacloy Tyrone The Owner/Occupier, 157 Moore Street Aughnacloy Tyrone The Owner/Occupier, 159 Moore Street Aughnacloy Tyrone The Owner/Occupier, 161 Moore Street Aughnacloy Tyrone The Owner/Occupier, 163 Moore Street Aughnacloy Tyrone The Owner/Occupier, 3 Moore Street,Derrycush Corn Market,Aughnacloy,Tyrone,BT69 6AX	
Date of Last Neighbour Notification	30th July 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1991/6092 Proposal: Extension to sewer Corn Market Aughnacloy Address: Corn Market Aughnacloy Decision: Decision Date: Ref ID: M/2009/0935/F Proposal: Retention of domestic garage and domestic store above Address: To the rear of 155 Moore Street, Aughnacloy Decision: Decision Date: 23.04.2010 Ref ID: LA04/2020/1672/F	

Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -

Decision:

Decision Date:

Ref ID: LA09/2021/1038/F

Proposal: Change of use from domestic garage & store to living accommodation

Address: To the rear of 155 Moore Street, Aughnacloy,

Decision:

Decision Date:

Ref ID: LA09/2016/1354/F

Proposal: 2 storey extension to rear of site with full remodelling of internal spaces to reinstate the property as 2 separate adjacent dwelling houses

Address: 149/151 Moore Street, Aughnacloy,

Decision: PG

Decision Date: 14.03.2017

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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1106/O	Target Date: 11/11/21
Proposal: Erection of single storey dwelling & garage	Location: Approx 60m NW of 45 Lisnastrane Road Coalisland
Referral Route: Refusal – contrary to CTY 6, CTY 13 and CTY 14.	
Recommendation:	Refusal
Applicant Name and Address: Niall O'Neill 34 Innismore Park Coalisland BT71 4RH	Agent Name and Address: Oonagh Given 10 Carnan Park Strathroy Omagh BT79 7XA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Proposal is considered to be contrary to CTY 6, CTY 13 and CTY 14 of PPS 21. There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The application site is located at lands approx. 60m NW of Lisnastrane Road, Coalisland. The site is located within the Countryside, just outside the settlement of Coalisland. The red line of the site includes a portion of a larger agricultural field and is accessed via an existing laneway which currently serves a number of other dwellings. The lands surrounding the site are outlined in blue indicating ownership. The site itself is quite flat throughout and the boundaries of the red line are currently undefined except for the boundary which adjoins with the laneway which has post and wire fencing with scattered landscaping. The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings. As noted, the settlement of Coalisland is approx. 1km from the site and there is a mix of uses found here.

Description of Proposal

Outline planning permission is sought for the erection of single storey dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is not considered to be any relevant planning history associated with this site.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 43, 45, 47 and 49 Lisnastrane Road. At the time of writing, no third party representations have been received.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking⁷⁶
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Coalisland. There are no other zonings or designations within the Plan.

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

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.

Policy CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of supporting statement from the agent (Oonagh Given), a hospital letter and a care report from a Nursing Care Consultants. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. However, we are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

In terms of criteria (b) of CTY 6, where are no alternative solutions to meet the particular circumstances of the case. An extension or annex attached to the existing dwelling which is located within an urban setting would not negate the reasons set out for the need for a rural location, as set out in the medical evidence provided. There are no other buildings within the curtilage of the applicants dwelling, nor would this be suitable given the need for a rural location and the applicants' needs are not short term and therefore a temporary mobile home would not be a suitable option either. The concern we have with the proposal is that we do not feel the site chosen is in line with the **site specific** (my emphasis) element needed in order to comply with CTY 6. The agent has been asked to detail why they feel the proposed site is site specific and they responded that the applicant:

"needs to live in a quite rural setting as a result of his brain injury – as confirmed by his doctor and as indicated in the evidence supplied. It makes no consequence to the rationale behind CTY 6 whether Mr O'Neill seeks to build a house on the subject site as opposed to some other site in the countryside as the outcome would still be the same – a house in the countryside. It makes sense that he would build on the only piece of land that he owns in the rural area. The site is only about a kilometre from Coalisland and so this very close proximity to an urban centre is much more sustainable then if he were to choose a more remote site. A cousin lives on the opposite side of the lane from the site, while this is not a determining factor, it is a positive factor for Mr O'Neill and his family".

Although, we remain empathetic to the applicant's personal circumstances, we feel that the agent has confirmed within her argument that there isn't determining site specific reasons for the proposed site, noting that the outcome would be the same for any potential site located in the countryside. The lands in question would be moving further away from immediate family (i.e. parents) and the only benefits of this would be living in solitude and quietness of the rural area, which the medical team has supported. The care report noted that the current accommodation would not be suitable long term for the applicant. However, this still doesn't overcome the issue that there isn't a site specific reason which is set out within the policy. Had the applicant been moving closer to his parents for support, this may have been seen as special circumstances. I recommend that the Committee discuss in close session the applicants needs and perhaps discuss alternative options.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow and public views would be limited, given its set back location along an existing laneway. The site has limited landscaping along its boundaries and we feel the red line of the site is essentially just a cut out of an open field. There is existing trees to the north of the site, which we feel should the principle of the site have been agreed, that moving the red line towards this would have allowed the dwelling to blend with them and therefore been more in line with criterion (f) of CTY 13. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition. They have noted that the applicant would require 3rd party lands to achieve the sight splays required if approval were to be forthcoming.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
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/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on

the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

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:

ANNEX	
Date Valid	29th July 2021
Date First Advertised	10th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Lisnistrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 45 Lisnistrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 47 Lisnistrane Road, Coalisland, Tyrone, BT71 5DE The Owner/Occupier, 49 Lisnistrane Road, Coalisland, Tyrone, BT71 5DE	
Date of Last Neighbour Notification	12th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/0186/RM Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnistrane Road, Lisnistrane , Coalisland, Decision: PG Decision Date: 17.07.2018 Ref ID: LA09/2017/0564/O Proposal: Replacement dwelling and garage Address: Lands at 110m South West of 43 Lisnistrane Road, Lisnistrane, Coalisland, Decision: PG Decision Date: 05.10.2017 Ref ID: LA09/2021/1106/O Proposal: Erection of single storey dwelling & garage Address: Approx 60m NW of 45 Lisnistrane Road, Coalisland, Decision: Decision Date: Ref ID: M/1980/0547	

Proposal: REFUSE TIP
 Address: LISNASTRANE, COALISLAND
 Decision:
 Decision Date:

Ref ID: M/1978/0788
 Proposal: FARM DWELLING
 Address: LISNASTRAINE, COALISLAND
 Decision:
 Decision Date:

Ref ID: M/2003/1042/O
 Proposal: Proposed retirement dwelling - living accommodation
 Address: Adjacent to Crossan House 43 Lisnastraire Road Coalisland
 Decision:
 Decision Date: 21.09.2004

Ref ID: M/2004/1501/RM
 Proposal: Proposed retirement dwelling - living accommodation
 Address: 43 Lisnastraire Road, Crossan House, Lisnastraire, Coalisland
 Decision:
 Decision Date: 14.12.2004

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. 01
Type: Site Location Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



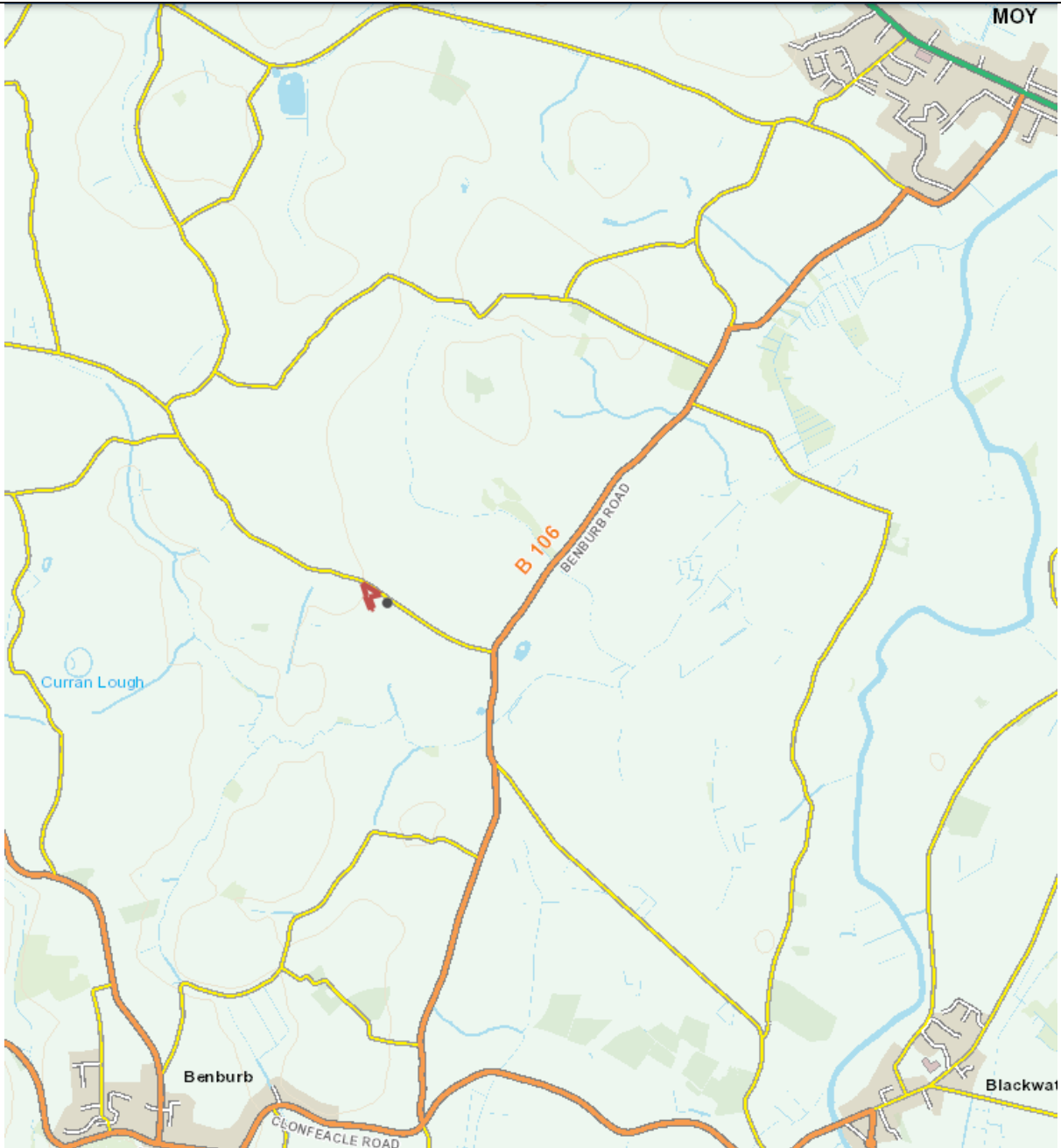
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1144/F	Target Date:
Proposal: Change of use from part of agricultural shed to farm shop. (part of farm diversification scheme)	Location: Approx 70m North of No 37 Tobermesson Road Benburb Dungannon
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Mr Alfie Shaw 33-37 Tobermesson Road Dungannon BT71 7QE	Agent Name and Address: Eunan Deeney 66b Derryoghill Road Moy Dungannon BT71 7JJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

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

2 Objections were received.
concerns raised were on road traffic issues and road safety.

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the South of the settlement limits of the Moy, to the North of Benburb outside all other areas of constraint as depicted by the DSTAP 2010.



The site is situated along the Tobermesson road and includes one number farm shed within the farm holding and a triangular shaped concrete yard to the North of the holding. The shed lies on

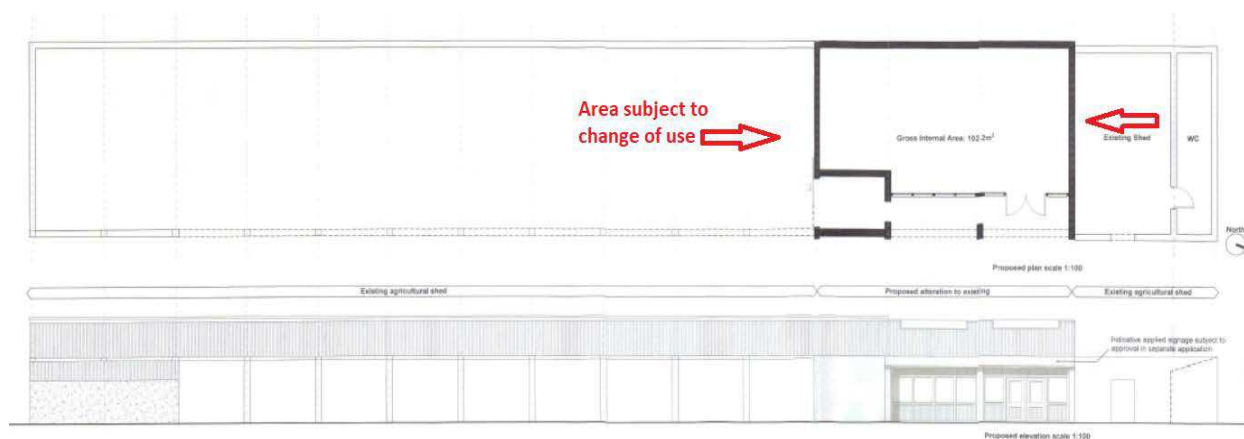
the west boundary of the farm and is a long narrow silo type building with concrete walls and an aluminium clad roof,

The site is open all along the road frontage and a large area of verge to the North has been cleared for visibility splays with the backdrop of the existing farm yard to the south. The site is surrounding by agricultural grazing land on all sides.



Description of Proposal

The proposal seeks full planning permission for change of use from part of agricultural shed to farm shop. (part of farm diversification scheme)



Planning Assessment of Policy and Other Material Considerations

History

M/2015/0164/F - Proposed farm diversification to convert existing agricultural building to packaging building for farm produce ? GRANTED ? 1.10.2015

Representations

There were 2 objections received in relation to this proposal. The concerns of both objectors centred around traffic congestion and road safety.

DFI Roads were consulted and requested a detailed layout including visibility splays and car parking details as per the parking standards. After re-consultation with these amendments Roads were satisfied subject to conditions.

In addition the proposal is expected to generate an increase of approximately 10 cars per day which would road service have suggest would not bring about an unacceptable level of traffic or cause any road safety concerns.

Assessment

Dungannon and South Tyrone Area Plan 2010

Planning Strategy for Rural Northern Ireland

SPPS - Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement (PPS) 1 - General Principles

PPS 3 - Access, Movement and Parking

PPS 21 - Sustainable Development in the Countryside CTY 1 and CTY 3

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

Section 45(1) of the planning Act (NI) 2011 requires regard to be had to the Development plan, so far as material to the application and to any other material considerations.

Section 6 (4) states that where regard is to be had to the development plan the determination must be made in accordance with the plan unless material consideration indicate otherwise.

DSTAP 2010: Identifies that the site is located in the open countryside and outside all other areas of constraint.

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. Transport NI were consulted and following an amended plan including a detailed parking strategy have no concerns subject to conditions.

This application proposes to utilise a small part of an existing building on the farm in order to sell the farm produce the applicant currently produces. This is the most suitable building on the holding to this type of diversification. Some changes are proposed to this building such as the installation of a pedestrian doors on the eastern elevation and a number of windows on this elevation also.

Internal alterations to the building will be to provide a lobby, a covered walkway and the internal retail floor space.

Planning Policy Statement 21, Policy CTY1 - Development in the Countryside in PPS 21 outlines the range of development which is acceptable in the countryside.

Policy CTY 11 in PPS 21 states planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. Proposals will normally only be acceptable where they involve the re-use or adaptation of existing farm buildings.

Development proposals must meet certain criteria;

a) the farm or forestry business is currently active and established;

DARD were consulted and confirmed this farm is active and has been established over 6 years and claims SFP, it must also be noted the applicant has a previous approval to allow for the sale of eggs on site via a farm diversification project in 2015.

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

This proposal entails the utilisation of an existing building which has the appearance of an agricultural building and is therefore suitable in this location.

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

There are no natural or built heritage concerns regarding this application.

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

As this development complies with CTY 11 in PPS 21, approval is recommended.

Neighbour Notification Checked

Yes

Conditions

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

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

2. Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 90m shall be provided in accordance with the approved Drawing No.5 bearing the date stamp 29 OCT 2021, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

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

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.05 dated 29 OCT 2021 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

5. The net retail floorspace of the farm shop hereby approved shall be used only for sale and storage of the goods hereunder and for no other purpose including any other purpose in class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015:

- (a) food produced by the farm
- (b) food processed by the farm
- (c) other farm goods/produce

Reason: To control the nature, range and scale of retailing on the premises and to prohibit any change within Class A1 of the Planning (Use Classes) Order (NI) 2015.

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. 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.

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

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	5th August 2021
Date First Advertised	17th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) P G McKenna 20, Tobermesson Road, Benburb, Tyrone, Northern Ireland, BT71 7QE The Owner/Occupier, 37 Tobermesson Road, Benburb, Tyrone, BT71 7QE David & Margaret Weir 39 _ 40 Tobermesson Road, Benburb, Tyrone, Northern Ireland, BT71 7QE	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	YNo
Planning History Ref ID: LA09/2021/1144/F Proposal: Change of use from part of agricultural shed to farm shop. (part of farm diversification scheme) Address: Approx 70m North of No 37 Tobermason Road, Benburb, Dungannon, Decision: Decision Date: Ref ID: M/1994/6048 Proposal: New dwelling Tobermasson Road, Dungannon. Address: Tobermasson Road, Decision: Decision Date: Ref ID: M/2015/0164/F Proposal: Proposed farm diversification to convert existing agricultural building to packaging building for farm produce Address: 60m Northwest of 37 Tobermason Road, Benburb, Dungannon, Decision: PG Decision Date: 01.10.2015	
Drawing Numbers and Title	

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Drawing No. 04
Type: Existing Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Committee Application

Summary	
Committee Meeting Date: 10/01/2022	Item Number:
Application ID: LA09/2021/1178/F	Target Date:
Proposal: Material change of use of existing 5 bedroom dwelling to 2 two bed apartments, with the continued unintensified use of Scotch Street (south) car park for the proposed parking of the proposal	Location: 11 Victoria Road Drumcoo Dungannon
Referral Route: 1. Objection from a third party – neighbouring dwelling	
Recommendation:	Approval
Applicant Name and Address: 2 Northland LTD 10 Kilcronagh Business Park Cookstown	Agent Name and Address: T/A T4 Architects 169 Coagh Road Drumbonaway Stewartstown BT71 5LW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

The site is within the town centre and development limits of Dungannon as defined in the Dungannon and South Tyrone Area. The surrounding area is urban in character with a mix of residential and services/retail. To the north and behind the site is a public car park which backs onto the main retail core of Dungannon. To the south is a main road which

serves as a slip road from the town centre to Milltown Street. This is a heavily trafficked road which takes you onwards towards the Stangmore Roundabout.

The application site comprises a large two storey dwelling with a double height projection on the front elevation. The land rises up steeply from the Victoria Road to the dwelling where it levels off. The site is accessed via steps from the road to the dwelling and to the front is a lawned area. The dwelling has external finishes of grey pebbledash walls, slate roof tiles and white upvc windows and guttering. To the rear is a tarmacked area for parking.

Description of Proposal

This is a full application for a material change of use of existing 5 bedroom dwelling to 2 two bed apartments, with the continued unintensified use of Scotch Street (south) car park for the proposed parking of the proposal at 11 Victoria Road, Drumcoo, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third party objection has been received.

An objection has been received from Mr McQuaid at 13 Victoria Road, Dungannon on the 27th October 2021. No. 13 is a detached dwelling on the neighbouring property immediately west of the application site. The objector has raised the following issues.

1. The dwelling at the site is a 4-bedroom house not a 5-bedroom house as stated in the description. On the existing plans it shows 4 bedroom on the first floor and a lounge on the ground floor. On the proposed plans the ground floor lounge has been converted to a bedroom but there is still another living room downstairs. It is feasible this room could be used as a bedroom so the dwelling could be a 5-bedroom house.

2. Water and Sewage. The objector states that as the owner of No. 13 he has had to on several occasions contact NI Water and request call outs to unblock the sewers. Information to back up these call outs has also been submitted with the objection. I am of the opinion this is an issue about the sewage pipe network and this is a concern for NI Water. The objector also states that 2 apartments would require upgrading of the sewage system to cope with this. I have attached a condition that the apartments cannot connect to the public sewage system without consultation with NI Water. I am aware there are ongoing waste water treatment issues within Dungannon so a condition has been attached which will allow connection when NI Water state there is capacity. In rebuttal, the agent has attached an NI Water capture map which shows the dual storm/foul main servicing No. 9, No. 11 and No. 13.

3. Right of Way access. The objector states an entrance has been made to the rear of No. 11 which has been made through the hedge on the property of No. 13. Disputes about landownership are not a planning matter and are a third party issue. In rebuttal, the agent has submitted deed maps which show No. 13 has a right of way through the lane to the rear of No.11 and the pedestrian access to the rear has been in place since August 2010.

4. Victoria Road is a protected housing area. I consider the residential use of the building is still housing even-though it is proposed to change from a single dwelling to apartments.

Planning History

No planning history at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limit of Dungannon so SETT 1 is the relevant policy which applies. The site is also with Dungannon town centre designation RSO1 and Protected Housing designation DUNPH05 in the Plan.

I am content if the proposal complies with PPS7 it will also comply with SETT 1.

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.

Policy QD 1 in PPS 7 – Quality Residential Environments

It is proposed to change the use of a vacant 5-bedroom dwelling to 2 no. 2 bedroom apartments. The layout, scale, proportions, massing and appearance will remain as is from the front. The only changes on the outside are a staircase to provide access and a means of fire escape for the first floor apartment. Overall, I am content the proposal respects the character of the existing area.

There are no archaeological or built heritage features at the site.

There is private amenity space for the apartments and this is a lawned area to the front of the existing dwelling. This area would have to be shared between the occupants of the separate apartments. However, I recognise that this was an existing situation within the town centre and some compromises on private space are to be expected. There is a yard to the rear of the existing dwelling which could be used for private space.

The proposal is for 2no. 2 bedroom apartments and according to Mid Ulster Council's 'Parking Guidance' should have 1.5 car spaces for each apartment. Therefore, the development should have 3 car parking spaces. There is a parking area to the rear but



This development is located within the town centre and is well served by other modes of transport, which allows a reduction in parking to be applied. In light of these factors, I do not consider it is necessary to seek any additional car- parking or servicing arrangements for the development. In addition, due to the proximity of existing free parking along nearby

streets and other free car parks within walking distance of the site it is my view that additional parking provision is not required in this case. Due to the proximity of this development to existing shops and services and modes of public transport it is likely that not all residents will not rely on a private car and therefore a parking space may not be required.

The proposal will not conflict with adjacent land uses as the existing use is residential and the use will not change. I am content the proposal to change to apartments is acceptable.

There is no need for the applicant to provide local neighbourhood facilities due to the small-scale nature of the proposal. The site is within Dungannon Town Centre and is within walking distance to existing retail and service provision, and modes of public transport. I do not consider it necessary or appropriate to seek any further provision.

PPS 7 Addendum – Safeguarding the character of Established Residential Areas

Policy LC1 does not apply to this proposed change of use to apartments as the application site is within Dungannon Town Centre as designated in the Dungannon and South Tyrone Area Plan 2010.

Policy LC2 – The Conversion or change of use of existing buildings to flats or apartments.

As the proposal meets all the relevant criteria in QD1 in PPS 7 I am content it meets the relevant criteria in LC2.

I do not believe that by allowing this development that it will result in unacceptable damage to the local character, environmental quality or residential amenity of this area. This proposal is sensitive in design terms to people living in this area and is in harmony with local character. The proposal also offers a variety to the different types of accommodation found within the town centre in Dungannon.

This proposal will maintain the form, character and architectural features, design and setting of the existing building. The majority of the proposed works are internal and the only external works are a staircase which will provide fire escape for the first floor apartment.

I have measured the internal floor space of the existing dwelling and as shown below it is 140sqm which is under the 150sqm stated in LC2.

70sqm – Ground Floor apartment

70sqm – First Floor apartment

However I am content the proposed apartments are an adequate size and as stated in Annex A in PPS 7 a two bedroom apartment should be 60/65sqm which this proposal is over.

Each proposed apartment is self-contained, with own bedroom, bathroom and kitchen area.

Both the ground floor and first floor flats are accessed via separate doors.

I find the proposal to be in accordance with this policy.

Other Considerations and Consultees

The site is within the 200m buffer zone of archaeological site and monument TYR054:046. However as the majority of the changes are internal as this is existing development I did not consult HED.

There are no other ecological, built heritage or flooding considerations.

NIW indicate that there is no mains sewage capacity currently within Dungannon for this development to connect. The agent has provided evidence from Occupation Guidance 'The NIHE Houses in Multiple Occupation Standards' which states that within a 5 bedroom dwelling you could have up to 11 occupants based on the room sizes of the existing dwelling. Using the same standard for the proposed 2 flats the proposal could only house up to 10 occupants. Therefore, there will be a reduction in the sewage capacity and there will be no intensification. When I consulted NI Water it was stated no consideration was given to the additional full bathroom and kitchen on the first floor, and have requested a Wastewater Impact Assessment. In discussions with the Planning Manager it was agreed to condition the sewage issue that no works can commence till NI Water have agreed a connection to the public sewer network. The objector had raised concerns about the sewage capacity and he felt there was not the capacity in the network for the change of use to apartments. He stated that sewage is already leaking from his property, thus Environmental Health were consulted. Environmental health have stated that issues about capacity or the connection then that is probably more a matter for NI Water. NI Water have already stated in their consultation response that the issue is capacity at the treatment works and if there are issues with the pipework this is a concern for NI Water.

DFI Roads confirmed access will be unaltered and no intensification will take place with only pedestrian access to road way, parking being at rear on a public car park. They had no objections.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval as it complies with all the relevant policies.

Conditions

1. The change of use 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 change of use hereby permitted shall not commence until such time as the applicant has provided adequate evidence to the Council that NI Water will allow connection to the public sewer and this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition.

Reason: In the interests of public health.

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)

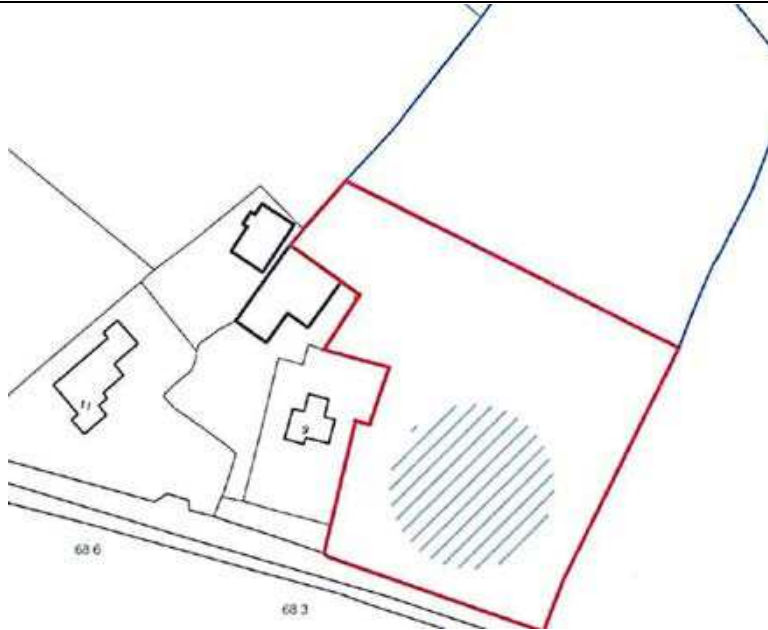
Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1229/O	Target Date:
Proposal: Proposed dwelling on a farm	Location: Site adjacent to 9 Draperstown Road Desertmartin
Referral Route: Objection letter	
Recommendation:	Approval
Applicant Name and Address: Thomas Johnston 63 Wallace Mill Gardens Livingston	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received
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		
<p>Farm dwelling complies with CTY 10 criteria. One letter of objection was received and all other material considerations have been taken into consideration.</p>		
Characteristics of the Site and Area		
<p>The application site is located along the Draperstown Road to the north-east of the dwelling at No. 9 Draperstown Road and setback approximately 150m from the Draperstown and Tobermore Road junction. No 9 is a detached two storey dwelling with several farm sheds located to the rear and has direct access onto the Draperstown Road bordered by a small wall and pillars. Boundaries comprise a ranch style fence with small trees and low level vegetation defining the east boundary; post and wire fencing and sporadic vegetation on the south running parallel with Draperstown Road; the other to the west boundary low maintained hedgerow; the north boundary is undefined and opens onto the field. The surrounding landform is one of undulating countryside and the land is relevantly flat. Immediately adjacent to the application site</p>		

is a large two storey dwelling (principle farm dwelling) with agricultural buildings located to the rear of No. 9. The site is located in the rural remainder as defined in the Magherafelt Area Plan 2015.

Description of Proposal

Outline planning is sought for a proposed dwelling on a farm adjacent to No.9 Draperstown, Desertmartin.

No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access arrangements.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Site history.

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/1229/O	Site adjacent to 9 Draperstown Road, I	Proposed dwelling on a farm	VALID APPLICATION RECEIVED	
H/1984/0082	11 DRAPERSTOWN ROAD, ANNAGH	SITE OF REPLACEMENT HOUSE AND GARAGE	PERMISSION GRANTED	

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 06/09/2021 (publication date 07/09/2021). Two (2) neighbouring properties were notified on 14/09/2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Consultees.

1.DFI Roads were consulted on this application on 13/10/2021 and responded on 04/10/2021 no objection subject to standard condition.

2. DAERA were consulted on this application on 13/10/2021 and responded on 14/09/2021 providing advice on farming activity.



Fig 1. Proposed site and existing farm grouping.



Fig 2. View from Tobermore Road and Draperstown Road junction

Planning Assessment of Policy and Other Material Considerations.

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2010 (CAP) operates as the statutory local development plan for the area the site lies in. The MAP 2010 offers no other specific policy or guidance in respect of the proposed development. The principal planning policies are therefore provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Magherafelt Area Plan 2015.
3. PPS 21 Sustainable Development in the Countryside.
4. PPS 3 Access, Movement and Parking.

Supplementary Guidance: Building on Tradition: A Rural Design Guide for N Ireland

MUDC Draft Area Plan 2030

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations.

Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Magherafelt Area Plan 2015 does not contain any specific policies relevant to the application. The principal planning policies are therefore provided by PPS 21 and the SPPS. The Magherafelt Area Plan 2015 (MAP) operates as the statutory local development plan for the area the site lies in. In it, the site lies within the countryside, but adjacent to the settlement limit of Maghera. The MAP offers no other specific policy or guidance in respect of the proposed development.

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10. This requires the applicant to provide evidence of an active farm business, established for at least 6 years. The applicant has provided a Farm Business number. Consultation with DAERA has confirmed that the farm business was established in 2005 and the proposed site is located on land associated with another farm business currently active and is established for over 6 years.

The applicant through his agent submitted documentary evidence demonstrating that the farm is active and kept in good environmental maintenance, which has been carried out on a regular basis: The documentation include DAERA farm maps and data sheet, invoice from NI Water rates relating to the farm, invoices showing for cutting hedgerow, fertilizers; copies of cattle births; and herd records. From my own observations made during site inspection I am content the lands are kept in a good environmental condition.

From this I am content that the farm is an active farm businesses.

Following searches, it appears that no dwellings or development opportunities have been sold off from the farm within the past 10 years.

The proposed site is visually linked and sited to cluster with an established group of buildings on the farm. Access to the proposed dwelling will not be obtained from an existing lane, as the site can only be accessed via the main farm yard at present. The proposal involves a new access from the Draperstown Road along the eastern boundary of the existing dwelling at No. 9. The proposal therefore complies with the policy tests of CTY 10 in relation to farm dwellings. Following group with senior planner (MB) it was the consensus for siting of the new dwelling be further set back to visual link with the existing farm group and access be taken along the east boundary to lessen adverse impact on rural character.

I am content that the consultation response from DAERA, coupled with observations made on-site, and evidence provided by the applicant that the farming business is active and that it has been established for at least 6 years.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposal remains integrated into the existing landscape and is not deemed to present a dominant feature. The level of enclosure afforded to the site in terms of mature trees and vegetation restricts the level of prominence and the level of associated impact on the landscape. This also restricts the level of inter-visibility between the development and nearby existing dwelling. The proposal will not result in suburban development when viewed in the context of the approved and existing setting.

The proposal does not add to or elongate the existing development pattern which has been established with previous approvals and as such the development cannot be deemed to present a negative impact on the traditional pattern of settlement. The proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

Policy CTY 14 in terms of Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environment is suitable for absorbing a dwelling. Again any proposal put forward should be representative, in terms of size and scale, of the existing farm dwelling to the east and the other dwellings which surround the site in this rural area. It is recommended additional soft landscaping will be condition to ensure the proposal is in keeping with the character of the rural area.

Policy CTY 16 In terms of Policy CTY 16 it is not deemed necessary to assess the means of sewerage or discharge during the processing of an application
A letter of objection was received on 24/09/2021 raising concerns relating no detail plans were shown on the public planning portal i.e. outlining the scale/scope of the proposed development;

No site layout and lack of design details; that there is a lack of neighbourhood notifications sent out; and the farm business is not farmed by the applicant.

In response to the concerns raised I am content that Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015.

In response to the lack of detail plans concerns it is noted that no details surrounding design or landscaping associated with the proposal have been submitted with this application which relates only to outline planning consent , which ill be considered as Reserve Matters Stage.

Other material considerations.

I have no flooding, ecological or residential amenity concerns.

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

On the basis on the information submitted I must recommend approval for this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval subject to conditions

Conditions.

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

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

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

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

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

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

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

4.The proposed dwelling shall have a ridge height of less than 8 metres above the finished floor level of the site 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

5.A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application, showing the access point including visibility splays of 2.4 metres x 100 metres in accordance with the attached form RS1 to be constructed prior to the commencement of any development hereby approved and as approved at Reserved Matters stage.

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

6.No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings

7.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species

hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in Blue on the approved plan Drag No 01 (Rev-1) date stamped 15/12/2021. 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 planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity

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

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	25th August 2021
Date First Advertised	7th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Draperstown Road, Desertmartin, Londonderry, BT45 5NB The Owner/Occupier, 9 Draperstown Road Desertmartin Londonderry Conor Gribbin - Email	
Date of Last Neighbour Notification	1st October 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1229/O Proposal: Proposed dwelling on a farm Address: Site adjacent to 9 Draperstown Road, Desertmartin, Decision: Decision Date: Ref ID: H/1984/0082 Proposal: SITE OF REPLACEMENT HOUSE AND GARAGE Address: 11 DRAPERSTOWN ROAD, ANNAGH, DRAPERSTOWN Decision: Decision Date:	
Summary of Consultee Responses Content	
Drawing Numbers and Title	
Drawing No. 01 (Rev-1) Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department:



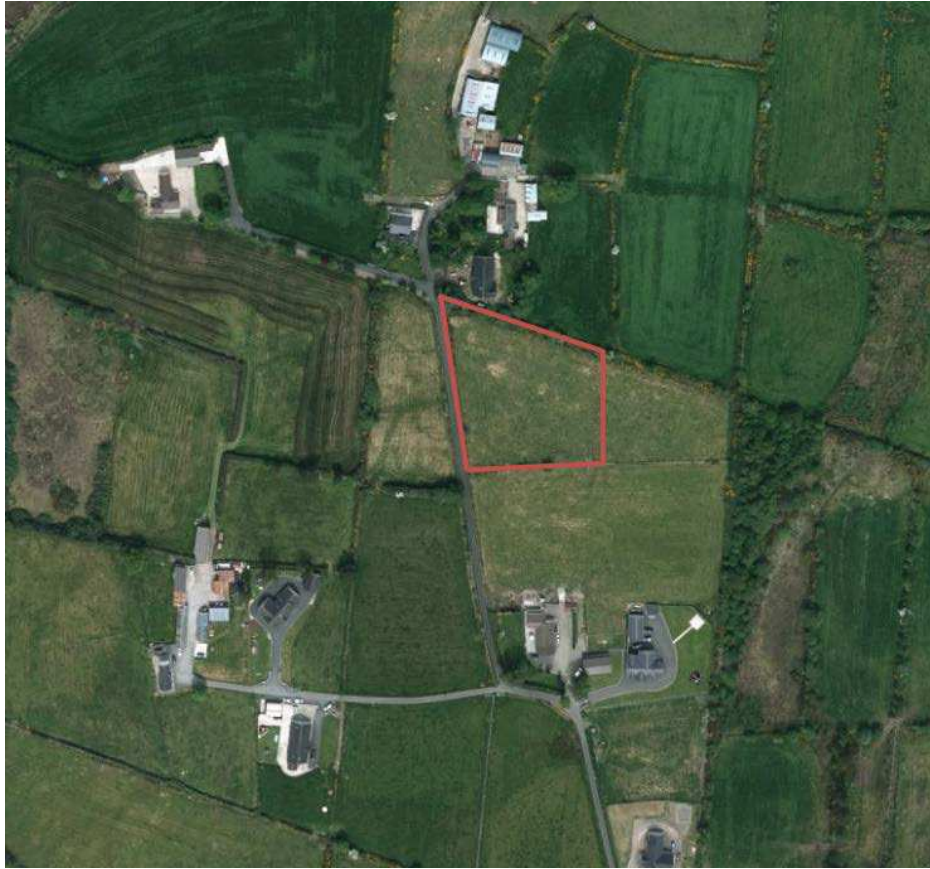
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1272/F	Target Date:
Proposal: Proposed single storey 3 bedroom private dwelling with single detached garage adjacent to main house and surrounding landscaping	Location: South of 101a Cavankeeran Road Pomeroy
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mrs Arlene Phelan 18 Garden Mews Cookstown	Agent Name and Address: Nest Architects Unit 5 Bebox 172 Tates Avenue Belfast
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA - Omagh	Advice

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Cookstown Area Plan 2010. The settlement development limits of Pomeroy are located 0.8km SE of the site as the crow flies. The site comprises a large agricultural field with roadside frontage onto Cavanakeeran Road which is a minor road which comes to a dead end beyond the application site. The topography of the site is relatively flat with the site at a slightly lower level than the ground level of the existing adjacent public road. The roadside, northern and southern boundary are defined by post and wire fencing and a degree of hedging and trees. The eastern boundary is currently undefined given this is a cut out portion of a large field. There are three detached dwellings and a farm holding

immediately north of the application site. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings.

Description of Proposal

This application seeks full planning permission for a single storey dwelling and garage on lands south of 101a Cavankeeran Road, Pomeroy.

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Representations

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

History on Site

I/2005/0982/O - Proposed dwelling, domestic garage and new access to a public road - Lands 135m NE of 89 Cavanakeeran Road, Pomeroy – Application Withdrawn 13/12/05

I/2005/0604/O - Site for Dwelling – Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy – Permission Granted 16/06/05

I/2008/0382/RM - Site for Dwelling - Lands approx. 25m south of 101 Cavanakeeran Road Pomeroy - Permission Granted – 26/05/09

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

CTY 10 – Dwelling on a Farm

The application was accompanied by a P1C form and farm maps therefore initially the proposal was considered against Policy CTY10 – Dwellings on Farms. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

DAERA have confirmed that the farm business ID has been in existence for more than 6 years, however the farm business has not claimed payments through the Basic Payment Scheme in each of the last 6 years. With respect to criterion (b) following a review of the farm maps provided and a planning history check it was identified that planning approval had been granted on the farm business land for a dwelling. Planning approval I/2013/0273/O was granted on 07/11/13 for Brain Kane under Policy CTY 8. The approval is located on land within Field 5 on the DAERA farm map which accompanied this planning application. A Land Registry check was carried out which demonstrated this site was sold and the ownership was transferred on 07/07/15. This information was relayed to the agent on 21/10/21 giving them the opportunity to provide clarification on this matter, however the agent has since accepted that there has been a sell off and therefore the proposal does not meet Policy CTY10 criteria.

CTY 8 – Ribbon Development

The agent has since contended that the application site qualifies as a small gap site as permitted under CTY 8 of PPS 21. Policy CTY 8 states planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and

continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

No.101b and No.101 with associated outbuildings are located immediately north of the application site, however the dwelling house No.101 and associated farm buildings do not have a frontage on to the public road therefore cannot be considered as one of the three or more buildings. No.101a is located NW of the application site and the detached dwelling of No.89 is located along the road frontage to the south. It should be noted that an agricultural field with road frontage of 74m separates the application site and the dwelling of No.89. In terms of the existing development pattern plot site, No.101a has a frontage of approx. 27m, No.101b has a frontage of approx. 23m and No.89 has a frontage of approx. 35m which is an average frontage of 28m in the immediate landscape. The application site has a road frontage of approx. 93m. It is therefore considered that the application site does not respect the existing development pattern in terms of plot size. Policy CTY 8 states the site should be a small gap site sufficient only to accommodate up to a maximum of two houses. In my opinion, the application site could accommodate at least 3 dwellings and the field immediately south could also accommodate at least 2 dwellings therefore this does not represent a small gap site and fails to meet Policy CTY8. Paragraph 5.34 of PPS 21 states “many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character”. It is my opinion that the application site represented a visual break. The agent has accepted that the gap on paper appears large however argued the site wouldn't accommodate more than two dwellings. I do not except this and the below photos demonstrate the gap appears large not only on the drawings but on the ground also. The agent has relied on previous approval for an infill dwelling (I/2013/0273/O) along this stretch of road, however all applications are to be considered on their individual merits and in the case of the previous approval the average frontage was 35m and the infilling of 2 dwellings resulted in a frontage of approx. 47m each which is significantly smaller than the 93m frontage this application proposes. Whilst the agent has argued this is a minor road with a minimal degree of public interest, this does warrant approval or substantiate the setting aside of policy and this is not accepted.



Travelling south – view of application site



Travelling north – approaching site

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. The proposed single storey dwelling was discussed at internal group and concerns were raised with the design particularly the roof with several different roof heights and pitches. Whilst concerns with the design were relayed to the agent, no formal request for an amended design were requested at this stage given the principle of a dwelling on the site is considered unacceptable. The proposed design is modern with complex and varying roof pitches and a large number of windows. It is considered the proposed dwelling would appear incongruous when read with the surrounding existing built form which are traditional in design. It is considered the proposal will fail to integrate into the surrounding landscape and is contrary to CTY13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The application site is a large green field. The addition of a dwelling on this site, in my view, will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape. Paragraph 5.8 of PPS 21 states ribbon development is detrimental to rural character and contributes to a sense of build-up. It is therefore considered contrary to CTY 14.

PPS 3: Access, Movement and Parking

The application site seeks to create a new access on to Cavankeeran Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary Policy CTY 8 – Ribbon Development of PPS 21 – Sustainable Development in the Countryside as the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and would add to a ribbon of development.
3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to Policy CTY 13 of PPS 21 – Sustainable Development in it is considered that the design of the proposed dwelling is inappropriate for the site and its locality and the proposal will fail to visually integrate into the surrounding landscape.
5. The proposal is contrary to Policy CTY 14 of PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1324/F	Target Date:
Proposal: Proposed Class B2 light industrial building.	Location: Adjacent & West of 21 Tobermesson Road Lisbanlemneigh Dungannon.
Referral Route: Objections received and contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Syerla Enterprise Ltd 34 Culrevog Road Dungannon BT71 7PY	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Historic Environment Division (HED)	Content

Representations:

Letters of Support	None Received
Letters of Objection	5
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

- Impact on neighbouring amenity
- Not in keeping with character of the area
- Increased congestion on roads
- Overdevelopment of site
- Road safety
- Impact on heritage

Characteristics of the Site and Area

The site is a 0.35ha parcel of ground located on the Tobermesson Road approximately 1.5 miles north of Benburb and also a short distance to the SW of the settlement limits of The Moy. It is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010.

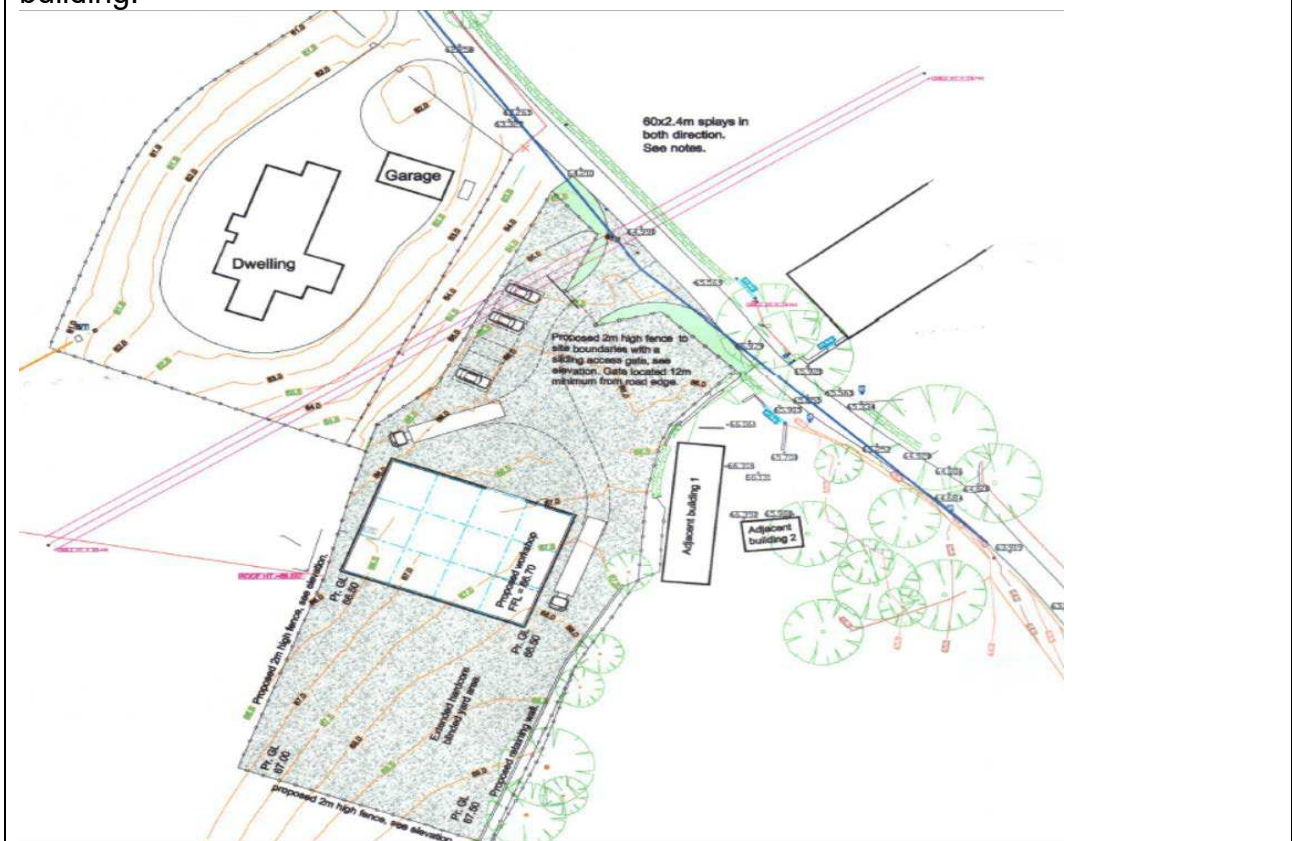
The site outlined in red encompasses a large cleared area of ground which has now been levelled and laid in stone with a soil embankment at the rear. There is a timber post and wire fence along the NW boundary however the site remains very open and exposed.



The site previously held a single storey dwelling which had recently been demolished and replaced in the neighbouring field. This dwelling now sits on a lower plain the immediate NW of the site. It also included 2 small sheds and a portion of a larger agricultural field to the north west of the old dwelling, these two sheds have also been demolished. An agricultural laneway runs along the NW boundary. The site rises from northwest to southeast, towards the existing dwelling.

There is some development pressure in the area with development taking the form of well established single dwellings and associated outhouses.

The proposal seeks full planning permission for the erection of a class B2 light industrial building.



Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- DSTAP 2010
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there has been 5 objections from 4 different neighbours.

Summary of issues.

- Impact on neighbouring amenity
- Not in keeping with character of the area
- Increased congestion on roads
- Overdevelopment of site
- Road safety
- Impact on heritage

Consideration of issues

The proposed industrial shed is approx. 25 metres from the nearest non connected dwelling houses and also sits on higher ground (approx. 4 metres), there is also proposed car parking and large vehicle turning and areas located next to the existing dwelling which will undoubtedly impact on the enjoyment of private amenity to the residents of the dwelling immediately NW of the site.

The site lies in the open countryside and is surrounded by undulating agricultural land with a scattering of single dwellings and small farm holdings in the immediate vicinity, the proposed industrial shed would be in my opinion out of keeping with the character of the area.

The site will in create an increase in vehicular traffic to the area including large vehicles, I have consulted DFI roads for comment and also considered this in my detailed assessment of PPS 3 below.

The concerns also raised the issue of overdevelopment of the site, however, whilst it may be out of character with the areas there does deem to be sufficient space within the newly cleared site for the shed, as well as car parking and turning.

The representations also raise concerns of the impact on the surrounding heritage, however, the proposed shed is sited approx. 140 metres to the North of a Rath, which is 20 metres further away than the existing agricultural shed on the site which was demolished.

History on Site

LA09/2019/0646/F - Replacement dwelling house, garage, site access - 21 Tobermesson Road, Dungannon, - GRANTED 07.01.2020

LA09/2021/0136/CA - Unauthorised Development. Site has been cleared and hard cored and the owner has advised that construction of a building is planned. - Adjacent to 21 Tobermesson Road, Benburb - LIVE

Key Policy Considerations/Assessment

DSTAP - This site is located outside any settlement defined in the DSTAP 2010. It is not subject to any area plan designations or zonings and the plan does not have any policies for this type of development in a rural location. As such, existing planning policy will be applied (ie) PPS 4.

The SPSS retains the policy provisions of PPS21, PPS4 and PPS3.

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

There is no history of this type of industrial development on the site, the site is in the rural area and not on land allocated for industrial development in the plan, and the applicant has provided no justification as to why this type of development is essential and could not be located within the settlement.

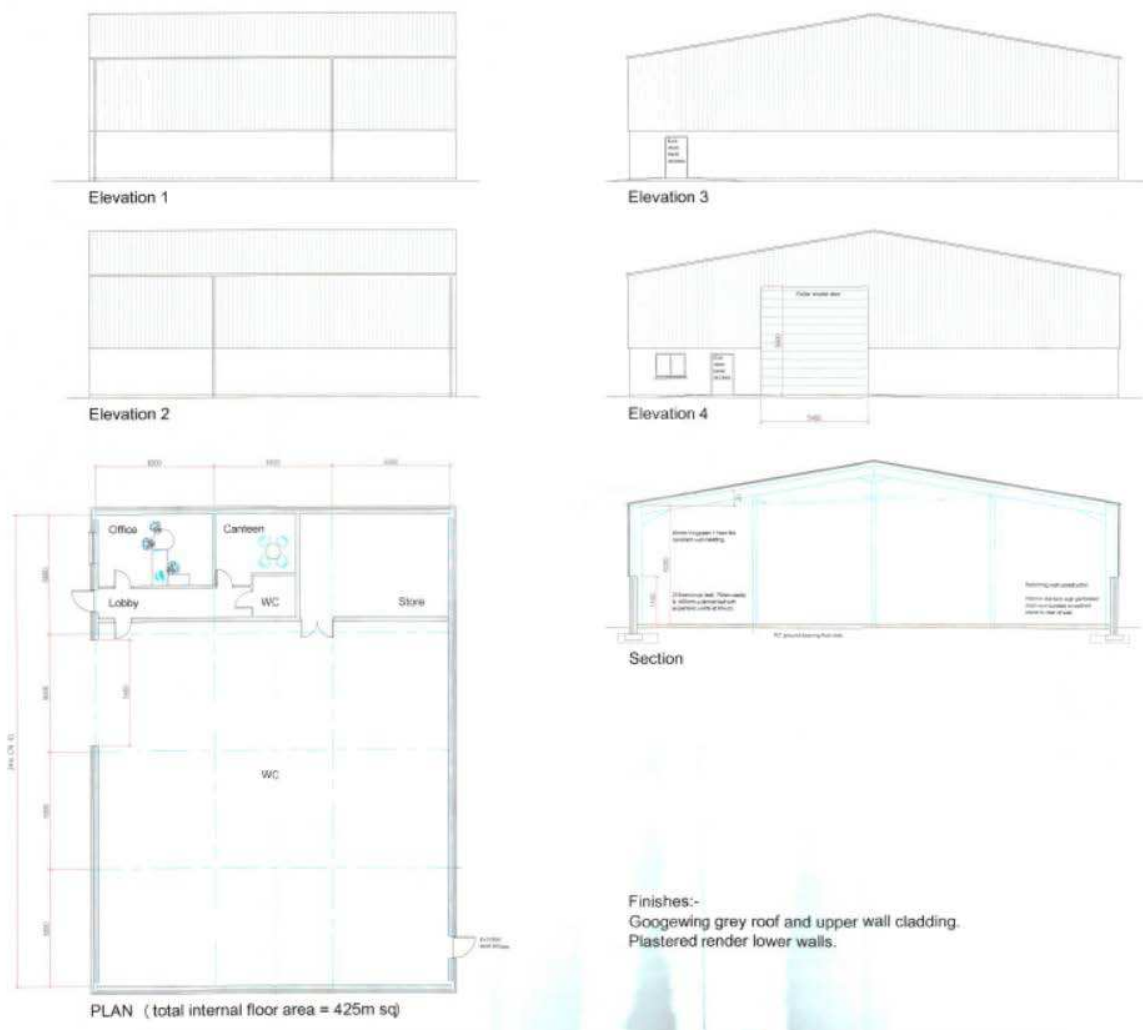
One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with PPS 4 (currently under review)

As this proposal is for a new industrial shed within the countryside and is not an extension to an already established economic development use Policies PED 2 and PED 9.

Policy PED 2 - Economic Development in the Countryside states proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use - Policy PED 3
- The Redevelopment of an Established Economic Development Use - Policy PED 4
- Major Industrial Development - Policy PED 5
- Small Rural Projects - Policy PED 6

This application is not for an expansion or redevelopment of an established site, and it is not considered a major industrial development or a small rural project. Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 - Sustainable Development in the Countryside. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.



Policy PED 9 - General Criteria for Economic Development

In addition to Policy PED 2, this proposal is required to meet the requirements of Policy PED 9;

I consider the proposal is contrary to PPS 4 Policy PED 9 for the following reasons;

-this proposal is not considered compatible with the surrounding land uses given that there is no economic use on site or in the vicinity, the site is surrounded by agricultural lands, residential dwellings and a farm holding.

-This development site is in a remote rural area with a single dwelling located immediately to the NW and another a short distance to the East, a proposed industrial shed of this size would result in a loss of amenity to the nearest neighbouring receptor via noise nuisance and midday overshadowing to the rear garden area.

-Transport NI have been consulted they have stated that the proposed layout is inadequate in terms of car parking, 13 car parking spaces are required to comply with the parking standards, however, the current layout proposes 7 spaces. DFI Roads, however, do not provide any road safety concerns.

-The proposed boundaries are to be defined by a 2 metre high black metal mesh fence with steel posts, a reinforced concrete retaining wall which will provide a screen to the site, however, with no natural landscaping proposed, it will not promote sustainability or biodiversity at the site.



In conclusion, the proposal if approved would introduce a new industrial development to the rural area with no supporting information to justify as to why it is essential and cannot be located within the settlement. In addition it would be contrary to PPS 4 PED 2 and PED 9 in that it would if permitted fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) it has the potential to create noise nuisance, (m) that the proposal, regardless of measures to assist its integration, will not achieve an adequate degree of integration.

Recommendation Refusal

Neighbour Notification Checked

Yes

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 PPS 4 - PED 2 and PED 9 in that it would if permitted fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) it has the potential to create noise nuisance, (m) that the proposal, regardless of measures to assist its integration, will not achieve an adequate degree of integration.

Signature(s)

Date:

ANNEX	
Date Valid	9th September 2021
Date First Advertised	21st September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) Patrick Jordan 14a Lisgobban Road, Benburb,BT71 7PT The Owner/Occupier, 18 Tobermesson Road Benburb Tyrone Jim McKenna 18 Tobermesson Road,Dungannon,BT71 7QE The Owner/Occupier, 19 Tobermesson Road,Benburb,Tyrone,BT71 7QE The Owner/Occupier, 20 Tobermesson Road Benburb Tyrone The Owner/Occupier, 21 Tobermesson Road Benburb Tyrone Neil Hubbard & Jordana Busby 21 Tobermesson Road, Benburb, Tyrone, BT71 7QE Gerry Boyle Email PG McKenna Lemneigh,20 Tobermesson Road, Dungannon, Co Tyrone,BT71 7QE	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1324/F Proposal: Proposed Class B2 light industrial building. Address: Adjacent & West of 21 Tobermesson Road, Lisbanlemneigh, Dungannon., Decision: Decision Date: Ref ID: LA09/2019/0646/F Proposal: Replacement dwelling house, garage, site access and associated site works Address: 21 Tobermesson Road, Dungannon, Decision: PG Decision Date: 07.01.2020	

Drawing Numbers and Title
<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: Existing Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</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

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1345/RM	Target Date:
Proposal: Proposed farm dwelling and domestic garage	Location: Adjacent to 33 Loughbracken Road Pomeroy
Referral Route: The agent is a current employee of Mid Ulster District Council	
Recommendation:	Approval
Applicant Name and Address: Eamon and Katrina Canavan 22 Loughbracken Road PomeroyCookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown
Executive Summary: Proposal complies with relevant prevailing planning policy. No letters of representation received.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The settlement limit of Pomeroy is located approximately 1.4km to the southwest as the crow flies. The application site comprises a portion of a large, roadside field which appears to be well maintained and currently used for agricultural purposes. Immediately west of the application site, there is the detached farm dwelling of No.33 and the associated farm holding comprising a number of agricultural buildings further west. The roadside and western boundary are currently defined by mature trees and hedging. However given that the application is a cut out portion of a larger field, the remaining boundaries are currently undefined. The surrounding area is rural in nature with the predominant land use being agricultural fields. The land surrounding the proposed site varies in levels with an undulating topography. The application site gradually inclines in a southeasterly direction beyond the red line. Land rises gradually when travelling in westerly direction along the adjacent public road beyond the application site. There is low development pressure in the immediate surrounding context with some dispersed dwellings and a number of larger farm holdings in proximity to the site.

Description of Proposal

This is a reserved matters application for a farm dwelling and domestic garage located adjacent to 33 Loughbracken Road, Pomeroy.

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Representations

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

History on Site

LA09/2021/0153/O- Proposed farm dwelling and garage/domestic shed - Adjacent to 33 Loughbracken Road, Pomeroy – Permission Granted 07/07/21

Key Policy Considerations/Assessment

Article 45 of the Planning Act (NI) 2011 requires the planning authority, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The application site is located in the open countryside outside any defined settlement limits. The extant Cookstown Area Plan 20150 does not contain any material provisions relevant to this proposal.

No conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside. Policy CTY1 of PPS21 provides clarification on circumstances in which development will be considered acceptable in the countryside. The principle of development has already been established through the previous outline planning approval, which was granted under reference LA09/2021/0153/O. As this is a Reserved Matters application, it must now be considered under Policies CTY 13 and CTY 14. The principle of a dwelling on the site has been established, therefore the siting,

design and external appearance of the development, means of access and landscaping of the proposal will now be considered.

The proposal seeks reserved matters planning permission for a traditional single store dwelling with large domestic shed. The proposed dwelling has a long rectangular design finished with render and a front porch and 2 side projections both finished with stone. The proposed dwelling has a pitched roof with ridge height of approximately 5.5 metres. The garage also has a 5.5 metre ridge height and is finished with grey cladding typical of an outbuilding for agricultural or industrial purposes. Given the setting, adjacent to an existing farm holding with a number of agricultural buildings, this design of garage is acceptable in this instance and will be conditioned for domestic purposes only. The proposed design is considered acceptable to its rural setting and in accordance with Building on Tradition Principles. The proposed dwelling is setback approximately 22m from the public road and there is planting proposed to all boundaries to assist with integration.

The main issues to consider in the determination of this application are:

- Outline conditions
- Integration and Design of Buildings in the Countryside
- Rural Character
- Neighbour Amenity
- Access and movement

Outline conditions

Outline planning permission was granted on 7th July 2021. Having reviewed the imposed conditions of the outline planning approval, I am satisfied this reserved matters application has been submitted within the time limits and all conditions have been complied with.

Integration and Design of Buildings in the Countryside

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 is of an appropriate design. In my opinion, the design is traditional and respects rural design principles as set out in the 'Building on Tradition Design Guide' and the existing built form in the locality. The proposed dwelling is an acceptable scale and massing. The fenestration has a vertical emphasis and the solid to void ratio between window openings and wall coverage is appropriate. The proposed dwelling is set back approximately 25 metres from the public road therefore there will be some public views from the Gortsraheen and Loughbracken Road. The surrounding context is predominantly rural in character with a low development pressure. There are existing agricultural outbuildings in close proximity to the west of the proposed dwelling and garage and it is considered the proposal will integrate alongside the existing group of buildings. The proposed landscaping is considered appropriate and will assist with integration. Overall it is considered the proposal site could accommodate and successfully integrate the proposed dwelling and associated works. It is therefore considered, the proposal does not offend Policy CTY13 of PPS 21.

Rural Character

CTY14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural

character of an area. As stated above, the immediate surrounding context is characterised by agricultural land and dispersed dwellings. The dwelling proposed is single storey and in keeping with the existing, surrounding built form. I do not consider the proposed dwelling would appear unduly prominent or out of keeping with the surrounding area. It is noted that there will be some short term/localised when travelling on the surrounding road network. However, it is considered given the topography of the site, the existing and proposed landscaping and the scale and form of the proposed dwelling there will be no detrimental impact to rural character. I consider that the proposed development will visually integrate with existing farm buildings and will not significantly alter the existing character of the area and in my opinion the proposal is compliant with Policy CTY 14.

Neighbour Amenity

I do not consider the proposed dwelling will appear overbearing or dominant. No.33 is within the applicants control and located approx. 31 metres from the proposed dwelling. The separation distance between the closest third party dwelling and the proposal is approx. 115m. I do not consider the proposal will result in a significant loss of privacy or overlooking given separation distance, existing vegetation and orientation. I am content there will be no significant detrimental impact on neighbouring amenity to warrant refusal.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The proposal creates a new residential access on to the public road therefore DfI Roads were consulted. DfI Roads have responded with no objection subject to standard conditions therefore I am content the proposal meets Roads requirements and PPS3 Access, Movement and Parking.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. The existing hedgerow and vegetation along the western boundary of the site shall be permanently retained at a minimum height of 1.2 metres and no looping,

felling or removal shall be carried out without the prior written approval of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to Council in writing within one week of work being carried out.

Reason: To ensure the development integrates into the countryside.

3. All proposed landscape works shall be carried out in accordance with the approved details on Drawing No.02 Rev 1 bearing the date stamp 16/11/21 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

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

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

5. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev 1 bearing the date stamp 16/11/21 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The proposed domestic garage indicated on Drawing 02 Rev 1 bearing the date stamp 16/11/21 shall be used only for purposes ancillary to the residential use of the dwelling hereby approved.

Reason: To preserve the character of this residential area.

Informatives

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

other prevailing legislation as may be administered by the Council or other statutory authority.

4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1361/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Rear of 8 Ballyheifer Road Magherafelt
Referral Route: Approval - To Committee - Exception to Policy	
Recommendation:	
Applicant Name and Address: Sean and Emma Hatton 4 Castle Meadows Castledawson Magherafelt BT45 8JX	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Approval - To Committee - Exception to Policy

Characteristics of the Site and Area

The proposed site lies just outside the development limits of Magherafelt and just outside the LLPA as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the red line covers a tarmac area that appears to be currently used as storage, I note that there were materials and a small shed within this land. The red line extends through the side garden of No. 08 Ballyheifer Road to gain access onto the Ballyheifer Road. The immediate area is defined by a mix of residential, commercial and agricultural with the wider being predominately agricultural.

Representations

Twelve Neighbour notifications were sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed dwelling and garage, the site is located to the rear of 8 Ballyheifer Road, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. CTY 1 provides list as to how a dwelling in the countryside can be granted planning permission; I note that the agent has provided a statement to justify the dwelling. In the statement it confirmed that agent had already contacted the council regarding a possible dwelling under CTY 2a (Cluster) however in which the agent was told that this was not a possibility as it would rely on buildings that were in the settlement limits which is contrary to policy. From such I hold the opinion that the dwelling would fail under CTY 2a as there is no cluster of development at the site that is located within the countryside.

In addition, the agent provided a number of appeal cases that they believe held comparisons to this case. Upon review of the submitted appeals I note that there is nothing in them that would demonstrate a dwelling being permitted in this location, refer to the impact a dwelling in this location would but have not provided a relevant policy under CTY 1 to allow for a dwelling. As such I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, this is not an infill opportunity. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business. From such I must recommend refusal as it has failed under CTY 1. I must note that upon the site inspection the site does feel as part of the existing settlement, given the level of development around the site. In which there is a builders yard to the west of the site that no planning permission but has been in existence for more than 5 years.

Upon further discussions with the Planning Manager that given the level of build-up of development wherein the builders yard encloses the site into the settlement, that as a result the site would read as part of the existing settlement and can be agreed to be an exception to policy.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling with a ridge height of no more than 6.5m and supplementary landscaping as in the concept plan would not conflict with this policy in relation to integration.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I hold the opinion that a dwelling in this location would read as part of the existing settlement as such it is unlikely to erode the rural character of the area as there isn't one in this location.

Policy CTY 15 - The Setting of Settlements states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As noted in this occasion I hold the opinion that the dwelling would actually read as part of the existing settlement without causing urban sprawl.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval

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 dwelling shall have a ridge height of less than 6.5 metres above the finished floor level of the site 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.

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. 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 and details of a native species hedge to be planted to the rear of the of the visibility splays. 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 planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and ensure the development satisfactorily integrates into the landscape.

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

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

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

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

9. 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.

10. The proposed dwelling and curtilage shall be in general conformity with that identified in Drawing No. 03 date stamped 16th September 2021.

Reason: To ensure development integrates into the landscape and prevent urban sprawl.

11. The northern section of the site shall be returned to an agricultural land use in accordance with Drawing No. 03 date stamped 16th September 2021.

Reason: To prevent urban sprawl.

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 other statutory authority.

5. The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

Signature(s)

Date:

ANNEX	
Date Valid	16th September 2021
Date First Advertised	28th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Grange Avenue, Magherafelt, Londonderry, BT45 5RP The Owner/Occupier, 1 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 10 Ballyheifer Road, Magherafelt, Londonderry, BT45 5EQ The Owner/Occupier, 2 Grange Avenue, Magherafelt, Londonderry, BT45 5RP The Owner/Occupier, 2 Limetree Manor, Magherafelt, Londonderry, BT45 5TP The Owner/Occupier, 3 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 4a Limetree Manor, Magherafelt, Londonderry, BT45 5TP The Owner/Occupier, 5 Limetree Manor Magherafelt Londonderry The Owner/Occupier, 6 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 7 Ballyheifer Road, Magherafelt, Londonderry, BT45 5DX The Owner/Occupier, 8 Ballyheifer Road Magherafelt Londonderry The Owner/Occupier, 8a Ballyheifer Road Magherafelt	
Date of Last Neighbour Notification	6th October 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1361/O Proposal: Proposed dwelling and garage Address: Rear of 8 Ballyheifer Road, Magherafelt, Decision: Decision Date:	

Ref ID: H/1990/0292

Proposal: 2 HOUSES AND GARAGES

Address: SITES NO 26 & 27 GRANGE HOUSING DEVELOPMENT OFF
BALLYHEIFER ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1977/0318

Proposal: BUNGALOW

Address: MULLAGHBOY, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1992/6038

Proposal: BUILDING STORE REAR OFF 8 BALLYHEIFER ROAD MAGHERAFELT

Address: REAR OFF 8 BALLYHEIFER ROAD

Decision:

Decision Date:

Ref ID: H/1995/0076

Proposal: BUNGALOW

Address: ADJ TO 6 BALLYHEIFER ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: LA09/2017/1512/PAD

Proposal: Proposed redevelopment of brown field site to provide housing development
comprising of two storey detached and semi detached dwellings

Address: Lands at 8 Ballyheifer Road, Magherafelt,

Decision:

Decision Date:

Ref ID: H/1974/0099

Proposal: 11KV O/H LINE (C.2922)

Address: BALLYHEIFER, MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

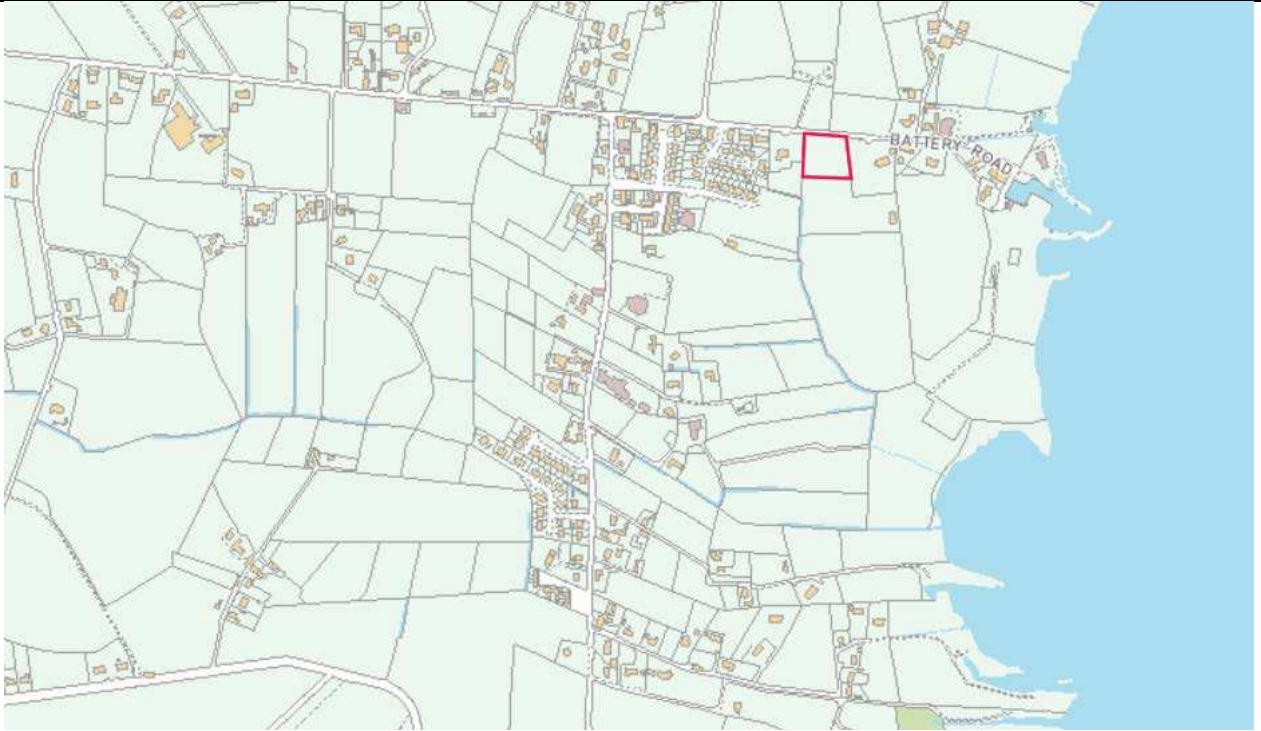
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1384/O	Target Date:
Proposal: Proposed Site for 2No Dwellings and Garages. Based on Policy CTY 8	Location: Vacant Lands adjacent to and west of 191 Battery Road Moortown BT80 0HY
Referral Route: Contrary to Policies CTY1 and CTY15 of PPS 21	
Recommendation: Refuse	
Applicant Name and Address: Mr Maurice Devlin 191 Battery Road Ardean Cookstown BT80 0HY	Agent Name and Address: Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: The proposal is contrary to Policy CTY1 of PPS 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. The proposal is contrary to Policy CTY15 of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
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Description of Proposal

This is an outline application for 2 no. of dwellings and garages based on Policy CTY 8 of PPS21 to be located on vacant lands adjacent to and west of 191 Battery Rd Moortown.

Characteristics of the Site and Area

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010 between two separate and distinct nodes of development forming Moortown settlement limits (see Fig: 1 below).

Most of the housing within Moortown is located immediately west of the site along the Ardboe Rd in the larger node of development with the smaller node immediately to the east of the site comprising principally a harbour area on the shores of Lough Neagh known as 'The Battery'. A range of local services and community facilities are dispersed in both nodes.

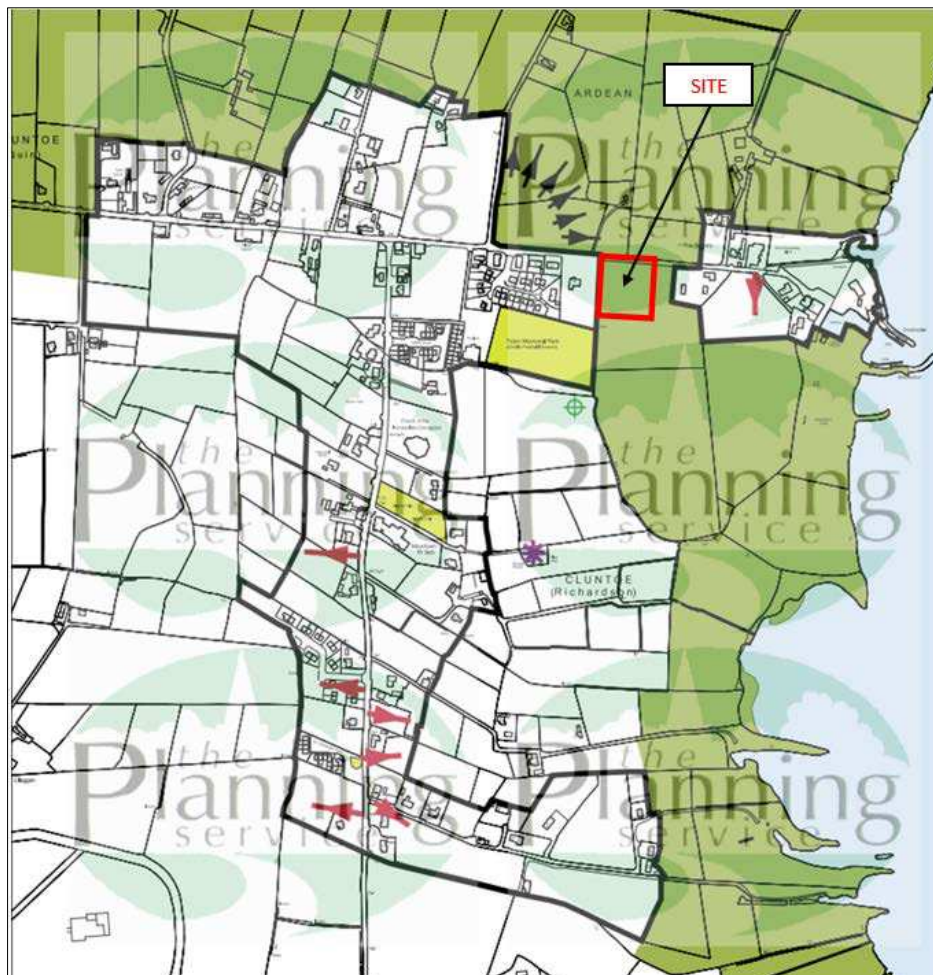


Fig 1: Moortown Settlement Limits

The site is a relatively flat square shaped plot of land cut from the roadside frontage of a larger agricultural field situated adjacent Battery Rd. Mature hedgerows interspersed with trees bounds the site to the north along the Battery Rd, west and east. The southern boundary of the site is undefined and open onto the host field.

An agricultural access into the site off Battery Rd exists close to its western boundary with a wide gravelled driveway running to the rear of the northern roadside boundary and continuing along the eastern boundary. The driveway accesses lands / buildings at and to the rear of 191 Battery Rd, a large detached 2 storey dwelling on substantial grounds bounding the site to the east. A bungalow, 189 Battery Rd, also on substantial grounds bounds the site to the west. A housing development is under construction on lands immediately south of no. 189.

Views of the site are limited from the Battery Rd until just before and passing the roadside frontage of the site due to the topography of the area; existing development within Moortown; and mature vegetation on site and within the wider vicinity, which all come together to screen it. Critical views of the site are from Anneeter Rd, located to the northwest of the site, when travelling south on the approach to its junction with the Battery Rd.

Whilst the site is bound to both sides by development within the two nodes of development forming Moortown settlement limits, the area retains a rural feel and nodes distinctively separate. This is due to the well-vegetated nature of the site alongside agricultural lands outside the settlement limits to its north and south creating a visual break between the larger in my opinion more visually apparent node to the west and smaller more enclosed node 'The Battery' to the east. The Battery is more enclosed owing largely to its location at the end of the Battery Rd, the only road in/out, and the topography of area.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Planning History on Site

- I/2003/0904/O - Proposed site for new dwelling - Site adjacent to 193 Battery Rd Coagh - Refused 26th March 2004
Reasons for refusal were 1: Adverse impact on the setting of Newport Trench - East Tyrone Area Plan; 2: Lack of integration; 3: Ribbon development; 4: Build-up leading to change in rural character
- LA09/2020/1610/PAD - Proposed dwelling - Lands adjacent to 191 Battery Rd Moortown - PAD declined as proposal not of scale and complexity to warrant formal PAD. The applicant was however advised the critical view is from Anneeter Rd and while the curtilage of the property within 'The Battery' node of development extends into the countryside it was very apparent from the view that the buildings themselves did not close the gap. As such, the opinion offered was that the two nodes should maintain their separation at this point. That should any application come forward a recommendation to refuse should be presented to the Committee, as it would result in the coalescence of the distinct nodes. The Committee may take a different view but it is a matter for them ultimately to decide upon in line with the scheme of delegation.

Consultees

1. DfI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Historic Environmental Division (HED) were consulted as the site is located within the buffer area of an archaeological site and monument (reference TYR040:011 - mound: fairy bush). Historic Monuments assessed the application and were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside between two separate nodes of development forming Moortown settlement limits.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS 21 the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS 21.

The current proposal does not fall under any instance listed in Policy CTY1 of PPS21 accordingly there is no policy provision for the development of this site for 2 no. dwellings and garages.

Furthermore, the development of this site would be contrary to Policy CTY15 'The Setting of Settlements' of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

It is my opinion that this site has a role to play in preventing urban sprawl that would mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

As detailed above in the 'Characteristics of the Site and Area', whilst the site is bound to both sides by development within the two nodes of development forming Moortown settlement limits, the area retains a rural feel and nodes distinctively separate. This is due to the well-vegetated nature of the site alongside agricultural lands outside the settlement limits to its north and south creating a visual break between the larger in my opinion more visually apparent node to the west and smaller more enclosed node 'The Battery' to the east. The Battery is more enclosed owing largely to its location at the end of the Battery Rd, the only road in/out, and the topography of area.

The visual break provided by the site between the two distinct nodes providing a rural setting can be seen from the Anneeter Rd and the Battery Rd (see Figs 2 & 3, below). Whilst the curtilage of 191 Battery Rd the property within 'The Battery' node of development, since the adoption of the Cookstown Area Plan in June 2004, has extended into the countryside from both views the buildings in my opinion did not close the gap. I believe a dwelling, or as the case here 2 dwellings and ancillary garages, on this site will mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.



Fig 2: View from Anneeter Rd on south approach to junction with the Battery Rd.

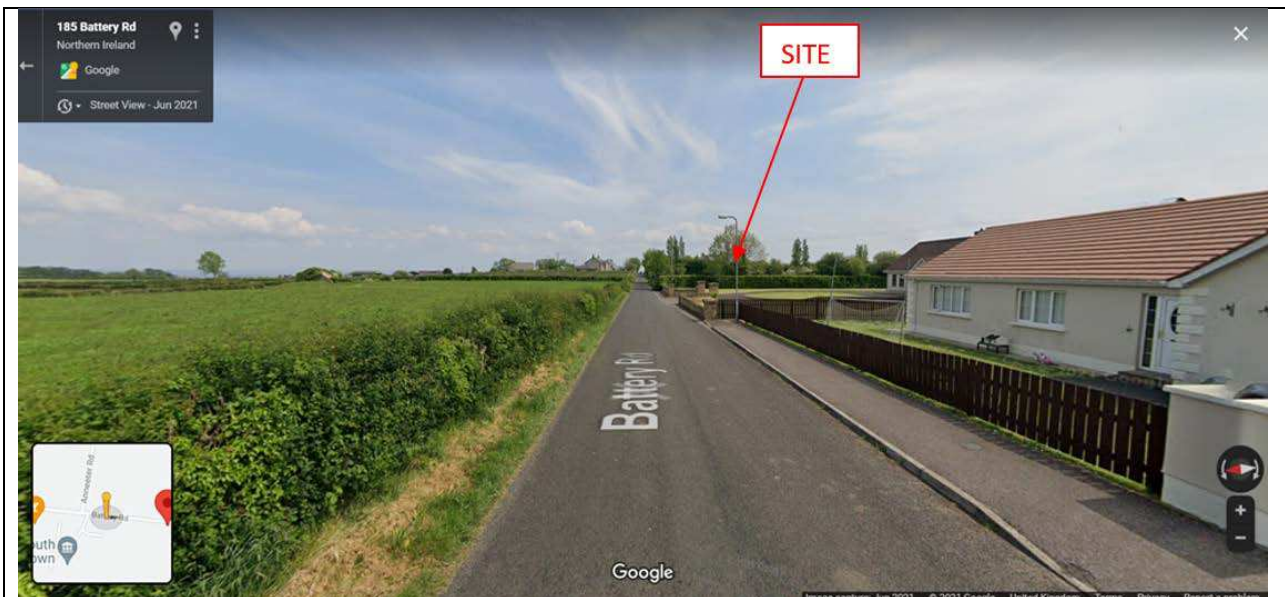


Fig 3: View from Battery Rd on western approach to the site.

Bearing in mind the above, a supporting statement was submitted alongside this application making the case, for the development of the site for 2 dwellings and ancillary garages. The statement generally sets out that the two nodes of development forming Moortown are the same settlement, that there is no planning purpose served by retaining the site in the countryside, it merely serves to split two parts of the same community. It goes into detail to outline that the development of this site will not cause any harm to the appearance of the area, particularly given the wider benefits it can provide for the local community. Four significant benefits set out were that it would:

- Provide two well designed dwellings suitable for future residents of Moortown;
- Provide a road stretch that is wide enough to allow cars to pass;
- Provide a footpath providing pedestrian safety whilst walking; and
- Strengthen the connection and links between the two parts of Moortown.

In relation to bullet point 2, 3 and 4 above, the statement set out there is a need for improved road widths and pedestrian access along the Battery Rd on safety grounds. That the applicant has control over lands to the east of the site as such has scope to upgrade vehicular and pedestrian infrastructure along the Battery Rd to the front of the site and nos.191 and 193 Battery Rd. This infrastructure could link to roads improvements and a footpath approved under previous applications I/2007/0228/F & I/2014/0052/F on lands at 195 Battery Rd. I/2007/0228/F granted permission for 12 detached dwellings with re-alignment of main road across the site in 2009. I/2014/0052/F granted permission to vary condition 11 of I/2007/0228/F so development could commence prior to the works necessary for the improvement of the public road being completed (see Fig 4, further below). The statement states the upgraded linkages needed on safety grounds would reinforce and regularise what is already occurring people walking and driving between facilities in the two nodes.

In addition to the above, the statement outlines in detail how in normal countryside circumstances there would be no dispute that the application site is an infill development of a continuously built up frontage and would be typically found to be an exception to Policy CTY8 of PPS 21 and approved. That not only is it an infill opportunity but a key link site if developed properly could provide wider community developments. Caselaw is

clear Development Plans should not be 'slavishly applied' and that Planning Policy Statements are guidance and not mandatory, there will be cases when a proposal has factors that outweigh any policy objections. That this proposal will not mar the distinction between the two nodes Moortown as the host field between the nodes is already to all intents and purposes part of the settlement. The circumstances of this proposal are unique. It does not set any precedent as there are site specific characteristics, planning gain merits and area plan designations that distinguish this proposal from other applications for dwellings in the countryside.



Fig 4: Block plan submitted to show scope for upgrade to vehicular and pedestrian infrastructure along the Battery Rd along site frontage and to the east with potential to link to a previously approved housing scheme.

Having taken into account the supporting statement my opinion has not changed. There is no policy provision within PPS21 permitting the development of this site for 2 no. dwellings and garages. Policy CTY 8 of PPS21 requires the infill to be within a line of development within the countryside, this proposal relies on development to both sides within the settlement. The site in my opinion provides a visual break and rural setting between the two distinct nodes. As previously stated whilst the curtilage of 191 Battery Rd the property within 'The Battery' node of development, since the adoption of the Cookstown Area Plan in June 2004, has extended into the countryside from the aforementioned views (see Fig 2 & 3 further above) the buildings in my opinion did not close the gap. I believe a dwelling, or as the case here 2 dwellings and ancillary garages, on this site will mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development. Accordingly, the proposal is contrary to Policy CTY15 of PPS 21.

Additional Considerations

In addition to checks on the planning portal Natural Environment Map Viewer (NED) map viewer available online has been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Whilst Flood Maps NI indicate a very small amount of surface water flooding over the southwest corner of the site, I do not consider it would impact the development of this site. The indicative layout as shown on the submitted site location plans show all development outside the area at risk of flooding.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal if would be under the 15.2 height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however this proposal is for 2 no. of dwellings and garage.

Recommendation: Refuse

Neighbour Notification Checked	Yes
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Summary of Recommendation:	Refuse
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Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of PPS 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 CTY15 of PPS 21, in that the development would if permitted mar the distinction between the defined settlement limit of Moortown and the surrounding countryside; and result in coalescence of Moortown's distinct nodes of development.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1442/RM	Target Date:
Proposal: Dwelling house and domestic garage	Location: 40m North West of 19 Tullyheran Road Maghera
Referral Route: Approval - To Committee - Objection received.	
Recommendation:	
Applicant Name and Address: Diarmaid and Ciara Donnelly 9 Rowan Glynn Maghera	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Approval - To Committee - Objection received

Characteristics of the Site and Area

The site is located approximately 0.2km north of the development limits of Glen, as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. I note that the red line covers a portion of a much larger agricultural field, which is bounded by mature trees on all boundaries. I note that site is currently accessed via an existing access onto the public road. I note that the immediate and surrounding area is characterised by agricultural land uses with a scattering of dwellings.

Representations

Only one neighbour notifications were sent out, in which one objection was received.

Relevant planning history

LA09/2020/1171/O - Site of 2 Storey dwelling house with ridge height of 8.8m and a domestic garage - 40m NW of 19 Tullyheran Road, Maghera - Permission Granted - 05.05.2021

Description of Proposal

This is a Reserved Matters application for proposed Dwelling house and domestic garage, the site is located 40m NW of 19 Tullyheran Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

I note that the principle of development has already been established on the site through the recent approval LA09/2020/1171/O, in which I am content that the application complies under CTY 1 and 10. Upon review of the submitted plans I am content that all conditions have been met of the outline approval. From such the application must still comply under CTY 13 and 14 of PPS 21.

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 noted I am content that all the relevant conditions have been met, however I note that the applicant has opted to only go for a single storey dwelling. With this in mind I am content that the dwelling will not appear as a prominent feature in the landscape and will be able to successfully integrate into the landscape. In terms of design, as noted it is a simple single storey dwelling with a regular form as such I am content that this is acceptable within this rural location. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads who in their response confirmed that they had no objections subject to conditions. As such I am content that a safe access can be provided in accordance with PPS 3.

A consultation was also sent to Rivers Agency who in their response confirmed that DFI River's previous comments in relation to Revised PPS 15 FLD 1, 3, 4 & 5 remain the same as per our consultation response dated 13th September 2021. FLD2 - Protection of Flood Defence and Drainage Infrastructure - Maintenance strip has been retained and protected from impediments as detailed on stamped drawing number 02/DCD/15/21. As a result Revised PPS15 has now been satisfied.

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

I have no ecological, flooding or residential amenity concerns.

In response to the comments made by the objector, they are as follows. It is stated that the objector is not opposed to the applicants seeking, and potentially winning planning approval for the house proposed, in the location proposed. However, the access shown to Ballyknock Road is via my client's land. She has not been notified of the application, or the proposal to take access through her lands. She does not consent to this access, and has no intention to grant permission for the access route to be used.

I note that this question was posed to the agent who responded to say they confirm that Mr McPeake is the registered land owner as he bought this farm almost 30 years ago and this laneway was always used for access. Mr. McPeake maintained this laneway undisputed in terms of hedge cutting, drainage clearance, maintaining the fences and gate. As these lands have been let out on lease over the past years, all the farmers which leased these lands also used only this laneway to access the agricultural lands. Agent went on to say sometime following the approval of the Outline planning application reference number LA09/2020/1171/O, Mr. McPeake had noticed that a barrier was erected on this laneway and from this Mrs. Warnock notified him that he was not the legal owner of this laneway. As Mr. McPeake is somewhat shocked by this allegation, he has contacted his solicitor to clarify this ownership matter and remedy this situation. Mr. McPeake has informed us that until he receives confirmation from his solicitor, he firmly believes that he is the actual legal owner of all the lands.

As such a land reg check was done and it was not conclusive as the lands in questions are unregistered and planning is unsure who owns the lane. This matter goes beyond planning control and planning do not act as a negotiator in these matters. This matter is a civil matter between the two parties, it should have been raised during the outline application in which there is a valid Reserved Matters application.

The objector noted that they were not notified by the applicant about the outline planning application which preceded the subject application for approval of reserved matters. They should have been notified, and there is reason to believe that in completing the ownership certificate in the way that the applicant, or their agent did, that an offence has been caused. In terms of neighbour notification of the outline I note that whilst the objector may own lands around the site that their residence is not deemed to be notifiable. As such it is unreasonable for planning to neighbour notify every surrounding landowner as such we notify the relevant dwellings. Again in terms of the original signed certificate, the agent confirmed their belief was that Mr McPeake is the legal owner and signed the certificate accordingly as such there was no challenge to the certificate during the outline application.

Objector notes that the applicant has submitted a further application, LA09/2021/1446/F, seeking permission to relocate the access. My client is not opposed to the granting of permission in respect of that proposal. It might, we respectfully suggest, be prudent for the applicant to withdraw their RM application. We contend that the council should not grant a permission, with a time limit for development to commence, where it does not believe that the development proposed can be delivered within that time limit. The applicant might wish to re-frame their current full planning application, to encompass the entire development proposed, without reliance upon the outline approval. If they were to do that, my client would not object to the proposal. Upon review of this comment I hold the belief that each application will be held on its own merits and as such despite the ownership dispute the applicant has complied with the outline conditions and the Reserved Matters should be able to readily assessed. I note it may have been practical to do all such under the one full application but at present there are two valid applications.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

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

2.All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 04 Oct 2021 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

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

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

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

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

6.The vehicular access including visibility splays 2.4 x 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 04 Oct 2021 prior to the commencement of any 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.

7.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

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 other statutory authority.

5.Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

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.

Signature(s)

Date:

ANNEX	
Date Valid	4th October 2021
Date First Advertised	19th October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Tullyheran Road Maghera Londonderry Liam Ward Email Address	
Date of Last Neighbour Notification	23rd November 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1171/O Proposal: Site of 2 Storey dwelling house with ridge height of 8.8m and a domestic garage. Address: 40m NW of 19 Tullyheran Road, Maghera, BT46 5JQ., Decision: PG Decision Date: 05.05.2021 Ref ID: LA09/2021/1446/F Proposal: Relocation of access to approved site under reference LA09/2020/1171/O Address: 40m North West of 19 Tullyheran Road, Maghera, Decision: Decision Date: Ref ID: LA09/2021/1442/RM Proposal: Dwelling house and domestic garage Address: 40m North West of 19 Tullyheran Road, Maghera, Decision: Decision Date: Ref ID: H/1999/0749/F Proposal: Alterations and improvements to dwelling Address: 19 Tullyheron Road, Maghera Decision: Decision Date: 29.01.2000 Ref ID: H/1988/0349	

Proposal: RETIREMENT FARM DWELLING
Address: BALLYKNOCK ROAD MAGHERA
Decision:
Decision Date:

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

Drawing No. 05
Type: Garage 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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1473/F	Target Date:
Proposal: Single Storey Extension to rear of dwelling to provide disabled person adaptations	Location: 6 Carsonville Drive Upperlands Maghera BT46 5SQ
Referral Route: The agent's spouse is a member of MUDC Planning Department	
Recommendation:	Approval
Applicant Name and Address: Mr & Mrs H. Porter 6 Carsonville Drive Upperlands Maghera BT46 5SQ	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TH
Executive Summary:	
Signature(s):	

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	

Summary of Issues

No issues identified

Characteristics of the Site and Area

The site is located within the settlement limits of Upperlands as per the Magherafelt Area Plan. The red line of the application site includes the dwelling at 6 Carsonville Drive, which is a two storey end terrace dwelling which has amenity space to the rear with an existing garage at the rear of the dwelling. The rear yard extends east where there is a mature line of trees. The surrounding area is residential in nature with the site located within an existing residential development.

Description of Proposal

This is a full planning application for a single storey extension to rear of dwelling to provide disabled person adaptations at 6 Carsonville Drive, Upperlands.

Representations

No third party representations have been received in relation to this application.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in 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. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

I am content that the scale and massing of the proposed extension are acceptable in that it will not dominate the existing building and will not detract from the appearance or character of the surrounding area given the position to the rear of the dwelling.

I am satisfied that the proposal will not unduly affect the privacy or amenity of the neighbouring residents. The property adjoining the site to the north already has a rear return similar to what is being proposed. The proposal will match this ridge height and cause no concerns in terms of loss of light or overlooking on this property. No other neighbouring properties will be affected.

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features, which contribute significantly to local environmental quality.

I am content that sufficient space will remain within the curtilage for recreational and domestic purposes including parking and manoeuvring of vehicles.

Other Material Consideration

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval

Conditions

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

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	7th October 2021
Date First Advertised	19th October 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 3 Carsonville Drive Upperlands Maghera The Owner/Occupier, 4 Carsonville Drive Upperlands Maghera The Owner/Occupier, 5 Carsonville Drive Upperlands Maghera The Owner/Occupier, 7 Carsonville Drive Upperlands Maghera The Owner/Occupier, 8 Carsonville Drive Upperlands Maghera The Owner/Occupier, 9 Carsonville Drive Upperlands Maghera	
Date of Last Neighbour Notification	21st October 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2006/0571/F Proposal: Ground floor extension to north east of terraced dwelling to provide bedroom and shower room Address: 8 Carsonville, Upperlands, Maghera Decision: Decision Date: 20.09.2006 Ref ID: LA09/2021/1473/F Proposal: Single Storey Extension to rear of dwelling to provide disabled person adaptations Address: 6 Carsonville Drive, Upperlands, Maghera, BT46 5SQ, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1570/F	Target Date:
Proposal: Relocation of previously approved car park (un-constructed) under planning application ref LA09/2021/0749 to a newly proposed location. Location is approximately 90m from Iniscarn Road leading into the Iniscarn forest. Forest access road widened to 3.5m with construction to 2 number passing bays leading up to the car park. Works as previously approved under LA09/2021/0749 which includes upgrade of forest trails, ancillary signage, and construction of play park to remain as part of the development proposal.	Location: Iniscarn Forest Iniscarn Road Iniscarn Desertmartin
Referral Route: <ul style="list-style-type: none"> Mid Ulster District Council Planning Application. 	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council 80 Burn Road Cookstown BT80 8DT	Agent Name and Address:
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. No letters of representation received	
Signature(s):	

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 is located in the open countryside, outside any settlement limits as defined within the Magherafelt Area Plan 2015. The application site is within an existing area of woodland and comprises two portions of Iniscarn Forest with mature trees as well as the entrance point with layby currently used as a small area for parking with a bus shelter and existing access. The surrounding area is rural in character with low development pressure. The adjacent road network is minor and the predominant land use is agricultural with dispersed dwellings and farm holdings in the locality. There is a gradual incline from east to west within the site.

Description of Proposal

This is a full application to relocate the car park previously approved under planning application LA09/2021/0749/F approximately 90m NW and widen the existing forest access road to 3.5m with construction to 2 number passing bays leading up to the car park. The upgrade of forest trails, ancillary signage, and construction of play park are to remain as previously approved under LA09/2021/0749/F.

Planning Assessment of Policy and Other Material Considerations

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

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 2 - Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking

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

Representations

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

History on Site

LA09/2021/0749/F - Change of use from existing part forest and provision of car park (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts - Iniscarn Forest, Iniscarn Road, Desertmartin – Permission Granted 08/10/21

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The principle of development of a car park within Iniscarn Forest has already been established on the site under the previous full planning application LA09/2021/0749/F which granted approval on the 8th October 2021 and remains live. As the principle of the proposal has already been considered acceptable and in keeping with the Area Plan and prevailing planning policy, this is not a matter for reconsideration under this planning application. The proposal relates specifically to the relocation of the previously approved car park from the roadside 90m NW within Iniscarn Forest. This application also includes the provision of 2no. Passing bays and widening of the existing access road to facilitate vehicle movements.

As previously considered under planning approval LA09/2021/0749/F, it is my opinion that the provision of a formalised car park will be safer and more secure for visitors. The revised siting of the proposed car park will be set back from the public road approx. 115m with a stone gravel finish. Given the setback, as well as screening and backdrop from the surrounding mature trees, there will be limited public views of the proposed works. The widening of the existing access road, is considered minor works and overall it is considered that the proposal will have no significantly greater impact than that previously approved. The closest residential property to the application site is approx. 95 metres NE of the site, therefore it is considered there will be no detrimental impact on residential amenity. The proposed location of the car park is not located within a floodplain. No features of importance to natural conservation or built heritage have been identified which would be adversely impacted by the proposal. No hydrological links were identified in close proximity to the proposed new car park location and SES were previously informally consulted and advised development would not have any conceivable effect on a European site. I am content that this type of development is typical to a Forest open to visitors setting and the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area. The proposal provides a designated parking area which will enhance public safety and it is considered that this development is compatible with the uses within the site and the wider countryside.

Magherafelt Area Plan 2015: The application site is located in the rural countryside and comprises a portion of the existing Iniscarn Forest Park. The site is located within the Sperrin's AONB. The plan does not include any specific AONB criteria, this will be dealt with under PPS 2.

Planning Policy Statement 2: Natural Heritage - Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the proposal will respect the character of the rural area and given the proposed works will enhance the existing forest attraction, I consider the development will respect the special character of the AONB. NIEA Natural Environment Map Viewer has been checked and identified no other environmental designations on the site.

Planning Policy Statement 3: Access, Movement and Parking - The proposal will utilise an existing access onto the Iniscarn Road. The proposal will accommodate visitors to an existing facility providing additional parking in a designated, safe and accessible space. The car park aspect of the proposal provides 32 parking spaces. Following discussions with the Principal Planner it was considered unnecessary to consult DFI Roads on this occasion given there are no proposed changes to the access arrangements previously approved. It is noted that no concerns with respect road safety or parking were raised with the approved access arrangements subject to conditions.

Additional Considerations

It was identified a small portion of the northern portion of the site is within a pluvial floodplain as defined within the Department for Infrastructure Strategic Flood Maps. Given the minimal portion of the site within floodplain and that this portion of the site will be finished in gravel it was not considered necessary to consult DfI Rivers in this instance.

It is noted on the P1 Form that the applicant has signed Certificate C and a P2a Form was served on the land owner NI Forest Service who have not provided any representation to this application

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposed development relates to the relocation of a previously approved car park which will remain within Iniscairn Forest with associated minor works to upgrade the internal access road. This proposal will provide enhanced facilities to be used by the local district and residents and visitors to the district. It is considered the proposal will benefit the existing forest park without any adverse impact on nearby residents, natural or built heritage or the local character of the area. It is considered the proposal complies with the above policy criteria and approval is recommended.

Conditions:

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 04 bearing the date stamp 03 August 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 04 bearing date stamp 03 August 2021 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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 attention is drawn to the conditions and informatives attached to the previous planning approval LA09/2021/0749/F.
5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date: