



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0387/F	Target Date:
Proposal: Retention of dwellings not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden. (Amended plans 02/4 and 04/3 received)	Location: 19 & 21 Lucy Street Pomeroy Co Tyrone.
Referral Route: This application is being referred to Committee as it has attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Laurence McDonald 19 Lucy Street Pomeroy BT70 2QR	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response

Statutory	DFI Roads - Enniskillen Office	Advice
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	
Summary of Issues		
<p>There has been one letter of objection received in respect of the planning application which raised the following issues:-</p> <ul style="list-style-type: none">- Significant importation of material resulting in substantial increase in ground levels over the approved levels on I/2005/0596/F;- The knock-on effect on finished floor and ridge levels for dwellings which are a lot closer to the neighbours dwelling;- Lack of defined screening along the neighbouring boundary;- Inter-visibility between habitable rooms of the proposed dwelling and the objectors dwelling;- Loss of privacy;- Loss of screening provided by wall and railing due to the increase in site levels;- Given the extent of the material brought onto the site, it this material wholly within the site outline or does it extend beyond the site boundary;- Previous approval I/2005/0596/F indicated 9 no. Alder and 10 no. Ash trees to be planted along the boundary between the site and the objectors property. This has not been done to the detriment of residential amenity;- The levels indicated on the block plan and cross-sections are confusing and seeks assurances that the applicant will reduce the levels to the indicated proposed levels.- The level of detail shown on section B-B;- The current use of the rear garden space of the site is for the storage of building materials;- The lack of a landscaping schedule for the eastern boundary adjacent to the public road.- The proposal is contrary to PPS 7 Policy QD1;- Raised ground levels will impact the structural integrity of the neighbours boundary wall;- Site levels should be reduced;- Amended plans should be submitted showing reduced site levels and provision of boundary fencing, which should be subject to a time limit condition;- The tin along the boundary should be removed and replaced with planting which should again be conditioned by way of time-limit;- Permitted development rights should be withdrawn.		
Description of Proposal		
<p>The proposal is for the retention of two dwellings not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden.</p>		

Characteristics of the Site and Area

The site is currently occupied by a pair of large 2 storey semi-detached dwellings which has the appearance of a single dwelling. The pair of semi's have a single front entrance door to the dwelling next to no.17, hereinafter referred to as No.19, with a second front door to the other dwelling, hereinafter referred to as No.21, at the western side.

The dwellings have been moved further back on the site from the original approved position by approximately 6m and there has been a considerable amount of infilling taken place. There would appear to be approximately 1.2m difference between the finished floor levels of No.17 and those of the proposed dwellings. The ground levels have been raised to such an extent that they extend above the level of the boundary wall and have resulted in the use of sheets of corrugated tin and timber sheeting to hold the fill back from falling over the boundary wall.





It is noted that the boundary wall is not a retaining wall but simply a single skin concrete block wall which extends from 0.4m high at the rear of no.17 to 0.75m high at the front. A 0.75m high decorative rail fence is erected on top of the wall. Ground levels at the side and rear of No.19 exceed the height of the wall by as much as 0.5m, which has resulted in the need for unsightly corrugated iron sheeting to be positioned along the wall to prevent the fill from falling over the wall/fence.



No.17 has two windows and a pair of french doors with side windows along the gable next to the site. The position of these windows and doors has resulted in the occupants of No.19 being able to look over the wall/railings and into the habitable rooms of No.17.



This situation has been exacerbated by the amount of infilling that has taken place on the site in addition to the non-provision of the boundary treatment.

Planning Assessment of Policy and Other Material Considerations

Assessment of planning policies and other considerations

The relevant policies for consideration of this application are:

Cookstown Area Plan 2010

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The lands in question are contained within the settlement development limits of Pomeroy as defined in the Cookstown Area Plan 2010. The site sits immediately adjacent to and outside the Area of Townscape Character.

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 proposed development is assessed against these criteria as follows:-

(a) The proposal fails to meet the first of these criteria in that whilst it respects the surrounding context in terms of layout, density, scale proportions, massing and

appearance of the building, it fails to respect the surrounding context due to the elevated nature of the rear of the site. This has been raised to such an extent that it has an overbearing effect on the neighbouring property.

(b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site.

(c) This layout is for 2 dwellings and therefore there is no requirement for the provision of public open space. However, there is a requirement for the proposed development to, where appropriate, provide planted areas or groups of trees along site boundaries in order to soften the visual impact of the development. The proposed scheme, as exists on site, fails to do so in that no boundary planting exists nor is any planting proposed along the site boundaries. In fact, so much infilling has taken place on the site that the ground levels exceed the height of the neighbouring boundary wall to such an extent that the applicant has inserted sheets of corrugated iron cladding against the wall to prevent the fill from spilling over the wall/railing. The previous approved scheme indicated the existing mature trees to be retained in addition to the planting of 19 new trees around the new site boundaries, however, the existing mature trees were removed and no new trees were planted.

Amended plans were submitted to address these issues, showing boundary landscaping and the removal of the corrugated tin sheeting, and provided they are appropriately conditioned and enforced, then the proposal could be acceptable in this respect.

(d) As the site is close to and within walking distance of the centre of Pomeroy, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has good access onto Lucy Street 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 at each dwelling within the site.

(g) The design of the proposed development is acceptable in terms of form, materials and detailing. Careful attention needs to be given to the boundary treatment along the eastern boundary adjacent to No.17 so as to ensure the existing ground levels are reduced to an acceptable level thereby protecting the privacy and residential amenity of No.17.

(h) At present the proposal creates a conflict with the adjacent dwelling at No.17 due to the proposed dwellings having been repositioned on the site which are now approximately 6m forward of the previous approved position. Consequently the ground levels of the rear yards have been substantially infilled, bringing these up to and above the level of the boundary wall with No.17. The boundary wall is approximately 1.5m from the gable wall of No.17 which has two windows and a pair of French doors with side lights, all of which are into habitable rooms. Finished floor level of No.17 is approximately 0.3m below the top of the retaining wall, so given the levels of the filled ground directly opposite these windows and doors, there is a substantial loss of privacy to the occupants of No.17. This has only been exacerbated by the removal of the existing trees along the common boundary to the front and the non-provision of the approved planting to the rear. This is also heightened by the excessive infilling along the side of No.19 and the unsightly use of the corrugated iron sheeting on the boundary which has a detrimental impact on the enjoyment of both the habitable rooms as well as the front amenity space of No.17.

The aforementioned amended plans show reduced ground levels along the side and rear of the proposed dwellings, the removal of the corrugated sheeting and provision of boundary fencing and landscaping, all of which if carried out in its entirety would reduce

the impact of the proposed development on the neighbouring amenity to an acceptable level.

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

Transport NI advised that the proposed development is acceptable subject to the suggested conditions.

Recommendation

On consideration of the above and taking into consideration the amendments as indicated on the most recently submitted drawing, it is my opinion that planning permission should be approved subject to the following conditions:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions:

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

Reason: This is a retrospective application.

2. The existing ground levels shall be reduced to and permanently retained at those as indicated on drawing no 02/4 date stamped 10th May 2021 within six weeks of the date of this decision.

Reason: In the interest of residential amenity.

3. The corrugated iron sheeting along the rear south eastern boundary of the site adjacent No.17 Lucy Street shall be permanently removed within six weeks of the date of this decision.

Reason: In the interest of residential amenity.

4. The screen fence as detailed on the stamped approved drawing no. 02/4 date stamped 10th May 2021 shall be erected in full within 8 weeks of the date of this decision and permanently retained thereafter.

Reason: In the interest of residential amenity.

5. All proposed planting as indicated on the stamped approved drawing no. 02/4 shall be undertaken during the first available planting season following the date of this decision and shall be retained at a minimum height of 1.8m.

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

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 provision, establishment and maintenance of a high standard of landscape.

Signature(s)

Date:

ANNEX	
Date Valid	22nd March 2019
Date First Advertised	4th April 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Lucy Street Pomeroy Tyrone Mace Pomeroy Email Theresa Cassidy Town & Country Planning Consultants, Unit C12, The Business Centre, 80-82 Rainey Street, Magherafelt, BT45 5AJ	
Date of Last Neighbour Notification	21st May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2004/0844/F Proposal: Proposed Replacement of Existing Dwelling with New Two Storey Dwelling and Garage Address: 17 Lucy Street, Pomeroy Decision: Decision Date: 09.11.2004 Ref ID: I/1998/0466 Proposal: Erection of 2 No. Semi-Detached Dwellings and Estate Road Address: ADJACENT TO 17 LUCY STREET POMEROY Decision: Decision Date: Ref ID: I/2005/0596/F Proposal: 2 No Dwellings & Associated Site Works Address: Lands 30m North West of 15 Lucy Street, Pomeroy Decision: Decision Date: 20.09.2006	

Ref ID: LA09/2019/0387/F

Proposal: Retention of dwelling not constructed in accordance with approved planning approval I/2005/0596/F and minor additional levels to rear garden.

Address: 19 & 21 Lucy Street, Pomeroy, Co Tyrone.,

Decision:

Decision Date:

Ref ID: I/2001/0774/O

Proposal: Proposed 2 No Dwellings

Address: 25 M West of 15 Lucy Street, Pomeroy

Decision:

Decision Date: 29.03.2002

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:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02/4

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04/3

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



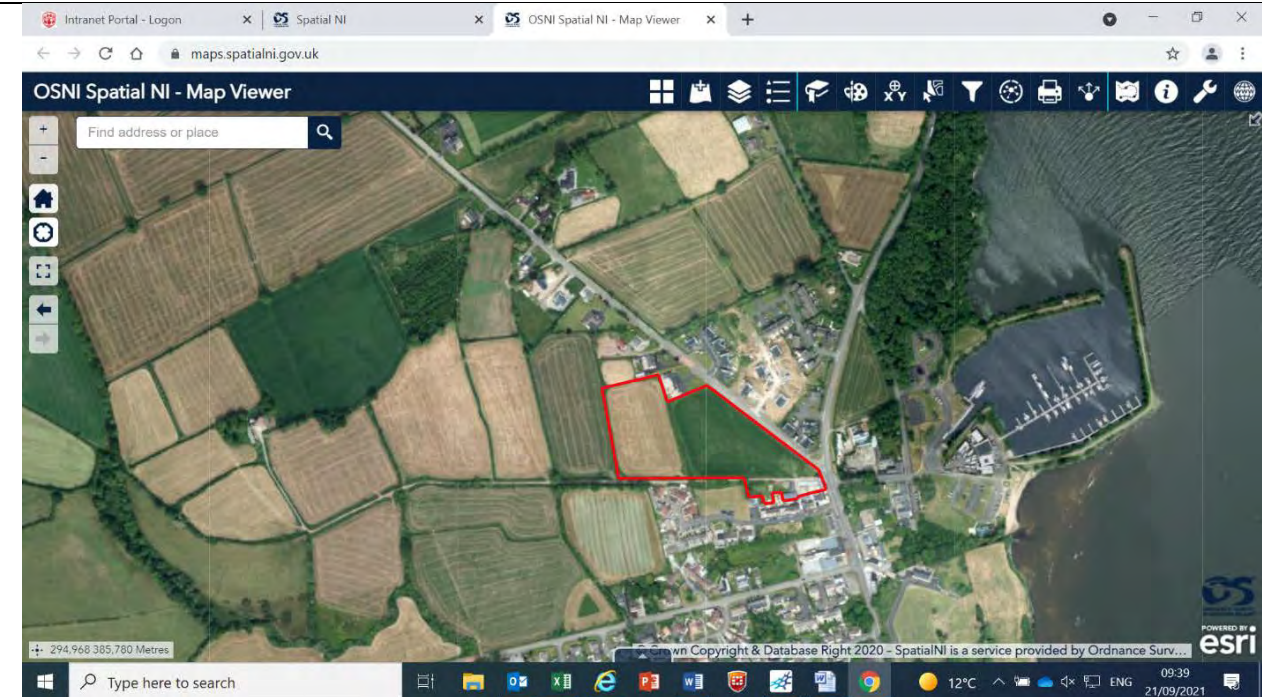
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 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0007/O	Target Date: 30/7/20
Proposal: Proposed residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings	Location: Lands adjacent to 185 Ballyronan Road Ballyronan Magherafelt
Referral Route: Major application.	
Recommendation:	APPROVE
Applicant Name and Address: Sylvia Watt 42 Forthill Road Dromore BT25 1RF	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Details of the Proposal:

Proposed residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings in compliance with Planning Policy Statement 7 (PPS 7): Quality Residential Environments

Characteristics of the Site and Area

The site is located within the limit of development for Ballyronan as defined within the Cookstown Area Plan 2010. Located between an agricultural laneway and the Ballyronan Road, from which access is proposed, the site is over 3 hectares in size. The site is made up of two fields with internal and boundary hedge lines. Landform is mainly flat with a general fall from west to east. Within the south eastern portion of the site are buildings which include old post office as well as agricultural buildings. A laneway defines the southern boundary with the Ballyronan Road defining the north eastern boundary. All other boundaries are defined by hedge lines. Land use adjacent to the site includes detached residential units to the north with residential estates to the north east and south. The western site boundary defines the limit of development for the settlement.

Relevant Site Histories:

The only recent relevant site history identified is LA09/2021/0757/F: approval for Change of use from the old Post office to a Café, approved 23/8/21. Close to the junction of the Ballyronan and Shore roads.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Department for Agriculture Environment and Rural Affairs, Northern Ireland Water and Shared Environmental Service 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 Ballyronan as defined by the Cookstown Area Plan 2010 (CAP) where Planning Policy Statement 7 (PPS 7): Quality Residential Environments applies. As this application is for outline permission there is no requirement for detailed proposal however a concept plan is required and has been submitted. This plan sets out an approach to the site development in general terms only and it may not be the only concept available for the land. 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 will be protected and integrated in a suitable manner into the overall design and layout of the development by way of condition; 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 will incorporate traffic calming measures; adequate and appropriate provision can be made for parking; the design of the development will be required to draw upon the best local traditions of form, materials and detailing; the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the development can be designed to deter crime and promote personal safety.

Other Policy and Material Considerations:

Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation is a material consideration for this proposal. The Concept Plan indicates, in general terms proposal for public open space, which in my opinion is acceptable. Conditions will ensure provision of same.

Northern Ireland Water has indicated that wastewater capacity is not available for the site, however the applicant intends to provide a separate sewerage treatment plant within the site and conditions regarding sewerage servicing of the site should be attached.

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

Mid Ulster Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 31/08/2021. This found that the project would not be likely to have an adverse effect on the integrity of any European site.

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 7: Quality Residential Environments and Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation are retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

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

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

Reason: Time Limit

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

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

3. The development hereby approved shall incorporate such a mix of dwelling types and such a range of unit sizes as may be approved by the Council.

Reason: To provide a comprehensive mix of housing units in accordance with the provision of Planning Policy Statement 7: Quality Residential Environments.

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

Reason: To ensure the development integrates in a satisfactory manner into the locality.

5. The development shall include delineated areas of private and public open space (the public open space comprising not less than 10% of the total site area), incorporating planted areas, play areas and informal recreational areas, laid out and maintained in accordance with a Landscape Scheme, comprising planting details including species, size at time of planting, siting and planting distances with a programme of planting. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas, including privately owned domestic gardens, where they are used as an integral part of the overall landscaping scheme. Trees and shrubs dying within 5 years of planting shall be replaced with trees and shrubs similar in size to that dying. The Landscape Scheme shall be submitted to and agreed with the Council at Reserved Matters stage and the details shall be carried out as agreed.

Reason: To ensure that there is a satisfactory standard of open space provided and maintained in perpetuity in accordance with the provisions of Planning Policy Statement 8 (PPS8) - Open Space, Sport and Outdoor Recreation.

6. The open space areas referred to in condition 5 above shall be managed in perpetuity by a Management Company the details of which shall be submitted to and agreed with the Council at reserved matters stage. (See informative no 3).

Reason: To ensure that the open space provision is managed in perpetuity in accordance with Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation.

7. No dwelling shall be occupied in the proposed development until the Landscape Scheme referred to in Condition 5 above has been agreed in writing by the Council.

Reason: To ensure that there is provision for the long-term maintenance of common open space.

8. No development including site clearance works, lopping, topping or felling of trees, trucking machinery over tree roots, shall take place until full

details of both and hard and soft landscape works have been submitted to and approved in writing by the Mid Ulster Council and these works shall be carried out as approved. These details shall include: proposed finished levels/existing and proposed contours/means of enclosure.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

9. Prior to the commencement of any other development on the site, hereby approved the developer shall submit to the Mid Ulster Council details of all boundary treatments defining both the site boundary and the curtilage of each unit and receive approval in writing. The boundary treatments shall be constructed as per the approved drawing(s) and provided prior to the occupation of any unit within the development.

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

10. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be in accordance with the requirements of the Council's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

11. The visibility splays of 4.5 metres by 70 metres at the junction of the proposed access road with the Ballyronan Road, shall be provided prior to the commencement of any other works or other development.

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

12. 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 / the development.)

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

13. All direct access to dwellings shall be from the new development access road. Direct access for dwellings shall not be permitted onto the Ballyronan Road.

Reason: In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.

14. No other development hereby permitted shall be commenced until a minimum 2 metre wide footway along the site frontage with appropriate connection to the existing footway network has been fully completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

15. The appointed contractor shall submit a Final site specific Construction Environmental Management Plan (CEMP) for approval by Mid Ulster District Council Planning before commencement of any works on site. This plan should contain all the appropriate pollution prevention mitigation as contained within the Outline CEMP by Sheehy Consulting dated 25/02/2021 and as advised by NIEA WMU and NED in their response to the consultation dated 18/08/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will prevent adverse effects on features of European Sites in Lough Neagh.

16. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to the Planning Authority for their written agreement prior to works commencing on site.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.

17. No development shall 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 that will protect the features of European Sites in Lough Neagh from adverse effects and To ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available.

18. There shall be no demolition/modification works carried out on the buildings with known bat roost until a NIEA protected species licence has been obtained and evidence of this has been submitted to the planning authority.

Reason: To protect bats.

19. At Reserved Matters, Drawings must be submitted which details the provision of like-for-like compensatory bat roosts for the loss of known roosts on the site and as noted within the Bat Survey report, i.e. a minimum of 2 no. Schwegler 2F (or similar) bat boxes to be installed on boundary walls of retained structures/trees, provision of a void space suitable for brown long-eared bat, and provision of internal bat boxes within the structure of the new buildings.

A Bat Mitigation Plan (BMP) must be submitted which details all mitigation and compensation measures to be undertaken in relation to bat roosts. All bat boxes must be in place prior to demolition of buildings with known bat roosts.

If no works are to take place on these buildings, drawings must be submitted which clearly indicates that they will be retained and unaltered.

Reason: To protect bats and to compensate for loss of any bat roosts.

20. At Reserved Matters a Lighting Plan shall be submitted which provides details of proposed artificial lighting to include a map showing predicted light spillage across the site, and to include a light spill of less than 1 Lux at the vegetated boundaries and the laneway at the southern boundary and compensatory roosts.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

21. No works on buildings or structures or vegetation clearance/removal of hedgerow or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

22. Plans at Reserved Matters shall show retention of trees and hedgerow on the site boundaries and retention of the adjacent access lane as indicated on the conceptual site layout and details of sufficient compensatory planting with native species for removal of hedgerow within the site.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species and priority habitat.

23. At reserved matters stage a level 5 meter maintenance strip shall be shown adjacent all watercourses and marked up on all layout drawings and be protected from impediments (including tree planting), land raising or future unapproved development.

Reason: to ensure that DfI Rivers can implement its obligations to maintain the watercourse.

Informatives

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

2. The design concept plan submitted 28th April 2021 is considered to be generally acceptable for the development of the site. The Concept Plan may not be the only design that would be considered acceptable to the Council. If the developer wishes to discuss alternative proposals, then the Council will enter into discussions based on PPS7 - Quality Residential Environments, PPS8 - Open space, Sport and Outdoor Recreation and other relevant publications.

3. Attention is drawn to conditions 5 and 6 which require a commitment in respect of the provision and maintenance of open space. Implementation of the work required and arrangements for the long term management of maintenance works may require the establishment of a resident's management company set up between the developer and future house-owners. Prospective purchasers should be aware of the implications of these matters and should seek legal advice.

4. Department of Agriculture, Environment and Rural Affairs informatives:

Water Management Unit

Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice in the Explanatory Note, the applicant referring and

adhering to Standing Advice, and obtaining any relevant statutory permissions, including compliance with PPS 15: FLD 04.

Recommended conditions and informatives are set out in DAERA Standing Advice on Multiple Dwellings, available at: <https://www.daera-i.gov.uk/publications/standing-advice/development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Water Management Unit notes drawing A1 Site Drainage Plan 06?, as uploaded to the Planning Portal on 18th May 2021, where the proposal is for foul sewage to be disposed of to a treatment plant.

All proposed developments should connect to a mains sewer, where available, and providing the sewer and associated Waste Water Treatment Works (WWTW) can accommodate the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible. Water Management Unit notes the response of NIW uploaded to the NI Planning Portal on 17th February 2020.

If it is not possible to connect to a NIW sewer then Discharge Consent, issued under the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage from this proposal.

However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal.

It should be noted that Discharge Consent can only be assessed whenever the Department has received an application deemed complete accompanied by the appropriate fee. To this end Water Management Unit strongly recommends the applicant contact the Water Regulation Team at industrialconsents@daera-ni.gov.uk at their very earliest convenience to discuss the matter.

Water Management Unit has reviewed the Construction Environmental Management Plan (CEMP) submitted by the applicant/agent for those areas that fall within our remit, and would advise:

Water Management Unit would request clarification regarding the refuelling area is it situated on impermeable ground with no pathways to environmental receptors.

Section 1.87 - Regarding storage of stockpiles and their management, silt management principles should also be considered, in order to minimise and reduce risk to environmental receptors, and best practice guidelines as per CIRIA and GPP/PPGs should be considered for inclusion;

Water Management Unit notes references to settlement being adequately designed so that no silty water is permitted to enter the waterway, and also in Section 1.94 where discharge points will be located far enough from watercourse to allow infiltration and settlement prior to any discharged water entering the water course. All such mitigation measures should be designed, monitored and maintained in accordance with CIRIA specifications to ensure they function effectively and that discharges are monitored to minimise against the risk of pollution.

Water Management Unit does not need to be reconsulted on any alterations at this moment, but would welcome clarification of these points in the final CEMP to be submitted for Water Management Unit's approval ahead of the commencement of works on the site. Water Management Unit's Pollution Prevention Team (nieapollutionprevention@daerani.gov.uk) will be happy to advise on the contents of any CEMP or provide any pollution prevention advice that may be required.

Water Management Unit recommends that any Construction Environmental Management Plan (CEMP) should be submitted at least 8 weeks prior to works beginning on site in order to help ensure adequate time is available for agreement prior to any scheduled start date.

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Multiple Dwellings.

Due to the close proximity of the site to several watercourses, care will need to be taken to ensure that polluting discharges do not occur during the demolition, construction and operational phases of the development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

Water Management Unit notes that there is an intention to culvert two sections of different watercourses as part of the proposal (as per Section 1.109 of the CEMP issued by Ronan Sheehy and dated 25/02/21). The construction of new culverts should be avoided unless no practicable alternative exists. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Culverting. Details of mitigating measures to address the environmental impacts of the construction and operation of the culvert on the aquatic environment should be presented in any CEMP submitted for Water Management Unit's assessment. The Construction Industry Research and Information Association (CIRIA) have published a document titled -Culvert Design and Operation Guidance C689- and Culvert, Screen and Outfall Manual C786, which the applicant may find useful.

Where culverting is proposed it should comply with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4.

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

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

The applicant is 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.

Please note that this proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

The application site contains bats which are a European protected species under the Habitats Regulations and nesting birds, which are protected by the Wildlife (Northern Ireland) Order 1985(as amended) (known as the Wildlife Order).

The application site is hydrologically connected to the following national, European and International designated sites:

- Lough Neagh and Lough Beg Special Protection Area (SPA) which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Lough Neagh Area of Special Scientific Interest (ASSI), which is declared under the Environment Order (Northern Ireland) 2002.

Natural Environment Division (NED) acknowledges receipt of the Construction Environmental Management Plan, date stamped 28th April 2021 by Mid Ulster District Council NED has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided, is content with the proposal subject to conditions and informatives.

Please note this is a desk based response.

Natural Heritage

The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment:

- <https://www.daera-ni.gov.uk/articles/standing-advice-0>

Bats

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

- 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.

To avoid any breach of The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), all mature trees and buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered 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.

Wild Birds

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

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

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

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Badger

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 9056 9558 or 028 9056 9557]

Additional comments:

Bats

The previously submitted Preliminary Ecological Appraisal (PEA), noted that 3 of the 6 outbuildings proposed to be removed from the site, had a Low Bat Roost Potential (BRP). Mature/semi-mature trees were all assessed as having negligible or Low BRP. A subsequent Bat Survey report (date stamped 19th December 2019 by Mid Ulster District Council reclassified a further outbuilding as Low BRP. Subsequent emergence/re-entry surveys of the outbuildings on site found 2 bat roosts - a transitional/occasional day roost used by small numbers of *Myotis* species in the ivy on Building 6, and a night/feeding roost used sporadically by individual *P. auritus* (brown long-eared bat) in Building 1.

The report notes a number of management and protection measures to compensate for the loss of these roosts as the concept plan indicated that these outbuildings will be demolished. NED

notes that the revised Concept Plan (Drawing 04/1) now indicates that the proposed development does not include the area of these buildings. NED are content that the proposal is unlikely to have a significant impact on the local bat population provided the recommended measures are followed and advises that a condition is attached to the decision notice to ensure that a Wildlife Licence is granted prior to the removal/modification of the buildings with known bat roost. NED advises that at Reserved Matters stage, further updated surveys may be required.

NED advises that no works shall be carried out on these buildings until a NIEA Wildlife Licence has been obtained. NED advises that at Reserved Matters, Drawings must be submitted which detail the provision of like-for-like artificial roosting habitats as noted by the ecologist within the Bat Survey Report, and a Bat Mitigation Plan detailing all mitigation and compensation measures to be undertaken in relation to the bat roosts found for the demolition/modification of these buildings.

NED advise that, if these buildings are to be retained, drawings at Reserved Matters shall be submitted which clearly indicate their retention. NED recommend a condition to this effect is appended to any planning approval, and as noted below.

Further, the report noted that bat activity on the site was consistently moderate-high, and the farm laneway along the southern boundary of the site is an important foraging resource and provides a commuting corridor for bats to the wider countryside. NED request that, at Reserved Matters, drawings are submitted which note the retention of this laneway and hedgerows along the site boundaries.

Bats are a nocturnal species and are highly sensitive to artificial lighting in their environments. This can have a significant adverse effect on their natural behaviour such as foraging and commuting, causing disturbance and/or displacement and affecting their ability to survive. Illumination of a bat roost can also prevent or delay emergence from the roost, reducing the time available for foraging and potentially leading to starvation and/or abandonment of the roost. NED request that at Reserved Matters a Lighting Plan is submitted which provides details of proposed artificial lighting to include a map showing predicted light spillage across the site, to include a light spill of less than 1 Lux at the vegetated boundaries and the laneway at the southern boundary.

Further information on bats and lighting can be found here:

<https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Other Protected Species

As noted in the previous response, NED acknowledge receipt of the Badger Survey report, emailed by the planning officer on 4th November 2020. A survey of the area of the application and a 50m buffer area was undertaken in accordance with NIEA specifications. NED are content that, based on the information provided, the proposal is unlikely to have a significant impact on the local badger population, but advise that depending on the timeframe to the Reserved Matters application, a further updated survey may be required.

Priority Habitat

As noted in previous responses, NED acknowledges the proposal is only at Outline stage, however, submitted drawings indicate retention of existing hedgerow, and NED acknowledge receipt of a revised Site Concept Plan (Drawing No. 04/1) indicates the retention of existing hedgerow and proposed new hedgerow of native species. NED request that at Reserved Matters, drawings are submitted which note the retention of hedgerows along the site boundaries, and enhanced with planting of native species if deemed necessary, with compensatory planting with native species for removal of any hedgerow within the site. NED

refers the applicant to the following guidance: <https://www.daera-ni.gov.uk/publications/native-species-planting-guidance>

NED also recommends that retained trees are protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

Wild Birds

The PEA noted that a number of outbuildings contained nests of swallows, starlings and house sparrows. In addition, given the areas of scrub and hedgerow on the site, the vegetation on site has potential to support breeding birds. NED would highlight that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), and advise that any removal of vegetation or demolition of buildings is undertaken outside of the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist, with suitable protective measures taken should any nest be found. NED advise a condition to this effect is appended to any planning approval.

Other animals

Survey reports make reference to the presence of rabbits on the site. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. To avoid any breach of the Act through entombment or injury to animals on site, the applicant should ensure that best practice techniques are applied during construction works.

5. Department for Infrastructure Rivers Informatives:

FLD1 - Development in Fluvial and coastal Flood Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure ? This site is affected by two undesignated watercourses which traverse the site. DfI Rivers notes in section 1.109 of the Construction Environmental Management Plan, dated 25.02.2021 the applicant's intention to culvert these watercourses.

Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place.

DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

In addition by way of a planning informative, perspective purchasers whose property backs onto this watercourse should be made aware of their obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD4 - Artificial Modification of watercourses - Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for The Planning Authority. Any culverting approved by the Planning Authority will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973.

FLD5 - Development in Proximity to Reservoirs - Not applicable to this site.

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Western Regional Office at 3a St Julians Road, Lisnamallard, Omagh, Co Tyrone, BT79 7HQ.

6. Northern Ireland Water comments:

See attached Northern Ireland Water Consultation sheet dated 17/2/20.

Signature(s)

Date:

ANNEX	
Date Valid	2nd January 2020
Date First Advertised	14th January 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 1 Lough Grove Ballyronan Road Ballyronan Magherafelt BT45 6LN The Owner/Occupier, 10 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 11 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 13 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 15 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 17 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 183 Ballyronan Road Magherafelt Londonderry The Owner/Occupier, 185 Ballyronan Road Magherafelt Londonderry The Owner/Occupier, 19 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 21 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 23 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 3 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 36 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 38 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 40 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 42 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 44 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 46 Lindsay Ville Magherafelt Londonderry The Owner/Occupier, 5 Lindsay Ville Ballyronan Magherafelt	

The Owner/Occupier, 6 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 7 Lindsay Ville Ballyronan Magherafelt The Owner/Occupier, 8 Lough Mews Shore Road Ballyronan BT45 6GE The Owner/Occupier, 9 Lindsay Ville Ballyronan Magherafelt	
Date of Last Neighbour Notification	9th January 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/1267/PAD Proposal: Outline Planning Permission for a residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm buildings Address: Lands south of 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: Decision Date: Ref ID: LA09/2018/1269/DETEI Proposal: Request for EIA Determination - Proposed Residential Development Address: Lands South of 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: NRES Decision Date: Ref ID: LA09/2018/1266/PAN Proposal: Residential development with open space, landscaping, new road infrastructure and associated site works including the demolition of farm outbuildings Address: Land adjacent to 185 Ballyronan Road, Ballyronan, Magherafelt, Decision: PANCON Decision Date: Ref ID: LA09/2018/1395/PAN Proposal: Outline planning permission for a residential development with open space, landscaping, new road infrastructure, and associated site works including the demolition of farm outbuildings Address: Land adjacent to 185 Ballyronan Road, Magherafelt, Decision: PANACC Decision Date:	

Summary of Consultee Responses As above
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Approved
Notification to Department (if relevant) Date of Notification to Department: Response of Department: N/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0480/F	Target Date:
Proposal: Commercial redevelopment of existing commercial yard (erection of 3 additional commercial units and associated car parking) Amended Plan	Location: 3A Desertmartin Road Tobermore
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Asphalt Burner Services 3A Desertmartin Road Tobermore	Agent Name and Address: J E Mc Kernan and Son 12 Cennick Road Gracehill Ballymena
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Non Statutory	NI Water	No objection
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen	Standing Advice
Statutory	Historic Environment Division	Content
Non Statutory	Environmental Health	Substantive Response
Statutory	DFI Roads - Enniskillen	Standing Advice
Statutory	NIEA	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Statutory	NI Water – Strategic Applications	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen	Content
Non Statutory	Environmental Health	Substantive Response

Representations:

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

Characteristics of the Site and Area

The site is located within the settlement limits of Tobermore on urban Whiteland as defined in the Magherafelt Area Plan 2015. The adjacent road network is defined as a protected route within the extant area plan and the land immediately south of the

application site is zoned as a major area of existing open space. The application site comprises an existing established industrial business 'Asphalt Burner Services' and there are existing commercial units on site. The proposal seeks to utilise the existing access onto Desertmartin Road. There is an existing concrete/gravel yard with informal parking arrangements currently in place. The roadside boundary is defined by a low hedge, whilst the northern boundary is currently defined by a concrete wall and partially by trees. The south and west boundaries are currently defined by vegetation. The topography of the site is relatively flat, however it was noted on the date of the site inspection the ground level appears to rise slightly at the western portion of the site. The western portion of the site is currently overgrown. The surrounding area is urban in character and there are varying land uses in the immediate context including residential, commercial and open space. Immediately north and west of the site is currently residential.

Description of Proposal

This planning application seeks full planning permission for the redevelopment of an existing commercial yard consisting of the erection of 3 additional commercial units and associated car parking located at 3A Desertmartin Road, Tobermore.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 no. Objection letter was received and 1 miscellaneous non-committal letter. The details of both are summarised and considered below:

- The letter of objection received 11th June 2020 from a Mr Evans states the maps do not show where the buildings will be erected and protected species including

badgers and hedgehogs have been seen in the rough land of the site adjacent to the gardens of Edmund Court. He questions what can be done to protect their habitat.

In response to the comments raised by the objector, the public access planning portal has been checked and all drawings including the site layout plan which details the precise location of the proposed buildings have been uploaded and are available to view. It is noted that subsequent to the receipt of this letter of objection, the location of the proposed buildings has been amended and is now further from his home within Edmund Court. With respect his concerns with regard the habitats of protected badgers and hedgehogs, following receipt of this objection a biodiversity checklist was requested. The applicant provided a Biodiversity Checklist declare no presence of protected species. NIEA were consulted and have advised NED conducted a desktop assessment and is content that the proposal is unlikely to have a significant impact on any local natural heritage features.

- The non-committal letter received 6th April 2021 from a Mr Wallace requests assurance that access to manholes servicing his adjacent property will not be impeded.

It is noted that this letter did not object to the principle of development. However, with respect rights of way over land, this is a civil matter and not under planning control. The servicing and/or maintenance of manholes would fall under the remit of NI Water. I consulted NI Water again following receipt of this letter, they did not provide any specific comment or raise any concerns.

History on Site

H/2009/0373/O - Site of 2 blocks of 4no apartments – Lands to rear of 22 and 26 Main Street, Tobermore (access is from Desertmartin Road) - Permission Granted 15/09/09

H/2004/1187/F - Apartment development to include 7 units. (Amended scheme) - 14-16 Main Street, Tobermore – Permission Granted 07/09/05

LA09/2016/1400/F – External covered car wash area with valeting facilities in part of existing commercial shed including re-use of existing access and provision of a new vehicular exit onto the Tobermore Road - Immediately South of 3 Desertmartin Road, Tobermore – Application Withdrawn 05/07/17

H/2014/0089/F - Proposed car washing area - 20m South East of no. 10 Main Street Tobermore – Permission Refused 15/12/14

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 - The site is located within the development limits of Tobermore on Whiteland with no specific land use zoning. The Plan states within settlement limits planning applications will be determined in accordance with the provisions of prevailing regional planning policy. The use is established on the site and I am content the proposed development is sensitive to the character of Tobermore and will not have an unacceptable impact on neighbour amenity. Given the proposed use is Class B3 General Industrial, EHD required a noise impact assessment to ensure noise from the proposal will not have a detrimental impact on residential amenity. Following

receipt of an acoustic report and further clarification from the agent, EHD have raised no concerns with respect residential amenity subject to conditions EHD also identified potential ground gas risk from contamination therefore require conditions attached to any forthcoming approval to ensure there are no risks from ground gas. Further consideration will be given below with respect conservation, access and infrastructure however overall it is considered the proposal meets all Plan Policy SETT 2 criteria.

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. As such, existing policy will be applied. The relevant policy consideration is PED 1 - Economic Development within Settlements of PPS 4.

Policy PED 1 - Economic Development in settlements states that a Class B3 Uses (General Industrial) will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use. The proposal has been amended and reduced through the processing of the application and now seeks permission for 3no. Commercial units. The largest unit, Unit 1, is located in the southwest portion of the site along the southern boundary adjacent to existing units on the site. Unit 1 is rectangular shaped with a floor area of 390sqm and maximum height of 6m. Units 2 and 3 are located in the centre of the site along the northern boundary and are both 170sqm each with 5.8 ridge height. The agent has advised that all three units will be used by the existing business for the following: flow process, manufacturing of burners, inspection of parts, assembly and build, spraying and testing equipment and despatch. The applicants business is currently established and operational on the site. The footprint of the area to be covered by the proposed buildings is broadly similar to what is currently on site. The proposal will create additional hardstanding to the rear of the site as well as providing more formal arrangements for parking, turning and servicing of units. The proposed buildings are set back from the public road, sited behind exiting buildings which will assist with integration. In my view, given the size, scale and design of the building currently on this site, the proposed buildings are appropriate to the character of the settlement. In light of EHD consultation response, it is considered the proposed siting and separation distance between proposed buildings and existing residential units will not result in a detrimental impact on the amenity of adjacent dwellings to warrant refusal.

In all cases for industrial development, the proposal shall be determined on its individual merits under Policy PED 9- General Criteria for Economic Development. It sets down 13 criteria which all economic development proposals must comply with:

It is compatible with surrounding land uses.

The proposal is within the settlement limits with varying land uses surrounding the site. The proposal is for the erection 3no. Commercial units to be used by the existing established business on the site. I have no concerns regarding compatibility.

It does not harm the amenities of nearby residents.

The closest third party dwelling is located approximately 12m to the north of the site, 4 Ashthorn Manor. EH have been consulted and have recommended conditions to be

attached to any approval in order to protect residential amenity. EHD have not raised any concerns about unacceptable odours or fumes. Parking and turning of vehicles is to be located to the rear western portion of the site, providing a buffer between the new development and existing residential development in Edmund Court. Hours of operation will be restricted through an appropriately worded condition to limit any potential impact on neighbouring occupants.

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

No natural heritage features have been identified on the site or declared on the biodiversity checklist. As stated previously in the report, NIEA were consulted and Natural Environment Division have not raised any concerns. It is noted that the site is located within an area of archaeological potential as defined in the Magherafelt Area Plan 2015. HED were consulted and have raised no concerns with the proposed development. I am content the proposal will therefore not have a detrimental impact on built heritage and is in compliance with Plan Policy and PPS6.

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

This site is not in an area of flood risk.

It does not create a noise nuisance

As previously stated, EHD requested a noise impact assessment to ensure no detrimental impact to residential amenity in terms of noise. This was submitted and considered by Environmental Health and on this basis they have raised no concerns subject to conditions.

It is capable of dealing satisfactorily with any emission or effluent

The P1 form states that any surface water and foul sewage will be disposed of via mains. NIEA have been consulted and have raised no concerns in respect of emissions or effluents.

The existing road network can safely handle any extra traffic.

Adequate access arrangements, parking and manoeuvring areas are provided.

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

DFI Roads have been consulted and initially had concerns with the proposed parking provision advising there was a shortfall of 27 spaces based on Parking Standards. The scheme was subsequently amended and the applicant has reduced the proposal from 4no. Units to 3no. Commercial units. With the reduction of one unit and revised site layout, there remains a shortfall of 8 parking spaces. However having considered this at internal group meeting, the group consensus was that the proposed scheme provides improved parking arrangements with a more formalised layout and dedicated parking area. It is considered that the shortfall in this instance is acceptable and would not warrant refusal. The applicant has indicated the necessary visibility splays on the block

plan and DFI Roads have advised that there is adequate area for the turning of vehicles including HGV. The proposal will utilise an existing access onto the A29 protected route. It is considered that the existing road network can safely handle the intensification of the existing access and the access and parking arrangements proposed are adequate. The movement pattern is considered acceptable, the site caters for private car use for employee parking, visitors and other vehicle movement and circulation. This site is located within the development limits of Tobermore and is primarily accessed via car or van. However given the location there are public transport links within the village and there is a footpath adjacent to the site providing pedestrian and cycle access with the site layout plan providing cycle stands. DfI Roads have offered no objections to this proposal on road safety subject to conditions therefore it is considered the provisions of PPS3 are met.

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 site layout or design. The proposed units are sited 55 metres from the public road located to the rear of the existing units which will assist with integration and the design is similar to the existing built form. The site layout plan identified some landscaping to the northern boundary and the existing vegetation to the southern and western boundaries can be conditioned to any forthcoming approval to be retained.

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

It is considered adequate means of enclosure existing and as stated above the retention of existing and planting of proposed vegetation will be conditioned to any forthcoming approval. The proposal or drawings do not refer to any outside storage.

Is designed to deter crime and promote personal safety.

A proposed new wall is proposed to the front boundary behind visibility splays. The application site is an existing, established business. I consider the proposed design will deter crime and promote personal safety.

In the case of proposals in the Countryside, there are satisfactory measures to assist in integration into the landscape.

Not applicable.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

Conditions

1. The development 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 shall be provided in accordance with Drawing No 02 rev 3 bearing the date stamp 05 March 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No 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 drawing No 02 Rev 3 bearing date stamp 05 March 2021 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

4. The business hereby permitted shall not operate outside 08:00-17:00hrs Monday to Friday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

5. No construction or manufacture of products shall be undertaken in the external yard areas of the businesses, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

6. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels in the Lester Acoustics Report date stamped 26th March 2021 and letter date stamped 13th August 2021. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall

be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

7. The development shall not be occupied until remedial measures detailed within section 5.2 of White Young Green Preliminary and Generic Quantitative Risk Assessment (date stamped 10th November 2008) have been fully implemented and validated to the satisfaction of Mid Ulster District Council.

Reason: To manage risks from land contamination.

8. Validation documentation shall be submitted in the form of a validation report and agreed with Mid Ulster District Council. The report shall describe all the remediation and monitoring works undertaken and shall demonstrate the effectiveness of the works in managing and remediating all the risks posed by contamination.

Reason: To manage risks from land contamination.

9. The existing natural screening along the southern and western boundary of the site shall be permanently retained at a height no less than 1.2 metres unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

10. During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 02 Rev 3 date received 5th March 2021, shall be planted as shown and be permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster 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 Council gives its written consent to any variation.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to NI Water consultation response dated 4th May 2021.
5. 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.
6. 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.
7. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0521/F	Target Date:
Proposal: Proposed Residential Development of 30no Semi-Detached & 7 no Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking	Location: Site Between Nos 6 & 8a Drumearn Road and to the rear of No's. 1, 1a & 1b Killycurragh Road Orritor Cookstown
Referral Route: This application is being presented to Committee as it has attracted a number of objections.	
Recommendation:	APPROVE
Applicant Name and Address: Gallion Development (NI) Ltd c/o 89 Bush Road Bush Dungannon BT71 6EZ	Agent Name and Address: DPK Design 46 Scaddy Road Crossgar Downpatrick BT30 8BP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	NI Water - Multi Units West - Planning Consultations	
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
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	
Summary of Issues		
<p>Three representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none">• Pedestrian and road safety and increase in volume of traffic and ownership of road verges required for visibility splays; DfI Roads have considered the proposed development in terms of access, movement and parking and have not raised any issues of concern in respect of these issues;• Dwellings fronting onto Drumearn Road have pedestrian accesses onto Drumearn Road which will encourage roadside parking and causing obstructions; The site layout has been amended so that sites 1, 2 and 3 have neither pedestrian nor vehicular access directly onto Drumearn Road. As advised above, DfI have not raised any issues in this respect.• The lack of an environmental Impact Assessment; An Environmental Impact Assessment has been completed for the proposed development. A Preliminary Ecological Appraisal, a Construction Method Statement an outdoor lighting report and plan have also been provided for the proposal. These have been considered by the relevant consultees and no issues of concern remain outstanding in this regard.• The site abuts the Gortin Water and its floodplains which should be protected and conditioned to retain/reinstate the natural vegetation; Appropriate conditions have been suggested in respect of the above issues.• Unlikely market for such volume of dwellings. Any approval should be conditioned to ensure the site is kept tidy and units commenced to be completed within a suitable timeframe; The market for such dwellings is not a planning matter and it is not considered appropriate to attach conditions relating to the completion of the development. With respect to litter etc. it is a matter for the developer to ensure that litter from the site does not become an issue.• The proximity to the existing quarry; HSENI and Environmental Health have not raised any issues relating to the existence of the quarry whether it is still in operation or not.		

- Potential light pollution and pollution of the river;
NIEA: Natural Environment Division considered the Outdoor Lighting Report and plan and accepted that it would not cause light pollution subject to the suggested conditions.
- Potential drainage issues from sewage plant and septic tanks;
The proposed development is to be served via the mains sewers and NI Water advised that there is available capacity for this. No septic tanks are proposed.
- Potential environmental pollution and wildlife disturbance from new telecommunication infrastructure;
It is not accepted that any new telecommunications infrastructure will cause any disturbance to wildlife and NIEA: Natural Environment Division have not raised this as an issue.
- Proximity to existing dwellings obscuring views and increasing noise levels.
The development proposes dwellings along the western boundary which back onto the existing dwellings at 1, 1A and 1B Killycurragh Road. However, the existing dwellings are set around 20-25m from the common boundary. The proposed dwellings area set a further 8-10m from the same boundary, with other dwellings being set up to 18 m from the same boundary. This therefore creates a separation distance of 28-35m between the proposed dwellings and the existing dwellings of 1, 1A and 1B Killycurragh Road. The proposed dwelling on site 6 is to be positioned gable to gable with the existing dwelling at no.6 and has a separation distance of 30m.
The right to a view is not a material consideration in the assessment of this application.

Characteristics of the Site and Area

The site is located within the village of Orritor approximately 2.5km west of Cookstown. The site is a greenfield site without any designation as identified within the Cookstown Area Plan 2010. The site is currently in use as an agricultural field with an area of approximately 1.77ha. The site has a road frontage along the Drumearn Road of approximately 125m. The site undulates from the west towards the east and also rises from the road frontage at the southern end of the site towards the northern boundary by around 6m. The site is bounded around the majority by mature tree lined hedgerows with an area of mature vegetation along the eastern boundary adjacent to a substantial watercourse, known as the Gortin Water, which flows under the Drumearn Road. Due to the mature vegetation along the boundaries, there are only fleeting critical views into the site on travelling along the Drumearn Road. A number of large detached dwellings back onto the western boundary of the site and are accessed off a private lane on the Killycurragh Road. There are a number of single storey dwellings, some with attic accommodation opposite the site on the Drumearn Road.

Description of Proposal

The proposal is for the erection of 37no. dwellings which includes 30no. two storey semi-detached and 7no. two storey detached. The access is to be taken directly off the Drumearn Road. All dwellings have ample private amenity spaces and rear garden depths.

The house types are as follows:-

- house type SD1: 4 no. 3 bed semi-detached providing 103m² floor space
- house type SD2: 12 no. 3 bed semi-detached providing 107m² floor space
- house type SD3: 8 no. 3 bed semi-detached providing 101m² floor space
- house type SD4: 6 no. 3 bed semi-detached providing 102m² floor space
- house type D1: 2 no. 4 bed detached providing 102m² floor space
- house type D2: 3 no. 3 bed detached providing 125m² floor space
- house type D3: 2 no. 3 bed detached providing 113m² floor space

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP – 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 consideration in the assessment of this application is Cookstown Area Plan 2010 Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Planning Policy Statement 15 - Planning and Flood Risk

Creating Places

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 any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

The SPPS gives specific provision for Housing in settlements subject to a number of policy provisions. It does not present any change in policy direction with regards to residential developments in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

As the site is located on white land as defined within the Cookstown Area Plan 2010, the critical planning policy is therefore PPS 7.

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.

As this is a full application the proposed development is being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within a predominantly residential area. In terms of layout, the density at 21 dwellings per hectare is similar to the surrounding areas and in particular the recently

approved development opposite the junction of Orritor Road and Mackenny Road which has 10 dwellings on a 0.38ha sized. This is also similar to the existing development of Craigmount.

(b) Although there are no features of archaeological or built heritage on this site, there is a substantial watercourse with a band of mature deciduous trees on the river bank stretching along the eastern boundary of the site. These trees are to be protected, retained and augmented where necessary within the overall development. There are no TPO's near the site.

(c) This proposal is for 37 dwellings and therefore there is a requirement for the provision of public open space. The area proposed for the public open space extends to approximately 0.3ha (17% of the site area) and whilst this is not centred within the overall layout, in my opinion it does make the best use of the existing area adjacent to the river corridor, which should be protected from development to safeguard both the river and the mature tree belt. This also allows the retention of the mature tree belt which acts as a visual buffer between the settlement and the rural area as the development limit extends along the eastern boundary of the site. The mature tree belt will also aid the integrational potential of the site. Whilst the area of proposed open space is on the edge of the proposed development, it is overlooked by 10 of the proposed dwellings, all of which front onto the area, thereby providing an element of continuous supervision. All dwellings have adequate private amenity space and range from a minimum of 80m² to 216m².

(d) As the site is close to and within walking distance of the centre of Orritor and the existing local facilities, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has direct vehicular access onto Drumearn Road which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision is made for parking of vehicles with all sites having in-curtilage parking.

(g) The design of the proposed dwellings is such that they do not cause a loss of residential amenity to existing dwellings adjacent to the site by way of overshadowing or overlooking.

(h) The proposal will not create a conflict with adjacent land uses. It is acknowledged that there is an existing quarry a short distance from the site which also contains a working concrete plant.

Environmental Health raised concerns regarding noise potentially impacting the proposed development, however, following the submission of an Inward Sound Level Impact Assessment, EHD advised that a number of mitigation measures are required to ensure residential amenity is not adversely impacted from noise. A number of appropriate conditions were therefore suggested to achieve the above.

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

PPS 15 Planning and Flood Risk – Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. An exception can be made where it is demonstrated through the submission of a flood risk assessment that all sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in flood risk arising from the development. One such exception is the use of land for amenity open space.

The proposed development includes an area of public open space which is adjacent to the river bank. Rivers Agency advised that on considering the proposed development, that they have no objections subject to the suggested conditions and also advised that if the area of flood plain is designated as open space that it should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

DfI Rivers requested the provision of a 5m maintenance strip along the watercourse to the east and the open drain to the north of the site. Whilst this may be desirable, in my opinion, it is unreasonable to request this. At present the riverbank is defined by mature trees which would have to be removed to provide the maintenance strip. It is essential however that the trees are retained as they not only defined

the limit between the settlement of Orritor and the rural countryside, but they also provide an essential natural habitat. It should also be noted that due to the location of the propose open space. There will be sufficient access along the riverbank to access the watercourse for maintenance purposes if required.

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 the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. The above mentioned mitigations is included at conditions 20 and 21.

Consultee responses

Environmental Health advised of conditions required to protect residential amenity from potential noise nuisance;

DfI Roads advised that the access arrangements and parking are acceptable and that the road layout can be adopted;

NIEA: Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

NIEA: Regulation Unit have no objection to the development provided conditions and informatives are placed on any planning decision notice, as recommended.

Shared Environmental Services advised that the proposed development will not have an adverse effect on site integrity of any European site subject to the suggested conditions.

DfI Rivers requested the provision of a 5m maintenance strip along the watercourse to the east and the open drain to the north of the site. Discussed in the case officers report above.

Health and Safety Executive for Northern Ireland advised that the topography and the location of this development does not cause HSENI any concerns with regard to flyrock. An informative was suggested to make the developer and potential home owners aware that the neighbouring quarry can use explosives to extract rock which will result in ground vibrations, dust and noise.

NI Water did not raise any concerns.

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
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Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions/Reasons for Refusal:

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

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

2. The existing natural screenings along the northern, southern, eastern and western boundaries of this site, shall be permanently retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

3. 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 provision, establishment and maintenance of a high standard of landscape.

4. 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.

5. All proposed planting on each individual site as indicated on the stamped approved drawing no. 19/3 date stamped 14th June 2021 shall be undertaken during the first available planting season following occupation of the dwelling on that site.

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

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 provision, establishment and maintenance of a high standard of landscape.

7. A landscape management and maintenance plan covering all areas of communal open space within the site shall be submitted to and agreed with Mid Ulster District Council prior to the occupation of the first dwelling hereby approved.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

8. The visibility splays at the junction of the proposed residential access road with the Drumearn Road, shall be provided in accordance with Drawing No. 20/2 stamped received 14th June 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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. 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 of the development.

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

11. Prior to occupation of the proposed residential development, the proposed 1.8m high acoustic barriers, solid and with no gaps for sound to pass through or under, with a mass of at least 6kg/m², as annotated in FIGURE C within Lester Acoustics, Inward Sound Level Impact Assessment, Dated 5th May 2021, shall be constructed and permanently maintained at all times.

Reason: The protect residential amenity from Noise.

12. Prior to occupation of the proposed residential development, all dwellings shall be fitted with a window and ventilation system, capable of achieving a sound reduction from outside to inside of at least 23dB Rw. This shall be permanently maintained at all times.

Reason: The protect residential amenity from Noise.

13. In the event that previously unknown contamination is discovered, falling outside the scope of previous assessment and remediation scheme, development on the site shall cease, pending submission of a written report. The report shall appropriately investigate the nature and extent of that contamination and present the findings and conclusions of the same, additionally providing details of the appropriate measures to be taken as a result of the contamination, for the prior written approval of Mid Ulster District Council in consultation with the Environmental Health Department.

Reason: To protect the development from land contamination.

14. A final Construction Method Statement must be submitted to and agreed in writing with Mid Ulster District Council in consultation with NIEA, at least 8 weeks prior to the commencement of

the works or phase of works. The CMS must be completed by the appointed contractor and must include a detailed Pollution Incident Response Plan (PIRP).

Reason: To protect designated sites.

15. All lighting must be installed in accordance with the outdoor lighting Report by Daramack Lighting Consultancy dated 31st March 2021 and stamped received 8th April 2021 which shows less than lux at boundary vegetation and the wooded riparian corridor.

Reason: To protect the local bat population and other protected species from light spill.

16. All works must be carried out in accordance with the landscape plan, drawing number 19/3 stamped received 14th June 2021 which shows adequate compensatory native species planting onsite and also states that onsite trees are to be retained and protected in accordance with BS 5837P:2012.

Reason: To protect onsite priority habitat.

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

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

18. After completing all remediation works under Condition 17 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Mid Ulster District Council in consultation with NIEA: Regulation Unit. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

19. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to and agreed with Mid Ulster District Council in consultation with Rivers Agency for its consideration and approval.

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

20. The appointed contractor must submit a Final Construction Method Statement plan for approval by Mid Ulster District Council in consultation with Shared Environmental Services before commencement of any works on site. This final plan should contain all the mitigation as described in the Construction Method Statement plan by Sterna Environmental Ltd, dated April 2020.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase.

21. 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.

22. The ground levels of the area shown as open space shall not be raised or or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

Reason: To prevent the risk of increasing flooding elsewhere.

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

23. The Department for Infrastructure 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 20/2 received 14th June 2021.

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

24. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road including footway improvements along the Drumearn Road have been completed in accordance with the details outlined blue on Drawing No 20/2 received 14th June 2021. 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).

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.

Signature(s)

Date:

ANNEX	
Date Valid	30th April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 1 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 10 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 1a Killycurragh Road Cookstown Sandra McKenna 1a Killycurragh Road, Cookstown, Tyrone, BT80 9LB</p> <p>The Owner/Occupier, 1b Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 2 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 2 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 231 Orritor Rd, Cookstown BT80 9NB</p> <p>The Owner/Occupier, 3 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 3 Killycurragh Road Cookstown Tyrone</p> <p>The Owner/Occupier, 3a Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 3b Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 3c Killycurragh Road Cookstown</p> <p>The Owner/Occupier, 4 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 4 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 5 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 6 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p> <p>The Owner/Occupier, 6 Drumearn Road Cookstown Tyrone</p> <p>The Owner/Occupier, 7 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ</p>	

The Owner/Occupier, 7 Drumearn Road Cookstown Tyrone The Owner/Occupier, 8 Drumearn Avenue, Orritor, Cookstown, BT80 9JZ The Owner/Occupier, 8A Drumearn Road, Cookstown, Tyrone, BT80 9JY M & E Thom 8a, Drumearn Road, Cookstown, Tyrone, Northern Ireland, BT80 9JY Lorraine Crooks Email Address	
Date of Last Neighbour Notification	4th December 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0521/F Proposal: Proposed Residential Development of 30no Semi-Detached & 7 no Detached Dwellings with associated access, Roads, Footway, Landscaping & Parking Address: Site Between Nos 6 & 8a Drumearn Road and to the rear of Nos, 1, 1a & 1b Killycurragh Road, Orritor, Cookstown, Co.Tyrone, BT80 9JY, Decision: Decision Date: Ref ID: I/2002/0323/F Proposal: Proposed Dwelling & Garage Address: Adjacent to 5 Killycurragh Road, Cookstown Decision: Decision Date: 24.07.2002 Ref ID: I/2007/0033/F Proposal: 26 Townhouses 3 bedroom, 4 detached 3 bedroom, 5 apartments 1&2 bedrooms. (35 dwellings units in total) and temporary sewage treatment plant. Address: Site for development (4 Acres) opposite 7, Drumearn Road, Orritor, Cookstown, Tyrone, BT80 9JY Decision: Decision Date: 27.10.2009 Ref ID: I/2001/0228/F Proposal: Deletion of condition No 6 on Outline Planning Approval I/2000/0250/O Address: Adjacent to 5 Killycurragh Road Cookstown Decision: Decision Date: 29.05.2001 Ref ID: I/2000/0250/O Proposal: Dwelling and Domestic Garage. Address: Adjacent to 5 Killycurragh Road, Cookstown.	

Decision:
Decision Date: 07.11.2000

Ref ID: I/1978/0145
Proposal: CHANGE OF USE FROM SHOP TO MANUFACTURING OF BAKERY
GOODS
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1978/0435
Proposal: HOUSING SCHEME
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1998/0054
Proposal: Erection of dwelling and garage
Address: 120M SW OF 10 DRUMEARN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1979/0344
Proposal: LOW-DENSITY HOUSING
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2006/0740/F
Proposal: Proposed dwelling and garage
Address: Adjacent to 6 Drumearn Road, Cookstown
Decision:
Decision Date: 15.05.2007

Ref ID: I/1998/0484
Proposal: Extension and Alterations to Dwelling
Address: 6 DRUMEARN ROAD COOKSTOWN
Decision:
Decision Date:

Ref ID: I/1975/0413
Proposal: CONVERSION OF HUT TO GENERAL MERCHANT STORE
Address: ORRITOR, COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2015/0002/F
Proposal: New lean to roof and windows replacement
Address: 1, Killycurragh Road, Cookstown, BT80 4RH,
Decision: PG
Decision Date: 31.03.2015

<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p> <p>Drawing No. 1 Type: Further Particulars Status: Submitted</p> <p>Drawing No. 2/1 Type: Further Particulars Status: Submitted</p> <p>Drawing No. 8 Type: Road Access Plan Status: Submitted</p> <p>Drawing No. 9 Type: Landscaping Plan Status: Submitted</p> <p>Drawing No. 10 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 11 Type: Cross Sections Status: Submitted</p> <p>Drawing No. 12 Type: Housing Concept Plan Status: Submitted</p> <p>Drawing No. 13 Type: Roads Details Status: Submitted</p> <p>Drawing No. 14 Type: Cross Sections Status: Submitted</p>

Drawing No. 15
Type: Proposed Plans
Status: Submitted

Drawing No. 16
Type: Proposed Plans
Status: Submitted

Drawing No. 17
Type: Proposed Plans
Status: Submitted

Drawing No. 18
Type: Proposed Plans
Status: Submitted

Drawing No. 19/3
Type: Proposed Plans
Status: Submitted

Drawing No. 20/2
Type: Proposed Plans
Status: Submitted

Drawing No. 22
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

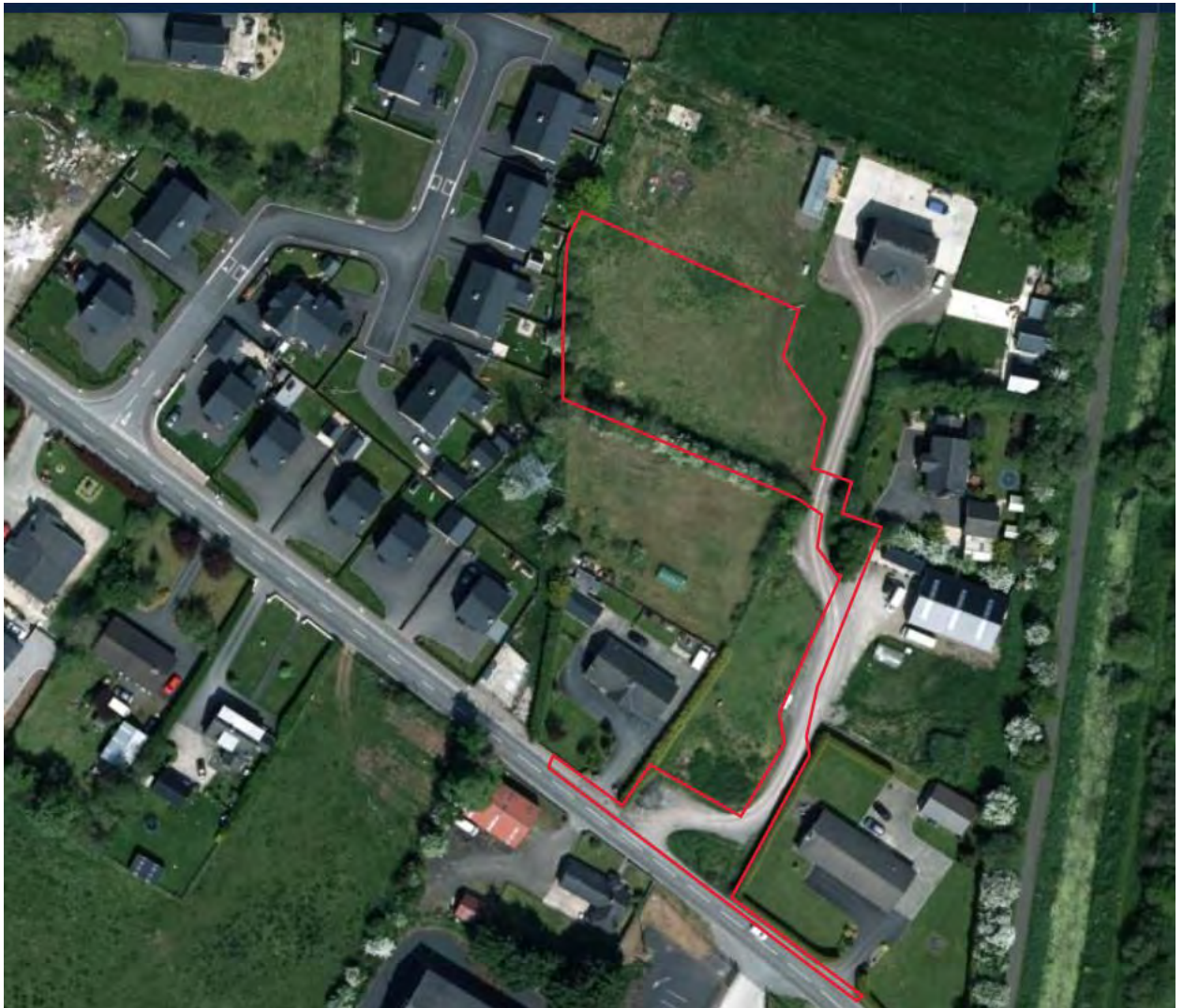
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0739/F	Target Date:
Proposal: Proposed site for 2no detached dwellings and garages	Location: 25m West of 76 Gortgonis Road Coalisland
Referral Route: Objections	
Recommendation: Approval	
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	DETI - Geological Survey (NI)	Content
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
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	
Description of Proposal		
This is a full planning application for 2 detached dwellings and garages to be located on lands 25m West of 76 Gortgonis Road Coalisland.		
Characteristics of the Site and Area		
The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Coalisland on Phase 1 housing land CH14: Lands at Gortgonis (see Fig 1, further below).		
The sites is a flat, rectangular shaped plot, set back from and accessed off the Gortgonis Rd via a gravelled lane bound by a mix of fencing and vegetation serving 2 existing properties, nos. 76 and 76a Gortgonis Rd, 2 storey dwellings located to the immediate east and northeast of the site, respectively.		
Access to the site and the aforementioned dwellings, is taken off the Gortgonis Rd, between 2 roadside bungalows, nos. 74 and 78 Gortgonis Rd.		
The site sits one field to the rear of no. 74 Gortgonis Rd and immediately east of a relatively new housing development, 'Gortmanor' which comprising a mix of 2 storey detached and semi-detached properties. Nos. 9, 10, 11, 12 & 14 Gortmanor, 5 semi-detached properties bound and back onto the site.		
The site is the southern half of a larger host field sandwiched between Gortmanor to its west and nos. 76 and 76a to its east. LA09/2018/0349/O, an outline approval exists for dwelling (with up to 8m ridge height) on the northern half of the host field (see 'Planning History' further below).		
The southern boundary of the site is defined by thick mature trees and hedgerow vegetation; the western / party boundary between of the site and nos.9-14 Gortmanor is defined by approx. 2 high vertical timber fencing; the remaining boundaries are relatively open onto the larger host field, bound only by post and wire fencing.		

There are no views into the site from the Gortgonis Rd due to its location set back from it, screened by existing vegetation and development bounding it. Views are also limited from the lane serving it due to the mature vegetation along its southern boundary.

There are electricity pylons close to the site with 3 phase electricity cables passing over part of the site.

The immediate area surrounding the site to the west, east and south is residential in nature. There are some industrial businesses further to the south. Land to the north of the site is also zoned for housing but has not yet been developed.

Planning Assessment of Policy and Other Material Considerations

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

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

Dungannon and South Tyrone Area Plan 2010

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 – Access, Movement and Parking

PPS 7 – Quality Residential Environments

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
Creating Places

DCAN 8 Housing in Existing Urban Areas

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

Planning History

On Site

- M/2005/2427/O – Dwelling House & Domestic Garage – N W of 79 Gortgonis Rd Coalisland – Granted 30th May 2006

This expired application was in lower half of current site.

- M/2006/1505/F – 2 dwellings and domestic garages – N W of 79 Gortgonis Rd – Refused 15th May 2007

This application was refused as it would create an undesirable character of the area resulting in piecemeal development.

Adjacent Site

- M/1996/0490 - Dwelling - Adjacent 78 Gortgonis Rd Coalisland – Granted 16th September 1997

- M/2001/0416/F - Dwelling (Renewal of M/96/0490) - Adjacent to 78 Gortgonis Rd Coalisland – Granted 4th July 2001

The above expired applications related to a 1 ½ storey hipped roof dormer dwelling to be located on lands between nos. 76 and 78 Gortgonis Rd.

- M/2001/0717/F – 2 storey dwelling – Land 120m north of 79 Gortgonis Rd Coalisland – Granted 13th February 2002
- M/2006/2187/F – Domestic garage & Sunroom – 120m North of 79 Gortgonis Rd Coalisland – Granted 14th March 2007
- LA09/2015/0930/F – Proposed domestic storage building including extension of domestic curtilage – 76 Gortgonis Rd Coalisland – 20th November 2015

The above applications relate to no. 76 Gortgonis Rd with LA09/2015/0930/F including lands between nos. 76 and 78 Gortgonis Rd

- M/2002/1316/F – Dwelling – 90 Metres N W of 79 Gortgonis Rd Coalisland – Granted 15th September 2003

The above applications relate to no. 76a Gortgonis Rd.

- M/2004/0160/O – Dwelling – adjacent 78 Gortgonis Rd Coalisland – Granted 4th May 2004

The above expired applications related to small triangular piece of land immediately east and within the curtilage of no. 78 Gortgonis Rd.

- LA09/2018/0349/O - Dwelling and garage - Adjacent 76a Gortgonis Rd Coalisland – Granted 6th June 2018
- LA09/2020/1296/RM - Dwelling and garage - Adjacent 76a Gortgonis Rd Coalisland – Granted 11th December 2020 (See DfI Roads consultation response and Fig 1 further below.)

The above application relates to lands sandwiched between no. 76a Gortgonis Rd and the site to its east and south respectively.

- LA09/2016/0980/F - Proposed Change of House Types – nos. 9 and 11 Gortmanor Gortgonis Rd Coalisland – Granted 13th October 2016

Nos. 9 and 11 are located backing on to the eastern boundary of the current site.

- LA09/2020/1309/O - Proposed dwelling and garage - Adjacent to 78 Gortgonis Rd Coalisland - Ongoing

The above site is located on lands south east of the current site, immediately south of no. 76 Gortgonis Rd. It proposes accessed off Gortgonis Rd via the same lane as the current site. (See DfI Roads consultation response and Fig 1 below.)

LA09/2021/0530/F - Proposed single storey extension to the rear of dwelling - 10 Gortmanor Gortgonis Rd Coalisland – Granted 17th June 2021

Consultees

1. DfI Roads were consulted were consulted in relation to the proposed access arrangements off the Gortgonis Rd and further to an amended Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021 to address initial issues

raised have no objection to this proposal subject to standard conditions and informatives.

Dfl noted that this is development is for houses 4 & 5 on the access lane. There is another application in the system, LA09/2020/1309/O received after the current application, which would for house 6 on the lane and would require Private Street Determination. This application and LA09/2020/1309/O have been considered by Planning and Dfl Roads in receipt order.

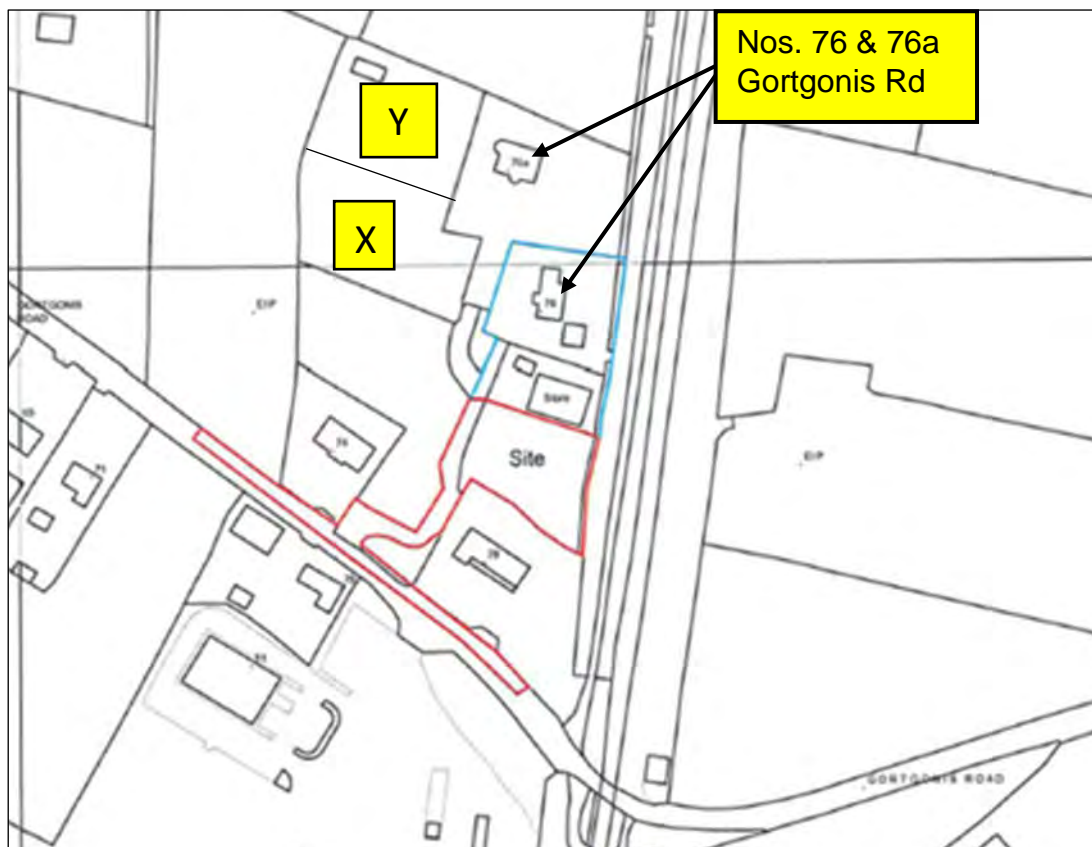


Fig 1: Shows red line around site LA09/2020/1309/O proposed for 1 dwelling, current site being recommend as approval for 2 dwellings marked X; site approved for 1 dwelling under LA09/2018/0349/O & LA09/2020/1296/RM marked Y; and two existing dwellings served via the lane nos. 76 & 76a Gortgonis Rd.

2. Environmental Health Mid Ulster Council were consulted and raised no objection to the proposal involving the use proposed treatment plants. They did however highlight the applicant there are a number of existing industrial businesses situated on the Gortgonis Rd which could potentially impact on future residential amenity due to noise, odour and dust and asked the following informatives, which I think are reasonable, be attached to any subsequent decision notice:
 - The applicant should be aware that this proposal is located in close proximity to a number of existing industrial businesses. Such activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of a nuisance. Construction work, which is

audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. All construction work should be in accordance with BS 5228:2009.

3. Historic Environment Division (HED) were consulted as the site is located within the buffer of an archaeological site and monument ref: TYR047:502 – scheduled canal. HED Historic Monuments responded with no objections, that they were content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Due to the scale and nature of the proposed development it will not provide any adverse impact upon the setting of the nearby scheduled canal.
4. DETI Geological Survey Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the planning proposal in view of stability issues relating to abandoned mine workings a search of the their “Shafts and Adits Database” indicates that the proposed site is not in the vicinity of any known abandoned mien workings
5. NI Water Multi Units West were consulted for information purposes. NI Water advised there is no foul sewer or surface water sewer within 20m of the proposal. This proposal is however to be served via a treatment package plant and NI Water information and advice can be brought to the attention of the applicant via informative.

Key Policy Consideration and Assessment

Dungannon and South Tyrone Area Plan 2010 – the Plan identifies the site as being within the development limits of Coalisland on phase 1 housing land CH14 Lands at Gortgonis (see Fig 2 below) just south west of Annaghmore.

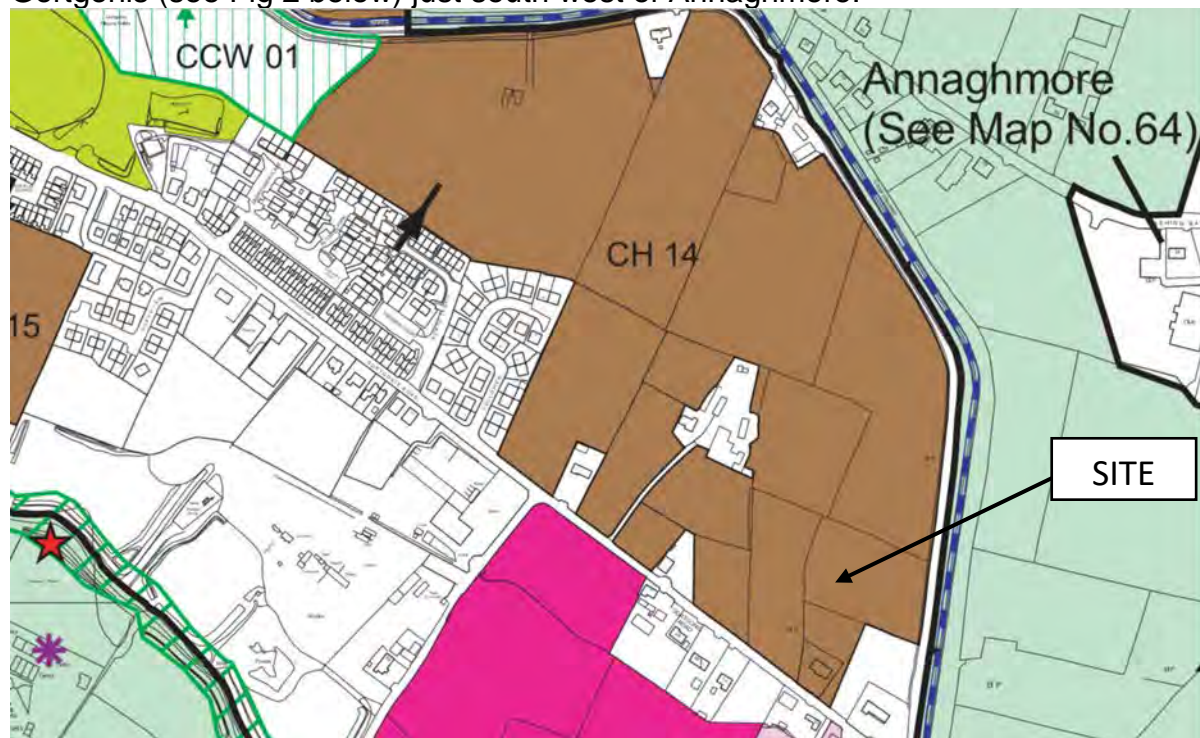


Fig 2: Part of Coalisland Settlement Map from Area Plan

The Plan has defined the settlement limits and allows for development within these limits provided it meets with regional policy requirements of Policy SETT 1 and Policy HOU 1 due to its location on Phase 1 Housing Land

Policy HOU 1 gives favourable consideration normally to proposals for the comprehensive development of housing on Phase 1 land subject to compliance with prevailing regional planning policy and the policies and key site requirements contained in the Plan (i.e. Policy SETT 1). Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS 3 – Access, Movement and Parking and PPS7 – Quality Residential Environments it will meet the requirements of SETT1. Policy DES2 of PSRNI is also applicable.

As the land is zoned for housing the principle of development is established. I do not believe its development for 2 dwelling and ancillary garages will conflict with the key site requirements contained in the Plan for this zoning or the future development of this zoning.

This site belongs to a parcel of land that has 2 existing dwellings located on it, and outline approval for a 3rd to the immediate north of the current site (LA09/2019/0348/O – see ‘Planning History’ above), and other small parts of land with no development. While the site forms part of a larger development refused in 2006 for piecemeal development, it is my view that housing land to the north within CH 14 can still be comprehensively developed for housing while meeting the aims and objectives of the area plan and will not be prejudiced should this proposal be granted.

In my view, given the existing development located on this parcel of land, between the site and Gortgonis Road, it is unlikely that access to develop housing land to the north will be gained through this area. There are other access points available at other parts of Gortgonis Road which can access these lands to the north, and which appear to be more desirable than access at this location.

Therefore while there was concern over piecemeal development in 2006, it is my view that development since then, including the adjacent housing development, Gortmanor, to the west, and dwelling approved to the immediate north means that land further north of the site can be considered holistically, even should this proposal be granted on a piecemeal basis. In my view this small portion of land between to the west of no. 76 Gortgonis Rd has lost any potential to be developed as part of a larger scheme. However, housing land to the north can still be developed while respecting all key site requirements contained within the area plan, and approval of this site will not prejudice how housing land to the north will be developed.

Strategic Planning Policy Statement for Northern Ireland – I do not consider the Strategic Planning Policy Statement have provided any change in policy direction or provided clarification in relation to any of the existing policies relevant to this proposal

Planning Policy Statement 3 (PPS3) – Access, Movement and Parking - The site is proposed to be accessed off Gortgonis Rd via a shared lane serving 2 existing dwellings and potential 3rd dwelling if planning application LA09/2018/0349/O &

LA09/2020/1296/RM were acted upon. This proposal would be for the 4th & 5th dwelling on the lane. DfI Roads were consulted (see 'Consultations' further above) and raised no objections to the proposal subject to standard conditions and informatives; and in-curtilage parking for 2 vehicles has been provided to each dwelling. Accordingly, I am content that this proposal complies with the policy provisions of PPS 3.

Planning Policy Statement 7 (PPS7) – Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. 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;

I am content that the proposed dwellings (including garages) are of an appropriate size, scale, design and layout. That they should be absorbed onto this relatively flat site set back from the Gortgonis Rd and well enclosed by existing vegetation and development to respect its surrounding residential context and the character and topography of the site.

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

Checks of the DfC's Historic Environment Map viewer identified the site as being within the buffer of an archaeological site and monument ref: TYR047:502 – scheduled canal. HED Historic Monuments were consulted and were content that due to the scale and nature of the proposed development it will not provide any adverse impact on the nearby canal (see 'Consultees' above). NIEA's Natural Environment Map viewer showed no natural heritage features of significance on site. Additionally, existing vegetation along the southern boundary of the site can be conditioned to be retained.

- 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;

I am dealing solely with an application for 2 dwellings with ancillary domestic garages as such public open space is not a requirement for this type of proposal. I am content based on the block plan submitted adequate private amenity space in excess of the 70m² average promoted in Creating Places has been provided. The existing vegetation along the boundaries of the site can be conditioned to be retained to assist the development integrate and protect neighbouring amenity.

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

I am dealing solely with an application for 2 dwellings and I do not consider it is appropriate to require the provision of neighbourhood facilities for this scheme.

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

There are no footway links provided between this development and services located within Coalisland. Given the peripheral nature of the development on the outskirts of Coalisland it is my view that the provision of a footway to the front of the site will serve no purpose in terms of supporting walking or cycling, therefore in this case private car access is sufficient.

- adequate and appropriate provision is made for parking;

I am content based on the block plan submitted in-curtilage parking for 2 vehicles to each dwelling, has been provided.

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

The design of the proposed dwelling and garages are considered appropriate to the site and locality. The dwellings are both 2 storey. They have a simple rectangular form and pitched roof construction with 2 chimneys expressed along their ridgeline adjacent each gable. Whilst House Type 1 has a slightly larger gable depth and ridge height (8.6m above FFL), House Type 2 (8m above FFL) includes a 2-storey dropped pitch rear return located just off centre towards its eastern gable and single storey flat roofed front porch. Material finishes to the dwellings include: smooth render to walls with natural stone detailing to the rear return on House Type 2; flat black/grey slates to roof; white Upvc windows; hardwood doors; and black aluminium seamless gutters with upvc downpipes. Both garages located to the rear / west side of the dwellings are single storey with a simple rectangular form and pitched roof construction (4.2m above FFL) with finishes to match the dwellings. The dwellings are sited, gable-to-gable, facing south onto the lane serving them, which runs along their frontage serving each individually, House Type 1 then 2; and the Gortgonis Rd further south.

- 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

Paragraph 7.16 of Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. I am content this proposal adheres to this guidance. House Type 1 exceeds guidance with a distance of 17m between its rear wall and rear / common boundary with a potential dwelling on the northern half of this site's host field if planning applications

LA09/2019/0348/O & LA09/2020/1296/RM were acted upon. House Type 2 has exactly 10m between its rear wall and rear / common boundary with the aforementioned potential dwelling. I am content given their location, orientation, design and the separations distance provided House Type 1 or 2 will not have any significantly detrimental impact on the aforementioned potential neighbouring properties amenity in term of overlooking or overshadowing or that of nos. 76 and 76a Gorgonis Rd located to the east and north east of the site, respectively.

At the outset of this proposal I had concerns about the proximity of House Type 2 to the existing neighbouring properties to its west in particular nos. 11 and 12 Gort Manor, which run in line with the proposed development.

However, an amended block plan to address the potential amenity concerns was sought. Subsequently, an amended block plan was received to show both houses sited further east on the site creating a separation distance of at least 10m between the western gable of House Type 2 and the common boundary of with Gort Manor including nos. 11 & 12. I am now content the proposal should not have any significant detrimental impact on these properties amenities due to its location, orientation and design. House Type 2 closest the aforementioned properties is orientated that its western gable, which has only one bedroom / Juliette balcony window faces the rear of nos. 11 and 12 Gort Manor. This window / balcony is considered largely decorative and not main serving.

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

I am satisfied that the dwellings are located in an established residential location where there are enough dwellings close by to deter crime to some degree.

On the basis of the above assessment it is clear that the proposal under consideration complies with all the criteria set out in policy QD 1 of PPS 7 and PPS3

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area, the proposed designs are in keeping with the existing character of the area and the unit size is not less than recommended in Annex A of this policy.

Other Considerations

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 third party objections were received from two 2-storey detached properties which bound and back onto the site. 1 from Mr Duffin the owner/occupier of no. 12 Gortmanor received on the 12th August 2020 and 1 from Mr Hughes the owner/occupier of no. 11 Gortmanor received on the 17th August 2020. Grounds raised for objection as follows:

1. Discrepancy in submitted drawings - 2 1st floor windows in south facing elevation of House Type 2 not replicated on floor plan.
2. Proposal in conflict with Policy QD1(h) of PPS7 requiring design and layout of new development not to create conflict with adjacent land uses including no unacceptable adverse effect on existing and proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
3. House Type 2's close proximity to rear boundaries of properties abutting the site will have a material impact on their amenity. Particularly no.11 Gortmanor, Mr Hughes property as western gable of proposed dwelling will run entire length of its rear boundary with separation distance of just 1-3m between.
4. House Type 2 will result in loss of daylight and sunlight in middle part of morning and significant overshadowing to objectors properties/garden. Mr Hughes adds should scheme include first floor windows in west facing elevation they will overlook his rear garden, even obscure glazed windows would create this perception, given close distances. Mr Duffin states Juliette Balcony in west facing elevation of House Type 2's rear return, effectively a rear elevation, at close proximity to common boundary would overlook his properties rear amenity.
5. House Type 2 will have overbearing visual impact when viewed from properties abutting development plot. Its south elevation would result in a dominant unneighbourly form of development, infringing significantly on amenity levels currently enjoyed by occupants of properties abutting the site. Mr Hughes adds this will result in loss of outlook particularly from the garden but also rear facing windows.
6. Site can comfortably accommodate 2 detached dwellings on generous plots but simply reworking the plots could provide a more appropriate distance, up to 10m between west elevation of House Type 2 and common boundary with existing properties.

The issues raised above have been taken into consideration. However, on the basis of an amended block plan received to show a greater separation distance between the proposed dwellings and objectors properties; and amended elevations of House Type 2 to show the 2 first floor windows referred to in bullet point 1 above removed to match the plans, I am content this proposal is now acceptable. The concerns / issues raised above, have in my opinion been addressed by the amendments received and / or in my assessment of proposal above. I am content the proposed dwellings should have no unacceptable adverse effect on the objectors properties in terms of overlooking, loss of light or overshadowing due to their size, scale, design, orientation, and the adequate separation distance which will now be retained. In terms of noise or other disturbance Environmental Health have raised no concern nor have I any concern given nature of development. As detailed above the bedroom window / Juliette balcony is considered largely decorative and not main serving and will now be set back further from the objectors property. Given the proposed properties are now pulled back further east on

site whilst they will be visible from the objectors property I do not believe they should result in a dominant unneighbourly form of development.

The 3rd objection referenced further above came from Rafferty & Donaghy Solicitors, on behalf on their client Mr Fox, was received on the 14th July 2021. This was a P2 land ownership challenge. They attached a folio map of their client land and stated he did not consent to Mr Tennyson, the applicant, entering any part of his property in relation to turning vehicles or otherwise.

Accordingly, the agent was contacted and advised of the above challenge. He subsequently submitted on updated P2 Certificate of ownership showing notice had been served notice on Mr Fox. With regards ownership / legalities surrounding the development of this site I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out and access the proposed development.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

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

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

2. The vehicular access including visibility splays of 2.4m x 45m and any forward sight distance required shall be provided in accordance with Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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.

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

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

4. The existing mature trees and vegetation along the boundaries of the site identified in blue on Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021 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 and residential amenity.

5. All proposed landscaping as detailed Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual and residential amenity.

6. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on Drawing no. 02(Rev.04) bearing the date stamp received 8 JUL 2021.

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.
5. Please see DfI Roads consultation response received and scanned to the Planning Portal 18th August 2021 for information purposes, including that:

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

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

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

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

6. Please see Environmental Health Mid Ulster Council consultation response received and scanned to the Planning Portal 14th August 2020 for information purposes, including that:
 - The applicant should be aware that this proposal is located in close proximity to a number of existing industrial businesses. Such activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of a nuisance.

Construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. All construction work should be in accordance with BS 5228:2009.
7. Please see DETI Geological Survey (NI) consultation response received and scanned to the Planning Portal 30th July 2020 for information purposes.
8. Please see Historic Environment Division (HED) consultation response received and scanned to the Planning Portal 24th August 2020.
9. Please see NI Water Multi Units West consultation response received and scanned to the Planning Portal 19th November 2020.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0759/F	Target Date:
Proposal: Proposed housing development consisting of 8 dwellings (4 Semi detached and 4 detached) with associated access, roads, landscaping and provision of temporary treatment plant (Amended Plan)	Location: Lands adjacent to 121 Ruskey Road, The Loup
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Mr . McVey 121 Ruskey Road The Loup Moneymore	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 7AB
Executive Summary: Proposal complies with relevant prevailing planning policy. 2No. objection letters received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water – Multi Units West	Substantive Response
Non Statutory	Environmental Health Mid Ulster	Substantive Response
Statutory	DfI Roads – Enniskillen	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	Rivers Agency	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	DfI Roads – Enniskillen	Advice
Statutory	Rivers Agency	Advice
Statutory	DfI Roads – Enniskillen	Standing Advice
Non Statutory	NI Water – Multi Units West	Substantive Response
Non Statutory	Environmental Health Mid Ulster	Substantive Response
Statutory	DfI Roads – Enniskillen	Substantive Response

Representations:

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

Characteristics of the Site and Area

The proposal site is located within the settlement limits of The Loup as defined in the Cookstown Area Plan 2010. The site is located between St Patricks Primary School, Loup and a large detached dwelling, 121 Ruskey Road. The site comprises a roadside,

agricultural field which is 0.61 hectares in size. The site is currently accessed via an existing agricultural gate, there is a laneway immediately adjacent, which runs along the NW boundary and appears to provide access to fields to the rear of the site. There is a gentle incline from the public road easterly, with the ground level gradually rising to the rear of the site. The roadside boundary is defined by mature trees and vegetation. The north and east boundary are defined by existing, mature vegetation and the southern boundary is currently defined by palisade fencing. The character of the surrounding area is reflective of a small rural village. St. Patrick's Primary School is located immediately to the south and Saltersland Presbyterian Church is located in proximity to the north with a further mix of land uses further west. There is a mix of small scale housing development within the area and detached dwellings on large plots.

Description of Proposal

This application seeks full planning permission for 8no. Dwelling units comprising 4no. Semi-detached and 4no. Detached on lands adjacent to 121 Ruskey Road, the Loup, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Planning Policy Statement 15 - Planning and Flood Risk
- Creating Places

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

History on Site

LA09/2015/1161/F – Proposed modular building to accommodate teaching and office facilities with associative siteworks - 119 Ruskey Road, Moneymore, Magherafelt - Permission Granted 14/03/16

I/2008/0520/F - Construction of vehicle lay-by and access road/footpath to the school provision of 31 car parking spaces 1 disabled car parking space + 4 occasional car parking spaces -119 Ruskey Road- Permission Granted 11/06/2009

I/2011/0428/F – Proposed new dwelling and garage - Land 60 metres South East of St Patricks P.S Loup, Permission Granted 08/02/12

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received on 10th September 2020 from Mr Pat McVey the summary of which is provided and considered below:

- Objects to the proposal stating the required sightlines infringe on 2.5m of a laneway under his ownership and he does not give permission for the land to be used to facilitate this development.

It is the responsibility of the applicant to ensure that they control all the lands necessary or have the necessary permissions to carry out the proposed development. Any planning permission granted does not confer title and land ownership is outside the remit of planning and a civil matter between the applicant and the objectors. Nevertheless, following receipt of the above referenced objection letter I sought clarification as to land ownership. The agent was advised that Certificate C Q.27 of P1 form should be accurately completed and notice should be served on any relevant land owner if land within the red line is not owned by the applicant. The applicant has confirmed that the land is within his ownership and provided land registry documents that confirm that the verge of the road/strip of land in question is under the control and ownership of the Road Service and therefore not owned by the objector as claimed.

Key Policy Considerations/Assessment

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

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. Following the submission of amended plans I am satisfied that this proposal, including layout and house designs will not have an adverse impact on residential amenity and represents a quality residential development. This will be discussed in detail further in this report.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas. Design and layout considerations will be considered further in this report. Consultation with NIW confirmed that there are no Waste Water Treatment Facilities at The Loup WWTW currently available to serve this proposal. The applicant has advised that he has been in talks with NI Water and the issue with the WWTW is not capacity rather a filtration issue which is planned to be upgraded. However should connection not be possible in the future, the applicant has provided a Temporary Treatment Plant to facilitate this development. NI Water and EHD have been consulted on the proposed siting and specifications of the Temporary Treatment Plant and have not raised any objections.

The applicant submitted a Drainage Assessment and following consultation with Rivers Agency, no concern were raised however Section 6 consent for discharge was required, which the agent subsequently provided. Rivers Agency have also requested given that the Drainage Assessment states the proposed drainage is indicative, a condition is attached to any forthcoming approval stating "Prior to the commencement of any of the approved development on site a final detailed drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for their consideration and approval". I am content to deal with this by way of applying this condition to any forthcoming decision to safeguard against any potential flood risk. The SPPS gives specific 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 than that provided under PPS7.

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the defined settlement limits of The Loup, located on white land with no specific zoning or designation. Cookstown Area Plan 2010 states comprehensive development within the settlement limits of the Loup will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential developments in excess of ten units will not normally be permitted. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks full planning permission for 8 residential dwelling units. Drawing 03 Rev 3 date stamped 15th December 2020 provides details on the proposed siting, design, scale and access arrangements. Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is located on urban Whiteland with no specific zoning or designation within the settlement limits of the Loup. The proposed development is residential in nature, there are varying land uses in the surrounding context including a school immediately south and a detached residential unit immediately north and in proximity to the west and southwest. Residential development in the locality varies in densities, scale and design with low to medium density development within Kilreish and along Loup Road and slightly higher density within Birchwood Park. The proposal comprises 8 dwelling units in the form of 4 detached and 4 semi-detached properties. Given the proposed density and varying residential development in the area, I consider the development will respect the surrounding character. There is a slight slope within the site rising gently in an easterly direction towards the rear of the site with a maximum difference in ground level of approximately 2 metres from the road to the rear of the site. There are mature trees and vegetation to the north and rear boundary of the site which are indicated for retention in the landscaping plan. It is considered public views are reduced given this existing and proposed planting particularly travelling along Ballyneill Road and the existing trees to the rear will assist with integration of the units within the development. The layout has been amended during the processing of the application which has resulted in the reduction of the number of units by one. The scale, proportion and massing of each dwelling is considered acceptable and not over dominant and there is adequate separation distances between proposed and existing built form. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and adequate private amenity space.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) Each dwelling has adequate private amenity space in excess of the 40m² recommended in Creating Places. A detailed Landscape Plan has also been submitted which shows how the development will be landscaped in order to soften its visual impact. The proposed retention of existing vegetation and additional planting is considered acceptable to allow the development to successfully integrate.
- d) The proposal site is situated within the settlement limits of the Loup thus existing neighbourhood facilities are available in the locality. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area and the scale of development does not merit the provision of its own standalone facilities.
- 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, and provides adequate and convenient access to public transport. As the site is within an urban settlement there is an existing movement pattern (e.g.) foot paths and bus routes. The proposal includes the provision of a 2m footpath along the entire front of the site which will adjoin an existing footpath directly south of the

application site. DfI Roads have been consulted and have no objection to the proposal subject to conditions. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2

- f) I considered that adequate provision has been made for the provision of parking on the site. Drawing 03 Rev 3 indicates each dwelling has in-curtilage parking spaces for 2 vehicles. This is in line with Parking Standards Guidance.
- g) The design of the proposed dwellings are considered acceptable and reflect some rural character which is considered appropriate given this is a rural type village. It is considered the proposal includes an appropriate variety of house design and it is noted the front dwellings positioned at the entrance include a dual frontage.
- h) This proposal is residential in nature, there is a mix of land uses in the surrounding area and I do not consider the proposal will conflict with adjacent land uses. Environmental Health were consulted and have raised no concerns subject to conditions to ensure no detrimental impact from the proposed temporary treatment plant. Generally, residential developments by their nature do not generate an unacceptable level of noise, odours or emissions which would impact on residential amenity. There is a detached residential dwelling with large curtilage immediately north of the application site which is the applicants address. St. Patrick's Primary School is located directly south of the site. Dwellings 3-8 are located approx. 7metres from the common boundary with the primary school. The existing boundary treatment between the site and the school is palisade fencing with some dispersed vegetation. The proposal includes the addition of native hedgerow and an additional fence to ensure the proposal will not result in unacceptable overlooking. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal.
- i) The proposal seeks permission for a small housing development proposal of 8 units, each with off street parking and private amenity space. I have no significant in terms of crime or health and safety with respect the proposed design.

I conclude that the proposal accords with the extant Area Plan and all prevailing planning policy provisions highlighted above therefore I recommend approval.

Further consideration -

A second objection letter was received on 3 Sept 2021, the day of the Sept committee meeting. It was not considered as part of the assessment in the report presented to Committee so it was not issued in order to fully consider the objection.

The objection relates to a visibility splay to the south of the site and that no consent has been given for this. The agent has been made aware of this and is content the correct certificate has been signed and the land is either under the applicants control or part of the public verge (as shown in image below). As ownership is a civil matter and outside the remit of planning I am content the issues have been covered and an approval is still being recommended as previously.



Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval subject to the below conditions 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 existing mature trees and vegetation along the south and west boundaries shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

3. 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.

4. All planting and boundary treatment comprised on drawing number 03 Rev 5 bearing date stamp 15th June 2021 shall be carried out prior to the occupation of any of the dwellings hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the dwellings, 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 and to ensure the protection of residential amenity.

5. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

6. The development shall be served by a private sewage treatment plant until such times as the necessary upgrade of the Waste Water Treatment Works has been completed. On completion of the necessary improvements to the Waste Water Treatment Works the development hereby approved shall be connected to the public sewerage system (subject to all necessary agreements being put in place) and the private sewage treatment plant shall be decommissioned and removed from the site within 3 months of successful connection to the public sewerage system.

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

7. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW). Should adoption of the proposed temporary treatment plant not be feasible by Northern Ireland Water (NI Water), then an adequate and effective maintenance programme shall be put in place for a period not less than 20 years. The programme should be submitted and agreed for approval by Mid Ulster District Council prior to the construction of any of the dwellings hereby approved.

Reason: To safeguard residential amenity and public health.

8. The sewerage treatment plant shall be located as per Drawing No. 03 Rev 5 bearing date stamp 15th June 2021 and shall be installed and fully operational prior to the occupation of any dwellings hereby approved. The plant shall be maintained by the developer until such times as it is adopted by NI Water or is no longer necessary to serve the development.

Reason: To protect nearby residential amenity from noise and odour

9. An adequate maintenance programme for the temporary package sewage treatment plant, along with signed contract of those that will be responsible for its maintenance, shall be agreed in writing with Mid Ulster District Council prior to the occupation of any dwelling hereby approved. The agreed maintenance programme shall be carried out for the lifetime of the package sewage treatment plant until such times as the necessary upgrade of the Waste Water Treatment

Works has been completed, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise and odour

10. The odour concentration associated with the package sewage treatment plant shall not exceed 5 ouE/m³ directly above the unit and not more than 3 ouE/m³ at 5 metres from the unit.

Reason: To protect nearby residential amenity from odour

11. The noise level associated with the package sewage treatment plant shall not exceed 5dB (A) below any background level measured at the nearest sensitive dwelling.

Reason: To protect nearby residential amenity from noise

12. Within 4 weeks of a written request by Mid Ulster District Council, following odour or noise complaint from the occupant of a dwelling, which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of emissions from the sewerage treatment plant. Any works required to resolve noise or odour issues shall be carried out by an approved operator of the package sewage treatment plant and shall comply with the requirements of condition 4 and/or 5. The works shall be completed within a reasonable timeframe to the agreement of Mid Ulster District Council on identification of a nuisance. On completion of the works, the operator shall provide details of a monitoring survey to Mid Ulster District Council for written approval.

Reason: To protect nearby residential amenity from noise and odour

13. The visibility splays of 4.5 metres by 103 metres at the junction of the proposed (access/access road) with the public road, shall be provided in accordance with Drawing No. 08 Rev 3 bearing the date stamp 3 August 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

14. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 08 Rev 3 bearing the date stamp 03 August 2021

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

15. 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 the development.

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

16. 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 08 Rev 3 bearing the date stamp 03 August 2021. The Department 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.

17. 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. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to NI Water Consultation Response dated 19th May 2021.

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 Department 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.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
7. 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 Roads Service 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.
8. 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.
9. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Dfi Roads Section Engineer whose address is Loughrey Campus, 49 Tullywigan Road , Cookstown, BT980 8SG. 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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1046/F	Target Date:
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Referral Route: There are a number of objections to this proposal from an adjacent neighbouring property.	
Recommendation:	Refusal
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Planning permission was previously granted for a much smaller building on a different part of the site. What was built on the application site was not in the location or at the scale approved, resulting in a much larger building almost completely constructed closer to the objector's property and on a much larger scale than was previously granted permission.

Characteristics of the Site and Area

This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visit.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Planning History

This application site has various planning histories on it.

LA09/2017/0977/F went before Planning Committee as there were objections to it and it was granted permission in July 2018 for a proposed farm build as a cattle shed at 40m North East of 28A Toomog Road.

There are a number of enforcement histories on this site.

- LA09/2017/0041/CA - Unauthorised curtilage extension and alterations to domestic dwelling.

- LA09/2018/0150/CA - Development not in accordance with approved plans

(LA09/2017/0977/F).

- LA09/2020/0040/CA - Farm building not built in accordance with planning permission

- LA09/2017/0977/F at 40m NE Of 28a Toomog Road is currently open and awaiting the outcome of this application proposal.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the Local Development Plan (LDP), so far as material to the application, and to

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

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

The Strategic Planning Policy Statement for Northern Ireland "Planning for Sustainable Development" (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The SPPS advises that the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) are retained. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes development for agriculture and forestry. 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'.

This application site is located in the rural countryside, outside of any designated settlement limit identified in DSTAP, therefore the relevant policy context is provided by PPS 21. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and the circumstances wherein planning permission will be granted for agricultural and forestry developments.

Policy CTY 12: Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding, where the proposal satisfies all the specific criteria listed. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years.

The applicant provided a completed P1C Form (including identification of farm business ID) and has submitted Farm Maps showing the extent of the land within the farm holding. I consulted with DAERA who responded informing that the Business ID No as provided was allocated on 11th January 1992, thus demonstrating the farm has been established for a period in excess of 6 years. DAERA did state the land which includes this application site last claimed SAF in 2014 and this was by a business other than that identified as the applicant's on the P1C form and no claims by any other business have been made since 2014.

Policy CTY 12 lists five further criteria which all proposals must fulfil,

- a) the proposed development is necessary for the businesses efficient use;
- b) it must be appropriate in terms of character and scale to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- 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.

In addition to the requirements 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.

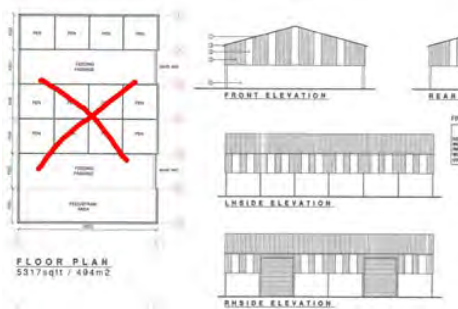
Exceptionally, consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, and where:

- is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

LA09/2017/0977/F

As there is a current valid application approved on this site for a similar proposal, the principle of an agricultural building within this site has been established. DAERA's response to this application is the same as what they replied to the original application.

In order to give an accurate assessment of this proposal, I feel it is necessary to understand and to take into account the evaluating of application LA09/2017/0977/F as a material consideration. Initially the applicant applied for a shed which included a series of cattle pens. The Council's Environmental Health Department were concerned and the number of pens in the shed was reduced to a single pen with the majority of the shed being utilised for agricultural storage.



Original Design



Revised and Approved Design

This shed is situated away from the main group of buildings on the applicant's farm holding which are located at 87 Killyharry Road, some 2.3km away. The applicant said there was a need for this building on this site so he can be close at hand to sick/injured animals, machinery and storage facilities and this proposal was considered an exception.

There were a number of revisions to the proposal which was initially submitted, as can be seen from the illustrations provided. The length of the building was reduced 4.5 metres, the width reduced by 1 metres which resulted in the ridge height dropping 0.2 metres. It was repositioned from the neighbours adjoining northern boundary to the rear of the applicant's dwelling and along the eastern boundary.



Original Siting



Revised and Approved Siting

In terms of compliance with CTY 12, it was agreed this proposal would provide a farm building at this part of the farm, away from the established and main group of farm buildings, providing facilities for sick and/or injured livestock as well as the safe storage of farm machinery and equipment. It was also considered as a requirement to aid the efficient running of the farm business. The amended proposal to the rear of the applicant's dwelling was sited as such to cluster with this and would also read with the dwelling/outbuildings to the rear of No. 28, albeit buildings outside of the same farm holding. Proposed landscaping works surrounding the site would also help restrict the level of impact on rural character and the building would not be a prominent feature as it would integrate into the area. There are no sensitive natural or built heritage features of note within the site or the surrounding area to have any impact on.

The closest neighbouring property is the objector's land at 28 Toomog Road which is situated approx. 35m from the closest point of the proposed farm building. The Environmental Health Department (EHD) of the Council initially had concerns with the proposal relative to amenity of the objector. The applicant duly amended the layout of the proposal so that the majority of the building was to be used for the storage of farm machinery and a small corner (furthest away from the neighbouring property) to be retained as a cattle pen for injured or sick cattle or cows. This has reduced any noise, odour, lighting and privacy concerns and EHD are satisfied by this amended increased distance from the neighbouring property.

It was agreed this proposal was an exceptional case as it is sited between two areas of farm land on the holding. The siting of the building to the rear of the applicant's dwelling was accepted as a justified reason for having a farm building at this location which has an equal access to both farm holdings. The building as approved measures 22.5 metres in length and 17.4 metres wide. It covered a footprint of 392 metres squared and had a ridge height of 8 metres FGL. It was sited 20 metres from the rear elevation of the applicant's dwelling and 23 metres from the southern boundary. The finishes proposed are grey dashed render to the lower walls, green tin cladding on the roof and upper walls with some translucent sheets also.

Retention of building as Constructed

Following the site visit and discussion at group with the Principal Planner, a number of concerns were discussed which needed addressing and clarification;

- The proposal description is inaccurate as the building is substantially completed and this application proposes to retain it, therefore the description must accurately reflect the proposal.
- The building as is constructed and the large hardcore area created does not give the appearance of a "proposed cattle shed"
- No details of the concrete wall around the yard area to the front of the building have been submitted.
- Due to the presence of a basement/lower ground level evident on site, the elevations and floorplans as submitted are therefore incorrect.



The agent stated the shed is for a mixture of farming aspects (soft bed pens, meal/feed storage area, equipment storage, machinery storage) tractor, trailers, portable crusher, fertilizer spreader, grass topper. In response to the presence of a basement/lower ground feature the agent said this was constructed in order to stop the floor sinking due to the depth of infill. They also stated the applicant proposes to 'infill these lower level openings', that they were only constructed to allow for the construction of the walls and safer access while building it.



Further discussion at group concluded the building must be reduced in size to reflect the scale of building which was granted approval. The agent submitted these amended drawings illustrating the lower ground level completely removed from the proposal and the demolition of a section of the building which further reduced reduce the length by some 7 metres.

The building as was initially submitted as part of this application measured 30.6 metres in length, 18.6 metres wide with a ridge height of 8.2 metres FGL. This building occupies a footprint of almost 570 metres squared and as is apparently reflective of what is currently on the site. Through the processing of the previous application, both the applicant and agent were fully aware that the siting of the shed along the northern boundary and of that scale was unacceptable and did not meet the policy requirements of CTY 21, hence why the proposal was amended and thus approval was granted for the reduced and re-sited scheme. Not only did the applicant fail to construct the building as approved, they augmented the scale of the building by increasing the footprint by almost 180 metres squared, which resulted in the building being some 45% larger than what was granted permission. The footprint is also over 70 metres squared larger than the building which was deemed unacceptable due to its inappropriate scale. Along with this, the applicant has constructed a basement level also further increases the floorspace of the building.



Initial Drawing Submitted



Proposal incorporating partial demolition



Most recent layout

After much debate and negotiation, amended drawings as illustrated above were submitted which proposed to demolish a section of the building closest to the northern boundary. This would reduce the footprint while also increasing the separation distance from the objector. It was agreed with the Principal Planner that as a portion of what is already constructed on the site is now proposed to be removed, this would have to occur and the site revisited with a member from Enforcement prior to the granting permission of this proposal.

Having progressed the application to this stage through much discussion, the applicant submitted a letter confirming he was changing agents and the newly appointed agent would submit their proposal. In order to further develop this application to a conclusion, I informed the new agent of what discussions were had and made it clear the requirements necessary.

I do not feel these were taken into consideration as the proposal description did not correctly describe the proposal and the most recent site layout submitted also inaccurately illustrated the siting of the approved building.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. I am not convinced this proposal respects the surrounding area nor does it integrate into the locality. The excessive scale of the building makes it a prominent feature, failing to integrate into the landscape without a detrimental impact, therefore I do not feel this proposal complies with CTY 13 and CTY 14.

Consultations

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have no objections to this proposal, subject to the provision of visibility splays of 2.4 metres by 45 metres in both directions, as well as a forward sight distance of 45 metres also. Following the implementation and permanent retention of the required visibility splays, I consider the proposal to comply with the policy requirements contained with PPS 3 - Access, Movement and Parking. NI Water have no objections to this proposal.

The Council's Environmental Health Department (EHD) sought further information on the proposed systems in place to deal with manure generated from this shed. Following the proposal description being amended to its most recent description, EHD have taken this and the objectors comments into consideration. They have concluded there is an established land use for an agricultural shed within this application site and therefore have no objections, subject to conditions restricting the use of the building to only that included within the description and that no animals or livestock are to be stored outside of the identified area on the plans. This is in order to protect the residential amenity of the neighbouring property from potential noise and odour nuisances.

Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Objections

Four letters of objection have been received from the same individual objector. This objector resides at No 28 Toomog Road which is the closest residential dwelling to the site.

The objector has raised a number of concerns regarding this proposal and is concerned as these adversely affect his amenity.

The objector has also noted they will be contacting the Ombudsman regarding this application. They have identified a number of discrepancies from what was granted permission and what has been constructed on site, as is summarised below;

- The area covered exceeds the approved 300 metres squared,
- No basement area was approved but is built,
- The building is of a much larger scale than what was approved,
- The area labelled as a paddock area has been removed,
- A large hardcore/turning area with a commercial appearance has been constructed,
- Ground levels have been altered,
- A concrete wall has been built without permission,
- No earth embankment or hedgerow has been planted as a natural screen to the site,
- The description of the proposal/what is built is incorrect,
- The building has been constructed 22 metres from my dwelling on an area which it was not granted approval on.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.

In conclusion, members are reminded the applicant has been given numerous opportunities amend this proposal as was requested and explained above but has failed to do so. It is also worth noting the proposal under application LA09/2017/0977/F which members of the Planning Committee granted permission in July 2018 is still live. The applicant is still able to implement this proposal in the location and at the size as was approved.

Therefore taking into consideration policy requirements of the SPPS and PPS 21, concerns highlighted by the objector, combined with unsuccessful efforts to amend the proposal, I consider this proposal to be unacceptable. I recommend it is refused planning permission and the Enforcement Section be allowed to reconvene with the processing of their case which is currently awaiting the outcome of this application.

Refusal Reasons

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS 21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape 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 be/is unduly prominent in the

landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	1st September 2020
Date First Advertised	14th September 2020
Date Last Advertised	8th June 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL L Small 28, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL The Owner/Occupier, 28a ,Toomog Road,Dungannon,Tyrone,BT70 3BL Laurence Small 28a, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1046/F Proposal: Proposed farm building as cattle shed Address: 40m North East of 28A Toomog, Galbally, Dungannon, Decision: Decision Date: Ref ID: M/1984/0575 Proposal: BUNGALOW Address: TOOMOG, CASTLECAUFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1984/057501 Proposal: BUNGALOW Address: TOOMOG, CASTLECAULFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1999/4033	

Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG
Decision Date: 06.07.2018

Ref ID: LA09/2020/1046/F
Proposal: Proposed farm building as cattle shed
Address: 40m North East of 28A Toomog, Galbally, Dungannon,
Decision:
Decision Date:

Ref ID: M/1984/0575
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAUFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1984/057501
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAULFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/4033
Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG

Decision Date: 06.07.2018

Summary of Consultee Responses

DFI Roads - No objection subject to visibility splays of 2.4 metres by 45 metres in both directions and forward sight distance of 45 metres also. NI Water have no objections to this proposal. Environmental Health have no objections subject to conditions restricting the use of and within the building. This is due to the precedent of an agricultural building being accepted on this site under the previously approved application. Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formally consult them as they have no concerns about this proposal affecting any European protected sites. DAERA have no objections.

Drawing Numbers and Title

Drawing No. 01 REV 3
Type: Site Location Plan
Status: Submitted

Drawing No. 03 REV4
Type: Proposed Plans
Status: Submitted

Drawing No. 04 REV4
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1098/F	Target Date:
Proposal: Retention of existing structure to outdoor drinks area.	Location: Regans Bar 19 Hall Street Maghera BT46 5DA.
Referral Route: Refused - Contrary SPPS. Letter of objection	
Recommendation:	
Applicant Name and Address: Bernard Regan 19 Hall Street Maghera BT46 5DA	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary: Refusal	
Signature(s):Gerard Lynch	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	

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

Contrary to Planning Policy

Characteristics of the Site and Area

The application site and surroundings are identified as 19 Hall Street, which is located within the settlement development limits of Maghera Town as depicted in the Magherafelt Area Plan 2015 (MAP). The site hosts a 2 storey semi-detached building forming a row incorporating 2 other residential properties (Nos 16 & 15) all with frontages onto Hall Street with shared amenity area to the rear. There is currently on site a Public

House known as Regans Bar with storage area to the side and access to an open area to the rear. The external wall finishes consist of smooth painted render, painted hard wood window and door frames and black slates. Located at the front elevation is a build over archway this entrance is used by the bar long with the other two residential properties.

There is an access to the rear of the pub that opens onto an enclosed communal space, which is surrounded by several outbuildings some appear to be ancillary to the properties backing onto the courtyard. I noted one of the outbuildings had previously been used as a business.

The configuration, size and layout of these buildings restrict public views onto the courtyard which limits natural light onto the courtyard.

The surrounding area consists of a mix of commercial and residential properties there is a large retail facility with car parking to the rear of the bar.



Figure 1. Regans Public House 19 Hall Street, Maghera

Description of Proposal

Permission is sought for the retention of an outside drinking area to the rear of his pub at 19 Hall Street. The structure itself consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

Full design details and materials are annotated on DWG Nos 01 (Rev-1), 05 (Rev-1), 06 (Rev-1) 03 stamp date 03/03/2021.

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

Site History.**H/1991/6107/F**

Demolition new building and restructuring to existing premises Regans bar 19 hall street Maghera

H/1990/0042/F

Alterations to licensed premises at Regans bar 19 hall street Maghera PG

LA09/2020/0086/CA

Alleged unauthorised extension to licensed premises at Regans bar 19 hall street Maghera (case ongoing).

Statutory consultees

1. MUDC Environmental Health Department were consulted on this application and confirmed it received a noise complaint in August 2020 i their response dated 22/04/2021 they recommended refusal.
2. Department for Communities Historic Buildings Division HED (Historic Buildings) were consulted on 29/09/2020 and in its response deem that it poses no greater demonstrable harm to the setting of the listed buildings on the opposite side of Hall Street 16 Hall St grade B1, 18 Hall St grade B2, 20, 22, 24 Hall St grade B listing.
3. Department for Communities HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing one (1) substantial objection was received on 18th October 2020; 2 letters of objection were received on 26th March 2021 and 6th April 2021). Six (6) neighbouring properties were notified on 14th October 2020; and twelve (12) neighbouring properties were notified on 19th March 2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

1. Magherafelt Area Plan 2015;
2. Strategic Planning Policy Statement (SPPS);
3. Regional Development Strategy 2035;
4. A Planning Strategy for Rural N Ireland (Policy DES 2)
5. Draft Mid Ulster Area Plan 2030; and
6. DCAN 7 Public Houses

The Magherafelt Area Plan 2015 operates as the Local Development Plan (LDP) where the application site is located within the development settlement limits of Maghera Town Centre. MAP offers no specific policy or guidance pertinent to this application.

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



Figure 2. External and interior of extension

Assessment Overview.

The key issues in the assessment of the proposal are as follows:

- The principle of the proposal at this location
- Design, layout and impact on the character and appearance of the area

- Impact on amenity.

Regans bar is a family owned pub, which has been in existence for about 50 years and is located alongside two dwellings Nos 17 and 15 these together with the bar form a continuous row fronting onto Hall Street.

The bar is a fairly typical traditional pub which has retained its distinctiveness selling alcohol only. These pubs that served only alcohol are referred to as 'wet pubs' were during first lockdown due to Covid were not allowed to open due to their limited capacity to comply with social distancing requirements.

Paragraphs 3.8 and 5.72 of the SPPS state 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.

Assessment.

The outside drinking facility to the rear of the bar and its proximity to residential use and the amenity impacts are material considerations as to whether this proposal is acceptable on this site. This is considered further below.

Design, layout and impact on the character and appearance of the area

The structure consists of a galvanised mono roof, timber frame structure with timber sides with the upper section open for ventilation purposes with gutters and a drain pipe and measures 7.2m x 5.4m in area. The height above ground level is 3.46m at the highest point and 2.6m at its lowest.

I am content that the structure's size and layout will not have a significantly greater visual impact on the existing character and will not be any more prominent than what is already on site prior to the structure being erected.

Impact on amenity and human health.

Whilst the site is located within a mixed used area within the development limits of Maghera, there is a number of residential properties in close proximity to the bar including several listed buildings.

It is noted that No 17 Hall Street is the closest property approximate 5m distance from the rear of the bar and the attached outside drinking structure, in my view the proposal would adversely impact the property by way of high noise levels and the loss of privacy and amenity.

DCAN 7 provides guidance for applications relating to the extension of Public Houses. Within the document it states that when considering extensions to existing Public Houses, account will be taken of the likely effects of the intensification of the existing use

on the surrounding area including any loss of amenity due to an increase in noise and disturbance.

This is considered applicable as the site is located immediately adjacent to residential properties. It is anticipated that due to the close proximity to neighbouring residential properties the external noise from the drinking area will significantly impact amenity.

Access, parking and transport.

DFI Roads were not consulted in this application.

Other material considerations.

Three objections have been received in relation to this application with the crux of the issues relating to the impact the development and on an existing right of way, noise, loss of light, change of character to the rear of the objector's property, overlooking onto private amenity area, anti-social behaviour, insufficient properties notified. The objector also brought it to the attention of the Planning Department that the application P1 form was not correct and the maps did not identify the correct property numbers. Since this the applicant has submitted amended site location plan showing the property numbers.

The applicant's solicitor has confirmed in writing the applicant's ownership of the bar.

The above concerns were discussed at a development management group, which it requested amended site location plan. In regards to the number of properties notified additional neighbouring properties located opposite the application site were consulted.

In this respect I am content that neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015, and that all processes were in accordance with the Development Management Practice Note 14 (April 2015).

In terms of noise MUDC Environmental Health were consulted and their response was received and uploaded to the public portal on 22 April 2021. However due to the location, scale and open nature of the outside drinking structure with No 17 it was not considered possible that sufficient noise mitigation measures can be put in place to reduce the impact on residential amenity. Environmental Health have not requested any further information to be submitted and have recommended refusal on the grounds that the outside drinking structure would have an adverse impact on the amenity of No 17 Hall Street, Maghera.

Conclusions.

The proposal is unacceptable having been assessed in light of all material considerations, including weighting against relevant policies and the specific refusal reasons set out in my report.



Figure 3. Buildings surrounding rear courtyard

No architectural or flooding concerns.

The Mid Ulster District Council Local Development Plan 2030.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation: Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraphs 4.11 and 4.12 in that the retention of the existing structure for an outside drinking area would, if permitted, harm the living conditions of the neighbouring residential properties through noise, nuisance and general disturbance resulting in a loss of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	11th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 13 Hall Street Maghera Londonderry The Owner/Occupier, 15 Hall Street Maghera Londonderry The Owner/Occupier, 16 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 17 Hall Street Maghera Londonderry Geraldine Regan 17 Hall Street, Maghera, BT46 5DA The Owner/Occupier, 18 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 19a Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 22 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 23 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 24 Hall Street, Maghera, Londonderry, BT46 5DA The Owner/Occupier, 26 Hall Street, Maghera, Londonderry, BT46 5DA Geraldine Regan Email Address Geraldine Regan Email Address The Owner/Occupier, Snooker Hall 17a Hall Street	
Date of Last Neighbour Notification	5th March 2021
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/1098/F

Proposal: Retention of existing structure to outdoor drinks area.

Address: Regans Bar, 19 Hall Street, Maghera, BT46 5DA.,

Decision:

Decision Date:

Ref ID: H/1995/0570

Proposal: SITE OF EXTENSION TO EXISITNG FACTORY

Address: 11 FAIRHILL MAGHERA

Decision:

Decision Date:

Ref ID: H/1991/6107

Proposal: DEMOLITION NEW BUILDING AND RESTRUCTURING TO EXISTING PREMISES REGAN BAR 19 HALL STREET MAGHERA

Address: REGAN BAR

Decision:

Decision Date:

Ref ID: H/1990/0042

Proposal: ALTS AND ADDS TO LICENSED PREMISES

Address: REGAN'S BAR 19 HALL STREET MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0486/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 31.08.2001

Ref ID: H/2000/0112/F

Proposal: Extension to Food Processing Factory

Address: 9-11 Fairhill, Maghera

Decision:

Decision Date: 26.06.2000

Summary of Consultee Responses

Advice

Drawing Numbers and Title

Drawing No. 01 (Rev-1)
Type: Site Location Plan
Status: Submitted

Drawing No. 06 (Rev-1)
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05 (Rev-1)
Type: Proposed Elevations
Status: Submitted

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

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

Drawing No. 02
Type: Existing Plans
Status: Submitted

Drawing No. 07
Type: Proposed Elevations
Status: Submitted

Notification to Department (if relevant) N/A

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1322/O	Target Date:
Proposal: Proposed dwelling.	Location: Adj to 59 Drumaspil Road, Drumcrow Dungannon
Referral Route: Refusal – Contrary to CTY 1 of PPS 21.	
Recommendation:	REFUSAL
Applicant Name and Address: Eamonn Donnelly 59 Drumaspil Road Drumcrow Dungannon BT71 6HZ	Agent Name and Address: Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	1 (from agent)	
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		
There were no objections received in relation to the proposal.		
Characteristics of the Site and Area		
The site is located at lands adjacent to 59 Drumaspil Road. The red line of the site includes a rectangular portion of a larger agricultural field. There are lands which surround the site which are hatched blue, indicating ownership. The lands are generally quite flat throughout with some hedging and post and wire fencing along the SE boundary. The immediate area surrounding the site is made up with a number of existing dwellings and associated outbuildings, however beyond that the lands are largely rural in nature.		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 59 Drumaspil Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none">• Dungannon and South Tyrone Area Plan 2010• Strategic Planning Policy Statement (SPPS)• PPS 21: Sustainable Development in the Countryside• PPS 3: Access, Movement and Parking• Local Development Plan 2030 - Draft Plan Strategy		
The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan.		

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

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

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. The agent was asked what policy they would like the proposal to be assessed against and a number of policies were suggested, including CTY 2a, CTY 6 and CTY 10 so each of these policies will be addressed within this report.

CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. There is a crossroads located approx. 75m north of the red line of the site which is considered to be too far removed from the site. The site does not have any other focal point and thus fails on this criterion. The identified site is also is not bounded on two sides by development therefore failing on this policy requirement also. Having considered all these points I feel this proposal fails with the requirements of CTY 2a.

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

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

The agent has submitted a letter in support of this application which details why the applicant feels they meet the Policy requirements of CTY 6. Medical evidence has been sought via phone call on 20th May 2021 from the agent to substantiate the information within the letter provided, however to date nothing further has been received from the

agent or applicant. Due to the sensitive and personal nature relating to the applicant's parent, the specifics of the supporting information will not be detailed in this report.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which is noted as the applicants address alongside his parents is large enough to be able to accommodate this with ease. In this instance, although we remain empathetic towards the applicant and their families circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal.

We also investigated the possibility of a proposed dwelling being allowed under CTY 10 for a dwelling on a farm. One receipt was received from M. Campbell dated 19th April 2021 which stated that they confirm they carried out agricultural works on the lands for about 8 years. Again, this wouldn't be enough information for us to be able to determine if the farming business is currently active and has been established for over 6 years. No further information was received in relation to a farming business despite requests dating back to May 2021.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The site benefits from some existing hedging along its southern and western boundaries, however the remainder of the boundaries appear undefined therefore integration may be quite limited at this site. The proposed site may also create or add to a ribbon of development at this location.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refusal is recommended.

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or is not located at a cross-roads. The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. The dwelling would if permitted significantly alter the existing character of the cluster visually intrude into the open countryside.

<p>3. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.</p> <p>4. 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 farm business is currently active and has been established for at least six years.</p> <p>5. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Drumaspil Road.</p> <p>6. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.</p> <p>7. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.</p>
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	23rd October 2020
Date First Advertised	3rd November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) Peter McCaughey 31 Gortnasaor, Dungannon, BT71 6DA The Owner/Occupier, 59 Drumaspil Road Drumaspil Dungannon	
Date of Last Neighbour Notification	26th November 2020
Date of EIA Determination	

ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1322/O Proposal: Proposed dwelling Address: Adj to 59 Drumaspil Road, Drumcrow, Dungannon, Decision: Decision Date: Ref ID: M/1992/0374 Proposal: Extension to dwelling Address: 59 DRUMASPIL ROAD DRUMCROW DUNGANNON Decision: Decision Date:	
Summary of Consultee Responses DfI Roads – Content.	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1497/F	Target Date:
Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage	Location: Land adjacent to 1 Edendoit Road Pomeroy Dungannon
Referral Route: Mid Ulster District Council is the applicant	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Cookstown Office Burn Road Cookstown	Agent Name and Address: Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located within the settlement limits of Pomeroy as per the Cookstown Area Plan, outside any other designations. The red line of the application site includes a flat level car park, with a rough gravel surface and then extends east into part of an existing agricultural field, which sits at a level slightly below the adjoining carpark. A primary school abuts the application site to the north, with a factory premises on the eastern boundary. A Presbyterian Church hall is located along side the red line boundary in the corner of the car park. There is a small post and wire fence along the northern boundary to separate the primary school grounds from the existing field.

Representations

No third party representations have been received in relation to this planning application.

Description of Proposal

This is a full planning application for the development of a 20 x 30m 3G Multi Use Games Area (MUGA) at the Presbyterian Church. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage.

Planning Assessment of Policy and Other Material Considerations

The following policies have been considered in the assessment of this application:

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 3- Access, Movement and Parking

PPS8 - Open Space, Sport and Outdoor Recreation

PPS 15 (Revised)- Planning and Flood Risk

The SPPS recognises that open space, sport and outdoor recreation is important to society now and in the future. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature.

Policy COM1- Community Uses of the Cookstown Area Plan states that planning permission will be granted will be granted for community uses within settlement limits provided this would not prejudice comprehensive development, particularly on zoned sites, and where all the following criteria are met:

- *there is no significant detrimental effect on amenity;*

I am content that the proposal will not have a detrimental effect on amenity of any nearby residents. There are no residential properties close enough to be affected by the proposal. The proposal does not include the use of floodlighting. Environmental Health were consulted and provided a condition requesting the facility only to be used between 09:00- 22:00 Monday to Sunday in order to protect residential amenity from noise, light and anti-social behaviour.

- *there is no significant conflict with conservation interests;*

The site is not located within a designated area, so will not conflict with any conservation interests.

- *The proposal is in keeping with the size and character of the settlement and its surroundings;*

I am content that the proposal is of a small scale and given the presence of the primary school adjacent and the community hall, the proposal is in keeping with the character of the settlement and its surroundings.

- *Where necessary, additional infrastructure is provided by the developer*

The only additional infrastructure being provided by the developer includes a foot path and access gates to the adjoining primary school. Further fencing is provided around the perimeter of the MUGA. An existing NIE pole is to be removed and the cable placed underground. I am content this is acceptable.

- *There are satisfactory access, parking and sewage disposal arrangements.*

I am content there will be no issues with sewage given the proposed use of the site. The proposal includes an existing car park and existing points of access, which is to be extended to include an additional 11 car parking spaces as part of the proposal. DfI Roads were consulted as part of the application and requested further information around the number of car parking spaces available and expected number of vehicles accessing the site. This was provided and DfI Roads are content that the proposed footway link to the MUGA site addresses previous concerns regarding pedestrian accessibility to the site.

PPS8- Open Space, Sport and Outdoor Recreation

Policy OS4- Intensive Sports Facilities states for the purposes of this PPS, include stadia, leisure centres, sports halls, swimming pools and other indoor and outdoor sports facilities that provide for a wide range of activities. Although the proposal may not be considered an intensive sports facility, it does provide for a wide range of activities with being a Multi Use Games Area. Permission will only be granted for intensive sports facilities where these are located within a settlement.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- *there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated*

As previously covered, I am content the proposal will not have an unacceptable effect on the amenity of nearby residents. A condition will be attached limiting the use between the hours of 09:00 and 22:00.

- *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage*

There will be no adverse impact on any of these features.

- *buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment*

I am content that the design of the development is of a high standard and is of an appropriate scale to the local area. I am satisfied the proposal is of a small enough scale as to not be a dominant feature within the local area.

- *the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport*

I am content that the proposal takes into account the needs of people with disabilities as it provides for disabled parking and access to the proposal is easily accessible with flat ground leading down to the MUGA. Although parking is provided at the site, the site is also readily accessible by walking and cycling in the local area as it is located within the settlement limits of Pomeroy, with a footpath formed to the adjoining primary school. Existing footpaths are in place leading to the existing site.

- *The road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.*

The applicant has advised on the transport assessment form that it is not likely to generate 30 or more vehicle movements per hour. The site currently has 29 spaces for car parking, with the proposal providing an additional 12 spaces to provide 41 spaces in total, including 3 DDA spaces.

With regards the drainage at the site, DfI Rivers were consulted and have requested a condition to be attached requesting a drainage assessment to be provided prior to the commencement of development.

PPS 3- Access, Movement and Parking

Policy AMP 2 states permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. The applicant has stated in a Transport Assessment form that the development is not likely to generate 30 or more vehicle movements per hour. The proposal also plans to create an additional 11 parking space and from such I am content the proposal will not result in the intensification of the existing access. DfI Roads have confirmed they are content with the proposal subject to condition provided.

PPS15 (Revised)- Planning and Flood Risk

The applicant submitted a Drainage Assessment as part of this planning application, which DfI Rivers have reviewed. DfI Rivers have offered no objection to the proposal and advised a planning condition be attached to any planning permission.

Other policy and material considerations

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Approval subject to conditions	
Conditions	

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

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

2. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

3. The facility (including floodlighting) shall only be used during the following hours:

09:00 – 22:00 Monday to Sunday

Outside these hours, the facility shall be inaccessible

Reason: To protect residential amenity from noise, light and anti-social behaviour

4. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 10 Rev 1 bearing the date stamp 03 September 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. 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 10 Rev 1 bearing the date stamp 03 September 2021.

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

6. 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 10 Rev 1 bearing the date stamp 03 September 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an 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.

Informatives

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

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and 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. The developer's attention is expressly drawn to the Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 which has application to the development hereby granted planning permission.
4. 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.
5. 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.
6. 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.
7. 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.
8. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.
9. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system

Signature(s)

Date:

ANNEX	
Date Valid	17th November 2020
Date First Advertised	8th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Edendoit Road, Pomeroy, Tyrone, BT70 2RW The Owner/Occupier, Presbyterian Church Hall, 1 Edendoit Road, Pomeroy, Tyrone, BT70 2RW The Owner/Occupier, Queen Elizabeth II (Pomeroy) Primary School 3 Edendoit Road Pomeroy	
Date of Last Neighbour Notification	11th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2005/1196/F Proposal: Housing development, site road and associated site works Address: Lands to the rear of Queen Elizabeth Primary School and opposite PSNI Station, Tanderagee Road, Pomeroy Decision: Decision Date: 24.07.2007 Ref ID: I/1980/0073 Proposal: HOUSING DEVELOPMENT Address: CAVANKEERAN, POMEROY, CO TYRONE Decision: Decision Date: Ref ID: I/1981/0056 Proposal: HOUSING DEVELOPMENT Address: CAVANKEERAN, POMEROY Decision: Decision Date: Ref ID: LA09/2016/0364/F Proposal: Proposed extension to existing workshop to accommodate wood saw and log splitter and the erection of store for wood chip. Address: Unit 1, Forest Park Industrial Estate, Cavanakeeran Road, Pomeroy, Dungannon, Decision: PG Decision Date: 29.11.2016 Ref ID: I/1990/0135 Proposal: 2 No Factory Units with associated Test Track	

Address: SITE 2 FOREST PARK INDUSTRIAL ESTATE POMEROY

Decision:

Decision Date:

Ref ID: I/1987/0403

Proposal: ENGINEERING FACTORY

Address: POMEROY, ON DUNGANNON ROAD

Decision:

Decision Date:

Ref ID: LA09/2017/0410/O

Proposal: Provision of 3G sports pitch/MUGA 20m x30m

Address: Lands south of Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy,

Decision: WITHDR

Decision Date: 13.10.2017

Ref ID: I/1996/0146

Proposal: Alterations and Extension to Church and Hall

Address: 7 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1998/0504

Proposal: Proposed Store room extension to Church Hall

Address: POMEROY PRESBYTERIAN CHURCH EDENDOIT ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2007/0561/F

Proposal: Extension to kitchen adjoining church hall and new ramped access

Address: 7 Edendoit Road, Pomeroy

Decision:

Decision Date: 19.10.2007

Ref ID: LA09/2020/1497/F

Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage

Address: Land adjacent to 1 Edendoit Road, Pomeroy, Dungannon,

Decision:

Decision Date:

Ref ID: I/2004/0025/F

Proposal: Replacement temporary mobile classroom accommodation relocated from another site.

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon.

Decision:

Decision Date: 19.02.2004

Ref ID: I/1976/0153

Proposal: ERECTION OF 2 TEACHER PRIMARY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0374
 Proposal: DOCTORS SURGERY
 Address: EDENDAIT ROAD, POMEROY
 Decision:
 Decision Date:

Ref ID: I/1996/0314
 Proposal: New Mobile Classroom
 Address: QUEEN ELIZABETH II PRIMARY SCHOOL 3 EDENDOIT ROAD POMEROY
 Decision:
 Decision Date:

Ref ID: I/2009/0176/F
 Proposal: Installation of photovoltaic panels
 Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon, BT70 2EZ
 Decision:
 Decision Date: 28.04.2009

Ref ID: I/1992/0308
 Proposal: Re-location of Mobile Classroom
 Address: POMEROY PRIMARY SCHOOL POMEROY CO TYRONE
 Decision:
 Decision Date:

Ref ID: I/1978/0048
 Proposal: MV O/H LINE
 Address: COOKSTOWN ROAD, POMEROY
 Decision:
 Decision Date:

Ref ID: LA09/2017/0169/PAN
 Proposal: Public realm improvements comprising street scape resurfacing and new paving to pedestrian footpaths and Pomeroy Square, upgrades to existing street lighting, safety/lighting bollards, outdoor furniture/planting, painting to selected existing buildings and resurface to link from Queen Elizabeth II Primary School and existing Main Street footpath
 Address: Main Street, Pomeroy, Dungannon,
 Decision: PANACC
 Decision Date:

Ref ID: LA09/2017/0658/PAD
 Proposal: Public realm scheme
 Address: Main Street, Pomeroy,
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10REV01
Type: Roads Details
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



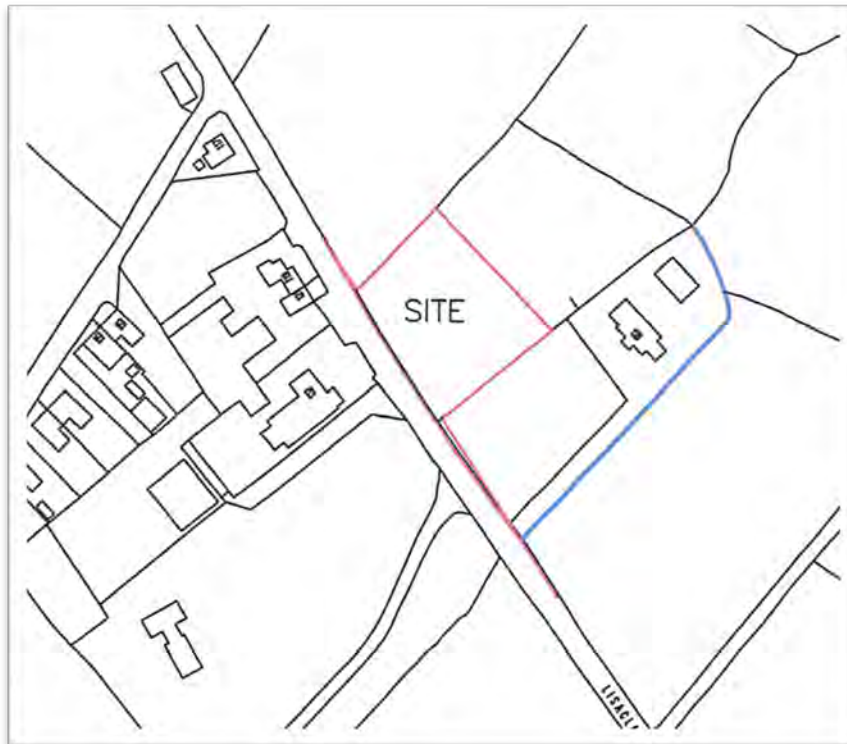
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1570/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: 20m South West of 128 Lisacclare Road Lisacclare Dungannon
Referral Route: Refusal – contrary to CTY 6 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Joe Quinn 128 Lisacclare Road Lisacclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No representations received.		
Characteristics of the Site and Area		
<p>The site is located at lands 20m South West of 128 Lisacclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.</p>		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 119, 121, 128 and 137 Lisacclare Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none"> • Dungannon and South Tyrone Area Plan 2010 • Strategic Planning Policy Statement (SPPS) • PPS 21: Sustainable Development in the Countryside • PPS 3: Access, Movement and Parking⁷⁶ • Local Development Plan 2030 - Draft Plan Strategy 		
<p>The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Killeen. There are no other zonings or designations within the Plan.</p>		

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

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

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

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

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of letter from the applicant himself, his Doctor's surgery and a letter detailing the results of MRI Scan. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. We are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which Mr Quinn resides at is large and would be able to accommodate this with ease. The supporting statement refers to the applicant not having the financial means to build an extension and is intending to use the sale of his existing two storey property at 128 Lisaclore Road to fund this proposed bungalow. The agent was asked if the applicant has tried to apply for any funding or grants that may be available to him. The agent responded noting that they have not went down the route of grant aid for adaption for his needs, as the applicant wants to downsize completely as the present house is too large and for him difficult to manage.

In this instance, although we remain empathetic towards the applicants circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal. We have teased out any other possible policies within PPS 21 including CTY 10 and CTY 2a, but to no avail.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow. The site benefits from some existing landscaping along its boundaries, however the red line of the site is essentially just a cut out of an open field. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)
Date:

NNEX	
Date Valid	9th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 119 Lisacclare Road Stewartstown Tyrone The Owner/Occupier, 121 Lisacclare Road Stewartstown Tyrone The Owner/Occupier, 128 Lisacclare Road, Stewartstown, Tyrone, BT71 5QJ The Owner/Occupier, 137 Lisacclare Road Stewartstown Tyrone	
Date of Last Neighbour Notification	8th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1570/O Proposal: Proposed site for dwelling and garage Address: 20m South West of 128 Lisacclare Road, Lisacclare, Dungannon, Decision: Decision Date: Ref ID: M/1994/0194 Proposal: Site for dwelling Address: OPPOSITE 117 LISACLARE ROAD, COALISLAND, CO TYRONE. Decision: Decision Date: Ref ID: M/2008/0477/F Proposal: Minor amendments to previously approved house design Address: Opposite 137 Lisacclare Road, Stewartstown Decision: Decision Date: 16.07.2008	

Ref ID: M/2007/0618/O

Proposal: Proposed variation to condition 4 of previous outline planning application M/2005/0647 for extension of green area

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 06.07.2007

Ref ID: M/2007/0964/RM

Proposal: 1no. two storey dwelling and detached double garage

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 17.09.2007

Ref ID: M/2005/0647/O

Proposal: Proposed site for dwelling

Address: Opposite 137 Lisaclore Road, Stewartstown

Decision:

Decision Date: 07.03.2006

Summary of Consultee Responses

DfI Roads – Content.

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: LA09/2020/1590/F	Target Date:
Proposal: Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access	Location: 50metres South east of 21 Tandragee Road Pomeroy Dungannon
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Kyle Smyth 21 Tandragee Road Pomeroy Dungannon BT70 3DS	Agent Name and Address: UEL HENRY 42 Knockanroe Road Stewartstown BT71 5LX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	Historic Environment Division (HED)	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	DAERA - Omagh	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including Representations		
<p>Two representations have been received in respect of this proposed development and relate to the following issues:-</p> <ul style="list-style-type: none">- Increase in traffic on the shared laneway; <p>Dfi Roads considered the proposed access and did not raise any issues regarding the increase in traffic on what is a private laneway. Dfi further advised that they have no objection to the use of the proposed access, subject to the suggested conditions;</p> <ul style="list-style-type: none">- Maintenance and widening of the lane; <p>The upkeep of and/or the widening of the private laneway is a civil matter between those parties concerned and is not a planning matter.</p>		
Characteristics of the Site and Area		
<p>The site is located in a rural area approximately 1.5Km south east of Pomeroy. The site is at a sharp bend in the Tandragee Road and is opposite Pomeroy Forest. The land is gently undulating and is characterised by dwellings and associated buildings sited along the roadside and set back from the road.</p> <p>There is a small single storey building on the site which is used as shelter for donkeys in addition to a wood pellet burner. The building has four pedestrian doors in the northern elevation in addition to a single roller shutter door in the north western gable. The building has a mono-pitch roof with a small canopy overhanging the pedestrian doors. There are a number of small holding pens outside the front of the building which open into the adjoining field. At the time of inspection there were three donkeys grazing in the field.</p>		
Description of Proposal		
<p>Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access.</p> <p>The proposed shed measures 18.173m x 9.364m with a ridge height rising from 4.3m at the western gable of the shed and with falling ground levels, the ridge measures 6.8m at the eastern gable. The shed provides three donkey stables, an animal feed store, a drop-off area, a plant room and a farm office of the lower ground floor level, with one large area of storage on the upper floor level for machinery, fodder and wood chips.</p>		

The shed has two pedestrian doors and a larger roller shutter door on the northern elevation at lower ground floor level with three windows over at the upper floor level. There is a single pedestrian door and one roller shutter type door on the western gable of the upper floor, with access directly from the applicants driveway.

The external finishes area render to match the existing dwelling house and slate grey metal roofing.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
/1996/0463	50M SOUTH OF NO. 37 TANDRAGEE ROAD	Domestic Garage	PERMISSION GRANTED	
/1995/0285	50M SOUTH OF 37 TANDRAGEE ROAD	Dwelling	PERMISSION GRANTED	
/1996/4042	50M SOUTH OF 37 TANDRAGEE ROAD	Domestic Garage	APPLICATION REQUIRED	
/2006/1071/F	37 Tandragee Road, Pomeroy, Dungannon	Proposed extension & improvements to dwelling	PERMISSION GRANTED	20.12.2006
/2013/0317/D	Lands between 29 and 33 Tandragee Road	Site for dwelling under policy CTY 8 PPS 21	PERMISSION GRANTED	16.04.2014
/2003/0304/RM	80 Metres East of 21 Tandragee Road	Erection of dwelling and garage	APPLICATION WITHDRAWN	21.11.2003
/2003/1027/F	Approx 80m East of 21 Tandragee Road	New Dwelling	PERMISSION GRANTED	11.02.2004
/1994/0129	130M EAST OF 21 TANDRAGEE ROAD	Dwelling	PERMISSION GRANTED	
/2002/0663/D	80 Metres East of 21 Tandragee Road	New Dwelling	PERMISSION GRANTED	30.12.2002
/2007/0497/F	21 Tandragee Road, Pomeroy	Proposed alterations with one and a half storey extension	PERMISSION GRANTED	23.06.2008
/1980/0198	THE GATE LODGE, POMEROY, DUNGA	EXTENSION TO DWELLING HOUSE	PERMISSION GRANTED	
LA09/2020/1590/F	50metres South east of 21 Tandragee Road	Proposed erection of farm building to incorporate stable	VALID APPLICATION RECEIVED	
/2000/0049CA	Tandragee Road Pomeroy	Operational Devt	ENFORCEMENT CASE CLOSED	24.03.2009
/2003/0044CA	80m East of 21 Tandragee Road, Pomeroy	Operational Devt	ENFORCEMENT CASE CLOSED	

Development Plan and key policy considerations

The site lies outside any defined settlement limits and is open countryside as identified in the Cookstown Area Plan 2010. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies certain criteria.

It must therefore be considered if the farm business is both active and established. DAERA have advised that the farm business ID number was allocated on 2nd March 2005 and therefore it is accepted that it has been established for more than 6 years. It is stated on the P1C form that the farm business owner, Ronnie Smyth, has let out the outlying farm several years ago as it was proving too difficult to supervise stock. Mr Smyth's son took over the running of the land which mainly involved grazing donkeys and other small animals. Mr Smyth's grandson now wishes to farm the land by keeping sheep on the outlying farm but needs a shed for lambing purposes which needs to be in Pomeroy. The outlying field is approximately 4.5Km north west of Pomeroy and 6Km from the proposed site. The applicant also has several items of farm machinery which would be stored in the proposed shed.

No other supporting information has been provided in respect of how the applicant's farm business is active or what stock they hold at present. The applicant has therefore failed to demonstrate how the farm business is active.

The proposal must also meet all the following criteria;

- It is necessary for the businesses efficient use;

The only reason given for the need for the proposed building is that the farm owner's grandson wishes to keep sheep. No evidence has been provide to demonstrate that he has any stock at present.

Notwithstanding that point, it is noted that the proposed building only shows accommodation for donkeys and no area is indicated for sheep. The existing building already provides accommodation for donkeys so I remain unconvinced that the proposed building is in any way necessary. The P1C also states that the outlying farm was let out and from the accompanying farm map provided, it would appear that another farm business is currently farming that land. The applicant has failed to satisfactorily demonstrate that the proposed development is necessary.

- it is appropriate in terms of character and scale;

At present there is a small low lying shed sited on the same footprint as the propose building. That building is a low single storey building which is inconspicuous in the landscape. The proposed building is a much larger two storey building which will have a much greater visual impact on the surrounding landscape. In my opinion, the scale of the proposed building is inappropriate for the site in question.

- it visually integrates;

At present there is a complete lack of natural vegetation around the existing building. Given the proposed building is much larger in terms of both the footprint and the height, it will suffer from a definite lack of integration;

- there will be no adverse impact on natural or built heritage;

the proposed development will not have an adverse impact on either natural or built heritage;

- there will be no detrimental impact on residential amenity;

The proposed building, which is being sought for housing sheep, will be approximately 36m from the nearest third party dwelling. Environmental Health were consulted regarding the potential impact on third party residential amenity and have advised that

'Agricultural buildings have the potential to cause loss of amenity due to odour, noise and pests. The minimum recommended separation distance between agricultural buildings and residential amenity is 75m. It is noted that the separation distance between this proposed development and existing nearby sensitive receptors is less than 30m. Therefore, due to the potential impact of odour, noise and pests, Environmental Health cannot support this application.'

CTY 13 – Integration and design of buildings in the countryside requires all buildings in the countryside to achieve an acceptable degree of integration into the surrounding landscape. As the proposed building would be sited on an open site which is clearly visible from the public road and without any sense of enclosure, the scale and massing of the building would result in it being unable to achieve an acceptable degree of integration. Although additional trees are to be planted, these will take some time to mature to such a height that they will provide a sufficient degree of integration for the proposed building. Until such times as the proposed planting would mature, the building would therefore suffer from a lack of integration. The proposal is therefore contrary to this policy.

CTY 14 – Rural Character allows for a building in the countryside provided it does not cause a change to or further erode the rural character of the area. Although there is a small building existing on the site, due to its size and low set position in the landscape, the gap between the dwellings to either side at No's 21 and 25 appears as a visual break in the landscape. If the proposed building were approved, then due to its scale and massing, it would erode this visual break and would appear as a ribbon of development as the buildings would be visually linked. Therefore, the proposed building is considered to be detrimental to rural character as it would result in a build-up of development.

Recommendations

In my opinion the applicant has failed to satisfactorily demonstrate;

How the existing farm business is active;

Why a new building is necessary for the efficient use of the farm business;

Why the existing building cannot be utilised for the proposed use;
 How the scale of the building is appropriate for its location;
 How the building will integrate into the surrounding landscape;
 How the building will not result in a detrimental impact on residential amenity.

Therefore planning approval should be refused for the reasons listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below:-

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 failed to satisfactorily demonstrate how the existing agricultural holding is currently active;
 it is not necessary for the efficient use of the active and established agricultural holding;
 it is not appropriate to this location due to the unacceptable character and scale of the development;
 the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 the development, if permitted, would result in a detrimental impact on the amenity of residential dwellings outside the holding by reason of noise, smell and pests.

The proposal is also 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.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 the proposed building relies primarily on the use of new landscaping for integration;
 the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 the building would, if permitted create or add to a ribbon of development;
 and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	11th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 25 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 27 Tanderagee Road, Pomeroy, Dungannon, BT70 3DS</p> <p>The Owner/Occupier, 29 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 33 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 37 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 39 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 41 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>The Owner/Occupier, 43 Tanderagee Road,Pomeroy,Tyrone,BT70 3DS</p> <p>Kathleen McGeary 43, Tanderagee Road, Pomeroy, Tyrone, Northern Ireland, BT70 3DS</p> <p>Anonymous</p>	
Date of Last Neighbour Notification	14.01.2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: I/1996/0463 Proposal: Domestic Garage Address: 50M SOUTH OF NO. 37 TANDERAGEE ROAD, POMEROY, DUNGANNON Decision: Decision Date:</p> <p>Ref ID: I/1995/0285 Proposal: Dwelling Address: 50M SOUTH OF 37 TANDERAGEE ROAD POMEROY Decision:</p>	

Decision Date:

Ref ID: I/1996/4042

Proposal: Domestic Garage

Address: 50M SOUTH OF 37 TANDERAGEE ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2006/1071/F

Proposal: Proposed extension & improvements to dwelling

Address: 37 Tandragee Road, Pomeroy, Dungannon

Decision:

Decision Date: 20.12.2006

Ref ID: I/2013/0317/O

Proposal: Site for dwelling under policy CTY 8 PPS 21

Address: Lands between 29 and 33 Tandragee Road, Pomeroy,

Decision: PG

Decision Date: 16.04.2014

Ref ID: I/2003/0304/RM

Proposal: Erection of dwelling and garage

Address: 80 Metres East of 21 Tanderagee Road, Pomeroy

Decision:

Decision Date: 21.11.2003

Ref ID: I/2003/1027/F

Proposal: New Dwelling

(RE-ADVERTISEMENT)

Address: Approx 80m East of 21 Tanderagee Road Pomeroy

Decision:

Decision Date: 11.02.2004

Ref ID: I/1994/0129

Proposal: Dwelling

Address: 130M EAST OF 21 TANDERAGEE ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2002/0663/O

Proposal: New Dwelling

Address: 80 Metres East of 21 Tanderagee Road, Pomeroy

Decision:

Decision Date: 30.12.2002

Ref ID: I/2007/0497/F

Proposal: Proposed alterations with one and a half storey extension to side of dwelling

Address: 21 Tandragee Road, Pomeroy

Decision:

Decision Date: 23.06.2008

Ref ID: I/1980/0198

Proposal: EXTENSION TO DWELLING HOUSE

Address: THE GATE LODGE, POMEROY, DUNGANNON

Decision:

Decision Date:

Ref ID: LA09/2020/1590/F

Proposal: Proposed erection of farm building to incorporate stables, farm office, central heating plant room, agricultural storage and farm machinery garage, creation of farm laneway & alterations to public road access

Address: 50metres South east of 21 Tandragee Road, Pomeroy, Dungannon,

Decision:

Decision Date:

Summary of Consultee Responses

Environmental Health advised that they could not support the proposed development due to the potential impact on of odour, noise and pests on third party dwellings located around 30m from the building.

DAERA advised that the farm business has not been active withi`n the past 6 years.

Rivers, Roads, SES and HED have no objections.

Drawing Numbers and Title

Drawing No. 03

Type: Farm Boundary Map

Status: Submitted

Drawing No. 04

Type: Farm Boundary Map

Status: Submitted

Drawing No. 02

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:


Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1643/F	Target Date:
Proposal: The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.	Location: 56 Pomeroy Road Tanderagee Road Pomeroy.
Referral Route: Objection received and the applicant is MUDC	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council Burn Road Cookstown BT80 8DT	Agent Name and Address: McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		

One third party representation was received relating to concerns over vehicular access to the site. This has been considered as part of the planning application process and DfI Roads also provided a response to the objection received which is detailed further within the report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits. The red line of the application is currently within the grounds of Pomeroy Forrest and the existing walking trails within this. It also includes a piece of land south of the now demolished forestry school, which is to be used as a sensory garden. Within the existing site there are a number of existing and established walking trails, with a children's play park and car parking facilities. There are three residential properties located within close proximity of the site. The walking trails extend as far west as Pomeroy, with an existing trail located adjacent to the Rowan Tree Centre. The site also includes established and active forestry service roads.

Description of Proposal

This is a full planning application for, 'The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.'

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)
Cookstown Area Plan 2010
PPS 21 - Sustainable Development in the Countryside
PPS 2 - Natural Heritage
PPS 6 - Planning, Archaeology and the Built Heritage
PPS 8 - Open Space, Sport and Outdoor Recreation

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'.

Cookstown Area Plan

The site is not located within any designations as detailed in the Cookstown Area Plan, it is north east of the settlement limits of Pomeroy. However, the site is located within the Historic Park, Garden and Demense known as Pomeroy House. As such issues surrounding this and the natural environment considerations will be fully assessed under PPS 2: Planning and Nature Conservation, and PPS 6: Planning, Archaeology and the Built Heritage.

PPS 2: Natural Heritage

Given the site is located within the area identified as Pomeroy House and given the nature of the development, NIEA were consulted on the proposal. Advice was provided by the Water Management Unit and Inland Fisheries, Regulation Unit and Natural Environment Division who considered the impacts of the proposal and had no concerns subject to conditions and informative being applied. Water Management Unit considered the impacts of the proposal and on the basis that there is no foul sewage discharge and no plans to undertake any culverting

associated with this proposal. They have also requested that once a contractor has been appointed, a full Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction. This can be conditioned on any approval.

The Regulation Unit considered a Preliminary Risk Assessment (PRA) submitted in support of this application which stated there is no significant risk in relation to the trails. The Regulation Unit identify no significant potential pollutant linkages and a low risk to environmental receptors, in relation to the proposed development as no significant ground works are being carried out. Regulation Unit offer no objection to the development provided conditions and informatives are placed on any planning approval.

NIEA Natural Heritage Division (NED) has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided has no concerns subject to conditions. Their response was based on the indication that no mature trees are to be removed and if any are to be removed, further ecological surveys may be required and NED must be re-consulted. They also raised some concerns regarding potential illumination of tree lines but acknowledge the ecologist has highlighted that if lighting is necessary, it should be low level and this is deemed acceptable by NED using wildlife friendly lighting and light spill on the onsite trees and understory vegetation is avoided.

NED note that a single stand of Japanese knotweed was recorded in close proximity to one of the walking trails. NED have encouraged the eradication of all Japanese knotweed on site. If it is to be retained, appropriate mitigation measures must be implemented. NED also noted extensive stands of Salmonberry across the site and Rhododendron and Cherry Laurel which are non-native plant species which out compete native flora. NED would encourage the management of these species.

NIEA's full response can be found on the planning portal associated with this application. Recommended conditions from NIEA are to be attached to any planning approval.

PPS 6: Planning, Archaeology and the Built Heritage

Historic Environment Division were consulted on the proposal given the fact the application site is located within the historic designed landscape of Pomeroy House, a Supplementary site on the Department's Register of Historic Parks, Gardens and Demesnes of Special Historic Interests. Policy BH6 of PPS 6 and paragraphs 6.16 & 6.17 of the SPPS apply. On first assessment HED stated most of the proposed development was acceptable to Policy BH 6 although some issues were identified. In summary HED advised the 'Little Red Hen' set on the nursery trail should be located on the opposite side of the path. Access to the outdoor classroom should be gained from elsewhere, away from the main avenue which potentially dates back to the 18th century. HED also suggested the proposed sensory garden should be located elsewhere to allow for the potential future reinstatement of the lawn of Pomeroy House. Full details can be found within the consultation response.

Following from this a meeting occurred between HED, members of the planning team and the applicant to discuss these issues and determine what additional information is needed. The applicant then provided further information to respond to HED and set out the reasoning for the design and location of the proposals, and a formal re-consultation was issued to HED. Having considered the additional information submitted by the applicant HED have since responded to state they are content with the proposal subject to conditions being attached to any planning approval.

PPS 8 - Open Space, Sport and Outdoor Recreation

In terms of the proposed development Policy OS 3 - Outdoor recreation in the Countryside. In which the policy states the following that development for outdoor recreational use in the countryside will be permitted if the following criteria is met:

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

HED and NIEA were both consulted on this application and as previously discussed HED are content the proposal complies with policy requirements of SPPS and PPS 6.

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Given the location of the site within an existing forest I am content that the proposal is unlikely to result in the permanent loss of the most versatile agricultural land and it is unlikely to have an unacceptable impact on nearby agricultural activities.

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

Given the development is taking place within the existing grounds of Pomeroy Forest and is to upgrade the existing walking trails, these will have limited impact. In terms of the additional development such as art structures and the sensory garden, these will be absorbed within the local landscape of the forest setting.

(iv) there is no unacceptable impact on the amenities of people living nearby;

Although there are a few properties within close proximity to the grounds of the existing forest, I do not believe the proposed development will impact on the amenities of the people living nearby. Environmental Health were consulted and raised no concerns. One objection was received and this related to road safety issues.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

I am content public safety will not be prejudiced as it is within an existing active forest setting where paths and a play park are currently available. The proposed works to upgrade the paths will ensure public safety to the site is improved and following consultation with DfI Roads, appropriate conditions will be attached to ensure public safety is not prejudiced. I am content the development is compatible with the uses within the site and the wider countryside.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that the ancillary structures are designed to a high standard and the scale of the structures are sympathetic to the surrounding environment. These structures will enhance the overall appearance of the forest and will be absorbed into the existing area without being dominant features.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

The proposed upgrading to the walking trails will allow for easier access for all to the forest trails. The applicant has provided a design and access statement, which provides details of how each trail and other new structures will be accessible to all, something which has been considered throughout the design of the proposal. Parking is provided and DfI Roads are content that the Transport Assessment Form advise that parking and access has been considered and facilitated for.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

An objection was received which raised concerns regarding the access to the site and safety concerns relating to numerous collisions over the years. DfI Roads responded to state there is one recordable accident on the PSNI database in 2017 which was not directly connected to the forest park entrance. DfI Roads do not dispute there may have been other incidents as noted in the objection, but have no record of these as they may not all have been reported to the PSNI. Acceptable sightlines from the established forest access are being provided in accordance with DCAN 15. The Stagger distance of the access from the Tandragee Road/ Slat Quarry Road junction is not to a recommended standard, however the access is established and there no proposal to alter the existing access arrangement. The traffic intensification would not considered significant enough to require the access to be relocated. From this, I am content the road network can safely handle the extra vehicular traffic and adequate access and parking is available. Adequate drainage and waste disposal is currently available on site.

From this, I am content the proposal complies with Policy OS 3 of PPS 8.

Other Material Considerations

Environmental Health were consulted on this application to determine if the proposal was likely to have any detrimental impact on residential amenity or other environmental considerations. Initially EH requested a phase 2 Generic Quantitative Risk Assessment (GQRA) and advised NIEA were the regulatory body in respect groundwater and should be consulted. The GQRA was subsequently submitted and consultation issued to NIEA and EH were re-consulted following this. They were content no further action was required and provided a condition to attach to any planning approval.

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

Neighbour Notification Checked	Yes/No
Summary of Recommendation:	
Approval subject to conditions	
Conditions	
1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.	
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	

2. Once a contractor has been appointed, a full Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

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

3. As part of site clearance works, all remaining fuel storage tanks and associated infrastructure on the site shall be fully decommissioned in line with Guidance on Pollution Prevention Guidance No. 27 (PPG27). Soil and groundwater sampling shall be undertaken for a suitable analytical suite. Should contamination be identified the requirements of Condition 2 will apply.

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

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

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

5. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

6. Any trenches or deep pits created within the development site that are left open overnight must have a means of escape should a badger enter. This could be through the use of rough wooden planks placed within them overnight or outside construction periods. All trenches/deep pits must be inspected each morning to ensure that badgers (or other wildlife) have not become trapped.

- Soil mounds on site should be minimised in order to prevent Badgers from excavating setts within them.

- Any pipes over 200mm in diameter should be capped off at night to prevent badgers and other animals from entering them and becoming trapped.

Reason: To protect badgers

7. No vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures shall take place between the 1st March and 31st August inclusive, unless a competent ornithologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

8. 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 the Planning Authority. 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.

9. External lighting on the site (if necessary) shall be positioned to ensure illumination/light spill of less than 1 LUX onto the onsite trees and understory vegetation.

Reason: To protect bats and Badgers.

10. In the event that previously unknown contamination is discovered, falling outside the scope of previous assessment and remediation scheme, development on the Site shall cease, pending submission of a written report. The report shall appropriately investigate the nature and extent of that contamination and present the findings and conclusions of the same additionally providing details of the appropriate measures to be taken as a result of the contamination, for the prior written approval of Planning Department (in consultation with the Environmental Health Department).

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

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

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

12. The development hereby permitted shall not commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 11 December 2020 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

13. Informal pedestrian only access points to the proposed forest trail area of the park that have not a footway link from Pomeroy village should be closed up prior to the operation of the forest trails hereby permitted.

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

Signature(s)

Date:

ANNEX	
Date Valid	18th December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 50 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 52 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 54 Pomeroy Forest, Tanderagee Road, Pomeroy, Tyrone, BT70 3DS The Owner/Occupier, 58 Tanderagee Road, Pomeroy, Tyrone, BT70 3DS Irene McIvor 58, Tanderagee Road, Pomeroy, Tyrone, Northern Ireland, BT70 3ED	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0409/O Proposal: Demolition and clearance of existing abandoned forestry school and replace with new forestry Building Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: PG Decision Date: 06.07.2017 Ref ID: LA09/2020/1499/F Proposal: Proposal of a new single storey multi-use building with a footprint of approximately 818msq on the site of the previous Forestry School in Pomeroy Forest. The development will provide a welcome area with casual seating, multi purpose rooms, a large kitchen , a large double height adaptable multi use space with retractable audience seating for approx. 150 people, a kitchen area and toilet changing facilities which are accessible both internally and externally. Car parking will be created for approx. 38 cars with additional overflow car parking provided by the existing car park located north of the building site Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy, Decision: Decision Date: Ref ID: LA09/2016/1266/F Proposal: Redevelopment of existing maintenance yard to a public car park, extension to an existing footpath and the introduction of passing bays along the existing access/laneway Address: Pomeroy Forest, Tanderagee Road, Pomeroy, Decision: PG	

Decision Date: 09.02.2017

Ref ID: LA09/2020/1643/F

Proposal: The proposal is to up the walking trails within Pomeroy forest, on the site of the existing trails, and provide a sensory garden to the south of the vacant site of the previously abandoned new forestry building.

Address: 56 Pomeroy Road, Tanderagee Road, Pomeroy.,

Decision:

Decision Date:

Ref ID: I/2006/1153/Q

Proposal: Future Development of Site

Address: Pomeroy Forestry School

Decision:

Decision Date:

Ref ID: I/1979/0182

Proposal: EXTENSIONS AND ALTERATIONS TO FORESTRY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/2007/0862/RM

Proposal: Proposed storey and three quarter dwelling with single storey front rear and side projections also detached single storey domestic garage (amended plans)

Address: 120m NE of 65 Slatequarry Road

Decision:

Decision Date: 20.05.2008

Ref ID: I/2004/0892/O

Proposal: Proposed dwelling - Renewal of I/2001/0368/O

Address: 120m N.E of 65 Slatequarry Road, Pomeroy

Decision:

Decision Date: 16.10.2004

Ref ID: LA09/2015/1084/PAD

Proposal: Change of use. Proposal to redevelop existing maintenance yard to public car park facility. Creation of additional car park spaces to reduce congestion and improve traffic management on site. Environmental impact, likelihood of increased traffic volumes to forest location, visitor development proposals.

Address: Pomeroy Forest, Tanderagee Road, Pomeroy,

Decision:

Decision Date:

Ref ID: I/2004/0019/F

Proposal: Proposed one and a half storey dwelling and garage

Address: 70m NW of 47 Slatequarry Road, Pomeroy

Decision:

Decision Date: 15.06.2004

Ref ID: I/2014/0353/F

Proposal: Installation of a 30m high lattice mast with 6 no. Antenna and 2 no Dishes. 4 no Equipment cabinets at ground level and all ancillary equipment surrounded by a 1.8m high chainlink fence. Proposed 6.0m-8.3m wide x 10m long permanent type 1 access track.

Address: Lands approx 650m west of junction of Slate Quarry Road, Pomeroy, Co Tyrone, BT70 3EB,
Decision: PG
Decision Date: 27.02.2015

Drawing Numbers and Title

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

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

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

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

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

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Proposed Plans
Status: Submitted

Drawing No. 08
Type: Proposed Plans
Status: Submitted

Drawing No. 09
Type: Proposed Plans
Status: Submitted

Drawing No. 10
Type: Proposed Plans
Status: Submitted

Drawing No. 11
Type: Proposed Plans
Status: Submitted

Drawing No. 12
Type: Proposed Plans
Status: Submitted

Drawing No. 13
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



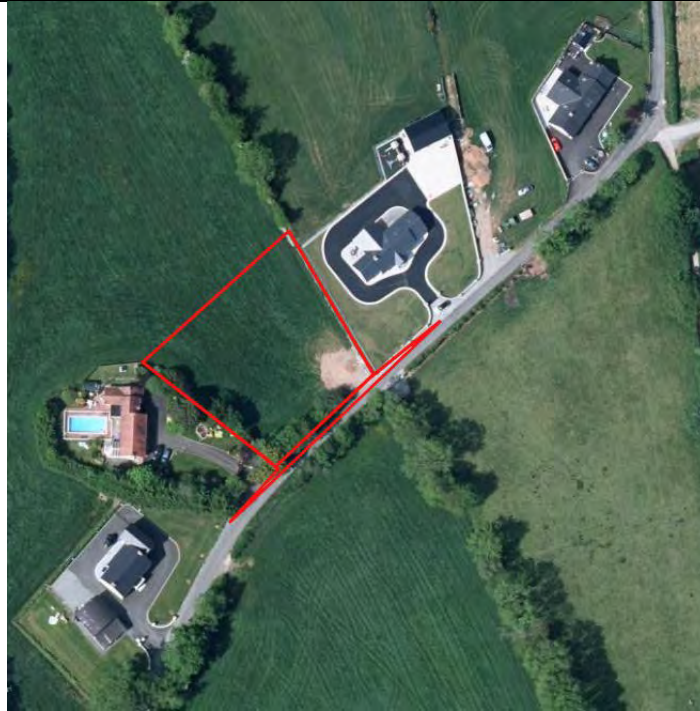
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0095/O	Target Date:
Proposal: Proposed infill dwelling and garage	Location: 35m N.E. Of 8 Drumconready Road Maghera
Referral Route: Objections have been received.	
Recommendation:	Approval
Applicant Name and Address: Joe Heron 1a Drumard Lane Draperstown	Agent Name and Address: Arcen 3a Killycolp Road Cookstown BT80 9AD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	13
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

13 letters of objection have been received from a number of local residents. All the issues raised have been fully considered within the report. The main issues have been summarised below. Concerns were raised with the following:

- Increase traffic on the Drumconready Road, potential road safety issues.
- Creation a ribbon of development along Drumconready Road.

- The infill will result in the sterilization of the back land.
- Development will affect wildlife in the area. If hedges are removed, it will impact on the wildlife. Claims by an objector there are bats in the area.
- A dwelling would negatively impact the character of the area.
- A dwelling would negatively affect the privacy and amenity of No.8 & No.10 Drumconready Road.
- Concerns that the applicant will be selling on the site for profit and amounts to a commercial development.
- Questioning if an Environmental Impact Assessment is required for this development.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. Part of the site is located within an archaeological site and monument. The red line of the application is a roadside portion of a larger agricultural field. The site is a flat in nature, with strong mature trees and hedges located along the southern and south-western boundary at the time of the site visit. The north/north western boundary is currently undefined and extends into the existing agricultural field. A small post and wire fence defines the eastern boundary. Access to the field is via a large field gate on the south-eastern corner of the field.

The surrounding area is a mix of agricultural and residential land uses, with two dwellings located east of the site and another two dwellings to the west, with other dwellings located sporadically throughout the countryside. The river Moyola is located approximately 200m south of the application site.

Description of Proposal

This is an outline planning application for a proposed infill dwelling and garage at lands 35m NE of No.8 Drumconready Road, Maghera.

The initial description was for 2 infill dwellings & garages but this has since been amended by the applicant.

Planning Assessment of Policy and Other Material Considerations

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

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

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 2- Natural Heritage

PPS 3 - Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage.

Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy

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

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 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.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. To the east of the application site is the dwelling identified as No.10 Drumconready Road, a small gap and then No.12 Drumconready Road. To the west are the two dwellings identified as No.8 & No.6 Drumconready Road, with an agricultural outbuilding located adjacent to No.6. From this I am content there is a substantial and continuously built up frontage

present along the Drumconready Road with the dwellings all having a common road frontage.

I am content that the proposed site is of a sufficient size in that it could only reasonable accommodate one house at this location. The original application proposed for two dwellings to be located within this site, however, it was determined that two dwellings would be too cramped and would not respect the existing development patten along the Drumconready Road.

Policy CTY 8 also requires that the existing pattern of development be respected in terms of size, scale, siting and plot size. As mentioned one dwelling was determined to be suitable within this site as it would respect the siting and plot size of neighbouring properties. The agent has provided an indicative siting for the dwelling and garage and I am content this would respect the existing development patten along the Drumconready Road. This can be agreed at Reserved Matters stage to ensure the final siting and design is acceptable. Regarding concerns relating to the sterilization of back land, the applicant has shown on the site location plan they own the agricultural field where the dwelling is sited, which runs to the rear of No.8 and No.6 to a point where it can be accessed adjacent to No.6 therefore, I am content access to the remainder of the agricultural land is possible at this point.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted; however, I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. The site has established boundaries on the southern and western sides and these should be retained and augmented where necessary, unless required to be removed for visibility splays. There is some planting along the eastern boundary; however, this will require additional planting. Full details of landscaping proposals should be submitted as part of the reserved matters application. The ridge height of the dwelling should be no greater than 7metres above finished floor level. Full detailed plans showing the existing and proposed site levels should be submitted part of the reserved matters application.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

PPS 2- Natural Heritage

A number of objections raised concerns over the impact a dwelling may have on the wildlife. In response the applicant was asked to provide a biodiversity checklist and a consultation was issued to NIEA when this was received. Natural Environment Division responded to say they have no concerns in relation to natural heritage and provided a number of informatives for the applicant. NED states they are content that the proposed development is unlikely to significantly impact protected or priority species. No badger setts or evidence of badgers using the site was record during the site visit by the

Ecologist. The trees were also assessed within the boundary vegetation to be negligible for bat roosting. NED has reviewed the site location plan and welcomes the additional planting proposed. From this, I am content that the objections relating to impacts on wildlife and natural heritage have been addressed.

PPS 3 - Access, Movement and Parking

DfI Roads were consulted on the proposed development and offered no objection subject to access being provided in accordance with the attached RS1 form which requires visibility splays of 2.4m x 45m. The hedge and fence will also be required to be set back as indicated on the submitted plans. In regards to the objections received relating to road safety, roads have confirmed a safe access onto the public road can be achieved.

PPS 6- Planning, Archaeology and the Built Heritage.

Historic Environment Division were consulted on the proposal given part of the site was located within an area identified as an archaeological site and monument. HED assessed the application and are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

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

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

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

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

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

Reason: To ensure the dwelling integrates into the landform.

4. The dwelling hereby permitted shall have a ridge height not exceeding 7 metres above finished floor level

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

5. 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.

6. A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

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

Signature(s)

Date:

ANNEX	
Date Valid	25th January 2021
Date First Advertised	9th February 2021
Date Last Advertised	18th May 2021
Details of Neighbour Notification (all addresses) Daniel & Patrice Kerr 10 DRUMCONREADY ROAD, MAGHERA, BT46 5LW Daniel & Patrice Kerr 10 DRUMCONREADY ROAD, MAGHERA, BT46 5LW The Owner/Occupier, 10 Drumconready Road Maghera Londonderry Niall Kerr 12 Drumconready Road, Maghera, BT46 5LW Niall Kerr 12, Drumconready Road, Maghera, Londonderry, Northern Ireland, BT46 5LW Patrick & Eileen Kerr 16 Forgetown Road, Maghera, BT46 5LN Pat & Eileen Kerr 16 Forgetown Road, Maghera, BT46 5LN Christopher McCusker 17 Drumconready Road, Maghera, BT46 5LW The Owner/Occupier, 6 Drumconready Road Maghera Londonderry The Owner/Occupier, 8 Drumconready Road Maghera Londonderry Jude Dixon 8 Drumconready Road, Maghera, BT46 5LW Jude Dixon 8, Drumconready Road, Maghera, Londonderry, Northern Ireland, BT46 5LW Gerard & Marguerite O'Donovan 9C DRUMCONREADY ROAD, MAGHERA, BT46 5LW Seamus Campbell 9a Drumconready Road, Maghera, BT46 5LW Chalie Campbell 9a Drumconready Road, Maghera, BT46 5LW Christopher McCusker Email	
Date of Last Neighbour Notification	3rd June 2021
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2021/0095/O

Proposal: Proposed 2 infill dwellings and garages

Address: 35m N.E. of 8 Drumconready Road, Maghera,

Decision:

Decision Date:

Ref ID: H/2013/0260/O

Proposal: Dwelling on a farm

Address: 50m SW of 12 Drumconready Road Maghera,

Decision: PG

Decision Date: 14.11.2013

Ref ID: H/1990/0361

Proposal: ALTS AND ADDS TO HOUSE

Address: 8 DRUMCONREADY ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/1994/6021

Proposal: SITE OF DWELLING BETWEEN 8 + 12 DRUMCONREADY ROAD
MAGHERA

Address: BETWEEN 8 + 12 DRUMCONREADY ROAD

Decision:

Decision Date:

Ref ID: H/1984/0124

Proposal: SITE OF DWELLING

Address: DRUMCONREADY ROAD, MAGHERA

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 01 REV 01

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Layout or Block Plan

Status: Superseded

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0273/O	Target Date:
Proposal: Site for dwelling and garage	Location: Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon BT71 4EW
Referral Route: Refusal – contrary to CTY 1 and CTY 2a of PPS 21. Objection also received.	
Recommendation:	Refusal
Applicant Name and Address: Joanne Badger & Jamie Allen 59 Roughan Road Dungannon BT71 4EW	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

There was one objection received by a local representative on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection will be discussed in detail later in this report, however the main concerns raised were:

- Contrary to policies within PPS 21
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

There was also a supporting statement provided by a planning agent acting on behalf of the applicant and from the applicant themselves to support their case.

Characteristics of the Site and Area

The application site is located at lands located approx. 30m South of 57 Tullaghmore Road, Dungannon. The site is located at a crossroad which joins Roughan Road and Tullaghmore Road. The site is quite flat throughout and has existing hedging along most of its boundaries at present. There is existing dwellings and their associated outbuildings to the north of the site and to the south of the site is Roughan Lough.

Description of Proposal

Outline planning permission is sought for dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits, located South West of Stewartstown Settlement Limits within the green belt. There are no other zonings or designations within the Plan.

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

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A

range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being new dwellings in existing clusters in accordance with CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that a number of criteria are met. The cluster of development lies outside of a farm and consists of four or more buildings to the north. I am content that there is at least three dwellings within this cluster. The cluster is read together and appears as a visual entity in the local landscape. The third criterion of CTY 2a requires the cluster to be associated with a focal point such as a social/community building/facility, or is located at a cross roads. The site is located at a crossroads and therefore it can be concluded that the first 3 criterion within CTY 2a have been met.

It is our view that the proposal fails on the 4th and 5th criterion and therefore is contrary to CTY 2a. Although the proposal has existing hedging along its boundaries, the issue is that the proposal is not bounded on at least two side with development within the cluster. The existing development is only located to the north of the site. A supporting statement which accompanied the application notes that “the southern boundary is bounded by the established jetty structures and carpark” which they feel represents development in line with Section 23 of The Planning Act. They continue their argument by referring to the historical buildings on the site which can be seen on google maps (2012), shown below in figure 1. However, it is noted that this building has since been removed and that at present there only is a container on the site, shown below on figure 2.



Figure 1 – Google Maps 2012 (image from agents supporting statement)



Figure 2 – Existing container on site (Photo taken 16/04/21)

It is also our view that the proposed site visually intrude into the open countryside and would also not be able to be absorbed into the existing cluster and would if approval was to be forthcoming. The proposal fails on criterion 5 of CTY 2a. I am satisfied that the proposed site would not have significant adverse impact on neighbouring amenity, this would be further considered at RM stage if approval was to be forthcoming. The sixth criterion of CTY 2a has been met. Policy CTY 2a states that all criteria must be met, therefore the proposal is contrary to the policy and as such refusal is recommended.

It may be worth noting that alternative sites were discussed with the applicant, particularly in relation to the possibility of a dwelling on a farm under CTY 10 as it appears lands to the SW of the site were under their control. The applicant has noted that neither themselves or their family operate a farm business and therefore would not be possible. They note that the farmyard and adjoining land at 59 Roughan Road is owned by a neighbour at the crossroads.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed site has some degree of enclosure given the existing hedging which surrounds the site and therefore would not be relying solely on new landscaping. A potential dwelling within the red line raises some concern as it would be the first dwelling located along the outer edge of the Lough and thus may have a negative impact on the overall rural character of this area as it would may result in a suburban style build-up of development and therefore is contrary to CTY 14. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 57 Tullaghmore Road. At the time of writing, one representations was received. The objection received was from local representative Linda Dillon on behalf 7 households which are directly attached to Tullaghmore Road. The issues within this objection include:

- Contrary to policies within PPS 21 – CTY 2a, CTY 13 and CTY 14
- Visual Impact
- Lack of natural screening
- Right of Way
- Traffic Issues
- Consent to discharge
- Protection of Wildlife

The assessment of the site against the policies within PPS 21 has already been discussed within the report. We would agree that the proposal fails to meet the criteria required within PPS 21. The objection refers specifically to the criterion held within CTY 2a and reinforces our view that the proposal would visually intrude into the open countryside. There is concerns from the objector that if allowed, this application would open a floodgate for future applications surrounding Roughan Lough however our view would be that each application would be assessed on its own merits.

Concerns surrounding the right of way from the public to Roughan Lough is mentioned several times within the objection. This is not considered a material planning consideration as any potential forthcoming approval would not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. The applicant has noted on the P1 form that the lands are all within the ownership of their parents. In terms of traffic issues, DfI Roads are the competent authority in dealing with the concerns relating to access to and from the proposed site. They have raised no concerns in relation to the proposal, subject to condition. The consent to discharge would be granted by NIEA.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of

enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and would visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

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 and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	25th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 57 Tullaghmore Road, Dungannon, BT71 4EW Linda Dillon Email	
Date of Last Neighbour Notification	20th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0273/O Proposal: Site for dwelling and garage Address: Land at Tullaghmore Road, Roughan Road Cross Roads, opposite and 30m south of 57 Tullaghmore Road, Dungannon, BT71 4EW, Decision: Decision Date: Ref ID: LA09/2015/0389/F Proposal: Extension to existing bed and breakfast run from dwelling, to form new self contained holiday unit Address: 59 Roughan Road, Newmills, Dungannon, Decision: PG Decision Date: 20.10.2015 Ref ID: I/1993/0344 Proposal: Proposed Ski Club Rooms and Demolition of existing unapproved structure Address: ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date: Ref ID: I/1992/0147	

<p>Proposal: Temporary changing rooms Address: APPROX. 120M NORTH EAST OF 59 ROUGHAN ROAD NEWMILLS DUNGANNON Decision: Decision Date:</p> <p>Ref ID: I/1981/0169 Proposal: SITE FOR DWELLING Address: TULLAGHMORE, NEWMILLS, DUNGANNON Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>DfI Roads – content.</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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0317/O	Target Date:
Proposal: Proposed infill dwelling & garage.	Location: Between 23 & 27a Macknagh Lane Upperlands Maghera.
Referral Route: Contrary to Planning Policy Statement 21 - CTY8	
Applicant Name and Address: Mr Paddy McEldowney 48 Halfgayne Road Maghera BT46 5NL	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s): Gerard Lynch	

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	Content

Representations:

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

Summary of Issues

Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. No third-party representations have been received. All other material considerations have been addressed within the determination within the report.

Description of Proposal

The applicant is seeking an outline planning permission for a proposed infill dwelling and garage between Nos 23 and 27a Macknagh Lane, Maghera.

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

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

Site History.

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/0317/O	Between 23 & 27a Macknagh Lane, U	Proposed infill dwelling & garage.	VALID APPLICATION RECEIVED	
H/2008/0259/RM	180m North East of 24 Macknagh Lane	Proposed dwelling and detached double domestic gara	PERMISSION GRANTED	17.09.2008
H/2004/0327/O	180m North East of 24 Macknagh Lane	Site of dwelling and garage.	PERMISSION GRANTED	26.07.2005
H/2009/0690/F	180m north east of 24 Macknagh Lane	Re-location of existing approved dwelling and extension	PERMISSION GRANTED	15.02.2010
H/2009/0454/F	35m South of 25 Macknagh Lane, Upp	Proposed 1? storey detached dwelling	PERMISSION GRANTED	16.10.2009
H/2001/0476/RM	Junction of Macknagh Lane & Tigarvil	Dwelling and garage	PERMISSION GRANTED	21.08.2001
H/2007/0898/O	Lands at the junction of Macknagh Lar	Site of proposed dwelling & garage	APPLICATION WITHDRAWN	16.11.2007
H/2010/0562/O	Site located 70metres north west of No	Proposed site for a dwelling in accordance with Policy C	APPLICATION WITHDRAWN	29.06.2011
H/2010/0160/F	180m NE of 24 Macknagh Lane, Magh	Change of house type from previously approved under	PERMISSION GRANTED	23.07.2010
H/2015/0065/O	Land approx. 120 metres North East of	Proposed detached dwelling and domestic garage to in	APPLICATION WITHDRAWN	15.06.2015

Consultees.

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and Informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 15.03.2021 (Publication date 16.03.2021). One (1) neighbouring properties was notified on 15.03.2021, and two (2) neighbouring properties were notified on 17.09.2021; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

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

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Magherafelt Area Plan 2015;
4. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14);
5. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards;
6. Draft. Mid Ulster District Council Area Plan 2030.

Supplementary planning guidance:-

Building on Tradition A sustainable design guide for rural NI; and

Planning Advice Note (PAN) on 'Implementation of Strategic Planning Policy for Development in the Countryside' August 2021.

Magherafelt Area Plan 2015.

The site lies in the rural countryside and outside any designated settlement limits as depicted in the MAP 2015, which has no specific planning policies relevant to this application.

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

Planning Policy Statement 21: Sustainable Development in the Countryside. PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria being met. These are listed in Policy CTY1 of PPS21.

The applicant has applied for a dwelling and garage as an infill site under Policy CTY 8 of PPS 21. Sustainable Development in the Countryside.

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

There was no supporting statement with this application however the agent was contacted to ask if he wanted to submit why he considered the site an infill opportunity. No response was forthcoming.

I have visited and noted my observations and have reviewed the policies I do not consider this site meets the requirements in accordance with Policy CTY3 of PPS21.

Whilst I can content the site has the capacity to absorb a dwelling and ancillary garage of an appropriate size, scale and design would fail to meet the policy test in accordance with planning policy CTY8 of PPS 21.

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 addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

I have screened the proposal against two additional policies which it did not meet the criteria in CTY 2a for a new dwelling in an existing cluster and failed to meet the criteria in CTY3 for a replacement dwelling as there is no dwelling at the site to be replaced.

The application site is a small agricultural field accessing onto Macknagh Lane via a field gate, Upperlands near Maghera. There is a farm lane located on the site's eastern boundary, further to the east of the site is a dwelling and garage at No. 27. There is a garden area to the front of this property and I am content the dwelling has a frontage onto Macknagh Lane. I note there is a garage at No. 27 but recent Planning Guidance states that for garages and outbuildings to be considered as buildings for infill they have to be substantial. Paragraph 22 states that a domestic garage is not a substantial building for infill policy. The garage at No. 27 a small single storey building which is set back behind the dwelling so I do not consider the garage at No. 27 can be considered a building for infill policy in this case.

To the west of the site is a dwelling at No. 27 Macknagh Lane. However, the dwelling is set back from the public road and is concealed from public view does not in my view represent a dwelling with a frontage.

Further west is a dwelling No 20 Macknagh Lane, which has 2 outbuildings within its curtilage and would in my view represent a road frontage. However, this property whilst having a road frontage would be a considerable away from the proposed site.

The site is not in my view located within an otherwise substantial and continuously built frontage i.e. line of 3 or more buildings running along Macknagh Lane, without accompanying development to the rear

Other Considerations

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural features of significance on site.

NI Flood Maps have been checked no flooding issues have been identified on the site.

Mid Ulster Development Plan 2030 Draft Plan Strategy

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation. Refuse
<p>Reasons for Refusal:</p> <ol style="list-style-type: none">1. The proposal is contrary to CTY 1 of Planning Policy Statement 21 in that there is no overriding reason why the development cannot be located within a settlement.2. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would create ribbon development.
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	1st March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Macknagh Lane Upperlands Maghera The Owner/Occupier, 25 Macknagh Lane Maghera Londonderry The Owner/Occupier, 25a Macknagh Lane Maghera The Owner/Occupier, 27 Macknagh Lane Upperlands Maghera	
Date of Last Neighbour Notification	15th March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0317/O Proposal: Proposed infill dwelling & garage. Address: Between 23 & 27a Macknagh Lane, Upperlands, Maghera. Decision: Decision Date:	
Ref ID: H/2008/0259/RM Proposal: Proposed dwelling and detached double domestic garage Address: 180m North East of 24 Macknagh Lane, Maghera Decision: Decision Date: 17.09.2008	
Ref ID: H/2004/0327/O Proposal: Site of dwelling and garage. Address: 180m North East of 24 Macknagh Lane, Maghera. Decision: Decision Date: 26.07.2005	
Ref ID: H/2009/0690/F Proposal: Re-location of existing approved dwelling and extension of curtilage from previously approved applications H/2004/0327/O and H/2008/0259/RM) Address: 180m north east of 24 Macknagh Lane, Maghera Decision:	

Decision Date: 15.02.2010

Ref ID: H/2009/0454/F

Proposal: Proposed 1? storey detached dwelling

Address: 35m South of 25 Macknagh Lane, Upperlands

Decision:

Decision Date: 16.10.2009

Ref ID: H/2001/0476/RM

Proposal: Dwelling and garage

Address: Junction of Macknagh Lane & Tirgarvil Lane, Upperlands

Decision:

Decision Date: 21.08.2001

Ref ID: H/2007/0898/O

Proposal: Site of proposed dwelling & garage

Address: Lands at the junction of Macknagh Lane and Tirgarvil Lane, Maghera

Decision:

Decision Date: 16.11.2007

Ref ID: H/2010/0562/O

Proposal: Proposed site for a dwelling in accordance with Policy CTY10 of PPS21

Address: Site located 70metres north west of No.23 Macknagh Lane, Maghera,

Decision:

Decision Date: 29.06.2011

Ref ID: H/2010/0160/F

Proposal: Change of house type from previously approved under application ref H/2009/0690/F

Address: 180m NE of 24 Macknagh Lane, Maghera

Decision:

Decision Date: 23.07.2010

Ref ID: H/2015/0065/O

Proposal: Proposed detached dwelling and domestic garage to include all associated site works.

Address: Land approx. 120 metres North East of 24 Macknagh Lane Maghera,

Decision: WITHDR

Decision Date: 15.06.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



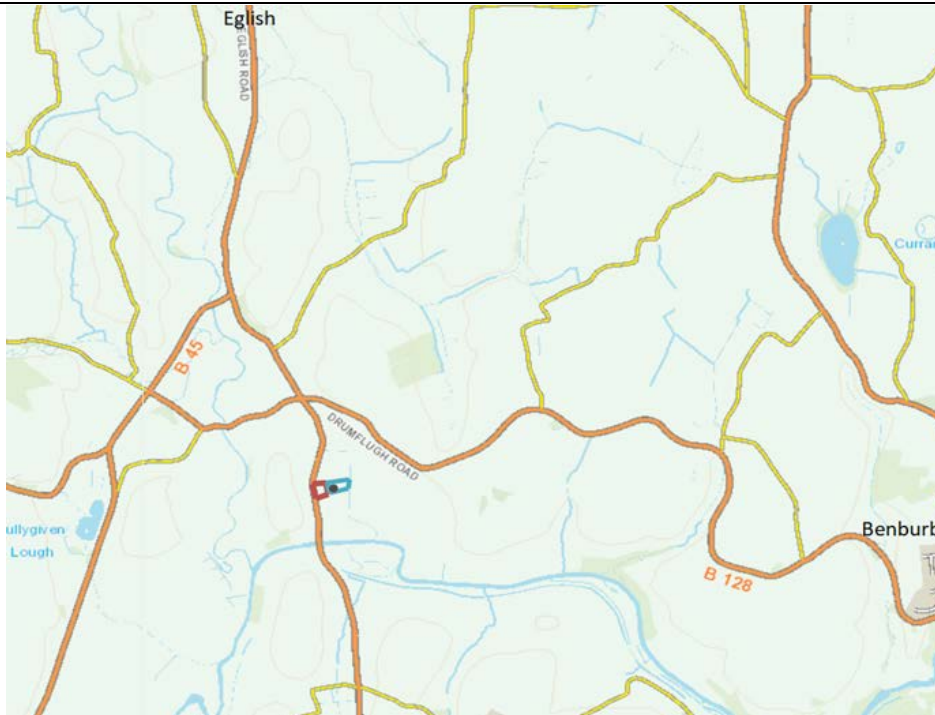
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0352/F	Target Date:
Proposal: Proposed stable and store.	Location: Lands approx. 55m West of 303 Battleford Road Dungannon Co Tyrone BT71 7NP.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Patrick McKenna 79a Drumflugh Road Benburb Dungannon BT71 7QF	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No objections were received.

Characteristics of the Site and Area

The site is located to the West of number 303 Battleford road, which is situated within the open countryside a short distance to the South of the settlement limits of Eglis and outside all other areas of constraint as depicted in the DSTAP.

The red line of the site includes a small square field 55 metres west of number 303 Battleford road. The field lies slightly below road level and is surrounded on 3 sides, the east, west and south by mature hedging including a scattering of trees and along the north by a timber D Rail fence, which runs parallel to the existing concrete driveway.



There are two existing dwellings located along this private lane to the rear of the site and a dwelling and a number of farm buildings across the Battleford road to the west of the site. The applicant also owns a small square field to the East of the bounding dwelling.



Description of Proposal

The proposal seeks full planning permission for a stable and store.



Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

There is no relevant planning history on this site.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Dungannon and South Tyrone Area Plan 2010

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

As the site is located away from the applicants existing home it is not assessed under the Addendum to PPS7 Residential Extensions and Alterations. The application is seeking planning consent for the erection of a standalone stable and store and I do not consider there are any

specific policy provisions for this type of development, as such the proposal must be assessed in accordance with the SSPS, PPS 21 - CTY 1 and PPS 3.

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.

The SPPS is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

PPS21- sustainable development in the countryside

The overarching policy for development in the countryside is PPS21. There are certain instances where development is considered acceptable in the countryside subject to certain criteria.

These are listed in CTY1 Development in the Countryside.

In this case the applicant is seeking planning permission for a small stable and store to house his own private horses in the winter months, no farming case or Equestrian use has been submitted.

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

There is no provisions within PPS 21 CTY 1 for the erection of a stable or store at a standalone site in the countryside. The applicant has suggested that they need the stable to house the horses in the winter months, however, this site in total is less than 1 acre and it would be unreasonable to suggest that a store is required. The applicant lives a few miles away at 79a Drumflugh Road, at a site with existing housing facilities for horses as well as a sand arena, see below, and has provided no relevant case as to why there is a need for a stables at this particular location.

Therefore the proposal is contrary to PPS 21 CTY 1.



PPS21 Policy CTY 8 - Ribbon Development is also applicable in this case.

This policy starts off by stating that “planning permission will be refused for a building which creates or adds to a ribbon of development.” Members will be aware that the policy is applicable to footpaths and private lanes.

In this instance it is my opinion that a stable at this particular site will add to a ribbon of development along this lane and as such be detrimental to the character, appearance and amenity of this area. In my opinion the proposed stable and associated new access would add to a built up appearance of this area when viewed from the Battleford Road, on approach from the west as it would be seen with the existing two dwellings and garage. Therefore, I consider the proposal is contrary to PPS 21 CTY 8.

The applicant also makes reference to PPS 8 - Open space and outdoor recreation in his supporting statement, suggesting that this stable is an outdoor recreational use and as such should be permitted under the provisions of PPS21. The submission indicates that PPS8 allows for a non-residential use for outdoor recreational use so long as it has no adverse effect on the impact of importance to nature conservation, archaeology or built heritage, no permanent loss to agricultural ground, no impact on the character of the area, no impact on public safety or no impact on nearby residential amenity.

It is my opinion that this stables does not represent an outdoor recreational use on its own, the applicant has not suggest this is for a riding school, or equestrian centre etc and therefore I do not consider this policy is not applicable.

Recommendation Refusal

CTY 1 & CTY8

Neighbour Notification Checked	Yes
Refusal Reasons <ol style="list-style-type: none">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.2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to ribbon development along this private lane, off the Battleford.Road, and would, if permitted, adversely impact on the amenities of neighbouring residents.	
Signature(s) Date:	

ANNEX	
Date Valid	5th March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 303 Battleford Road Dungannon Tyrone The Owner/Occupier, 305 Battleford Road, Benburb, Dungannon, Tyrone, BT71 7NP The Owner/Occupier, 308 Battleford Road Benburb Tyrone	
Date of Last Neighbour Notification	23rd March 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0352/F Proposal: Proposed stable and store. Address: Lands approx. 55m West of 303 Battleford Road, Dungannon, Co Tyrone BT71 7NP., Decision Date: Ref ID: M/2002/1059/O Proposal: Proposed dwelling and garage Address: Opposite 308 Battleford Road, Dungannon, Co. Tyrone Decision Date: 15.11.2002 Ref ID: M/2003/0248/RM Proposal: Proposed dwelling and garage Address: Opposite 305 Battleford Road, Dungannon Decision Date: 15.04.2003 Ref ID: M/2006/0565/F Proposal: Dwelling house Address: 100m East of 308 Battleford Road, Dungannon Decision Date: 30.08.2007 Ref ID: M/2005/0053/O Proposal: Bungalow and Garage Address: 100m East of 308 Battleford Road, Carrowbeg, Eglis	

Decision Date: 19.04.2005

Ref ID: M/2004/1105/O

Proposal: Dwelling House

Address: 100m East of 308 Battleford Road, Dungannon - amended plans

Decision Date: 26.10.2004

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:



Comhairle Ceantair
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Mid Ulster
District Council

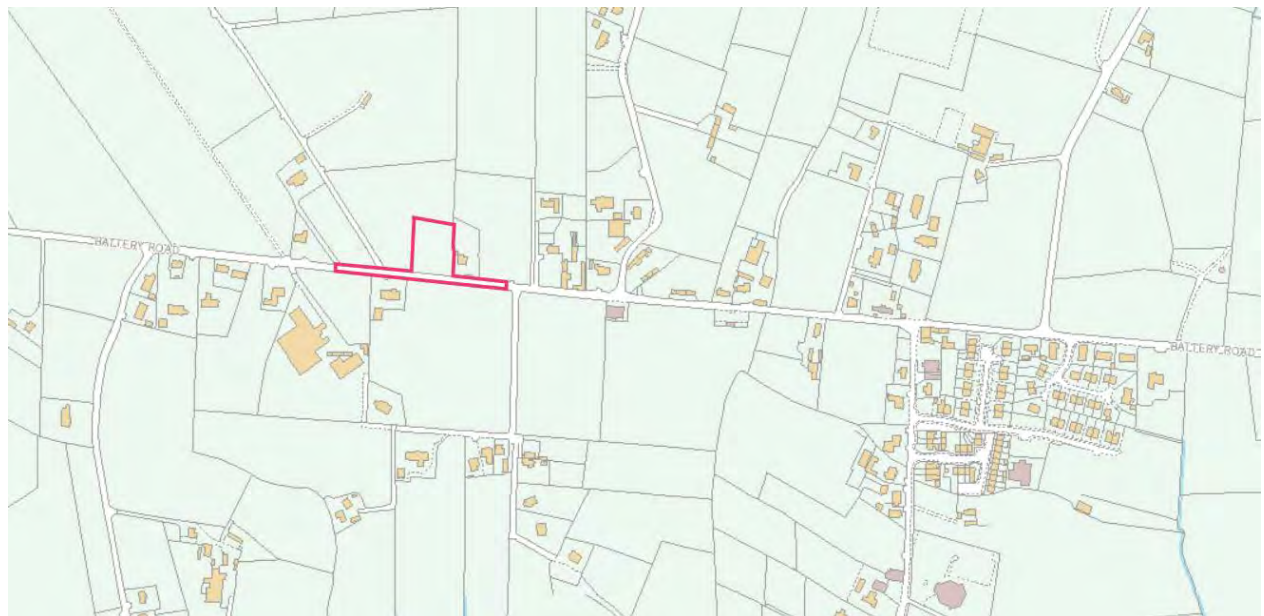
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0443/O	Target Date:
Proposal: Proposed dwelling & garage in gap site.	Location: 30m W of 154 Battery Road Cookstown.
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Shauna Quinn 59 Drumads Road Dungannon BT71 5BA	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



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

Description of Proposal

This is an outline planning application for a dwelling and garage in a gap site located 30m W of 154 Battery Road Cookstown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Characteristics of the Site and Area

The site, which sits adjacent the Battery Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just west of Moortown settlement limits (see Fig: 1).



Fig 1: Extract of northern portion of Moortown settlement limits taken from CAP 2010 with location of site identified in blue.

The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The site in effect cuts the roadside frontage of this field in half, occupying the east side. A low mature hedgerow approx. 1.2 metres high defines the southern / roadside frontage boundary of the site and the eastern boundary of the site. The western and northern boundaries of the site are undefined and open onto the host field.

The site which is to be accessed directly off the Battery Rd is located immediately west of an existing line of roadside development consisting of dwellings, ancillary outbuildings/garages and agricultural sheds, extending along the north side of the

Battery Rd and out of Moortown settlements limits. The properties in the aforementioned line located outside of Moortown settlement limits, extending east to west, include nos. 156a & 156 Battery Rd, two relatively newly approved and constructed detached bungalow style dwellings; and no. 154 Battery Rd, a detached bungalow with small outbuilding to its rear/west side. No. 156 Battery Rd has a detached garage located to its rear / east side.

Critical views of this site will be limited until passing along the roadside frontage of the host field due primarily to its location. The roadside development to its east screen it on that approach; and the mature high hedgerow and trees along the western boundary of the host field screen it on that approach.

Whilst the site sits just west of Moortown and the immediate stretch of road heading out of the settlement limits has come under some development pressure in recent years the wider area to the north, south and east of the site is typically rural in character comprising largely flat agricultural lands interspersed with single dwellings and farm holdings.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 15: Planning and Flood Risk
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Relevant Planning History

On site - None

Adjacent site

- I/1999/0669/O - Dwelling - Adjacent to 150 Battery Rd Coagh – Granted 26th January 2001
- I/2002/0786/F - New Dwelling - Site adjacent to 150 Battery Rd Coagh – Granted 16th May 2003
- I/2007/0593/F - Proposed new access and gates to existing dwelling - Lands at 150A Battery Rd Coagh – Granted 14th November 2007

The above applications relate to the lands now occupied by no. 150a Battery Rd, a two-storey detached dwelling set back from the Battery Rd to the northwest of the site. (See Figs 2 & 3 below)

- LA09/2015/1163/O - Infill site for 2no dwellings - Lands adjacent to and East of 154 Battery Rd Moortown - Granted 14th June 2016
- LA09/2016/1194/F - Proposed 2 Dwellings 1 garage - Lands adjacent to and East of 154 Battery Rd Moortown Granted 14th November 2016

The above application relate to lands now occupied by no. 156 & 156a Battery Rd, 2 roadside bungalow style dwellings with approx. 6.5m ridge heights located one dwelling (no. 154 Battery Rd) to the west of the site.

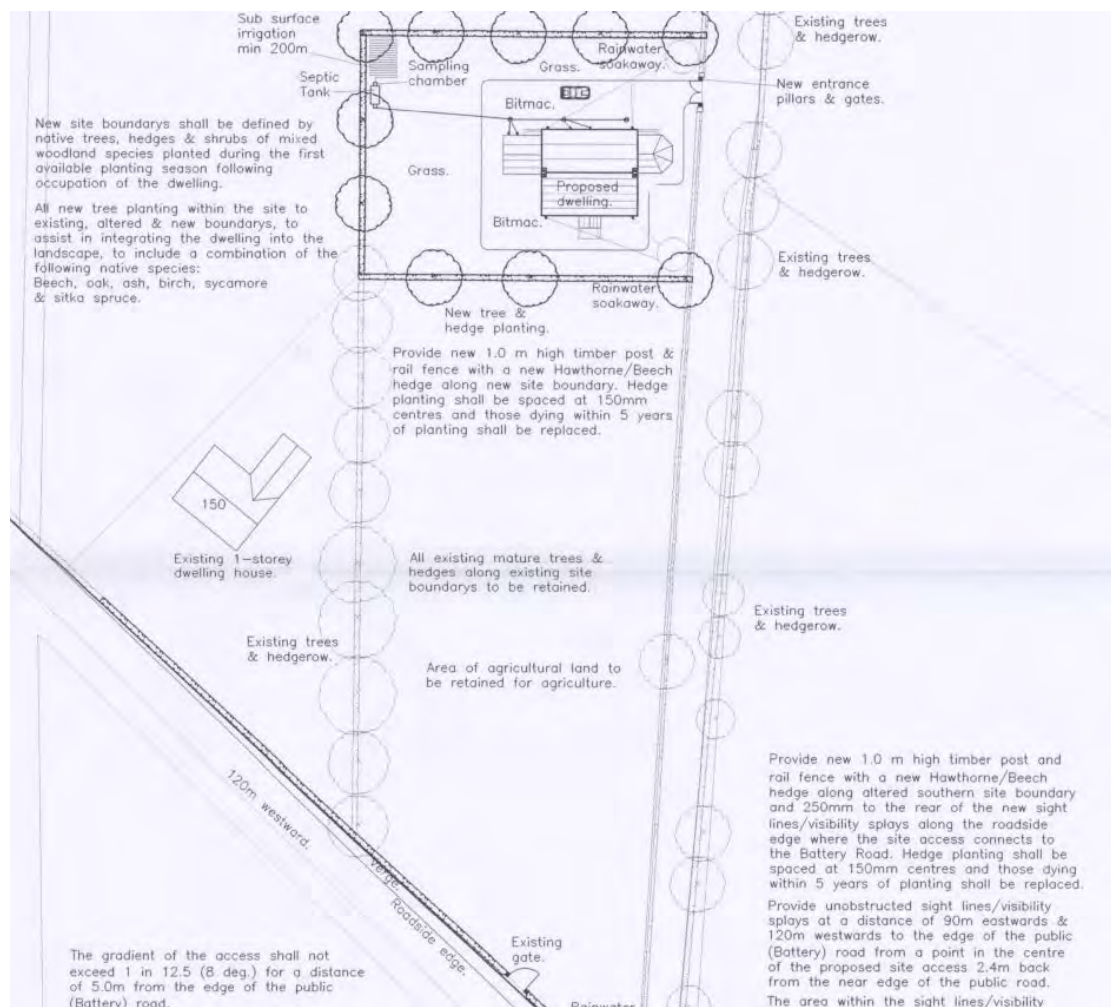


Fig 2: Block plan granted under planning application I/2002/0786/F show land to front of dwelling to be retained for agriculture.

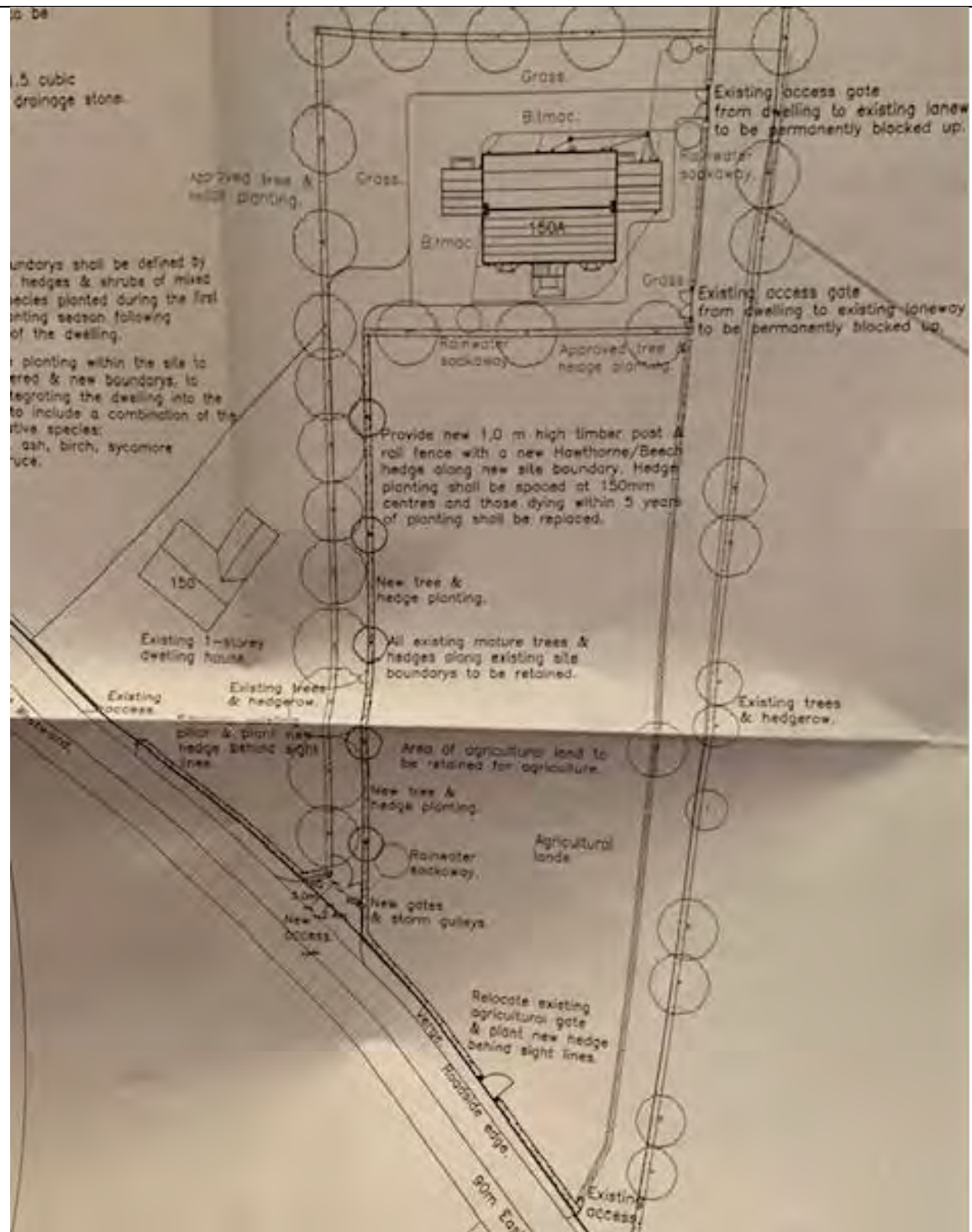


Fig 3: Block plan granted under planning application I/2007/0593/F showing land to front of dwelling to be retained for agriculture.

Consultees

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

2. River Agency were consulted as Flood Maps NI indicate a small area of surface water flooding to the west side of the site. Under PPS 15 Planning and Flood Risk, Policy FLD3 Development and Surface Water, Rivers Agency responded that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Key Policy Considerations/Assessment

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

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

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along Drummurrer Lane, without accompanying development to the rear.

Whilst the site / host field is bound by at least 3 buildings running along and fronting onto the Battery Rd to the east (nos. 154, 156, & 156a Battery Rd, as detailed in Characteristics of the Site and Area) it is not bound to its west by buildings with a frontage onto the Battery Rd.

The site is bound to its west by an agricultural field. This field is located to the front of no. 150a Battery Rd, a large 2 storey dwelling set back from and accessed off the Battery Rd via a lane along the west side of the field. This dwelling and access was granted under planning applications I/2002/0786/F and I/2007/0593/F respectively. Under the aforementioned applications, the field / lands to the front of the dwelling adjacent the site were conditioned to be, and currently are, retained in agricultural use.

This proposal, which is not bound by roadside development to the west, will result in the extension of ribbon development along the Battery Rd leading to the further erosion of the area rural character.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 23rd August 2021. The agent was advised that If no additional information was received within the specified timeframe this application would proceed to the next available committee meeting based on the information on file.

To date no additional information for further consideration has been received.

Additional considerations

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on site.

Had the proposal met with Policy CTY8 of PPS 21 the surface water flooding on the west portion of the site would need further consideration to establish whether a dwelling could have sited outside the area indicated by Flood Maps or if a Drainage Assessment (D.A) would be required. PPS 15 requires a D.A for any development proposal except for minor development, which this proposal is not, located in an area where there is evidence of a history of surface water flooding.

Recommendation: Refuse

The site / host field is not located within an otherwise substantial and continuously built up frontage i.e. a line of 3 or more buildings running along the Battery Rd, without accompanying development to the rear. It will result in the extension of ribbon development along the Battery Rd leading to the further erosion of the area rural character.

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

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if

permitted, result in the extension of ribbon development along the Battery Rd leading to a further erosion of the areas rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0645/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Moneymore Road Roundabout.
Referral Route: This application is for 4 No signs advertising local businesses at the Moneymore roundabout as part of MUDC sponsorship programme.	
Recommendation:	
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

eptabler

Site Location Plan**Consultations:**

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

DFI Roads were consulted and responded on 15/09/2021 stating the proposal acceptable

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Moneymore Road at its junction with Coolshinney Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4No. Signs on the Moneymore roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. This application is one of three being assessed separately.

Planning history.

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt
Unauthorised advertisement case under determination.

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

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification provided by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 17 and the SPPS

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy

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

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.

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.



Fig 1. Moneymore Roundabout



Fig 2. Sings size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located; and

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.

Public Safety

DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by Roads. In the latest response received on 15/09/2021 the proposal was acceptable.

Neighbour Notification Checked

N/A

Summary of Recommendation:

Content granted

Conditions:

1.The sign shall be erected in the position shown on the approved plan date stamped 01 7 02 stamp date 21/04/2021.

Reason: In the interests of road safety and the convenience of road users

Informatives

1

Signature(s)**Date:**

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0780/F Proposal: Proposed Petrol Filling Station (PFS) and cafe with associated drive thru (sui generis) Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: PG Decision Date: 22.06.2018 Ref ID: LA09/2016/1749/F Proposal: Alterations and subdivision of an existing (Class A1) retail unit to 4 (Class A1) retail units Address: Lands at 108-114 Moneymore Road, Magherafelt, Decision: PG Decision Date: 06.03.2017 Ref ID: H/2002/1172/F Proposal: Extension to existing factory facilities and construction of a new paint shop to replace existing. Address: 108 - 114 Moneymore Road, Magherafelt. Decision: Decision Date: 28.08.2003 Ref ID: H/1992/0109 Proposal: NEW ROAD ENTRANCE Address: MONEYMORE ROAD MAGHERAFELT Decision: Decision Date:	

Ref ID: H/1997/0590

Proposal: CHANGE OF USE TO WASTE TRANSFER RECYCLING OPERATION

Address: 6 BALLYMOUGHAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2001/0406/F

Proposal: Extension to existing factory facilities and construction of a new office block

Address: 108 - 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 20.09.2001

Ref ID: H/2003/0393/F

Proposal: Erection of a new storage facility and installation of a 7.5 tonne double leg gantry travelling crane.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2002/1033/F

Proposal: Factory extension including storage and despatch.

Address: 108 - 114 Moneymore Road, Magherafelt.

Decision:

Decision Date: 05.03.2003

Ref ID: H/2010/0379/F

Proposal: Retrospective planning application for erection of cladded portal frame building for the purposes of storage (timber building materials)

Address: Approx 65m East of No.2 Ballymoghnan Road, Magherafelt(amended plans)

Decision:

Decision Date: 30.12.2010

Ref ID: H/2001/0213/F

Proposal: Factory Extension To Include Storage And Dispatch

Address: 4-10 Ballymoughan Road, Magherafelt

Decision:

Decision Date: 08.07.2001

Ref ID: H/2007/0140/F

Proposal: Erection of shed to house gantry crane.

Address: Land at Henry Brothers Building and Civil Engineering Contractors, Nos. 108 to 114 Moneymore Road, Magherafelt

Decision:

Decision Date: 30.12.2010

Ref ID: H/2007/0632/F

Proposal:

4 semi-detached houses.

Address: 100 Moneymore Road, Magherafelt

Decision:

Decision Date: 23.03.2011

Ref ID: H/2001/0426/F

Proposal: Conservatory To Rear Of Dwelling

Address: 60 Coolshinney Road, Coolshinny, Magherafelt, Northern Ireland, BT45 5JF

Decision:

Decision Date: 04.07.2001

Ref ID: LA09/2021/0645/A

Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.

Address: Moneymore Road Roundabout.,

Decision: CG

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1710/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/1403/DC

Proposal: Discharge of condition 24 of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2019/0022/DC

Proposal: Discharge of Condition 5 (works affecting A5WTC preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2018/0965/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (HP Line - RDX80: Ballagh Road section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA08/2018/1354/DC

Proposal: Ecological Monitoring Report relating to Condition 24 of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/0964/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (HP Line - RDX19: Pedan's Road Section)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0146/DC
Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0157/DC
Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2017/1016/DC
Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0156/DC
Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/1467/DC
Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2016/0468/PAN

Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision: PANACC

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/1422/DC

Proposal: Discharge of condition 5 (works affecting the A5 preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press

Decision: AL

Decision Date:

<p>Ref ID: LA08/2017/0914/DC</p> <p>Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.</p> <p>Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Press</p> <p>Decision: AL</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Content</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0646/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Ballyronan Road Roundabout.
Referral Route: This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.	
Recommendation:	APPROVE
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Ballyronan Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4No. Signs on the Ballyronan roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. There are 3 sites identified and are being assessed in 3 applications.

Planning history

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt
Unauthorised advertisement case under determination.

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

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy.

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

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.

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.



Fig 1. Ballyronan Roundabout.



Fig 2. Sing size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located.

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.

Public Safety.

DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by DFI Roads.

Neighbour Notification Checked

N/A

Summary of Recommendation:

Content granted.

Conditions:

1.The sign shall be erected in the position shown on the approved plans No 01 date stamped 02/02/2021 and approved plans 02 date stamp 21/04/2021.

Reason: In the interests of road safety and the convenience of road users

Informatives .

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History. LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt Unauthorised advertisement case under determination.	
Summary of Consultee Responses Content	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Layout or Block Plan Status: Submitted Drawing No. 02 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	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0647/A	Target Date:
Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme.	Location: Aughrim Road Magherafelt.
Referral Route: This application is for 4 No signs advertising local businesses at the Ballyronan roundabout as part of MUDC sponsorship programme.	
Recommendation:	APPROVE
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	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

Summary of Issues

This application is for 4 No signs advertising local businesses at the Aughrim roundabout as part of MUDC sponsorship programme.

Characteristics of the Site and Area

The application site is located at a roundabout developed in 2017 during the construction of the Magherafelt By Pass as it connected with the Aughrim Road, which is located outside the settlement development limits of Magherafelt as defined in the Magherafelt Area Plan 2015 and as such is located in the countryside.

Description of Proposal

Planning permission is sought for the retention of 4 No. Signs on the Ballyronan roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. There are 3 sites identified and are being assessed in 3 applications.

Planning history.

There is a live enforcement file opened and this application is as a result of a submission notice requesting the applicant to submit a planning application to a resolution.

LA09/2020/0043/CA - at Moneymore, Ballyronan and Aughrim Roundabouts, Magherafelt Unauthorised advertisement case under determination.

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

Statutory Consultations.

DFI Roads were consulted on this application and responded on 15/09/2021 to state the proposal was acceptable. However, in an earlier response to LA09/2021/0647/A received on 01/06/2021 relating to the Aughrim roundabout they objected on the basis MUDC should consider alternative sites within its control and not DFI lands. However, following clarification by MUDC Grounds and Cemeteries Department Roads withdrew its objections.

Planning Assessment of Policy and Other Material Considerations

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

1. Strategic Planning Policy Statement (SPPS):
2. Magherafelt Area Plan 2015: The site is located within the development limits of Magherafelt.
3. Planning Policy Statement (PPS) 17 Control of Outdoor Advertisements:
4. Mid Ulster Development Plan 2030 Draft Plan Strategy

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

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.

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



Fig 1. Aughrim Roundabout.



Fig 2. Sing size 500mm by 200mm by 100mm.

When assessing the amenity impact of an advertisement or sign it must take account of all of the following matters:

(a) the effect the advertisement will have on the general characteristics of the area, including the presence of any features of historic, archaeological, architectural, landscape, cultural or other special interest;

Given the location of the advertisement I am content that it is unlikely to have an adverse on any features of importance of the area.

(b) The position of the advertisement on the host building and its scale and size in relation to that building; N/A.

The sign is ground standing and not on a building.

(c) The cumulative effect of the proposal when read with other advertisements on the building or in the surrounding area and whether the proposal will result in clutter;

It is noted the size of the signs approx. 500mm x 200mm x 100mm the existing ground standing sign, from such I am content that the application is unlikely to result in clutter.

(d) The size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area;

I am content that the application is acceptable with regards to the surrounding area.

(e) The design and materials of the advertisement, or the structure containing the advertisement, and its impact on the appearance of the building on which it is to be attached;

The sign is ground standing and not attached to any buildings.

(f) In the case of a freestanding sign, the design and materials of the structure and its impact on the appearance and character of the area where it is to be located.

I am content that the design and materials of the proposed ground standing sign are acceptable with regards to the appearance and character of the area.

(g) The impact of the advertisement, including its size, scale and levels of illumination, on the amenities of people living nearby and the potential for light pollution.

<p>I first note that the proposed sign is not to be illuminated and I am content that the size is acceptable.</p> <p>Public Safety.</p> <p>DFI roads were consulted and responded on 05/09/2021 indication the proposal is acceptable. The assessment of the advertisement Roads response would be the crucial factor as the roundabout is on lands controlled by DFI Roads.</p>	
Neighbour Notification Checked	N/A
<p>Summary of Recommendation:</p> <p>Content granted.</p>	
<p>Conditions:</p> <p>1.The sign shall be erected in the position shown on the approved plan No 01 date stamped 04/02/2021 and plan 02 date stamp 21/04/2021</p> <p>Reason: In the interests of road safety and the convenience of road users</p> <p>Informatives</p> <p>1.This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	27th April 2021
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, N/A	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0647/A Proposal: 4No. signs on roundabout, signs to be approx. 500mm x 200mm & 100mm above ground level. The signs are advertising businesses as part of MUDC sponsorship programme. Address: Aughrim Road Magherafelt., Decision: Decision Date: Ref ID: LA09/2016/1739/A Proposal: 2no shop signs relocated from existing positions to proposed to accommodate new by pass road layout. Position agreed with Transport NI Address: Lands 40m West and 145m East of 55 Aughrim Road, Magherafelt, Decision: CG Decision Date: 08.08.2017 Ref ID: H/1994/0022 Proposal: SITE OF DWELLING Address: 50M NORTH OF 58 AUGHRIM ROAD MAGHERAFELT Decision: Decision Date: Ref ID: H/2005/0481/F	

Proposal: Development of existing agricultural building & yard area to facilitate an agricultural supplies business
Address: Farmyard 50m West of 69 Aughrim Road, Magherafelt
Decision:
Decision Date: 29.11.2005

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01
Type: Site Layout or Block Plan
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

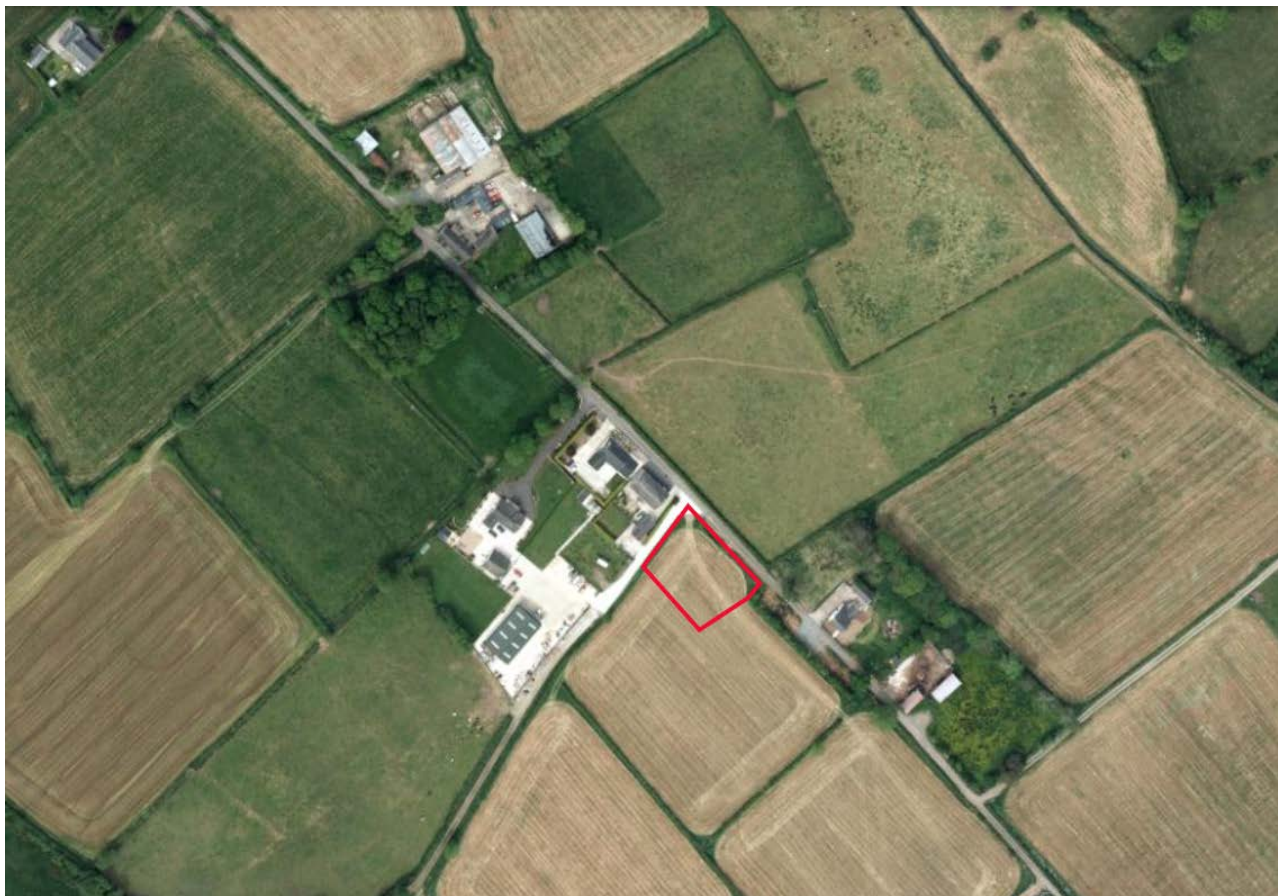
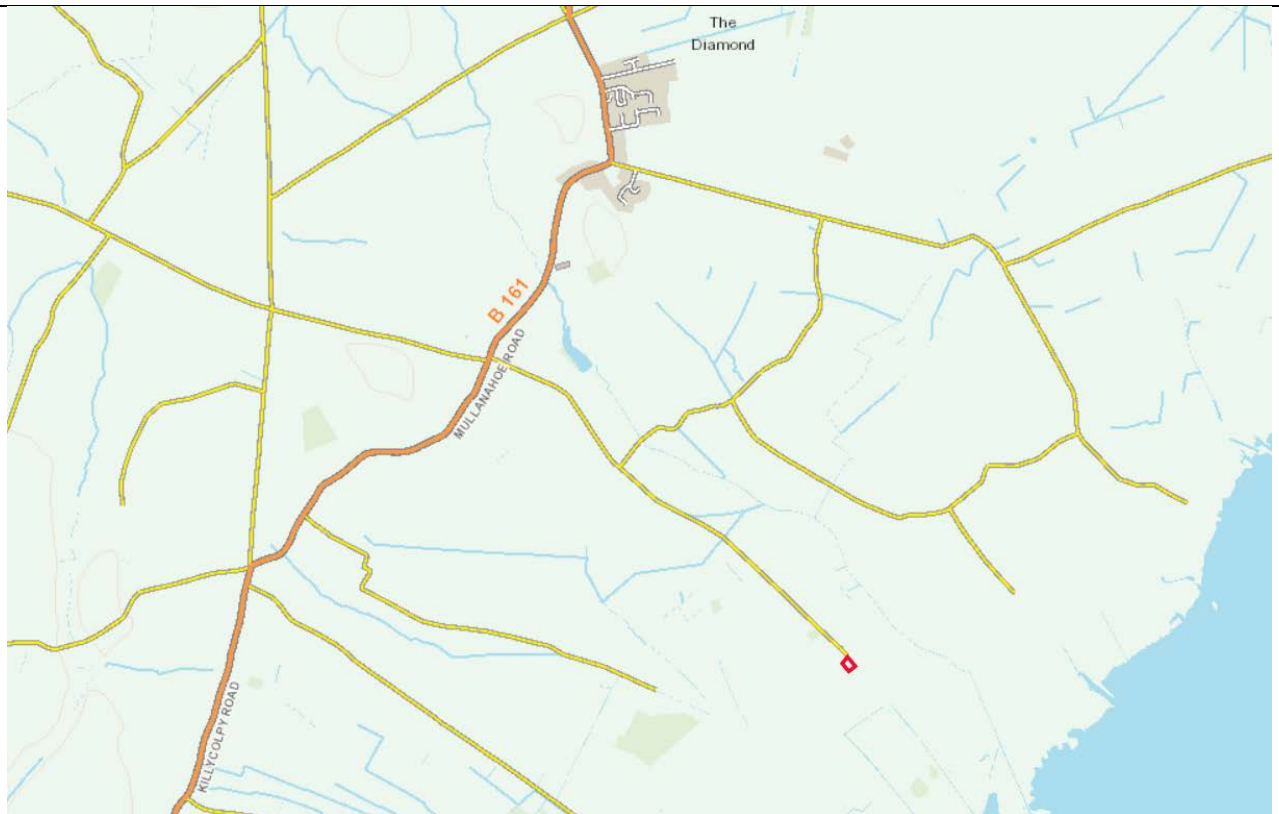
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0678/O	Target Date:
Proposal: Proposed dwelling	Location: Land adjacent to and South East of 39 Brookend Road Ardboe
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Seamus Mc Guckin 99 Kilmascally Road Ardboe	Agent Name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal This is an outline application for a proposed dwelling to be located on lands adjacent to and South East of 39 Brookend Road Ardboe.		
Characteristics of the Site and Area The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 2.2km southeast of Ardboe and approx. 1.2km west of Lough Neagh. The area is largely characterised by agricultural land interspersed with single dwellings, ancillary buildings and farm holdings. The site is a relatively flat, square shaped plot, cut from the northern corner of a much larger roadside field. The host field is located running along Brookend Rd, a dead end road, to the southeast of nos. 37 & 39 Ardboe Rd, two single storey roadside dwellings. A lane runs between the site and the aforementioned properties serving an existing large shed and a potential dwelling further southwest of the site if recent planning approvals LA09/2020/0347/O & LA09/2020/1311/RM were implemented. A mix of mature vegetation bounding the host field defines the northwest (laneside) boundary and northeast (roadside) boundary of the site. The southwest and southeast boundaries of the site are undefined and open onto the host field. Critical views of the site are limited from Brookend Rd until just before and passing the roadside frontage of the site. The existing bungalows and ancillary development located immediately to its northwest (nos. 37 & 39 Brookend Rd) screen views on the northwest approach; and existing vegetation bounding the host field and within the wider vicinity, in particular along the roadside, screen views on the southeast approach.		
Planning Assessment of Policy and Other Material Considerations Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.		
The following documents provide the primary policy context for the determination of this application: Regional Development Strategy 2030 Strategic Planning Policy Statement for Northern Ireland		

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Planning History

- I/2011/0362/O - The rear of 104 Kilmascully Road Ardboe - Proposed site for dwelling and garage on a farm for Mr Seamus McGuckin - Granted November 2012 (expired and no reserved matter recieved)
- LA09/2019/1632/O - 25m West of 104 Kilmascully Road Ardboe - Dwelling & garage on a farm for Ms Karla McGuckin - Granted 14th May 2020
- LA09/2020/0889/RM - 25m West of 104 Kilmascully Road Ardboe - Dwelling & garage on a farm for Ms Karla McGuckin - Granted 12 November 2020

Ms McGuckin's applications, were granted on the current applicant's farm holding (i.e. same Farm Business ID); and Ms McGuckin's address on the applications was listed as that of the current applicant. (See Fig 2, further below)

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.

Consideration

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

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

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

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

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

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

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

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

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

The P1 Form and farm maps submitted as part of this application show the applicant's home, a 2-storey roadside dwelling and garage to be located at no.99 Kilmasally Rd, approx. 1.5km to the northeast of the proposed site within the settlement limits of Ardboe. The applicant's farm buildings are located on lands approx. 250m southeast of his dwelling, also adjacent but to the opposite side of the Kilmasally Rd and in the rural countryside. As such, the new building does not visually link or cluster with an established group of buildings on the applicant's farm holding (See Figs 1 & 2 below). The agent has submitted supporting info for siting away from the farm buildings, however this it is not sufficient given an existing opportunity for a dwelling on the farm holding already exists. See 'Planning History' further above. Criterion (3) of CTY 10 has not been met.

In addition to the 3 bullet points above, Policy CTY 10 of PPS21 states that planning permission granted under this policy will only be forthcoming once every 10 years; and the proposal must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16; and

'Planning History' shows planning permission on Mr McGuckins farm holding under Policy CTY 10 has already been forthcoming within the last 10 years. Accordingly, I rang the agent on the 25th August 2021 to advise the current proposal fails to comply with Policy CTY10 in that, planning permission granted under this policy will only be forthcoming once every 10 years and the current application is for the second planning permission within 10 years. I advised agent to discuss this with his client to see how they wanted to proceed with the application and / or if they had anything else they wanted planning to consider. The agent said he would speak to his client and get back in touch. Having had no response in the intervening time I contacted the agent again on the 10th September 2021. I advised if no further information was received in the next week the application would likely proceed to the next available committee meeting with a recommendation to refuse based on the information on file. The agent advised he had nothing further to add at that time and he was content for proposal to be put forward Committee.

Had there not been the previous permissions on the holding the proposed site would still fail to meet one of seven criteria of Policy CTY13, in that it would not visually link or cluster with an established group of buildings on the farm holding as detailed earlier under bullet point 3 of CTY 10. It would also fail to meet one of the five criteria of Policy CTY 14 in that it would create a ribbon of development along the west side of Brookend Rd. Accordingly, also failing to meet Policy CTY 8 Ribbon Development.



Fig 1: Applicant's site, dwelling and farm buildings identified.

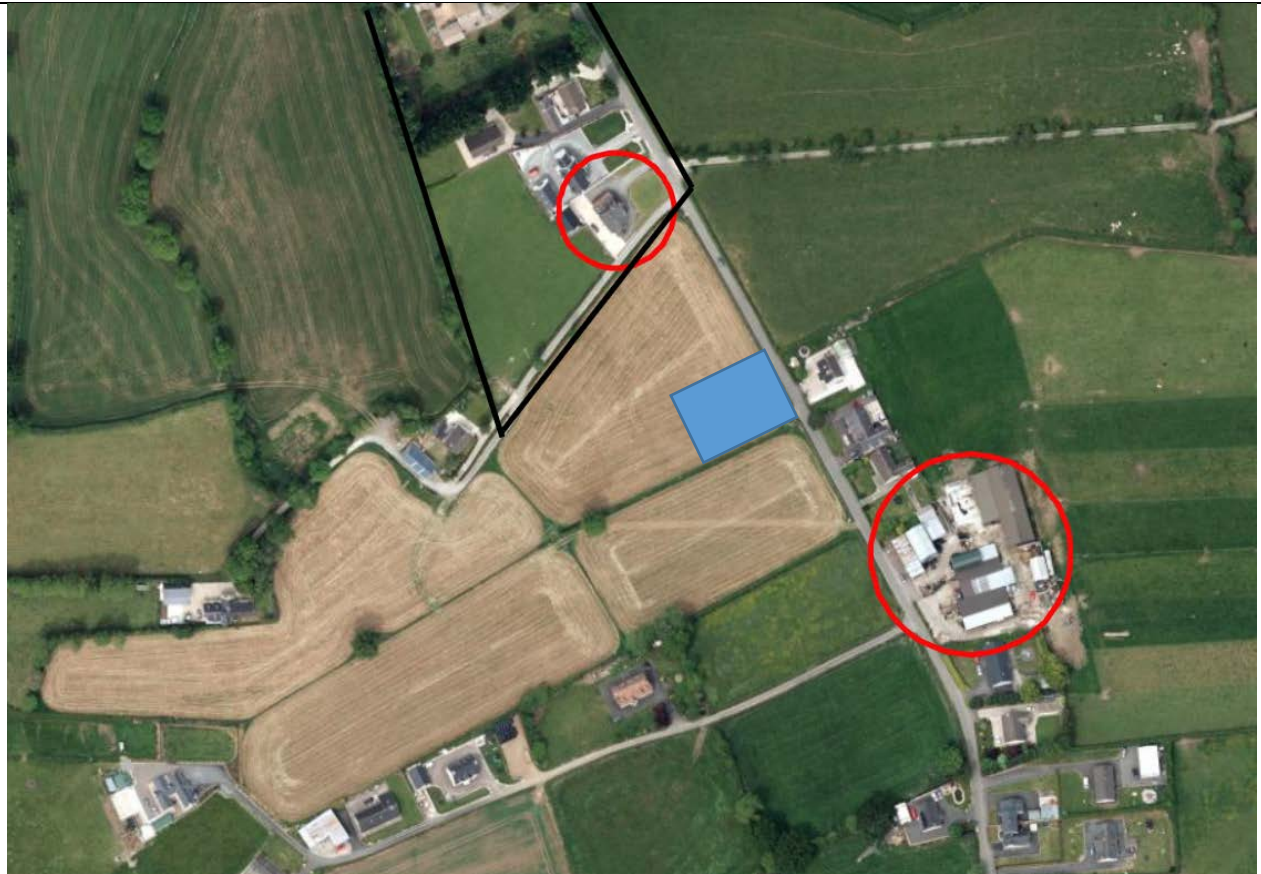


Fig 2: Applicant's dwelling within settlement limits (outlined in black); applicant's farm buildings to southeast outside settlements identified; and location of dwelling approved under LA09/2019/1632/O & LA09/2020/0889/RM highlighted blue.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within a Ramsar Site and within an area known to breeding waders. However, as this site is on improved grassland this proposal is unlikely to support or harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species. Additionally, having considered the nature, scale and location of the proposal, it should not have any significant impact on the features, conservation objectives or status of Lough Neagh Ramsar site.

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

The site is located within SG Defence Estates relating to Met Office Radar however this proposal would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling.

Recommendation: Refuse - Planning permission granted under Policy CTY10 has already been forthcoming on the applicant's farm holding within the last 10 years under planning permissions LA09/2019/1632/O & LA09/2020/0889/RM.

Neighbour Notification Checked	Yes
Summary of Recommendation	Refuse
Refusal Reasons 1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that planning permission granted under Policy CTY10 has already been forthcoming on the applicant's farm holding within the last 10 years under planning permissions LA09/2019/1632/O & LA09/2020/0889/RM.	
Signature(s) Date:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0749/F	Target Date:
Proposal: Change of use from existing part forest and provision of car park (110m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin) and provision of play park within the existing forest (275m SW of 25 Brackagh Road, Iniscarn Road, Iniscarn, Desertmartin). Upgrade of existing forest trails and ancillary trail signage / waymarker posts	Location: Iniscarn Forest Iniscarn Road Iniscarn Desertmartin
Referral Route: <ul style="list-style-type: none"> Mid Ulster District Council Planning Application. 	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council 80 Burn Road Cookstown BT80 8DT	Agent Name and Address:
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. No letters of representation received	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined within the Magherafelt Area Plan 2015. The application site is within an existing area of woodland and comprises a portion of Iniscarn Forest which includes the entrance point with layby currently used as a small area for parking with a bus shelter, as well as an existing walking trail and existing hardstand gravel area which currently has picnic benches. The surrounding area is rural in character with low development pressure. The adjacent road network is minor and the predominant land use is agricultural with dispersed dwellings and farm holdings in the locality. There is a gradual incline from east to west within the site.

Description of Proposal

This application seeks full planning permission for the provision of a car park and play park and upgrade of existing forest trails and signage posts at Iniscarn Forest, Desertmartin.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 2 - Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation

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

Representations

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

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal seeks permission for a car park, enhances walking trails with signage posts and play park within the existing Iniscarn Forest. The play park aspect of the proposal is to be located within an existing open, gravelled area of the forest where picnic benches are currently situated, surrounded by trees. The provision of the proposed gravel car park will require the felling of some trees and will provide parking at the access of the existing forest, where currently visitors park at the small layby at the entrance. It is considered the provision of a formalised car park will be safer and secure for visitors. The car park will be located at the roadside and the NE boundary will be enclosed by timber post and 3 rail fence. It is considered that this

will integrate into the siting given the existing landscape and backdrop of woodland. The closest residential property to the application site is approx. 95 metres NE of the site, therefore it is considered there will be no detrimental impact on residential amenity. It was noted the proposal is located close to a Hydrological Link, therefore SES were informally consulted to ensure no impact to a designated site. SES has considered the nature, scale, duration and location of the project and concluded it could not have any conceivable effect on a European site and Council is a competent authority as the project proposer. The proposal has been considered at internal group and it has been considered the proposal represents sustainable development and no potential demonstrable harm has been identified to interests of acknowledged importance.

Magherafelt Area Plan 2015: The application site is located in the rural countryside and comprises a portion of the existing Iniscarn Forest Park. The site is located within the Sperrin's AONB. The plan does not include any specific AONB criteria, this will be dealt with under PPS 2.

Planning Policy Statement 2: Natural Heritage - Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the proposal will respect the character of the rural area and given the proposed works will enhance the existing forest attraction, I consider the development will respect the special character of the AONB. NIEA Natural Environment Map Viewer has been checked and identified no other environmental designations on the site.

Planning Policy Statement 3: Access, Movement and Parking - The proposal will accommodate visitors to an existing facility providing additional parking in a designated, safe and accessible space. The car park aspect of the proposal provides 30 parking spaces. DFI Roads have been consulted and have raised no concerns with respect road safety or parking subject to conditions. In light of this, it is considered the proposal complies with the policy provisions of PPS3 AMP2.

PPS 8: Open Space, Sport and Outdoor Recreation

Policy OS 3 - Outdoor recreation in the Countryside states that development for outdoor recreational use in the countryside will be permitted if the following criteria is met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

No features of importance to natural conservation or built heritage have been identified which would be adversely impacted by the proposal.

- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Given the location of the site within an existing forest I am content that the proposal is unlikely to result in the permanent loss of the most versatile agricultural land and it is unlikely to have an unacceptable impact on nearby agricultural activities.

- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

I am content that this type of development is typical in the Forest setting and that the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area.

(iv) there is no unacceptable impact on the amenities of people living nearby; Given the separation distances between the site and any residential properties, I am content that it is unlikely to impact on neighbouring amenity.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

I am content that public safety is unlikely to be prejudiced, the proposal provides a designated parking area which will enhance public safety. I am content that this development is compatible with the uses within the site and the wider countryside.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that all relevant structures associated with the proposed play park element of the proposal will be built to a high standard and will be absorbed into the local area.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and

The proposal will utilise an existing access onto the Iniscarn Road. DFI Roads were consulted and have no objections subject to conditions. The proposal includes a car park which should take into account the needs of people with disabilities and the upgrade of an existing walking trail which will be accessible to pedestrians.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The drawings submitted provide adequate access, parking and drainage arrangements. DFI Roads have provided no objections and therefore I am content that the local road network will be able to cope with any additional traffic generated from the proposal.

Additional Considerations

It was identified a small portion of the northern portion of the site is within a pluvial floodplain as defined within the Department for Infrastructure Strategic Flood Maps. Given the minimal portion of the site within floodplain and that this portion of the site will be finished in gravel it was not considered necessary to consult DfI Rivers in this instance.

It is noted on the P1 Form that the applicant has signed Certificate C and a P2a Form was served on the land owner NI Forest Service who have not provided any representation to this application

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposed development will provide enhanced facilities to be used by the local district and residents and visitors to the district. It is considered the proposal will benefit the existing forest park without any adverse impact on nearby residents, natural or built heritage or the local character of the area. It is considered the proposal complies with the above policy criteria and approval is recommended.

Conditions:

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

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

2. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 04 bearing the date stamp 03 August 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No other operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 04 bearing date stamp 03 August 2021 to provide facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Informatives

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

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

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

Signature(s)

Date:



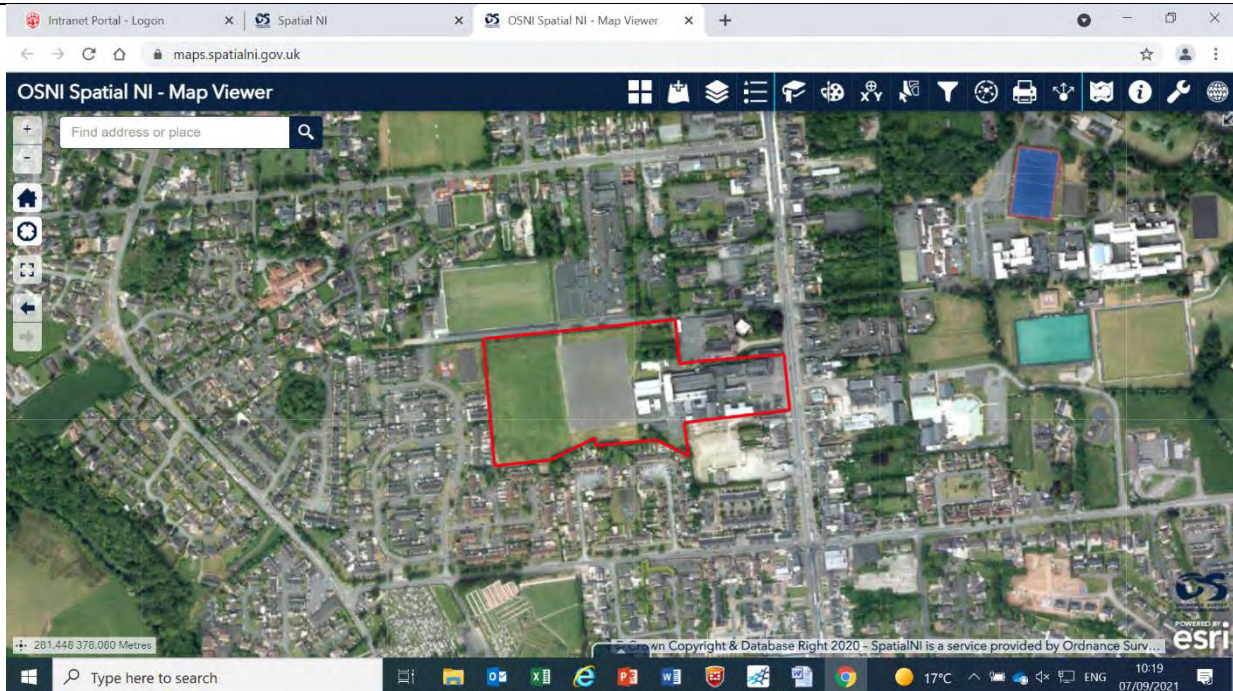
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0831/F	Target Date: 14/9/21
Proposal: Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. after completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.	Location: Holy Trinity College 9-29 Chapel Street Cookstown
Referral Route: Member of the council is a member of the Board of Governors of Holy Trinity College.	
Recommendation:	APPROVE
Applicant Name and Address: St Patrick's Educational Trust Limited Ara Coeli Cathedral Road Armagh	Agent Name and Address: Hamilton Architects LLP Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Details of the Proposal:

Applicant is seeking permission to vary condition 14 of LA09/2019/0665/F in order to maintain continuity of education provision on the site. Variation will facilitate early occupation of the completed new school building for a period of no more than 6 months prior to the completion of all site works, which will include in curtilage turning/drop off areas as shown on approved proposed site plan drawing. After completion of the site works the turning/drop off area shall remain open at all times for the use, when children are being left to and collected from the school.

Characteristics of the Site and Area:

The site is located within the limit of development for Cookstown as defined in the Cookstown Area Plan 2010. On site at present is a school complex which consists of a

large two story flat roofed school building with a number of temporary type classrooms, playing fields and car parking.

The site frontage is defined by a pier and metal railing fence which defines the eastern boundary alongside Chapel Street. The remainder of the site is defined by metal railings. Site area some 5.5 hectares.

Land use beyond the site boundaries is.

Southern boundary; commercial and residential,

Northern boundary; church and convent grounds, scout hall, school and playing field.

Western boundary; residential and play area.

Eastern boundary; on opposite side of Chapel Street residential and fire station.

Relevant Site Histories:

The relevant site history is Planning approval LA09/2019/0665/F, granted 12/8/20, which gave permission for;

Demolition of existing school building construction of new 16,000m², 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Infrastructure - Roads, has resulted in agreement to vary condition 14.

Planning Assessment of Policy and other Material Considerations:

The proposed new school is to be constructed on ground to the rear of the existing school building. In order to maintain educational provision the existing school will remain in operation. On completion of the new school building the pupils and staff will decant to same and the existing school building will be demolished to provide car parking, turning and drop off areas.

The permission for the new school included a Department of Infrastructure Roads condition (14), which stipulated that;

The building hereby permitted shall not be occupied until the turning / drop off area shown on Drawing No.20/1 bearing date stamp 10/7/20 has been provided and thereafter the turning / drop off area shall remain open at all times for that use, when children are being left to and collected from the school.

Reason: In the interest of road safety

Such condition would mean that having constructed the new school building it could not be occupied until the turning / drop off area was provided. In order to provide the turning / drop off area the existing school building would have to be demolished, this would take some time to achieve leaving the new school unoccupied and education provision interrupted. By allowing a 6 months' time frame between occupying the new school and providing the turning / drop off area the new school could be occupied when completed. During the construction of the new school, parking and busing operations will remain as existing. On completion and occupation of the new school busing arrangements will remain similar, with staff car parking provided within walking distance in a private car parking area in Cookstown town centre. The car parking area is capable of holding 75 – 100 cars.

Neighbour Notification Checked

Yes

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

1. Mid Ulster Council hereby gives consent to vary the above mentioned condition 14 of planning permission LA09/2019/0665/F, which shall take effect from the date of this decision notice and which is granted under section 54 of the Planning Act (Northern Ireland) 2011. The condition shall now read.

The building hereby permitted shall not be occupied for more than 6 months prior to the provision of the turning / drop off area shown on Drawing No.20/1 bearing date stamp 10/7/20 of planning approval LA09/2019/0665/F. Thereafter the turning / drop off area shall remain open at all times for that use, when children are being left to and collected from the school.

Reason: In the interest of road safety.

2. The permission hereby granted permits a variation of Condition No.14 of previous approval LA09/2019/0665/F and shall be read in conjunction with that decision notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

Informatives

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

2. The applicant should note that all other conditions and informatives attached to planning permission LA09/2019/0665/F remain valid and should be adhered to.

Signature(s)

Date:

ANNEX	
Date Valid	1st June 2021
Date First Advertised	15th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Chapel Street Cookstown Tyrone The Owner/Occupier, 12 Rathbeg Cookstown Tyrone The Owner/Occupier, 13 Rathbeg Cookstown Tyrone The Owner/Occupier, 14 Rathbeg Cookstown Tyrone The Owner/Occupier, 15 Rathbeg Cookstown Tyrone The Owner/Occupier, 16 Rathbeg Cookstown Tyrone The Owner/Occupier, 17 Rathbeg Cookstown Tyrone The Owner/Occupier, 18 Rathbeg Cookstown Tyrone The Owner/Occupier, 24 Chapel Street Cookstown Tyrone The Owner/Occupier, 24 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 25 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 26 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 27 Ratheen Avenue Cookstown Tyrone The Owner/Occupier, 27 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 28 Chapel Street Cookstown Tyrone The Owner/Occupier, 28 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 29 Ratheen Avenue Cookstown Tyrone The Owner/Occupier, 29 Sullenboy Park Cookstown Tyrone The Owner/Occupier, 30 Chapel Street Cookstown Tyrone The Owner/Occupier, 30 Sullenboy Park Cookstown Tyrone	

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37 Ratheen Avenue Cookstown Tyrone
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39 Ratheen Avenue Cookstown Tyrone
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41 Ratheen Avenue Cookstown Tyrone
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54 Rathbeg Cookstown Tyrone
The Owner/Occupier,
55 Rathbeg Cookstown Tyrone

The Owner/Occupier, Holy Trinity Catholic Church Church 3 Chapel Street Cookstown The Owner/Occupier, Holy Trinity Primary School 44 Fairhill Road Cookstown The Owner/Occupier, Parochial House 1 Convent Road Cookstown	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1152/DC Proposal: Discharge of Conditions 2,3 and 4 of Approval LA09/2019/0665/F Address: Holy Trinity College, 9-29 Chapel Street, Cookstown, Decision: Decision Date: Ref ID: LA09/2019/0665/F Proposal: Demolition of existing school building construction of new 16,000m2 , 1300 pupil school building and associated works on the existing school site to accommodate in-curtilage bus, car park drop offs and turning areas, 3G synthetic pitch and Multi-Use games area. Address: Holy Trinity College, 9-29 Chapel Street, Cookstown, BT80 8QB., Decision: PG Decision Date: 12.08.2020	
Summary of Consultee Responses See above	
Drawing Numbers and Title	
Drawings not required.	
Notification to Department (if relevant) Date of Notification to Department: Response of Department: N/A	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0874/O	Target Date:
Proposal: Dwelling and garage on a rounding off site in a cluster	Location: 30m N.E. of 122 Creagh Road Anahorish Castledawson Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1, 2a, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Malachy Gribbin 154a Creagh Road Castledawson Magherafelt BT45 8EY	Agent Name and Address:
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 2a, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1km north west of the development limits of Creagh and it is designated to be within the open countryside as per the Magherafelt Area Plan 2015. The red line covers a roadside agricultural field that is covered with a mix of trees and hedging throughout the site. The immediate area is defined by a mix of residential, commercial and agricultural with the wider being predominately agricultural.

Relevant planning history

H/2002/0347/O - Site of Dwelling & Garage. - 70 Metres South East of 124 Creagh Road, Castledawson - Permission Refused - Appeal dismissed

H/1999/0453 - Site of Dwelling - Adjacent to 122 Creagh Road, Castledawson ? Permission Refused - 25.05.2000

2003/A233 - Site of Dwelling & Garage. - 70 Metres South East of 124 Creagh Road, Castledawson - Appeal dismissed - 30.03.2004

Representations

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

Description of Proposal

This is an outline application for a dwelling and garage on a rounding off site in a cluster, the site is identified as 30m N.E. of 122 Creagh Road, Anahorish, Castledawson.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

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

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

With regards to the first criteria, I am content that the cluster lies outside a farm and consists of four or more buildings in that at least three of these are dwellings. Furthermore I am content that

the cluster appears as a visual entity wherein I am content that the old 'Gribbin House' factory building is able to provide a focal point for the cluster.

In terms of suitable degree of enclosure I am not content that the site is bounded on two sides with other development within the cluster. I note that No.122 sits north west of the site with no direct bounding with the site, only the laneway into No.122 runs along the northern boundary of the site but I would not be content that this is sufficient to categorised as bounding on one side. I note that No.120 sits to the west of the site with the laneway into the property running through the site and along the western boundary. After group discussions it has been concluded that the site unfortunately not bound on two sides with development with other development in the cluster. Furthermore as the site lies at the outer limit of the cluster I am content that it can be absorbed into the cluster as it would round the cluster off in the south eastern corner of the site. However upon review of the site I would contend that a dwelling in this location would actually extend a ribbon of development which would visually intrude into the open countryside. Finally, I am content that an appropriately designed dwelling would not have an adverse impact on neighbouring amenity.

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that there is already a suburban style build-up of development feel to the area given the number of houses already in place and that any dwelling would become part of this. In addition, a dwelling in this location would lead to the extending of a ribbon of development along the Creagh Road. As such, I am of the opinion that this application is likely to cause detrimental change to the character of the area, failing under CTY 14.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

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

I have no flooding, ecological or residential amenity concerns.	
Neighbour Notification Checked	Yes
Summary of Recommendation: Refusal	
Reasons for Refusal: 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and the dwelling would if permitted further erode the existing character of the cluster and visually intrude into the open countryside 3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of a ribbon development along the Creagh Road. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that if permitted would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.	
Signature(s)	
Date:	

ANNEX	
Date Valid	9th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 120 Creagh Road, Castledawson, Londonderry, BT45 8EY The Owner/Occupier, 121 Creagh Road Castledawson Londonderry The Owner/Occupier, 122 Creagh Road Castledawson Londonderry The Owner/Occupier, 123 Creagh Road Castledawson Londonderry	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0874/O Proposal: Dwelling and garage on a rounding off site in a cluster Address: 30m N.E. of 122 Creagh Road, Anahorish, Castledawson, Magherafelt, Decision: Decision Date: Ref ID: H/1999/0453 Proposal: SITE OF DWELLING Address: ADJACENT TO 122 CREAGH ROAD CASTLEDAWSON Decision: Decision Date: 25.05.2000 Ref ID: H/2002/0347/O Proposal: Site of Dwelling & Garage. Address: 70 Metres South East of 124 Creagh Road, Castledawson Decision: Decision Date: Ref ID: H/1988/0320 Proposal: ALTERATIONS AND ADDITIONS BUNGALOW Address: 122 CREAGH ROAD CASTLEDAWSON Decision:	

Decision Date:

Ref ID: H/1999/0153

Proposal: SITE OF DWELLING AND GARAGE

Address: 250M SOUTH OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1998/0618

Proposal: DWELLING

Address: TO REAR OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1998/0211

Proposal: SITE OF DWELLING AND GARAGE

Address: REAR OF 122 CREAGH ROAD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/2014/0435/F

Proposal: New 33kv 3x200mm AAAC 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

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

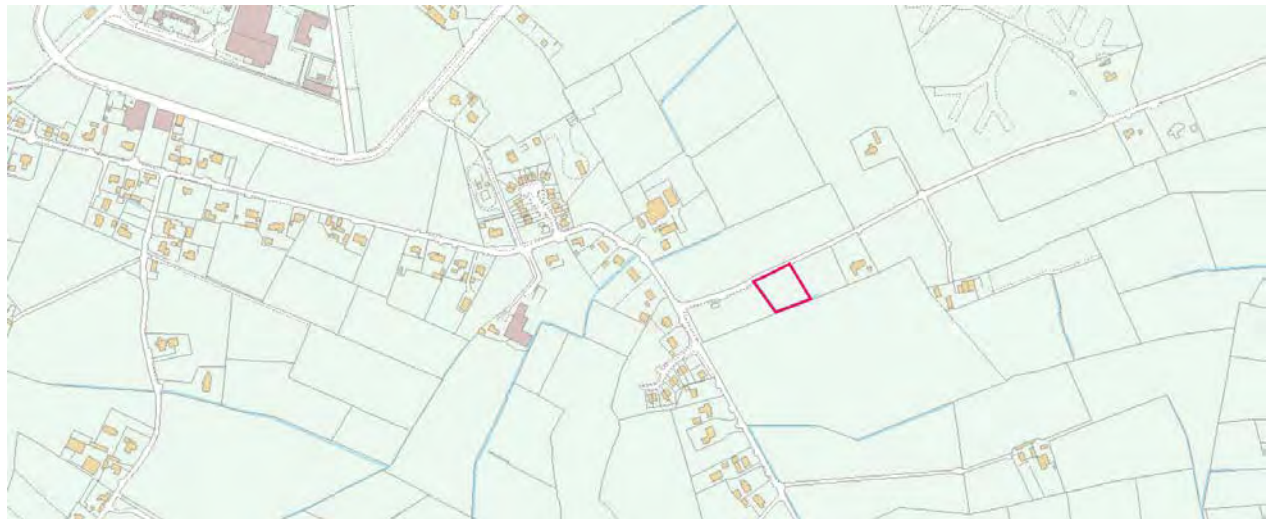
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

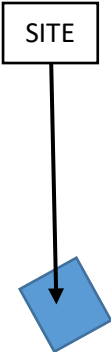
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0910/O	Target Date:
Proposal: Dwelling in an infill site in compliance with CTY8 PPS21	Location: Land 200m SW of 211 Ardboe Road Moortown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Patrick Quinn 148 Ardboe Road Moortown	Agent Name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Executive Summary: The site applied for is infill and does not meet the criteria under CTY8.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal This is an outline planning application for a dwelling in an infill site located on lands 30m 200m SW of 211 Ardboe Road Moortown. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.		
Characteristics of the Site and Area The site, which sits adjacent the Ardboe Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just outside and at the edge of Ardboe settlement limits (see Fig: 1).		
		
<p>Fig 1: Extract of eastern portion of Ardboe settlement limits taken from CAP 2010 with location of site identified in blue.</p>		

The site is a relatively flat square shaped plot. It comprising the western half of a larger agricultural roadside field bound on all four sides by a mix a mature hedgerow and tree vegetation. This vegetation bounds the site to the north, west and south. However as the site is cut from the host field, its eastern boundary is undefined.

The site which is to be accessed directly off the Ardboe Rd is located immediately east of an overgrown and partially hard cored / gravelled rectangular plot of lands within Ardboe settlement limits containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding that at some point has been demolished. The site's host field is located immediately west of a single storey detached dwelling with a small ancillary detached garage located to it rear / east side.

Critical views of this site will be largely be limited until passing along the roadside frontage of the host field. There may be glimpses of the site when travelling north and south along the Kilmascully Rd just before passing its junction with the Ardboe Rd. This is due primarily to the flat topography of the area; the site's location along a straight stretch of road; the mature vegetation bounding the site; and existing development and vegetation within the wider vicinity.

The surrounding area is characterised primarily by detached roadside frontage dwellings within Ardboe settlement limits extending along both sides of the Kilmascully Rd to the west of the site; and agricultural lands in the rural countryside interspersed with single dwellings, ancillary building and farm holdings in the rural countryside to the north, west and south of the site. Ardboe abandoned airfield is also located a short distance to the north west of the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

On site - None

Adjacent site

- I/2005/1551/F - Housing Development of 14 units - 8 No semi-detached and 6 No detached dwellings - Land Alongside 218 Ardboe Rd Coagh Cookstown – Granted 16th October 2009.

The above application relates to the rectangular plot of land located with Ardboe settlement limits and immediately west of the site containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside just outside and at the edge of Ardboe settlement limits.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

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

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage within the countryside. The host field is bound only to one side by a roadside plot containing a detached bungalow with a small

ancillary garage to its rear east side. The rectangular plot of land bounding the site to the west contains only foundations of a dwelling, which even if substantially completed alongside others approved on the site could not be considered to bookend the site, as they would occupy lands within Ardboe settlement limits.

Policy CTY 8 requires all buildings along the frontage to be substantially complete and located within the countryside. This is not the case here.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 30th August 2021.

The agent responded via email on the 11th August 2021. He advised his clients intention to have a site approved now for his son to build on, and another in the future for a younger son (see Fig 2) whilst retaining a strip through the site for access to agricultural lands to its rear, narrowing the width of the '2 potential sites'. That he had anticipated the response regarding the lands to the west (housing development) not being significantly developed and on the 12th August 2021 forwarded photos he said showed works on the land to the west has resumed and by the time of a Committee Meeting would be further developed.

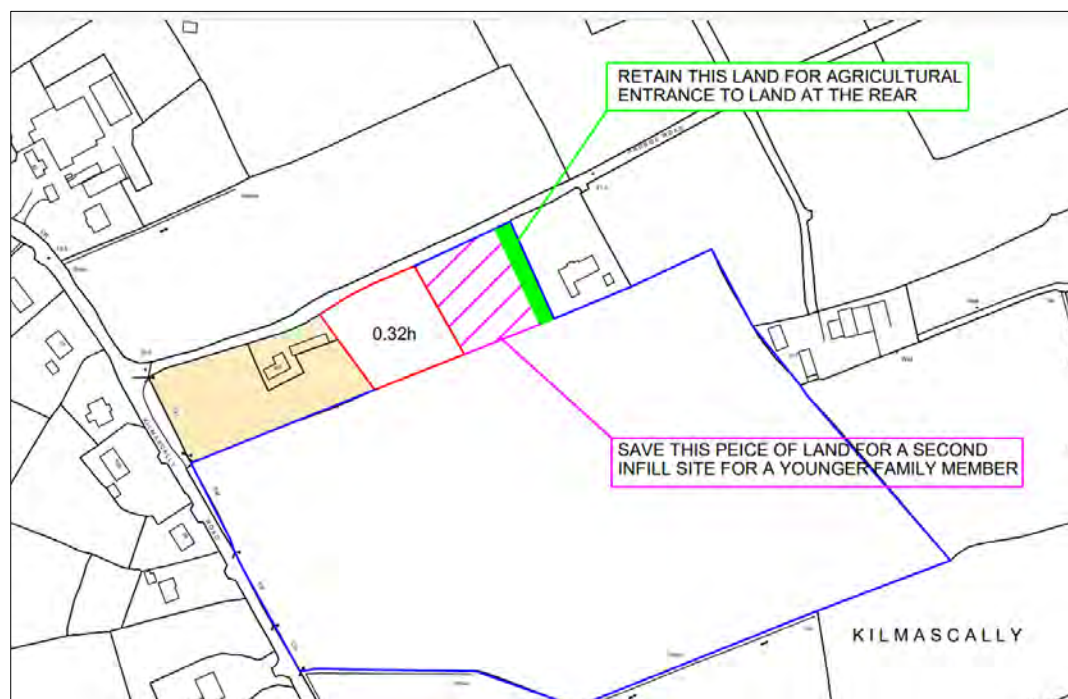


Fig 2: Applicant's intention map

Further to the above, I contacted the agent by phone on the 25th August 2021. I advised him that even if the building on lands to the west were substantially complete, which at present they are not, they could not be used under Policy CTY 8 to form a line of development in the countryside, as they are located within Ardboe settlement limits.

The agent subsequently asked Planning to consider planning application LA09/2016/1194/F when making a decision on this application. Advising similarities exist between the two in that this was also an application for a dwelling in a gap site adjoining Moortown settlement limits.

Taking account of the above, planning application LA09/2016/1194/F was approved on the back of outline planning permission LA09/2015/1163/O, which was presented to Committee twice as a refusal on the grounds that:

- The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of PPS 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Planning's recommendation on LA09/2015/1163/O was overturned by Committee Members to an approval. As such, the dwelling under subsequent application LA09/2016/1194/F had already been established on the site in principle.

Whilst planning application LA09/2016/1194/F has been taken into consideration my opinion on the current application remains. There is no provision under Policy CTY 8 of PPS21 for a dwelling on the current site. Unlike application LA09/2015/1163/O and LA09/2016/1194/F this proposal does not rely on buildings within the settlement limits as there are none substantial complete on lands to the west. Additionally given the host field is bound only to the east, by one dwelling with ancillary garage and there is a gap between this dwelling and the site, the proposal will not result in ribbon development. However, like the previous applications this proposal is contrary to Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However, as this site is on improved grassland this proposal is unlikely to support or harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Flood Maps NI indicate no flooding on the site / west half of host field but does show surface water flooding on east half of host field.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling.

Recommendation: Refuse

The proposal is contrary to Policy CTY1 of PPS 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement; and Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Signature(s)

Date: