

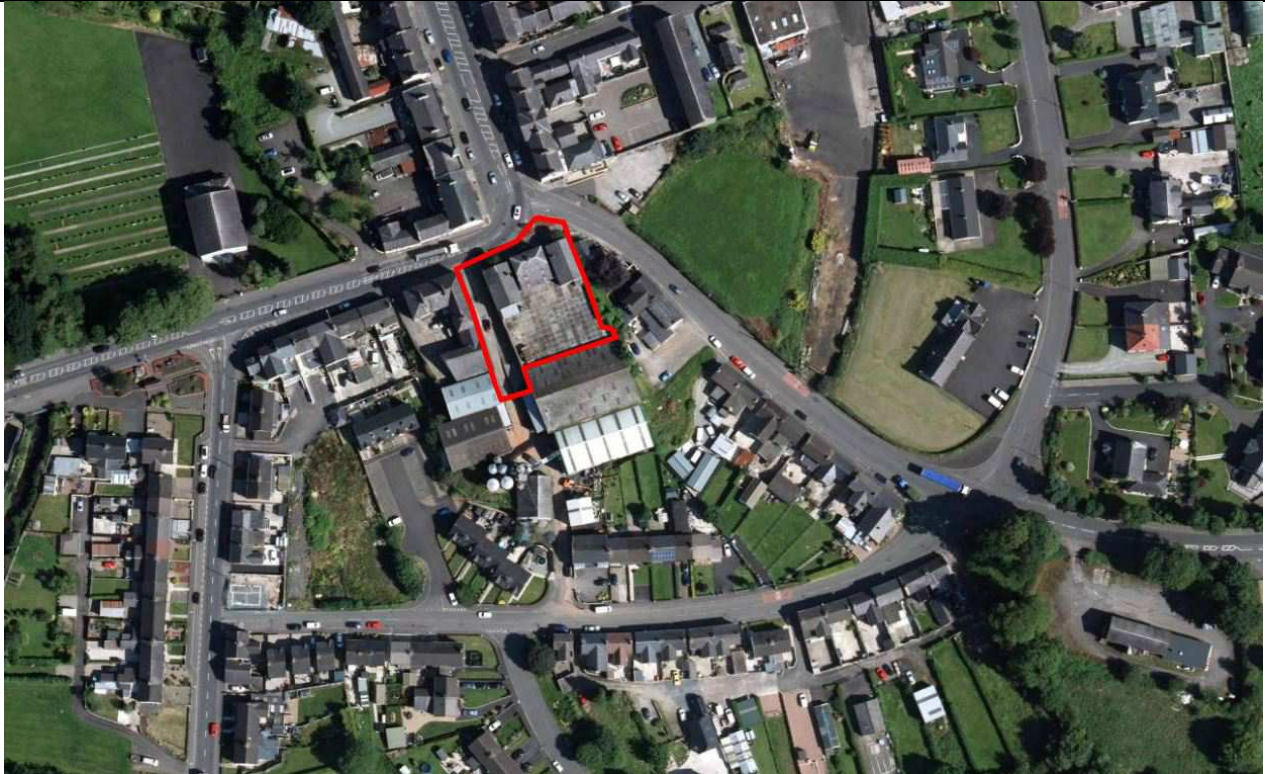


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0193/F	<b>Target Date:</b>
<b>Proposal:</b> Rear single storey extension to existing B1 listed Orange Hall to accommodate community / exhibition / library / museum facilities and ancillary accommodation	<b>Location:</b> Moneymore Orange Hall 2 Stonard Street Moneymore
<b>Referral Route:</b> The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> The Trustees Moneymore Orange Hall 2 Stonard Street Moneymore BT45 7PN	<b>Agent Name and Address:</b> Manor Architects Ltd Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	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**

The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.

**Characteristics of the Site and Area**

The proposal site contains an existing two storey Orange Hall on main street Moneymore. The proposal sets out to create additional community facilities to the rear of this property within the existing courtyard space, an area which is unseen from neighbouring public viewpoints. The proposal is a single storey extension with the front facade remaining unchanged.

**Description of Proposal**

Rear single storey extension to existing B1 Listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy COY 1 - Community Uses are applicable to this application. The proposal is in compliance with GP 1 and COY 1 and as such in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

**SPSS**

Cookstown Area Plan 2010.

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 6 - Planning, Archaeology and Built Heritage

A Planning Strategy for Rural Northern Ireland - PSU 1 - Community Needs

LA09/2016/0194/LBC - a current listed building application exists alongside this current application.

Neighbours: Owners/Occupiers of Nos. 1, 3 \_ 5 Conyngham Street were notified of this proposal on 24.02.2016. No representations have been received to date.

In line with legislation this proposal was advertised in the local press in March 2016. No objections have been received to date.

Consultees: Environmental Health were asked to comment and responded on 14.03.2016 with no objections in principle subject to advice.

NI Water were asked to comment and responded 29.02.2016 with no objections subject to advice.

DfI were asked to comment and responded on 14.03.2016 with no objections.

Historic Buildings Unit were asked to comment and responded seeking an archaeological evaluation as the site has high potential to contain regionally important archaeological remains associated with the plantation period bawn.

The proposed development is an archaeologically sensitive location within the Plantation village of Moneymore. The proposed extension is on the site of the fortified house and bawn shown on Raven's map of Moneymore (c. 1620). A portion of the 17th century wall still survives along the eastern perimeter of the site, and further portions of it may survive to the south and west of the site.

In addition, the application site is within the Area of Archaeological Potential in Moneymore as designated in the Cookstown Area Plan 2010. This is the area in which it would be expected to uncover below ground archaeological remains associated with the historic settlement during the course of development works.

As submitted the proposal is acceptable in terms of its impact on the surrounding locality in planning terms. The proposal will not impact the character of the locality or overlooking onto neighbouring properties. Should the archaeological evaluation be accepted by Historic Buildings I would have no issues with the proposal and would find it acceptable however until this issues has been resolved due to the archaeological potential an approval cannot be recommended. This outstanding information has been requested since HBU's consultation response in June 2016 and has still to be received.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.

**Reasons for Refusal:**

1. The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th February 2016
<b>Date First Advertised</b>	29th February 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Conyngham Street, Money more, Londonderry, BT45 7PX The Owner/Occupier, 3 Conyngham Street Money more Londonderry The Owner/Occupier, 5 Conyngham Street Money more Londonderry	
<b>Date of Last Neighbour Notification</b>	24th February 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: I/1986/0011 Proposal: REPLACEMENT PUBLIC CONVENIENCE Address: CONYNGHAM STREET, MONEYMORE, COUNTY LONDONDERRY Decision: Decision Date:  Ref ID: I/1974/0114 Proposal: ERECTION OF SHOP Address: 3 CONYNGHAM STREET, MONEYMORE Decision: Decision Date:  Ref ID: I/1996/0220 Proposal: Disabled Facilities Address: 3 CONYNGHAM STREET MONEYMORE Decision: Decision Date:  Ref ID: I/2000/0692/F Proposal: General Purpose Store for Domestic Use Address: Waste ground adjoining Mill Lane to the rear of 6 Stonard Street, Money more Decision:	

Decision Date: 11.05.2001

Ref ID: I/2001/0873/F

Proposal: Proposed store for animal feeds and small office.

Address: Mill Lane, Moneymore

Decision:

Decision Date: 21.08.2002

Ref ID: I/1995/6023

Proposal: Extension to store Mill Lane, Moneymore

Address: Mill Lane, Moneymore

Decision:

Decision Date:

Ref ID: I/1999/0604/F

Proposal: Store for animal feeds

Address: Mill Lane, Moneymore

Decision:

Decision Date: 25.01.2000

Ref ID: I/2009/0163/F

Proposal: Refurbishment of existing storage warehouse

Address: Mill Lane, Moneymore, Co Londonderry, 50m SE of Stonard Street, BT45 7PL

Decision:

Decision Date: 19.10.2009

Ref ID: I/1984/0002

Proposal: CONVERSION OF STORE TO 3 NO. SELF CONTAINED FLATS

Address: MILL LANE, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1990/0080

Proposal: New Workshop Units for Office and Business Use

Address: MILL LANE STONARD STREET MONEYMORE

Decision:

Decision Date:

Ref ID: I/2001/0054/F

Proposal: Alterations & Extension to Orange Hall

Address: 2 Stonard Street, Moneymore

Decision:

Decision Date: 15.05.2001

Ref ID: I/2001/0052/LB

Proposal: Alterations and Extension to Orange Hall

Address: 2 Stonard Street, Money more

Decision:

Decision Date: 15.05.2001

Ref ID: I/1978/0088

Proposal: IMPROVEMENTS TO DWELLING

Address: 6 STONARD STREET, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2000/0017/F

Proposal: Environment improvement scheme including construction of lay - bys, paving, tree planting, street furniture and car parking delineation.

Address: Footpaths and carriageway areas; 1 - 27 and 2 - 30 High Street, Money more and 4 - 6 Stonard Street, Money more.

Decision:

Decision Date: 18.08.2000

Ref ID: LA09/2016/0194/LBC

Proposal: Rear single storey extension to existing B1 Listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation

Address: Money more Orange Hall, 2 Stonard Street, Money more,

Decision:

Decision Date:

Ref ID: LA09/2016/0193/F

Proposal: Rear single storey extension to existing B1 listed Orange Hall to accommodate community / exhibition / library / museum facilities and ancillary accommodation

Address: Money more Orange Hall, 2 Stonard Street, Money more,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 02  
Type: Elevations and Floor Plans  
Status: Submitted

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





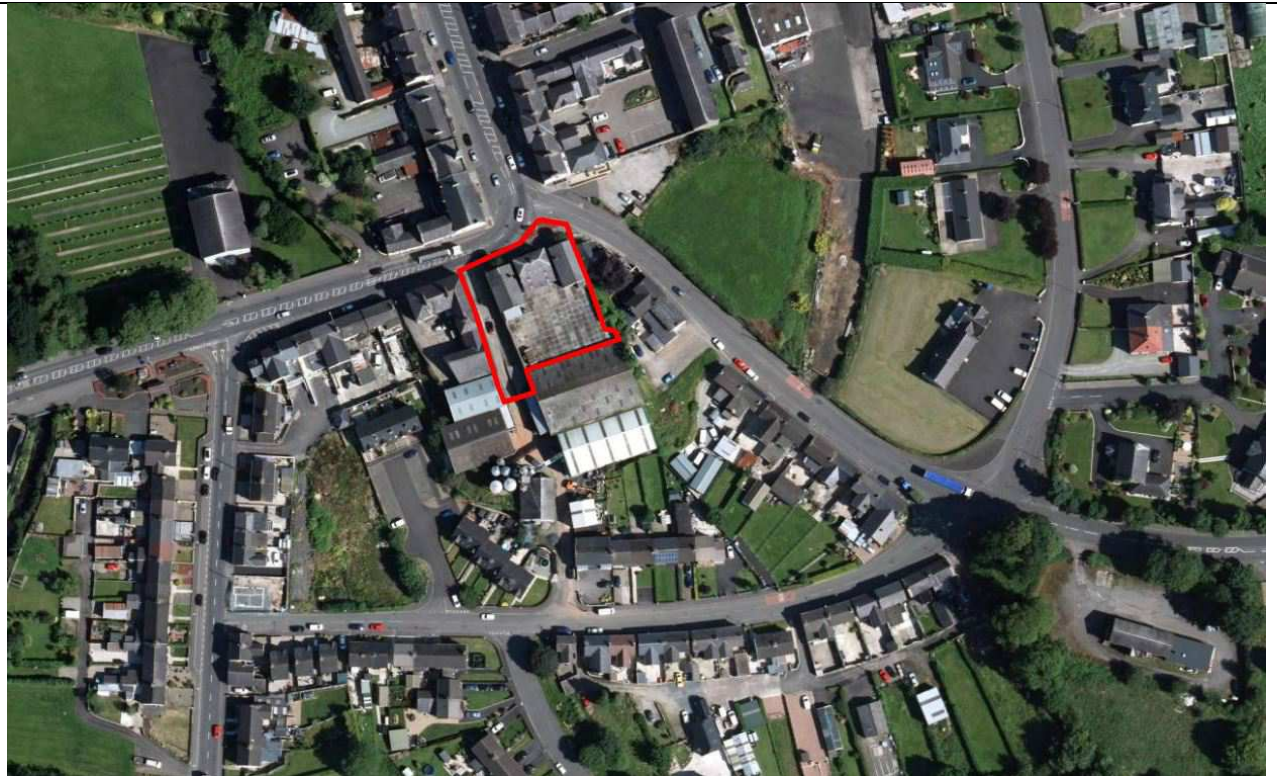
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/0194/LBC	<b>Target Date:</b>
<b>Proposal:</b> Rear single storey extension to existing B1 Listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation	<b>Location:</b> Moneymore Orange Hall 2 Stonard Street Moneymore
<b>Referral Route:</b> The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> The Trustees Moneymore Orange Hall 2 Stonard Street Moneymore BT45 7PN	<b>Agent Name and Address:</b> Manor Architects Ltd Stable Buildings 30A High Street Moneymore BT45 7PD
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Error
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

The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that insufficient information has been submitted to enable determination of the planning application as the archaeological evaluation requested by the Department has not been made available.

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

The proposal site contains an existing two storey Orange Hall on main street Money more. The proposal sets out to create additional community facilities to the rear of this property within the existing courtyard space, an area Which is unseen from neighbouring public viewpoints. The proposal is a single storey extension with the front facade remaining unchanged.

## **Description of Proposal**

Listed Building Consent - Rear single storey extension to existing B1 Listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy COY 1 - Community Uses are applicable to this application. The proposal is in compliance with GP 1 and COY 1 and as such in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

SPSS

Cookstown Area Plan 2010.

Planning Policy Statement 1 - General Principles

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 6 - Planning, Archaeology and Built Heritage

A Planning Strategy for Rural Northern Ireland - PSU 1 - Community Needs

A current full application under LA09/2016/0193/F is running alongside this application.

Consultees: - NIEA and HED were asked to comment and both are content with the proposal as submitted.

Historic Buildings Unit were asked to comment and responded seeking an archaeological evaluation as the site has high potential to contain regionally important archaeological remains associated with the plantation period bawn.

The proposed development is in an archaeologically sensitive location within the Plantation village of Money more. The proposed extension is on the site of the fortified house and bawn shown on Raven's map pf Money more (c. 1620). A portion of the 17th century wall still survives along the eastern perimeter of the site, and further portions of it may survive to the south and west of the site.

In addition, the application site is within the Area of Archaeological Potential in Money more as designated in the Cookstown Area Plan 2010. This is the area in which it would be expected to uncover below ground archaeological remains associated with the historic settlement during the course of development works.

As submitted the proposal is acceptable in terms of its impact on the surrounding locality in planning terms. The proposal will not impact the character of the locality or overlooking onto neighbouring properties. Should the archaeological evaluation be accepted by Historic Buildings I would have no issues with the proposal and would find it acceptable however until this issues has been resolved due to the archaeological potential an approval cannot be recommended. This outstanding information has been requested since HBU's consultation response in June 2016 and has still to be received.

<b>Neighbour Notification Checked</b>	
	<b>Yes</b>
<b>Summary of Recommendation:</b> Refusal recommended	
Reasons for Refusal:  1.The proposal is contrary to Policy BH3 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Article 7(4) of the Planning (General Development) Order (NI) 1993 in that no planning approval has been granted for the extension because insufficient information has been submitted to enable determination of the archaeological evaluation requested by the Department has not been made available.	
<b>Signature(s)</b>  <b>Date:</b>	

ANNEX	
<b>Date Valid</b>	17th February 2016
<b>Date First Advertised</b>	29th February 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/0194/LBC Proposal: Rear single storey extension to existing B1 Listed Orange Hall to accommodate community/exhibition/library/museum facilities and ancillary accommodation Address: Moneymore Orange Hall, 2 Stonard Street, Moneymore, Decision: Decision Date:  Ref ID: LA09/2016/0193/F Proposal: Rear single storey extension to existing B1 listed Orange Hall to accommodate community / exhibition / library / museum facilities and ancillary accommodation Address: Moneymore Orange Hall, 2 Stonard Street, Moneymore, Decision: Decision Date:  Ref ID: I/1986/0011 Proposal: REPLACEMENT PUBLIC CONVENIENCE Address: CONYNGHAM STREET, MONEYMORE, COUNTY LONDONDERRY Decision: Decision Date:  Ref ID: I/1974/0114	

Proposal: ERECTION OF SHOP  
Address: 3 CONYNHAM STREET, MONEYMORE  
Decision:  
Decision Date:

Ref ID: I/1996/0220  
Proposal: Disabled Facilities  
Address: 3 CONYNHAM STREET MONEYMORE  
Decision:  
Decision Date:

Ref ID: I/2001/0873/F  
Proposal: Proposed store for animal feeds and small office.  
Address: Mill Lane, Moneymore  
Decision:  
Decision Date: 21.08.2002

Ref ID: I/1995/6023  
Proposal: Extension to store Mill Lane, Moneymore  
Address: Mill Lane, Moneymore  
Decision:  
Decision Date:

Ref ID: I/1999/0604/F  
Proposal: Store for animal feeds  
Address: Mill Lane, Moneymore  
Decision:  
Decision Date: 25.01.2000

Ref ID: I/2009/0163/F  
Proposal: Refurbishment of existing storage warehouse  
Address: Mill Lane, Moneymore, Co Londonderry, 50m SE of Stonard Street, BT45 7PL  
Decision:  
Decision Date: 19.10.2009

Ref ID: I/1984/0002  
Proposal: CONVERSION OF STORE TO 3 NO. SELF CONTAINED FLATS  
Address: MILL LANE, MONEYMORE  
Decision:  
Decision Date:

Ref ID: I/1990/0080  
Proposal: New Workshop Units for Office and Business Use  
Address: MILL LANE STONARD STREET MONEYMORE

Decision:

Decision Date:

Ref ID: I/2001/0054/F

Proposal: Alterations & Extension to Orange Hall

Address: 2 Stonard Street, Moneymore

Decision:

Decision Date: 15.05.2001

Ref ID: I/2001/0052/LB

Proposal: Alterations and Extension to Orange Hall

Address: 2 Stonard Street, Moneymore

Decision:

Decision Date: 15.05.2001

Ref ID: I/2000/0017/F

Proposal: Environment improvement scheme including construction of lay - bys, paving, tree planting, street furniture and car parking delineation.

Address: Footpaths and carriageway areas; 1 - 27 and 2 - 30 High Street, Moneymore and 4 - 6 Stonard Street, Moneymore.

Decision:

Decision Date: 18.08.2000

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 02

Type: Elevations and Floor Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:







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**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1011/F	<b>Target Date:</b>
<b>Proposal:</b> Conversion and new build to create 5 self catering units at Waterwall Bar, Portglenone	<b>Location:</b> 187 Mayogall Road Clady Portglenone
<b>Referral Route:</b>  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, in respect of the Flood Risk Assessment.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Paddy Mooney Waterwall Bar 187 Mayogall Road Clady Portglenone	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s): Lorraine Moon</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> Required flood risk assessment has not been submitted despite repeated requests for required information.	
<b>Characteristics of the Site and Area</b> <p>The application site is situated at 187 Mayogall Road, Clady, Portglenone within the open countryside as defined by the Magherafelt Area Plan 2015. The application site is defined by an existing single storey listed building and long established public house, a large car park/yard and associated vernacular outbuildings. The built fabric of the site define the site boundaries and form a courtyard. Records show the site is affected by flooding along the Eastern and Western boundaries.</p>	
<b>Description of Proposal</b> <p>Conversion and new build to create 5 self-catering units at Waterwell Bar, Portglenone</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b> <p>I have assessed this proposal under the following:</p> <p>SPSS          Magherafelt Area Plan 2015          PPS3 - Access, Movement and Parking          PPS4 - Economic Development          PPS15 - Planning and Flood Risk          PPS 16 - Tourism          PPS21 - Sustainable Development in the Countryside</p> <p>It should be noted that the Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and TOU 3 are applicable to this application. The proposal is in compliance with both GP 1 and TOU 3 and as such in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.</p> <p>Site History - H/2012/0133/F - Approval granted for Conversion and new build to create 5 no. self-catering units at Water Wall bar. Granted 18.07.2012.</p> <p>Neighbours: Owners/Occupiers of No. 189 Mayogall Road were notified of this proposal on 31.07.2017, no objections have been received to date.</p> <p>Consultees: - NI Water were asked to comment and responded on          Environmental Health were asked to comment and responded on          DfI were asked to comment and responded on 01.08.2018 with no objections subject to conditions and informatives.</p>	

HED were asked to comment and responded on 13.08.2018 with no objections and stated they were content that the proposal is satisfactory to SPSS and PPS6 archaeological policy requirements.

Rivers Agency were asked to comment and responded on 14.08.2017 stating that as flood maps indicate that part of the site lies within the 1 in 100 year strategic fluvial flood plan the applicant should carry out a flood risk assessment.

According to PPS 16 - Planning permission will be granted for self-catering units of tourist accommodation in any of the following circumstances:

- a) one or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right;
- c) the restoration of an existing clachan or close, through conversion and/or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included. It should be noted that all permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation. The overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use. To this end, permitted development rights in respect of plot boundaries will also be removed.

This proposal is for the conversion and new build to create self-catering units to the rear of an existing public house. Directly opposite the proposal site is a well-established fishing club and river which attracts many visitors.

In addition policy CTY 4 of PPS21 states 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that contribute to the aim of sustainable development'. These include the conversion and reuse of existing buildings in line with policy CTY 4. CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention, subject to a number of criteria.

The buildings to be reused are a stone built lofted barn and a stone built row of traditional outhouses. The buildings in question are vernacular and set within the grounds of the listed Water Wall Bar, all external stone walls are intact as are all the roof structures. The building is of permanent construction, in excellent condition and in everyday use.

It is my consideration that the reuse of this vernacular building will maintain and enhance the form, character and architectural detail of this excellent example of vernacular out buildings. The proposed design is sympathetic to the built form of the barn and respects the existing solid to void ratio, with only minor alterations to the openings.

The proposed re use and conversion will not adversely affect the amenity of any nearby residents. The closest dwelling is located 100metres South East of the application site and is shown under the applicants control.

The proposal involves the reuse of an existing access.

The proposed works would not affect the listed building on the application and this has been confirmed by the consultation response from HED.

Following consultation with Rivers Agency it has been raised that part of the site lies within the 1 in 100 year strategic fluvial flood plan and as such the applicant has been requested to carry out a flood risk assessment. In conformity with PPS 15 a flood risk assessment is required to determine a more accurate extent of flooding. This additional information was firstly requested on 07.11.2017 and no reply was received, then requested again on 12.04.2018 and again the information not submitted. The outstanding FRA was again requested from the agent on 12.09.2018 and still to date the required information has not been received.

Having considered all of the above it is my consideration that the principle of development is acceptable along with the proposed design however planning permission cannot be granted until the submission of the required FRA and agreement on its details from Rivers Agency thus a recommendation of refusal due to a lack of information is recommended at this time.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Required flood risk assessment has not been submitted despite repeated requests for required information.

**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, in respect of the Flood Risk Assessment.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	28th July 2017
<b>Date First Advertised</b>	10th August 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 189 Mayogall Road Moneystaghan-Ellis Gulladuff	
<b>Date of Last Neighbour Notification</b>	31st July 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2012/0133/F Proposal: Conversion and new build to create 5 no. self catering units at Water Wall bar, Portglenone Address: 187 Moyagall Road, Clady, Portglenone, Decision: Decision Date: 18.07.2012  Ref ID: H/1989/0243 Proposal: ALTERATIONS TO LICENSED PREMISES (LISTED BUILDING CONSENT) Address: 189 MAYOGALL ROAD CLADY PORTGLENONE Decision: Decision Date:  Ref ID: LA09/2017/1011/F Proposal: Conversion and new build to create 5 self catering units at Waterwall Bar, Portglenone Address: 187 Mayogall Road, Clady, Portglenone, Decision: Decision Date:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<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>Drawing No. 03 Type: Proposed Plans Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



Comhairle Ceantair  
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**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1687/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 4 Dwellings with amended access to previously approved application LA09/2016/0867/F	<b>Location:</b> 60m North Of 69 Lissan Road Cookstown
<b>Referral Route:</b>  This application is being presented to Committee as the development involves Phase 2 lands.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Oakleaf Contracts 2 Killcronagh Business Park Cookstown	<b>Agent Name and Address:</b> APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## 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
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

### Representations:

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

Summary of Issues including representations

No representations have been received in respect of this application.

#### Description of proposal

This application is for 4 no. detached dwellings. The dwellings are large detached dwellings and are two different house types, Type A and Type B. House type A is a two storey design with a frontage length of 16.2m, a gable depth of 10.37m a ridge height of 10.7m and a modest two storey rear return which has a ridge height lower than the main roof. House type B is a similar style design with a frontage length and a gable depth the same as house type A but due to the falling ground levels at the rear of the two south eastern most sites, house type B has a basement level and therefore appears as three storey from the rear. Due to the basement accommodation, there is no rear return.

#### Characteristics of the site and area

The site comprises a large field set back 100m off the Lissan Road and on an elevated location although there are very restricted critical views of the site due to both the mature vegetation along the road frontage boundary, the north western boundary and the laneway leading to the existing farmyard complex to the south of the site.

The site sits adjacent to the on-going housing development which is being accessed via Coolreaghs Road and which sits at a lower level than the proposed site. That development consists of mainly two storey dwellings.

To the immediate north west of the site is a concrete plant which manufactures concrete blocks/bricks. The concrete works is also within the phase 2 zoned land H21.

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

The proposal is in accordance with the Cookstown Area Plan 2010 insofar as the dwellings are located within an area zoned for housing under designation H01, however the access road and part of the private amenity spaces are located within phase 2 housing lands ie. H21. Cookstown Area Plan 2010 – Plan Policy HOUS 1 states that Phase 2 lands will be safeguarded for housing, but will not be released for development, either in part or in full, prior to a housing land review in 2005. Until the review is completed, planning permission will only be granted on Phase 2 land for single dwellings which are in accordance with policy and which do not prejudice comprehensive development.

PPS 7 Quality Residential Environments – Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area.

Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

The proposal has been based on a concept plan submitted with the proposal and which gives due consideration to all the positive aspects of the site and surrounding area.

The proposed development is assessed against the following criteria:-

- (a) The proposed layout meets the first of these criteria in that it respects the surrounding context in terms of layout; The layout is of a similar, albeit lower density and scale as the adjacent development under construction;
- (b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site;
- (c) As the development is for 4 detached dwellings, the provision of public amenity space is not a requirement;
- (d) As the site is close to and within walking distance of the town centre, the provision of neighbourhood facilities are not deemed necessary within the site;



- (e) The site is close to the Lissan Road and 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 provision is made for parking of vehicles off street and within each site and each dwelling has a detached garage provided;
- (g) The design of the development is acceptable in terms of form, materials and detailing;
- (h) The proposal has the potential to create a conflict with adjacent land uses as it is adjacent to the concrete plant. However, a noise report was provided on the request of Environmental Health, who duly advised that they have no issues of concern regarding the proximity and the potential for noise nuisance which could be created by the business, subject to the suggested conditions being attached to any decision;
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

It is noted that the development proposes to take the access off the Lissan Road at a point similar to the access point for the replacement dwelling approved under LA09/2016/0867/F. This access will serve the four proposed dwellings in addition to the replacement dwelling. The access is proposed through phase 2 lands and will extend around the existing farmyard to the site which is predominantly within phase 1 lands, apart from the rear amenity space to the two Type A dwellings at the north of the site. All four dwellings are located on phase 1 land, while a small part of the overall field, adjacent to the northern corner, has been left out of the proposed site. The agent has advised that this is because the proposed access road is to be left private and therefore cannot accommodate more than the 5 dwellings as proposed. The adjacent housing development to the east already has 48 dwellings approved and therefore access for the four proposed dwellings cannot be taken through that site without the need to provide a right hand turning lane on the Coolreaghs Road, which is not possible due to the restricted width of the Collreaghs road. Therefore only one additional dwelling can be accommodated off that development, hence the need for a separate access for the four proposed dwellings.



Transport NI advised that although the application is only for 4 dwellings a 5th dwelling has been approved under LA09/2016/0867/F. Therefore, no further dwellings would be permitted to use the proposed access road unless it is brought up to an adoptable standard and be subject to a Private Streets Determination. It is noted however, that the proposed access road is to remain private and therefore will not be adoptable, nor will Councils refuse lorries enter the access road for the purpose of collections. DfI Roads have however, provided suggested conditions for the proposal if it were to be considered acceptable.

The committee should note that that the Draft Plan Strategy retains a policy for the protection of Phase 2 lands similar to the extant Cookstown Area Plan 2010. However as only the access road is being proposed within the Phase 2 lands and this does not prejudice the future development of the remainder of the Phase 2 zoned lands, Committee may be minded to approve this proposed development.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

**Neighbour Notification Checked**

**Yes**

#### Summary of Recommendation:

Approved 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 existing hedgerows along the boundaries of the site shall be retained at a mature height of 2 metres and the existing trees along the boundaries shall be retained at a minimum height of 6 metres.

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

3. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 2010 Recommendations for Tree Work.

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

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

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

5. All proposed planting as indicated on each individual site shown on the stamped approved drawing no. 02 shall be undertaken during the first available planting season following occupation of the dwelling hereby approved on that site.

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

6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of 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 continuity of amenity afforded by existing hedges/trees.

7. The vehicular access onto Lissan Road, including visibility splays of 2.4 x 90 metres shall be provided in accordance with Drawing No 02 bearing the date stamp 01 December 2017, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

9. The following details are required as a minimum standard for the dwelling construction:
- a. The cavity wall should be a minimum of 100mm per leaf with a 100mm cavity. The cavity should be filled with rockwool.
  - b. Windows should be fitted with double glazing with a minimum of 2 x 6mm glass panels with a 16mm cavity between the panes.
  - c. The roof should be tiled with 15mm Soundblock plasterboard forming the internal ceiling.

Reason: In the interest of residential amenity.

10. There should be a 2m boundary fence constructed along the edge of the laneway leading to the blockworks. The acoustic barrier shall have a minimum self-weight of 6Kg/m<sup>2</sup>.

Reason: In the interest of residential amenity.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st December 2017
<b>Date First Advertised</b>	21st December 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 67 Lissan Road Cookstown Tyrone The Owner/Occupier, 69 Lissan Road Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	14th December 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/1687/F Proposal: Proposed 4 Dwellings with amended to previously approved application LA09/2016/0867/F Address: 60m North Of 69 Lissan Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2017/1621/NMC Proposal: Proposed rear return on dwellings at Sites 1,2,13,14,16,17,23 and 24 type5 as approved throughout the development in previous application LA09/2016/0233/F Address: Sites 1,2,13,14,16,17,23 and 24 Oakview, Coolreagh Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2016/0233/F Proposal: Change of house types from previously approved types (32 no semi-detached dwellings in total) Address: Rear of No 72 Coolreaghs Road, Cookstown, Decision: PG Decision Date: 07.03.2017  Ref ID: I/2010/0500/F Proposal: 77 Bed Nursing Home Address: 37m South West of 80 Coolreaghs Road, Cookstown, Co. Tyrone Decision: PG Decision Date: 21.09.2012	

Ref ID: I/2010/0148/Q

Proposal: Nursing Home for the Elderly and Mentally Infirm (EMI)

Address: Lissan Road, Cookstown

Decision:

Decision Date:

Ref ID: I/2007/0285/F

Proposal: Housing development to include 48 no semi-detached dwellings ( 20 no. 2.5 storey, 18 no 2 storey and 10 no 1.5 storey) (Amended Proposal)

Address: Lands to the rear of no. 72 Coolreaghs Road, Cookstown

Decision:

Decision Date: 28.06.2010

### **Summary of Consultee Responses**

DfI Roads advised that the road will not be adopted and will remain private  
Environmental Health advised of appropriate conditions

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05

Type: Site Appraisal or Analysis

Status: Submitted

Drawing No. 04

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

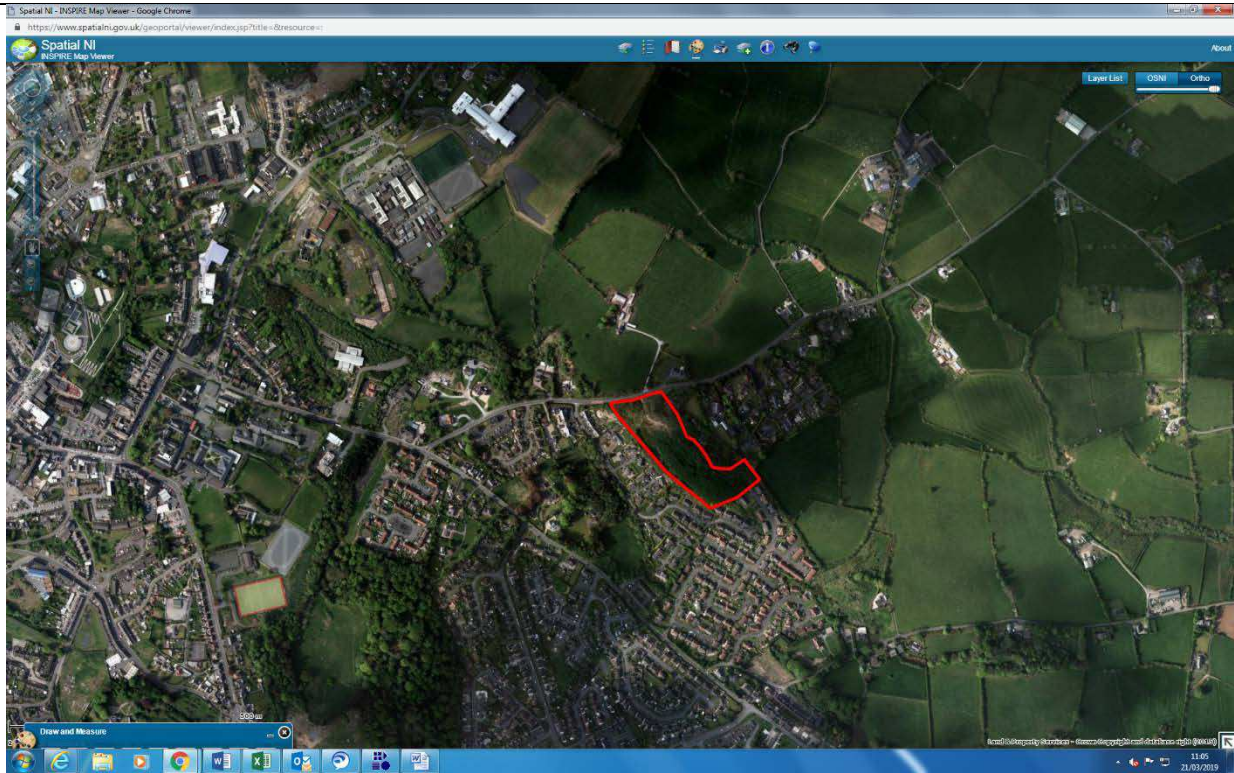
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1708/F	<b>Target Date:</b> 7/6/18
<b>Proposal:</b> Proposed housing development consisting of 46 houses- 4 detached two storey, 6 no semi detached bungalows, 32 no semi detached two storey, 4 no 2/3 storey terrace houses with associated site works and foul water treatment plant.	<b>Location:</b> Land to the rear and west of 33 Bush Road Dungannon
<b>Referral Route:</b>  Major application and objections submitted.	
<b>Recommendation: Approval.</b>	
<b>Applicant Name and Address:</b> Farasha Properties Ltd 34 Culrevog Road Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Content
Advice and Guidance	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content

### 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

**Details of the Proposal:**

This application is for a housing development within the settlement limits of Dungannon where Planning Policy Statement 7: Quality residential Environments, is the main consideration.

**Characteristics of the Site and Area:**

The site is located just over half a mile east from Dungannon Market Square. Access to same is proposed from the Bush Road, some one third of a mile northeast of its junction with Killyman Road. Some work has taken place at the site entrance, which has involved lowering the front part of the site close to road level. The remaining levels of the site are relatively untouched and there is evidence of some tree harvesting. The land within the site rises, close to the Bush Road some 11metres plus from the southern boundary to the northern boundary and some 14 metres further into the site, close to the eastern boundary. Land uses beyond the site boundaries are residential to the north, south and east with agricultural land on the opposite side of the Bush Road to the west. The land is prominent within the local landscape and extensive views are available from the site to large parts of Dungannon and beyond.

**Relevant Site Histories:**

Relevant site histories include M/2007/0903/F - Proposed housing development consisting of 86 no. units including the following - 3 & 4 bedroom - 2, 2 1/2 & 3 1/2 storey terraced and semi-detached dwellings also 1 & 2 Bedroom - 2 & 3 1/2 storey apartments. Approval Granted 10/6/09 and

M/2006/2110/F - Proposed vehicular entrance and right turning lane to facilitate a future housing development. Approval Granted 9/10/07.

LA09/2017/0427/PAN: Proposal of Application Notice acceptable 12/6/17.

**Representations:**

Representations have been received from press notice or neighbourhood notification in the form of two objections. See below.

Consultation with Department for Infrastructure – Roads, Department for Agriculture Environment and Rural Affairs, Northern Ireland Water, Shared Environmental Service, Environmental Health Department and Department for Infrastructure - Rivers has raised no concerns subject to conditions and informatives.

**Planning Assessment of Policy and other Material Considerations:**

The site is located within the limit of development for Dungannon, as defined by the Dungannon Area Plan 2010 (DAP). The lands are zoned housing land and zoning DH 07 refers. The southeastern portion of the zoning has been developed. Planning Policy Statement 7 (PPS 7): Quality Residential Environments applies. In my opinion, the proposal respects the surrounding context, character and topography in terms of layout, scale and proportions. No features of archaeological or built heritage have been identified, and identified landscape features have been protected and integrated in a suitable manner into the overall design and layout of the development; adequate provision is made for public and private open space and landscaped areas. The movement pattern can support walking and cycling; meets the needs of people whose mobility is impaired; respects existing public rights of way; provides adequate and convenient access to public transport and incorporates traffic calming measures; adequate and appropriate provision is made for parking; the design of the development draws upon the best local traditions of form, materials and detailing; the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed

properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the layout is designed to deter crime and promote personal safety.

**Other Policy and Material Considerations:**

During the processing of the application objections have been received in respect of the following matters,

Site water runoff, subsidence, residential amenity, wildlife and traffic increase.

Having examined these concerns I note that during the processing of this application comment has been received from the Department for Infrastructure in respect of traffic matters and from Department for Agriculture, Environment and Rural affairs in respect of wildlife matters and no objection to the proposal has been advanced from either consultee.

The layout has been examined and although there would be more hard surfaces than the existing landform, storm water infrastructure has been put in place to accommodate for same. It is my opinion that any impact on residential amenity will be minimal and no more than that to be expected within settlement development limits.

The matter of subsidence is not a planning matter and the development being constructed according to other legislation and best practice should not impact negatively on neighbourhood properties.

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

Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation is a material consideration for this proposal. The layout provides sufficient open space provision for the proposal as well as a means to achieve retention of same in the form of landscape management proposals.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. (see conditions below).

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 7: Quality residential Environments is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Draft Plan Strategy.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. The relevant policy consideration would be

Policy GP1 – General Principles Planning Policy and Policy HOU2 – Quality Residential Development are applicable to this application. This proposal is in keeping with both of these policies.

As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

**Neighbour Notification Checked**

**Yes**

**Recommendation:**

I recommend that planning permission is granted subject to conditions.

**Conditions**

1. As required by Section 61 of the Planning Act (Northern Ireland) Order 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The existing natural screening along the southern and south western boundaries of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Mid Ulster Council, in writing within 7 days of removal.

Reason: To ensure the development retains the natural features of the site.

3. During the first available planting season after the occupation of any more than 50% of dwellings on plot numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, and 20 hereby approved, the developer shall construct, layout and plant the open space area, within which the foul water treatment plant is located, as indicated in drawing number 18(rev 4) dated received 18th October 2018.

During the first available planting season after the occupation of any more than 50% of dwellings on plot numbers 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62 and 64 hereby approved, the developer shall construct, layout and plant the open space area opposite plot numbers 34 to 64 as indicated in drawing number 18(rev 4) dated received 18th October 2018.

All hard and soft landscaping works shown on the approved plans, drawing no 25 dated received 11th May 2018 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

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

4. The private sewage treatment plant shall be decommissioned, the land restored to that similar to the remaining open space area and the dwellings approved under this planning permission shall be connected to the public sewerage system within 3 months of a public sewerage system becoming available.

Reason: To ensure that a satisfactory, permanent means of sewage disposal is achieved.

5. The noise from the Waste Water treatment Works shall not exceed 70dB(A).

Reason: To protect the amenity of the existing and proposed residential properties.

6. Private Streets Determination:

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department for Infrastructure hereby attaches to the determination a requirement under Article 3(4A) of the above order that such works shall be carried out in accordance with an agreement under Article 3(4C). It relates to Drawing No. 18 Rev 4 bearing the date stamp 18/10/18.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 18/4 bearing the date stamp 18 October 2018

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

7. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 18/4 bearing the date stamp 18 October 2018 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. The visibility splays of 4.5 metres by 120 metres to the east and 4.5 x 80 metres to the west at the junction of the proposed access road with the Bush Road, shall be provided in accordance with Drawing 18 Rev 4 bearing the date stamp 18 October 2018, 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.

The vehicular access (es) including visibility splays of 2 x 33 metres at sites 42,44,46,48,50,52,54,56,58, shall be provided in accordance with Drawing No 18/4 bearing the date stamp 18 October 2018 prior to the occupation of those site numbers 42,44,46,48,50,52,54,56,58 hereby permitted. The area shown hatched and referred to in note 19 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.

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

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

10. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

11. No dwelling(s) 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.

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

12. No development activity shall commence on site until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided from each badger sett entrance as shown on Drawing Number 02 REV 1 (date stamped by the Planning Authority 11-MAY-2018) at a radius of 25 metres. No works, clearance, disturbance by machinery, dumping or storage of materials shall take place within that/those protection zone(s) without the consent of the Department. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts.

13. All trees on site shall be retained as shown on Drawing No. 25 (date stamped by the Planning Authority 11 MAY 2018) and protected in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Department.

Reason: To protect existing trees indicated to be retained and bats using the site.

14. A Final Construction and Environmental Management Plan, and finalised Site Drainage Plan, shall be submitted by the applicant/appointed contractor for consultation and agreement prior to the commencement of works. This should reflect and detail all the pollution prevention, mitigation and avoidance measures to be employed, as outlined in the Outline Construction Environmental Management Plan (dated August 2018), Drainage Layout (date stamped 20 December 2018), Biodiversity Checklist and Preliminary Ecological Assessment, dated June 2017, and all additional submitted information.

Reason: To ensure that the appointed contractor undertaking the work is aware of the avoidance and mitigation measures required to protect the aquatic environment and thus ensuring that there are no adverse effects on Lough Neagh and Lough Beg SPA/Ramsar.

15. 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: To ensure a practical solution to sewage disposal is possible at this site, and protect water quality within adjacent watercourses which are hydrologically connected to Lough Neagh and Lough Beg SPA/Ramsar.

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. Northern Ireland Environment Agency comment:

The applicant should refer and adhere to the precepts contained in Standing Advice for Multiple Dwellings, Pollution Prevention Guidance, Sustainable Drainage Systems, Invasive Alien Species, Badgers and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daera-ni.gov.uk/articles/standing-advice-0>

The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Salmonberry). This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site.

Any soil, containing (Salmonberry) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002 (as amended). The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended) places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of (Salmonberry) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Salmonberry) as part of the waste transfer process.

Please see the following link for Best Practice Guidance:

<http://invasivespeciesireland.com/toolkit/best-practice-management/>

Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 90569605

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

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

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

### 3. DfI Roads Informatives:

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

The service strips coloured green with black hatching on the approved plan Drawing No. 18/4 bearing the date stamp 18 October 2018 have been determined as lands to be adopted by the Department for Infrastructure. It is, therefore, essential that vendors inform house purchaser of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant: -

"The purchaser hereby covenants with the vendor that he/she, the purchaser, and his/her successors in title will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown hatched on the approved plan, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land."

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



Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

Notwithstanding the terms and conditions of the 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.

Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges. In exceptional circumstances Departures from Standard maybe necessary and shall be supported by a full technical, safety, environmental and economic justification. All details shall be submitted to DfI Roads Network Services through the relevant Division.

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

The Department for Infrastructure advise that this proposal is on the threshold where a right hand turning lane will be required on the Bush Road at the development access road. You are advised that should any additional dwelling units be provided beyond this scheme using the same access point, then you will be required to provide a right hand turning lane to facilitate access for any future phases through this development hereby approved. Refer to Dwg No 26 Submitted with this planning application indicating a proposed Right Turn Lane Layout

#### 4. Northern Ireland Water comments:

A formal water connection application must be made for all developments, including those where it is proposed to re-use existing connections.

Public water supply within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal.

Application to NIW is required to obtain approval to connect.

A formal sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.

No foul sewer within 20m of your proposal, the Developer is required to consult with NIW and may wish to requisition a foul sewer to serve the proposed development. The use of a Septic Tank, (on the basis of one for each dwelling) is subject to the written consent being obtained from Northern Ireland Environment Agency. Where approval to use a septic tank disposal system is granted, and the applicant wishes NIW to provide a periodic desludging service, the applicant must complete the necessary 'Form of Agreement' and adhere to the construction conditions contained therein. Further information is available on [www.niwater.com](http://www.niwater.com) or call 03457 440088

A formal sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.

No surface water sewer within 20m of your proposal, developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.

Waste water treatment capacity is not available for the proposed development. If the applicant wishes to proceed he should contact NIW to discuss options such as a permanent wastewater facility at his own expense, this may or may not be adopted by NIW in the future.

To ensure compliance with the Water and Sewerage Service (NI) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), consultation with NIW is essential at an early design stage with regard to the following matters;

The water requirements for your proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road / area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order;

From the 23rd May 2016 the Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW;  
No construction to be made, trees planted or other obstruction made within • 3m (or 1.5 times the depth whichever is greater) of sewers, OR • 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage. To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

The applicant is advised to contact NIW Waterline on 03457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.

Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for. **WATERMAIN ASSESSMENT:** There is

an existing public watermain (4"PVC) located adjacent to the site to which the Proposed Development can connect. However, this Watermain is supplied through Bush Waste Pumping Station (WPS) constructed in 1978 and the local Operations Field Manager is concerned that the existing WPS may not be able to cope with the additional demand at this time. A check of the existing WPS condition / capacity would be required to ensure that the additional demand would not impact on existing consumers. FOUL SEWER ASSESSMENT: There is currently no public foul sewer available due to the lack of capacity in Dungannon Wastewater Treatment Works (see Question 3). STORM SEWER ASSESSMENT: There is no public storm sewer available which can serve this proposal (see Question 4). WWTW ASSESSMENT / STATUS: Wastewater Treatment facilities (at Dungannon WWTW) are currently NOT available to serve this proposal. NI Water has proposed a Capital Works Improvement Project, for delivery during the PC15 period however, NI Water cannot presently commit to a start date. NI Water cannot approve new connections to the public sewer system at this time, but will currently consider connections where the developer can demonstrate, (i) like for like development, or (ii) extant previously approved development, or (iii) will offer a reduced loading on the sewer network.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

A formal water / sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.

All services within the development should be laid underground. In the interests of visual amenity

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority. In the interest of public health

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority. To safeguard the site and adjacent land against flooding and standing water.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via [waterline@niwater.com](mailto:waterline@niwater.com) if they have any queries.

#### 5. Department for Infrastructure - Rivers Informatives:

FLD3 - Development and Surface Water – The Drainage Assessment and additional information indicates the storm water system will be adopted by NIW, therefore NIW will be responsible for checking design calculations, adoption and maintenance of the system. Therefore DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

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

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any

watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI Rivers. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE.

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

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

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

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

**Signature(s)**

**Date:**

## ANNEX

### **Date Valid**

4th December 2017

### **Date First Advertised**

4th January 2018

### **Date Last Advertised**

12th July 2018

### **Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
1 Lisnaclin View Dungannon Tyrone

The Owner/Occupier,  
16 Bushvale Dungannon Tyrone

The Owner/Occupier,  
18 Bushvale Dungannon Tyrone

June Garvin  
18 Bushvale, Dungannon, Tyrone, Northern Ireland, BT71 6QA

The Owner/Occupier,  
2 Bushvale Dungannon Tyrone

The Owner/Occupier,  
2 Lisnaclin View Dungannon Tyrone

The Owner/Occupier,  
20 Bushvale Dungannon Tyrone

The Owner/Occupier,  
21a Bush Road, Dungannon, BT71 6QE

The Owner/Occupier,  
22 Bushvale Dungannon Tyrone

The Owner/Occupier,  
23 Bush Road Dungannon Tyrone

The Owner/Occupier,  
24 Bushvale Dungannon Tyrone

The Owner/Occupier,  
26 Bushvale Dungannon Tyrone

The Owner/Occupier,  
28 Bush Road Dungannon Tyrone

The Owner/Occupier,  
3 Bushvale Dungannon Tyrone

The Owner/Occupier,  
3 Lisnaclin View Dungannon Tyrone

The Owner/Occupier,  
30 Bush Road Dungannon Tyrone

The Owner/Occupier,  
33 Bush Road Dungannon Tyrone

The Owner/Occupier,  
37 Bush Road Dungannon Tyrone

The Owner/Occupier,  
37a Bush Road Dungannon

The Owner/Occupier,  
7 Bushvale Dungannon Tyrone

The Owner/Occupier,  
8 Bushvale Dungannon Tyrone

The Owner/Occupier,  
94 Cedar Ridge Dungannon Tyrone  
The Owner/Occupier,  
95 Cedar Ridge Dungannon Tyrone

**Date of Last Neighbour Notification**

28th June 2018

**Date of EIA Determination** N/A

**ES Requested**

No

**Planning History**

Ref ID: LA09/2017/0427/PAN

Proposal: Residential Development (revised layout and reduction in dwelling density to housing development approved under permission M/2007/0903/F) associated access road onto the Bush Road and all associated site works

Address: Lands to the rear and west of 33 Bush Road, Dungannon,

Decision: PANACC

Decision Date:

Ref ID: M/2007/0903/F

Proposal: Proposed housing development consisting of 86 no. units including the following - 3 & 4 bedroom - 2, 2 1/2 & 3 1/2 storey terraced and semi-detached dwellings also 1 & 2 Bedroom - 2 & 3 1/2 storey apartments.

Address: Lands adjacent to 33 Bush Road, Dungannon

Decision:

Decision Date: 12.06.2009

Ref ID: M/2006/2110/F

Proposal: Proposed vehicular entrance and right turning lane to facilitate a future housing development

Address: On lands adjacent to 33 Bush Road, Dungannon

Decision:

Decision Date: 16.10.2007

**Summary of Consultee Responses**

Proposal acceptable subject to conditions and informatives.

**Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02(REV 1)  
Type: Site Layout or Block Plan  
Status: Approved

Drawing No. 03  
Type: Proposed Plans  
Status: Approved

Drawing No. 04(REV 4)  
Type: Proposed Plans  
Status: Approved

Drawing No. 05  
Type: Proposed Plans  
Status: Approved

Drawing No. 06  
Type: Proposed Plans  
Status: Approved

Drawing No. 07  
Type: Proposed Plans  
Status: Approved

Drawing No. 08  
Type: Proposed Plans  
Status: Approved

Drawing No. 09  
Type: Proposed Plans  
Status: Approved

Drawing No. 10  
Type: Proposed Plans  
Status: Approved

Drawing No. 11  
Type: Proposed Plans  
Status: Approved

Drawing No. 12  
Type: Proposed Plans  
Status: Approved

Drawing No. 13  
Type: Proposed Plans

Status: Approved

Drawing No. 14  
Type: Garage Plans

Status: Approved

Drawing No. 15  
Type: Roads Details  
Status: Submitted

Drawing No. 16(REV 3)  
Type: Site Layout or Block Plan  
Status: Approved

Drawing No. 17  
Type: Cross Sections  
Status: Approved

Drawing No. 18(REV 4)  
Type: Roads Details  
Status: Approved

Drawing No. 19  
Type: Roads Details  
Status: Submitted

Drawing No. 20(REV 1)  
Type: Site Layout or Block Plan  
Status: Approved

Drawing No. 21  
Type: Road Access Plan  
Status: Submitted

Drawing No. 22  
Type: Site Layout or Block Plan  
Status: Approved

Drawing No. 23(REV 1)  
Type: Cross Sections  
Status: Approved

Drawing No. 24  
Type: Proposed Plans  
Status: Approved

Drawing No. 25(REV 1)  
Type: Landscaping Proposals  
Status: Approved

Drawing No. 26  
Type: Roads Details  
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	
<b>Committee Meeting Date:</b> 2nd April 2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0209/O	<b>Target Date:</b> 1/6/2018
<b>Proposal:</b> Proposed housing development (Biodiversity Checklist)	<b>Location:</b> North and adjacent to Ballygawley playing field with access onto Church Street Ballygawley
<b>Referral Route: Objections, Recommendation to refuse</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mr Winston Finlay 1 -2 Main Street Ballygawley BT70 2HD	<b>Agent Name and Address:</b> Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

See main body of report.

### Description of proposal

This is an outline planning application for a proposed housing development located within the settlement limits of Ballygawley.

### Characteristics of Site and Area

This site is located within the village of Ballygawley to the south of 60-64 Church Street and Fair View residential development. Access to the site is proposed between No. 52 and 60 Church Street. The northern boundary is shared with the rear boundary of properties located along Church Street and properties located along the southern boundary of Fair View park, and is a mix of boundaries including fencing and vegetation. Along the eastern half of the northern boundary are large mature deciduous trees over 10m in height. A mature tree lined hedgerow defines the western and southern boundaries and the northern half of the eastern boundary.

A major characteristic of the site is an existing public walkway that dissects the site in half, and connect Church Street with playing pitches located to the south of the site. Recently Council has provided new fence line and walk surface to the walkway.

North and east of the site land use is residential in character, to the south is Ballygawley playing fields and to the west is agricultural land. The main Omagh to Ballygawley Road is visible from the western part of the site and looking south. There is an approved planning application to the west of the site LA09/2017/0293/F for 29 units of accommodation.

Levels of the site slope downhill from Church Street towards the playing pitches to the south.

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Ballygawley on land with no zoning. Within the area plan it indicates that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy HOU2- Quality Residential Environments are applicable to this application. In my opinion the proposal is contrary to GP1 and HOU2 in that the proposal will have detriment to existing character and residential amenity.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage. The proposal remains to be in conflict with current planning policy QD1 of PPS7 and Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

### **Relevant planning history**

M/2007/0115/O- outline planning permission was granted for a mixed housing development to include temporary sewage treatment plant on 26th February 2009. This permission has now lapsed and a Reserved Matters application was never submitted.

### **Representations**

3rd party representation has been received on this application.

One representation raises concern about impact on privacy from the proposed development and would like to see details of boundary treatments. I responded stating that these details were not available at this stage given the proposal is outline, but that they would be neighbour notified at Reserved Matters or Full stage where full boundary treatments would be submitted for consideration and an opportunity to comment would be available at this stage. No further comment was made by the objector.

Two further representations were made. While they did not oppose future development of this site, concern was raised about the loss of trees within the site and the impact development of the site would have on the existing walkway through the site. These concerns will be addressed later in my assessment.

## **Consideration**

Planning permission was granted on this site under M/2007/0115/O- for a mixed housing development to include temporary sewage treatment plant on 26th February 2009. The Strategic Planning Policy Statement has been introduced since this permission, and is a consolidation of existing Planning Policy, under which PPS7 and addendums remain unaltered. Limits of development within Ballygawley remain the same from this permission and land zoning has not changed.

In view of this the developer has a reasonable expectation that this proposal will be acceptable again.

This proposal was received on 16th Feb 2018 and on 10/05/18 various information was requested from the agent including;

- indicative block plan to show existing and proposed trees, layout, how pedestrian walkway through site would be protected and integrated, temporary treatment plant etc;
- Drainage assessment;
- Biodiversity Checklist

On 3rd August this information was requested again, to no avail. , with various attempts to chase information resulting in nothing. In November I prepared a report for Planning Committee in December and the Planning Manager signed on 11/08/18 with a recommendation to refuse for lack of information.

On 21 November 2018 the applicant/agent provided a Concept Statement. This is very detailed, showing proposed layout and housing numbers, not quite what I had in mind for an indicative concept layout. On discussion of this 'Concept' with senior colleagues it was decided to remove the proposal from December Committee Agenda and I invited the applicant/agent into the office for a meeting to consider all issues and agree a way forward. In this meeting I raised concern about some sites shown on the conceptual layout plan, and raised concern about the length of time it had taken to provide information.

At the meeting the agent stated that he had been working with engineers of an adjacent site, to determine Q100 flood levels, that the bottom half of the site was undevelopable due to flood plain. I stated that a more conceptual layout was required, that proposed numbers shown on the plan was unacceptable as the character of the area would not be respected, and sites at the entrance and to the rear of the site did not show enough amenity space and would have a detrimental impact on existing residential amenity. The agent agreed to provide this additional info. within 3 weeks.

From this meeting, nothing was submitted until 14th March 2019. A written concept statement was provided along with a broadly similar concept layout provided in November. As the conceptual layout has broadly not changed, it is my view that this proposal be recommended for refusal.

Reference is made to the walkway through the site, but it is not clear if any discussion has taken place with Council (according to Cllr Sharon McAleer this walkway is Council owned) for removal of fencing and lighting that has been erected along this walkway. It is

still not clear how this walkway will be integrated into the overall development in a quality manner.

The agent has indicated some trees that will be removed. The majority of mature trees are being retained and in my view the amenity quality provided by these trees overall is retained and protected. No preservation order exists on these trees.

A biodiversity checklist has been provided and comment from NIEA is still outstanding (NIEA were to provide comment on 25/12/2018 and 3 reminders have been sent).

Northern Ireland Water requested unit numbers from the agent order to make an assessment on sewage connection. The agent has indicated that 45 units will be proposed, however his concept layout contradicts this. Either way NIW has indicated that insufficient sewage capacity exists in Ballygawley for this development to connect so the agent has shown a private treatment plant to deal with this issue. The agent has shown the proposed private treatment plant located within flood levels.

No Drainage Assessment has been provided, even though the agent has indicated numbers, and shown proposed layout on a most recent block plan. Given the complexities of this site, it is my view that a full Drainage and Flood Risk Assessment be required at this stage to see the full extent of land that can be developed, and potential impacts of this development on the flood plain.

Under the policy provisions of PPS7 DQ1 it is my view that the proposal is contrary to parts;

- a) in that the proposal will have a detrimental impact on character of the area due to over development of the site;
- b) it has not been demonstrated that the proposal will not have a detrimental impact on the natural environment;
- c) in that there is inadequate provision for private amenity space; and
- e) in that it has not been clearly demonstrated that an existing public right of way will be respected;
- h) in that the proposed layout will likely have a detrimental impact on adjacent amenity in terms of overlooking, loss of light, overshadowing, over dominance and other disturbance;

My full assessment of PPS7 is as follows;

Policy QD1 - Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

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

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

There are no sites of archaeological or built heritage nearby that the site can impact.

In terms of natural heritage impacts and landscape features, as assessed above.

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.

Private amenity- as assessed above.

Public Amenity- in the proposed concept layout a good portion of the southern part of the site is indicated as open amenity space, mostly due to the fact that it is flood plain. Some features have been shown such as walkways and a water feature, but it is not clear if this area will benefit from surveillance of proposed properties, or if these properties will turn their back on this space. Design solutions can be further investigate at full or reserved matters stage.

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

The site is located close to existing services within Ballygawley Village which is generous in its shop and service provision. A development of this size and scale does not need its own facilities given proximity to existing shops and services.

Levels within the site are also very important to ensure that any areas of open space are usable. Often, when sloping sites are developed, areas that can't be developed due to their sloping nature are indicated as areas of open space which means that they are very sloping and not usable for future occupiers of the development. This has to be avoided where possible.

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;

It has not been properly demonstrated that a footway cutting through the site which is Council owned, and forms part of a wider walk within the village of Ballygawey, is being properly protected/respected.

Proposed footways within the development will link into the existing footway network of Ballygawly, fucll details can be agreed at the next stage of the planning process, and will link to public transport nodes.

f) adequate and appropriate provision is made for parking;

This can be assessed at RM or full stage. DfI Roads raise no concern or objection to this development subject to planning conditions.

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

This can be assessed at RM or full stage.

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;

From assessing the proposed layout it is likely there will be detrimental impacts to private amenity by overlooking, overshadowing, over dominance and general nuisance.

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

Again, a concept layout would help to inform this decision at this stage. However more consideration of this can be given at RM or full stage when full design details are provided. It is important that any proposed areas of open space are integral to the overall layout with surrounding properties providing good surveillance over area of public open space so as to prevent anti-social behaviour.

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

(a) the proposed density is not significantly higher than that found in the established residential area;

As indicated above it is likely the proposed density will have a detrimental impact to the character of this area.

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

Not respected.

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

This can be assessed at RM or full stage.

**Revised PPS15 Planning and Flood Risk (introduced September 2014)**

This policy has been introduced after M/2007/0115/O was decided and is a new material consideration.

As the proposal will accommodate at least 10 units there is a requirement for a Drainage Assessment to be prepared under policy FLD3. Rivers Agency requires a DA to be carried out also and this was requested from the applicant on 10th May 2018. The agent has indicated proposed development levels, based on adjacent flood risk assessments (LA09/2017/0293/F). The agent also states that further assessments will be carried out at the next stage of the planning process as this is only an outline planning application.

In my view, a detailed Drainage/Flood Risk Assessment is likely to be required at this stage, however further clarification by Rivers agency will be required to determine if this



is the case. By developing a steeply sloping site, runoff rates have to be considered along with mitigation measures to ensure that flash flooding elsewhere does not occur should runoff rates not be properly controlled, as was the case with the adjoining site, and for this reason it is my view that insufficient information has been provided at this stage to satisfactorily address flooding issues.

Plus, a private treatment plant is shown in the flood plain. The proposal is contrary to policy FLD1 and FLD3.

### **PPS2 Natural Heritage**

NIEA were consulted on this proposal and require a Biodiversity Checklist/Ecological Report to be carried out to consider potential impact on the natural environment. This information was provided at the end of November and a response from NIEA is still outstanding.

### **Other Material Considerations**

As stated above, representations have been made by 3rd parties which raise concern that the proposed development may have a detrimental impact on mature trees within the site and on the existing public walkway through the site. In my view insufficient information exists to demonstrate that these important features are protected and integrated into the overall design of the development.

This site is not impacted by land contamination and is currently used for agricultural purposes.

DfI Roads have no objections to this proposal subject to planning conditions.

### **Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

That permission be refused for the following reasons;

### **Refusal Reasons**

1. The proposal is contrary to policy set out in sections a, b, c, e and h of Policy QD1 in Planning Policy Statement 7 – Quality Residential Environments and LC1 a of addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that insufficient information has been provided to demonstrate;

a) it will not have a detrimental impact on character of the area due to over development of the site;

b) it will not have a detrimental impact on the natural environment;

c) there is adequate provision for private amenity space;

e) it will respect existing public rights of way; and

h) that the layout will not have a detrimental impact on adjacent amenity in terms of overlooking, loss of light, overshadowing, over dominance and other disturbance;

2. The proposed development is contrary to policy FLD 1 in Planning Policy Statement 15 – Planning and Flood Risk as insufficient information has been provided to demonstrate that no development will take place within the flood plain.

3.The proposed development is contrary to policy FLD 3 in Planning Policy Statement 15 – Planning and Flood Risk as insufficient information has been provided to assess flood risk.

4.The proposed development is contrary to Planning Policy Statement 2 in that there is insufficient information to demonstrate that no detrimental impacts will occur on the natural environment.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	16th February 2018
<b>Date First Advertised</b>	1st March 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Knock Crescent,Ballygawley,Tyrone,BT70 2JN, The Owner/Occupier, 11 Fair Green,Ballygawley,Tyrone,BT70 2LJ, The Owner/Occupier, 18 Fair Green,Ballygawley,Tyrone,BT70 2LJ, The Owner/Occupier, 19 Fair Green,Ballygawley,Tyrone,BT70 2LJ, The Owner/Occupier, 21 Fair Green,Ballygawley,Tyrone,BT70 2LJ, The Owner/Occupier, 22 Fair Green,Ballygawley,Tyrone,BT70 2LJ, The Owner/Occupier, 50 Church Street,Ballygawley,Tyrone,BT70 2HB, The Owner/Occupier, 51 Church Street,Ballygawley,Tyrone,BT70 2HA, The Owner/Occupier, 52 Church Street Ballygawley Tyrone The Owner/Occupier, 53 Church Street,Ballygawley,Tyrone,BT70 2HA, The Owner/Occupier, 60 Church Street Ballygawley Tyrone The Owner/Occupier, 62 Church Street Ballygawley Tyrone Petrina Tierney 63, Church Street, Ballygawley, Tyrone, Northern Ireland, BT70 2HA The Owner/Occupier, 64 Church Street Ballygawley Tyrone The Owner/Occupier, 66 Church Street,Ballygawley,Tyrone,BT70 2HB, The Owner/Occupier, Agricultural And Industrial Parts,Church Street,Ballygawley,Tyrone,BT70 2HB, Patricia Kelly Email Address Sharon McAleer	
<b>Date of Last Neighbour Notification</b>	

<b>Date of EIA Determination</b>	7th November 2018
<b>ES Requested</b>	No



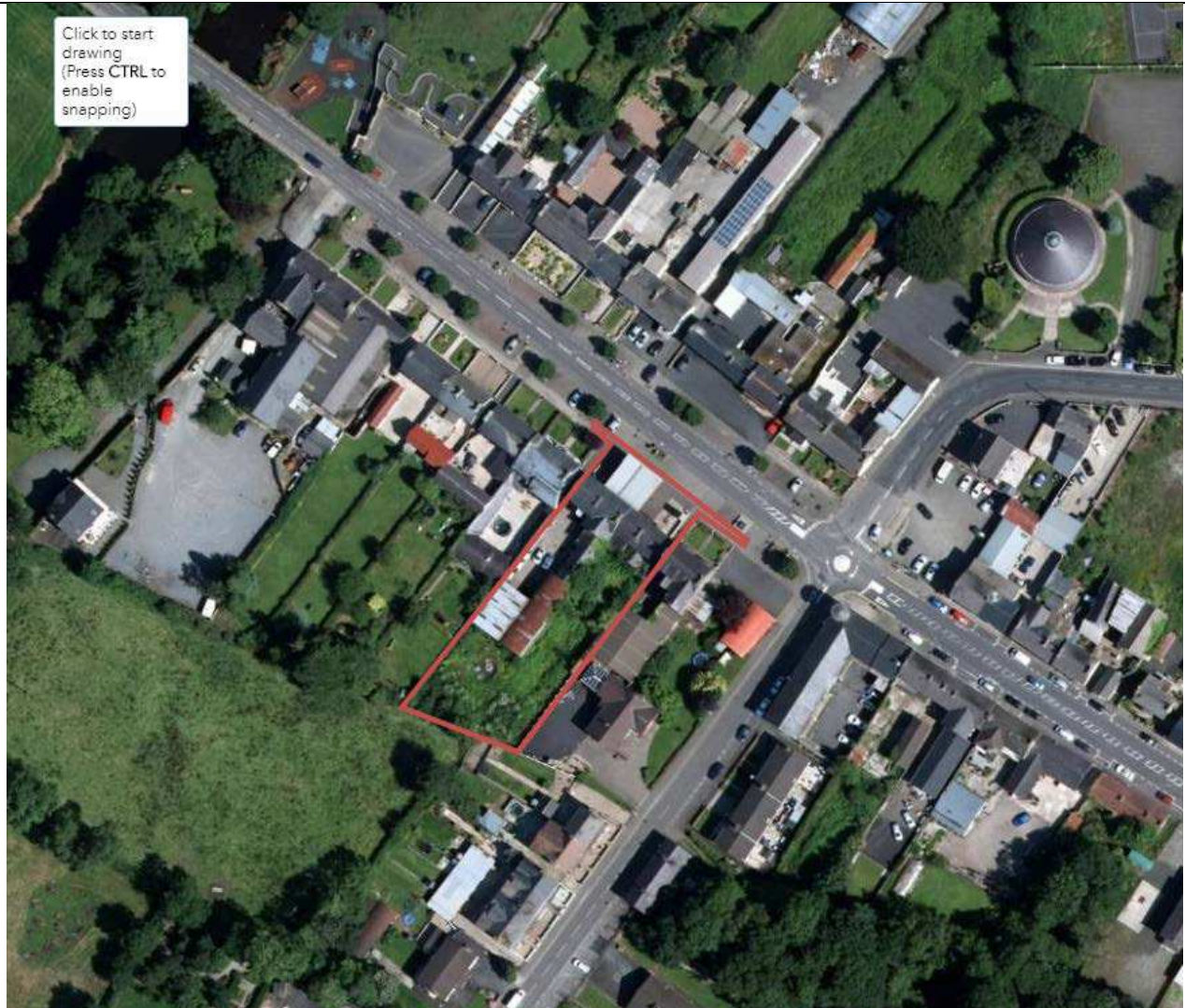
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0440/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed redevelopment of Mc Gaws Petrol Filling Station (PFS) and service garage to provide new PFS convenience store, separate retail unit and residential apartment on first floor. New parking area provided to rear with associated modifications to access arrangements and ancillary development. The scheme involves the demolition and redevelopment of existing buildings but the existing stone façade is to be retained. Roadside flowerbox to be removed (amended plans received to detail rear boundary treatment)	<b>Location:</b> 8-12 Hanover Square Coagh
<b>Referral Route:</b> Approval recommended contrary to HED (setting of Listed Building / impact on area of Townscape Character))	
<b>Recommendation:</b> Approval.	
<b>Applicant Name and Address:</b> Solo Direct Ltd 9A Clare Lane Cookstown	<b>Agent Name and Address:</b> Ross Planning 9A Clare Lane Cookstown BT80 8RJ
<b>Executive Summary:</b>	
<b>Signature(s):</b> M.Bowman	

## Case Officer Report

### Site Location Plan






**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	

**Representations:**

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Characteristics of the Site and Area</b> Existing PFS, small shop and forecourt, pumps and canopy including stores to rear with vacant dwelling / store. To rear a large enclosed garden area backs onto residential curtilages. Large once vehicle mechanic store and concrete yard occupies much of the centre of the site.	
<b>Description of Proposal</b> Proposed redevelopment of Mc Gaws Petrol Filling Station (PFS) and service garage to provide new PFS convenience store, separate retail unit and residential apartment on first floor. New parking area provided to rear with associated modifications to access arrangements and ancillary development. The scheme involves the demolition and redevelopment of existing buildings but the existing stone façade is to be retained. Roadside flowerbox to be removed	
<b>Planning Assessment of Policy and Other Material Considerations</b>  CAP 2010 LDP Strategy 2030 SPPS PPS6 /3. PSRNI DES2.  This proposal involves the part demolition of part of the street scene within the village in order to facilitate the erection of a new supermarket for the village of approx. 271sq.m along with car parking and an ancillary 48sq.m store. The proposal retains and improves the small PFS shop front and revitalises the old dwelling to the LHS of the new access point to provide a small apartment over and 280 sq.f shop below.  The site is located within Coagh ATC as designated in the 2010 Cookstown Area Plan.  The current Cookstown Area Plan in relation to Coagh village states the following:  An Area of Townscape Character is designated in the centre of the village based on the quality of the built heritage. The design of development proposals in this area should be in keeping with the original characteristics of the area in terms of scale, form, materials and points of detail. The characteristic built form displayed in this area can also help inform developers in preparing development proposals elsewhere in the village to reinforce local identity.  North and south of Coagh Bridge there are clear, important views of the Local Landscape Policy Area along the banks of the Ballinderry River. Development that would impact significantly on these views will not normally be permitted.  The matter of the need for demolition of the old store between the PFS and No 8 has been recognised as a potential concern for The Dept (HED) since early Pre-app discussions on this proposal and the effect this would have on Hanover House, a listed building further down the village main street. Being mindful of this the agent has supported his submission with a Design and Access Statement.	



The SPPS provides the following guidance related to the proposal:

### **Good Design**

4.23 Good design can change lives, communities and neighbourhoods for the better. It can create more successful places to live, bring communities together, and attract business investment. It can further sustainable development and encourage healthier living; promote accessibility and inclusivity; and contribute to how safe places are and feel.

4.24 Design involves shaping how all elements of the built and natural environment relate to each other through the construction of new buildings, restoration and redevelopment of historic buildings, creation of public spaces and environmental improvements. Design is not limited to the appearance of a building or place but should also encompass how buildings and places function in use and over the 20 lifetime of a development

### **Economic Development, Industry and Commerce.**

6.86 Within villages and small settlements, the LDP will not normally zone land for economic development purposes, as this could inhibit flexibility. However, favourable consideration should be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement and subject to meeting normal planning criteria such as compatibility with nearby residential use.

### **Areas of Townscape Character (ATC)**

6.21 In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.

6.22 The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.

6.23 Consent for the display of an advertisement in an ATC should only be granted where the overall character and appearance of the area will be maintained, and the proposal meets the requirements of strategic policy on the Control of Outdoor Advertisements.

Policy ATC 1 Demolition Control in an Area of Townscape Character (PPS6 Addendum) states the following requirements for demolition and new build in an ATC.

There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

IT is my view that the present building, which is nothing more than an adjoining storage building with a ground floor sliding door which in considering the value of other buildings in the ATC does not I feel make a positive contribution to the ATC.

Policy ACT1 in its expansion reinforces the following:

Where the Department decides to permit demolition conditions will normally be imposed:

- requiring the redevelopment of the site to be based on previously agreed detailed proposals; and
- prohibiting demolition of the building until contracts have been signed for the approved redevelopment of the site.

We have before us a redevelopment scheme and the Council can therefore also condition any demolition pending the submission of contracts. Given the nature of this case it may be more appropriate to consider a phasing condition to have the development completed within the commencement of any demolition hereby approved.

In relation to new development the Addendum to PPS6 states the following Policy tests:

Policy ATC 2 New Development in an Area of Townscape Character

The Council 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 Council 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.

My response and assessment of ATC against the scheme is set out further below.

*Given the proposals location with the ATC the Council have sought HED comments on the scheme are which are as follows:*

HED Historic Buildings considers the proposal fails to satisfy the policy requirements of SPPS (para 6.12 & 6.13) and Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

As per the response of 10 August 2017 in relation to the Pre Application Discussion (LA09/2017/0882/PAD), HED:HB remains of the view that the demolition of the existing buildings would have an adverse impact on the existing townscape character, streetscape and appearance of the locality, which provides the wider setting for the above named listed buildings. The resultant gap created by the demolition of buildings will erode the integrity of this streetscape and detrimentally compromise the setting of the listed buildings.

HED:HB has also reviewed the Structural Engineer's report and considers the detail inadequate to substantiate the demolition of the existing buildings.

Hanover Square is located at the heart of Coagh village and consists of a wide street with a strong row of buildings on each side of the square, facing one another. The historic maps below trace the development of the square, showing the footprints of the rows on either side of the square largely unaltered through the years. The special nature of the square lies in the solidity of the rows of buildings which are punctuated infrequently thereby retaining the special sense of space associated with a village square.

HED:HB reiterates its comments in relation to the proposed development of the site; sensitive redevelopment for the site may be achievable, subject to the retention and reuse of the existing buildings, to preserve the wider setting of the listed buildings.

In response I offer the following observations on the position of HED /PPS6 Policy:

1. Overall impact on ATC / Listed Building – what is immediately notable and seemingly not considered by HED is the visual presence of the large and dominant PFS canopy which stretches across most of the frontage between Nos 10-12. On approach, and in considering the size of gap which is proposed for rear access, the canopy will to a large degree screen the gap, particularly from the NW approach from Hanover House. This dominant structure is to remain in place to serve the new forecourt. On the opposite approach from the centre of the village, Hanover House is not seen in the immediate context of the development site given distance and significant drop in the topography of the main street to the river. The key issue around enhancing and maintaining the character of the village is extremely important and I do not underestimate this issue, that said, the overall scheme will in my view make a positive contribution to the village and will enhance the vitality of this part of it. I do not share the HED concerns that the ATC or Hanover House in relation to its setting will be detrimentally impacted upon.
2. In appreciating the alteration to the ATC by the size of the gap, I am mindful that the village is served only by one other small supermarket. The Design and Access statement refers to the village experiencing modest but sustained levels of growth of housing and population over the last 20 years and the village overall offers a very small range of services when compared to other nearby settlements of a smaller size.
3. Whilst not being accepted as justifying the demolition, my observations on site and concerns raised by a structural report submitted with the application show the poor condition of the middle building.
4. The retention and refurbishment of the front stone façade and quality treatment of No 8 presents a quality approach to the re-development scheme which will make a positive contribution to the village in accordance with Policy DES2 of the PSRNI.
5. The SPPS promotes a town centre approach to retaining and in relation to proposals within villages and small settlement states that these must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need and be of a scale, nature and design which is appropriate to the character of the settlement. It is my view that the scale of the proposal is entirely appropriate to the village, and for reasons set out above will not detract from its character.

In developing into back lands to the rear of Nos 8-12 Hanover Street it is essential that some care must be taken to ensure that neighbouring amenity is addressed, particularly in providing a car park area / service and delivery area. What is notable that the configuration of buildings and outbuildings to either side appear to provide a degree of existing enclosure due to high boundary walls extending back from the Main Street frontage. With the exception of garden areas at Nos 11, 15 Urban Road there is no anticipated detrimental impact on privacy anticipated with the scheme. I have asked for the site plan to screen off those shared boundaries with the rear extremities of any private gardens which share a boundary with the site. This has been adequately provided and no objections have been received from notified neighbours. An existing 2.4m high wall with fence above will be retained along the SE boundary with No 11. In addition EHO have not raised any issues in relation to nuisance and a full analysis of potential contamination has been carried out with no risks identified.

### ***Policy DES2***

To require 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.

Development is necessary to adapt the fabric of settlements to present and future needs and to ensure the economic well-being of the community. It will affect townscape quality and character. The character and interest of townscape depends on street patterns, open space and the scale, architectural quality, detailing and materials of individual buildings

The highest standards of architectural design and detailing are necessary to create new areas of townscape character and interest and these should be employed in all extensive new developments and particularly in all developments within existing Conservation Areas and Areas of Townscape Character. Bland unimaginative development does not enhance the townscape and will be discouraged.

### **Amenity**

New development should provide reasonable standards of amenity both in terms of the environment which the development creates and in terms of the effect it has on neighbouring properties. Where there is an inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused.

In developing into backlands it is essential that some care must be taken to ensure that neighbouring amenity is addressed, particularly in providing a car park area / service and delivery area. What is notable that the configuration of buildings and outbuildings to either side appear to provide a degree of existing enclosure due to high boundary walls extending back from the Main Street frontage. With the exception of garden areas at Nos 11, 15 Urban Road there is no anticipated detrimental impact on privacy anticipated with the scheme. I have asked for the site plan to screen off those shared boundaries with the rear extremities of any private gardens which share a boundary with the site. This has been adequately provided and no objections have been received from notified neighbours. An existing 2.4m high wall with fence above will be retained along the SE boundary with No 11. In addition EHO have not raised any issues in relation to nuisance.

### **Design**

The appearance of new buildings can play a major part in the overall character and quality of an area and they can also do much to shape the image of a settlement. Good design is therefore extremely important. There is no simple definition of what constitutes good design. However the best buildings are only ever produced by an architect of real design ability working for an enlightened client.

The Council does not wish to be prescriptive about architectural style, which is a matter for the architect and client. However it does wish to see designs that enhance townscape and improve the image of settlements. This can mean modern and forward-looking designs.

Building design will need to be architecturally sympathetic to the important townscape elements of sensitive locations, such as Conservation Areas or the settings of listed buildings. Elsewhere in locations where the environment is visually dull or if there is no context of neighbouring buildings more assertive design may be appropriate.

The Department is concerned to ensure that developments do not deteriorate in appearance because of inadequate detailing and materials. This will require materials to be suited to the proposed building, appropriate to their surroundings, durable and they must weather well. The sensitive floodlighting of buildings can bring added visual interest to areas after dark. It is particularly appropriate to floodlight landmarks, public buildings such as churches, theatres, cinemas and restaurants, and fine examples of architecture.

It is my considered opinion that the proposal does respect the main aims of Policy DES2 in relation to the design quality, consideration of amenity and character of the village.

The Local Development Plan Strategy was published on Fri 22 Feb 2019 and is a material consideration in the determination of this application. Of particular relevance are the following Principles and Policies.

#### **SPF 4 –**

Maintain and consolidate the role of the villages as local service centres providing opportunity for housing, employment and leisure activities in keeping with the scale and character of individual settlements; (page 40)

#### **POLICY GP1 - GENERAL PRINCIPLES PLANNING POLICY (page 58)**

Planning permission will be granted for sustainable development where the proposal accords with the Plan and there is no demonstrable harm in relation to the following:

(a) Amenity Development should be compatible with surrounding land uses, the amenities of nearby residents and have regard to the character of the area in which it is located. In considering the impact on amenity regard should be given to the following: • Levels and effects of noise and vibration; • Lighting; • Loss of sunlight, daylight and privacy; • Odour and fumes; • Levels and effects of emissions including dust, smoke, soot, ash, grit or any other environmental pollution to water, air or soil.

(b) Nature and Scale of development ☐ Development should be in accordance with the Spatial Planning Framework within this Plan in terms of its' nature and scale, and should ensure that it would not prejudice the operation of an existing enterprise.

(c) Siting, Design and External Appearance ☐ New development should respect its surroundings and be of an appropriate design for the site and its locality. ☐ It should be sited having regard to its relationship with existing buildings and the visual effects of the development on the surrounding area and where applicable, the landscape. ☐ Development should: • in the urban setting have regard to the street scene and pattern of development, • in the countryside, have regard to the character of the area, the local landscape and not rely primarily on new landscaping for integration. ☐ Where relevant, consideration will be given to; • the size, scale, form, massing, height, and density of the development and • the external appearance which should have regard to the locality in terms of style, fenestration, materials and colours.

Where appropriate, the siting, design and layout of all new development should have regard to the principles of passive solar design and the use of renewable energy technologies.

Development should be sited and designed so as to not have an adverse impact on public safety and should create safe and accessible places for all people. ☐ (d) Advertisement ☐ Proposals for advertisement, or which are likely to include advertisement, will be required to demonstrate they have no significant impact on amenity or public safety.

(e) Access, Road Layout and Parking Provision ☐ Proposals should ensure that the existing road network can safely handle any extra traffic the proposal will generate, or suitable developer led improvements are proposed to overcome any roads problems identified. Where appropriate a Transport Assessment should be submitted to evaluate the transport implications of a development.

☐ Adequate and safe access arrangements, manoeuvring and servicing areas should be provided and a movement pattern that, insofar as possible, supports walking and cycling, provides adequate footpaths, respects existing public rights of way and provides adequate and convenient access to public transport.

☐ Car parking should be provided in accordance with published standards as set out in supplementary guidance. An exception may be made where the proposal is located in a town

centre or other highly accessible location well served by public transport or where there is spare capacity within nearby public car parks or adjacent on street car parking.

(f) Meeting Needs of People with Mobility Difficulties

☐ All development including buildings, open spaces and transportation schemes should take account of the specific needs of those people whose mobility is impaired by including: • facilities to aid accessibility e.g. dropped kerbs, tactile paving, removal of unnecessary obstructions; • convenient movement along pathways and an unhindered approach to buildings; • pedestrian priority to facilitate pedestrian movement within and between land uses; • reserved car parking for those with mobility difficulties and for parents and children; and • ease of access to public transport facilities and taxi ranks.

☐ New buildings should provide ease of access without the hindrance of steps or other such obstructions. Where appropriate a Design and Access Statement will be required to demonstrate how the needs of those with mobility difficulties, including visual impairment, has been given consideration.

(g) Other infrastructural requirements ☐ All development should demonstrate adequate infrastructure is in place to deal with waste, sewerage and drainage. Where mains sewerage is not available, the applicant may be required to demonstrate that this will not create or add to a pollution problem.

Development proposals are encouraged to use sustainable drainage systems (SUDS) as the preferred drainage solution.

All major planning applications including housing developments of 25 units and above, are required to ensure provision is made for fibre optic cables within the development. The Council wishes to ensure the provision of fibre optic cables to all premises.

Provision should also be made, where appropriate, for salt/grit bins, waste collection and other important amenities to serve the development.

(h) Landscape Character ☐ Development proposals should respect, protect and/or enhance the region's rich landscape character, features and sites designated for their landscape quality at any level. They should also reflect the scale and local distinctiveness of the landscape.

New development proposals are required to include provision of green and/or blue infrastructure through quality landscape design and open space provision, commensurate to the scale and nature of development proposed.

(i) Biodiversity ☐ Development proposals should respect, protect and/or enhance the District's rich and distinct biodiversity and sites designated for their contribution to the natural environment at any level.

(j) Planning Gain and Developer Contribution ☐ In determining an application appropriate weight will be given to proposals and/or developer contributions which include a planning agreement or which will provide local infrastructure, community facilities and other benefits which may be intended to offset the loss of, or impact on any amenity or resource. Developer contribution offers of community benefits outside of a planning agreement will not be accorded any weight in the determination of a planning application.

Planning permission may be refused where the proposal conflicts with the Plan or where the proposal will cause demonstrable harm to interests of acknowledged importance.

## **POLICY RE 5 – RETAIL AND RELATED USES IN VILLAGES AND SMALL SETTLEMENTS (page 131)**

New retail development within villages and small settlements will accord with the Plan providing it is of a scale that is appropriate to the settlement and will not have a significant negative impact on the retail provision within nearby town centres or on retail offer available in other nearby villages / small settlements. Similarly, any such new development must not impact negatively upon or lead to the closure of existing retail located within the core of the village / small settlement in question.

All such development will normally be restricted to 100 sq. metres net floor area unless the applicant can demonstrate that a development over this threshold will not have a negative impact on retailing within the village / small settlement or indeed a neighbouring settlement.

Whilst the Plan Strategy introduces a notional limit on retailing within villages and small settlements and requires an assessment of retail impact it remains at a very stage in the Plan process and as such no significant determining weight can be afforded to it at this time. As such I am content that the retail element proposed here, whilst of some 271sq.m is appropriate to the village in terms of scale and provides more consumer choice in a village where the population has traditionally tended to need to visit other surrounding villages (Ardboe / Moortown) to have any degree of convenience retaining provision.

In considering all material considerations relevant to this proposal my recommendation is on balance to approve permission subject to the conditions set out below.

#### Neighbour Notification Checked

Yes/No

#### Summary of Recommendation: approval with conditions.

#### Conditions.

1. 5 year commencement
2. Within 12 months from the commencement of the demolition of No 10 Hanover Street the remaining buildings and additional new development shall be completed in accordance with approved plans, including the removal of all rubble from the site.
3. All hard and soft landscaping areas to be provided prior to the development becoming operational.
4. The vehicular access shall be provided in accordance with the approved drawings 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
5. The minimum visibility splays of 2.4 metres by 33 metres at the junction of the proposed access with the public road, 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
6. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings to provide 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.
7. No other development hereby permitted shall become operational until the provision of the footway along the site frontage have been fully completed in accordance with the approved plans. The footway shall be kept clear from obstructions at all times

<b>Signature(s) M.Bowman</b> <b>Date: 21<sup>st</sup> March 2019.</b>



<b>ANNEX</b>	
<b>Date Valid</b>	28th March 2018
<b>Date First Advertised</b>	12th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Hanover Square Coagh Tyrone The Owner/Occupier, 11 Hanover Square Coagh Tyrone The Owner/Occupier, 11 Urbal Road Coagh Tyrone The Owner/Occupier, 13 Hanover Square, Coagh, Tyrone BT80 The Owner/Occupier, 15 Hanover Square Coagh Tyrone The Owner/Occupier, 15 Urbal Road Coagh Tyrone The Owner/Occupier, 15a Hanover Square Coagh The Owner/Occupier, 16 Hanover Square Coagh Tyrone The Owner/Occupier, 17 Hanover Square Coagh Tyrone The Owner/Occupier, 18 Hanover Square Coagh Tyrone The Owner/Occupier, 3 Hanover Square Coagh Tyrone The Owner/Occupier, 5 Hanover Square Coagh Tyrone The Owner/Occupier, 7 Hanover Square Coagh Tyrone The Owner/Occupier, 9 Hanover Square Coagh Tyrone The Owner/Occupier, Mccrea Vets,14 Hanover Square,Coagh,Tyrone,BT80 0EF,	
<b>Date of Last Neighbour Notification</b>	29th November 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No

<b>Planning History</b>
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2/4/19	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0705/F	<b>Target Date:</b> 4/9/18
<b>Proposal:</b> Housing development consisting of 3 detached and 8 semi detached dwellings complete with all associated site works	<b>Location:</b> Lands at 10-12 Main Street Bellaghy
<b>Referral Route:</b> 1 Objection received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Brian Kelly 6A Ballynease Road Bellaghy	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera, BT46 5AB
<b>Executive Summary:</b> This proposal is located on zoned housing land within the development limits of Bellaghy. It meets the Key Site Requirements in the Area Plan and all other relevant policy. 1 objection has been received and fully considered. It does not merit the refusal of this application. Approval is recommended.	
<b>Signature(s):</b>	

**Case Officer Report****Site Location Plan****Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Advice
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**

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant

neighbouring properties have been notified of the proposal. To date there has been 1 objection received from the occupant of number 6 Main Street, Bellaghy (dated 3/7/18). Issues raised and rebutted as follows:

- Site Location Map is out of date and not accurate – Applicant has now submitted an up-to-date and accurate site location map. All neighbours and objector re-notified of this.
- Impact on privacy from the dwellings on sites 1 and 2 – The applicant was asked to move the dwellings forward on these plots. There is now a separation distance in excess of 10m between the rear walls of the dwellings on sites 1 and 2 and the gable of number 8a Main Street. This is deemed acceptable in terms of respecting privacy. The objector was notified of these amendments and has not raised any further concern.
- Boundary wall blocking out light – The boundary will be defined by a 1.8m high closed board wooden fence and will not block out any more light at number 8a than is already blocked out by the existing boundary hedge and stone wall.
- Main sewer manhole located at sites 8 and 9 – NIW have been consulted and have raised no concerns in this regard.
- Drainage and soakaway issues – A Drainage Assessment has been submitted and River Agency have been consulted with this. They have advised that they have no reason to disagree with its conclusions in respect of drainage.
- Area is a flood plain – Rivers Agency have confirmed that this site is not within the 1 in 100 year fluvial flood plain
- Damage to existing fence between the site and number 8 Main Street – This is a civil matter outside the remit of planning

Having fully considered all material planning concerns raised in these objection letters it is my opinion that none of the issues raised would merit refusal of this application.

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

The application site is a 0.35 hectare plot of zoned housing land (BY 05) located at 10-12 Main Street Bellaghy. It is within the development limits of Bellaghy as designated in the Magherafelt Area Plan 2015. 10-12 Main Street has been demolished and this boundary of the site is currently undefined. The NE boundary is defined by a dwelling, associated outbuildings and semi mature vegetation. The SE boundary is defined by some sparse hedgerow. The SW boundary runs along the rear of several properties that front onto Castle Street. It is made up of outbuildings and thick vegetation.

This area is characterised by a mix of residential, commercial and recreational landuses. Bellaghy Wolf Tones GAA grounds are located to the SE of the site. Main Street and Castle Street are comprised of terraced dwellings and some shops. The area is also recognised as being an area of archaeological potential (LYD 037:057 LYD 037:068 and LYD 037:003). There are also Grade B Listed Buildings located at 8-10 Castle Street and 12-14 Castle Street.

## Description of Proposal

This is a full application for a housing development consisting of 3 detached and 8 semi-detached dwellings complete with all associated site works.

## Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Mid Ulster District Council Draft Plan Strategy
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Creating Places
- Parking Standards

### Magherafelt Area Plan 2015

This site is located within the settlement limits of Bellaghy on zoned Housing Land (BY05). The key site requirements for this site state that the housing development should be a minimum gross site density of 29 dwellings per hectare and that land will be required outside the site to meet the necessary access standards and sight line requirements. The site area equates to 0.35 hectares and the overall zoned land equates to 0.37 hectares. This would allow for 10 dwellings based on the key site requirement. This application is for 11 dwellings. Although in excess of 10, approval was previously granted for 13 under two separate applications. I would therefore have no objection for a scheme of 11 units. It would appear that numbers 10-12 Main Street would previously have been preventing adequate access requirements. These dwellings are now demolished and are no longer a concern. I am therefore satisfied that this proposal complies with the key site requirements for this zoning in the Area Plan .

### Mid Ulster District Council Draft Plan Strategy

The Draft Plan Strategy was launched on Friday 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District, however no determining weight can be given to the plan as it has yet to go through the consultation process. It does not present any change in policy direction from that contained within PPS 7, I am therefore content that the proposal is in compliance with the relevant Draft Plan Strategy Policies (ie) GP1 – General Principles Policy and HOU 2 – Quality Residential Development.

### SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our

society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Having carried out a site inspection and a constraint search of this site, I am aware that this site is in an area of acknowledged importance in terms of archaeology and built heritage. HED have been consulted and have no concerns subject to conditions relating to an archaeological programme of works. Adequate separation distances exist between new and existing development in order to protect neighbouring amenity.

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied (ie) PPS 7

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the alteration of an existing access onto Main Street. DFI Roads have been consulted and have no objections to the proposal subject to standard conditions relating to PSD's.

### **PPS 6 – Planning, Archaeology and the Built Heritage**

This site is located in close proximity to Grade B Listed Buildings located at 8-10 Castle Street and 12-14 Castle Street. HED have been consulted and have advised that the proposal is sufficiently removed in situation and scale of development from this Listed Buildings as to have no impact. The site is also in an area of archaeological importance relating to Bellaghy Castle and Bawn and a local mill. This poses no concern to HED subject to conditions relating to an archaeological programme of works being attached to any approval. I am therefore satisfied that the proposal complies with policies BH 4 and BH 11 of PPS 6.

### **PPS 7 - Quality Residential Environments**

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

**The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas -** The proposed development is residential in nature and is in an area where residential development is prevalent. The site is zoned for Housing in the Area Plan and previous approvals for housing on the site have been granted. It is a small scale housing development which is in keeping with the rural character of the village. I have no concerns with layout, scale, proportions, massing or appearance of buildings. 3 storey semi's now being replaced with 2 storey semi detached dwellings and town houses along the frontage of the site are now being replaced with a detached dwelling, all of which are a more

appropriate form of development for a rural village like Bellaghy. Hard surfacing does not dominate the development.

**Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development** – I refer to PPS 6 consideration above. There are no TPO trees or important landscape features within the site to be retained or protected.

**Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area** – The dwellings all have adequate private amenity space. Each dwelling has in excess of 40m<sup>2</sup> of private amenity space as is recommended in Creating Places as a minimum. Given that small scale of the scheme, there is no public open space required. No new planting is proposed however existing vegetation along the SE and NE site boundaries will be conditioned to be retained which will soften the visual impact of the scheme.

**Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development** - The site is within the development limits of Bellaghy and there are existing neighbourhood facilities already available in the locality (eg) Primary School, shops etc

**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** - As the site is within a rural settlement there is an existing movement pattern (eg) foot paths and bus stops. The level of traffic travelling through the settlement would be low and would be travelling at a low speed. DFI Roads have been consulted and have no objections to the proposal.

**Adequate and appropriate provision is made for parking** - In-curtilage parking has been provided at a minimum of 2 spaces per dwelling. This is acceptable and is in line with Parking Standards.

**The design of the development must draw upon the best local traditions of form, materials and detailing** – The design and finishes of the proposed dwellings are in keeping with the character of the area and do not concern me. HED have raised no issues with regards to design and the impact on nearby Listed Buildings.

**The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance** – The closest third party dwelling to the site is number 8a Main Street. The applicant was asked to move the dwellings forward on sites 1 and 2, which are closest to number 8a Main Street. There is now a separation distance in excess of 10m between the rear walls of the dwellings on sites 1 and 2 and the gable of number 8a Main Street. This is deemed acceptable in terms of respecting privacy. The objector was notified of these amendments and has not raised any further concern. The boundary between sites 1 and 2 and number 8a will be defined



by a 1.8m high closed board wooden fence and will not block out any more light at number 8a than is already blocked out by the existing boundary hedge and stone wall. I have no concern with unacceptable noise or other disturbance as this application is residential in nature. Environmental Health have been consulted and have no objection to the proposal.

**The development is designed to deter crime and promote personal safety** - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting exists along Main Street.

#### **PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas**

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. There is a mix of house type and design which is all acceptable as there are a mix of house types and designs in the immediate area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

#### **Neighbour Notification Checked**

**Yes**

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

This proposal is located on zoned housing land within the development limits of Bellaghy. It meets the Key Site Requirements in the Area Plan and all other relevant policy. 1 objection has been received and fully considered. It does not merit the refusal of this application. 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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 2rev2 bearing the date stamp 24 September 2018

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of the public road network have been completed in accordance with the details outlined blue on Drawing Number 2rev2 bearing the date stamp 24 September 2018. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

4. The visibility splays of 2.4 x 60 metres at the junction of the proposed access road with Main Street, shall be provided in accordance with Drawing No. 2rev2 bearing the date stamp 24 September 2018, 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.

5. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

6. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

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

Reason: In the interests of visual amenity.

8. All planting comprised in the approved plans shall be carried out in the first planting season following the commencement of the building and any trees or shrubs which, within a period of 5 years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

### **Informatives**

1.The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DFI Roads Street Lighting Consultancy, Marlborough House, Craigavon, BT64 1AD. The Applicant is advised to contact DFI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

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

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the DfI Roads Section Engineer whose address is Loughry Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG

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 and that 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 DfI Roads drainage system.

2. For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division Historic Monuments  
Causeway Exchange  
1-7 Bedford Street  
Belfast,  
BT2 7EG  
Tel: 02890 823100

Quote reference: SM11/1 LDY 37:68 and LA09/2018/0705/F

Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to: Historic Environment Division Historic Monuments Unit  
Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG

3. It is recommended that the applicant and his/her advisors take into consideration the designated 'Oldtown' watercourse to the East before finalising site levels.

Responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	22nd May 2018
<b>Date First Advertised</b>	7th June 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Main Street Bellaghy Londonderry The Owner/Occupier, 10 Castle Street Bellaghy Londonderry The Owner/Occupier, 11 Main Street Bellaghy Londonderry The Owner/Occupier, 12 Castle Street Bellaghy Londonderry The Owner/Occupier, 13 Main Street Bellaghy Londonderry The Owner/Occupier, 14 Castle Street,Bellaghy,Londonderry,BT45 8LA, The Owner/Occupier, 15 Main Street Bellaghy Londonderry The Owner/Occupier, 16 Castle Street Bellaghy Londonderry The Owner/Occupier, 17 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 19 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 2 Castle Street Bellaghy Londonderry The Owner/Occupier, 21 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 21a Main Street Bellaghy The Owner/Occupier, 22 Castle Street Bellaghy Londonderry The Owner/Occupier, 22 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 23 Main Street Bellaghy Londonderry The Owner/Occupier, 24 Castle Street Bellaghy Londonderry The Owner/Occupier, 24 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 26 Main Street,Bellaghy,Londonderry,BT45 8HS, The Owner/Occupier, 3 Main Street Bellaghy Londonderry	

The Owner/Occupier,  
 5 Main Street,Bellaghy,Londonderry,BT45 8HS,  
 James Overend  
 6 Main Street,Bellaghy,BT45 8HS  
 The Owner/Occupier,  
 6 Main Street,Bellaghy,Londonderry,BT45 8HS,  
 The Owner/Occupier,  
 7 Main Street Bellaghy Londonderry  
 The Owner/Occupier,  
 8a Main Street,Bellaghy,Londonderry,BT45 8HS,  
 The Owner/Occupier,  
 9 Main Street Bellaghy Londonderry  
 The Owner/Occupier,  
 B Shivers Quality Butchers 6 Castle Street Bellaghy  
 The Owner/Occupier,  
 Bannvale Credit Union Ltd Unit 4 20 Castle Street  
 The Owner/Occupier,  
 Bellaghy Womans Group Unit 7 20 Castle Street  
 The Owner/Occupier,  
 Chic N Cut 8 Castle Street Bellaghy  
 The Owner/Occupier,  
 Club N R G 4 Castle Street Bellaghy  
 The Owner/Occupier,  
 Edgewater Contracts Ltd. Unit 10 20 Castle Street  
 The Owner/Occupier,  
 Faeries Fingers Unit 9 20 Castle Street  
 The Owner/Occupier,  
 J Overend Butcher 8 Main Street Bellaghy  
 The Owner/Occupier,  
 Lower Bann Partnership Ltd. 20 Castle Street Bellaghy  
 The Owner/Occupier,  
 Ted'S Place 4 Castle Street Bellaghy  
 The Owner/Occupier,  
 Unit 1 20 Castle Street Bellaghy  
 The Owner/Occupier,  
 Unit 2 20 Castle Street Bellaghy  
 The Owner/Occupier,  
 Unit 3 20 Castle Street Bellaghy  
 The Owner/Occupier,  
 Unit 8 20 Castle Street Bellaghy

<b>Date of Last Neighbour Notification</b>	4th February 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No

## Planning History

Ref ID: LA09/2018/0705/F

Proposal: Housing development consisting of 3 detached and 8 semi detached dwellings complete with all associated site works

Address: Lands at 10-12 Main Street, Bellaghy,

Decision:

Decision Date:

Ref ID: H/2003/0910/O

Proposal: Site of five no dwellings.

Address: Rear of 8-12 Main Street, Bellaghy.

Decision:

Decision Date: 19.10.2004

Ref ID: H/2005/0704/F

Proposal: Housing Development of 9 No Houses (1 detached dwelling + 8 town houses)

Address: Rear of 8-12 Main Street, Bellaghy

Decision:

Decision Date: 25.09.2007

Ref ID: H/2007/1107/F

Proposal: 4 No. Dwellings

Address: Replacing 10 - 12 Main Street, Bellaghy(amended P1 form)

Decision:

Decision Date: 21.05.2009

Ref ID: H/2009/0160/F

Proposal: Erection of a single 2 storey domestic dwelling house.

Address: Site adjacent to no 8 Main Street, Bellaghy.

Decision:

Decision Date: 11.06.2009

Ref ID: H/1995/6124

Proposal: LIBRARY/RETAIL SHOP AND WORK UNITS CASTLE STREET BELLAGHY

Address: CASTLE STREET

Decision:

Decision Date:

Ref ID: H/1998/0089

Proposal: EXTENSION TO EXISTING CONSERVATORY

Address: BAWN LODGE 10 CASTLE STREET BELLAGHY

Decision:

Decision Date:



Ref ID: H/1998/0162

Proposal: EXTENSION TO EXISTING CONSERVATORY

Address: BAWN LODGE 10 CASTLE STREET BELLAGHY

Decision:

Decision Date:

Ref ID: H/1997/0521

Proposal: WORKSHOPS, LIBRARY, SHOP/BANK AND FLAT

Address: 18 CASTLE STREET BELLAGHY

Decision:

Decision Date:

Ref ID: H/1977/0346

Proposal: CONVERSION OF DISUSED SCHOOL TO RECREATION CENTRE

Address: CASTLE STREET, BELLAGHY

Decision:

Decision Date:

Ref ID: H/1996/6068

Proposal: MIXED USE COMPLEX 18 MAIN STREET BELLAGHY

Address: 18 MAIN STREET

Decision:

Decision Date:

Ref ID: H/1996/6064

Proposal: LIBRARY/RETAIL SHOP & WORK UNITS 18 CASTLE STREET BELLAGHY

Address: 18 CASTLE STREET

Decision:

Decision Date:

Ref ID: H/2000/0008/A

Proposal: Signage For Mixed Used Complex

Address: 20 Castle Street Bellaghy Co Londonderry

Decision:

Decision Date: 09.02.2000

Ref ID: H/2003/0348

Proposal: Housing development.

Address: Lands between Main Street, Castle Street, Ballyscullion Road, Bellaghy.

Decision:

Decision Date:

Ref ID: H/1999/0652/Q

Proposal: Site for town houses  
Address: Main Street Bellaghy  
Decision:  
Decision Date:

Ref ID: H/2003/1446/F  
Proposal: Proposed housing development  
Address: Site to North West of 30 Ballyscullion Road, Bellaghy.  
Decision:  
Decision Date: 19.02.2010

Ref ID: H/1996/0591  
Proposal: EXTENSION TO EXISTING SOCIAL CENTRE TO FORM 2 CHANGING ROOMS PLUS ERECTION OF COVERED STAND TERRACING AND BOUNDARY WALL AND FLOODLIGHTING TO PLAYING FIELDS  
Address: BALLYSCULLION ROAD BELLAGHY  
Decision:  
Decision Date:

**Summary of Consultee Responses**

DFI Roads – No objections subject to standard conditions  
EH – No objections  
Rivers – No objections  
NIW – No objections

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



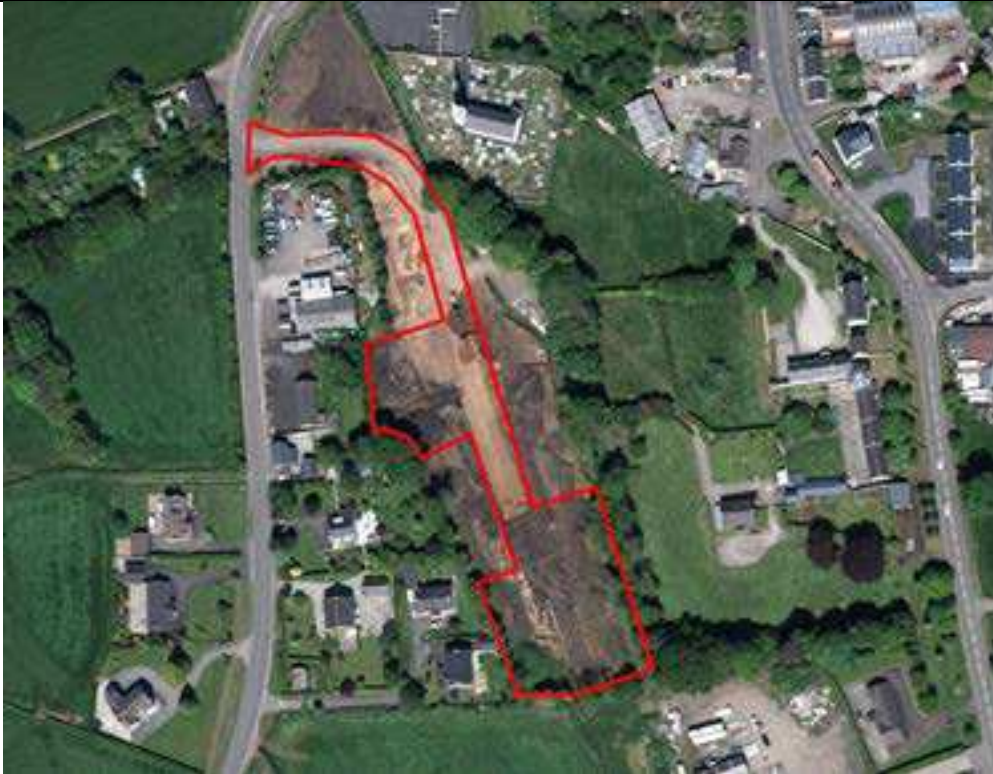
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2/4/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0770/F	<b>Target Date:</b> 14/9/2018
<b>Proposal:</b> Proposed change of House Types application with proposed pumping station - change of 10 No terraced dwellings on site Nos 6-11 and 20-23 from previously approved planning application ref no H/2009/0378/F with 2 No new detached house types 4 and 5 located on sites 6-9 and 20-22. New semi-detached house type 6 to be located on site nos 16 & 17 with HT3 replacing HT2 at sites 18 & 19. New detached dwelling types to replace semi-detached units at sites Nos 24 and 25 from extant permission resulting in overall reduction from 33 No units to 30 No units.	<b>Location:</b> Land 100m South of Church Of Ireland Oldtown Road, Bellaghy, Magherafelt
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Noel Kelly 93 Largy Road Portglenone	<b>Agent Name and Address:</b> Vision Design 31 Rainey Street Magherafelt, BT45 5DA
<b>Executive Summary:</b> This is a change of house type application on a site where there is approval for a housing development (H/2009/0378/F). This previous approval has commenced. The proposal complies with all relevant policy for this type of development. 3 objections have been received and have been fully considered. They do not merit a recommendation to refuse. Approval is recommended.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	No Response
Statutory	Historic Environment Division (HED)	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	Shared Environmental Services	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	

Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	NIEA	
Statutory	Shared Environmental Services	
Statutory	NI Water - Multi Units West - Planning Consultations	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	3	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<p>This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. 13 neighbouring properties have been notified of the proposal. To date there have been 3 no. objections received.</p> <p>1.From the occupant of 22 Oldtown Road (dated 6/8/18). Issues raised and rebutted as follows:</p> <ul style="list-style-type: none"><li>• Impact on Biodiversity/Wildlife Habitat/Protected Species – NIEA have been consulted with the application and have been made aware of the objection letters received. On the basis of the information provided they have no concerns subject to conditions being attached to any approval.</li><li>• Damage to existing trees along boundary – The trees along the Western boundary are not protected by a TPO. They are shown to be retained on the site layout and will be conditioned to be retained. Any damage to third party trees is a civil matter outside the remit of this planning application.</li><li>• Damage to objectors property from tree removal – No evidence has been provided to the Council which demonstrates that tree removal has caused damage to the objectors property.</li><li>• Request that a Bat Survey be submitted – NIEA have advised in their response dated 05/03/19 that a Bat Survey is not necessary.</li><li>• Request for a 5m buffer zone between tree lined boundaries and new dwellings – NIEA and the Council Tree Officer have recommended conditions in respect of buffer zones/protection zones but these relate solely to the protected trees. As the trees along the Western boundary are not protected then a buffer zone is not deemed necessary.</li></ul>		

- Request that TPO be put in place for trees along the Western site boundary – The Councils Tree Officer has not advised that the trees along the Western boundary require a TPO.
- Request that NIEA be consulted – NIEA have been consulted with the application.

2. From the occupant of 22 Oldtown Road (dated 22/1/19). New issues raised and rebutted as follows:

- Query as to whether the Bio-Diversity checklist has recognised the risk of damage to the stability of the embankment and existing trees along the Western boundary – NIEA have assessed the checklist and have raised no concerns with its content.
- Query as to why no Bat Survey has been completed – NIEA have advised that the trees they initially indicated as being bat roosts are no longer present on site therefore a bat survey is no longer required.
- Query as to the content of the Tree Survey and Report – The Councils Tree Officer are satisfied with the information provided in this regard.

3. From the occupant of 15 Deerpark Road (dated 11/2/19). Issues raised and rebutted as follows:

- Concern about the proximity of the Housing Development to their property – This development has already been accepted in principle under H/2009/0378/F and the development commenced on time. General location and layout is therefore not under consideration.
- Impact on privacy – The objectors property is located some 55m from the nearest dwelling. At this distance there will be no significant impact on their privacy that would merit this application being recommended for refusal.
- Threat to security of their property – The boundary of Housing development site will be defined by a 1.8m closed board wooden fence which should deal with this concern.
- Removal of natural screening – Existing vegetation will be conditioned to be retained. If removed then the applicant will be in breach of planning and enforcement action can be pursued.

Having fully considered all material planning concerns raised in these objection letters it is my opinion that none of the issues raised would merit refusal of this application.

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

The application site is a 0.74 hectare housing development site located 100m South of the Church Of Ireland, Oldtown Road, Bellaghy. It is within the development limits of the village of Bellaghy as defined in the Magherafelt Area Plan 2015 and is zoned Housing Land

(BY03/6). A residential development was approved on this site on the 21/9/11 under H/2009/0378/F, and that development is under construction with some of the new dwellings currently occupied. The Church of Ireland, which is a Listed Building is located to the NE of the site, as too is the local Presbyterian Hall and Church. Along the Western boundary of the site is a vehicle repair workshop, a Baptist Church and several dwellings and outbuildings. To the East of the site is a detached dwelling which accesses onto the Deerpark Road.

This area is characterised by a mix of uses, ranging from residential to commercial to community/recreation. It is also a Local Landscape Policy Area (BY11 - Bellaghy Bawn and Cavehill)

### **Description of Proposal**

This is a proposed change of house type application with a proposed pumping station. It involves a change of 10 No terraced dwellings on site Nos 6-11 and 20-23 from the previously approved planning application (ref. no H/2009/0378/F) with 2 No new detached house types 4 and 5 located on sites 6-9 and 20-22. New semi-detached house type 6 is to be located on site Nos 16 & 17 with HT3 replacing HT2 at sites 18 & 19. New detached dwelling types to replace semi-detached units at sites Nos 24 and 25 from extant permission resulting in an overall reduction from 33 No units to 30 No units.

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

#### **Planning History**

H/2003/0649/O - Land 100m South of Church of Ireland Church, Oldtown Road, Bellaghy. Site of housing development. Granted on Appeal. (2005/A996)

H/2008/0385/RM - Land 100m South of Church of Ireland Church, Oldtown Road, Bellaghy. 20 Unit Housing Scheme comprising 14 Detached Dwellings and 6 no. Terraced Townhouses with associated Open Space, Access and Landscaping (Previous Outline Approval H/2003/0649/O). Approved 21/01/2009

H/2009/0378/F - Land 100m South of Church of Ireland, Oldtown Road, Bellaghy. Proposed new housing development with 33 new dwellings comprising of 1no detached, 12 no semi-detached (22units) and 2 no terraces (10 units). Approved 23/10/2012

LA09/2016/1212/DC - Land 100m South of Church of Ireland, Oldtown Road, Bellaghy. Discharge of condition of H/2009/0378/F - archaeological programme of works. Discharged.

LA09/2017/1010/DC - Lands 100m South of Church of Ireland, Oldtown Road, Bellaghy. Discharge of condition 08 of Housing Development approved under H/2009/0378/F. Discharged.

LA09/2018/0337/NMC - Land 100m south of Church of Ireland, Oldtown Road, Bellaghy, Magherafelt, BT45 8HT. Proposed new housing development with 33 new dwellings compromising of 1 No. detached, 12 No. semi detached (22 units) and 2 No. Terraces (10 units). Granted.

LA09/2018/1679/F - Land 100m south of Church of Ireland, Oldtown Road, Bellaghy, Magherafelt, BT45 8HT. Retention of temporary culverted watercourse, hardstanding and ancillary buildings/plant comprising staff and welfare accommodation to facilitate construction of approved residential development. Under consideration.

### **Enforcement History**

LA09/2018/0094/CA - Land Beside Church Of Ireland, Bellaghy, Londonderry, BT45 8HU. Alleged pulling down of TPO Protected Trees and or trees that are to remain in place by way of a Planning Condition. Closed.

LA09/2018/0035/CA - Lands To The Rear Of Bellaghy Bawn, Deerpark Road And, South Of Church Of Ireland 48 Main Street, Bellaghy, Londonderry, BT45 8HT. Breach of Conditions 3 and 5 of Planning Approval H/2009/0378/F. Ongoing.

LA09/2017/0107/CA - Land To The Rear And Adjacent To, 22 Oldtown Road, Bellaghy, Londonderry, BT45 8HU. Machinery moved onto the site 14/07/2017 levelling the land and creating a road through the land. Closed.

LA09/2017/0027/CA - Land 100m South Of Church Of Ireland, 48 Main Street, Old Town Downing, Bellaghy, Londonderry, BT45 8HT. Alleged breach of conditions 5, 12, 13 and 14 of planning approval H/2009/0378/F. Closed.

The following policies will be considered in this assessment:

- Magherafelt Area Plan 2015
- Mid Ulster District Council Draft Plan Strategy
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- Creating Places
- Parking Standards

### **Magherafelt Area Plan 2015**

This site is located within the settlement limits of Bellaghy on zoned Housing Land. Approval has already been granted on this site for a housing development of 33 dwellings under H/2009/0378/F, which has commenced. The proposal is for a reduced scheme and a proposed pumping station. I have no concerns regarding its principle and I am content that it is in keeping with the key site requirements of the zoning in the Area Plan.

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

The Draft Plan Strategy was launched on Friday 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District, however no determining weight can be given to the plan as it has yet to go through the consultation



process. It does not present any change in policy direction from that contained within PPS 7, I am therefore content that the proposal is in compliance with the relevant Draft Plan Strategy Policies.

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

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Having carried out a site inspection and a constraint search of this site, I am aware that this site is in an area of acknowledged importance in terms of archaeology and built heritage. HED have been consulted and have no concerns in this regard. Adequate separation distances exist between new and existing development in order to protect neighbouring amenity.

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied (ie) PPS 7

### **PPS 2 – Natural Heritage**

This site is hydrologically connected to Lough Neagh and Lough Beg SPA/RAMSAR and Lough Beg ASSI. NIEA (NED) have been consulted and have considered the impact of the proposal on designated sites and other natural heritage interests and on the basis of the information provided with the application, have no concerns subject to conditions. They have also stated that a bat survey is not required as any trees that had potential for bat roosts have been removed.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The access arrangements remain as was approved under H/2009/0378/F. DFI Roads have been consulted and have no objections to the proposal subject to standard conditions relating to new PSD's which reflect the changes to the internal estate road.

### **PPS 7 - Quality Residential Environments**

PPS 7 is a material planning policy for this type of development. All proposals for residential development will be expected to conform to a number of criteria laid out in Policy QD 1 of PPS 7. I will deal with these as they appear in the policy.

**The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas -**  
The proposed development is residential in nature and is in an area where residential development is prevalent. The site is zoned for Housing in the Area Plan and a previous

approval for a Housing Development on the site has already commenced. It is a small scale housing development which is in keeping with the rural character of the village. The scheme is not too far removed from what was previously approved under H/2009/0378/F and represents a reduction in units from 33 to 30.

I have no concerns with layout, scale, proportions, massing or appearance of buildings. Town Houses are now being replaced with detached and semi detached dwellings, which is a more appropriate form of development for a village. Hard surfacing does not dominate the development.

**Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development** - The site is in an area of archaeological importance (LDY 037:068 and LDY 037:003). There are also two Listed Buildings close by – Ballyscullion Parish Church and Downings Vault. HED have been consulted and given the planning histories on the site, the similarities there are between the schemes and the fact that archaeological investigations have already been carried out at this location, have no objections to the proposal. They have recommended a condition in relation to screen planting. There are protected trees within the site. The Councils Tree Officer has been consulted and has no objection to the proposal subject to conditions.

**Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area** – The dwellings subject to this application all have adequate private amenity space. Each dwelling has in excess of 40m<sup>2</sup> of private amenity space as is recommended in Creating Places. There is a small area of public open space being provided within the development. New planting is proposed along the Western site boundary which will soften the visual impact of the scheme.

**Adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development** - The site is within the development limits of Bellaghy and there are existing neighbourhood facilities already available in the locality (eg) Primary School.

**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** - As the site is within a rural settlement there is an existing movement pattern (eg) foot paths and bus stops. The level of traffic travelling through the settlement would be low and would be travelling at a low speed. DFI Roads have been consulted and have no objections to the proposal.

**Adequate and appropriate provision is made for parking** - In-curtilage parking has been provided at a minimum of 2 spaces per dwelling. This is acceptable and is in line with Parking Standards.

**The design of the development must draw upon the best local traditions of form, materials and detailing** – The design and finishes of the proposed dwellings are in

keeping with the approved dwellings and gives me no concern. HED have raised no issues with regards to design and its impact on nearby Listed Buildings.

**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** – There are several third party dwellings located along the Western site boundary and one along the Eastern boundary. This revised scheme does not result in any dwellings being located any closer to these third party dwellings than what was previously approved under H/2009/0378/F. Dwelling heights and orientation are generally the same. I therefore have no concerns with regards to overlooking, loss of light or overshadowing. This proposal introduces a pumping station into the extreme SW portion of the site. Environmental Health have raised no concerns regarding unacceptable noise or odours coming from this pumping station.

**The development is designed to deter crime and promote personal safety** - I am satisfied that the overall development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting will be provided.

#### **PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas**

I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality where there is a mix of dwelling types. In terms of keeping with the established character of the area, the proposal is residential in nature which is in keeping with the area. There is a mix of house type and design which is all acceptable as there are a mix of house types and designs in the immediate area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

#### **Neighbour Notification Checked**

**Yes**

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

This is a change of house type application on a site where there is approval for a housing development (H/2009/0378/F). This previous approval has commenced. The proposal complies with all relevant policy for this type of development. 3 objections have been received and have been fully considered. They do not merit a recommendation to refuse. Approval is recommended.

#### **Conditions**

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

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

2. A clearly defined buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse along the eastern boundary of the site.

Reason: To avoid adverse effects on the site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

3. A silt fence shall be erected between the construction works and the watercourse along the eastern site boundary prior to and for the duration of the construction phase.

Reason: To avoid adverse effects on the site integrity of Lough Neagh and Lough Beg Ramsar/SPA.

4. Prior to works commencing on site, all existing trees shown on Drawing Number 2 rev 4, date stamped 7th March 2019 as being retained, shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council.

Reason: To protect the biodiversity value of the site, including protected species.

5. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction recommendations.

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

6. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

7. All works to be carried out in accordance with The Tree Survey and Report for Oldtown Road, Bellaghy October 2018 by Dr Phillip Blackstock, date stamped 5th November 2018. Protective fencing shall be erected on site prior to commencement of works.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

8. All construction operations carried out within the RPA shall follow BS5837:2012: Trees in relation to design, development and construction - Recommendations. All tree works carried out should follow BS3998:2010: Tree Works recommendations.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

9. All temporary barriers will be erected prior to the commencement of any works on the site including any earthworks or works to trees in accordance with the Tree Protection Plan (TPP) Map 02rev4 date stamped 07.03.2019 and in accordance with BS5837:2012: Trees in relation to Design, Development and Construction - Recommendations.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

10. If any protected tree becomes dead or dangerous within 5 years from the date on which the approved housing development under planning reference H/2009/0373/F is substantially completed replacement planting scheme must be implemented at a ratio of 1:3, using heavy standard native species.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

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

Reason: In the interests of visual amenity.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 9 bearing the date stamp 21 December 2018

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 9. bearing the date stamp 21 December 2018. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

14. The visibility splays of 4.5 metres by 90 metres to the south and 4.5 x 80 metres to the north at the junction of the proposed residential access road with the Oldtown Road, shall be provided in accordance with Drawing No 9 bearing the date stamp 21 December 2018, 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.

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

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

## Informatives

1.The applicant is advised to consider the comments provided by NIW (See attached)

2.The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

### Natural Heritage

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
  - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
  - c) Deliberately to disturb such an animal in such a way as to be likely to -
    - i. affect the local distribution or abundance of the species to which it belongs;
    - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
    - iii. Impair its ability to hibernate or migrate;
  - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
- or

e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

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

kill, injure or take any wild bird; or

take, damage or destroy the nest of any wild bird while that nest is in use or being built; or at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or

obstruct or prevent any wild bird from using its nest; or

take or destroy an egg of any wild bird; or

disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3.The applicant is advised that the dwellings comply with the daytime and night time internal and external noise levels as set out in the WHO Environmental Noise Guidelines for the European Region 2018.

4.Due to the proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant should refer and adhere to the precepts contained in Standing Advice on Pollution Prevention Guidelines. Care should be taken to ensure that only clean surface water is discharged to the nearby river or stream. Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in Standing Advice on Sustainable Drainage Systems.

The development includes underground structures (tanks). Depending on the geological setting, the potential exists for the water table to be encountered during these works. In accordance with the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 (as amended) it is a mandatory requirement that upon the abstraction and/or diversion and/or impoundment of water from the natural river channel/lake, coastal or groundwater sources, an abstraction/impoundment licence should be obtained unless the operations specified are Permitted Controlled Activities.

The applicant should refer and adhere to Standing Advice on Abstractions and Impoundments. The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer

and adhere to Standing Advice on Discharges to the Water Environment. All Standing Notes are available at: [www.daera-ni.gov.uk/water-environment-standingadvice](http://www.daera-ni.gov.uk/water-environment-standingadvice)

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

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

5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .

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

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

It is a DfI Roads requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st June 2018
<b>Date First Advertised</b>	21st June 2018
<b>Date Last Advertised</b>	6th December 2018
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Oldtown Road Bellaghy Londonderry The Owner/Occupier, 12 Oldtown Road Bellaghy Londonderry The Owner/Occupier, 14 Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, 15 Deerpark Road, Road, Bellaghy, Londonderry, BT45 The Owner/Occupier, 16 Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, 18 Oldtown Road, Bellaghy, Londonderry, BT45 8HU, Paul Brewster 22 Oldtown Road, Bellaghy, Londonderry, Northern Ireland, BT45 8HU Paul Brewster 22 Oldtown Road, Bellaghy, Londonderry, Northern Ireland, BT45 8HU The Owner/Occupier, 22 Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, 24 Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, 50 Main Street Bellaghy Londonderry The Owner/Occupier, 7a Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, Bellaghy Baptist Tabernacle, Oldtown Road, Bellaghy, Londonderry, BT45 8HU, The Owner/Occupier, Church Of Ireland 48 Main Street Bellaghy The Owner/Occupier, O'Kane Fuels, Deerpark Road, Bellaghy, Londonderry, BT45 P I Lowry White Hill, 15 Deerpark Road, Bellaghy, BT45 8LB	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	20/3/19
<b>ES Requested</b>	No

## Planning History

Ref ID: LA09/2016/1212/DC

Proposal: Discharge of condition of H/2009/0378/F - archaeological programme of works

Address: Land 100m South of Church of Ireland, Oldtown Road, Bellaghy,

Decision: AL

Decision Date:

Ref ID: LA09/2018/0770/F

Proposal: Proposed change of house types application-change of 10 terraced dwellings on site Nos 6-11 and 20-23 from previously approved planning application ref number H/2009/0378/F with 3 new detached house types 3,4 and 6 to be located on site numbers 6-9 ,16-17 and 20-22 .New detached dwelling types to replace semi detached units at sites 18,19,24 and 25 resulting in overall reduction from 33 units to 30 units.

Address: Land 100m South of Church Of Ireland, Oldtown Road, Bellaghy, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2017/1010/DC

Proposal: Discharge of condition 08 of Housing Development approved under H/2009/0378/F

Address: Lands 100m South of Church of Ireland, Oldtown Road, Bellaghy,

Decision: AL

Decision Date:

Ref ID: LA09/2018/0337/NMC

Proposal: Proposed new housing development with 33 new dwellings comprising of 1 No. detached, 12 No. semi detached (22 units) and 2 No. Terraces (10 units).

Address: Land 100m south of Church of Ireland, Oldtown Road, Bellaghy, Magherafelt, BT45 8HT.,

Decision: CG

Decision Date:

Ref ID: H/2014/0319/F

Proposal: Proposed workshop extension to existing established vehicle servicing business.

Address: 10 Oldtown Road, Bellaghy.,

Decision: PG

Decision Date: 04.12.2014

Ref ID: H/1985/0004

Proposal: ALTERATIONS AND ADDITIONS TO HOUSE

Address: 14 OLDTOWN ROAD, BELLAGHY

Decision:

Decision Date:

Ref ID: H/2007/0213/F

Proposal: Proposed industrial development to provide five units for light industrial and storage.

Address: Land to rear of 17A Deerpark Road, Bellaghy

Decision:

Decision Date: 22.02.2010

Ref ID: H/1997/0148

Proposal: NEW DWELLING

Address: 20 OLDTOWN ROAD BELLAGHY

Decision:

Decision Date:

Ref ID: H/2003/0649/O

Proposal: Site of housing development.

Address: Land 100m South of Church of Ireland Church, Oldtown Road, Bellaghy.

Decision:

Decision Date:

Ref ID: H/2008/0385/RM

Proposal: 20 Unit Housing Scheme comprising 14 Detached Dwellings and 6 no. Terraced Townhouses with associated Open Space, Access and Landscaping (Previous Outline Approval H/2003/0649/O)

Address: Land 100m south of Church of Ireland Church, Oldtown Road, Bellaghy

Decision:

Decision Date: 21.01.2009

Ref ID: H/2009/0378/F

Proposal: Proposed new housing development with 33 new dwellings comprising of 1no detached, 12 no semi-detached (22units) and 2 no terraces (10 units)

Address: Land 100m South of Church of Ireland, Oldtown Road, Bellaghy

Decision:

Decision Date: 23.10.2012

Ref ID: H/1997/6028

Proposal: SITE OF HOUSING DEVELOPMENT CASTLE STREET DEERPARK ROAD BELLAGHY

Address: CASTLE STREET

Decision:

Decision Date:

Ref ID: H/2003/0786/F

Proposal: Two dwellings with garage.  
Address: To the rear of no.20 Oldtown Road, Bellaghy.  
Decision:  
Decision Date: 09.01.2004

### **Summary of Consultee Responses**

NIW – No objections subject to standard informatives.  
SES – Proposal will not have an adverse impact on site integrity of any European Site.  
Conditions recommended.  
NIEA (NED) – No concerns subject to standard conditions and informatives being attached to any approval.  
EH – Informative recommended in relation to residential internal and external noise levels  
MUDC Tree Officer – Approve with suggested conditions  
NIEA (Drainage and Water) – Content subject to standard conditions and informatives  
DFI Roads –No objections subject to standard conditions and informatives  
Rivers Agency – No objections in principle  
HED – No issues of concern. Condition and informative recommended

### **Drawing Numbers and Title**

Drawing No. 04 rev 3  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 05  
Type:  
Status: Submitted

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

Drawing No. 02 rev 4  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 03 rev 2  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 06  
Type:  
Status: Submitted

Drawing No. 07  
Type:  
Status: Submitted

Drawing No. 08  
Type:  
Status: Submitted

Drawing No. 09  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0868/F	<b>Target Date:</b>
<b>Proposal:</b> New entrance and laneway to dwelling approved under LA09/2017/0497/RM	<b>Location:</b> North East of 108 Loughbracken Road and Adjacent to Keenaghan Road Cookstown
<b>Referral Route: An Exception to FLD 1 of Planning Policy Statement 15.</b>	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Mr and Mrs P McCallion C/o.2 Glenarny Road Cookstown	<b>Agent Name and Address:</b> Rachelle Law Architect 12 Longfield Lane Desertmartin Magherafelt BT45 5NW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Rivers Agency	Substantive Response Received

#### Representations:

Letters of Support	None Received
Letters of Objection	None Received



Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> - None	
<p><b>Characteristics of the Site and Area</b></p> <p>The site is located approximately 2.5 miles northeast of Pomeroy in the open countryside accordance with the Cookstown Area Plan 2010. The site is adjacent to and northwest of No 108 Loughbracken Road and extends in a north westerly direction towards the Keenaghan Road. The site is a cut out portion of a large agricultural field and the proposed site runs parallel with an existing field boundary. The area is largely rural in nature and consists of poor quality agricultural land, development pressure along this stretch of Keenaghan Road is considered low.</p>	
<p><b>Description of Proposal</b></p> <p>The application seeks full planning permission for new access and laneway to serve the dwelling approved under LA09/2017/0497/RM.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Relevant Site History:</b>  H/2004/0199/O - Dwelling on a farm. Approved 14th November 2016  LA09/2017/0497/RM - New Dwelling. Approved 3rd July 2017</p> <p><b>Representation</b>  1 neighbour's notification letter was sent to the occupier of No 108 Loughbracken Road, Pomeroy.  No letter of representation have been received.</p> <p><b>Development Plan and Key Policy Consideration:</b></p> <p>Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Cookstown Area Plan 2010:</u> The site is located in the open countryside. There are no other designations on the site.</p> <p><u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> 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.</p> <p>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 &amp; 9) together with the SPPS.</p>	

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.

PPS 15: Planning and Flood Risk: sets out policies to minimise and manage flood risk to people, property and the environment. Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains is applicable.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policies CTY 13 & 14 are applicable for the proposal.

### **The Proposal**

The application seeks full planning permission for a new access and laneway to serve the dwelling approved under LA09/2017/0497/RM that was approved using an existing shared access serving an existing dwelling and working Farm. The applicant has provided information indicating the approved shared access is making it difficult for him in obtaining a mortgage. However, difficulties obtaining a mortgage is not a material consideration and the proposal will be determined on current planning policies only.

### **Integration**

In terms of policy CTY 13, I am content that the proposed access will integrate in the countryside location. The access road will run alongside an existing mature field boundary for its full length from the public road back to the site for the new dwelling. Therefore, it will not be a prominent feature in the landscape. The proposal does involve the removal of some vegetation along the roadside to provide the visibility splays, however it is my opinion that the access will still integrate with the surroundings as there will still be a strong boundary, after the removal. The hedgerow boundary should be reinstated behind the line of visibility splay via a planning condition.

### **Rural Character**

In terms of CTY 1, the proposal will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development. It is my opinion that permitted development rights relating to boundary features such as gates, fencing etc. are removed via a planning condition for this development, as these features can often be visually obtrusive, especially in a sensitive countryside location.

### **Road Safety**

In terms of policy AMP 2 of PPS 3, the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with policy AMP 3 relating to Protected Routes. Transport NI were consulted on the proposed development and have no objections, subject to conditions relating to the provision of visibility splays.

### **Floodplain**

The access point at the end of the proposed laneway sits approximately 1m lower than the road, in order to obtain a level and safe access onto the road approximately 18m of the new laneway will be infilled over the top of an existing watercourse and a twin 1.2m culvert installed underneath. However, this portion of the site is within a fluvial floodplain

and therefore falls to be considered under Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains of PPS 15. FLD 1 states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the proposal meets the 'Exceptions Test.'

It is acknowledged that the proposal does not meet with the exceptions outlined in FLD 1, however the applicant submitted a Flood Risk Assessment (FRA), which was forwarded onto Rivers Agency. Rivers Agency responded on 10th March stating that if the Planning Authority deem this application an exception, then the applicant has a submitted a Flood Risk Assessment produced by JKB Consultant, stamped 5 February 2019, which indicates that the proposal would not impact on third party lands (Section 7.5), by use of flood storage compensatory works.

Whilst the proposal does not meet with any of the exceptions, the FRA demonstrates that the proposal will not impact on third party lands provided that a twin 1.2m diameter pipes are laid as shown on drawings Nos 004, 005 & 006. The FRA goes on to state that there is sufficient land within the ownership of the applicant's family to facilitate a flood compensation area upstream in the event of the culvert blocking. Consideration has also been given to the fact that if the laneway was created for agricultural purposes it would have been permitted development. For the aforementioned reasons, I am satisfied that the proposal is acceptable, however the final decision should rest with the Planning Committee Members whether the application should be deemed an exception to FLD 1 of PPS 15.

**The Mid Ulster District Council Local Development Plan 2030** - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1 - General Policy, Policy TRAN 4 - Access onto Protected Routes and Other Route Ways and Policy FLD 1 - Fluvial Floodplains are applicable to this application.

This proposal is in keeping with these policies except for Policy FLD 1, however the proposal is considered an exception to FLD 1 of PPS 15. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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**Summary of Recommendation: That planning permission be approved subject to the following conditions.**

Conditions

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

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

2. The vehicular access, including visibility splays of 2.4 x 60m in both directions, and Forward Sight Distance of 60m shall be provided in accordance with drawing No 1, which was received on 3rd October 2018, prior to the commencement of any other works or other development hereby permitted.

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

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

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

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

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

5. During the first available planting season after the commencement of the development, a hawthorn hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the western boundary of the site.

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

6. During the first available planting season after the commencement of the development, the northern boundary of the new laneway marked A-B on drawing No 01 Revision 1, which was received on 3rd October 2018, shall be defined by a post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species shall be planted on the inside. Trees or shrubs dying, removed or becoming seriously damaged within five years shall be replaced with others of a similar size and species, unless otherwise agreed in writing with the Council.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

7. The existing natural screening along the southern boundary of proposed laneway shall be permanently retained at not less than 2 metres and any trees allowed to grow on except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing.

Reason: In the interests of visual amenity.

8. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls, gate pillars, fences or other structures, other than the development permitted shall be erected along the front boundary of the site without the written consent of Mid Ulster District Council.

Reason: To preserve the amenity of the countryside.

#### Informatives

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

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

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

4.The 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 Infrastructure for which separate permissions and arrangements are required.

5.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
- The developer should note that this planning approval does not give consent to discharge water into a DfI Transport NI drainage system.

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

7.The applicant should be advised that the responsibility for the accuracy, acceptance of the Flood Risk Assessment and implementation of the proposed mitigation measures rest with the developer and their professional advisors. (refer to section 5.1 of PPS 15). The Flood Risk Assessment carried out by JKB Consulting has determined that a twin 1.2m diameter culverts is required to provide sufficient capacity and alleviate any impact upstream. Details of the proposed culverting including cross-sections and headwall details are shown on drawings 004, 005 and 006, which were received on 5th February 2019.

8.Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion,

building adjacent to or discharge of storm water etc. requires the written consent of DfI Rivers. This should be obtained from the local area office.

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

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

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

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

13. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th June 2018
<b>Date First Advertised</b>	5th July 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 108 Loughbracken Road Pomeroy Tyrone	
<b>Date of Last Neighbour Notification</b>	11th July 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0979/F Proposal: Retrospective planning application for a mobile home to provide temporary residential accommodation pending the development of a permanent dwelling. (Dwelling was recently approved under LA09/2017/0497/RM) Address: Adjacent and to the west of 108 Loughbracken Road, Cookstown, Decision: PG Decision Date: 29.08.2017  Ref ID: LA09/2018/0868/F Proposal: New entrance and laneway to dwelling approved under LA09/2017/0497/RM Address: North East of 108 Loughbracken Road, and Adjacent to Keenaghan Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2017/0497/RM Proposal: New Dwelling Address: Land adjacent and to the West of 108 Loughbracken Road, Cookstown, Decision: PG Decision Date: 03.07.2017  Ref ID: LA09/2016/1185/O Proposal: Dwelling on a farm Address: Farm adjacent to 108 Loughbracken Road, Cookstown, Decision: PG Decision Date: 15.11.2016	

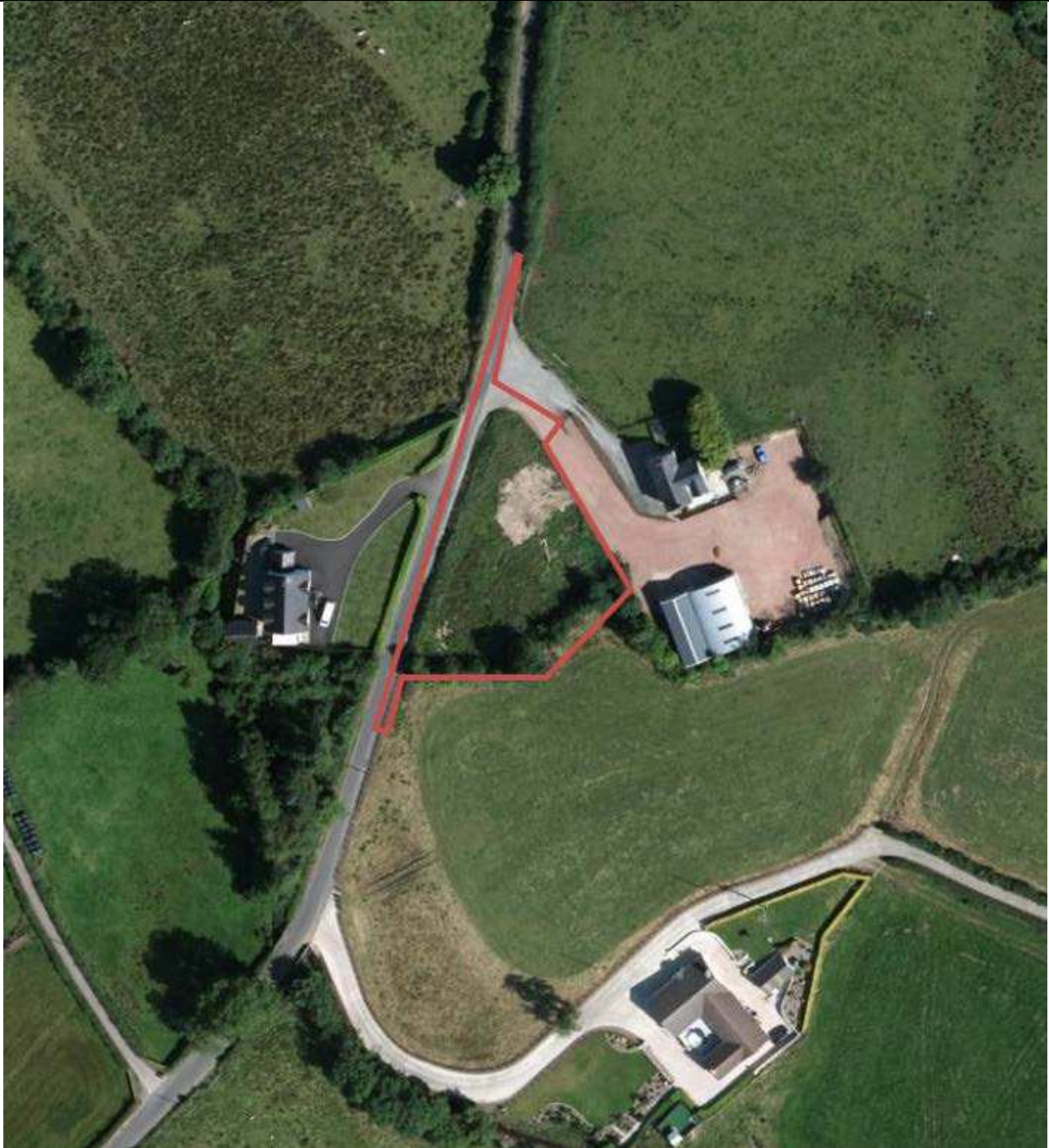
<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 004 Type: Block Plan Status: Submitted</p> <p>Drawing No. 005 Type: Cross - Section Status: Submitted</p> <p>Drawing No. 006 Type: Cross - Section Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0925/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and domestic garage	<b>Location:</b> 50 metres South West of 27 Letteran Road Moneymore Magherafelt
<b>Referral Route: Refusal recommended.</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Mr Desmond Bell 20a Claggan Road Lissan Cookstown BT80 9XJ	<b>Agent Name and Address:</b> David McKinley 16 Tarlum Road Omagh BT78 5QQ
<b>Executive Summary:</b>	
<b>Signature(s): M.Bowman</b>	

**Case Officer Report****Site Location Plan****Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received

Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> – site suffers from a poor level of integration and prominence for a dwelling.		
<p><b>Characteristics of the Site and Area.</b></p> <p>Rural area on the edge of AONB – scattered pattern of roadside development comprising in most cases of farm groupings. Significant degree of rural character on this part of the road worthy of protection from unacceptable development.</p> <p>Small single field site located between Nos 24 and 27 Letteran Road, Moneymore. Host field is also locally elevated and rises towards No 27. No 24 (2 st) sits below the level of the road and also the site. Existing vegetation limited to some gappy and poor quality planting to SE boundary.</p> <p>A previous application, I/2009/0128/O was refused on this site on the 15<sup>th</sup> Sept 2010 on the basis of having no policy support in principle in relation to PPS21 and on grounds of lack of enclosure and damage to rural character by build-up.</p>		
<b>Description of Proposal:</b> Dwelling and Domestic Garage (on a farm)		
<p><b>Planning Assessment of Policy and Other Material Considerations.</b></p> <p>Magherafelt Area Plan 2015 Draft Plan Strategy 2013 Policy PPS21 (CTY10 / 13 /14)</p> <p><i>Policy CTY 10 – Dwellings on Farms</i></p> <p>Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:</p> <p>(a) the farm business is currently active and has been established for at least 6 years; DAERA have confirmed that the business ID being offered in support of the application has established for the requisite period and makes claims for SFP. This criteria is met.</p> <p>(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and</p> <p>I have not been able to trace any CTY10 previous permissions on the holding.</p>		

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

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

The chosen site is sited close to No 27 and a large associated shed which it's not clear are on the farm business being offered by Mssrs McGuckin to support this application.

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

Having visited the site on the 9<sup>th</sup> Feb 2019 I have significant concerns about the limited scope to adequately site even a modest bungalow on the site without significant engineering works to lower ground level acceptably. In this regard approaches from the north and south present a potential long view of what would be either an artificially created site or a dwelling suffering from prominence and poor degree of enclosure should permission be granted. In this regard the application fails the tests of Policy CTY13 as a result of a lack of integration and CTY14 due to potential prominence.

The agent has forwarded for information an additional plan and has superimposed a notional dwelling on the site. The site plan shows the need to cut-in to achieve appropriate levels and has a reliance on new planting to aid integration to the northern boundary of the site.

Unfortunately a new separate access is opposed to the Northern end of the frontage as opposed to using the access to No 27 which appears to be in control of the applicant.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy

The Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published during the processing of this application and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies GP1 – General Principles Planning Policy, CT1 – General Policy. In terms of CT2, the application is to be considered under a dwelling on a farm, there is no change to the policy from that already considered.

In my view the proposal does not accord with these policies and fails on the other integration and rural character tests and is therefore also in conflict with the draft policies plan. No significant weight can however be given to this as the Draft Plan Strategy is at early public consultation stage.

#### Consideration of Local Objection.

The occupant of No 24 has objected on the following grounds:

1. De-valuation of his property

2. The close proximity of the proposed dwelling (30m) to his dwelling and the consequential loss of privacy and visual amenity
3. Permission will result in overdevelopment and ribboning
4. The applicant runs a business from No 27 resulting in larger vehicles on occasion using the site
5. I have an interest in astronomy and a dwelling will detract from the value of the areas dark skies
6. This is a site not for the applicant but for sale
7. This will be 3 entrances within 26m and associated road safety.

In response I make the following observations:

1. This is not a material consideration which can be given any determining weight.
2. I have concerns about the elevated nature of the proposal. I however consider that a public road runs between the 2 properties and there is sufficient set back by No 24.
3. A dwelling would at least cluster with other development associated with No 27. I do not regard there to be a ribboning concern which would be created if a dwelling was approved. There are however genuine grounds to be concerned about the potential for a new dwelling to add to a sense of build-up here is approved. This was also a reason for refusal on previous application I/2009/0148/O.
4. This has not been substantiated nor a formal enforcement complaint made to date.
5. A new dwelling will result in some increased artificial lighting but I have not been convinced that this isn't already compromised by other existing development in the area.
6. There is no restriction on selling off a dwelling on a farm after approval.
7. DFI Roads have not raised any road safety concerns. I have however questioned the need for a separate access given ownership of No 27 and its access

#### Neighbour Notification Checked

Yes/No

**Summary of Recommendation: Refusal is recommended PPS21 / CTY10, 13 ,14.**

#### Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm (and access to the dwelling is not obtained from an existing lane.)

2. The proposal is contrary to Policy CTY14 as a dwelling would, if approved, be prominent on the site to the detriment of this areas rural character.

3. The proposal is contrary to Policy CTY14 as a dwelling would, if approved, when added to existing buildings result in a detrimental change to the rural character of the countryside.

4. The proposal is contrary to Policy CTY13 as a dwelling would, if approved, would not provide an adequate degree of visual integration or enclosure into the local landscape to the detriment of this areas visual amenity.

**Signature(s) M.Bowman**

**Date: 19<sup>th</sup> Mar 2019.**

<b>ANNEX</b>	
<b>Date Valid</b>	2nd July 2018
<b>Date First Advertised</b>	19th July 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Letteran Road Cookstown Londonderry The Owner/Occupier, 24 Letteran Road Cookstown Londonderry The Owner/Occupier, 27 Letteran Road Cookstown Londonderry Robert Jeffers Brook House, 24 Letteran Road, Cookstown, BT80 9XW	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/0925/O Proposal: Dwelling and domestic garage Address: 50 metres South West of 27 Letteran Road, Moneymore, Magherafelt, Decision: Decision Date:  Ref ID: I/2009/0148/O Proposal: Proposed dwelling Address: 50 metres South West of 27 Letteran Road, Moneymore, Magherafelt Decision: Decision Date: 29.09.2010	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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:



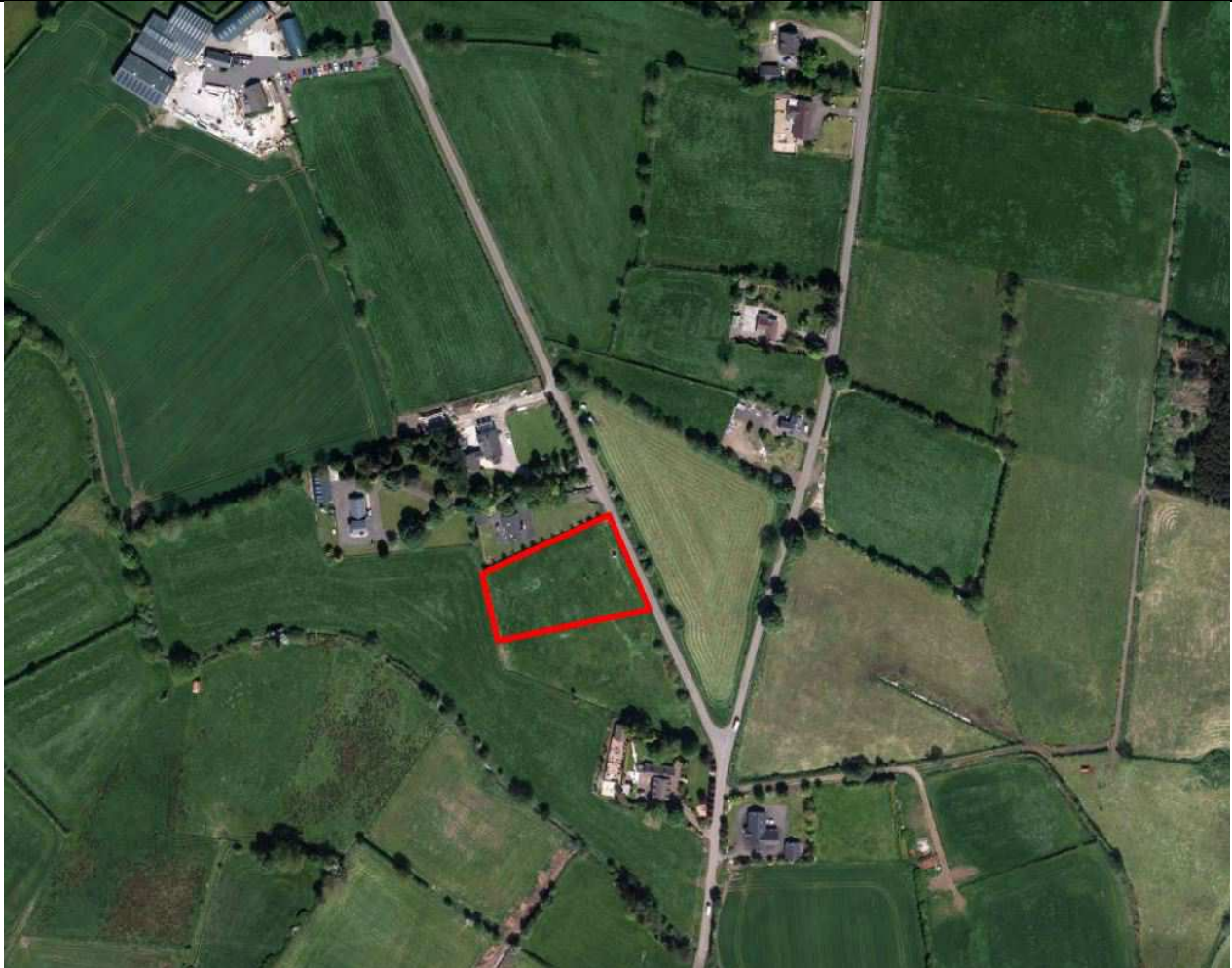


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1137/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill site of dwelling and domestic garage for residential purposes	<b>Location:</b> 20m South East of No 2 Scribe Road Bellaghy
<b>Referral Route:</b> One objection received.	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> David Mulholland 85 Ballymacombs Road Bellaghy BT45 8JP	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues**

One objection received from owner/occupier of No. 2 Scribe Road.

**Characteristics of the Site and Area**

The proposal site is located within a large flat agricultural field on the roadside of Scribe Road, Bellaghy. The site is undefined on the southern and western boundaries while the roadside boundary consisting of a post and wire fence and small grass verge and the northern boundary is partly undefined and partly bounded by a modest hedge and post and wire fence.

Adjacent to the northern boundary is a detached single storey property. To the rear of the proposal site is further agricultural land. The proposal site measures approx. 60metres. Immediately south of the proposal site an infill dwelling and garage has been approved under LA09/2017/1037/O.

**Description of Proposal**

Proposed infill site of dwelling and domestic garage for residential purposes.

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

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the Countryside

SV - 30.10.2018

Neighbours: Owners/Occupiers of Nos. 2, 4, 4a Scribe Road \_ 34 Tamlaghtduff Road were notified of the proposal on 25.09.2018. One objection has been received to date from the owner/occupier of No 2 Scribe Road, Bellaghy.

Objection received from Noreen Hughes of No 2 Scribe Road, Bellaghy. The objector is concerned regarding the proximity of the proposal site to her dwelling and property boundary. This proposal is an outline application and as such no proposed siting has been stipulated at the stage, if it is considered appropriate a siting condition could be used so as the neighbouring property at No 2 Scribe Road is not unduly impacted by a dwelling on the proposal site.

Consultees: - Environmental Health were asked to comment and responded on 23.10.2018 with no objections subject to advice.

NI Water were asked to comment and responded on 03.10.2018 with no objections subject to advice.

DfI were asked to comment and responded on 5.11.2018 seeking amended drawings to be submitted. These were requested and DfI reconsulted. They responded on 28.01.2019 with no objections subject to conditions and advice.

In the assessment of this proposal it is necessary to look to Planning Policy Statement 21 - Sustainable development in the countryside. Within this policy CTY 8 - Ribbon development, it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of 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 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.

The proposal site is located within a roadside site with three dwellings immediately north and an approval for an infill dwelling and an existing detached dwelling immediately south. The adjacent approved infill site (LA09/2017/1035/O) has a similar sized frontage to this proposed site. Having considered the neighbouring development patterns it is my assessment that the proposal site is located within a small gap site.

In addition to assessing the proposal against CTY 8, it also should be assessed against the criteria of CTY 13 whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

a) It is a prominent feature in the landscape - the proposal site and the surrounding landscape is relatively flat and gently rolling and as such I would not have concerns regarding prominence at this location.

b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape - the proposal site is undefined on the southern and western boundaries, while the northern boundary only consists of a modest agricultural hedge and post and wire fence. The road side boundary consists of a post and wire fence and very small grass verge.

c) It relies primarily on the use of new landscaping for integration - additional planting would be required in order to achieve a good level of integration, this can be conditioned.

d) Ancillary works do not integrate with their surroundings - access would be from the scribe road and visibility splays would be achievable as there is no vegetation existing that needs to be removed.

e) The design of the building is inappropriate for the site and its locality - As this is an outline application the design is not being assessed at this stage. However given that the adjacent infill approval (LA09/2017/1035/O) had a ridge height restriction of not greater than 6.5m from finished floor I feel it would be appropriate for the same condition to be applied in this case especially since No 2 Scribe Road is a modest detached single storey dwelling.

f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - the surrounding landscape is relatively flat and agricultural in nature, there are no natural features existing to provide a backdrop.

g) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm - this proposal is not for a dwelling on a farm.

Finally the proposal should be assessed against the requirements of CTY 14 - Rural Character whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

a) It is unduly prominent in the landscape - it is my consideration that prominence is not an issue for this proposal site.

- b)It results in a suburban style build-up of development when viewed with existing and approved building; - it is my consideration that the proposal site represents a small gap site.
- c)It does not respect the traditional pattern of settlement exhibited in that area; - the traditional pattern in this locality is one of roadside developments generally.
- d)It creates or adds to a ribbon of development - it is my consideration that the proposal site represents a small gap site.
- e)The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character - no ancillary works will be necessary with the exception of necessary visibility splays.

Having considered all of the above points I feel this proposal is acceptable and complies with all the required criteria in Planning Policy Statement 21 and as such would recommend that an approval be granted.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval recommended

**Conditions:**

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

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

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

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

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

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

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

4. The proposed dwelling shall have a ridge height of less than 6.5metres above finished floor level.

Reason: To ensure that the development is not prominent in and is satisfactorily integrated into the landscape.

5. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

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

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

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

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

#### Informatives

1. The applicant'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.

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

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

4. A consent to discharge sewage effluent being obtained from Water Management unit, the Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999. Any new or existing septic tank unit being a minimum of 15metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

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

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

Planning Service receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).

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.

5. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp)

All services within the development should be laid underground.

None of the development hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the developments shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

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

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	29th August 2018
<b>Date First Advertised</b>	13th September 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 2 Scribe Road Bellaghy Londonderry Noreen Hughes 2, Scribe Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JN The Owner/Occupier, 34 Tamlaghtduff Road Bellaghy Londonderry The Owner/Occupier, 4 Scribe Road Bellaghy Londonderry The Owner/Occupier, 4a Scribe Road Bellaghy	
<b>Date of Last Neighbour Notification</b>	25th September 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1035/O Proposal: Proposed infill site of dwelling and domestic garage for residential purposes Address: 90m South East of 2 Scribe Road, Bellaghy, Decision: PG Decision Date: 06.12.2017  Ref ID: LA09/2018/1137/O Proposal: Proposed infill site of dwelling and domestic garage for residential purposes Address: 20m South East of No 2 Scribe Road, Bellaghy, Decision: Decision Date:  Ref ID: H/2005/1272/O Proposal: Site of dwelling and garage Address: Adjacent to 4B Scribe Road, Bellaghy Decision: Decision Date: 24.10.2006	



<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
<p>Drawing No. 01/1 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 02/1 Type: Site Layout or Block Plan Status: Approved</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p>
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5/3/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1209/F	<b>Target Date:</b> 27/12/2018
<b>Proposal:</b> Extension to existing Kindercraft business to provide storage for raw materials, packaging and finished products	<b>Location:</b> 23 Ballymacombs Road Portglenone
<b>Referral Route:</b> Refusal is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Kindercraft Unit 3, 23 Ballycombs Road, Portglenone BT44 8NQ	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road, Toomebridge, BT43 3SG
<b>Executive Summary:</b> The applicant has failed to submit a site survey to OD Belfast which will demonstrate levels pre and post infilling in this flood plain. This has been requested on two separate occasions – by email on the 07/01/19 and again by email on the 18/02/19. A Drainage Assessment was also due to be submitted on the 18/03/2019 and to-date has not been forthcoming. Without this information a proper assessment in terms of PPS 4 and PPS 15 cannot be undertaken. Refusal is therefore recommended.	
<b>Signature(s):</b>	

**Case Officer Report****Site Location Plan****Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	Rivers Agency	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**

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining landowners were consulted by letter. The following properties were notified:

25 Ballymacombs Road, Portglenone, Londonderry, BT44 8NQ  
 28 Ballymacombs Road, Portglenone, Londonderry, BT44 8NQ,  
 Doherty Wood Shavings, 23 Ballymacombs  
 Essential Designs Ni Ltd, 23a , Ballymacombs Road, Portglenone, Londonderry, BT44 8NQ,  
 Pat The Baker, 23 Ballymacombs Road, Portglenone, Londonderry, BT44 8NQ,

To date no objections have been received to the application.

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

The application site is located at 23 Ballymacombs Road, Portglenone and takes in part of an existing Industrial complex, locally known as “Donnelly’s Yard” along with an area of hardstanding at the SW end of the complex. The site is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. Access to the site comes directly off the Ballymacombs Road. The roadside boundary is defined by metal security fencing and some existing vegetation towards the Southern most portion. The remaining boundaries are void of any vegetation and are defined by security fencing. An informal watercourse flows along the Northern site boundary.

The surrounding area is generally rural in character, despite the presence of this industrial yard. The settlement pattern is dispersed and the topography of the land is flat and low lying. Portglenone Forest is located to the Immediate South of the site and the River Bann flows further to the East of the site. The site is located within a strategic fluvial flood plain as identified on the Rivers Agency Strategic Flood Maps.

### **Description of Proposal**

This is a full application for an extension to the existing Kindercraft business (Furniture Manufacturer) to provide storage for raw materials, packaging and finished products. The extension will be 22m in length, 10m in height and 17m in width. There will be a large roller shutter door and a standard door on the front elevation and a standard door on the rear elevation. There is no internal connection to the adjacent building. The roof and the top half of the external walls will be finished in green insulated roof panels. The remaining section of wall will be finished in smooth render painted to match existing buildings on the site. The roller shutter door will be finished in PPP aluminium to match existing buildings. The proposal also involves a buffer planting strip along the SW site boundary and some planting along the roadside boundary of the site which will close up an informal site access.

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

#### **Planning History**

LA09/2017/0572/F - Proposed extension to existing Kindercraft Business to provide storage for raw materials, packaging and finished products. Approved 14/11/2017

LA09/2016/1755/F - Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone. Approved 8/11/2017

LA09/2015/0549/F - Proposed shed extension to supersede previously approved unit ref H/2012/0168/F. Approved 20/4/2017

H/2013/0272/F - Construction of a carpark in connection with an established business. Refused 15/5/2014

H/2013/0149/F Amendment to planting scheme approved under previous application H/2012/0168/F. Approved 15/4/2014

H/2010/0426/F - Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area. Refused 15/3/2011

H/2008/0494/F - Retention of hardcore area used for turning area, parking and storage area to existing industrial units. Approved 28/5/2009

H/2007/0120/F - To change the use from food storage to food processing and storage. Approved 17/5/2007

H/2006/0458/F - Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning. Refused. Planning Appeal upheld. 2008/A0064

H/2004/0484/O Site of dwelling. Refused. Planning. Appeal Dismissed 2006/A0933

H/2003/0038/F 3 No. Industrial Units (retrospective). Approved 30/9/2003

LA09/2018/0069/CA - Material Change of Use on Site. (Site is being covered with hardcore to provide level surface area). Ongoing

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

Magherafelt Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

Mid Ulster District Council Draft Plan Strategy

PPS4 – Planning and Economic Development

PPS15 – Planning and Flood Risk

### **Magherafelt Area Plan 2015**

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations. As such, existing planning policy should be applied (ie) PPS3, PPS4 and PPS 15

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

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

This site is not in an area of archaeological importance nor is it adjacent to any Listed Buildings. The closest third party dwelling is located approx. 70m to the SW of the site. EH have been consulted and have raised no concern about the impact on residential amenity by way of unacceptable noise, odours or nuisances.

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

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy ECON 2 – Economic Development in the Countryside and Policy FLD 1 – Fluvial Floodplains are applicable to this application. The proposal as it currently stands, does not comply with part A of GP1 in that adequate levels have not been provided in order to assess the proposal in terms of flooding and its impact on the local area. The proposal also fails to comply with Policy FLD 1 in that adequate information has not been submitted to assess the proposal in terms of flooding. Policy ECON 2 Part D has been complied with and allows for the expansion within the existing curtilage of an established economic development use which is of appropriate scale and nature.

It is acknowledged that no significant weight can be given to this document as it is only at early public consultation stage.

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

This proposal involves the use of an existing unaltered access onto the Ballymacombs Road. The applicant has stated on his P1 form that there will be a slight intensification of the use of this access as a result of this development. DFI Roads have been consulted and have no objections from a road safety perspective and they have not raised any concern about the provision of parking.

### **PPS 4 – Planning and Economic Development**

#### **Policy PED 3**

Policy PED 3 – Expansion of an established Economic Development use in the Countryside

PED 3 states that the expansion of such a use in the countryside will only be permitted where the scale and nature of the proposal will not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

This site is within an existing industrial yard and already has the appearance of an industrial area. As a result, rural character and the appearance of the countryside have already been altered in this location. The application site equates to 0.7 hectares with the extension introducing 375m<sup>2</sup> of floorspace. When considered in the context of the whole industrial site it is my opinion that this does not represent a major increase in the site area.

PED 3 states that proposals for expansion will normally be expected to be accommodated through the re-use or extension of existing buildings on the site. This proposal is an

extension to the existing line of unit albeit there is no internal link between the proposed unit and the existing adjacent unit.

On the basis of this assessment I am satisfied that the proposal complies with all criteria contained in PED 3 of PPS 4.

### **Policy PED 9**

Policy PED 9 – General Criteria for Economic Development, is also a policy consideration. It sets down 13 criteria which all economic development proposals must comply with:

#### **It is compatible with surrounding land uses.**

The proposed extension in terms of its nature and appearance is in keeping with the existing industrial units in the yard. I therefore have no concerns with compatibility.

#### **It does not harm the amenities of nearby residents.**

The closest residential property to the site appears to be number 28 Ballymacombs Road which is located approx. 70m to the SW of the site. EH have been consulted with the application and have raised no concerns regarding impact on residential amenity by way of unacceptable noise, nuisances or odours.

#### **It does not adversely affect features of natural or built heritage.**

This site is not in an area of archaeological importance nor are there any Listed Buildings in the immediate area. SES have been consulted informally on the adjacent application (LA09/2018/1375/F) due to the proximity of the site to an informal watercourse. They have advised that the proposal will not have any likely significant effects on the integrity of any European Designated Site. It would be safe to assume their comments would be the same for this proposal.

#### **It is not located in an area of flood risk and will not cause or exacerbate flooding**

According to Rivers Agency Strategic Flood Maps, this site is within a strategic fluvial flood plain. Rivers Agency have been consulted and have requested that the agent submit revised levels so they can determine if FLD 1 of PPS 15 applies in this instance. This information was requested on the 7th January 2019 and again by email on the Monday 18th February 2019. A Drainage Assessment was also requested to show compliance with policy FLD 3 of PPS 15. This was due to be submitted on or before the 18<sup>th</sup> March 2019. To date, none of this information has been submitted so I am unable to determine the impact the proposal has from a flood risk perspective.

#### **It does not create a noise nuisance**

The proposal does not involve any major noise generating activities. There may be some noise from forklifts etc but EH have raised no concern in this regard.

**It is capable of dealing satisfactorily with any emission or effluent**

The proposal does not involve the production of any emissions. Surface water will be directed into a soakaway.

**The existing road network can safely handle any extra traffic.**

There is only a slight intensification expected. DFI Roads have no objections to the proposal.

**Adequate access arrangements, parking and manoeuvring areas are provided.**

DFI Roads have raised no concern in this regard.

**A movement pattern is provided that supports walking and cycling, and meets the needs of people whose mobility is impaired.**

This site is located in a rural location and it is envisaged that it will be primarily vehicles using the site.

**The site layout, building design, associated infrastructure and landscaping arrangements are of a high quality and assist the promotion of sustainability and biodiversity.**

I have no concerns with layout or design. Landscaping has been proposed along the Western boundary and along a small section of the roadside boundary. This should promote biodiversity to a degree.

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

The new Western boundary will be planted up with native species hedgerow. This should soften the impact of the development to a degree.

**Is designed to deter crime and promote personal safety.**

The existing site is well secured with high fencing and CCTV cameras are in operation

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refuse – Due to a lack of information I am unable to fully assess the proposal in line with PPS 4 and PPS 15.



It has not been possible to do an EIA Screening without this information, therefore as it stands it would be in conflict with the EIA Regulations to grant planning permission for this proposal.

**Refusal Reasons**

1. The proposed development is contrary to policy PED 9 of Planning Policy Statement 4, Planning and Economic Development, in that it has not been demonstrated by the applicant that the development is not located in an area of flood risk and will not cause or exacerbate flooding.
2. The proposed development is contrary to policy FLD 1 and FLD 3 of Planning Policy Statement 15, Planning and Flood Risk, as insufficient information has been provided to assess the proposal from a flood risk perspective.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th September 2018
<b>Date First Advertised</b>	27th September 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 25 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, 28 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, Doherty Wood Shavings, 23 Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ, The Owner/Occupier, Essential Designs Ni Ltd 23a Ballymacombs Road The Owner/Occupier, Pat The Baker, 23 Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ,	
<b>Date of Last Neighbour Notification</b>	24th September 2018
<b>Date of EIA Determination</b>	It has not been possible to do an EIA Screening without the outstanding information.
<b>ES Requested</b>	
<b>Planning History</b>  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: Decision Date:  Ref ID: H/1987/0024 Proposal: ALTS AND ADDS TO HOUSE Address: 10 BOYNE ROW CASTLEDAWSON Decision: Decision Date:  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: 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: H/2015/0033/LDP

Proposal: Erection of farm shed utilising existing access.

Address: 23 Ballymacombs Road Portglenone,

Decision: PR

Decision Date:

Ref ID: H/1975/0001

Proposal: SITE OF REBUILDING OF FIRE DAMAGED LICENSED PREMISES

Address: CLADY, PORTGLENONE

Decision:

Decision Date:

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/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

### **Summary of Consultee Responses**

DFI Roads – No objections

EH – No objections

Rivers Agency – Awaiting submission of additional information

### **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: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5/3/19	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1375/F	<b>Target Date:</b> 30/1/19
<b>Proposal:</b> Retention of inert material deposited on agricultural land for the purposes of improved drainage	<b>Location:</b> Approx 120m West of 23 Ballymacombs Road, Portglenone
<b>Referral Route:</b> Refusal recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Peter Donnelly 23 Ballymacombs Road Portglenone	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge, BT41 3SG
<b>Executive Summary:</b> The applicant has failed to submit a site survey to OD Belfast which will demonstrate levels pre and post infilling in this flood plain. This has been requested on two separate occasions – by email on the 18/2/19 and again by email on 07/1/19. A Drainage Assessment was also due to be submitted on the 18/3/19 and to-date has not been forthcoming. Without this information a proper assessment in terms of PPS 15 and PPS 11 cannot be undertaken. Refusal is therefore recommended.	
<b>Signature(s):</b>	

**Case Officer Report****Site Location Plan****Consultations:**

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Statutory	NIEA	No 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**

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and adjoining landowners were consulted by letter. The following properties were notified:

25 Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ  
 27 Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ,  
 28 Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ,  
 Essential Designs Ni Ltd,23a ,Ballymacombs Road,Portglenone,Londonderry,BT44 8NQ,



To date no objections have been received to the application. One letter has been submitted by the occupants of number 25 Ballymacombs Road. They have stated in this letter that they do not object in principle but that they want clarification on a few matters relating to location of Water Mains and Buffer Planting conditioned as part of a previous planning approval (LA09/2016/1755/F). On the day of my site inspection, 26th October 2018, this buffer planting was not in place. I have passed this matter to our enforcement section who will investigate this breach. I have issued to consultation to NIW in respect of the Water Main.

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

The application site is a 0.44 hectare parcel of agricultural land located approx. 120m to the West of the industrial complex at 23 Ballymacombs Road, Portglenone. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site sits below the level of the Ballymacombs Road and has been recently infilled with inert material. The roadside boundary is defined by a grass verge and a band of semi mature trees and shrubs. The Northern and Eastern boundaries are defined by wire and post fencing. The Western boundary is defined by a third party dwelling and its domestic hedgerow. An informal watercourse flows along the Northern site boundary.

This area is generally rural in character, albeit there is the industrial complex located at number 23 Ballymacombs Road. The settlement pattern is dispersed and the topography of the land is flat and low lying. Portglenone Forest is located to the Immediate South of the site and the River Bann flows further to the East of the site. The site is located within a strategic fluvial flood plain as identified on the Rivers Agency Strategic Flood Maps.

### **Description of Proposal**

This is a full application for the retention of inert material deposited on agricultural land for the purposes of improved drainage. It has been submitted on the back of an Enforcement Case (LA09/2018/0069/CA) which was opened to deal with a material change of use on the site. There is also a live planning application adjacent to the site currently under consideration by MUDC. (LA09/2018/1209/F). This is for an extension to the existing Kindercraft Business.

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

#### **Planning History**

LA09/2017/0572/F - Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products. Approved 14/11/2017

LA09/2016/1755/F - Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone. Approved 8/11/2017

LA09/2015/0549/F - Proposed shed extension to supersede previously approved unit ref H/2012/0168/F. Approved 20/4/2017

H/2013/0272/F - Construction of a carpark in connection with an established business. Refused 15/5/2014

H/2013/0149/F Amendment to planting scheme approved under previous application H/2012/0168/F. Approved 15/4/2014

H/2010/0426/F - Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area. Refused 15/3/2011

H/2008/0494/F - Retention of hardcore area used for turning area, parking and storage area to existing industrial units. Approved 28/5/2009

H/2007/0120/F - To change the use from food storage to food processing and storage. Approved 17/5/2007

H/2006/0458/F - Proposed extension to existing industrial yard to provide 2No industrial units with associated car parking and turning. Refused. Planning Appeal upheld. 2008/A0064

H/2004/0484/O Site of dwelling. Refused. Planning. Appeal Dismissed 2006/A0933

H/2003/0038/F 3 No. Industrial Units (retrospective). Approved 30/9/2003

LA09/2018/0069/CA - Material Change of Use on Site. (Site is being covered with hardcore to provide level surface area). Ongoing

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

Magherafelt Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

Mid Ulster District Council Draft Plan Strategy

PPS11 – Planning and Waste Management

PPS15 – Planning and Flood Risk

### **Magherafelt Area Plan 2015**

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations. As such, existing planning policy should be applied (ie) PPS11 and PPS 15

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

The SPPS gives provision for Waste Management subject to a number policy provisions. It does not present any major change in policy direction from that contained within PPS 11, therefore PPS 11 still applies. It does however advise that the Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 – General Principles Planning Policy and Policy FLD 1 – Fluvial Floodplains are applicable to this application. The proposal as it currently stands, does not comply with part A of GP1 in that adequate levels have not been provided in order to assess the proposal in terms of flooding and its impact on the local area. The proposal also fails to comply with Policy FLD 1 in that adequate information has not been submitted to assess the proposal in terms of flooding.

It is acknowledged that no significant weight can be given to this document as it is only at early public consultation stage.

## **PPS11 – Planning and Waste Management**

Policy WM4 deals with Land Improvement. This policy only permits the disposal of inert waste where it is demonstrated that it will result in land improvement and where 4 additional criteria are met:

**It will not result in an unacceptable adverse environmental impact that cannot be prevented or mitigated against.**

Following consultation with EH I am satisfied that the proposal will not harm human health. I have no concerns about the impact the infilling has on the character of this area and given the scale of the infilling and the fact that it has taken place at a level lower than the public road, I have no concerns about its visual impact. It is not resulting in any intensification of traffic movements and access to the public road is not being impeded. Parking and manoeuvring within the adjacent industrial site is not being impacted, nor are any features of nature or built heritage importance. SES have been consulted informally and have advised that the proposal will not have any likely significant effects on the integrity of any European Designated Site. NIEA have also been consulted and have advised that although the proposal does require waste authorisation they do not issue these retrospectively. Any mitigation in relation to unacceptable impacts would only be imposed through the waste authorisation. According to Rivers Agency Strategic Flood Maps, this site is within a strategic fluvial flood plain. Rivers Agency have been consulted and have requested that the agent submit revised levels so they can determine if FLD 1 of PPS 15 applies in this instance. A drainage assessment is also required in line with policy FLD 3 of PPS 15. The revised levels were requested by email on the 7th January 2019 and again by email on the Monday 4th February 2019 and 18<sup>th</sup> February 2019. The Drainage Assessment was due to be submitted on the 18<sup>th</sup> March 2019. To date, no information has been submitted so I am unable to determine the impact the proposal has from a flood risk perspective. The infilling has taken place on agricultural land, however the applicant has advised that it was necessary for the improvement of drainage. No restoration proposals have been detailed however given the small scale of this proposal I am content with the sections provided. Existing vegetation along the road side boundary is shown to be retained and buffer planting is shown along the Eastern site boundary.

**There is a local need for the development and it can be demonstrated that it is BPEO.**

BPEO is no longer a material consideration in the planning process. The need for this infilling is stated as being for improved drainage to farmland. Given the site is located within a flood plain and is very low lying, I would accept this case of need.

**Only the minimum quantity of fill necessary to achieve the proposed improvement shall be deposited.**

It would appear that just over 1m in height of ground is being filled in. The level of the field will remain below road level. In my opinion this is not excessive.

**Detailed measures are included for restoration and aftercare**

Existing vegetation along the road side boundary is shown to be retained and buffer planting is shown along the Eastern site boundary.

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

Policy FLD 1 of PPS 15 only permits development in a flood plain in certain circumstances and if the proposal is deemed to be an exception then a Flood Risk Assessment must be submitted. Whilst the Rivers Agency Strategic Flood Maps shown the site being within a flood plains, Rivers Agency have requested a topographical survey of the site demonstrating pre and post infilling. This will indicate whether or not FLD 1 is a policy consideration. As noted above, this information has not been forthcoming so I am unable to properly assess this proposal in line with PPS 15. A DA is also required by Rivers Agency and this has not been submitted.

### **Summary of Recommendation:**

Refuse – Due to a lack of information I am unable to fully assess the proposal in line with PPS 11 and PPS 15.

### **Refusal Reasons**

1.The proposal is contrary to policy WM4 - Land Improvement of Planning Policy Statement 11, Planning and Waste Management, in that it has not been demonstrated by the applicant that the infilling will not result in an unacceptable adverse environmental impact by way of increasing flood risk.

2.The proposed development is contrary to policy FLD 1 of Planning Policy Statement 15, Planning and Flood Risk, as insufficient information has been provided to assess the potential of the proposal to cause or exacerbate flood risk.

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

ANNEX	
<b>Date Valid</b>	17th October 2018
<b>Date First Advertised</b>	1st November 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 25 Ballymacombs Road Portglenone Londonderry Roy and Brigid Turtle 25, Ballymacombs Road, Portglenone, Londonderry, Northern Ireland, BT44 8NQ The Owner/Occupier, 27 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, 28 Ballymacombs Road Portglenone Londonderry The Owner/Occupier, Essential Designs Ni Ltd 23a Ballymacombs Road	
<b>Date of Last Neighbour Notification</b>	25th October 2018
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	N/A
<b>Planning History</b>  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: 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/2013/0272/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/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: LA09/2018/1375/F

Proposal: Infilling of lands with inert material for the purposes of improvement of drainage to farmland

Address: Approx 120m West of 23 Ballymacombs Road, Portglenone,

Decision:

Decision Date:

### **Summary of Consultee Responses**

Rivers – Requested additional information

NIEA – No objection

SES – No significant effects on any European Site

NIW – Outstanding

### **Drawing Numbers and Title**

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1503/LBC	<b>Target Date:</b>
<b>Proposal:</b> Demolition of wall	<b>Location:</b> South East of 39 Charlemont Street Moy
<b>Referral Route: Contrary to policy</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Hemel Ltd, Eurospar 45 Charlemont Street Moy	<b>Agent Name and Address:</b> Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice

#### Representations:

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

#### Summary of Issues

None

## Characteristics of the Site and Area

The application site is a small 12 metre portion of land which previously displayed a roadside wall. The site fronts onto a 0.45 hectare parcel of land which takes in an existing Eurospar, forecourt, parking areas, ancillary outbuildings and a car wash, located at 45 Charlemont Street, Moy. The site is within the development limits of Moy as designated in the Dungannon and South Tyrone Area Plan 2010 (DSTAP). Access to this site comes directly off Charlemont Street. The site runs from the former grain mill, a listed building, which is located adjacent and North.

The immediate area is characterised by a mix of uses. To the SE is a residential development "The Quays". To the NE of the site is a dwelling, a surgery and a mix of other commercial properties. To the NW of the site is a row of town houses located within the Moy Conservation Area and to the West and SW are two dwellings and a garage. This area is also recognised as having archaeological potential. Historically the lands to the South of the site were occupied by a meander of the River Blackwater.

In April 2006 approval was granted for the demolition, replacement and extension of the original petrol filling station under (M/2005/2394/F). A subsequent approval was granted in 2006 to create a new retail unit with fuel pumps forecourt under (M/2006/2191/F). A further application on the site was LA09/2016/0954/F for a shop extension and most recently (LA09/2018/1007/F) which saw a reduction in the overall scheme. Removal of the wall was not included in any of these proposals. The adjacent listed mill application (LA09/2016/0714/F) and outline residential application (LA09/2016/0697/O) are relevant in this assessment of this proposal.

## Description of Proposal

This application seeks listed building consent for the demolition of a wall.

## Planning Assessment of Policy and Other Material Considerations

Dungannon and South Tyrone Area Plan 2010  
 SPPS - Strategic Planning Policy Statement for Northern Ireland  
 PPS 2 - Natural Heritage  
 PPS 3 - Access, Movement and Parking  
 PPS 6 - Planning, Archaeology and Built Heritage

Dungannon and South Tyrone Area Plan 2010

The site is located within the development limits of Moy as designated in the DSTAP 2010 where there is a presumption in favour of development subject to certain criteria being met. The site does not sit within any other designations contained in the plan.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The planning system has an active role to play in helping to better the lives of people and communities in Northern Ireland through improving health and well-being, creating and enhancing shared space, supporting sustainable economic growth, supporting good design and positive place making and preserving and improving the built and natural environment. SPPS states that the regional strategic objectives for archaeology and built heritage are to ;  
 - secure the protection, conservation and, where possible, the enhancement of our built and archaeological heritage;

- promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and
- deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity.

It is important that development proposals impacting on Listed Buildings are assessed paying due regard to their contribution to the character and quality of settlements and the countryside, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

#### PPS6 Planning, Archaeology and the Built Heritage

On initial assessment of this proposal it was clear that the demolition of this wall was carried out during part of the larger scheme of works to facilitate the adjoining shop renovations and improvements. It is clear a lot of thought and work had went into designing this project by the architect.

It must also be noted that we are considering the proposal on its own merits and will not be influenced by the fact of matter that the work has already been done.

In my opinion the demolition of the wall as part of the overall scheme has made a significant improvement to the site as a whole. The new paved area, planting, up lighting and pedestrian areas, as well as the approved improvements to the listed building have made a marked improvement to the visual appearance of the street scene.

On initial assessment there was concern that the proposed new build would have a detrimental impact to the listed workhouse.

At an early stage in the processing of this application I realised that comment from Historic Environment Division would be useful to see if the proposal was broadly acceptable or not. HED commented that the proposal fails to satisfy the requirements of BH8 and BH10 of PPS 6. Their comments stated "The application impacts on the warehouse at 39 Charlemont Street, Moy, a Grade B1 listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011."

Also stating "The Design and Access Statement in support of this application states that the wall in question is not listed. This is not quite accurate under Section 80 (7) of the Planning Act (NI) 2011. HED: HB's response dated 20/09/2018 to the associated full application

LA09/2018/1007/F refers: "Although not included in the extent of listing, this walling is protected as a curtilage structure by virtue of its attachment to the listed building. It appears to be remnant of a former quay as shown on 2nd Edition OS map, c.1860 and it is included in the Industrial Heritage Record"

It is my opinion that the wall, including the newer and higher block wall which was attached to the rear was more of an eye sore on the street scene as opposed to a feature associated with the listed building to be protected.

"HED: HB assume that the redevelopment of the site is as per LA09/2018/1007/F which proposes to remove the wall to provide access to the Eurospar behind. The historic wall screened the view to the Eurospar from Charlemont Street in the context of the listed building and its removal is considered detrimental to its setting from this viewpoint."

Whilst the wall screened views to the Eurospar shop, It is again my opinion that it was an eyesore with the large two metre high block wall to its rear and the overgrown and run down nature of the front elevation it actually detracted from the listed building.

The application has been discussed at length at group and it was the decision of the group that the improvements that the overall scheme brings, including the improvements to the listed building and the removal of the wall have enough determining weight to allow us to set aside the comments of HED and the policy conflict with PPS6.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy HE9 - Change of use, alteration or extension of a listed building and Policy HE10 - Demolition of a listed building applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

Recommendation Approval.

#### **Neighbour Notification Checked**

**Yes**

#### **Conditions**

1. This consent takes effect from the date of this decision notice.

#### **Informatives**

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

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

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

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	2nd November 2018
<b>Date First Advertised</b>	29th November 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 31 Charlemont Street, Moy, Tyrone, BT71 7SL The Owner/Occupier, 39 Charlemont Street, Moy, Tyrone, BT71 7SL The Owner/Occupier, 40 Charlemont Street, Moy, Tyrone, BT71 7SL The Owner/Occupier, 45 Charlemont Street, Moy, Tyrone, BT71 7SL The Owner/Occupier, 45 Charlemont Street, Moy, Tyrone, BT71 7SL	
<b>Date of Last Neighbour Notification</b>	19th November 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/1007/F Proposal: Single storey extension to front elevation with a 2 storey extension to one side to provide additional retail accommodation with offices above, reconfiguration of parking area and access arrangements and general site works including landscaping and pedestrian access routes and toilet block Address: Eurospar 45 Charlemont Street, Moy, Decision: PG Decision Date: 13.11.2018  Ref ID: LA09/2016/0654/F Proposal: Single storey extensions to front and one side of supermarket, repositioning of petrol pumps and canopy, reconfiguration of parking areas and access arrangements and general site works including landscaping and pedestrian access routes Address: Eurospar, 45 Charlemont Street, Moy, Decision: PG Decision Date: 23.05.2017  Ref ID: LA09/2016/0714/F	

Proposal: Stabilisation of existing building and reinstatement of roof, minor alterations to external appearance of the buildings doors and windows, provision of car parking area at rear, and partial change of use of lower ground floor (155.63sqm) to restaurant. General site works and building improvements.

Address: Former Grain Store, 39-41 Charlemont Street, Moy,

Decision: PG

Decision Date: 16.05.2017

Ref ID: LA09/2018/1503/LBC

Proposal: Demolition of wall

Address: South East of 39 Charlemont Street, Moy,

Decision:

Decision Date:

Ref ID: M/1984/0368

Proposal: DEVELOPMENT OF SITE TO PROVIDE 7 NO SHOP UNITS

Address: CHARLEMONT STREET, MOY

Decision:

Decision Date:

Ref ID: M/2002/1285/Q

Proposal: Proposed conversion of derelict Mill building into 4 No. retail shop units and 8 No. flats.

Address: 39 Charlemont Street, Moy

Decision:

Decision Date:

Ref ID: M/1977/0778

Proposal: STORAGE OF BUILDERS MATERIALS AND EQUIPMENT

Address: CHARLEMONT STREET, MOY

Decision:

Decision Date:

Ref ID: M/1990/0453

Proposal: Erection of Petrol Pumps/Filling Station and Supermarket

Address: ADJACENT TO NO 45 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1980/0670

Proposal: EXTENSION TO EXISTING STORE

Address: CHARLEMOUNT STREET, MOY

Decision:

Decision Date:

Ref ID: M/1990/0536

Proposal: Erection of Petrol Pumps Filling Station and Supermarket

Address: ADJACENT TO 40 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1990/0536B

Proposal: Erection of petrol filling station , forecourt canopy and supermarket

Address: ADJACENT TO NO 40 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/1995/0306

Proposal: Retention of 1.2m Diameter Satellite dish

Address: MOY POST OFFICE CHARLMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/2005/2394/F

Proposal: Demolition, replacement and extension of existing petrol filling station complex to provide 3 retail units and fuel pumps forecourt

Address: Costcutter, 45 Charlemont Street, Moy

Decision:

Decision Date: 27.04.2006

Ref ID: M/1995/0320

Proposal: Proposed Shop with Flat Over

Address: 43 CHARLEMONT STREET MOY

Decision:

Decision Date:

Ref ID: M/2015/0096/PREAPP

Proposal: Redevelopment of Lands at Charlemont Street, Moy

Address: 31-45 Charlemont Street, Moy, Co Tyrone,

Decision:

Decision Date:

### **Summary of Consultee Responses**

HED commented that the proposal fails to satisfy the requirements of BH8 and BH10 of PPS 6. See detailed analysis above.

### **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

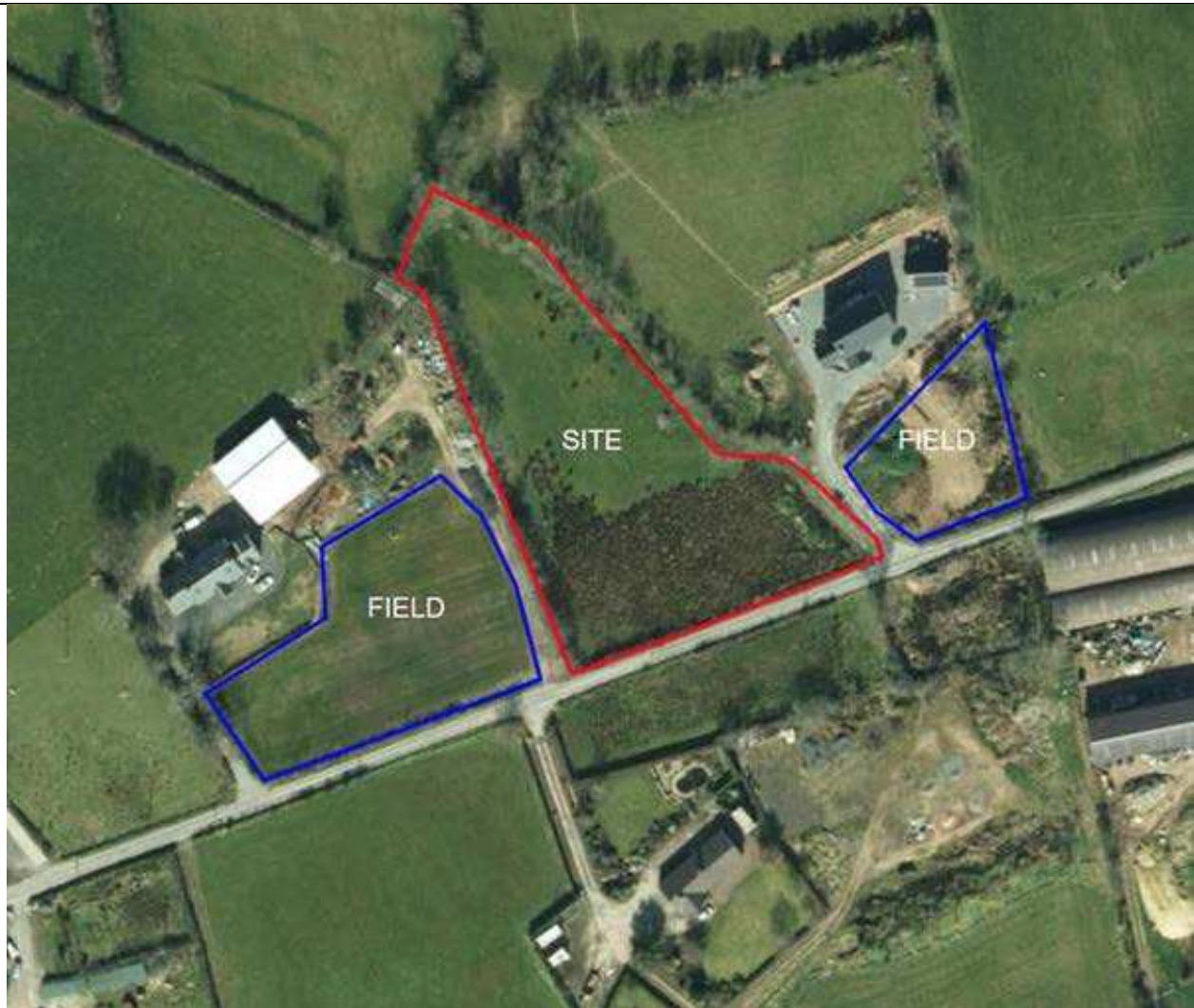
## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1603/O	Target Date:
Proposal: Proposed infill dwelling and garage	Location: Site at 60m NE OF 15 Glengomna Road Draperstown
Referral Route:  This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Patrick Murray 25a Dunlogan Road Draperstown BT45 7ET	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	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

## Representations:

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

## Summary of Issues

No representations have been received in respect of this application.

## Description of proposal

The proposal is an outline application for an infill dwelling and garage.

### Characteristics of the site and area

The site consists of a small road frontage field set between a dwelling and garage to the east (No.11) and a dwelling and a large shed to the west (No.15). The both dwellings to either side are set back and do not have a frontage to the road. The site has good boundary definition along both the north eastern and south western boundaries and is bounded along the road frontage by a sporadic hedge and a post and wire fence. The site rises up gently from the road front towards the rear.

The dwelling at No.11 is a two storey detached dwelling set to the rear of a small road frontage field with a defined hedgerow separating the site from the field. Access to No.11 is via its own laneway which is paired with an agricultural laneway. No.15 is a large two storey detached dwelling set back off the road and accessed via a separate laneway with a second lane leading to the adjacent outbuilding. Between the two laneways, at No.15, is a small field clearly separated from the dwelling by a 1-2m high hedge and has a road frontage.

### 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 – Draft Plan Strategy has been published for consultation, 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 main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. The site also lies within the Sperrins Area of Outstanding Natural Beauty.

PPS 21 – sustainable development in the countryside

The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage "includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".

The site is bounded to the east by a detached dwelling (No.11) which is set back off the Glengomna Road and physically separated from the road by a small field which is clearly outside its curtilage. No.11 was approved at outline stage under H/2011/0424/O on which the site outline clearly indicated the site was set to the rear of the roadside field with the dividing hedgerow being retained. That site subsequently obtained full approval under H/2013/0374/F which also excluded the road frontage field from the site. This dwelling, therefore, cannot be considered as having a frontage to the road.

To the west is a second dwelling which is set back around 45m from the Glengomna Road. This dwelling is also located behind a roadside field which does not form part of the dwellings

curtilage. Therefore the dwelling does not have a road frontage and cannot be considered to form part of a substantial and continuously built up frontage.

Policy CTY 8 states that permission will be refused for a building which creates or adds to a ribbon of development. The reference in paragraph 5.33 to visual linkage is made in relation to defining what can also represent ribbon development. Whilst the main thrust is to resist ribbon development, what is allowed under CTY 8 is 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 environmental requirements. A substantial and continuously built up frontage is defined as one that includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. Therefore to meet this policy test, the relevant buildings must be along the same frontage.

Consequently, as the dwellings and associated buildings at No.11 and No.15 have a functional and physical separation from the Glengomna Road, formed by the intervening fields, there is not substantial and continuously built up frontage along this part of the Glengomna Road.

Furthermore, the gap between the entrances of No.11 and No.15 is between 130m and 160m which is considered excessive to accommodate only two dwellings reflective of the existing built development. The site is considered to be an important gap as it provides relief and a visual break between the existing built development at No.11 and No.15. The proposed development is therefore considered to be contrary to Policy CTY 8.

In my opinion, this site is similar to the site subject of planning appeal 2016/A0093 in which the Commissioner accepted that a dwelling set back and physically separated from the road by a field, does not have a frontage to the road and therefore cannot be considered to form part of a substantial and continuously built up frontage.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 – Integration and CTY 14 – rural character.

#### CTY 13 – Integration

The proposed site will require the removal of the site frontage in order to provide the necessary visibility splays, although this is only a post and wire fence with a low cut sporadic hedge. The site also lacks sufficient boundary vegetation along the eastern boundary to provide a suitable degree of integration and coupled with the removal of the road frontage boundary will result in the proposed dwelling suffering from a lack of integration on approach from the east. A dwelling on this site would therefore rely heavily on proposed planting to aid integration.

#### CTY 14 – Rural Character

As the site is not considered to be an infill site, and given that the site frontage will be required to be removed to provide the necessary access arrangements, any dwelling on this site will then be intervisible with and will be read with the existing dwellings at no's.11 and 15. There will be transient views of the site on approach from the east from where the proposed dwelling would be read with the existing development at No.11 and No.15. The proposed dwelling would appear as a continuation of the built form along Glengomna Road thereby resulting in ribboning and a suburban style build-up of development.

#### Mid Ulster District Council Local Development Plan 2030 – Draft Plan Strategy

The Local Development Plan – Draft Plan strategy has now been published during the processing of this application and it is therefore a material consideration. Under the Draft Strategy the proposed development would be considered under policies GP1 - General Principles Planning Policy, CT1 – General Policy, CT2 – Dwellings in the countryside and NH 6 – Areas of Outstanding Natural Beauty.

In terms of CT2, the application is to be considered as a dwelling infilling a small Gap Site. In that I am of the opinion that the proposed dwelling is not within a small gap that accommodates up to two dwellings and in which the gap is located between three or more buildings that each front onto the Glengomna Road. Furthermore, the application is considered to be contrary to Policy CT1 as it fails to integrate with the surrounding landscape and does not respect the rural character as it created a ribbon of development.

In my view the proposal is contrary to these policies and is in conflict with the plan. However, no significant weight can be given as the Draft Plan Strategy is at early public consultation stage.

The committee should note that that the Draft Plan strategy on infill development still has the test in relation to road frontage. Therefore the proposed development would not accord with that policy criteria.

#### Consultations

Transport NI and NI Water have advised that they have no issues of concern with the proposed site.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be refused for the following reasons:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reasons stated below:-

#### Refusal Reasons

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

2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage sufficient to only accommodate a maximum of two houses and would, if permitted, result in the creation of ribbon development along this stretch of the Glengomna Road.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at that part of the Glengomna Road and therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	5th December 2018
Date First Advertised	20th December 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Glengomna Road Draperstown Londonderry The Owner/Occupier, 12 Glengomna Road Draperstown Londonderry The Owner/Occupier, 15 Glengomna Road Draperstown Londonderry The Owner/Occupier, 8 Glengomna Road Draperstown Londonderry	
Date of Last Neighbour Notification	19th December 2018
Date of EIA Determination	N/A
ES Requested	No
Planning History  Ref ID: LA09/2018/1603/O Proposal: Proposed infill dwelling and garage Address: Site at 60m NE OF 15 Glengomna Road, Draperstown, Decision: Decision Date:  Ref ID: H/2011/0424/O Proposal: Site for a Dwelling on the Farm Address: 160m North East of 15 Glengomna Road, Draperstown, Decision: Decision Date: 21.10.2011  Ref ID: H/2013/0374/F Proposal: Proposed dwelling on the farm Address: 160m North East of 15 Glengomna Road, Draperstown, Decision: PG Decision Date: 24.12.2013	

<p>Summary of Consultee Responses</p> <p>No consultees raised any issues of concern.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan 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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1609/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed farm building	<b>Location:</b> 100m North West of 44 Cullenramer Road Dungannon
<b>Referral Route: Conrary to Policy and objection received</b>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Barry Small 107 Reaskmore Road Dungannon BT70 1QF	<b>Agent Name and Address:</b> J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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



Number of Petitions of Objection and signatures	No Petitions Received
<p><b>Summary of Issues</b></p> <p>Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objections has been received from neighbouring dwelling at 44 raising concerns of the size and scale of the proposed building being out of character for the area and impact on residential amenity via; smells noise and pollution.</p>	
<p><b>Characteristics of the Site and Area</b></p> <p>The site comprises a square portion in the North East corner of a larger agricultural field located at some 100m NW of no.44 Cullenrammer Road, Dungannon. This particular section of the field has been separated from the larger field (south and west) by a row of planting including some trees and a post and wire fence. The Northern roadside boundary is defined by a low cropped native species hedgerow and the remaining eastern boundary along the laneway is defined by a post and wire fence with an agricultural gate in the corner. The land is pretty flat with the remainder of the field rising slightly from the roadside North to the south. The area within the site is overgrown with a an area to the east used for storing bails etc.</p> <p>The site lies within the open countryside outside all other areas of constraint as defined within the DAP 2010. It lies a short distance to the SW of the settlement limits of Granville. The surrounding area is predominantly rural in nature with a scattering of single dwellings and farm holdings along the Cullenrammer road.</p>	
<p><b>Description of Proposal</b></p> <p>Proposed farm building.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>The following policy documents provide the primary policy context for the determination of this application;</p> <ol style="list-style-type: none"> <li>1.Strategic Planning Policy Statement (SPPS).</li> <li>2.Dungannon &amp; South Tyrone Area Plan 2010.</li> <li>3.Planning Policy Statement (PPS) 3 – Access, Movement and Parking.</li> <li>4.PPS 21 - Sustainable Development in the Countryside.</li> </ol> <p>Planning History</p> <p>M/2003/1011/O - Proposed dwelling – Application was recommended for refusal and subsequently withdrawn by the applicant.</p> <p>Representations</p>	

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party objections has been received from neighbouring dwelling at 44 - see consideration below.

## Assessment

The principal planning policies are provided by the SPPS, PPS 21, PPS 15, PPS 6 and PPS 3.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21 and PPS 3 have been retained under transitional arrangements. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

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

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

## CTY 12

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and within the amplification text, it clarifies that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Policy CTY 10 stipulates that the farm business should be both active and established for a period of at least 6 years.

The applicant, within the supporting information submitted with the application, has stated that the farm business is over 6 years old and has claimed single farm payments within the past 6 years, however, DAERA has been consulted and stated that the business last claimed SFP in 2015. The applicant has since then submitted 3 invoices to show work carried out annually with the past three years.

Whilst visiting the site I observed the application lands and noted that they were in decent agricultural condition.

On this basis on that above I can conclude that whilst the farm/field has been active and established for a period of at least 6 years. With this in mind I not content that the agricultural holding is both active and established.

CTY 12 includes five further criteria (a-e):

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; The applicant has not put forward any case as to why the proposed shed is necessary for the agricultural holding.

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

The proposal presents an agricultural building which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area. The proposed building would be single storey

with an arched barn style roof. It is 12 metres long and 7 metres wide. However, in my opinion a building of this size sitting in isolation along the roadside would not be appropriate to the location.

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

The proposed building, including a large area for lorry turning and parking would be very open and exposed from the Cullenrammer road in both directions. It is my opinion the proposal would present a prominent feature in the context of this rural landscape setting and would fail to integrate in the local landscape.

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

There are no sensitive natural heritage features of note within the site or the surrounding area.

(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.

It is noted that the proposal is sited some 80m away from the closest unconnected residential dwelling at No. 44 Cullenrammer Road. Objection have been received from this address. However, it must be noted that this separation distances of 80metres is more than the existing similar buildings to the rear of No.44.

#### CTY 12 – Additional Requirements

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

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

The applicant has provided no supporting statement along with this application. The applicants address is 107 Reaskmore road, which is the main farm holding with a number of fields and farm buildings surrounding. It has not been proven why these buildings cannot be used. It must be noted that there is no specific planning policy for first farm sheds for start-up farmers. In addition the applicant has not provided any justification as to why the siting away from the existing farm is necessary.

#### CTY 13 & 14

An assessment of the proposed siting of the development along with its visual and physical impact has been documented within parts b and c, above. In terms of visual integration and impact on rural character members are advised that the proposal is deemed to fail to satisfactorily integrate into the surrounding rural landscape setting. I consider the proposal is not compliant with the policy provision contained within Policies CTY 13 and 14 of PPS 21.

#### PPS 3

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have returned comment highlighting that they are content with the proposed access to the site.

### Objections

One letter of objection has been received on this application and the issues raised can be identified below:

the size and scale of the proposed building being out of character for the area; and impact on residential amenity via; smells noise and pollution.

### Consideration.

As discussed above, the proposal is deemed to comply with the policy requirements of PPS 3 – Access, Movement and Parking, per DFI Roads comments. No concerns over access.

With regards to the impact on amenity, It is noted that the proposal is sited some 80m away from the dwelling at No. 44 Cullenrammer Road. This separation distances of 80metres is more than the existing similar buildings to the rear of No.44.

With regard to the size, scale and integration of the proposed building, I would share the opinion that the proposal would if approved fail to satisfactorily integrate into the surrounding rural landscape setting

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy AFR1 - Agriculture and forestry development and development ancillary to fishing - applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

Refusal recommended.

### Neighbour Notification Checked

**Yes**

### Refusal Reasons

1.The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used.

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no

alternative sites available at the main farm holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings.

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that the the alternative site away from the main farm holding is essential for the efficient functioning of the business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and is on an open site without satisfactory means of enclosure to integrate.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th December 2018
<b>Date First Advertised</b>	20th December 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 40 Cullenramer Road Dungannon Tyrone The Owner/Occupier, 40 Cullenramer Road,Dungannon,Tyrone,BT70 1SP The Owner/Occupier, 41 Cullenramer Road, Dungannon, Tyrone, BT70 1SD The Owner/Occupier, 43 Cullenramer Road, Dungannon, Tyrone, BT70 1SD The Owner/Occupier, 44 Cullenramer Road Dungannon Tyrone The Owner/Occupier, 44 Cullenramer Road,Dungannon,Tyrone,BT70 1SP Peadar Mallon 44, Cullenramer Road, Dungannon, Tyrone, Northern Ireland, BT70 1SP The Owner/Occupier, 46 Cullenramer Road Dungannon Tyrone The Owner/Occupier, 46a ,Cullenramer Road,Dungannon,Tyrone,BT70 1SP The Owner/Occupier, 46a ,Cullenramer Road,Dungannon,Tyrone,BT70 1SP The Owner/Occupier, 46a ,Cullenramer Road,Dungannon,Tyrone,BT70 1SP The Owner/Occupier, 48 Cullenramer Road, Dungannon, Tyrone, BT70 1SP	
<b>Date of Last Neighbour Notification</b>	12th December 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No

## Planning History

Ref ID: LA09/2018/1609/F

Proposal: Proposed farm building

Address: 100m North West of 44 Cullenramer Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/1997/0700

Proposal: Site for Dwelling

Address: BETWEEN 44 CULLENRAMER ROAD AND 39 LISGALLON ROAD  
DUNGANNON

Decision:

Decision Date:

Ref ID: M/2009/0635/F

Proposal: Proposed removal of condition number three attached to outline planning permission M/2006/1825/0 to allow removal of existing dwelling

Address: 44 Cullenramer Road, Dungannon, Co. Tyrone

Decision:

Decision Date: 14.10.2009

Ref ID: M/2006/1825/O

Proposal: Proposed replacement dwelling

Address: 44 Cullenramer Road, Dungannon

Decision:

Decision Date: 25.05.2007

Ref ID: M/1993/0676

Proposal: Site for Dwelling

Address: 44 CULLENRAMER ROAD CULLENRAMER DUNGANNON

Decision:

Decision Date:

Ref ID: M/1996/0674

Proposal: Site for replacement dwelling

Address: 44 CULLENRAMER ROAD, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/1011/O

Proposal: New Dwelling

Address: 120 North West of Cullenramer Road, Dungannon

Decision:

Decision Date: 23.10.2003

## Summary of Consultee Responses

TNI no objection subject to conditions

DAERA stated that the business was active and established for over 6 years however, last claimed SFP in 2015

**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: Proposed Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





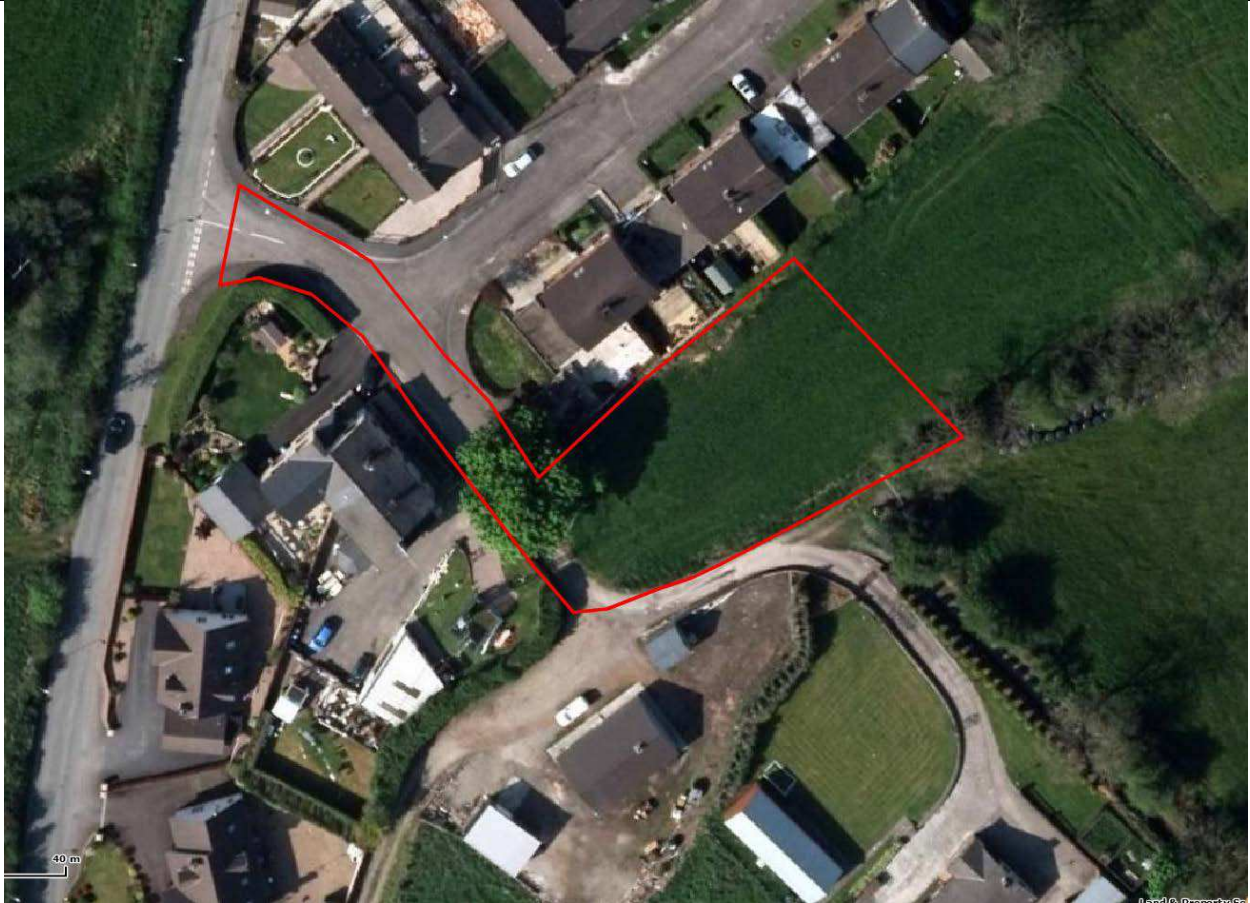
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1673/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed two storey dwelling and garage (infil)	<b>Location:</b> Approx 10m South of 1 Derryvale Park Derryvale Road Coalisland
<b>Referral Route: Objections received</b>	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Pat O'Neill 43 Summerisland Road Loughgall Armagh	<b>Agent Name and Address:</b> C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	25
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

There was 25 objections received from neighbouring residents. The objections were all the same and signed by the different parties.

The main concerns were;

planning history

inappropriate development in the countryside

loss of property value  
loss of light  
loss of privacy  
increased traffic

There were also a number of issues raised regarding the neighbouring industrial use however including;  
size and scale  
destruction of countryside

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

The site is a part of an agricultural field located outside of the development limit of Coalisland. It is situated at 10m South of 1 Derryvale Park Derryvale Road Coalisland. The field is currently under grass defined in the main by fencing, there is a large deciduous tree located in the westernmost corner of the site.

The site is located to the rear of a row of terraced dwellings in what is known as Derryvale park, this row of dwellings to the north would be slightly lower than the level of the site. To the south of the site there is a lane which serves the site and wider field and also serves two dwellings and a number of small outbuildings. There is a post and wire fence along a portion of the boundary to the south and a mix of hedge and timber fence along the north.

The area is residential in character with housing on three sides although the site is outside the development limits.

### **Description of Proposal**

The proposal seeks full planning permission for a proposed two storey dwelling and garage. The principle of the a dwelling was approved under planning ref M/2013/0534/O for an infil dwelling approved 16th April 2014 and the application was received on 19thDecember 2018 well within the 5 years.

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

Regional Development Strategy  
Dungannon Area Plan 2010  
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside.  
SPPS

PPS 1: General Principles.  
PPS 3: Access, Movement and Parking.  
PPS 21: Sustainable Development in the Countryside.  
-CTY8 - Ribbon Development

Key Policy Consideration:  
Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

## PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

The principle of the a dwelling was approved under planning ref M/2013/0534/O for an infil dwelling approved 16th April 2014 and the application was received on 19th December 2018 well within the 5 years.

Development in the countryside is also required to integrate under the provisions of policy CTY13. The proposed site is relatively low lying and will be screened from view by development in Derryvale park and will also have the benefit of a backdrop of trees and housing when travelling in either direction along the Derryvale Road. The proposal seeks permission for a dwelling with a ridge of 8 metres which in my view will satisfactorily integrate into this area without disrupting the rural character of the area.

The addition of one more dwelling, which will be located between an existing localised grouping, in my view will not have a detrimental impact on the rural character as it will not be extending the existing extent of development that is found in this localised grouping. In my view CTY 14 of PPS21 is not offended.

The proposed dwelling is two storey and would generally match the size, proportions and design of the other buildings in the vicinity.

The siting condition which was imposed at outline stage has also been adhered too.

There was 25 objections received from neighbouring residents. The objections were all the same and signed by the different parties.

The main concerns were;

planning history

inappropriate development in the countryside

loss of property value

loss of light

loss of privacy

increased traffic

In relation to the above the principle of a dwelling has been approved in 2014, this permission allows us determining weight to approve. Given the separation distance and orientation of the proposed dwellings I am satisfied that there will not be any significant impact on the amenities of adjacent dwellings.

Transport NI have no objections.

The Draft Local Development Plan Strategy 2030 was published on the 22nd Feb 2019 but no significant weight can be attributed to it given it is still at the early stages of Public Consultation.

Policy CT2 - Dwellings in the countryside (B - Dwelling infilling a small gap site) applies and in principle there is no conflict with the existing policies.

Accordingly, this application accords with the provisions of current Planning Policy and can therefore be determined under the Council's present scheme of delegation.

Recommend approve

**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. All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.1 dated 19th Dec 2018 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.

### **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 Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the 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

<b>Date Valid</b>	19th December 2018
<b>Date First Advertised</b>	10th January 2019
<b>Date Last Advertised</b>	

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
1 Derryvale Park Dungannon Tyrone  
E Loughran  
1, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

The Owner/Occupier,  
10 Derryvale Park Dungannon Tyrone  
The Owner/Occupier,  
10, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

The Owner/Occupier,  
11 Derryvale Park Dungannon Tyrone  
L McGuigan  
11, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

J McCann  
11, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

James McCann  
11, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

The Owner/Occupier,  
12 Derryvale Park Dungannon Tyrone  
S Burns  
12, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

The Owner/Occupier,  
2 Derryvale Park Dungannon Tyrone  
P Coyle  
2, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH

The Owner/Occupier,

3 Derryvale Park Dungannon Tyrone  
K Scullion  
3, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
Alanah Scullion  
3, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
Cathal Scullion  
3, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
Cora Scullion  
3, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
4 Derryvale Park Dungannon Tyrone  
Paul Loughran  
4, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
5 Derryvale Park Dungannon Tyrone  
Stephen Armstrong  
5, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
6 Derryvale Park Dungannon Tyrone  
Una Wylie  
6, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
6, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
7 Derryvale Park Dungannon Tyrone  
Brian Toner  
7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
Ryan Toner  
7, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
8 Derryvale Park Dungannon Tyrone  
James McCann  
8, Derryvale Park, Dungannon, Tyrone, Northern Ireland, BT71 4HH  
The Owner/Occupier,  
80 Derryvale Road Coalisland Tyrone  
The Owner/Occupier,  
82 Derryvale Road Coalisland Tyrone  
P Morgan  
82, Derryvale Road, Coalisland, Tyrone, Northern Ireland, BT71 4PB  
The Owner/Occupier,  
88 Derryvale Road Coalisland Tyrone  
The Owner/Occupier,  
88 Derryvale Road, Coalisland, Tyrone, BT71 4DY  
The Owner/Occupier,  
9 Derryvale Park Dungannon Tyrone  
The Owner/Occupier,  
90 Derryvale Road Coalisland Tyrone  
Yvonne Gervin  
Derryvale Park, Dungannon, BT71 4HH  
Elaine Gervin

Derryvale Park,Dungannon,BT71 4HH  
 Colin Gervin  
 Derryvale Park,Dungannon,BT71 4HH  
 The Owner/Occupier,  
 Derryvale Park,Dungannon,BT71 4HH  
 Thomas Gervin  
 Derryvale Park,Dungannon,BT71 4HH  
 Marty Toner  
 Derryvale Park,Dungannon,BT71 4hh

<b>Date of Last Neighbour Notification</b>	
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	/No
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### Planning History

Ref ID: LA09/2018/1673/F

Proposal: Proposed two storey dwelling and garage

Address: Approx 10m South of 1 Derryvale Park Derryvale Road Coalisland,

Decision:

Decision Date:

Ref ID: M/2013/0534/O

Proposal: Proposed two storey infill dwelling and garage

Address: 10m south of no 1 Derryvale Park Coalisland Co Tyrone,

Decision: PG

Decision Date: 17.04.2014

Ref ID: M/2000/0189

Proposal: Proposed Housing Development

Address: Adjacent to Derryvale Park Coalisland

Decision:

Decision Date:

Ref ID: M/1991/0222

Proposal: Erection of bungalow

Address: ADJACENT TO 90 DERRYVALE ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1980/0181

Proposal: EXTENSIONS TO DWELLING

Address: 82 DERRYVALE ROAD, COALISLAND

Decision:

Decision Date:

Ref ID: M/2008/0571/F



Proposal: To erect refabricated dwelling for retirement close to brothers dwelling (type of which details are enclosed)

Address: Adjacent to 88 Derryvale Road, Coalisland BT71 4DY

Decision:

Decision Date: 20.08.2008

Ref ID: M/2003/0982/F

Proposal: Proposed first floor bedroom extension to dwelling

Address: 1 Derryvale Park, Coalisland

Decision:

Decision Date: 13.10.2003

Ref ID: M/2011/0110/F

Proposal: Ext. Flat roof single storey garage to be upgraded to habitable rooms and extended to 2 storeys with pitched roof

Address: 3 Derryvale Park, Dungannon,

Decision:

Decision Date: 05.05.2011

Ref ID: M/2007/0595/F

Proposal: To erect prefab dwelling for retirement close to brothers dwelling (Type of which details are enclosed)

Address: Adjacent to 88 Derryvale Road, Coalisland

Decision:

Decision Date: 17.10.2007

Ref ID: M/2014/0346/O

Proposal: Proposed second two storey infill dwelling & garage within small gap site

Address: Strip of land South East and immediately to rear of No's 1-11 Derryvale Park, Derryvale,

Decision: PR

Decision Date: 27.01.2015

Ref ID: M/1976/0046

Proposal: 33 KV O/H LINES

Address: DRUMREAGH ETRA, DERRY AND BRACKAVILLE, DUNGANNON

Decision:

Decision Date:

### **Summary of Consultee Responses**

TNI stated no objection subject to informatives

### **Drawing Numbers and Title**

Drawing No. 02  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 03  
Type: Proposed Elevations  
Status: Submitted

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/04/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0090/A	<b>Target Date:</b> 08/05/2019
<b>Proposal:</b> Shop front sign, fuel canopy sign and totem sign	<b>Location:</b> 20m north of 247 Derryfubble Road, Benburb, Dungannon, Co.Tyrone BT71 7LG
<b>Referral Route:</b> Consultation comments from Historic Environment Division	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Brendan McAnallen 61 Main Street Benburb Dungannon BT71 7LG	<b>Agent Name and Address:</b> Daly, O'Neill Associates Ltd 23 William Street Portadown BT62 3NX
<b>Executive Summary:</b> I consider the proposal complies with PPS 17 and Policy ATC 3 in PPS 6 Addendum and recommend approval with conditions.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Historic Environment Division	Advice

### Representations:

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

### Summary of Issues

The application relates to a shop front sign, fuel canopy sign and totem sign. I consider the application meets the policy tests for consent to display an advertisement. No representations have been received. All prevailing policy and material considerations have been considered below.

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

The application site is located 20m north of 247 Derryfubble Road, Benburb within the settlement limits of Benburb as identified within the Dungannon and South Tyrone Area Plan 2010. The surrounding context appears semi-rural with Benburb Main Street adjacent which has a variety of rural shops and residential with semi-detached and terraced dwellings.

The application site is located on a flat parcel of land with a frontage to the Derryfubble Road. On-site there is a concrete hardstanding with a petrol station under construction, canopy and petrol pumps and car parking spaces. A small portion along the southern boundary of site is located within an Area of Townscape Character.

### **Description of Proposal**

Erection of shop front sign, fuel canopy sign and totem sign. The fuel canopy sign is 8.2m by 0.8. The totem pole sign is 5.25m in height and 1.2m in width.

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

#### **Planning History**

Ref ID: LA09/2015/0332/PAD

Proposal: Relocation of Spar shop and kerb side pumps

Address: Derryfubble Road, Benburb

Decision: PAD Declined

Ref ID: LA09/2015/0599/F

Proposal: Proposed retail and fuel service station

Address: 20m north of 247 Derryfubble Road, Benburb

Decision: Application Withdrawn

Decision Date: 25/07/2016

Ref ID: LA09/2016/0424/PAD

Proposal: Extension to existing shop to provide more shop floor space as well as staff accommodation

Address: 61 Main Street, Benburb

Decision: PAD Concluded

Ref ID: LA09/2017/0013/PAD

Proposal: Proposed shop extension

Address: Rear of 61 Main Street, Benburb

Decision: PAD Concluded

Ref ID: LA09/2015/0599/F

Proposal: Proposed retail and fuel service station  
Address: 20m north of 247 Derryfubble Road, Benburb  
Decision: Application Withdrawn  
Decision Date: 25/07/2016

Ref ID: LA09/2017/0382/F

Proposal: Proposed relocation of retail unit and fuel service station from Main Street, Benburb to Derryfubble Road, Benburb  
Address: 20m north of 247 Derryfubble Road, Benburb  
Decision: Permission Granted  
Decision Date: 23/03/2018

### **The Strategic Planning Policy Statement (SPPS)**

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. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

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

I consider if the proposal meets with the policy of PPS 17 it will meet SETT 1 – Settlement Limit in DST Area Plan 2010.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published during the processing of this application and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies GP1 – General Principles Planning Policy. I am of the opinion that the advertisements will not have a significant impact on amenity or public safety. In my view the proposal accords with the policies and is not in conflict with the plan. No significant weight can be given as the Draft Plan Strategy is at early public consultation stage.

### **Planning Policy Statement 17 – Control of Outdoor Advertisements**

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 Amenity and Public Safety states consent will be given for the display of an advertisement where:

- i. It respects amenity, when assessed in the context of the general characteristics of the locality; and
- ii. It does not prejudice public safety.

The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing the proposal.

### **Amenity**

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

The application site is located within the settlement limits of Benburb. There are 2 buildings along the southern boundary of the application site which are within an Area of Townscape Character. The proposed signs at the petrol station are not located within any other designations. HED were consulted on the signs and stated that since the principle of the canopy has been established, HED: Historic Buildings (HB) consider the minimal canopy with signage is acceptable but request that this is non-illuminated. The sub canopy equipment will be illuminated at times of low light. HED: HB consider that the additional juxtaposition of the totem pole (sign 3) to the canopy (sign 2) constitutes an inappropriate proliferation of signage that will have an adverse impact on the setting of the listed buildings as it brings a large illuminated sign into alignment and direct foreground of the approach to Benburb. Whilst part of the site is within an Area of Townscape Character I am content that this application would not adversely impact on any historical features.

The shop signage is located on the façade and gable wall of the building and I am of the opinion that it is acceptable as it is similar to adjacent signage. The signage is located on the canopy of the petrol station and a totem sign is located at the entrance. I consider the signage is similar to other signage at petrol stations. There are minimal examples of advertisements in the near vicinity and the signage will not result in clutter. The only advertisements are located on the Main Street at the Spar shop and hairdressers.

I am content that as the sign is simple in design in the locality with regards to size, scale, dominance and siting that it is acceptable. I consider that the design and materials of the advertisement is acceptable with regards to the appearance of the building in which they are situated. The totem sign is located at the entrance to the petrol station and I consider the sign is sympathetic to the surrounding area. In the submitted application form the applicant indicated that the signage would be illuminated with both static and internal illumination. DFI Roads were consulted and had no objections. I am content that the signs will have no impact on the amenity of neighbours and light pollution as the illumination proposed is internal and static.

### **Public Safety**

The proposed signage is located at a roadside location and will be visible to traffic travelling along the Derryfubble Road. DFI Roads were consulted and had no objections in terms of road safety subject to conditions.

### **Policy – Signs at Filling Stations and on Forecourts**

I am content the signs on the façade and gable wall of the filling station, canopy and totem pole sign are in scale with the surrounding area and will detract from the amenity of the surrounding area. There is static and internal illumination on the logo and sign lettering on the canopy and totem pole. The totem pole sign is located at the entrance to the filling station and does not interfere with or obstruct sightlines. I am content that the sign will comply with this policy.

### **Policy – Pylon and Pole Mounted Signs**

I am content the totem pole sign which is 5.25m in height will be in scale with the surrounding area and will not exceed surrounding building heights. The adjacent filling

station is 6.25m in height. However, the totem sign is sympathetic to the character and appearance of the surrounding area.

**PPS 6 Addendum Area of Townscape Character**

**ATC 3 – Control of Advertisements in an Area of Townscape Character**

I am content that the proposed advertisements will maintain the character and appearance of the surrounding area and will not prejudice public safety.

**Neighbour Notification Checked**

None Required

**Summary of Recommendation:**

The proposal is recommended for approval as it complies with PPS 17 and PPS 6.

**Conditions:**

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

Reason: Time limit

2. The advertisement hereby approved shall not: comprise sequential displays; or otherwise include moving parts or features; or feature intermittent lighting in a manner designed to give the appearance of movement.

Reason: In the interests of visual amenity, road safety and convenience of road users.

3. The illumination level of the proposed signage must comply with the Institution of Lighting Professionals Technical Report No 5 'Brightness of Illuminated Advertisements'.

Reason: In the interests of visual amenity, road safety and convenience of road users.

**Informatives:**

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 Regional Development for which separate permissions and arrangements are required.

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



A monetary deposit will be required to cover works on the public road.

**Signature(s)**

**Date:**



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2/4/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0094/O	<b>Target Date:</b> 8/5/19
<b>Proposal:</b> 1 single storey dwelling house a detached 4 bedroom bungalow	<b>Location:</b> Land North East adjacent to 162 Ballynease Road Portglenone
<b>Referral Route:</b> 2 Objections received and application recommended for refusal	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Adrian Mc Erlean 101 Ballymacombs Road Bellaghy Magherafelt, BT45 8JP	<b>Agent Name and Address:</b>
<b>Executive Summary:</b> Proposal fails to comply with Policy CTY2A of PPS 21 in that the cluster is not associated with a focal point nor is it located at a cross roads.	
<b>Signature(s):</b>	

## 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	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. 5 neighbouring properties have been notified of the proposal – numbers 160, 162, 162a, 164 and 166 Ballynease Road.

To date there have been 2 no. objections received from a Solicitors Firm on behalf of the occupant of 164 Ballynease Road.

The issues raised are detailed and rebutted as follows:

Land ownership query over a parcel of land which the applicant has shown to be the proposed access to their site. The objector has advised through their solicitor that a Section 53 application is pending in respect of this contested land – The applicant has submitted a Land and Property Services Map (Folio LY73718) which shows that the contested parcel of land relates to number 162 Ballynease Road, the occupant of which

is Niahil McErlean, whom notice has been served on (Certificate C). For the purpose of this application I am content that proper notice has been served. Any issues surrounding land ownership are civil matters and sit outside the planning process.

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

The application site is a 0.18 Hectare plot of agricultural land located adjacent to and NE of number 162 Ballynease Road, Portglenone. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. The site is accessed via an existing laneway which is used to access 5 other occupied dwellings. There is also a small derelict cottage located up the laneway. To the immediate SE, SW and NW of the site are detached dwellings. The NW and NE boundaries are undefined. The site falls quite sharply in a NE direction. The site cannot be viewed from the public road.

This area is rural in character, with an undulating topography and a dispersed settlement pattern. It is not subject to any zonings or designations.

### **Description of Proposal**

This is an outline application for a dwelling in a cluster. There are no relevant planning histories on or adjacent to this site to be considered in this assessment.

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

The following policies will be under consideration in this assessment

- Magherafelt Area Plan 2015
- Mid Ulster District Council Draft Plan Strategy
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 3 – Access, Movement and Parking
- PPS 21 – Sustainable Development in the Countryside

#### **Magherafelt Area Plan 2015**

This site is located outside any settlement defined in the Magherafelt Area Plan 2015. It is not subject to any area plan designations or constraints. As such, existing rural planning policy will be applied.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside are applicable to this application. In my opinion the proposal is in compliance with CT1 in that a dwelling on this site clusters, consolidates and groups with existing buildings. The site is acceptable in terms of integration and rural character. Design is not under consideration. I have no concerns with urban sprawl. The proposal does however fail to comply with Policy CT2 part (a) in that the cluster is not located at a focal point.

This proposal is therefore in conflict with the Draft Plan Strategy, however no significant weight can be given to this document as it is only at early public consultation stage.

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

The SPPS gives provision for Dwellings in Existing Clusters subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 2a of PPS 21.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Ballynease Road. DFI Roads have been consulted and have advised that as the number of houses will exceed 5 off this lane it should be brought up to an adoptable standard as per Creating Places. They have also stated that if the Council are minded to set aside this advice they would expect at a minimum that the lane be widened to 4.1m for the first 10m and that this would possibly require 3rd party land. Bringing this existing lane up to an adoptable standard is an excessive request for an applicant and is not common practice in a rural setting. The applicant has however indicated that they would be happy to widen the lane for the first 10m and they have submitted a letter from the 3rd party land owner who agrees to the use of his land to accommodate this widening.

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

Policy CTY 2a of PPS 21 grants planning permission for a dwelling at an existing cluster of development subject to 6 criteria:

**The cluster lies outside of a farm and consists of 4 or more buildings (excluding ancillary buildings such as garages and outbuildings and open sided structures) of which at least 3 are dwellings.**

The site lies outside of a farm, as is evident from the absence of farm buildings. There are more than 4 buildings in the immediate locality of which at least 3 are dwellings.

**The cluster appears as a visual entity in the local landscape.**

This grouping of dwellings and garages are sited closely together in a clear cluster. Whilst the cluster is not evident from the public road due to its set back position it is a visual entity when viewed from the end of the laneway.

**The cluster is associated with a focal point or is located at a crossroads.**

This cluster does not benefit from being associated from any focal point nor is it located at a cross roads.

**The site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.**

The site is located to the rear of number 162a Ballynease Road and is bounded to the NW and SW by dwellings.

**Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.**

I am satisfied that the development can be absorbed into this existing cluster and will not visually intrude into the countryside.

**Development would not adversely impact on residential amenity**

If appropriately sited and if conditioned to have a 5.5m ridge height I would have no concerns regarding the impact of a dwelling on this site on residential amenity.

Policy CTY 13 - Design and Integration and CTY 14 - Rural Character are also policy considerations in this assessment. A single storey dwelling on this site would not appear overly prominent in the local landscape. Whilst the site might not benefit from any established boundary treatment it will be enclosed by other dwellings which will aid the integration of a dwelling. New landscaping will be required but will not be primarily relied upon for integration. I have no concerns with ribbon development or build up. Design is not a consideration under an outline application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a crossroads, therefore refusal is recommended.

**Refusal Reason**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	23rd January 2019
<b>Date First Advertised</b>	6th February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 160a Ballynease Road Portglenone The Owner/Occupier, 162 Ballynease Road Portglenone Londonderry The Owner/Occupier, 162a Ballynease Road Portglenone The Owner/Occupier, 164 Ballynease Road Portglenone Londonderry The Owner/Occupier, 166 Ballynease Road Portglenone Londonderry Michael Brentnall Brentnall Legal Limited, 36 Ormeau Road, Belfast, Ormeau, Antrim, Northern Ireland, BT7 2EA Michael Brentnall Brentnall Legal Limited, 36 Ormeau Road, Belfast, BT7 2EA Michael Brentnall Brentnall Legal Ltd, 36 Ormeau Road, Belfast, BT7 2EA	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	N/A
<b>Planning History</b>  Ref ID: LA09/2019/0094/O Proposal: 1 single storey dwelling house a detached 4 bedroom bungalow Address: Land North East adjacent to 162 Ballynease Road, Portglenone, Decision: Decision Date:  Ref ID: H/2015/0049/F Proposal: Proposed replacement dwelling and new domestic detached garage Address: 30m North West of 160 Ballynease Road, Portglenone, BT44 8NU, Decision: PG Decision Date: 09.06.2015	

Ref ID: H/2002/0758/F  
Proposal: Dwelling and Garage  
Address: North of 160 Ballynease Road, Portglenone  
Decision:  
Decision Date: 14.11.2002

Ref ID: H/2001/0641/F  
Proposal: New Dwelling And Garage.  
Address: Site Adjacent To 162 Ballynease Road, Portglenone.  
Decision:  
Decision Date: 17.10.2001

Ref ID: H/2000/0881/O  
Proposal: Site Of Dwelling And Garage  
Address: Adjacent To 162 Ballynease Road, Portglenone  
Decision:  
Decision Date: 24.01.2001

Ref ID: H/1998/0173  
Proposal: ALTERATIONS AND ADDITIONS TO DWELLING AND NEW GARAGE  
Address: 164 BALLYNEASE ROAD BELLAGHY  
Decision:  
Decision Date:

Ref ID: H/1986/0019  
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Address: 162 BALLYNEASE ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/2000/0604/O  
Proposal: Site Of Dwelling And Garage  
Address: Adjacent to 162 Ballynease Road, Glenone, Portglenone, Northern Ireland, BT44 8NU  
Decision:  
Decision Date: 08.11.2000

Ref ID: H/2009/0460/F  
Proposal: Proposed attic conversion  
Address: 162a Ballynease Road, Portglenone  
Decision:  
Decision Date: 10.09.2009



Ref ID: H/2013/0276/LDE  
Proposal: Dwelling House for Residential Use  
Address: Adjacent to No. 160 Ballynease Road Portglenone,  
Decision: PG  
Decision Date:

**Summary of Consultee Responses**

DFI Roads – No objections in principle subject to road widening for the first 10m.

**Drawing Numbers and Title**

Drawing No. 01  
Type: Site Location  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



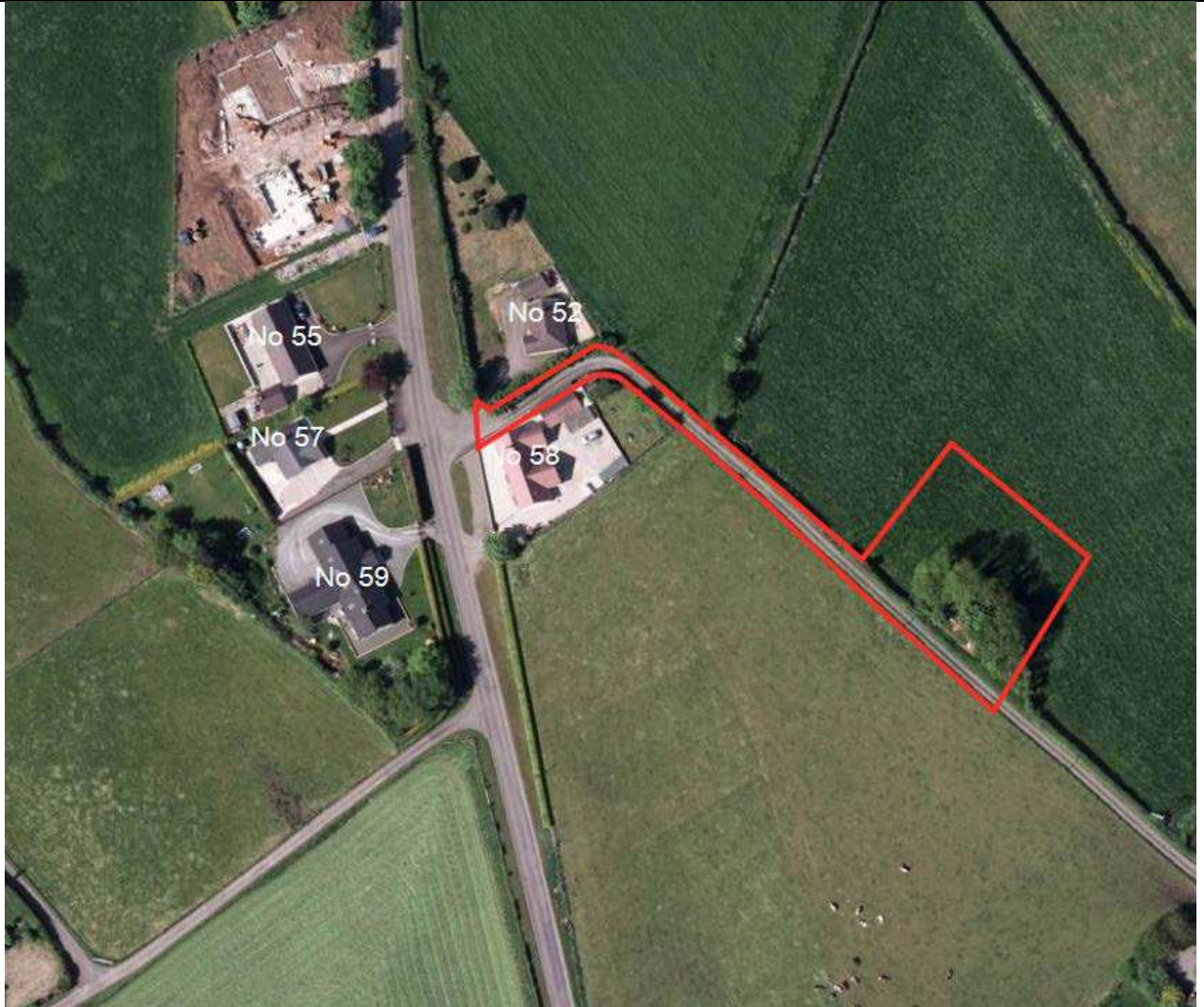
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0099/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O).	<b>Location:</b> 110 Metres (approx.) SE of 58 Annaghmore Road Castledawson BT45 8DU.
<b>Referral Route: Objections received</b>	
<b>Recommendation:</b>	<b>Approve</b>
<b>Applicant Name and Address:</b> Mr John Lennox 63 Annaghmore Road Castledawson BT45 8DU	<b>Agent Name and Address:</b> Mr John Lennox 63 Annaghmore Road Castledawson BT45 8DU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

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

### Summary of Issues –

1. Contrary to Policy HOU 13 - Replacement Dwellings of A Planning Strategy for Rural Northern Ireland.
2. Contrary to CTY 3 - Replacement Dwelling of PPS 21 Sustainable Development in the Countryside

3. The application has lapsed

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

This site is located at lands approximately 110m south east of No.58 Annaghmore Road, Castledawson and is characterised by a small building at the side of a shared access laneway which is completely overgrown by thick vegetation and mature trees. The site is set back approximately 110m from the main Annaghmore Road and is accessed via a shared private laneway which runs between Annaghmore Road to the west and Bells Hill Road to the east serving several other dwellings to the south east of the site. The proposed site extends far beyond the curtilage of the subject building into an adjoining field. The south western boundary along the shared laneway is defined by a well-established native species hedgerow (approx. 2m) and the remaining boundaries are undefined.

Views of the subject building are limited given the heavy growth surrounding it however this will inevitably be removed if the application is successful leaving the site completely open to view from the shared laneway. Given the elevated nature of the site and lack of natural enclosure it will also be visible from the Bells Hill Road to the north east with fleeting views from Annaghmore Road to the west.

The site is located within the countryside as defined by PPS 21 and within a non-policy area as per the Magherafelt Area Plan 2015. The area has a dispersed settlement pattern with some individual roadside dwellings with other dwellings and farm clusters set back from the main road along private laneways.

### **Description of Proposal**

Proposed renewal of extant approval LA09/2015/1115/O - Proposed site for replacement dwelling.

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

#### **Relevant Site History:**

H/2012/0237/O - Proposed site for replacement dwelling (domestic). Approved 20th November 2012

LA09/2015/1115/O - Proposed site for replacement dwelling and double domestic garage. Approved 18th February 2016

#### **Representations:**

5 neighbour's notification letters were sent to the occupiers of 52, 55, 57, 58 & 59 Annaghmore Road, Castledawson.

1 letter of representation has been received from Mrs Jonathan Mawhinney who resides at No 58 Annaghmore Road, the dwelling located at the access point onto the Annaghmore Road, issued raised:

1. The proposal does not meet the criteria of a dwelling house under Policy HOU 13 - Replacement Dwelling;

The preamble in PPS21 - Sustainable Development in the Countryside states that 'the policy provisions of this PPS will take precedence over the following provisions of A Planning Strategy for Rural Northern Ireland (PSRNI)' which includes Policy HOU 13 - Replacement Dwellings, therefore the proposal cannot be assessed against Policy HOU 13.

2. The proposal is contrary to CTY3 – Replacement Dwellings, of PPS21 because planning permission has previously been granted for a replacement dwelling on the site;

The above issued only applies if the development had commenced, this is not the case nor has there ever been a house design approved on the site.

3. The application has lapsed;

The application was received on 24th January 2019, 3 weeks before the expiry date for submitting the Reserved Matters, however even if the applicant had missed that date he still would have had another 2 years to submit a full application.

**Development Plan and Key Policy Consideration:**

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

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside CTY1, CTY3, CTY13 & CTY14 are applicable.

The application has been made under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].

The proposal is for the renewal of Planning permission LA09/2015/1115/O granted on 18th February 2016. The principle of development has been established on the site under LA09/2015/1115/O, the site was initially approved under CTY 3 – Replacement Dwellings. The main considerations in the processing for renewal of planning permission are;

- (i) a planning permission was previously granted for development which has not yet begun, and

(ii) a time limit was imposed under section 61 (duration of planning permission) or section 62.

The development has not commenced on site nor has there been application submitted for a house design and the application was received on 24th January 2019, 3 weeks before the expiry date, therefore the proposal can be renewed under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015. All conditions and informatives of previous approval - LA09/2015/1151/O to be repeated.

**The Mid Ulster District Council Local Development Plan 2030** - Draft Plan Strategy was launched on 22<sup>nd</sup> Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy, Policy CT2 - Dwellings in the Countryside, part (c) - Replacement Dwelling and Policy TRAN4 – Access onto Protected Routes and Other Route Ways, applicable to this application.

This proposal is in keeping with these policies. As such, the development is in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

**Neighbour Notification Checked      Yes**

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

Conditions

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

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

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

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

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

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan No. 01 date stamped 24th January 2019 is demolished, all rubble and foundations removed and the site restored in accordance with a scheme to be submitted to and approved in writing by Mid Ulster District Council.

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

4. The proposed dwelling shall be sited in the area hatched red on the approved plan No.01 date stamped 16 November 2015.

Reason: To ensure that the development is not prominent and integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 Sustainable Development in the Countryside.

5. The curtilage of the proposed dwelling shall be as indicated in yellow on the approved plan No.01 date stamped 16 November 2015.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

6. The proposed dwellings shall have a floor area of not more than 150 sq. metres measured internally, excluding any domestic garage or outbuildings.

Reason: To ensure that the approved replacement dwelling does not have a significantly greater visual impact than the original dwelling in accordance with the requirements of Planning Policy Statement 21 Sustainable Development in the Countryside.

7. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level and a low angle of roof pitch between 35 and 40 degrees.

Reason: To ensure that the development is not prominent / satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 Sustainable Development in the Countryside.

8. A detailed structured scheme of landscaping for the site shall be submitted at 'Reserved Matters' stage - at the same time as the details of the dwellings - to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as shall be approved shall be implemented in full during the first available planting season after the occupation of the dwelling which is hereby approved.

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

9. If any retained tree is removed, uprooted or destroyed or dies within 3 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.

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

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

#### Informatives

- 1.The applicant's attention is drawn to the attached information note from Northern Ireland Electricity.
- 2.The onus is on the householder / developer to find out if there is existing water and sewer infrastructure within their property.
- 3.It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
- 4.House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
- 5.House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
6. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder / developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc
- 7.It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.
8. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page [www.niwater.com/servicesfordevelopment.asp](http://www.niwater.com/servicesfordevelopment.asp) and Forms.



9.If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.

10.Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page [www.niwater.com/servicesfordevelopment.asp](http://www.niwater.com/servicesfordevelopment.asp) and Forms.

11.The DRD's Roads Service has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

12.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.

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

14.It is the responsibility of the developer to ensure that the existing roadside drainage is accommodated and no water flows from the public road onto the site; and, the Developer should note that this planning approval does not give consent to discharge water into a DRD Roads Service drainage system.

15.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.

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	24th January 2019
<b>Date First Advertised</b>	6th February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 52 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 55 Annaghmore Road, Castledawson, Londonderry, BT45 8DU The Owner/Occupier, 56 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 57 Annaghmore Road, Castledawson, Londonderry, BT45 8DU The Owner/Occupier, 58 Annaghmore Road Castledawson Londonderry Jonathan Mawhinney 58 Annaghmore Road, Castledawson, Londonderry, BT45 8DU The Owner/Occupier, 59 Annaghmore Road, Castledawson, Londonderry, BT45 8DU	
<b>Date of Last Neighbour Notification</b>	1st February 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0099/O Proposal: Proposed site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O). Address: 110 Metres (approx.) SE of 58 Annaghmore Road, Castledawson, BT45 8DU., Decision: Decision Date:  Ref ID: LA09/2015/1115/O Proposal: Proposed site for replacement dwelling and double domestic garage Address: 110m South East of 58 Annaghmore Road, Castledawson, BT45 8DU, Decision: PG Decision Date: 22.02.2016  Ref ID: H/2000/0538/F Proposal: Dwelling and garage Address: Adjacent to 54 Annaghmore Road, Castledawson	

Decision:

Decision Date: 19.09.2000

Ref ID: H/2000/0080/O

Proposal: Site of Dwelling

Address: To rear of 54 Annaghmore Road, Castledawson

Decision:

Decision Date: 17.05.2000

Ref ID: H/2005/0476/O

Proposal: Replacement dwelling

Address: 54 Annaghmore Road, Castledawson

Decision:

Decision Date: 02.10.2006

Ref ID: H/1980/0215

Proposal: SITE OF REPLACEMENT DWELLING

Address: 54 ANNAGHMORE ROAD, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2007/0305/F

Proposal: Proposed kitchen and dining extension to side of existing dwelling.

Address: 58 Annaghmore Road, Castledawson

Decision:

Decision Date: 21.06.2007

Ref ID: H/1985/0431

Proposal: ALTERATIONS AND ADDITIONS TO HOUSE

Address: 58 ANNAGHMORE ROAD, CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2014/0435/F

Proposal: New 33kv 3x200mm AAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Address: From: 122 Creagh Road Castledawson (VIA) Creagh Annaghmore Killyneese Aghagaskin Glenmaquill Grange Dromore Drumsamney Moyasset To 42 Desertmartin Road Tobermore,

Decision: PG

Decision Date: 15.12.2016

Ref ID: H/2012/0237/O

Proposal: Proposed site for replacement dwelling (domestic)

Address: 110m (approx) south east of 58 Annaghmore Road Castledawson Co Londonderry BT45,

Decision: PG

Decision Date: 26.11.2012

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



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2/4/19	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0118/F	<b>Target Date:</b> 13/5/19
<b>Proposal:</b> Retrospective planning for meal storage bin for agricultural purposes on an existing farm yard	<b>Location:</b> Farmyard at 29 Crancussy Road Cookstown
<b>Referral Route:</b> Objections received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Peter McNally 29 Crancussy Road Cookstown BT80 9PW	<b>Agent Name and Address:</b> CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary:</b> The proposal complies with CTY 12 of PPS 21 and AMP 2 of PPS 3. All 6 objection letters have been fully considered and do not merit a recommendation to refuse.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

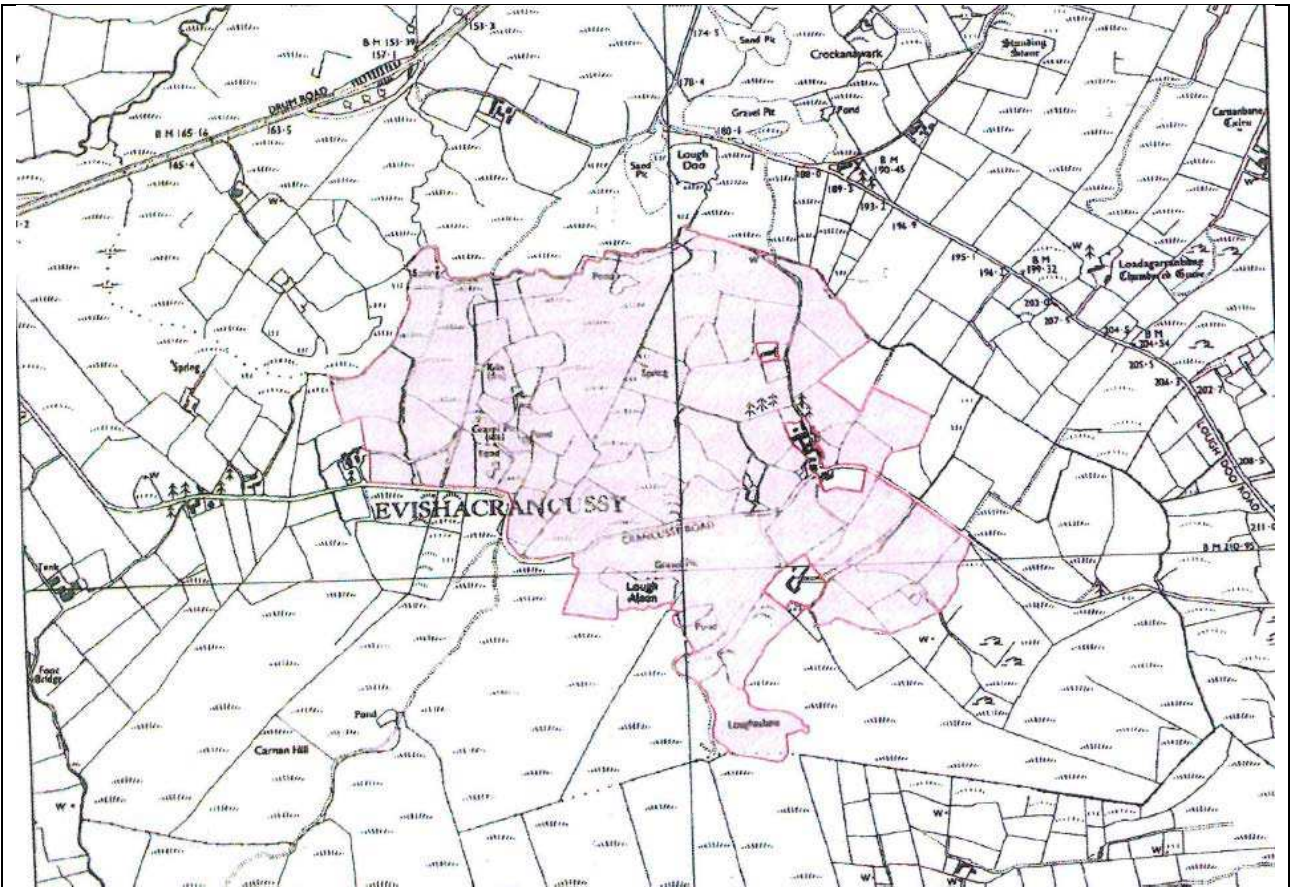
This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. 3 neighbouring properties were also notified of the proposal – numbers 26, 28 and 29 Crancussy Road.

To date there have been 6 no. objections received. All 6 have been from the occupant of number 31 Crancussy Road.

The issues raised are detailed and rebutted as follows:

- The existing sheds and silo have no planning permission – This is correct and the Council have confirmed this in writing to the objector on the 14/3/19. According to the Councils Ortho Mapping these sheds were on this site since at least 2003 and are therefore immune from any enforcement action. The unauthorised silo is the subject of this current application.
- Clarification as to what tonnage is being applied for – Agent has confirmed that this is 12 ton imperial tonnage as stated by the fabricator of the meal bin. Objector has been notified of this clarification.
- Clarification on what is being applied for in this application – Agent has confirmed that the description on the cover letter was a mistake and that what is stated on the P1 form is what is being applied for. Objector has been notified of this clarification.
- Clarification as to whether the slurry excavations on this site would support a 12 ton meal bin – This proposal does not relate to any slurry excavation.
- Query as to why the applicant has been awarded a retrospective planning application – It is lawful and acceptable to submit a retrospective application for any form of existing development. This has been submitted on the back of an enforcement case which was opened for the unauthorised meal bin.
- Unacceptable location for a meal silo and the impact it would have on public safety being so close to a public road – DFI Roads have been consulted with the application and have viewed the objections letters. They have raised no concerns in respect of road safety arising from this proposal.
- Unacceptable design - The design of this meal silo is standard for such developments and is common in rural areas throughout the district. While the site is located in an AONB where design should be more sympathetic to the rural area and the designation, this type of development cannot be designed in any other way. None of the adjacent buildings are Listed. The ASSI was designated as a result of the Geology of the area. The structure sits outside the ASSI (see map below). The design of this meal silo will not impact on the ASSI designation.





- **Residential Amenity** - The closest third party dwelling to this meal silo is number 26 Crancussy Road and is approx. 50m away. Such a development will not give rise to any unacceptable odours or noises. There may be potential for dust when the meal silo is being filled/emptied however given the separation distance of 50m, any impact on residential amenity from dust would be minimal and would not merit the refusal of this application.
- **Road Safety** – DFI Roads have been consulted with the application and have viewed the objections letters. They have raised no concerns in respect of road safety arising from this proposal.
- **Blocking of a Right of Way by barn expansion** – This is not a material consideration for this proposal.
- **Breach of Planning Control arising from barn expansion** – Letter has been passed to our enforcement section to investigate further. They have advised me that based on their ortho imagery the sheds on the holding have been on site before 11<sup>th</sup> May 2006 and are therefore immune from enforcement action.
- **Request that EH investigate any vermin or parasitical creatures that exist on the farm** – EH have been consulted and have advised that the meal bin provides sealed storage for animal feed, preventing access to feedstuff by vermin. They consider it normal practice for agricultural feed to be stored in this manner. They have no objections in principle to this development.



•Potential risk of leptospirosis – EH are unaware of any reason why storage of animal feed in this type of container would increase the risk posed by leptospirosis. They have no objections in principle to this development.

Having fully considered all material planning concerns raised in these objection letters it is my opinion that none of the issues raised would merit refusal of this application.

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

The application site is a 0.19 hectare parcel of land located immediately adjacent to a dwelling at number 29 Crancussy Road, Cookstown. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010. On the site at present is a grouping of agricultural buildings, including the meal silo being applied for. The Meal silo is located close to the public road where there is a wall, stone pillars and a metal gate defining the roadside boundary.

This area is rural in character and has a dispersed settlement pattern. To the immediate North of the site are two dwellings, numbers 26 and 28 Crancussy Road and ancillary agricultural buildings. To the SW of the site is an active quarry and a third party dwelling, number 31 Crancussy Road. Further to the East of the site is a poultry house. There is also a Turbine located to the South of the site. This area is designated as an Area of Outstanding Natural Beauty (AONB) and an Area of Constraint on Mineral Developments (ACMD) in the Cookstown Area Plan. It is also designated as an Area of Special Scientific Interest (Loughdoo ASSI), however it is noted that the application site does not fall within the ASSI designation.

### **Description of Proposal**

This is a retrospective application for a meal storage bin for agricultural purposes, sited within an existing farm yard. It measures 6.9m in height, has a diameter of 2.3m and is finished in galvanised steel. The meal bin was erected without planning permission and does not benefit from agricultural permitted development due to its proximity to the public road and third party dwellings.

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

#### **Planning History**

There is no planning history on the site for the existing agricultural buildings. According to the Councils Ortho Mapping these sheds were on this site since at least 2003.

There is a current enforcement case open on this site (LA09/2018/0127/CA) for the unauthorised meal bin.

## **EIA**

This proposal does not require EIA Screening as a development does not fall under any description of development contained in Column 1 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

The following policies will be considered in this assessment:

Cookstown Area Plan 2010

Mid Ulster District Council Draft Plan Strategy

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 – Access, Movement and Parking

PPS21 – Sustainable Development in the Countryside

### **Cookstown Area Plan 2010**

This site lies outside any settlement limit defined in the Cookstown Area Plan 2010 but is within a designated ACMD and an AONB. The proposal is not for the development of mineral resources therefore Plan Policy MN 1 is not relevant. The plan does not contain any specific policy in relation to development within an AONB.

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy and Policy AFR1 –Agriculture and Forestry Development and Development Ancillary to Commercial Fishing are applicable to this application.

Policy AFR 1 has provision for agricultural buildings on an active and established agricultural holding. These must be located next to existing farm buildings on the holding and where they do not appear incongruous to the rural setting. This does not present any change in policy direction from current policy. This proposal would therefore be in compliance with Policy AFR 1. The proposal is also in compliance with all parts of Policy GP1.

It is acknowledged that no significant weight can be given to this document as it is only at early public consultation stage.

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

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21

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

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

existing unaltered access onto the Crancussy Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal. They have acknowledged that the site is in a very rural location where there is ample opportunity for vehicles to pass delivery lorries and that a Forward Site Distance of 45m to the rear and in front of parked vehicles will still be achievable. They have no objections to the proposal.

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

CTY 12 states from the outset that planning permission will only be granted for development on an active and established agricultural holding subject to certain criteria. Paragraph 5.56 of the policy advises that for the purposes of CTY 12 the determining criteria for an active and established business will be that set out under policy CTY 10 (ie) is currently active and is established for a period of at least 6 years. DAERA have been consulted with the applicant's farm details. They have confirmed that the farm business ID provided has been in existence for more than 6 years and that claims have been made in the last 6 years. On the basis of this response from DAERA I would contend that the farm business is currently active and has been established for the required period of time.

In relation to the other CTY 12 criteria, I would comment as follows:

The applicant has stated that the existing meal bin is necessary for the efficient use of the holding but has not elaborated on this. It is my understanding that a meal silo is used to store feed for livestock, keeping it dry and removed from any vermin etc. The applicant is clearly an active farmer with a herd number and I would be satisfied that a meal bin is necessary for his farming practices and the efficient use of the holding.

The proposed materials, form and design of the silo are typical of this type of agricultural building found throughout the District. I am content that in terms of character and scale it is appropriate to this rural location.

It reads and clusters with existing buildings, which provide a degree of enclosure and integration. There will be short term views of the structure when travelling along the Crancussy Road, but these do not take away from the rural character of this area.

The meal silo will be used for storing feed so there should be no issues around ammonia emissions. There will be no discharges from the structure that will be hydrologically linked to any European Designated Sites. The structure is not located within the designated ASSI. On this basis I am satisfied that the proposal will not impact on features of natural heritage. There are no Listed Buildings in the immediate area and the site is not in an area of archaeological potential.

The silo will be located approx. 50m from the closest third party dwelling, at number 26. It does not generate any unacceptable noise or odours. There may be occasions when there is dust generated however given the distance involved from the silo to number 26, I do not believe this would impact negatively upon their amenity. EH have raised no concern with dust or odours.

Where new buildings are proposed CTY 12 requires the applicant to demonstrate that there are no suitable buildings on the holding that can be used. The applicant has advised

that there is no purpose built meal storage facilities on the holding. The design and materials of the proposed shed are sympathetic to the locality and the silo is located adjacent to existing buildings on the farm.

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

Approval is recommended as the proposal complies with all relevant policy. Objections do not raise any issue which would merit the refusal of this application.

**Conditions**

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

Reason: This is a retrospective application.

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

ANNEX	
<b>Date Valid</b>	28th January 2019
<b>Date First Advertised</b>	14th February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 26 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 28 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 29 Crancussy Road,Pomeroy,Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	N/A
<b>Planning History</b>  Ref ID: LA10/2018/1475/PAD Proposal: Heart of Ancient Ulster Landscape Partnership 2019-2024 Address: Lands on Carrickmore Plateau and the Pomeroy Hills, Co Tyrone, Decision: Decision Date:  Ref ID: I/1984/001601 Proposal: ERECTION OF BUNGALOW Address: EVISHACRANCUSSY, CRANCUSSY ROAD, COOKSTOWN Decision: Decision Date:	

Ref ID: I/1984/0016  
Proposal: ERECTION OF BUNGALOW  
Address: EVISHCRANCUSSA, DUNAMORE, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: LA09/2019/0118/F  
Proposal: Retrospective planning for meal storage bin for agricultural purposes on an existing farm yard  
Address: Farmyard at 29 Crancussy Road, Cookstown,  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

DFI Roads – No objection in principle  
DAERA – No objections  
EH – No objections in principle

### **Drawing Numbers and Title**

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

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

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

Date of Notification to Department:  
Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/04/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0128/F	<b>Target Date:</b> 14/05/2019
<b>Proposal:</b> Proposed replacement dwelling and domestic garage	<b>Location:</b> Adjacent to and N.W. of 51 Ballynahaye Road Ballygawley Dungannon
<b>Referral Route:</b>  The proposal is contrary to CTY 3, CTY 13 & CTY 14 of Planning Policy Statement 21 and NH 5 of Planning Policy Statement 2	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Mr Cathal O'Neill 51 Ballynahaye Road Ballygawley Dungannon	<b>Agent Name and Address:</b> Mc Keown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues



The application relates to a replacement dwelling with new access in the countryside. It is considered the application does not meet the policy tests for the replacement of a dwelling, integration and design of buildings in the countryside and rural character. No representations have been received and DfI Roads were consulted and responded with no objections subject to conditions. All prevailing policy and material considerations have been considered below.

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

The site is located approximately 4.49km north west of the settlement limit of Aghaginduff/Cabragh and is defined to be within the open countryside as per the Dungannon and South Tyrone Area Plan 2010 (DSTAP). The surrounding context appears rural, characterized predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

Adjacent to the application site sits a single storey dwelling and a vernacular dwelling to be replaced. An existing shared laneway off the Ballynahaye Road runs adjacent to the site. The site is bounded on the eastern boundary by post and wire fence and the northern boundary has mature trees. To the southern boundary and along the roadside frontage is hedging.

### **Description of Proposal**

This is a full application for a proposed replacement dwelling and domestic garage. The proposed dwelling will have a ridge height of 9m and a frontage of 14m. The dwelling will be smooth render painted walls and blue/black slates.

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

#### **Planning History**

M/2008/0718/F – Proposed retention of extension to dwelling – 51 Ballynahaye Road – Permission Granted 23/08/2008

M/2008/0078/F – Proposed domestic dwelling – 200m north of 51 Ballynahaye Road – Permission Granted 18/03/2008

Under the provisions of the Planning Act (Northern Ireland) 2011, all decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise. Account will also be taken of the relevant provisions of the SPPS and retained Planning Policy Statements (PPSs). The Strategic Planning Policy Statement for Northern Ireland (SPPS) published in September 2015 confirms that until such time as a Plan Strategy for the whole of the Council Area has been adopted the Council should continue to apply existing policy and guidance contained in retained PPSs and other relevant documents together with the provisions of the SPPS itself.

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

The plan offers no specific policy relevant to this application.

#### **Mid Ulster Local Development Plan 2013 – Draft Plan Strategy**

The Mid Ulster Local Development Plan 2030 – Draft Strategy has now been published during the processing of this application and it is considered as a material consideration. Under the Draft Strategy the proposed application would be considered under policies GP1 – General Principles Planning Policy and CT1 – General Policy and CT2 – Dwellings in the Countryside. In terms of CT2 the application is to be considered under a replacement dwelling. In that I am of the opinion that the proposed dwelling to be replaced has all the essential characteristics of a dwelling and all the external walls are substantially intact. The proposal would not meet CT1 – General Policy as it is not an appropriate design in terms of height, size, scale, massing, architectural detail and finishes. No significant weight can be given as the Draft Plan Strategy is at early public consultation stage.

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes replacement 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'.

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

#### **CTY 3 – Replacement Dwellings**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Upon review of the submitted plans and what was witnessed during the site visit I consider that the building to be replaced is a dwelling and complies this part of the policy. On the basis of Annex 2 in PPS21, the building to be replaced can be described as being vernacular.

The proposed dwelling is to be located in the agricultural field immediately west of the existing curtilage and I am content that the proposal is located here as the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. The dwelling proposed is a two storey and it will be replacing a single storey dwelling. I am not content that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and will have a visual impact significantly greater than the existing building. I

consider that the design of the proposed dwelling is not appropriate to the rural setting as it has a hipped roof which does not meet the Building on Tradition Rural Design Guide. Water will be piped to an existing drain and NI Water had no objections. The proposed new access will not prejudice road safety or significantly inconvenience the flow of traffic.

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

The proposed dwelling is greater in scale and will have a much greater impact than the existing dwelling. Failing to meet the integration tests because of its bulk in size, massing and external finishing and its siting. While there is existing vegetation to help blend the dwelling in, it will result in a loss of trees. I see no reason why a sensitive design and better sited dwelling could not achieve integration if positioned to retain the planting area and the massing is reduced and the form is simplified in line with a modern interpretation of a vernacular dwelling.

The proposed design is not acceptable as it has a hipped roof and this does not meet the Building on Tradition Rural Design Guide. The scale and massing of the dwelling is also unacceptable and will not integrate with what the surrounding dwellings at the site. There are other large 2 storey dwellings along the Ballynahaye Road but these do not have hipped roofs. From this I am not content that the application is able to comply with CTY 13.

### **CTY 14 – Rural Character**

There are minimal long term critical views of the site from the Ballynahaye Road but there is a lack of natural boundaries to provide integration. The design of the dwelling has a hipped roof and is of a large scale in form and massing which I consider is not sympathetic to the site and surrounding area. Overall I consider the dwelling will be prominent in the landscape. It will not create or add to build up or ribbon development or result in a suburban style build-up of development. The proposed dwelling does not respect the traditional pattern of development in the area as it has a hipped roof. Ancillary features will not damage rural character. From this I am not content that the application is able to comply with CTY 14.

### **NH 5 – Habitats, Species or Features of Natural Heritage Importance in PPS 2 – Natural Heritage**

NH 5 states that 'Other' natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long established woodland categories but are in themselves important for local biodiversity. I consider that the removal of established trees to the rear of the application site would not comply with NH5.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves direct access onto the Ballynahaye Road. DFI Roads have been consulted and have no concerns regarding road safety or traffic flow resulting from a new access subject to provision of splays of 2.4m x 60m in both directions. This can be dealt with by planning condition. They also advising the provision of a lay-by to allow one vehicle to wait of the carriageway which will involve the removal of the front hedging for the visibility splays.

I have no flooding, ecological or residential amenity concerns.

**Neighbour Notification Checked** Yes

**Summary of Recommendation:**

As the applicant has shown no willingness to re-examine the design and siting I have no alternative to recommend for refusal for the reasons outline below.

**Reasons for Refusal:**

The proposal is contrary to CTY 3 of Planning Policy Statement 21 in that the overall size of the new dwelling does not allow it to integrate into the surrounding landscape and will have a visual impact significantly greater than the existing building. The design of the replacement dwelling is not appropriate to the rural setting.

The proposal is contrary to CTY 13 of Planning Policy Statement 21 in that the new building will be a prominent feature in the landscape, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Also it relies primarily on the use of new landscaping for integration and the design of the building is inappropriate for the site and locality.

The proposal is contrary to CTY 14 of Planning Policy Statement 21 in that the new building will be a prominent feature in the landscape and does not respect the traditional pattern of settlement exhibited in that area.

The proposal is contrary to NH 5 of Planning Policy Statement 2 in that it will lead to an unnecessary loss of trees and vegetation to the detriment of the rural character.

**Signature(s)**

**Date:**



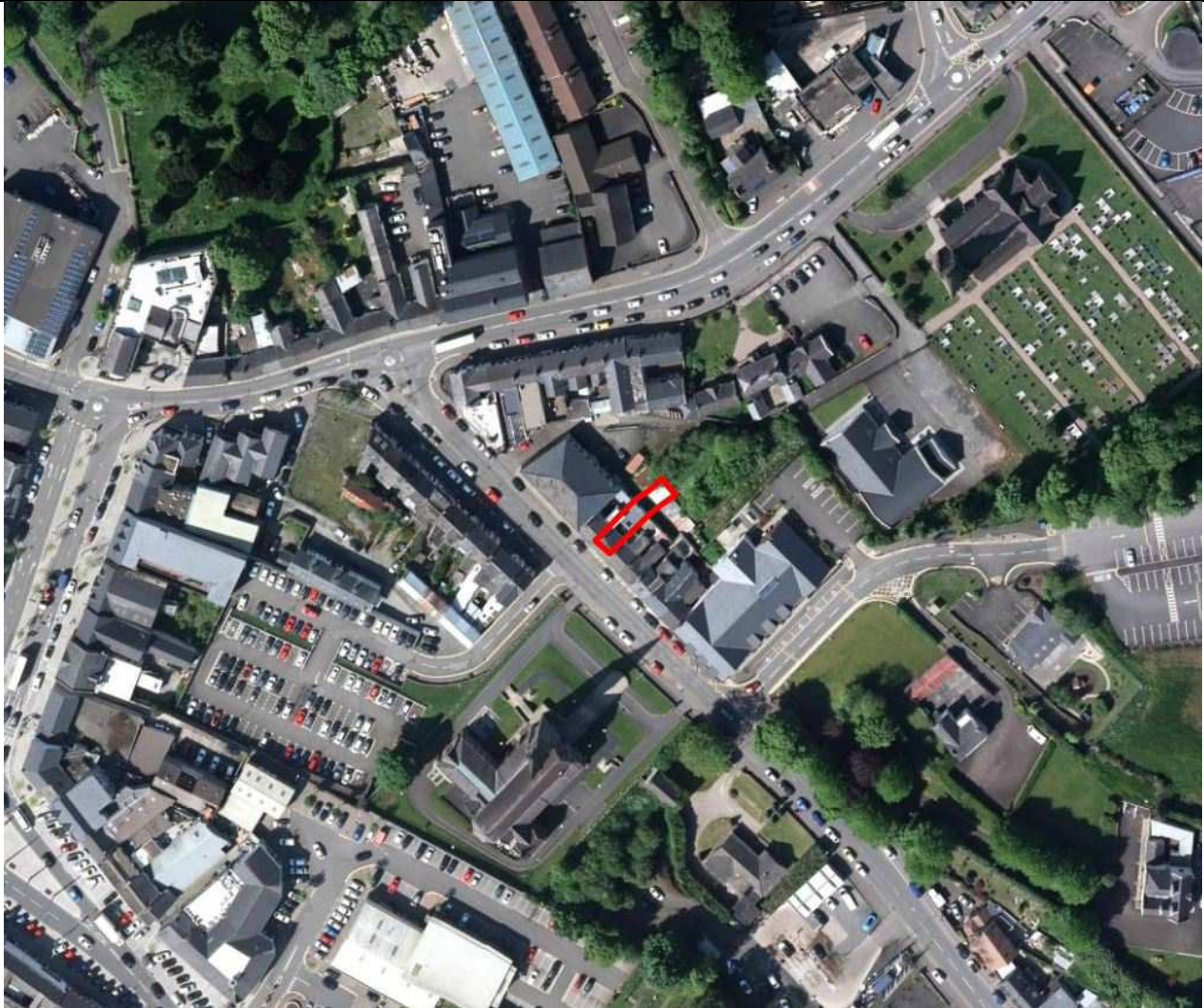
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0165/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of use from office and meeting place to retail space for a charity. (St Vincent De Paul).	<b>Location:</b> 12 King Street Magherafelt BT45 6QP.
<b>Referral Route:</b> One objection received.	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Society of St Vincent De Paul 12 King Street Magherafelt BT45 6QP	<b>Agent Name and Address:</b> Vision Design 31 Rainey Street Magherafelt BT45 5DA
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

One objection received

### Characteristics of the Site and Area

The site is located within the development limits of Magherafelt in accordance with the Magherafelt Area Plan 2015. The proposal site is located at No 12 King Street Magherafelt, a mid-terrace building. The building appears to be occupied by the Society of Saint Vincent De Paul and signage on the front facade also confirms this.

The area is defined by a mix of uses including religious/community infrastructure, educational, residential, open space and retail.

### Description of Proposal

Full application for 'change of use from office and meeting place to retail space for a charity (St Vincent De Paul)'.

### Planning Assessment of Policy and Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, CT 1 - General Policy and RE1 - Development within Town Centres. The proposal is in general compliance with GP 1 and RE1 and as such in conformity with the Draft Plan Strategy even though it holds no determining weight as it is only at early consultation stage.

Site History - LA09/2017/1623/LDE - Change of use to office and meeting place, CLUD considered lawful.

- H/2003/1242/F - Change of use from dwelling to shop and alterations. Refused 8th January 2006

- H/2003/1514/A - Erection of advertising sign for S.V.P. Approved 14th February 2005

- H/2006/0017CA - Change of Use. Case Closed

- H/2008/0177CA - Change of Use. Case Closed

Consultees: - DfI were asked to comment and responded on 13.02.2019 stating that as the submitted P1 form shows no increase in vehicles attending the site, DfI Roads have no objection to the proposal.

NI Water were asked to comment and responded on 14.02.2019 with no objections subject to advice.

In line with legislation this proposal was advertised in the local press on 21.02.2019.

Neighbours: - Owners/Occupiers of Nos 4,6,8,10,14,16,18,20 & 22 King Street were notified on 14.02.2019. One objections has been received from the owner/occupier of No. 10 King Street.

The main points raised within this objection are:

- Increased disturbance
- Increased parking pressure.

According to the submitted P1 form the proposal is not expected to have increased vehicles visiting however it is expected to have an increase in visitor numbers. DfI were asked to comment on the proposal and offered no objections nor made any reference to potential parking pressure.



This proposal is for the change of use from an existing meeting room/store to a retail unit. The building in question is located within a terrace row of residential properties. The proposal does not include any changes to the existing front elevation of the property.

According to the Magherafelt Area Plan 2015 the proposal site is within Designation MT45 Protected Town Centre Housing Area King Street. Within designated Protected Town Centre Housing Areas planning permission will not be granted for redevelopment or change of use from housing. The plan goes on to state that the department will resist the spread of commercial uses into areas which have a useful longer term residential life. They provide a valuable housing stock and are homes for established communities which contribute to the variety and vitality of life in the town centre.

However it should be noted that under LA09/2017/1623/LDE the use as meeting place and office was accepted to have taken place from a residential unit more than 5 years ago and as such a CLUD application was granted. As such there is no loss of housing stock should this application be granted an approval but rather a change of use from an office to a retail space. Although there are residential units on both sides of the proposal site the area is within Magherafelt town and according to the submitted information there will not be an expected large increase in visitors to the site.

Having considered all of the above points I would recommend an approval be given for this proposal.

**Neighbour Notification Checked**

**Yes**

**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. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or [waterline@niwater.com](mailto:waterline@niwater.com), upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at [www.niwater.com/servicesfordevelopers.asp](http://www.niwater.com/servicesfordevelopers.asp)

All services within the development should be laid underground.



None of the development hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans.

None of the developments shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

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

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th February 2019
<b>Date First Advertised</b>	21st February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 King Street Magherafelt Londonderry Imelda Hinfey 10 King Street, Magherafelt, BT45 6AR The Owner/Occupier, 14 King Street Magherafelt Londonderry The Owner/Occupier, 16 King Street Magherafelt Londonderry The Owner/Occupier, 18 King Street Magherafelt Londonderry The Owner/Occupier, 20 King Street Magherafelt Londonderry The Owner/Occupier, 22 King Street Magherafelt Londonderry The Owner/Occupier, 4-8 King Street Magherafelt	
<b>Date of Last Neighbour Notification</b>	14th February 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1623/LDE Proposal: Change of use to office and meeting place Address: 12 King Street, Magherafelt, Decision: PG Decision Date:  Ref ID: LA09/2019/0165/F Proposal: Proposed change of use from office and meeting place to retail space for a charity. (St Vincent De Paul). Address: 12 King Street , Magherafelt , BT45 6QP., Decision: Decision Date:	

Ref ID: H/2003/1242/F

Proposal: Change of use from dwelling to shop and alterations.

Address: 12 King Street, Magherafelt.

Decision:

Decision Date: 12.01.2006

Ref ID: H/2003/1514/A

Proposal: Erection of advertising sign for S.V.P

Address: 12 King Street, Magherafelt.

Decision:

Decision Date: 24.02.2005

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Sign Details

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04

Type: Existing Plans

Status: Submitted

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

Date of Notification to Department:

Response of Department: