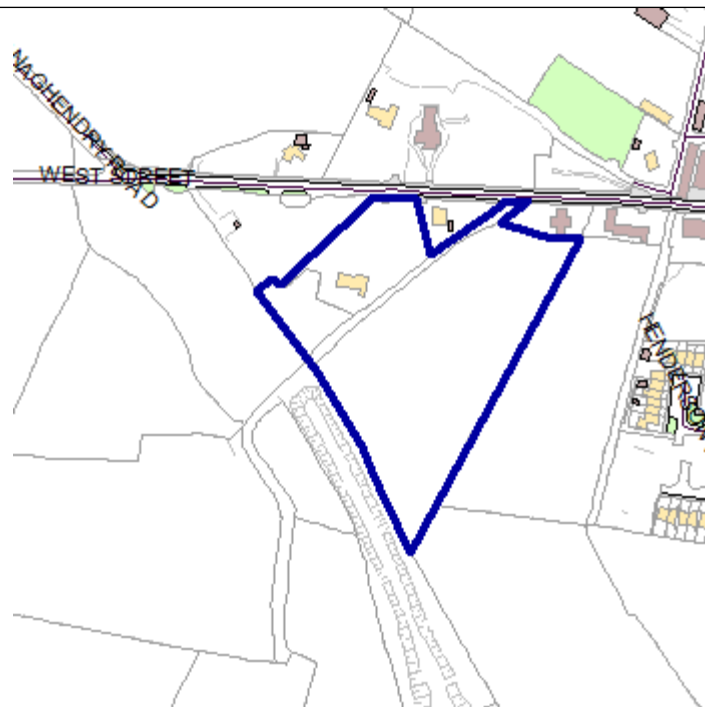




Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2020/1306/F	Target Date: 15 December 2020
Proposal: Renewal of planning permission for residential development comprising 24 semi detached dwellings and 26 townhouses and 1 apartment	Location: Land To Rear Of 52 West Street Stewartstown
Referral Route: Approval is recommended	
Recommendation: Approval	
Applicant Name and Address: Ramsey Stewart 27 West Street Stewartstown	Agent Name and Address: Les Ross Planning 9A Clare Lane Cookstown BT80 8RJ
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	Rivers Agency	520937 - Final response.pdf

Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0

Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>The site is within the settlement limit of Stewartstown as per the Cookstown Area Plan 2010 (CAP). Access to the site will be taken of West Street and utilise an existing access which appears to be in place for agricultural access to the site at present.</p> <p>The northern boundary of the site is defined by fencing and hedging which separates the site from an existing church building and its associated car park.</p> <p>The site undulates from the north downwards to the middle portion of the site and rises again towards the south so that the middle of the site represents a dip in the landform.</p> <p>The surrounding land uses consist of two church buildings, a school and a detached dwelling.</p> <p>The site has approval for 24 no semi detached dwellings and 26 no townhouses along with 1 no apartment. This approval was granted under I/2014/0325/F which was a renewal of I/2005/0961. This current application relates to an in time renewal of I/2014/0325/F</p>	
<p>Description of Proposal</p> <p>Renewal of planning permission for residential development comprising 24 semi detached dwellings and 26 townhouses and 1 apartment.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>PPS 7 – QUALITY RESIDENTIAL ENVIRONMENT</p> <p>The proposal is within the settlement limit of Stewartstown and therefore is subject to the policy provisions of PPS 7 – Quality Residential Environments. The proposal is the same proposal as was approved under I/2014/0325/F. I/2014/0325/F was considered against the provision of PPS 7 and therefore given there have been no policy changes in relation to PPS 7 in the interim period, I see no reason that this proposal would be considered unacceptable in terms of PPS 7.</p> <p>PPS 15 – PLANNING AND FLOOD RISK</p> <p>The site is also subject to policy FLD 3 of PPS 15 – Planning and Flood Risk. A drainage</p>	

assessment has been submitted on 20th October 2020 demonstrating that the construction of a suitable drainage network is feasible. After initial consultation DFI Rivers sought clarity on two issues namely PDE response from NIWater accepting discharge to surface water system and attenuation calculations. This information was provided by the agent on 8th June 2022 and accordingly DFI Rivers have accepted the proposal subject to condition.

PPS 3 – Access, Movement and Parking.

DFI Roads have been consulted on this proposal and have no objections subject to conditions.

OTHER CONSIDERATIONS

No third party objections have been received in relation to the proposal.

Summary of Recommendation:

Approval is recommended

I recommend that this proposal to renew I/2014/0325/F is approved subject to conditions:

Approval Conditions

Condition 1

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

Reason: Time Limit

Condition 2

2. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide the proposed public open space as indicated on the approved plan, drawing no. 04 dated received 20-OCT-2020 and that public open space shall be retained in perpetuity.

Reason: To ensure that the public open space provision is completed prior to the occupation of certain phases of the development for the benefit of the occupiers and to aid the integration of the development into the local landscape as quickly as possible and to assist in the provision of a quality residential environment.

Condition 3

3. Prior to the occupation of any of the dwellings hereby approved, the developer shall provide all peripheral planting as indicated on the approved plan, drawing no. 07 dated received 20-OCT-2020.

The trees indicated within plots 25, 27, 29 & 31 shall be planted during the first available

planting season after the occupation of any dwelling on the plot. These trees shall be retained and maintained by the owner of the plot and the condition referring to such retention and maintenance shall be placed as a condition of the sale of the plot.

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

Reason: To ensure that the landscaping proposals are completed prior to the occupation of certain phases of the development for the benefit of the occupiers and to aid the integration of the development into the local landscape and to assist in the provision of a quality residential environment in accordance with Planning Policy Statement 7: Quality Residential Development and Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation.

Condition 4

4. The open space areas and referred to in condition no.02 and the landscaping proposals referred to in condition no. 03 shall be managed and maintained in accordance with the agreed Landscape Management Plan submitted to the Council bearing date stamp 20-OCT-2020 ss well as the notes on drawing no. 07 dated 20-OCT-2020.

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

Condition 5

5. No dwelling hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company, for all areas beyond the plot curtilage (excepting adopted road/footpath) and referred to in condition 2 above, on drawing No. 04 dated received 20-OCT-2020. These areas shall be permanently retained as landscape/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with Planning Policy Statement 7 : Quality Residential Environments and Planning Policy Statement 8 : Open Space, Sport and Outdoor Recreation and to ensure its retention in perpetuity.

Condition 6

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. 06 (Boundary Treatment) received 20-OCT-2020.

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 7: Quality Residential Environments.

Condition 7

7. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment complaint with FLD 3 & Annex D of PPS 15, to be agreed with the Council, which demonstrates the safe management of an out of sewer flooding emanating from the surface drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk

Condition 8

8. The visibility splays of 2.4 metres by 45 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No 05/1 bearing the date stamp 08-JUL-2021, prior to the commencement of other works or development.

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

Condition 9

9. 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 interest of road safety and the convenience of road users.

Condition 10

10. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, 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.

Condition 11

11. The development hereby permitted shall not be occupied until the 2 metre wide footway adjacent to West Street has been completed in accordance with the details indicated on Drawing No: 05/1 bearing the date stamp 08-JUL-2021.

Reason: To ensure there is adequate provision for pedestrians in the interests of road safety and the convenience of road users.

Condition 12

12. The development hereby permitted shall not be commenced until any retaining wall/culvert requiring TAS approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with the TAS procedure.

Reason: to ensure that the structure is designed and constructed in accordance with the TAS procedure

Condition13

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

Reason: to ensure protection of the amenities of residential property within the area.

Condition14

PRIVATE STREETS CONDITION

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

PS 1. 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 05/1 bearing the date stamp 08-JUL-2021.

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

Condition15

PRIVATE STREET CONDITION

PS 2. No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined in blue on drawing no 05/1 bearing the date stamp 08-JUL-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.

Case Officer: Colin McKeown

Date: 1 December 2022

ANNEX	
Date Valid	20 October 2020
Date First Advertised	3 November 2020
Date Last Advertised	3 November 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 59 West Street Stewartstown Tyrone BT71 5HT The Owner / Occupier 50 West Street Stewartstown Tyrone BT71 5HT The Owner / Occupier Four Winds 67 West Street Stewartstown Tyrone BT71 5HT The Owner / Occupier Stewartstown Methodist Church 52 West Street Stewartstown Tyrone BT71 5HT The Owner / Occupier 58 West Street Stewartstown Tyrone BT71 5HT	
Date of Last Neighbour Notification	26 November 2020
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: YResponseType: FR Rivers Agency-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR NI Water - Multiple Units West-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBC Rivers Agency-520937 - Final response.pdf	

Drawing Numbers and Title

Detailed Drawing Plans Plan Ref: 19
Elevations and Floor PlansPlan Ref: 18
Elevations and Floor PlansPlan Ref: 17
Elevations and Floor PlansPlan Ref: 16
Elevations and Floor PlansPlan Ref: 15
Elevations and Floor PlansPlan Ref: 14
Elevations and Floor PlansPlan Ref: 13
Elevations and Floor PlansPlan Ref: 12
Elevations and Floor PlansPlan Ref: 11
Elevations and Floor PlansPlan Ref: 10
Elevations and Floor PlansPlan Ref: 09
Elevations and Floor PlansPlan Ref: 08
Landscaping Plan Plan Ref: 07
Detailed Drawing Plans Plan Ref: 06
Site Layout or Block Plan Plan Ref: 05
Site Layout or Block Plan Plan Ref: 04
Proposed Plans Plan Ref: 03
Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/0453/F	Target Date: 14 May 2021
Proposal: Erection of portal frame storage shed to store equipment from AD plant adjacent.	Location: 70M South Of NO3 Gortnaskey Road Draperstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Lodge Renewables Unit 1A Workspace Tobermore Road Draperstown BT45 7AG	Agent Name and Address: Gerard McPeake 31A Main Street Limavady BT49 0EP
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type		Consultee	Response
		DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
		Environmental Health Mid Ulster Council	Substantive: TBC
		Environmental Health Mid Ulster Council	Substantive: TBC
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	LA09-21-0453 F 70M South of No.3 Gortnaskey Road Draperstown.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	

Summary of Issues

1. Summary of Issues including Representations

Two representations have been received in respect of this proposed development and relate to the following issues:-

- o Inaccurate description;

The description has been amended to the above and I am content that this accurately reflects the nature of the proposed development.

- o The need for the size of building proposed should be justified;

Policy does not require the applicant to justify the size of the proposed building.

- o How can the use of the store be restricted;

The use of the proposed building can be conditioned to be used only for storage purposes in connection with the adjacent AD plant.

- o Potential noise nuisance and lack of noise report;

Environmental Health Department in considering the proposed development have not raised any issues in respect of noise nuisance.

- o A drainage assessment is required;

The size of the proposed site and building have been reduced in size to 960m², therefore a drainage assessment is not required.

- o A transport assessment is required as the building exceeds 500m²;

The building has been reduced in size from 668m² to 4942 therefore a Transport Assessment is not required.

- o Additional traffic being generated. Traffic travelling via the junction of Gortnaskey Road/Tobermore Road as opposed to the Magherafelt Road junction; Traffic should be restricted from using the Tobermore Road junction unless the source and destination of traffic is both to and from Gortnaskey townland only;

DfI Roads have not raised any concerns regarding additional traffic, traffic routes to nor from the proposed site.

- o A bio-diversity checklist is required;

The proposed site is located within a green field site adjacent to an existing and associated AD plant and a bio diversity checklist is not considered necessary.

- o A detailed landscaping plan is required;

The proposed site plan identifies existing trees together with additional proposed hedgerow planting.

This is considered to be sufficient and the landscaping can be appropriately conditioned.

- o The existing and proposed site plans fail to reflect the position of existing plant;

The proposal is for the erection of a new storage shed and the site plan clearly indicates that shed. The position of the existing generator and the associated acoustic wall are clearly indicated. It is not a requirement that the proposal for a new shed to show the position of every piece of plant and/or machinery on the existing site, as those have already been the subject of previous applications and do not form part of this proposal.

- o The proposed plans should show, finished floor and yard levels, dimensions of the proposed building, site sections;

The proposed site plan clearly indicates the finished floor levels of the proposed shed and the site levels. The proposed building is drawn to a recognised scale and can easily be measured without dimensions having to be stated. I do not consider that site sections are necessary to enable a full assessment of the proposal to be completed.

Characteristics of the Site and Area

The site is located at land adjacent to No. 1 Gortnaskey Road, Draperstown and is characterised by a relatively small flat field at the side of an existing working AD plant, with an associated group of agricultural buildings to the south. The area of the site where the proposed building is to be sited is bounded by a section of paladin security fencing and a low cut roadside hedge (approx. 1.5m) to the west which will remain in situ as access is to be taken from an existing access to the existing farm buildings; a mature row of trees & hedging (approx. 6-7m) to the east; a 1.5m high earth bund with a 1.2m high hedge on top. The northern boundary is currently undefined.

The critical views of the site are from the Gortnaskey Road to the north and north west. The site is screened by the existing buildings from the south.

There is planning history on the application site for a similar style building under H/2011/0317/F described as a farm shed. However that shed was not commenced and therefore the approval expired.

Description of Proposal

This is a 'full' application for the erection of portal frame storage shed to store equipment from AD plant adjacent. The proposed shed measures 27m x 18.3m with an eaves height of 4.3m and a ridge height of 6.8m above ground level. The shed will have external walls of dark grey cladding over solid concrete block walls finished in smooth render. The roof is to be finished in a similar cladding to the upper walls with black sectional roller doors.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Regional Development Strategy
Magherafelt Area Plan 2015
Planning Policy Statement 1 'General Principles'
Planning Policy Statement 3 'Access, Movement and Parking'
Planning Policy Statement 11 'Planning and Waste Management'
Planning Policy Statement 18 'Renewable Energy'
Planning Policy Statement 21 'Sustainable Development in the Countryside'

Consultee responses:-

TransportNI - No objection subject to the suggested condition.

Environmental Health - No objection subject to the suggested condition.

Policy WM1 states that proposals for the development of a waste management facility will be subject to thorough examination of environmental effects and will only be permitted where it can be demonstrated a number of criteria are met. Policy WM 2 also applies in the assessment of this application as does Policy RE 1 of Planning Policy Statement 18.

Policy RE 1 of Planning Policy Statement 18 details that development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:-

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Assessment of the proposal under the relevant Policies is set out below:-

Following consultation with relevant bodies no concerns have been raised regarding the impact of the proposal on human health or on the environment.

As AD proposals are regarded as waste treatment facilities, where the feedstock is classified as a waste under the relevant legislation, the provisions of PPS 11 'Planning and Waste Management' will therefore be a material consideration. Particular regard will be given to policy WM1 'Environmental Impact of a Waste Management Facility' and WM 2 'Waste Collection and Treatment Facilities'.

The proposed development is grouped and sited with existing farm sheds, therefore meeting the locational criteria of Policy WM 2. The scale and design of the proposed building, to store equipment from the adjacent AD plant, has the appearance of an agricultural building. The existing farm outbuildings and mature trees in close proximity to the site will aid the integrational potential of the proposed development into the site. The proposal will not impact upon visual amenity and landscape character.

The proposal involves the storage of equipment from the adjacent AD plant. The proposal has been considered by Environmental Health who have advised that the proposed storage shed is for equipment storage only with no storage of wastes or feedstuffs. This being the case, Environmental Health have no objection to the proposal.

It is my considered opinion that when the proposed development is assessed against all the criteria of the above it meets all those criteria and is acceptable.

Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: Time Limit.

Condition 2

The storage shed hereby approved shall be used only for the storage of equipment from the adjacent AD plant and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

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

Condition 3

All proposed planting as indicated on the stamped approved drawing no. 02/Rev A shall be undertaken during the first available planting season following the building hereby approved becoming operational.

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

Condition 4

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

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

Condition 5

The existing natural screenings along the southern and eastern boundaries of this site,

shall be permanently retained, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

Condition 6

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

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

Condition 7

The vehicular access including visibility splays 2.4 x 45 metres North and 2.4 x 60 metres South and any forward sight distance, shall be provided in accordance with Drawing No 02 Rev A bearing the date stamp 6th December 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.

Condition 8

The storage shed annotated on drawing no. 02/2 date stamped 6th December 2022 shall only be used for the storage of equipment from the adjacent AD plant. No waste(s) or feedstuff or organic matter shall be stored within this building at any time.

Reason: To control odour emissions.

Signature(s): Malachy McCrystal

Date: 14 December 2022

ANNEX	
Date Valid	19 March 2021
Date First Advertised	17 May 2022
Date Last Advertised	30 March 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 3 Gortnaskey Road Draperstown Londonderry BT45 7JX	
Date of Last Neighbour Notification	12 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council- Environmental Health Mid Ulster Council- Environmental Health Mid Ulster Council-LA09-21-0453 F 70M South of No.3 Gortnaskey Road Draperstown.doc	

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02/2

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Block/Site Survey Plans Plan Ref: 04

Site Layout or Block Plan Plan Ref: 02/1

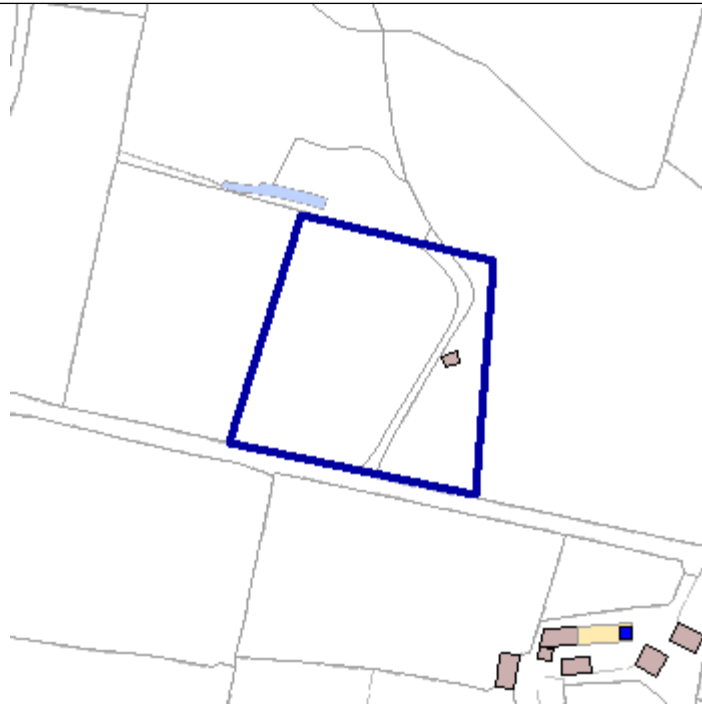
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/0798/F	Target Date: 20 July 2021
Proposal: Proposed 2 storey dwelling and detached garage adjacent to an established farm yard linked to outline approval LA09/2017/1550/O	Location: 140M North West Of 115 Tulnacross Road Cookstown
Referral Route: Approve is recommended Agent is an employee of Mid Ulster District Council	
Recommendation: Approve	
Applicant Name and Address: Ruairi Quinn 53 Corvanaghan Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
Statutory Consultee	DAERA - Omagh	LA09-2021-0798- F.DOCXSee uploaded document

Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues**Characteristics of the Site and Area**

The application site is located at 140m North West of 115 Tulnacross Road, Cookstown County Tyrone. The site is located within the countryside as designated within the

Cookstown Area Plan 2010.

The application site (red line boundary) includes a field to the immediate north of No. 115 Tulnacross Road. The topography of the site is relatively flat with good vegetation on the south boundary along the existing lane. There is a single farm shed to the north and a smaller building on the opposite side of the farm track to the lane from the application site. The site does sit on a locally prominent ridge and ground levels do rise to the north. The access point is off the Tulnacross Road via an existing lane.

There is an old farm shed situated to the east of the lane consisting of stone and lime mortar with a corrugated sheeted roof. As you travel towards the end of the lane leading to the yard with associated out buildings some of which are poly tunnels.

The application site forms part of an agricultural field which is defined by wire and post fence with newly planted hedgerow. There are intermittent trees dotted throughout the farm boundaries.

The area surrounding the application site is on the foothills of the Sperrins and has prominent ridges and quarries.

Description of Proposal

The application seeks full planning permission for a 2 storey dwelling and garage. The dwelling is 7.5m to the ridge with a single storey flat roofed storm porch to the front, 2 single storey wings at either side, a 2 storey rear return and a small covered porch to the rear. The main body of the house is 12m in length, it has an L shape with a 2 storey rear return. The proposed dwelling is finished with slate to the roof and a mix of pebble dash walls to the majority and natural limestone to the front of the single storey wings. The proposal also includes a garage with upstairs accommodation accessed by external stairs. The garage is finished to match the dwelling. The access to the site is off a private laneway and there is a proposal to upgrade the access to the public road by improving the sight lines.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

- o Cookstown Area Plan 2010
- o A Planning Strategy for Rural Northern Ireland (PSRNI)
- o Strategic Planning Policy Statement (SPPS)
- o Local Development Plan 2030 - Draft Plan Strategy
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking

The Cookstown Area Plan 2010 identifies the site as being located outside any defined settlement limits. The site lies inside the Sperrins Area of Outstanding Natural Beauty.

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. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on farm under Policy CTY 10. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

Planning History

LA09/2017/1550/O - Proposed farm dwelling in accordance with PPS21, 140M North West Of 115 Tulnacross Road, Cookstown for Mr Brian Quinn, OPP Granted 05 April 2018

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.

Assessment

PPS 21, Policy CTY 1, allows planning permission to be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. The principle of this development was accepted through application LA09/2017/1550/O, DAERA have advised the farm business for Brian Quinn is currently active and this is the business offered up with this application. This proposal was received outside the 3 years to submit a Reserved Matters and does not comply with all the conditions as it is over 6m in height. The site is set back on a ridge, which helps screen views from Tulnacross Road though there are longer distance views from Drum Road to the south. The site is also viewed from higher ground to the north, on Corvanaghan Road, though it is at a distance and has the backdrop of the hills in the distance and the local ridge. Due to the distances involved I do not consider this proposed dwelling will be a prominent feature and the existing and proposed landscaping will filter views.

Access Considerations

DFI Roads were consulted on this application and following the provision of amend plans to improve the visibility splays where the existing lane meets the public road, have raised

no objections to the proposal.

Neighbour Amenity

The closest unconnected dwelling to the proposal is No. 115 Tulnacross Road, located 170m to the SE. I consider that the proposal will be sited far enough away from any neighbouring property so as not to cause a significant detrimental impact in terms of neighbour amenity including, overshadowing, dominance or privacy concerns.

Conclusion

I am satisfied that the proposal relates to a farm business which is active and has been established for at least 6 years. I am content that the proposal meets the policy requirements of the SPPS, PPS 21 and PPS 3 for the reasons documented above.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60.0m and forward sight distance of 33m where the access lane meets Tulnacross Road shall be provided in accordance with the details as set out on drawing No 02 Rev 1 received on 14 NOV 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

Condition 3

All hard and soft landscape works as detailed on drawing no 02 Rev 1 received 14 NOV 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity.

Condition 4

One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 Rev 1 received 12 FEB 2022.

Reason: To control the number of dwelling on the site as this permission supersedes planning approval LA09/2017/1150/O F and is not for an additional dwelling on the site.

Case Officer: Phelim Marrion

Date: 15 December 2022

ANNEX	
Date Valid	25 May 2021
Date First Advertised	8 June 2021
Date Last Advertised	8 June 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 115 Tulnacross Road Cookstown Tyrone BT80 9NP The Owner / Occupier 113 Tulnacross Road Cookstown Tyrone BT80 9NP	
Date of Last Neighbour Notification	14 June 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Omagh-LA09-2021-0798-F.DOCXSee uploaded document	
Drawing Numbers and Title Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not ApplicableNot Applicable	

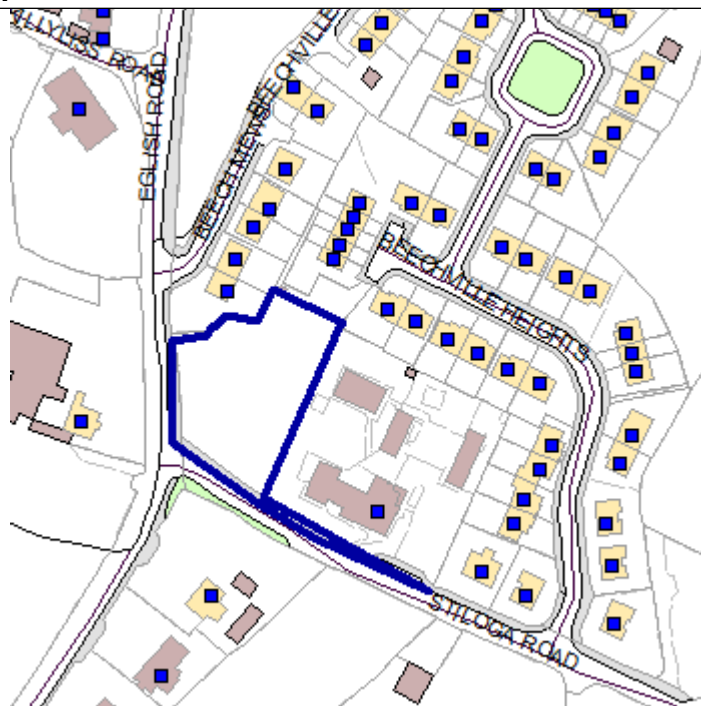


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/0887/F	Target Date: 5 August 2021
Proposal: Housing development & associated works, comprising 4 detached dwellings & provision of a layby fronting 2 Stiloga Road, Dungannon to be used as a drop of point for Rainbow Community Childcare Group	Location: Lands Immediately South & Approx. 15M West Of 2 Stiloga Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: PKJ Construction Ltd 31C Stiloga Road Dungannon BT71 7QH	Agent Name and Address: Colm Donaghy Chartered Architect 43 Dungannon Street Moy BT71 7SH
Executive Summary: A letter of objection has been received.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	NI Water - Multiple Units West	LA09-2021-0887-F.pdf
Statutory Consultee	NI Water - Multiple Units West	Consulted in error. Resend to NI Water - Strategic Applications.
Statutory Consultee	NI Water - Strategic Applications	
	NI Water - Multiple Units West	LA09-2021-0887-F.pdf LA09-2021-0887-F.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

This application site is located on an irregular shaped plot of land approximately 15 metres West of No 2 Stiloga Road, Dungannon. The site measures an area of 0.26 ha and is whiteland and located in the southern section of Eglishe village as identified in the Dungannon and South Tyrone Area Plan (DSTAP). It sits along and to the east of the B45 Road which dissects through the middle of the village in a vertical direction.



The site rises in an easterly direction to where it abuts the curtilage of the Rainbow Community Childcare Group, which was formerly the grounds of Eglishe Primary School.

The site has been cleared and the southern and western boundaries which run alongside the public footpath are undefined for the most part. The eastern boundary is the highest part of the site and is marked by a wire mesh security fence which defines the curtilage of the adjacent Pre-School. The northern boundary of the site is mostly

vegetated with hedgerow and small trees, defining the boundaries of the 2 adjacent neighbouring dwellings. The dwelling to the north west is a semidetached which is part of the development at Beech Mews which access onto the main Eglish Road and that in the north eastern side is an end terrace dwelling located at Beechville Heights or Arda Bhalie Na Fea as it is also referred to as locally which accesses onto the Stiloga Road.

This site also includes a portion of land to the east of the main site along the Stiloga Road. This is to provide a layby which will be utilised as a drop off and collection point for the adjacent Rainbow Community Childcare Group.

Planning History

LA2018/0172/PAD - Development of between 1 - 5 houses - Junction Of Eglish / Stiloga Road, Eglish – 5th June 2017.

Description of Proposal

This application seeks full planning permission for a Housing development & associated works, comprising 4 detached dwellings & the provision of a layby fronting 2 Stiloga Road, Dungannon to be used as a drop of point for Rainbow Community Childcare Group, Eglish.

Consultations and Representations

DfI Roads were consulted and requested additional information detailing the distance of the access onto the Stiloga Road from the junction with the Eglish Road., as well as the required visibility splays of 2.4 metres by 70 metres in both directions and a forward sight distance of 70 metres. The agent disagreed with DfI Roads' comments as the existing radius is 8.4 metres and double this is 16.8 metres which is much less than the 29 metres from the Eglish Road to the site's access on the Stiloga Road. They have also demonstrated how the visibility splays are in-situ without the requirement to alter the hedge line. When DfI Roads were consulted again with the agents comments, they responded with no objection, subject to standard conditions.

HED were consulted due to the proximity of the site to St Patricks Church which sits on the opposite side of the road and a potential site of medieval ecclesiastical site TYR 061:030. They recommended an Archaeological Programme of Works be carried out prior to any development on the site. This was submitted and when consulted on this document, HED agree with the archaeological mitigation strategy proposed and are content that subject to conditions this proposal complies with PPS 6.

DfI Rivers stated the site does not lie within a floodplain and the Eglish Stream flows within a culvert along the western boundary of the site. They have no objections subject

to the provision of a suitable maintenance strip of minimum 5 metres to allow DfI Rivers access to the watercourse if necessary. Amended drawings were submitted detailing this maintenance strip as was requested.

NI Water were consulted and recommend refusal of this application as the stated the proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works, and thereby not in compliance with WM 5 in PPS 11 Planning and Waste Management. They say this application site is located wholly or partially within the Wastewater Treatment Work's 400m odour consultation zone boundary and that an Odour Encroachment Assessment is required to determine the compatibility of this proposal with the existing operation of the Wastewater Treatment Works in English which is 200 metres to the south west of this site.

Policy WM 5 Development in the vicinity of Waste Management Facilities says development on land in the vicinity of an existing or proposed WWTW will only be permitted if it is demonstrated

- It will not prejudice or unduly restrict activities permitted to be carried out within the WWTW and
- It will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Each dwelling will have its own sewerage treatment plant located within their site curtilage.

The agent submitted an Odour Encroachment Assessment to NI Water for their comment. After reconsultation, NI Water have said they will waive their right to object to such a development under Reference No. DS61674. The applicant has stated a private treatment plant facility shall be used to dispose of the foul sewage, which a consent to discharge will be required from NIEA before it can be approved by NIW. They note a public foul sewer and a watermain both cross this application site and recommend conditions referring to this and have no objections to this proposal.

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.

In line with the statutory consultation duties as part of the Planning General Development Procedure) Order 2015, an advert was placed in the local newspapers and some 9 neighbouring properties were notified by letter and 1 letter of objection was received. The objector listed concerns regarding the intensity of the development, the increase of traffic on an already busy road and the potential loss of privacy and light.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 launched on 22nd February 2019 is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed 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.

This application site is located within the development limits of Eglish village as identified in the DSTAP, therefore SETT 1 is relevant as there are no specific policies for the smaller settlements. I am content that if the proposal complies with PPS 7, it will also comply with SETT 1.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

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

The village of Eglish is experiencing a growth spurt with its location close to the M1 motorway making it a desirable location for those seeking residential properties from which are accessible to commuting. Although there is no planning history on this application site which is currently an open area of vegetation, there has been new residential development recently constructed directly opposite this site on the other side of the road.

This application initially proposed a residential development comprising of 5 dwellings as illustrated below. The internal road would run parallel with the eastern boundary and at the end in the northern corner a pair of semi-detached dwellings are sited at an angle in a south easterly direction. The remaining 3 dwellings are detached with Site 1 at the entrance along the Stiloga Road and Sites 2 and 3 almost parallel to the main road.

They had a ridge height ranging from 8.2 metres to 9 metres for the detached dwellings and 9.2 metres FGL for the semi-detached dwellings which were staggered.



Discussion of this initial proposal identified a number of issues which were put to the agent to resolve. These included potential overlooking issues, in particular regarding the dwellings to the north and north west of the site in Beech Mews and Beechville Heights.

It was recommended that the dwellings should front onto the main Eglish Road with the amenity space to the rear and having a degree of privacy. When taking into consideration the existing residential development bordering this site on 2 sides and the public road network along the other 2 sides, it was agreed this site could not accommodate this amount of houses and the initial proposal was seen as overdevelopment of the site. This combined with the small size of the site and the existing topography, it was decided the ridge height proposed was considered to be excessive.

The agent submitted a revised layout which reduced the scheme to 4 dwellings and a dual frontage aspect to the dwellings fronting onto the road. The design of each dwelling was reduced to a single house type which occupies a footprint of 85 sq metres, albeit mirror imaged. The proposed dwellings are all now 2 storey with a ridge height of 8.4 metres FGL and a chimney on both ends of the roof. A 2 storey projection on the elevation facing the inner road has a ridge height of 6.5 metres FGL which takes into consideration the rising land.

The existing hedgerow and vegetation along the eastern, north eastern and north

western boundaries will be retained as is and supplemented where needed in order to enclose and secure the site. The boundary treatment of the southern and western boundaries which are roadside and run along the footpath were revised a number of times. Sites 2 and 3 will see the planting of a native species hedgerow along the footpath. Site 1 which occupies a corner plot will also front onto the Eglish Road as well as the Stiloga Road. This corner will be enclosed by a screen wall which is approximately 1.2 metres high with railing atop. Where the boundary approaches the entrance to the development hedgerow is proposed to soften the approach into the development.

I am content this revised configuration is more respectful to the surrounding context of the site. The reduction in the ridge height has reduced the mass that was initially proposed and is more sympathetic to the existing topography. The proposed dwellings will now be accommodated more appropriately and sympathetically into the surrounding area making use of a vacant plot of land.

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

As the planning history shows there was a PAD on this application site before, where HED had recommended that an Archaeological Impact Assessment was required. This would show detailed archaeological impact assessment which considers the potential of this site and the impact the proposal would have on this. A mitigation strategy must also be provided detailing recommendations for identification, recording and preservation of in-situ archaeological remains and of previously unrecorded remains which may exist within the development site.

The agent submitted a Programme of Works for an Archaeological Evaluation of the application site which was conducted by OTRA Archaeology. HED reviewed this report and commented agreeing with the archaeological mitigation strategy proposed and they are content to proceed with archaeological licensing.

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

There was much discussion regarding the private amenity space associated with each dwelling and the degree of actual privacy it offered. The rear amenity space for Sites 1, 2 and 3 were all located adjacent to the main road. Due to the elevated nature of the site above the main road and the open views of the site particularly when travelling in a northerly direction towards Dungannon would make this space very conspicuous and open.

There is no requirement for speed calming measures as part of this development proposal due to its small scale. The location of the site along the main Dungannon to Caledon Road and approximately 3.5 kilometres from the dual carriageway which connects to the M1 motorway make this site very accessible. The village is serviced by a bus which can connect further from Dungannon Bus Station. An established footpath along the southern and western boundaries of the site allows safe connectivity to other areas of the village. DfI Roads were consulted on this proposal as discussed above and are satisfied it complies with the provisions of PPS 3.

f) adequate and appropriate provision is made for parking;

I am satisfied there is sufficient parking provided in-curtilage for each of the 4 proposed dwellings in this development as is set out in Creating Places.

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

The surrounding residential properties are a mostly 2 storey dwellings with finishes of painted render but red brick is the most dominant finish. This residential development proposes charcoal roof tiles/slate, uPvc windows and doors, smooth coloured render walls with cast type rainwater goods which I deem suitable in this location.

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

There was further discussion regarding the rear amenity space of the dwellings on Sites 2 & 3 and the level of privacy they afforded. Although there was a dual frontage aspect to these dwellings, the rear amenity space was adjacent to the main road and with the site rising in an easterly direction, this amenity space would not be private. There were a number of revisions to the initial proposed layout and design which I am satisfied have eliminated the potential for overlooking or overshadowing. The adjacent Pre School is sufficiently distanced from these dwellings due to the location of the inner road close to the intervening boundary. Also the hours this adjacent facility is utilised throughout the year are limited and therefore there should be no conflicting interests.

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

I am satisfied that the development is considered to be designed to deter crime and promote personal safety. In-curtilage parking is provided and street lighting currently exists along both the Stiloga and Eglish Roads.

Planning Policy Statement 3 - Access, Movement and Parking.

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the

construction of a new access onto the Stiloga Road as indicated on the P1 form. DfI Roads were consulted and a number of amendments were requested, including the radius of the corner at the junction of Stiloga Road and Eglish Road to be detailed on the drawing, to ensure the 29m from the junction is adequate distance for the entrance, which should be twice the radius distance. They also requested the forward sight distance of 70 metres at the junction of Stiloga Road and Eglish Road is detailed on the drawings to ensure the proposed new hedge does not impede already established visibility splays of 2.4 metres by 70 metres in both direction. Following the submission of this information, DfI Roads have no objections to this proposal, subject to conditions.

This proposal also includes the provision of a layby to create 5 drop off spaces in a new layby. This would involve the removal of the existing retaining wall along the footpath and repositioning a new wall some 2 metres back into the curtilage of the Pre-School. The provision of these spaces whereby parents can drop off and pick up children will improve the safety of this stretch of the road as cars should no longer have to park partially on the footpath at busy times of the pre school day.

An Environmental Impact Assessment was not required as this application site does not exceed 0.5 hectares as stated under Schedule 2 Part 10 b –Urban Development project.

Summary of Recommendation:

Approve is recommended

The concerns of the neighbouring objector were taken in to consideration which resulted in the layout of that section of the development losing a dwelling. This reduction in the original scheme and a revision of design meant there was more space to create a quality residential development. I am content that this revised residential development is in compliance with the relevant policies and therefore approval is recommended.

Approval Conditions

Condition 1

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

Reason: Time Limit

Condition 2

The vehicular accesses including the visibility splays of 2.4 metres by 70 metres in both directions and a forward sight distance of 70 metres shall be provided in accordance with Drawing No 2 REV 4 date stamped 15th September 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any

forward sight distance shall be cleared to provide a level surface no higher than 250 mm above the level the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The gradient(s) of the access road shall not exceed 4% (1 in 12.5) over the first 10m 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.

Condition 4

No site works of any nature or development shall take place other than in accordance with the Programme of Archaeological Work stamp dated 25th January 2022.

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

Condition 5

A Programme of Post-Excavation Analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the Programme of Archaeological Work stamp dated 25th January 2022. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Condition 6

All hard and soft landscape works shall be carried out in accordance with the approved details included within Drawing No 2 REV 4 date stamped 15th September 2022 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwellings and shall be implemented as approved during the first available planting season.

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

Condition 7

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the

opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

Signature(s): Cathy Hughes

Date: 19 December 2022

ANNEX	
Date Valid	10 June 2021
Date First Advertised	24 June 2021
Date Last Advertised	22 June 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier St John's PS, 2 Stiloga Road, Eglish, Dungannon, Tyrone, BT70 1LB The Owner / Occupier 2 Beech Mews Dungannon Tyrone BT70 1NG The Owner / Occupier St Patrick's PS, 2 Stiloga Road, Eglish, The Owner / Occupier 22 Beechville Heights Dungannon Tyrone BT71 7DR The Owner / Occupier 141 Eglish Road Dungannon Tyrone BT70 1LB The Owner / Occupier 20 Beechville Heights Dungannon Tyrone BT71 7DR The Owner / Occupier 144 Eglish Road Dungannon Tyrone BT70 1LB The Owner / Occupier 1 Beech Mews Dungannon Tyrone BT70 1NG	
Date of Last Neighbour Notification	14 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR Rivers Agency-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR	

NI Water - Multiple Units West-LA09-2021-0887-F.pdf
NI Water - Multiple Units West-Consulted in error. Resend to NI Water - Strategic Applications.
NI Water - Strategic Applications-
NI Water - Multiple Units West-LA09-2021-0887-F.pdfLA09-2021-0887-F.pdf

Drawing Numbers and Title

Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/0933/F	Target Date: 12 August 2021
Proposal: Detached home office to rear existing dwelling.	Location: 1A Cabragh Heights Lurganagoose Knockloughrim BT45 8GY.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Colm Roddy 1A Cabragh Heights Lurganagoose Road Knockloughrim BT45 8GY	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	Rivers Agency	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
	Rivers Agency	Substantive: TBCResponseType: PR
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Full or RM Responce.docx
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters of Objection	2
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures

Summary of Issues

One letter of objection has been received. The issues raised in regards to planning concerns relate to the potential loss of car parking spaces and car parking congestion caused by the development. These concerns have been addressed within the body of the report.

Characteristics of the Site and Area

The site is located within the settlement limits of Knockcloghrim outside any other designations as per the Magherafelt Area Plan. The site is a triangular shaped plot with the existing two storey dwelling located on the northern boundary and the site extending south until it finishes at a narrow point. A small single storey building which is the subject of this planning application is located to the rear of the dwelling, close to the western boundary wall, with a narrow garden area to the rear of this. The site is bounded on the eastern by a wooden fence with the eastern (roadside) boundary defined by a mix of low level stone wall, with part having a wooden fence on top and the single storey building acts as a boundary set back behind this low level wall. The surrounding area is a mix of residential properties to the north also within the settlement limits, with open countryside and agricultural fields located to the south and beyond.

Description of Proposal

This is a full planning application for a detached home office to rear existing dwelling.

Relevant Planning History

H/2006/0623/F- 1 no. townhouse 35M (Approx) South West Of 10 Lurganagoose Road, Knockloughrim. Appeal Upheld 6.11.2008

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7- Residential Extensions and Alterations

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology and Built Heritage

The SPPS provides a regional framework of planning policy that will be taken into account of in preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore, transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

I am content that the scale and massing of the proposal is sympathetic with the built form and appearance of the existing property. In comparison to the dwelling on site, this building is of a much smaller scale and its impact is limited. The proposal will have no impact on the privacy or amenity of neighbouring residents.

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

I am content there is sufficient space within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The objector claimed the development would be replacing car parking spaces that were on site. However, having reviewed the approved plans and visited the site it is clear car parking is located at the front of the property and this home office is located in the rear garden of the property. In terms of private amenity space I am content there is in excess of 40 sqm referred to in the Creating Places guidance document.

PPS 3: Access, Movement and Parking

DfI Roads were consulted on the proposal and were able to review the submitted plans and the objection received. They stated the dwelling has 2 in-curtilage parking spaces and there are no alterations required for road access. DfI Roads are basing their response on the assumption the proposed home office is for the home owners private use only and no intensification is proposed. A condition should be attached to the approval to ensure if used for private domestic use only related to the dwelling to ensure there is no intensification of traffic to the site.

PPS 6: Planning, Archaeology and Built Heritage

Historic Environment Division (HED) were consulted on the application. Historic Monuments were content the proposal is satisfactory to SPPS and PPS 6 policy requirements due to the height and massing of the development. Historic Buildings considered initially they did not have enough information to fully assess the impact of the development on the listed building 'Knock House' which is located approximately 50m North West of the home office. Additional information was then submitted by the agent 6th December 2022 and a consultation issued to HED to review. Following this HED responded to state they were of the consideration that the proposed home office exerts no greater demonstrable harm on the setting of the listed buildings than the previous arrangement at 1A Cabragh Heights.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

Condition 2

The proposal hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 1a Cabragh Heights Knockcloghrim Magherafelt BT45 8GY

Reason: To prevent the creation of a business unit or additional residential units

Case Officer: Ciaran Devlin

Date: 16 December 2022

ANNEX	
Date Valid	17 June 2021
Date First Advertised	29 June 2021
Date Last Advertised	29 June 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 1 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 10 Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 10B , Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 3 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 1 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 2 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 4 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 8 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 115 Carricknakielt Road, Knockcloghrim, Londonderry, BT45 8QP The Owner / Occupier 6 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS	
Date of Last Neighbour Notification	13 August 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Rivers Agency-Substantive: TBC	

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Historic Environment Division (HED)-Substantive: TBCResponseType: PR
Rivers Agency-Substantive: TBCResponseType: PR
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-Full or RM Responce.docx
Historic Environment Division (HED)-

Drawing Numbers and Title

Proposed Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Block/Site Survey Plans Plan Ref: 04
Site Location Plan Plan Ref: 01

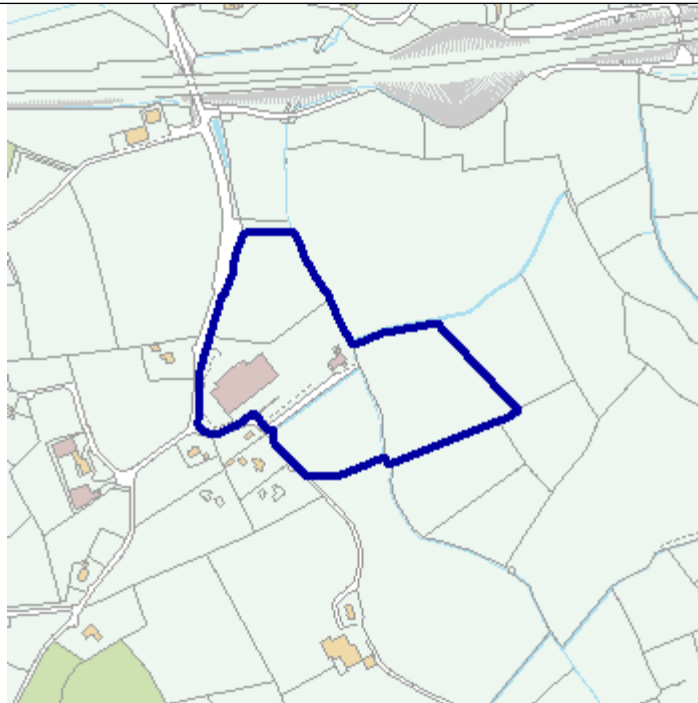
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/1093/F	Target Date: 9 November 2021
Proposal: Proposed extension to the existing Woodmarque factory to facilitate the erection of 2no. manufacturing/warehouse units (Class B2/B3/B4), ancillary offices and research and development accommodation; new on-site treatment works, security offices, electricity substation, silo, car parking and service areas, access improvements and all associated site works and landscaping.	Location: Lands Surrounding The Existing Woodmarque Architectural Joinery Unit NO16 Mullaghbane Road Greystone Dungannon.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Woodmarque 16 Mullaghbane Road Dungannon BT70 1SR	Agent Name and Address: Tsa Planning 20 May Street Belfast BT1 4NL
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	NI Water - Strategic Applications	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Rivers Agency	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	NI Water - Single Units West	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
		Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	NIEA	Substantive: YResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR

	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	NIEA	Substantive: TBCResponseType: PR
	Rivers Agency	Substantive: TBCResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	26-10-2022.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-21-1093 F No 16 Mullaghbane Road Greystone Dungannon.doc
	DFI Roads - Enniskillen Office	15-12-2022.docx
Non Statutory Consultee	Health And Safety Executive For NI	CN202210-0010 - Land surrounding the existing Woodmarque Architectural Joinery Unit, 16 Mullaghbane Rd, Greystone, Dungannon BT70 1SR.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	18-11-2022.docx
Statutory Consultee	DFI Roads - Enniskillen Office	19-12-2022-Conditions.docx

Representations:

Letters of Support	3
Letters of Objection	4
Letters Non Committal	0

Number of Support Petitions and signatures

Number of Petitions of Objection and signatures

Summary of Issues

Characteristics of the Site and Area

The site is located approximately 2 miles south west of Granville and less than half a mile south of the main A4 Dungannon - Ballygawley Road. Access to the site is off the Mullaghbane Road, which is a minor rural road.

The site presently consists of a large well established joinery workshop business and associated offices and car parking - Woodmarque Joinery.

The main part of this application will be accommodated within two fields to the immediate south and south east of the site.

The surrounding area is rural in nature with a proliferation of single dwellings in the immediate area. Despite the single dwellings and the existing business, the area is remote in nature with little through traffic and still possesses a significant degree of rural character. The site is located within the Dungannon Drumlin and Hills Local Landscape

Character Area and accordingly, the immediate locality is characterised by a quite noticeable drumlin landscape.

There are two noticeable drumlin landscape features to the north east and south east and these landscape features mean that long term views of the site are somewhat restricted, particularly from the north which is main public perspective of the site.

Description of Proposal

Proposed extension to the existing Woodmarque factory to facilitate the erection of 2no. manufacturing/warehouse units (Class B2/B3/B4), ancillary offices and research and development accommodation; new on-site treatment works, security offices, electricity substation, silo, car parking and service areas, access improvements and all associated site works and landscaping. This is the second phase of the expansion of this business with the phase 1 approval being granted earlier this year under LA09/2021/0929/F

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

- o Magherafelt Area Plan 2015
- o Strategic Planning Policy Statement (SPPS)
- o Planning Policy Statement 21 Sustainable Development in the Countryside
- o Planning Policy Statement 4 - Planning and Economic Development
- o Planning Policy Statement 3 - Access Movement and Parking
- o Planning Policy Statement 15 - Planning and Flood Risk
- o Mid Ulster Draft Plan Strategy 2015-2030

Magherafelt Area Plan 2015

The site is not located within the settlement limit of any defined settlement. It is located in the countryside as per the Dungannon and South Tyrone Area Plan 2010 and therefore should be assessed as such in terms of prevailing planning policy.

Strategic Planning Policy Statement (SPPS)

Para. 6.87 of the SPPS states that the guiding principle for economic development proposals in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities whilst protecting or enhancing the rural character and the environment. It does state that farm diversification proposals and proposals involving the re use of existing buildings or expansion proposals will offer the best solutions but that new buildings are permissible where they can be integrated in a satisfactory manner.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 of PPS 21 states that in relation to economic development in the countryside, proposals which comply with PPS 4 will be acceptable. Therefore in relation to the principle of this development, the main policy consideration is PPS 4 which is considered below.

CTY 13 and CTY 14 of PPS 21 are also relevant to this proposal as they deal with integration of the proposed development and impact on rural character. They will be discussed below in further detail in relation to the visual impact of the development on the character of the local area and its ability to integrate satisfactorily.

PPS 4 - Planning and Economic Development.

Policy PED 2 states that proposals for Economic Development in the Countryside will be acceptable in a range of scenarios. One of these scenarios is the expansion of an established economic development use and that this type of development in the rural area must comply with policy PED 3.

Policy PED 3 states that proposals for expansion will be acceptable where the scale and nature of the proposal does not harm the rural character and where there will be no major increase in site area. In relation to this proposal, the site area will increase to approximately 7.2 hectares. This represents an approximate doubling of the site area and therefore on the face of it this proposal would be contrary to policy as there is a presumption against development which involves a major increase in site area.

However, PED 3 goes on to state that an exception may be made for proposals involving major expansion of existing enterprises that don't meet the initial policy provisions, but where the following criteria are met;

- o relocation of the enterprise is not possible for particular operational or employment reasons
- o the proposal would make a significant contribution to the local economy
- o the development would not undermine rural character.

Given that this proposal therefore does not comply with the initial policy provisions in so far as it involves a approximate doubling of the site area, it is imperative that each of the above three criteria are assessed in order to determine whether this proposal is acceptable or not.

Relocation of the enterprise is not possible for particular operational or employment reasons

This development will require the creation of industrial floorspace of 10,600 sq. metres, 370 car parking spaces, 30 lorry parking spaces, 2 waste water treatment systems, a new silo for storage of woodchips and an electricity sub station.

In the planning statement submitted with the planning application the agent has shown work carried out by local estate agents (Best Property) who have assessed the following alternative local sites to see if they are capable of housing this development. They have identified that the demand for industrial land in south Tyrone is very high at present but identified the following candidates as sites which could potentially house the development.

- o Lisdoart Road, Ballygawley
- o Aghnagar Road, Ballygawley

- o Brickworks Cookstown Road, Dungannon
- o Kilcronagh Business Park Cookstown
- o Invest NI Sites in Dungannon - none currently available.

Whilst there are no Invest NI sites available in Dungannon, the other sites which are available have been considered inappropriate for a range of reasons including poor access, lack of appropriate space or buildings which are in a poor state of repair and therefore not fit for purpose. The issue about a lack of serviced invest NI sites in Dungannon is accepted and in general, the lack of economic land in Dungannon is something which MUDC have referenced in the draft Plan Strategy (paras 4.14 and 12.2).

The agent has also argued that the feasibility of operating a split location approach in relation to this business model is not sustainable. The agent makes the argument that the ability to utilise infrastructure such as biomass energy on site would be lost if the business was to move to a dual location model. They also argue that the ability to group deliveries both incoming and outgoing is more sustainable in terms of an environmental perspective as well as logistically. In relation to employment, the agent has argued that having staff based across 2 locations would be less viable because the nature of the business requires staff to be re-deployed to various locations on a daily basis, especially at peak seasons.

Having considered all of the above arguments, I am of the view that the applicant has demonstrated that relocation of the enterprise is not possible for both operational and employment reasons. Given my knowledge of the District, I am of the view that sites in Granville would potentially be suitable in terms of proximity and access to main transport links. However, as the agent has rightly demonstrated, there is a distinct lack of serviced industrial sites available within Dungannon (including Granville). The other sites have been assessed by Best Property and shown to be unsuitable for a variety of reasons, which I accept and, where applicable, given my local knowledge am in agreement with.

I also accept the applicants argument that the nature of the business requires the flexibility of staff to work in a number of different settings and that this could be made more difficult, and therefore impact negatively upon the business, should a dual location approach be adopted. Added to this is the fact that from a sustainability perspective, the idea of dual locations would increase travel times and journey frequency which would have its own negative environmental impacts and I am satisfied that the options of relocation or split locations are not practicably possible without severely hindering the day to day viability of the business.

The proposal would make a significant contribution to the local economy. Woodmarque joinery is a very well established and nationally renowned company which employs 58 full time staff and also provides opportunities for apprenticeships for local students. The proposed extension of the factory in two phases (the majority of which is under this application) will provide for 150 additional jobs over 5 years as well as facilitating an Apprenticeship Key Skills Area. This more than doubling of the employee base for such an already significant employer in the local area, is undoubtedly capable of being classed as a significant contribution to the local economy.

Elected representatives from Sinn Fein, SDLP and DUP have voiced their support for this proposal based on, among other things the job creation it will contribute for the local area.

I am therefore convinced by the arguments that this proposal will have significant benefits for the local economy. If job creation resulting from this proposal was not so considerable, it might be harder to make this argument. However an increase of 150 jobs to a local business currently employing 58 staff is certainly, in my view, a significant contribution to the economy of the local area.

The development would not undermine rural character
Policies CTY 13 and CTY 14 of PPS 21 deal with the impact of the proposed development on rural character and are assessed below. Therefore in relation to this criteria from PED 3, the consideration below will be utilised to form an opinion.

PPS 21 - Sustainable Development in the Countryside

CTY 13 deals with the integration of development in the countryside. It states that permission will be granted for a new building where it can be satisfactorily integrated into the landscape. The policy sets out criteria whereby development will be considered to be incapable of integrating into the countryside. The policy states that development will be considered to fail the integration tests if it is a prominent feature in the landscape, does not use existing landform to aid integration, is of inappropriate design or lacks long established boundaries.

The 2 main buildings involved in this development are considerable in terms of their overall size. They will have a finished ridge height of just under 16 metres and will be of a similar scale and design to the existing buildings. Despite the size of the buildings, it is my view that they will not be prominent features in the landscape. As mentioned previously, the drumlin landform in the immediate vicinity mean that views of the site are very well restricted from both the north (main road) and from the east (Reaskmore Road). The only views from where the development will appear prominent is the view from the immediate south along a private laneway which serves 3 private dwellings. Additionally, the developer is proposing to carry out a significant lowering of the existing levels before commencing building work on Factory B and C and this will further aid the integration by utilising the screening and back drop provided by the drumlin landscape to an even greater degree.

Given the limited views from the public perspective, it is therefore my opinion that the 2 principal buildings (factory B and Factory C) will not be prominent features in the landscape. The most prominent aspect of the development will be the new car park which has been proposed. This part of the development however, does not involve any new buildings and will be softened by landscaping that the agent has included on request from the Council.

I am therefore satisfied that the development, whilst considerable in size, meets the requirements of CTY 13 in so far as it will not be prominent when viewed from the public perspective and has successfully used the existing landform as screening and a back drop to aid integration.

CTY 14 states that planning permission will not be granted for a development in the countryside which would cause a detrimental change to, or further erode the rural character of an area. As outlined above, it is my view that the development will not be a prominent feature in the landscape. The main buildings (Factory B and Factory C) will not be prominent features in the landscape and will not therefore have a detrimental impact on the rural character of this area. Views of these two buildings will be limited to short term views from the minor laneway to the south and therefore will not be sufficient to erode rural character.

The ancillary works and the new car park will have the greatest impact on rural character as large car parks such as this are very urban in nature and would have the potential to erode rural character. However the agent has included a significant degree of planting to soften the visual impact of the car park and although it is located to the front of the main part of the site, views will again be limited to the short stretch of road leading to the premises from the north along the Mullaghbane Road.

The factory at present is quite a significant feature in the immediate area. Having said that, the area still possesses a degree of rural character primarily in my view because of the low level of noise which is generated by the factory and the remote nature of the immediate area. This development which will be similar to the existing factory in terms of noise levels as well as design, and which will be very well screened from public view by existing landform will not have a significant detrimental impact on rural character and in my opinion complies with CTY 14.

Having considered and assessed the proposal against CTY 13 and 14 of PPS 21, I am therefore satisfied that this proposal would not undermine rural character. In addition to this satisfying the policy provisions of PPS 21 it also helps the proposal to comply with PED 3 of PPS 4. As previously discussed, the proposal was being considered as an exception under PED 3 and in order for this to be acceptable it needed to be demonstrated that;

- a) Relocation was not possible
- b) It would make a significant contribution to the local economy
- c) It would not undermine rural character.

Points a) and b) have been considered above and the fact that the proposal complies with CTY 13 and CTY 14 of PPS 21 is in my view satisfactory to mean that the proposal also complies with point c). Therefore, I am satisfied that the proposal complies with CTY 13 and 14 of PPS 21 and PED 3 of PPS 4.

Policy PED 9 of PPS 4 is also relevant. PED 9 contains general planning criteria against which all economic development should be assessed. Environmental health have been consulted on this proposal and they are satisfied that, in terms of noise impacts, the proposal will not cause any detrimental impact to residential amenity subject to conditions. In relation to other impacts on residential amenity, I examined during my site inspection, the impacts of the proposed development upon the residential amenity of number 20 Mullaghbane Road which is located off the minor laneway to the south of the site and which will be directly opposite the proposed new factory (Factory B). The proposal will undoubtedly limit the outward views from the property but I am not of the opinion that the proposal will impact negatively on the property in terms of overbearing or

dominance, given the level of cutting into the site which will take place prior to construction and the fact that this will result in the finished height of factory B being similar to the ridge height of no. 20.

I am of the view that the proposal will not be incompatible with surrounding land uses.

There are no historical assets close by and Natural Environment Division are happy that the proposal will not impact upon the natural environment. The developer has indicated in their Preliminary Ecological Appraisal that there has been evidence of potential badger activity on the site but no evidence of badger setts was discovered. They are content that no damage will be caused to badger setts but due to badgers being a mobile species, NED recommends that a pre-construction survey should be carried out to ascertain the presence of badger setts prior to construction commencing.

NED also point out that the site is hydrologically linked to the Oonagh River which in turn, is linked to the River Blackwater and therefore to Lough Neagh SPA and RAMSAR site. They have asked for the imposition of a planning condition which requires the mitigation measures laid out in the Construction Environmental Management Plan (CEMP) are implemented.

NI Water have indicated that they have no concerns in terms of disposal of waste water and have recommended that the proposal is approved subject to planning conditions. Likewise, DFI Rivers have indicated that they have no issues with the development - the site does not lie within a Q100 Flood Plain and they have agreed with the contents of the Drainage Assessment.

I have indicated and explained above how I feel the proposal will not have a detrimental impact on rural character, and is capable of integrating into the surrounding countryside.

PPS 3 - ACCESS MOVEMENT AND PARKING

Policies AMP2, AMP 7, AMP 9 and AMP 10 of PPS 3 are relevant in so far as the proposal will involve additional car parking and the creation of a new access onto the public road (Mullaghbane Road).

DFI Roads have been consulted and are of the view that the proposal will not prejudice road safety and that car parking proposals and all vehicle movements are satisfactory.

OTHER MATERIAL CONSIDERATIONS

Letters of Objection

4 letters of objection were received to this proposal. There appear to be 3 letters submitted on behalf of the residents of no. 22 Mullaghbane Road and one on behalf of no. 40 Mullaghbane Road. The planning issues raised in all of these letters are broadly similar and are listed below;

- o Impact on Wildlife
- o Impact on Landscape
- o Noise
- o Visual impact and associated impact on the character of the countryside

- o Traffic concerns - increase in movements and ability of the minor rural roads to cope
- o Discharge of excess water
- o Size of the development - major expansion and contrary to PED 3

In relation to the impact of the development on wildlife within the site itself and in designated sites, which are hydrologically linked to the site, Natural Environment Division have stated in their consultation response that there are no concerns for natural heritage, subject to conditions. They have stated that they recommend a pre-construction badger survey is carried out in order to ensure no new badger setts have been discovered and have attached a planning condition requiring that no development takes place until a final CEMP has been agreed.

In relation to the development and its impact on the local landscape and character of the area, as has been explained in the main body of the report, it is my opinion that this development, whilst large and obviously visible, will not have a detrimental impact on the character of the area. Integration will be aided by the drumlin landscape and the proposed lowering of finished floor levels as proposed by the developer in the form of excavation works in order to lower ground levels. The limited public views of the site and the minimal noise impact resulting from it will not in my opinion result in the rural character of this area being eroded to an unacceptable level.

Environmental Health have been consulted in relation to the potential noise pollution from the site and have stated that they have no objections subject to the imposition of conditions which have been provided by them in relation to operating hours and approved noise levels. Environmental Health were re-consulted in relation to the noise levels from the objectors addresses and have again stated that they have no objection, subject to conditions.

NI Water and DFI Rivers are both agreeable to the development in terms of ability to dispose of waste water and also the contents of the drainage assessment.

In relation to the objection which argues that the development is too large to be considered as an extension when it is in fact a more major development in its own right (and therefore contrary to PED 3), this has been addressed in my consideration of policy PED 3 outlined above. This proposal represents an approximate doubling of the site area and therefore on the face of it this proposal would be contrary to policy as there is a presumption against development which involves a major increase in site area.

However, PED 3 goes on to state that an exception may be made for proposals involving major expansion of existing enterprises that don't meet the initial policy provisions and I have outlined above how I believe these criteria have been met. I am therefore satisfied that this proposal does meet the provisions of policy PED 3.

In conclusion therefore, the planning issues raised by the objectors have, in my opinion all been considered and addressed satisfactorily.

Letters of Support

In addition to the letters of objection, there are also three comments received in support of the application, all from local elected representatives across three political parties (Sinn Féin, DUP and SDLP) who are supportive of the development because of the economic benefits that it will bring to the local area.

Summary of Recommendation:

Approve is recommended

Having weighed up all the necessary policy considerations and other material considerations such as letters of objection and letters of support, I am of the view that this proposal can be recommended for approval subject to the following conditions.

Approval Conditions

Condition 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

Condition 2

The development hereby permitted shall be constructed in accordance with the approved drawings and finished floor level of the buildings and all finished levels throughout the site shall be as shown on the approved plan No 03 rev2 bearing the date stamp received 04 October 2022 , unless otherwise agreed in writing by Mid Ulster Council.

Reason: To ensure the development integrates into the countryside in the interests of visual amenity and to protect the residential amenity of nearby dwellings

Condition 3

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Maintenance Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following;

- a. Construction methodology and timings of works, including construction of the proposed culvert and mitigation measures to protect the aquatic environment and minimise disturbance to otters during its construction
- b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site. Details of suitable buffers around the culvert site prior to the commencement of construction

- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Updated surveys of protected/priority species and further mitigation measures, where necessary.
- e. Water Quality Monitoring Plan
- f. Environmental Emergency Plan
- g. Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities

Reason: To protect Northern Ireland priority habitats and species, and to prevent likely significant effects on Lough Neagh Special Prevention Area (SPA) and Ramsar site, as well as Lough Neagh Area of Special Scientific Interest (ASSI).

Condition 4

The business shall only be open and operational between the following hours:

Monday to Friday - 0800 - 1800 hours

Saturday - No operations

Sunday - No operations

Reason: To protect nearby residential amenity.

Condition 5

The internal noise level of the hereby approved work floor and storage area shall not exceed the levels set out in Table 1;

Table 1

Name	Type	Octave Spectrum (db)	31.5	63	125	250	500	1000	2000	4000	8000		
	A	lin											
Internal work floor		Lin	67.0	83.4	90.2	80.0	81.0	82.0	87.0	79.0	76.0	75.0	72.0
Storage Area	Lin		73.4	80.2	70.0	71.0	72.0	77.0	69.0	66.0	65.0	62.0	57.0

Reason: To protect nearby residential amenity

Condition 6

The Sound Reduction Index of the walls and roof facades of the hereby approved building materials listed or equivalent shall provide at least those values set out in Table 2:

Table 2

Name	ID	Octave Spectrum (db)
------	----	----------------------

					31.5	63	125	250	500	1000	2000
	4000	8000	Rw								
Kingspan Wall Panel (AWP) Range KS600-1000				Wall	0.0	20.0	15.0	17.0	23.0	18.0	25.0
	40.0	46.0	23.0								
Kingspan Roof Panel KS1000 RW				Roof -	20.0	18.0	20.0	24.0	20.0	29.0	39.0
	47.0	25.0									
Kingspan RW/40 +I+L W8 -				Wall	13.0		14.0	29.0	38.0	40.0	45.0
	55.0	-	37.0	13.0							
Kingspan KS1000 RW/40 +I+L R2-				Roof	8.0	17.0	32.0	43.0	48.0	54.0	60.0
	-	41.0	8.0								

Reason: To protect nearby residential amenity

Condition 7

In the event that previously unknown contamination is uncovered, falling outside the scope of the previous Preliminary and Generic Qualitative Risk Assessment, development on the site shall cease, pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of the Planning Department (in consultation with the Environmental Health Department of Mid Ulster District Council).

Reason: To protect human health from land contamination

Condition 8

Any remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met; substantiating information shall be submitted to the Planning Department (in consultation with the Environmental Health Department of Mid Ulster District Council) in the form of a written validation report, for prior approval.

Reason: To protect human health from land contamination

Condition 9

The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such details within any report or submissions required for approval by the Planning Department (in consultation with the Environmental Health Department of Mid Ulster District Council)

Reason: To protect human health from land contamination

Condition10

Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interests of public health

Condition11

Development shall not be occupied until the surface water drainage works on-site and offsite have been submitted, approved and constructed by the developer and the relevant authority.

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

Condition12

All drainage works must be carried out in accordance with the submitted and agreed Drainage Assessment dated 6th July 2021.

Reason: To ensure adequate and environmentally safe drainage of all effluent from the proposed development.

Condition13

The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 23 Revision 2 bearing the date stamp Oct 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition14

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.

Condition15

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 23 revision 2 bearing date stamp October 2022 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.

Condition16

No other development hereby permitted shall be commenced until the road works indicated on Drawing No 23 Revision 2 bearing the date stamp October 2022 have been fully completed in accordance with the approved plans.

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

Condition17

All proposed landscape works shall be carried out in accordance with the approved details on Drawing No.03 Rev 2 bearing the date stamp 04/10/22 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first planting season following construction.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity and to help the development integrate into its surroundings..

Case Officer: Colin McKeown

Date: 20 December 2022

ANNEX	
Date Valid	27 July 2021
Date First Advertised	12 August 2021
Date Last Advertised	10 August 2021
Details of Neighbour Notification (all addresses) <p>The Owner / Occupier 22 Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 23 Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 25 Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 20 Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 17 Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 20A Mullaghbane Road Dungannon Tyrone BT70 1SR</p> <p>The Owner / Occupier 26 Mullaghbane Road, Dungannon, Tyrone, BT70 1SR</p> <p>The Owner / Occupier 17 Mullaghbane Road, Dungannon, BT70 1SR</p>	
Date of Last Neighbour Notification	20 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> 	

Summary of Consultee Responses

NI Water - Strategic Applications-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Rivers Agency-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
NI Water - Single Units West-Substantive: YResponseType: FR
NIEA-Substantive: YResponseType: FR
-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
NIEA-Substantive: YResponseType: FR
Rivers Agency-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
NIEA-Substantive: TBCResponseType: PR
Rivers Agency-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-26-10-2022.docx
Environmental Health Mid Ulster Council-LA09-21-1093 F No 16 Mullaghbane Road
Greystone Dungannon.doc
DFI Roads - Enniskillen Office-15-12-2022.docx
Health And Safety Executive For NI-CN202210-0010 - Land surrounding the existing
Woodmarque Architectural Joinery Unit, 16 Mullaghbane Rd, Greystone, Dungannon
BT70 1SR.pdf
DFI Roads - Enniskillen Office-18-11-2022.docx
DFI Roads - Enniskillen Office-19-12-2022-Conditions.docx

Drawing Numbers and Title

Existing Plans	Plan Ref: 17
Existing Plans	Plan Ref: 16
Cross Sections	Plan Ref: 15
Proposed Plans	Plan Ref: 14
Proposed Plans	Plan Ref: 13
Proposed Plans	Plan Ref: 12
Proposed Plans	Plan Ref: 11
Proposed Plans	Plan Ref: 10
Photograph	Plan Ref: 09
Site Layout or Block Plan	Plan Ref: 08
Site Layout or Block Plan	Plan Ref: 07
Site Layout or Block Plan	Plan Ref: 06
Site Layout or Block Plan	Plan Ref: 05
Site Layout or Block Plan	Plan Ref: 04
Site Layout or Block Plan	Plan Ref: 03
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Location Plan	Plan Ref: 01-08

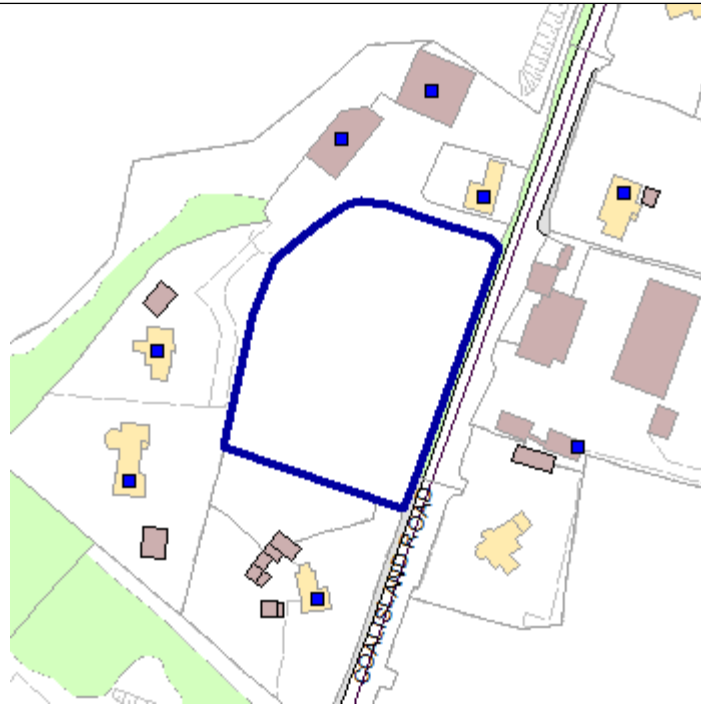
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1173/F	Target Date: 8 October 2021
Proposal: Light industrial development including site works and new access.	Location: Site Adjacent & SW 32 Coalisland Road Lurganboy Dungannon BT71 6LA.
Referral Route: Approve is recommended Objection received Contrary to Area Plan	
Recommendation: Approve	
Applicant Name and Address: M Clarke 39 Killymeal Road Dungannon BT71 6LJ	Agent Name and Address: Gray Design Ltd 5 Edward Street Newry BT35 6AN
Executive Summary: Industrial development has been accepted on this zoned housing site inside Dungannon with Outline Planning Permission granted LA09/29017/0339/O. Objection raised relates to road safety, DFI Roads have been consulted and are content the access is acceptable.	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	12-10-2022.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions.docx
Statutory Consultee	DFI Roads - Enniskillen Office	04-08-2022.docx

Representations:

Letters of Support	0
Letters of Objection	1

Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues Road safety – volume of traffic, conflict with access, access not proper standard and insufficient information submitted.	
Characteristics of the Site and Area The application site is located within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 (DSTAP 2010). The site is currently in grass and is bounded by existing hedges on all sides, it is relatively flat and there is footpath along the frontage with Coalisland Road. It lies outside all other areas of constraint as depicted by the DSTAP 2010. This area has a mixture of uses ranging from private residential, mixed tenure housing developments, offices and warehousing, playing fields, car wash (in a former petrol filling station) large industrial developments, educational and health trust properties as well as the Councils Civic Amenity site. There is a private lane to the side and rear of the site that accesses some existing businesses and private houses.	
Description of Proposal The application seeks full permission for light industrial development including site works and new access. The site has Outline planning permission for the same proposal. (LA09/2017/0339/O) Fig 1 – site layout	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Assessment of policy and other material considerations: Planning Act 2011 Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.	

Area Plan

Dungannon and South Tyrone Area Plan 2010 is the extant plan for the area and the site is in zoned phase 1 housing land, DH03 within the designated development limits of Dungannon. It has been accepted there is a shortfall of industrial land in Dungannon and the principle of industrial use for this site was established under application LA09/2017/0339/O approved on 3 July 2019. SETT1 indicates that favourable consideration will be afforded to applications within the settlement limits provided it meets with 7 listed criteria. I consider if the proposal meets with the policies set out in Regional Policy in PPS3 and PPS4 then it will also meet the requirements of SETT1.

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.

Key Planning Policy

RDS 2035

SPPS- Strategic Planning Policy Statement

PPS3 - Access, Movement and Parking

PPS4 - Planning and Economic Development

3rd party objections

One received, this raised issues in relation to traffic generation, the adequacy of the access, adequacy of the information submitted, need for a right hand turning lane, location of the access is dangerous as not far enough away from existing junctions. These matters are all road safety issues which were forwarded to Roads Engineers for consideration, they have agreed the position of the access and set the standards for the access in accordance with the published guidance.

Planning History

LA09/2017/0339/O - Light industrial development including site works and new access, Site Adjacent And SW 32 Coalisland Road, Lurganboy, Dungannon – OPP Granted 03.07.2019.

This application is for the erection of 7 light industrial units in 2 blocks, one with 6 units and one with 1 unit. The 6 unit building will be located to the north of the site and perpendicular to the road, it will be 42m long, 18m wide and 8.6m in height. The building will provide gross floor space of 756sqm with a roller door and a pedestrian door to access the front of each unit and a pedestrian access to each unit at the rear. The building will be finished with red facing brick to the lower walls and grey cladding to the upper walls and roof. The front and side will have cladding that screens the pitched roof behind. (See Fig 2) Unit 7 will be 35m long by 18m wide and 7.2m in height. It will provide gross floor space of 630sqm and will have 2 roller doors in the front and one in

the north elevation with pedestrian doors in all elevations. It will also be finished with red brick to the lower walls and grey cladding to the upper walls and roof. The site will have a central access point to the Coalisland Road with a new footpath along the frontage of the site backed by new landscaping. The buildings will be located around a large yard area and the site will be cut and filled with the building at the north end of the site (Unit 6) being developed on ground that is filled by approx. 5 metres. Though it is at the rear of the site and not along the public road where the development will be relatively level with the Coalisland Road. The building at the south end of the site (unit 7) will be 4m below the level of the road. (Fig 4)

Fig 2 – Units 1 - 6

Fig 3 - Unit 7

Fig 4 site sections, existing and proposed

Policy PED 1 of PPS4 is supportive of light industrial uses in cities and towns and allows appropriate development on a case by case basis outside zoned industrial areas. I consider if the proposal meets the criteria set out in PED 9 – General Principles then it will be acceptable in this location.

Policy PED 9 “General Criteria for Economic Development” states that a proposal for economic development use, in addition to other policy provisions of PPS 4, will be required to meet all of the 13 criteria listed under PED 9.

(a) It is compatible with surrounding uses, (b) it does not harm the amenities of nearby residents and (e) it does not create a noise nuisance

The development is in an area where there is a mix of uses and development types with RM Engineering operation to the north in the Old Brick Yard Site and other industrial development across the road. Some dwellings have been converted to business uses and others still remain in residential use. EHO have been consulted and do not raise any concerns provided there are conditions to limit the hours of operations and the use to light industrial. I consider these conditions will ensure this development remains compatible with the surrounding development and will not create any excessive noise. The dwellings to the east of the site, accessed off the private lane, may experience some overshadowing in the morning time however the closest is approx 30 meters to the rear wall of Unit 7, due the separation distances and orientation I do not consider overshadowing will be excessive. I consider residential amenity will not be adversely impacted by the proposal.

(c) it does not adversely affect features of the natural and built heritage

The development is on a grassed field within the settlement of Dungannon, there will loss of some hedgerows along the site boundaries however these will be supplemented with new planting. There are no known built heritage features which will be affected by the proposal.

d) it is not located in an area at flood risk and will not cause or exacerbate flooding
Rivers Agency have confirmed in their consultation response that the site is unaffected by any watercourse known to them. The proposed site does not lie within the 1 in 100

year fluvial flood plain. Due to the size of the site a Drainage Assessment has been submitted and Rivers Agency accept its conclusions and have no reason to disagree with its logic. They note the drainage layout is a concept and require the submission of full detailed drainage to be agreed prior to development commencing on the site.

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

Dungannon WWTW is nearing capacity, however this is a committed site given the extant approval and so NI Water have already accepted they can deal with any waste water. There is no issue of concern raised in relation to any other waste from the site, it will remain light industrial and the premises will deal with the waste accordingly..

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; (h) adequate access arrangements, parking and manoeuvring areas are provided; (i) a movement pattern is provided that, in so far as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport

Following an initial consultation response from Roads and objection raised in relation to roads matters, amendments have been made and Roads find the proposal acceptable subject to a number of conditions. The proposal will link into the existing footway network into Dungannon and Coalisland and as such the proposal will allow alternative modes of transport.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity, k) appropriate boundary treatment and means of enclosure are provided and any views of outside storage proposed area are adequately screened from public view and (l) is designed to deter crime and promote personal safety:

The building design is typical of industrial units in the area and there are no areas of open storage proposed, bins are in enclosed areas to the sides of the buildings and the remainder is for parking and servicing. I consider it necessary to condition that no storage is carried out in these areas as this is open to the view of the public road. The site will be secured by a paladin fence and there will be gabion walling to the rear of the site (a max of 5m in height) this appears to be inside the existing hedging and I consider it necessary to condition its retention. New landscaping is proposed along the frontage of the site which will soften the appearance of the development in the area.

I consider this development meets the requirements of the policies in SETT1 and PED 9 and as such I recommend this is approved.

Summary of Recommendation:

Approve is recommended

Approval is recommended with conditions relating to the access, use of the site, hours of operations, provision of landscaping and submission of final drainage plan.

Approval Conditions

Condition 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.

Condition 2

All existing vegetation along the north, west and south boundaries of the site identified in red on the location map on drawing number 01 bearing the stamp dated 13 AUG 2022 shall be retained. If any vegetation is removed or dies within 5 years of the development hereby approved commencing, it shall be replaced with similar vegetation or other landscaping as may be agreed in writing with the Mid Ulster District Council.

Reason: In the interest of biodiversity and visual amenity.

Condition 3

Prior to the commencement of any development hereby approved a fully detailed landscaping scheme shall be submitted to and approved by Mid Ulster District Council. The scheme shall have native species planting and shall detail the size, species, location and numbers of trees, hedging and shrubs to be planted to; the rear of the sight splays, on all boundaries of the site and within the site. The scheme as agreed shall be carried out in full within the first available planting season following any part of the development hereby approved becoming operational and shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to ensure a quality development.

Condition 4

The development hereby approved shall be used only for the purposes specified in Class B2 - Light Industrial Use, as defined in the Planning (Use Classes) Order (NI) 2015.

Reason: In the interests of residential amenity.

Condition 5

Following the occupation of any part of the development hereby approved, there shall be no deliveries and/or external activity within the site outside the hours of 08:00 hours and 20:00 hours Monday to Friday and 08:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sundays.

Reason: In the interests of residential amenity.

Condition 6

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. The detailed drainage network design as subsequently agreed shall be provided prior to the commencement of any of the development hereby approved.

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

Condition 7

Prior to commencement of any development hereby approved, the vehicular access including sight splays of 4.5m x 84m to the north east and 4.5m by 90 metres to the south west of the proposed access with the public road shall be provided in accordance with the details shown in drawing No 205 Revision B bearing the stamp dated 21 OCT 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

Condition 8

No other development hereby permitted shall be commenced until the 3.0m wide footpath has been completed in accordance with the details as set out on Drawing No 205 Revision B bearing the stamp dated 21 OCT 2022.

Reason: To ensure pedestrian safety and for the convenience of road users.

Condition 9

No operations in or from any building hereby permitted shall commence until hard surfaced areas for the parking, turning and servicing of the development hereby approved have been constructed and permanently marked in accordance with the approved drawing No 205 Revision B bearing the stamp dated 21 OCT 2022. No part of these areas shall be used for any external operations or external storage of any materials, equipment or waste and these shall be used solely for the purposes of parking and movement of vehicles.

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

Condition 10

PSD01 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 205 Revision B bearing the stamp dated 21 OCT 2022.

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.

Condition 11

PSD02 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 No 205 Revision B bearing the stamp dated 21 OCT 2022. The Department for Infrastructure has attached 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.

Case Officer: Phelim Marrion

Date: 21 December 2022

ANNEX	
Date Valid	13 August 2021
Date First Advertised	26 August 2021
Date Last Advertised	24 August 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 32 Coalisland Road Dungannon Tyrone BT71 6LA The Owner / Occupier 28 Coalisland Road Dungannon Tyrone BT71 6LA The Owner / Occupier 26 Coalisland Road Dungannon Tyrone BT71 6LA The Owner / Occupier 31 Coalisland Road Dungannon Tyrone BT71 6LA The Owner / Occupier 29 Coalisland Road Dungannon Tyrone BT71 6LA The Owner / Occupier 29A , Coalisland Road, Dungannon, Tyrone, BT71 6LA The Owner / Occupier 30 Coalisland Road, Dungannon, Tyrone, BT71 6LA The Owner / Occupier 32C , Coalisland Road, Dungannon, Tyrone, BT71 6LA The Owner / Occupier Kennedys Orange Hall, Coalisland Road, Dungannon, Tyrone, BT71 6JT	
Date of Last Neighbour Notification	8 September 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBC	

DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
DFI Roads - Enniskillen Office-12-10-2022.docx
DFI Roads - Enniskillen Office-Conditions.docx
DFI Roads - Enniskillen Office-04-08-2022.docx

Drawing Numbers and Title

Roads Details Plan Ref: 205A
Roads Details
Site Layout or Block Plan Plan Ref: 08
Cross Sections Plan Ref: 07
Proposed Elevations Plan Ref: 06
Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 04
Existing Elevations Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/1328/O	Target Date: 5 November 2021
Proposal: Off site replacement dwelling and ancillary domestic garage	Location: 215M To The West Of No. 12 Tobermesson Road Benburb
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Messrs John And Thomas Madden 63 Artasooly Road Dungannon BT71 7LP	Agent Name and Address: O/Toole And Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NIEA	Substantive: TBCResponseType: FR

Representations:

Letters of Support	0
Letters of Objection	1
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues**Characteristics of the Site and Area**

The red line of the site includes an irregular

Description of Proposal

Outline planning permission is sought for an off site replacement dwelling and ancillary domestic garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application include: 7 Tobermesson Road. At the time of writing, one objection was received in relation to this application.

The objection was received from Matrix Planning Consultancy and states that the replacement opportunity already been used for this site and refers to historical applications. Planning permission was originally granted for a replacement dwelling under M/2003/0300/O, M/2006/1472/RM and later for a change of house type under M/2007/0607/F. The objection refers to the policy context within CTY 3 where it prohibits a second replacement dwelling.

The agent for this application has submitted further supporting information and refers to the case officers report for LA09/2019/1008/F. LA09/2019/1008/F is an application for the retention of dwelling under construction and is currently a live application however it has been deferred from Committee twice in February 2020 and February 2021. The report for this application notes that "the principle of a dwelling has been approved through the previous replacement case. However, the applicant cannot comply with the pre commencement condition and therefore the dwelling cannot be occupied, the retention of the dwelling can also not be approved as this would involve the demolishing of a dwelling not within the applicants control and the owner has made clear that they do not intend to". The approvals for the replacement were not lawfully commenced and therefore have expired. I am content that the replacement building in question under this application was never previously replaced under any other approval as reiterated in the supporting statement provided by the agent for this current application. The application LA09/2019/1008/F is a live case, however I am content that whatever the outcome of it, it would not have any bearing on the impact any forthcoming decision on this current application.

Planning History

M/2003/0300/O - Site for replacement dwelling & detached garage 400 Metres North West Of 15 Tobermesson Road, Benburb - PERMISSION GRANTED

M/2006/1472/RM - Site for replacement dwelling - 400M Northwest Of 15 Tobermesson Road, Benburb, Co.Tyrone - PERMISSION GRANTED

M/2007/0607/F - Proposed change of house type from previously approved application no. M/2006/1472 - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

The site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to the site.

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 outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The structure in question is a single storey building with all of its external walls intact. It exhibits all of the characteristics which all help determine that the application is a dwelling, including chimneys, window and door openings. From my findings on site, I am content that the building in question represents a genuine replacement opportunity. The applicant/agent has indicated their preferred siting which is approx. 150m north of the existing replacement opportunity.

Justification has been provided for the off site location stating that the curtilage of the existing dwelling is so restricted by mature vegetation that it could not reasonably accommodate a modest sized dwelling. The agent continues noting the alternative siting would result in improved landscape benefits as a substantial number of mature trees would need cleared to allow for a dwelling on this site. I am content that the justification provided complies with the exceptions as noted within CTY 3 in that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling and it can also be shown that an alternative position nearby would result in demonstrable amenity benefits.

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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the other dwellings in this vicinity. 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. 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 however I note that some of the closest properties are two storey and therefore I don't feel it is necessary to restrict the ridge height in this instance.

The proposal intends to create a new access onto Tobermesson Road using an access point which serves an existing agricultural field access. DfI Roads were consulted and were content with the proposal, subject to conditions.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 3

The existing building coloured green on the approved 1:2500 scale site location plan, on drawing No 01 which was received on 10th September 2021, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

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

Condition 4

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.

Condition 5

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.

Case Officer: Sarah Duggan

Date: 20 December 2022

ANNEX	
Date Valid	10 September 2021
Date First Advertised	23 September 2021
Date Last Advertised	21 September 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Tobermesson Road Benburb Tyrone BT71 7PU	
Date of Last Neighbour Notification	7 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NIEA-Substantive: TBCResponseType: FR	
Drawing Numbers and Title Road Access Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/1547/F	Target Date: 17 December 2021
Proposal: Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level (re-advertisement)	Location: Lands To The East & West Of 53 Knockmany Road Augher Co Tyrone.
Referral Route: Approve is recommended Major Planning Application, report to Members.	
Recommendation: Approve	
Applicant Name and Address: Campbell Contracts Ltd Letterbailey Quarry Tempo BT94 3FR	Agent Name and Address: Chris Tinsley 10 Saintfield Road Crossgar BT30 9HY
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
	NIEA	Substantive: TBC
	Rivers Agency	Substantive: TBC
Statutory Consultee	Rivers Agency	839828 - Final Response.pdf
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	26-08-2022.docx
Statutory Consultee	Geological Survey NI (DfE)	GSNI has read the Environmental Impact Assessment prepared by

		Quarryplan on behalf of Campbell Contracts Ltd. The GSNI Planning Team requests that in the section on geology (Section 5), an estimate should be provided of the volume, tonnage and grade of materials at the site, and their estimated extraction rates over the proposed lifetime of the quarry. These estimates should be based on empirical data gathered from site investigation boreholes.E3133 - Winning & working of Minerals over a 9 year period at 53 Knockmany Road, Auger, Co Tyrone..pdf
Non Statutory Consultee	Shared Environmental Services	LA09-2021-1547-F HRA_Stage_1_05102022.pdf
Statutory Consultee	Rivers Agency	495845 - Final Response.pdf
Statutory Consultee	Geological Survey NI (DfE)	E3173 - Sand and gravel quarry at Knockmany Road, Auger, Co. Tyrone.pdf
Representations:		
Letters of Support	0	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
Characteristics of the Site and Area		
The site is located at lands to the East & West of No. 53 Knockmany Road, Augher, Co Tyrone and covers an area of approximately 16ha. Knockmany Forest envelops the site along the western and northern boundaries, and the evergreen forestry rises north to the summit of Knockmany, where an ancient Passage Tomb and viewing area is located. To the east of the site is a dwelling, No 37 Knockmany Road, and to the south is low lying agricultural land, farm holdings and dispersed single dwellings.		

The site comprises 2 distinct areas, one to the west and one to the east, and these areas are dissected by a small farm holding, No. 53 Knockmany Road. The site narrows at No. 53 which is a single storey dwelling with associated outhouses and sheds and is road frontage. Land within the site is undulating, and is made up of mostly agricultural grazing fields which are bounded by mature deciduous tree lined hedgerows. Along the SE boundary, which is adjacent to Knockmany Road, there is a mature roadside hedge of approx.. 2m high, screening most of the site from the public road. The western portion of the site is the larger of the 2 areas.

Augher is located approx. 2 km to the SE of the site and Clogher approx. 2.5 km to the south. The Dungannon and South Tyrone Area Plan 2010 shows the site to be within an area of constraint on mineral development and within the open countryside outside any defined settlement area.

Description of Proposal

This is a Major Planning Application for Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level, and the application was accompanied with an Environmental Statment.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Act 2011

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

Area Plan

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The site is located in open countryside, outside any settlement limits, in an Area of Constraint on Mineral Development that stretches along the Clogher Valley Floor between Ballygawley and Fivemiletown.

Policy MN1 of DSTAP- Area of Constraint on Mineral Developments (ACMDs) state that proposals for the development of mineral resources within these areas will be determined in accordance with the provisions of prevailing regional planning policy.

The plan also states that ACMDs are designated in order to safeguard the most valuable and vulnerable areas and features of the environment within Dungannon and South Tyrone Borough from the detrimental effects of mineral extraction. Their designation has taken account of nature conservation and earth science interest, the archaeological and built heritage, landscape quality and character and visual prominence.

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. However, it is clear that should the draft Plan Strategy be adopted in its current form that the proposal would be contrary to POLICY MIN 2 - EXTRACTION AND PROCESSING OF HARD ROCK AND AGGREGATES which states that in Areas of Constraint on Mineral development the extraction and processing of hard rock and aggregates will conflict with the Plan except for minor expansion of an existing mineral working or where it provides important benefits, such as the provision of stone for the restoration and maintenance of vernacular and other buildings of conservation interest.

In the justification and amplification of this policy, paragraph 14.16 states that new large scale commercial extraction in these areas would have a profound and irreparable impact on the heritage and scenic qualities of the landscape and therefore would be unacceptable. Within these areas of constraint, there are a few existing working quarries and it is not the intention of the Plan to prevent their operation, however it must be recognised that even minor expansion needs to be carefully assessed. Elsewhere there are also pockets of local stone, needed for the repair of vernacular buildings in the Sperrins and the Clogher Valley. Any proposals for extraction in these areas need to have minimal surface impact and need to be carefully assessed in relation to the size, scale and duration of the extraction.

Therefore it is clear that there would be no support for this proposal under the new plan, if adopted in its current form, as the proposal is for a new commercial quarry within an existing ACMD and it does not represent an expansion of an existing quarry nor does it represent the extraction of local stone. However, as stated above, the draft Plan Strategy does not yet carry determining weight.

The SPPS states that during the transitional period until new area plans are adopted that planning authorities will apply existing policy contained within retained regional Planning Policy together with the SPPS. 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.

Mineral policy contained within 'A Planning Strategy for Rural Northern Ireland' (PSRNI) is still applicable under the transitional arrangements. The SPPS does not introduce any new provisions in relation to these policies, therefore policies MIN 1 through MIN8 of PSRNI are the current prevailing regional planning policy applicable to this proposal.

Other Key relevant planning policies are listed below;
The Regional Development Strategy (RDS) (2010);
The Spatial Planning Policy Statement (SPPS) (2015);
Planning Policy Statements 21 Sustainable Development in the Countryside;
Planning Strategy for Rural Northern Ireland (PSRNI)(1993);
Dungannon and South Tyrone Area Plan 2010;

The emerging MUDC Local Development Plan Draft Plan Strategy (2019);
PPS2 Natural Heritage;
PPS15 Planning and Flood Risk (revised);
PPS3 Access, Movement and Parking;
PPS6 Planning Archaeology and the Built Heritage

Relevant Site Histories:

No relevant site history has been identified.

Representations:

No representations have been received on this proposal, including 3rd party objections.

Consideration

The main issue with this proposal is that the site is located within an Area of Constraint on Mineral Development (ACMD) as defined in the DSTAP. It is also worth noting that, should the draft Plan Strategy be adopted in its current form, the site would be located within the same designation which is carried through.

Policy MIN 3 of PSRNI states that if for visual, conservation or other reasons, areas require to be protected from mineral developments they will be identified as Areas of Constraint on Mineral Development in development plans.

This policy goes on to say that areas of constraint may form all or part of an AONB or be outside an AONB altogether. They may include or be part of areas designated, listed or otherwise protected for their scientific value or archaeological or historic interest. Within these Areas of constraint there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals. Exceptions to this policy may be made where the proposed operations are short-term and the environmental implications are not significant. In such cases, on-site processing of the excavated material is unlikely to be permitted.

The ACMD where the site is located within the Clogher Valley is not designated as an AONB, however, it is clear that the designation was applied for visual, conservation or other reasons. The draft Area Plan 2030 states that the ACMD includes Clogher Valley and its escarpment because of its scenic value and earth science interest, and has been extended to include Slieve Beagh, which is also internationally important as a natural habitat.

While MIN 3 has a presumption against the granting of planning permission for the extraction and/or processing of minerals within ACMDs, the policy does say that there may be exceptions made where the proposed operations are short-term and the environmental implications are not significant.

There is no indication in policy MIN 3 as to what would constitute a suitable 'short-term' period in terms of meeting this policy. Similarly, there is no indication in the DSTAP as to what a suitable 'short-term' period of extraction would mean. The draft Plan Strategy 2030 does not prescribe what would constitute a suitable 'short-term' period. The draft Plan Strategy does state that any proposals for extraction in these areas need to have minimal surface impact and need to be carefully assessed in relation to the size, scale

and duration of the extraction. It is therefore a matter of judgement for MUDC to determine what would constitute a suitable short-term period should permission be granted. It is also clear that where it can be demonstrated that where environmental impacts are short-term and not significant that this may meet the exceptions to policy.

The agent in support of this application does recognise that this site lies within an ACMD, and has provided a detailed Environmental Statement that looks at the following headings;

Geology

Water Environment Water

Noise

Ecology Biodiversity

Landscape and Visual Landscape

Dust and Air Quality Air and Climate

Vehicle Movements and Highways

Material Assets

Cultural Heritage Cultural Heritage

Natural Resources Land and Soils

Socio-Economic Impacts

Population and Human Health Interactions

Conclusions

Within this report, the agent considers the extent of the existing mineral deposits, the processing and storage capabilities of the applicant, the environmental and human impacts of the proposal, the impacts of traffic movements on highways, the village of Augher and on the protected route, considers alternatives, and considers how best to mitigate against the negative impacts of the development and illustrates how the development will be restored on a progressive basis.

The agent sets out a detailed overview of the proposed development, that it will be undertaken across three main stages:

-Stage 1- Establishment

-Stage 2- Phased Extraction and Progressive Restoration

-Stage 3- Final Restoration

Stage 1 of the proposed development will see the creation of a site access along Knockmany Road, the erection of screening bunds, the creation of an internal haul road from the site access and creation of sumps in the northern parts of the site. The reason for starting development in the Northern part of the site, is so that the visual impacts of the development will be less, and progressive restoration can take place with the southern side of the northern banks re-sewn and graded so that there will be less detriment to the visual amenity of this area of countryside.

Stage 2 will see the site worked in a phased manner with extraction progressing from west to east. The works will comprise of the stripping of soils and overburden, followed by the extraction of the mineral, followed finally by the restoration of the site back to agricultural use. Overburden removal and storage will be managed on a progressive / rotational basis meaning that the change in the surface will be gradual. Sand and gravel will be extracted with the use of a 12m-reach 360 excavator and loaded into HGV's via a

loading shovel. Loaded HGV's will be dispatched off-site via the new site access on the Knockmany Road. It is anticipated that the site will be worked at a rate of 150,000 tonnes per annum. The proposed development is anticipated to be completed within 10 years from commencement. Given the mineral type, no blasting is required.

Stage 3 will see the site restored progressively as mineral extraction extends across the site. Much of the restoration will be undertaken over the course of the proposed development, with the restoration of the majority of the faces in the western parcel complete, prior to entering the eastern lands. Following the completion of extraction, the screening bunds would be deconstructed with the material used for the final part of the restoration of the site (i.e. the pit floor).

The final restoration concept will see the site restored to agricultural use with a woodland and species-rich grassland proposed. The proposed operations will take place in accordance with standard industry timing:

0700 - 1800 Monday to Friday and 0700 - 1400 Saturdays. There will be no working on Sundays or public holidays.

No ancillary buildings are proposed as part of the proposed development. As no mineral processing is proposed within the planning application no washing, screening or size reduction plant is required to be erected at the site. The proposed development plans have been prepared by geotechnical engineering specialists, Quarrydesign Ltd with input from various of the other specialist contributors to the ES expert project team. The designs have been prepared following site investigation works in the form of a programme of borehole drilling.

In summary the agent contends that the proposed development is considered be one such exceptions as:

- extraction will be for a short time only (9 years) therefore impacts associated with the development will be limited;
- it has been demonstrated that the proposed development would not result in any significant effects upon the environment; and
- no mineral processing is proposed at this site. The processing will take place at the applicants existing processing site which is approx.. 30 min drive by lorry from the proposed site.

Significant consultation was carried out on this proposal with comment on the ES sought from NIEA, Shared Environmental Services (SES), Historic Environment Division (HED), DfI Roads, DfI Rivers, Environmental Health, and Geological Survey for Northern Ireland (GSNI).

All consultees have no provided comment and they raise no objections to this proposal subject to conditions. All comments can be viewed on the Planning Portal.

While the Planning Department are somewhat put at ease with the fact that all consultees have now responded and do not raise any concern over this proposal in terms of potential impacts on the environment, some concern remains over the existing site area and the area for mineral extraction being proposed at 9 years. The site is road frontage, and is in an area of countryside that is relatively quiet, and is at the foot of Knockmany Forest, which is a Council maintained forest park. Comment was sought from the tourism department within Council on potential impacts of this proposal on the

forest facility, however no response was forthcoming.

Concern over the size of the site, and the proposed 9 year mineral extraction time was relayed to the agent. A meeting was set up and the agent and applicant came to the Council Offices in Magherafelt for further discussion on this proposal with Planning Officers. The agent laid out the applicants needs to Planning Officers, and looked at reserves in both the main areas of the application site, the area to the west of No. 53, and the area to the east. For operational and economic reasons, the agent said that out of the 2 areas, the western side (Phases 1-3 of proposed mineral extraction) would be the most critical of the 2 to develop, as this area had 7 ½ years deposits to cater for the clients needs, that the current deposits at his own site were beginning to be exhausted. This quarry is essential to ensure existing jobs are protected, and that building materials within this part of Mid Ulster and Fermanagh and Omagh were kept local to keep costs down for the building trade and to ensure local supply was kept local. The agent also stated that the eastern area only had 1.5 years deposits and that this would not be sufficient to cover the client's medium term operational needs.

The agent did look at increasing extraction levels, but that this may result in detrimental impacts of congestion within Augher, and may have detrimental impacts on the protected route and travel times. Plus, the applicant did not have the storage or processing capacity at his existing processing facility (located at Campbell Contracts Ltd, Coolcran, Tempo, Enniskillen BT94 3FR). If the extraction exceeded 150,000 tonnes per annum, as proposed. The agent also looked at other decisions and Council Areas and stated what he thought would be a reasonable short term period. While discussion around this was welcome, it can be given limited weight in this case as each site, area, context and Council Area may differ from one case to the next and each case will be taken on its own merit. So while a 9 year period of extraction may be considered acceptable in one case, does not necessarily mean that it will be acceptable in another, and no precedent can be set from one case to the next, unless expressly stated in an adopted Plan Strategy Policy for a particular Council Area.

The agent did seem open to reducing the overall area of extraction to the western portion of the site, and reducing the extraction period from 9 years to 7 ½ years. In my view, I think that this would go a long way in reducing the overall visual impact of this development in the landscape, and would secure restoration of the landscape in a more satisfactory timeframe than what was originally proposed. Plus, the impacts on this area of rural character would be shortened, as would traffic movements and site operations by 1.5 years. In my view, the principle of the reduced site area, and reduction in temporary period for extraction is now acceptable, and policy MIN 3 of PSRNI is met. The agent has also demonstrated that the environmental impacts of the proposal will not be significant. Mitigatory conditions will also ensure further environmental protection and mitigation against any significant environmental impacts or detrimental impacts on residential or visual amenity.

While the ES does focus on 4 phases of extraction over a 9 year period, it has been discussed and agreed that a condition limiting the extraction to phases 1-3 only under the current application is acceptable, and does not prejudice the overall application. It was agreed at group meetings that the agent did not need to reduce the overall red line of the site, as some visual bunding was being erected in the eastern area to limit the

visual impact of extraction in the western portion. The ES did not have to be amended to include only phases 1-3 as long as the description reflected the new proposal and reduced period of extraction, and re-advertisement carried out. This has been completed and the date for statutory comment has been complied with. No objections have been received.

I will now take the remainder of the Minerals Policy listed in PSRNI and assess the proposal, in its reduced capacity, against these policies.

MIN 1 Environmental Protection - To assess the need for the mineral resource against the need to protect and conserve the environment.

In the ES provided by the agent, Part 3.5 lays out the need for the development. Within this the agent states that economic data for the district shows that the Mid Ulster district is significantly more dependent on the construction and manufacturing sectors than the rest of Northern Ireland. For instance, 27.5% of all jobs in Mid Ulster are in manufacturing and 8% are in construction, compared to regional figures of 11% and 4.2% respectively (Census for Employment, NISRA, July 2014).

The Council's DPS6 describes how employment within the district is nearly twice as reliant on the construction industry and manufacturing sectors for employment as Northern Ireland as a whole. The applicant was part of a consortium of mineral operators within the district which made a joint representation to the LDP DPS consultation. The representation details how the consortium provides employment for over 1600 people with the collective value of the manufacturing businesses associated with the working of mineral in the district, amounting to over c. £217 Million.

This agent contends that this helps demonstrate the importance that the minerals industry has upon the local economy with employment in the district dependent upon minerals won and worked to produce the aggregates which in turn, facilitate manufacturing and construction. The statistic also demonstrates the importance of mineral to the value-added manufacturing process such as pre-cast concrete products manufacturing or road surfacing. This is a key employer within the district with its continued success explicitly linked to the supply of mineral from the Mid Ulster Resource.

Campbell Contracts provides employment for 97 people, with an annual wage bill of £2.01 million pounds. The company has a turnover of some £7.5 million. The proposed development will assist in sustaining the economic benefits generated by this existing, rural business and will help to underpin its recent investment in a new c.£2 Million processing plant at Letterbailey Quarry.

The agent goes on to say that it is imperative that a sufficient local supply of construction aggregate can be made available for the local market, and where appropriate the regional market area and beyond, to meet likely future development needs. MUDC has identified a 25% shortfall of between 9 and 19 million tonnes of sand and gravel over the LDP period. Following the submission of the joint representation referenced above, the application site is recognised by the Council as potentially contributing towards the land bank within the district. Minerals can only be won and worked where they are found.

The MUDC district is the largest producer of sand and gravel within Northern Ireland by some distance, producing c. 75% of all Sand and Gravel produced within Northern Ireland. The resource is therefore not only important at a local level but is also of importance to the wider region, which is reliant upon the mineral resource found in the Mid Ulster district.

The proposed development will make a direct contribution to the local economy via direct local employment and expenditure but of greater significance is downstream impact that the end use of the mineral will have in supporting regional employment in the construction and manufacturing sectors.

The agent then goes on to describe how the proposal will aim to protect and conserve the environment, details of which are also contained within Section 8 of the ES and within other parts of the wider report. It is clear from consultation responses, including those from NIEA, SES and HED that the proposal poses no risk of impact to any internationally or nationally designated sites. The proposed mitigation measures and restoration plan will reduce the potential for overall residual adverse impacts from long-term and permanent adverse significant impacts to short-term impacts that are significant at a local level, and which are considered to be neutral in the longer term, given that the site shall be restored to species rich grazing pasture and woodland.

Subject to the implementation of the proposed mitigation measures as referenced above, ES concludes that the proposed development will not result in any long term significant effects upon ecological receptors.

Whilst quarrying activities have the potential to impact upon ground and surface water levels, flows and quality, the proposed development will not involve subwatertable working or dewatering, therefore there will be no drawdown-related impact upon water levels and flow. As such it is considered that the proposed development will cause no derogation in the quantity and quality of local water supplies.

Mitigation measures are proposed to ensure that there would be a negligible risk of interception the water table or of groundwater quality derogation. Any silt-laden runoff will collect at the lowest points in the working area. The suspended solids will settle out on the quarry floor or will be filtered out in the underlying sand and gravel. There is no risk of overflow/transfer of suspended solids from the working area into the local watercourses with silt traps/ fencing proposed along the northern margins of the site.

The development is classed as Water-Compatible in terms of fluvial flooding. Appropriate and practicable measures are available and will be applied for the dealing with the associated flood risk at the site.

In view of the findings of assessment and the planned approach to the proposed development, which includes specific measures for the protection of the water environment, the report(s) concludes that there are considered to be no overriding hydrogeologically or hydrologically based reasons why the planned development should not proceed in the manner described by the Application.

This ES and the accompanying technical appendices demonstrate that the development would not result in any adverse impacts to the local environment.

I am satisfied that there is sufficient information to demonstrate that policy MIN1 is met.

MIN2 Visual Implications

This Policy states that the Department (in this case, The Council) is "to have regard to the visual implications of mineral extraction".

Section 9 of the ES contains a detailed Landscape and Visual Impact Assessment (LVIA) of the site. Submitted plans also consider the phasing and progressive restoration of the project which will also limit visual impacts during mineral extraction phases. There is also screening and earthworks/bunding works to be carried out before the commencement of any mineral extraction (referred to as 'establishment works' in the ES) which will also help screen the development and limit its visual impact on the landscape.

I am content that through phasing, progressive restoration and establishment works that the proposal will have a limited impact on the visual characteristics of this area. Mitigating conditions will also assist in limiting this impact and safeguarding the visual amenity of this area of countryside.

MIN3 has been covered above. The reduction of the extraction area to phases 1 through 3 over a 7 ½ year period is found to be acceptable subject to associated conditions.

MIN 4 Valuable Minerals

This Policy relates to minerals which are limited in occurrence and with some uncommon or valuable properties which are particularly valuable to the economy. The proposed development does not propose the extraction of any valuable mineral and therefore this policy does not apply to this application.

Policy MIN 5 Mineral Reserves

This policy seeks to restrict surface development which would prejudice future exploitation of valuable mineral reserves. This policy is therefore not applicable to the development proposals.

MIN 6 Safety and Amenity

Policy MIN6 refers to the need for mineral development applications: "to have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings".

The primary matters at the site in relation to amenity are considered to be the potential of the proposals to impact upon the amenity of those residing at the nearest residential properties by virtue of noise or dust emissions. Due to the mineral type, no blasting is required. There are a small number of residential properties located in the surrounding area, located to the east, west and south of the site.

The proposed hours of operation accord with the industry standard (0700-1800 Mon-Fri and 0700-1400 Sat). No working is proposed on Sundays or Bank Holidays.

The planning application is accompanied by a Noise Impact Assessment prepared by AONA, and impacts are covered in Section 7 of the ES.

The Environmental Health Department of Mid Ulster District Council have been consulted for comment on this proposal and in their response raise no concern with the

proposal subject to the inclusion of hours of operation condition, and noise level conditions. There is also the requirement for a Dust management Plan to be submitted before the commencement of development hereby approved. This condition should also be amended to state that the dust plan as agreed shall be implemented in accordance with that plan.

In terms of safety, the agent states that the proposed development has been designed by suitably qualified and experienced geotechnical engineers. The proposed designs have been prepared to comply with relevant health and safety legislation. Should there be an accident at the site, this will be investigated by the Health and safety Executive for Northern Ireland.

MIN7- Traffic

With respect to traffic this policy is intended to:

"take account of safety and convenience of road users and the amenity of the persons living on roads close to the site of proposed operations".

The impact of the development upon traffic and the highways has been assessed by SW Consultancy Highway Engineers. The conclusion of the assessment, as discussed at Section 11 of the ES is that following the assessment of traffic survey data and consideration of the additional development traffic, that the proposed development is not considered to result in any material effect on the local highway network.

Consultation was also carried with DfI Roads to comment on access and traffic information provided by the agent. DfI Roads have provided comment and are content with the findings of the information and suggest planning conditions which can be attached to any permission.

Given the above, I find the proposal to be in accordance with Policy MIN7 of the PSRNI.

MIN8- Restoration

Restoration of mineral workings is an important element of the quarrying life cycle and this is recognised in Policy MIN8, which states that;

"Restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction".

A Restoration Scheme is proposed for the site which will see it restored to agricultural use. The scheme will also include woodland and hedgerow planting, allowing the site to assimilate back into the local landscape. Stripped soils will be carefully stored and protected to be used in the progressive restoration of the site. As demonstrated on the submitted development plans, restoration will be progressive, allowing the worked faces to be restored at the earliest given opportunity.

Following final extraction, the final and full restoration as shown in the accompanying Restoration Plan will be completed. A schedule of appropriate tree and shrub planting is provided within the Restoration Plan. The restoration proposals will also provide the opportunity to provide routes for permissive paths. These for example could deliver a safe 'off road' route running parallel with Knockmany Road. The Restoration Plan offers the potential to connect into the existing Knockmany footpath network, delivering additional circular routes and significantly extending the recreational experience.

Delivery of the same would be subject to agreement with the Forestry Service and other stakeholders where relevant.

Given the above, the proposed development is considered to be in accordance with Policy MIN8 of the PSRNI.

Regional Strategic Objectives are listed in the SPPS in paragraph 6.152. There are;

- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
- minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
- to secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

This application is accompanied by an ES. I am satisfied that it has been demonstrated that the proposal meets the regional strategic objectives for minerals development as set out in the SPPS. With appropriate mitigation and planning conditions, the proposal will result in a development that will not result in detrimental impact on the environment.

PPS15 Planning and Flood Risk (revised)

Chapter 6 of the ES considers the water environment, part of which considers flood risk and drainage. DfI Rivers Agency were consulted for comment on this aspect of the report and in July 2022.

In this response Rivers required a more detailed river model assessment to determine the exact extent of the flood plain as part of FLD1 consideration.

While part (g) of FLD1 lists extraction of mineral deposits as one of the exceptions to policy FLD1, paragraph 6.19 in the justification and amplification section states that this exception will only apply where the unit is located wholly in the flood plain or where the use of other land outside the flood plain would not be feasible and available.

In November 2022 I send a re-consultation to Rivers Agency advising that no extraction would now take place in phase 4 of the proposal. Rivers responded to say that they no longer held any concern in relation to policy FLD1 if that was the case.

Rivers Agency have no concern in relation to FLD 2 subject to a condition ensuring that no development shall take place within 5 m strip of an existing open watercourse. .

In relation to FLD3, Rivers Agency state the onus is on the developer to ensure the effectiveness and function of the proposed attenuation system, and ensure that it is constructed in accordance with current industry standards and specifications and have a long term maintenance programme in place to ensure its ongoing function. This can be conditioned.

All other policies of PPS15 either do not apply or are satisfied to the

PPS 2 (Natural Heritage)

I am satisfied that all policies are met, and it is clear from the ES and consultation carried out with NIEA and SES that the proposal will not result in detriment to the environment, subject to conditions.

PPS6 Planning Archaeology and the Built Heritage

The site is located to the foot of Knockmany, on top of which is an ancient burial site. Consultation has been carried out with historic Environment Division who are content that the proposal will not have a detrimental impact on the setting of this scheduled monument, subject to additional screening landscaping being carried out. This landscaping can be conditioned.

Standard archaeological conditions are also suggested which can be attached to any permission. I am satisfied that the proposal will not have a detrimental impact on any currently identified built heritage sites or monuments.

Other material considerations

No land contamination issues have been identified or indicated by any consultee.

Summary of Recommendation:

Approve is recommended

Approval.

Approval Conditions

Condition 1

The development hereby approved shall be commenced within 5 years from the date of this permission.

Reason: Time limit.

Condition 2

The extraction of minerals hereby approved shall be for a temporary period of 7 years and 6 months only, starting from the commencement of mineral extraction hereby approved.

Reason: To protect the visual amenity and character of this area of countryside.

Condition 3

The proposed area of extraction shall be limited to phases 1, 2 and 3 only, shown in drawings no. 03, 04 and 05 date stamp received 22.10.2021, and no extraction shall take place outside these phases.

Reason: In order to control the extent of the development and to safeguard visual amenity and rural character.

Condition 4

No commencement of mineral extraction hereby approved shall take place until all site preparatory works, including landscaping and screening bunds, have been put in place in accordance with details indicated on drawings No. 03 and 09 date received 22.10.2021, and as described in 4.8.1 of the Environmental Statement.

Reason: To safeguard visual amenity and rural character.

Condition 5

The developer shall notify Council in writing when commencement of mineral extraction begins on site.

Reason: To safeguard visual amenity and rural character.

Condition 6

Restoration works shall take place on a progressive basis in accordance with details indicated on drawings number 03, 04 and 05 date stamp received 22.10.2021.

Reason: To safeguard visual amenity and rural character.

Condition 7

All restoration works within phases 1, 2 and 3 indicated on drawings number 03, 04 and 05 date received 22.10.2021, shall be completed within 9 years of commencement of mineral extraction hereby approved, and shall be in accordance with details shown on drawings No. 03, 04, 05, 08 and 9 date stamp received 22.10.2021, including all proposed landscaping.

Reason: To safeguard visual amenity and rural character, and in the interest of biodiversity.

Condition 8

No extraction shall take place in phases 1, 2 and 3 shown in drawings No. 03, 04 and 05 date received 22.10.2021, below the cross-section and levels as detailed on drawings No. 03, 04, 05, 07 and 08 date stamp received 22.10.2021, where these levels relate to phases 1, 2 and 3 only, as no mineral extraction is hereby permitted in phase 4.

Reason: To safeguard visual amenity and rural character.

Condition 9

9. No processing of any kind shall take place anywhere on this site, including crushing, screening or washing plant (except for wheel wash), within the red line as annotated on drawing number 01 date stamped 22nd October 2021, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from excessive noise and to safeguard visual amenity and rural character.

Condition 10

No quarrying activities or site operations, including the operation of any equipment or machinery, shall take place outside of the following hours:

0700 to 1800 hours Monday to Friday,
0800 to 1400 hours on Saturdays

There shall be no quarry activities or site operations, including the operation of any equipment or machinery at any time on Sundays or on Public Holidays.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition11

The level of noise emitted from the approved site shall not exceed 48.5 dB(A) LAeq, 1hour (free field) when measured 3 metres from the façade of any noise sensitive dwelling in the vicinity of the quarry.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition12

Phases 2 and 3, & Restoration as annotated on drawing numbers 04, 05, 06 & 07 which were date stamp received 22nd October 2021, shall not commence until the screening bunds as shown on Drawing Number 03 date stamped 22nd October 2021 are put in place as shown.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition13

13. There shall be no rock hammering or blasting of rock with explosives anywhere within the approved site.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition14

Within 4 weeks of a written request by Mid Ulster District 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 noise levels from the approved quarry. 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 neighbouring residential amenity from excessive noise.

Condition15

The development hereby permitted shall not become operational until a Dust Management Plan is submitted to and agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from dust emissions.

Condition16

All open watercourses shall be protected with a 5m maintenance strip, and shall be protected from impediments (including any new tree planting, hedges, permanent fencing), land raising or any other development.

Reason: To safeguard the water environment and to ensure clear access and egress for any maintenance requirements.

Condition17

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Plan (CEMP) has been submitted to and approved in writing by Mid Ulster District Council. The approved CEMP shall be implemented in accordance with the approved details and all works shall conform to the approved CEMP, unless otherwise agreed in writing by Council. The CEMP shall include the following;

- construction methodology and timings of works;
- Pollution Prevention Plan: including suitable buffers between the locations of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, any watercourses or surface drains present on or adjacent to the site;
- Site drainage management Plan, including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- Spoil management Plan, including identification of spoil storage areas, management and handling spoils and details of the reinstatement of excavated soil/spoil;
- Details of updated badger surveys prior to the commencement of works and at the start of each phase. Checks for badgers prior to the removal of the screening bunds;
- mitigation to protect all priority and protected species at the site;
- Water Quality monitoring Plan;
- Environmental Emergency plan;
- Mitigation measures as detailed in the Environmental Statement;
- Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, so safeguard the environment, and to ensure the implementation of mitigation measures identified within the Environmental Statement dated September 2021.

Condition18

No vegetation clearance, removal of hedgerows, tree or shrubs or demolition of buildings and structures shall take place between 1st March and 31st August inclusive, unless a suitably qualified 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. As such written confirmation shall be submitted to mid ulster Council within 6 weeks of any works hereby approved commencing.

Reason: To protect breeding birds.

Condition19

No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25metres as shown in Figure 1- Badger Setts within or adjacent to the Application Site in the badger Survey Report by Woodrow APEM Group, dated 16.09.2021. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of Mid Ulster Council, unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on site.

Condition20

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

Condition21

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition No. 20.

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

Condition22

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 20. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Condition23

The visibility splays of 4.5metres by 120 metres and the required forward sight distance of 120 metres at the junction of the proposed access with the public road, shall be provided in accordance with the Drawing No. 10 date stamp received 27 June 2022, prior to the commencement of any 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.

Condition24

The gradient of the access road shall not exceed 4% (1 in 25) over the first 20m 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.

Condition25

No mineral extraction shall take place until the first 20 metres of the access road measured from the nearest edge of the carriageway has been surfaced with concrete or asphalt.

Reason: In the interests of the safety and convenience of road users.

Condition26

The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation for the lifetime of the development hereby approved., details of which to be agreed in writing with Council prior to the commencement of any mineral extraction hereby approved.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

Case Officer: Paul McClean

Date: 19 December 2022

ANNEX	
Date Valid	22 October 2021
Date First Advertised	
Date Last Advertised	2 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Knockmany Road Augher Tyrone BT77 0DE The Owner / Occupier 53 Knockmany Road Augher Tyrone BT77 0DE	
Date of Last Neighbour Notification	23 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2021/1547/F Type: F Status: PCO Ref: LA09/2021/0820/PAN Type: PAN Status: PANACC Ref: M/2012/0079/F Type: F Status: PG Ref: M/1974/0578 Type: H13 Status: PG Ref: M/1998/0543 Type: C Status: PG Ref: M/1974/0032 Type: H13 Status: PG Ref: M/2010/0726/F	

Type: F
Status: PG

Ref: M/2014/0011/F
Type: F
Status: PG

Ref: M/1989/0028
Type: F
Status: PCO

Ref: M/1998/0644
Type: O
Status: PCO

Summary of Consultee Responses

NIEA-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
Historic Environment Division (HED)-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Historic Environment Division (HED)-Substantive: TBCResponseType: PR
NIEA-Substantive: TBC
Rivers Agency-Substantive: TBC
Rivers Agency-839828 - Final Response.pdf
NIEA-
DFI Roads - Enniskillen Office-26-08-2022.docx
Geological Survey NI (DfE)-GSNI has read the Environmental Impact Assessment prepared by Quarryplan on behalf of Campbell Contracts Ltd. The GSNI Planning Team requests that in the section on geology (Section 5), an estimate should be provided of the volume, tonnage and grade of materials at the site, and their estimated extraction rates over the proposed lifetime of the quarry. These estimates should be based on empirical data gathered from site investigation boreholes.E3133 - Winning & working of Minerals over a 9 year period at 53 Knockmany Road, Auger, Co Tyrone..pdf
Shared Environmental Services-LA09-2021-1547-F HRA_Stage_1_05102022.pdf
Rivers Agency-495845 - Final Response.pdf
Geological Survey NI (DfE)-E3173 - Sand and gravel quarry at Knockmany Road, Auger, Co. Tyrone.pdf

Drawing Numbers and Title

Proposed Plans	Plan Ref: 09
Proposed Plans	Plan Ref: 08
Proposed Plans	Plan Ref: 07
Proposed Plans	Plan Ref: 06
Proposed Plans	Plan Ref: 05
Proposed Plans	Plan Ref: 04
Proposed Plans	Plan Ref: 03
Proposed Plans	Plan Ref: 02
Site Location Plan	Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/1698/F	Target Date: 24 January 2022
Proposal: Proposed vehicular entrance	Location: 41 Drumard Cross Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Gary Jennings 40A Drumard Cross Road Dungannon	Agent Name and Address: Colm Donaghy Chartered Architects 43 Dungannon Street Moy BT71 7SH
Executive Summary: The proposal is for a new access to a dwelling at No. 41 and the existing access will be blocked up. I consider the proposal is an improvement in road safety as there will be improved visibility splays from the new access. DFI Roads are content with the proposal. The applicant has put appropriate mitigation measures in place to limit damage to wildlife, flora and fauna at the site. NED identified a building on the site has having low bat roost potential and this is shown on the block plan as being retained and as many trees will be retained as possible.	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
Statutory Consultee	NIEA	LA09-2021-1698-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	22-11-2022.docx
Statutory Consultee	NIEA	
Statutory Consultee	NIEA	PRT LA09-2021-1698-F.PDF
Statutory Consultee	NIEA	PRT LA09-2021-1698-F.PDF

Representations:

Letters of Support	0
Letters of Objection	1
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures	
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>The site lies within the open countryside just a short distance to the south east of the settlement limits of Killyman and the M1 Motorway. The area is predominantly rural in nature with the site surrounded on three sides by agricultural fields.</p> <p>The red line of the site is irregular in shape and includes a dwelling in the southwest corner. The roadside boundary is a low cropped native species hedgerow. The boundaries to the rear are undefined on the ground and there are some mature trees along the north and south boundaries.</p>	
<p>Description of Proposal</p> <p>This is a full application for a proposed vehicular entrance at 41 Drumard Cross Road, Dungannon.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>Planning Assessment of Policy and Other Material Considerations</p> <p>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.</p> <p>Representations</p> <p>Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third party objection was received.</p> <p>One objection has been received from the owner/occupier Mrs N McGuigan of the neighbouring property across the road at No. 42 Drumard Cross Road. The objector has raised the following issues.</p> <p>Destruction of habitats and wildlife - It is stated that the application site over the years has become an important habitat for a variety of native wildlife for foxes, an owl, and bats. It is also stated a native owl and bats live on the site and outbuildings. The removal of trees and outbuildings has taken place over the last few months, and this will create irreplaceable harm to this site. As the objector has discussed bats and wildlife present on the site, I consulted NED who had concerns about the proposal in the initial consultation response. NED asked for a Preliminary Ecological Appraisal which was submitted by the</p>	

applicant on June 2022. NED assessed the appraisal and stated all buildings on the site were assessed by an ecologist for bat roost potential. NED asked for building B to be labelled on the block plan as it had a low bat roost potential and for a 5m buffer distance between the adjacent watercourse and the northern boundary. After the amendments were completed, NED were content.

In addition, I consulted SES informally by email who were content due to the nature and scale of the development that a formal Habitats Regulations Assessment was not required.

In rebuttal to the objectors concerns I am content that any issues with wildlife and flora and fauna have been addressed. I have consulted NED as the statutory authority who are content subject to conditions about removal of trees and buildings which have potential for bats to be already nesting in them.

The objector has also raised issues in relation to road safety specifically about the visibility splays. It is stated the visibility is poor and there are an increasing number of cyclists using this road which is a greater hazard to walkers and cyclists. I consulted Roads as the statutory authority who were content subject to conditions about visibility splays.

Planning History

No planning histories at the application site.

Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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.

PPS 3 Access, Movement and Parking Policy AMP 2 - Access to public roads

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not

prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes.

The site does not exit onto a protected route so there is no intensification of a protected route in this application.

The proposal is for a new access at 41 Drumard Cross Road onto the public road. The proposal will close up an existing access through the yard at No. 41. DFI Roads were consulted and had no concerns subject to conditioned visibility splays. The applicant does not have control of land to the northeast but I am content there is an existing verge so the visibility splays can be accommodated. As Roads are content as the statutory authority, I consider the proposal is acceptable and will not have an unacceptable impact on road safety.

Overall, I consider the proposal meets all the criteria in AMP 2.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

CTY 13 Integration and Design of Buildings in the Countryside

The new access will run along the northern boundary with a 5m buffer from the watercourse. But as the access runs along a boundary and only for a short distance I am content the access is not a sweeping driveway and does not have ornate pillars and gates. I am of the opinion the access will not be a prominent feature in the landscape and as many existing trees have been retained as possible.

CTY14 Rural Character in PPS 21

A new access should blend into the landscape and as the proposal runs along the boundary and does not have significant engineering works, I am content it will not have a detrimental impact on rural character.

I consider the proposal does meet CTY 13 and CTY 14 in PPS 21.

Summary of Recommendation:

Approve is recommended

The proposal is recommended for approval as it meets the criteria in AMP 2 in PPS 3 and CTY 13 and CTY 14 in PPS 21.

Approval Conditions

Condition 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.

Condition 2

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45.0m in the northeast direction and 2.4m x 43m in the southwest direction and any forward sight distance shall be provided in accordance with drawing 01 Rev 3 date stamped received 26 OCT 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

Condition 3

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

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

Condition 4

No retained tree, shown as retained on site layout drawing 01 Rev 3 date stamped 26 OCT 2022 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.

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

Condition 5

The existing buildings on site shall be retained with no alterations as clearly shown on drawing 1 Rev 3 date stamped 26 OCT 2022.

Reason: To ensure the protection of bats and their places of refuge.

Condition 6

The 5m buffer to the stream, as shown on site drawing 01 Rev 3 date stamped 26 OCT 2022 shall be maintained throughout the construction period. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within the 5m buffer.

Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.

Case Officer: Gillian Beattie

Date: 12 December 2022

ANNEX	
Date Valid	29 November 2021
Date First Advertised	6 October 2022
Date Last Advertised	14 December 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 41 Drumard Cross Road, Dungannon, Tyrone, BT71 6RP	
Date of Last Neighbour Notification	22 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR NIEA-LA09-2021-1698-F.PDF DFI Roads - Enniskillen Office-22-11-2022.docx NIEA- NIEA-PRT LA09-2021-1698-F.PDF NIEA-PRT LA09-2021-1698-F.PDF	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0032/F	Target Date: 8 March 2022
Proposal: First floor office extension to contain new staircase additional office and amenity space	Location: 2 St Patrick's Street Draperstown Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Heron Brothers Ltd 2 St Patrick's Street Draperstown	Agent Name and Address: Todd Architects 2ND Floor Titanic House 6 Queens Road Belfast BT3 9DT
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR

Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No representations were received in respect of the proposed development.

Characteristics of the Site and Area

The site is currently occupied by a two storey flat roofed building occupied by the applicants construction business. This forms part of a larger site encompassing a number of buildings also associated with the applicants business. This includes offices, a hardware shop, builders merchants yard with associated joinery works on the opposite side of Cahore Terrace. A recent extension has been completed to the rear of the former Corner Bar which sits on the junction of St. Patricks Street and Cahore Terrace. This extension also provides additional office space for the applicants business.

The site is located within the

The site is located within the settlement development limits of Draperstown in an area identified as a major area of existing industry. The site is also within the Draperstown Conservation area. The site sits to the rear of the main street frontages of St. Patrick Street and High street which contain a mixture of residential and commercial premises. However, the area immediately to the south of the site is predominantly industrial.

Description of Proposal

The proposal is for the erection of a first floor office extension to contain new staircase additional office and amenity space. The proposed extension is flat roofed and will extend upwards from the Cahore Terrace frontage but will not extend above the height of the existing office building or the main shop building.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Planning Strategy for Rural Northern Ireland

Draperstown Conservation Area Design Guide

PPS 4 - Planning and Economic Development.

PPS 6 - Planning, Archaeology and the Built Environment

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council

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

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

The site is located within an area identified as a major area of existing industry. The proposed extension will create additional office floor space for an existing business to expand and thereby create security for the business. The proposed extension and alterations will alter the silhouette of the existing structure against the elevated landscape to the south of the site. Views into and out of Draperstown Conservation Area provide an important evidential link to the town's original form and layout.

Public views from St. Patrick's Street Draperstown are an important material consideration in relation to the Conservation Area designation, specifically the proposed elevation B which is taken from the rear yard at 2 St. Patrick's Street. The proposed second floor extension will be the dominant feature in the streetscape, as one travels along Cahore Terrace from the junction with St. Patrick's Street in a southerly direction or indeed along Cahore Terrace in the opposite direction. Whilst the extension to some extent will rise above the neighbouring skyline and be viewed from the carpark it is important to establish whether this will cause harm to the setting of important listed buildings and to ensure that the character of the conservation area is protected. Accordingly the views of historic buildings division and Councils Conservation Area officer have been taken into account in assessing the application. The existing structure is currently largely hidden from public viewpoints from the historic core of Draperstown and only becomes visible as one travels along Cahore Terrace. The elevated topographic nature of the existing landscape as one travels out of Draperstown, limits potential height, massing and form of any proposed extension in terms of its integration into the original historic layout, pattern, massing, form and height of the authentic historic built fabric.

Notwithstanding the above, consideration must be given to the proposal in proximity to the current applications LA09/2018/0887/F, LA09/2018/0872/DCA and LA09/2018/0873/LBC. The foremost of these applications proposed a three storey extension to the rear of the Listed Building at the junction of St. Patrick's Street and Cahore Terrace (now complete and occupied) and extends back in a southerly direction as far as the proposed site on the opposite side of Cahore Terrace. These planning applications are a material consideration and the impact of the second floor extension as submitted is no more detrimental to Draperstown Conservation Area than that located to the rear of the 'Corner Bar Public House' now used as associated office accommodation. Therefore, in this respect, the proposal is not considered to be unacceptable.

PPS 6 - Planning, Archaeology and the Built Environment

The site is located within Draperstown Conservation Area and in an area with the

potential to have undiscovered archaeological remains, in addition to having an impact on existing Listed Buildings and the setting of the Conservation Area. Historic Environment Division (Historic Buildings) and (Historic Monuments) were consulted and advised that they considered the effects of the proposal on the listed buildings and on the basis of the additional information provided give the following advice:

We are content with the proposal, as presented. These comments are made in relation to

the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.12 (setting) and of Planning Policy Statement 6: Planning, Archaeology and the

Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building).

On the basis of the further information provided in the form of eye-level photomontages, HED (Historic Buildings) advises that the proposal is sufficiently removed in situation from the listed building as to have negligible impact. The proposal shall be a backdrop feature only in an urban and already developed context when viewed in juxtaposition with the listed building. It shall project just a little above an extant 2 storey pitched-roof building. HED is content with the proposed palette of external materials i.e. aluminium. HED (Historic Monuments) also assessed the application and on the basis of the information

provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy

requirements. This is due to the scale and nature of the proposed development.

DES2 Townscape

This proposal is considered not to have such a detrimental impact on the streetscape of the town in accordance with DES 2 as to justify a refusal. Given the location of the building and the associated extensions to the rear of the Corner Bar Public House, I believe it will not have an adverse effect on the setting of Draperstown Conservation Area.

Policy PED9 of PPS4 - Planning and Economic Development, is also relevant in terms of general criteria for economic development.

All following criteria laid out in this policy has been met.

- a) it is compatible with surrounding land uses;
- b) it does not harm the amenities of nearby residents;
- c) it does not adversely affect features of the natural or built heritage;
- d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- e) it does not create a noise nuisance;
- f) it is capable of dealing satisfactorily with any emission or effluent;
- g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- h) adequate access arrangements, parking and manoeuvring areas are provided;
- i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

- j) the site layout, building design, associated infrastructure and landscaping arrangements are acceptable and assist the promotion of sustainability and biodiversity;
- k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- l) is designed to deter crime and promote personal safety; and
- m) is not applicable as it relates to proposals in the countryside.

PPS 3 - Access, Movement and Parking

Whilst a proposal for an extension to office floorspace would normally be assessed under this policy, the proposal states that there will be no increase in employee or visitor numbers and therefore there is no intensification of the use of the existing access nor any requirement for additional parking facilities. Consequently it was not considered necessary to consult DfI Roads.

Consultations

Historic Environment Division (Historic Buildings) and (Historic Monuments) advised as above.

Environmental Health advised that they have no objection subject to the suggested condition in relation to restricting the use of the proposed extension to Use Class B1 - Business.

NI Water advised that they have issues of concern.

Recommendation - Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: Time Limit.

Condition 2

The premises hereby approved shall be used only for Use Class B1 - Business, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order and to protect residential amenity from Noise and Odour.

Case Officer: Malachy McCrystal

Date: 14 December 2022

ANNEX	
Date Valid	11 January 2022
Date First Advertised	27 January 2022
Date Last Advertised	27 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR	

Drawing Numbers and Title

Existing and Proposed Elevations Plan Ref: 10

Cross Sections Plan Ref: 09

Proposed Plans Plan Ref: 09

Proposed Plans Plan Ref: 08

Proposed Plans Plan Ref: 07

Proposed Plans Plan Ref: 06

Proposed Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

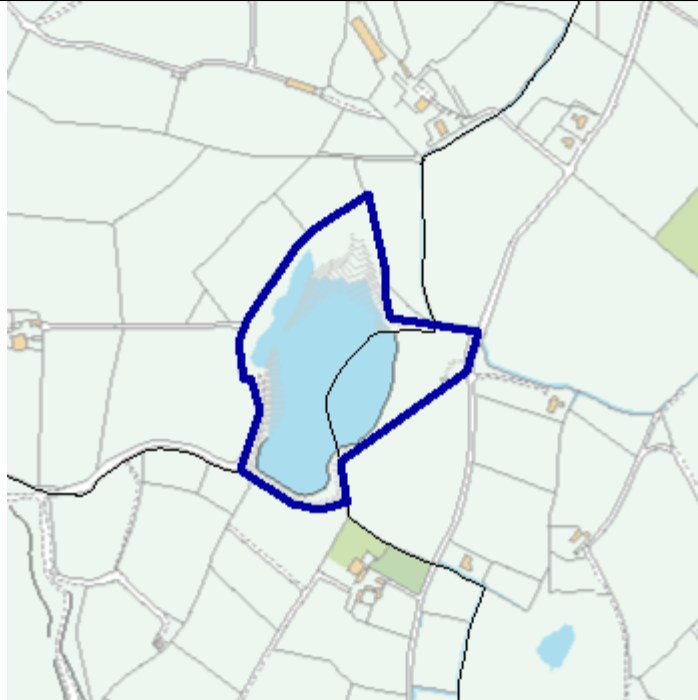
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0177/F	Target Date: 8 April 2022
Proposal: Variation of Conditions 7 & 8 of planning approval LA09/2020/0376/F	Location: 140M NW Of No 4 Maghadone Road Moneymore
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Splash (Ireland) Ltd 60 Desertmartin Road Moneymore BT45 7RB	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh BT51 5AB
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank - 2.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0177 F 140m NW of No 4 Maghadone Road, Moneymore.doc 141222.doc

Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located approx. 0.5 miles north west of Moneymore.

It consists of a large car park accessed off the Maghadone Road and which serves a reception building, changing facility and a large lake which has an inflatable obstacle course and is used for open swimming. The site is operated as SPLASH NI outdoor water adventure park and was approved under planning application LA09/2020/0376/F.

The surrounding area is very rural in nature with a relatively high level of single dwellings in the surrounding area. However despite this, the character of the locality is still distinctly rural.

Description of Proposal

The proposal seeks a variation of conditions no 7 and 8 of planning approval LA09/2020/0376/F.

Condition no 7 of the original approval limited the operating hours of the approved waterpark to between the hours of 11.00-18.00 and limited to during the months of May - September. The proposal is to vary this condition to allow the facility to open all year round from 10.00-19.00.

Condition no 8 of the original approval stated that during approved opening hours, the maximum number of customers shall not exceed 60 per hour. This proposal requests that this limit is raised to 120 per hour.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The principle of this proposal has been permitted under LA09/2020/0376/F, after assessing the entirety of the proposal against the following policies;

- o Magherafelt Area Plan 2015
- o Cookstown Area Plan 2010
- o MUDC Local Development Plan 2030 - Draft Plan Strategy
- o Planning Policy Statement 2 - Natural Heritage
- o Planning Policy Statement 3 - Access, Movement and Parking
- o Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
- o Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation.
- o Planning Policy Statement 15 - (Revised) Planning and Flood Risk
- o Planning Policy Statement 21 - Sustainable Development in the Countryside

This particular proposal relates to the variation of two conditions which relate specifically to the number of people per hour allowed to visit the business and the opening hours of the business as well as the time of year permitted to open. Therefore, the main issues

for consideration are the impact of the increased visitor numbers on nearby residential amenity as well as the impact of these increased visitors on traffic / road safety. The additional opening hours are also something to be considered in relation to the impact of the increased level of operation on neighbouring residential amenity. The following policy documents have therefore been considered.

- o PPS 3 - Access Movement and Parking
- o Planning Policy Statement 21 - Sustainable Development in the Countryside
- o Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation.

PPS 3 - ACCESS, MOVEMENT AND PARKING

In relation to the request to vary condition no 8 of LA09/2020/0376/F, to permit 120 visitors per hour, this obviously has the potential to generate a considerable increase in traffic. DFI Roads have been consulted and have advised that they are not aware of any issues from current operations and therefore have no objection to the variation of conditions 7 and 8.

Therefore, I have no alternative to conclude that the request to vary these conditions will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads have not recommended a maximum level or a cap on the number of visitors per hour so in that respect, I conclude that they are happy with the proposal by the applicant to permit up to 120 visitors per hour to attend Splash Waterpark.

PPS 21 - DEVELOPMENT IN THE COUNTRYSIDE

PPS 21 states that planning permission will be granted for outdoor sport and recreation where they comply with PPS 8. It is therefore important to assess the specific issues pertaining to conditions 7&8 against policy within PPS 8.

PPS 8 OPEN SPACE, SPORT AND OUTDOOR RECREATION

Policy OS 5 of PPS 8 states that development which generates high levels of noise will only be permitted where there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses. This proposal will see the opening hours of Splash Waterpark extended by two hours and also see them extended to allow all year opening (where previously, the had only been permitted to open MAY-SEPTEMBER). The park in itself is not a major generator of noise but given the increases in opening times / seasons which have been proposed, it surely has higher potential for noise disturbance than previously was the case.

Environmental Health Department have been consulted and, following the submission of an acoustic report, they have no objection to the variation of conditions subject to the imposition of a condition which limits the opening hours to the times which have been proposed by the developer.

Summary of Recommendation:

Approve is recommended

Given the above considerations, I recommend that approval is granted and that

conditions 7&8 are varied as requested.

Approval Conditions

Condition 1

This permission hereby granted pertains solely to the variation of Conditions 7 & 8 of the Planning Approval LA09/2020/0376/F only and all other conditions within the original permission remain applicable.

Reason: To ensure all other conditions of this Planning approval are adhered to.

Condition 2

The area within the red line as per drawing number 01 date stamped 11 Feb 2022 shall only be operational between the hours of 10.00 and 19.00.

Reason: To protect nearby residential amenity.

Condition 3

The maximum occupancy of the site in question shall not exceed 120 customers per hour.

Reason: To protect nearby residential amenity.

Case Officer: Colin McKeown

Date: 20 December 2022

ANNEX	
Date Valid	11 February 2022
Date First Advertised	22 February 2022
Date Last Advertised	22 February 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 5 Maghadone Road Moneymore Londonderry BT45 7SW The Owner / Occupier 6 Maghadone Road Moneymore Londonderry BT45 7SW The Owner / Occupier 4 Maghadone Road Moneymore Londonderry BT45 7SW The Owner / Occupier 3 Maghadone Road Moneymore Londonderry BT45 7SW	
Date of Last Neighbour Notification	16 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Environmental Health Mid Ulster Council-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Roads Consultation blank -2.docx Environmental Health Mid Ulster Council-LA09-22-0177 F 140m NW of No 4 Maghadone Road, Moneymore.doc 141222.doc	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable

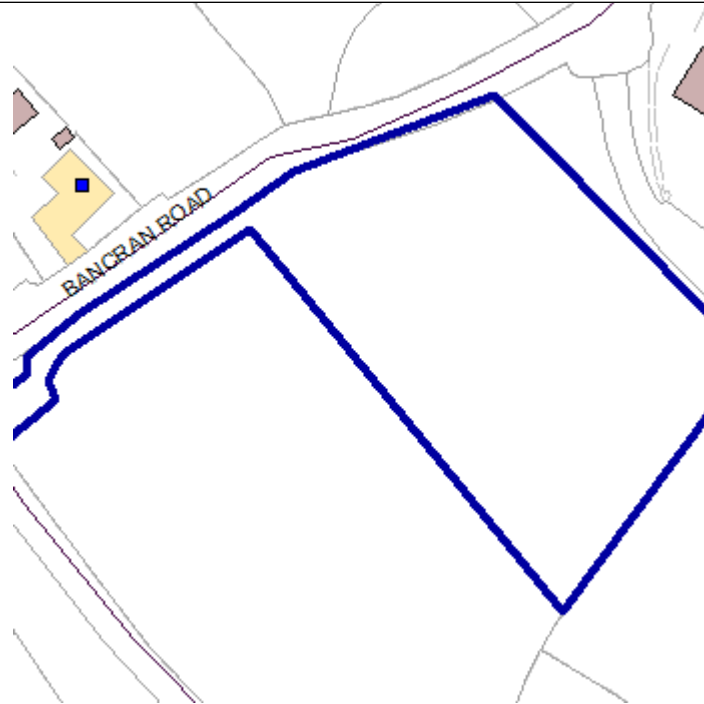


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0194/F	Target Date: 11 April 2022
Proposal: Proposed 2 No. Agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs.	Location: Approximately 40M South West Of 14 Bancran Road Draperstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr D Hegarty 16 Bancran Road Draperstown	Agent Name and Address: Henry Murray 37C Claggan Road Cookstown BT80 9XJ
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DAERA - Coleraine	Substantive: TBCResponseType: FR
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0194 F Agricultural sheds 14 Bancra Road, Draperstown.odt
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

All material considerations have been addressed within the determination below. 1 No objection has been received.

Characteristics of the Site and Area

The site is located approximately 40M South West of 14 Bancran Road, Draperstown and is located in the rural country side, outside any settlement limits defined in the Magherafelt Area Plan, 2015.

The site comprises a portion of a large agricultural, roadside field. The properties of No 14 and No 16 Bancran Road are within the applicant's ownership as indicated by the blue line . There is an existing agricultural building located adjacent to the site and within the curtilage of No 14 Bancran Road. The Northern, eastern and southern boundaries are defined by existing mature vegetation, whilst the western boundary is currently undefined. The surrounding area appears to be rural in character with the predominant land use being agricultural and dispersed detach dwellings and farm holdings.

Description of Proposal

This application seeks full planning permission for a proposed 2 No agricultural sheds for machinery and feed storage, including photo voltaic panels on southern facing roofs.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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:

Strategic Planning Policy Statement for Northern Ireland
Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the countryside.

Planning Policy Statement 3 – Access, Movement and Parking

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the

Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal.

The 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 Representation closed on 18th December 2020. On 28th May 2021, the Council submitted the Draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one objection had been received, the details of the objection will be dealt with later in this report.

Planning History

LA09/2021/0803/LDP – Proposed agricultural shed, approx. 60m SW of 14 Bancran Road, Draperstown, for Mr Danny Hegarty, Permission Granted

Magherafelt Area Plan, 2015

The site lies in the rural countryside, outside any designated settlement with no other specific designations or zoning.

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

Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside – PPS21. According to CTY 12 of PPS21 planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that:

- a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- b) in terms of character and scale it is appropriate 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;
- e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and

pollution.

It is necessary to first consider if the farm business is both active and established for more than the required period of 6 years. DAERA, have confirmed that the farm business ID stated on the P1C form has been established for more than six years and that it has claimed payments in each of the last 6 years. Therefore I am satisfied that the farm business is both active and established.

Subsequently it is necessary to assess the proposal against each of the policy tests as follows:

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

The agent has confirmed that the sheds are necessary for the storage of machinery and feed storage, One shed to be used for the secure storage of farm Machinery (Shed A) and the second shed (shed B) is required for storage of agricultural machinery and feed (for cows. Sheep and hay). The agent has confirmed that the applicant has got a substantial amount of machinery that he wants to keep under lock and key for security reasons and he also wishes to protect from the inclement weather as well. The applicant has spent a considerable time over the past few years upgrading lands through drainage , levelling , fencing , reseeding etc and still has a lot more to do , so depending on crop rotations within the large acreage that he owns, he needs to have adequate internal storage space to house any crops / feeds as & when required and also drainage pipes , fencing posts etc to be securely stored , while future land upgrades are being carried out. Having considered this information, I am content that this policy criterion is met.

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

The surrounding area is rural in character with disperse farm holdings with associated farm buildings in the locality. The proposed floor space of the 2nd sheds 279m² and 216m² respectively and the design and materials are typical of agricultural buildings. The scale and design are similar to that of existing farm buildings. The proposed sheds have a degree of visual linkage with the existing farm buildings.

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

It is considered the proposed agricultural sheds by their nature (~including design, size, scale and materials) integrate into the site and into the surrounding rural landscape without detriment to the character of the area. The application site is on land which falls away from the Bancran road and sits at a lower level to the houses directly opposite the site. There is an approved farm shed to the rear of the site which was the subject of a CLUD application LA09/2021/0803/LDP. The existing established vegetation along the site boundaries is to be retained and will be integrated and the proposal is grouped with existing buildings. Overall, it is considered the proposal will visually integrate successfully into the landscape.

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

No built or natural heritage interests have been identified on or in close proximity of the site have been identified, which may be impacted upon by this proposal.

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

It is noted that the properties of No 14 and No 21 are outlined in blue under the applicants control, therefore the closest third party residential dwelling is No 19 (submitted an objection) which is located to the north west of the site, which sits at a slightly higher level than the application site. The dwelling is approx. 30m from the proposed sheds. The recommended separation distance would commonly be within the region of 75m. The agent was asked if they could relocate the sheds to overcome this however they did not wish to do this. As the sheds are located relatively close to a third party dwelling this could potentially have a detrimental impact on residential amenity in terms of noise and odour. I therefore believe that the development will result in detrimental impact on the amenity of residential dwellings outside the holding and therefore fails to meet this criteria of the policy.

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 applicant has one other farm shed but requires the additional sheds for secure storage purposes.

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

The proposed design and materials are of a typically agricultural design and are acceptable to its rural setting.

- the proposal is sited beside existing farm or forestry buildings;

The proposal is sited adjacent to an existing farm buildings on the holding and it is considered there will be clear visual linkage with these buildings

In addition, it is necessary to consider the proposal against the criteria of CTY 13 of PPS21 where it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is my consideration that the proposed buildings would be visually acceptable in the proposed location in terms of its design and scale and would not be a prominent feature in the surrounding landscape and would be satisfactorily integrated into the existing landscape and rural setting. The finishes are of a traditional agricultural nature.

Finally this proposal should be considered against the criteria set out in CTY 14 of PPS21 whereby it states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It is my consideration that this proposal would not cause a detrimental change to the character of the surrounding area or erode the rural character

as it is rural in nature and design and of an acceptable scale.

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

On the P1 form submitted with this application, it states that the applicant proposes to use an existing unaltered access to a public road. However, there are three different access points noted on the drawing no 02 RevA dated 14th Nov 2022. There is an access from the Western side via a shared laneway and from the Eastern side from the applicants laneway to the existing farm business at house No 16 which also serves the farm shed application LA09/2021/0803/LDP. A this new access(new farm gate) is also noted on drawing No 02Rev A date stamped 14th Nov 2022. DFI Roads were consulted on the application and made comment on the three access points, they stated that in order to achieve the proposed new access, in order to create the visibility splays, the applicant would be required to remove/set back the entire existing hedge with a 2 metre flat verge and a substantial embankment constructed along the length of the road frontage to accommodate the significant difference between the road and the new farmyard levels. Due to the farm sheds close proximity to the Bancran Road and proposed site levels the applicant may be required to provide a vehicle restraint system on the new embankment. DFI Roads would recommend access only via The Western agricultural laneway to minimise the number of access points to this farm. The access arrangements were discussed with the agent and he confirmed that the new access was preferably and was for convenience to move livestock across the road from the field gate directly opposite.

Objections

1 no objections have been received on this application, from No 19 Bancran Road.

The objector raised a number of points as follows

- 1) *'This seems quite a significant proposal and with such a sizeable increase to any agricultural holding in this area we would enquire if an environmental impact assessment is required'* – The application was considered against The Planning (Environmental Impact Assessment) Regulations 2017, however as the proposal is not considered 'intensive' agriculture it does not require EIA Screening or considered EIA schedule 2 development. The environmental impacts of the proposal have been considered and it is not considered there will be detrimental impacts to the surrounding environment.
- 2) *'There also seems to be a sizeable new farm yard shown on the site plan but the description makes no reference to agricultural lands being changed into a farm yard'* – the description was reviewed and was considered to be adequate as the proposal is for storage purposes only, and will not be used for animal housing.
- 3) *'As the proposal changes a sizeable area from green lands to hard surface we would enquire if a drainage assessment is required for the proposal.'* – according to the Planning Policy Statement 15 Planning and Flood Risk, Policy FLD 3, a drainage assessment is only required if the proposal exceeds the threshold as follows: change of use involving new buildings and or hard surfacing exceeding 1000m² in area. The proposal does not exceed this area (area measured as

279m2 and 216m2), therefore a drainage assessment is not required.

- 4) *‘There are no drainage proposals shown on the drawings, with such a vast amount of hard surfacing now proposed, what is the proposal for the discharge of storm water especially in times of heavy rainfall, we would enquire is there a need in this instance to consult Rivers Agency’*- a hazards and constraints check has been carried out for the application site and no hazards were flagged up, there for it was not deemed necessary to consult Rivers Agency. The applicant has stated in the P1 form submitted with the application that surface water will be disposed of by soakaways.
- 5) Concerns raised about the siting of the proposal
- 6) *‘With the siting of the sheds so close to my dwelling there is going to be considerable noise and nuisance with a proposal of this size, have environmental health been informed of the proposal and we would enquire if a noise impact survey and assessment report is required for this proposal’*- Environmental Health were consulted on the application
- 7) *‘The proposal makes reference to the storage of machinery and feed storage, there is no further detail given on this as to what type of feed is to be stored, we would enquire if an odour assessment is required for this proposal’* – The agent has confirmed that the feed to be stored will be meal for cows and sheep and hay.
- 8) *‘Due to the siting of the shed this proposal will have a direct impact on my dwelling affecting our privacy’*
- 9) *‘The site plan submitted with the application shows 3 separate access points to this proposal we would enquire as to why so many accesses are required and has Transport NI been asked for their comments in relation to this point’* – Transport Ni were consulted on the application.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to CTY 12 of PPS21 (part e)- The proposal may result in detrimental impact on the amenity of residential dwellings outside the holding or

enterprise including potential problems arising from noise, smell and pollution. The proposal is located only 30m away from a third party dwelling (No19).

Signature(s): Siobhan Farrell

Date: 19 December 2022

ANNEX	
Date Valid	14 February 2022
Date First Advertised	3 March 2022
Date Last Advertised	3 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 19 Bancran Road Draperstown Londonderry BT45 7DT The Owner / Occupier 21A Bancran Road Draperstown Londonderry BT45 7DA The Owner / Occupier 22 Bancran Road Draperstown Londonderry BT45 7DA The Owner / Occupier 23 Bancran Road Draperstown Londonderry BT45 7DA The Owner / Occupier 21 Bancran Road Draperstown Londonderry BT45 7DA	
Date of Last Neighbour Notification	25 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Coleraine-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-LA09 2022 0194 F Agricultural sheds 14 Bancran Road, Draperstown.odt DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office-Full & RM Resp.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 REVA Version: 01 REVA

Site Layout or Block Plan Plan Ref: 02 RevA Version: 02 RevA

Proposed Plans Plan Ref: 04

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02 Version: S/S

Site Location Plan Plan Ref: 01 Version: S/S

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0196/F	Target Date: 11 April 2022
Proposal: Demolition of existing dwelling and erection of new proposed dwelling	Location: 29 Tobermore Road Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Cathy MC Keefry 13 Tobermore Road Magherafelt	Agent Name and Address: Paul MC Alister Architects Ltd The Barn 64A Drumnacanvey Road Portadown BT63 5LY
Executive Summary:	

Case Officer Report**Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

Representations:

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The proposal is contrary to Policies ATC1, ATC 2 or PPS 6 (addendum) and QD1 of PPS 7.

Characteristics of the Site and Area

The site is located within the settlement limits of Magherafelt and within an area of Townscape Character as per the Magherafelt Area Plan 2015. The redline of the application is a rectangular shape which extends from the Tobermore Road and includes

a semi detached two storey dwelling and a modest sized curtilage. The dwelling is set back from the road and has planting along the roadside boundary and along the front garden separating the site from the adjoining dwelling. The surrounding area is residential in nature.

Representations

No third party written representations have been received.

Description of Proposal

This is a full planning application for the demolition of the existing dwelling and the erection of a new proposed dwelling.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 6 (Addendum): Areas of Townscape Character

PPS 7: Quality Residential Environments

The site is located within Magherafelt Settlement Limits and is within an Area of Townscape Character. It is noted in the Magherafelt Area Plan that this ATC has a variety of styles of development and this variety allows for more flexibility. The application will be fully assessed against PPS 6 (addendum) which deals with the policy for control of development in ATCs.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Policy ATC1 of PPS 6 Addendum relates to Demolition Control in an Area of Townscape Character which states there will be a presumption in favour of retaining a building which makes a positive contribution to the character of an Area of Townscape Character. This application proposes to demolish the existing building and replace it. The building on site is unlisted, and the policy states planning will normally only permit the demolition of an unlisted building in an ATC where the building makes no material contribution to the distinctive character of the area. Demolishing the building will alter the character of the area as it will impact on the adjoining dwelling and result in this dwelling looking half complete and therefore, retaining this dwelling would ensure it respects the character of the area.

Policy ATC2 states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The most recently submitted plans will

result in the adjoining dwelling appearing as half a dwelling. As a result, the proposal is contrary to policy ATC 2 as the proposal does not maintain or enhance the overall character of the ATC or respect the built form in the area.

Proposals for residential development are also subject to the provisions of Policy QD 1 of PPS 7 'Quality Residential Environments'. This includes specific reference to ATCs and advises that in such areas: 'housing proposals will be required to maintain or enhance their distinctive character and appearance.' As previously stated above, I do not believe the proposal maintains or enhances the distinctive character and appears of the Area of Townscape Character and as such is contrary to Policy QD1 of PPS 7.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy ATC 1 of Addendum to Planning Policy Statement 6, Areas of Townscape Character in that demolition, if approved it would alter and not respect the character of the Area of Townscape Character.

Reason 2

The proposal is contrary to Policy ATC 1 of Addendum to Planning Policy Statement 6, Areas of Townscape Character and Policy QD1 of Planning Policy Statement 7 Quality Residential Environments in that if approved, it would not maintain or enhance the overall character of the area not respect the built form in the area.

Case Officer: Ciaran Devlin

Date: 16 December 2022

ANNEX	
Date Valid	14 February 2022
Date First Advertised	3 March 2022
Date Last Advertised	3 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 27 Tobermore Road Magherafelt Londonderry BT45 5HB The Owner / Occupier 31 Tobermore Road Magherafelt Londonderry BT45 5HB The Owner / Occupier 28 Tobermore Road, Magherafelt, Londonderry, BT45 5HB	
Date of Last Neighbour Notification	10 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	

Drawing Numbers and Title

Proposed Plans Plan Ref: 05 REV 01
Proposed Plans Plan Ref: 04 REV 01
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 04
Existing Plans Plan Ref: 03
Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01
Proposed Elevations
Cross Sections
Site Layout or Block Plan
Proposed Elevations

Notification to Department (if relevant)

Not ApplicableNot Applicable

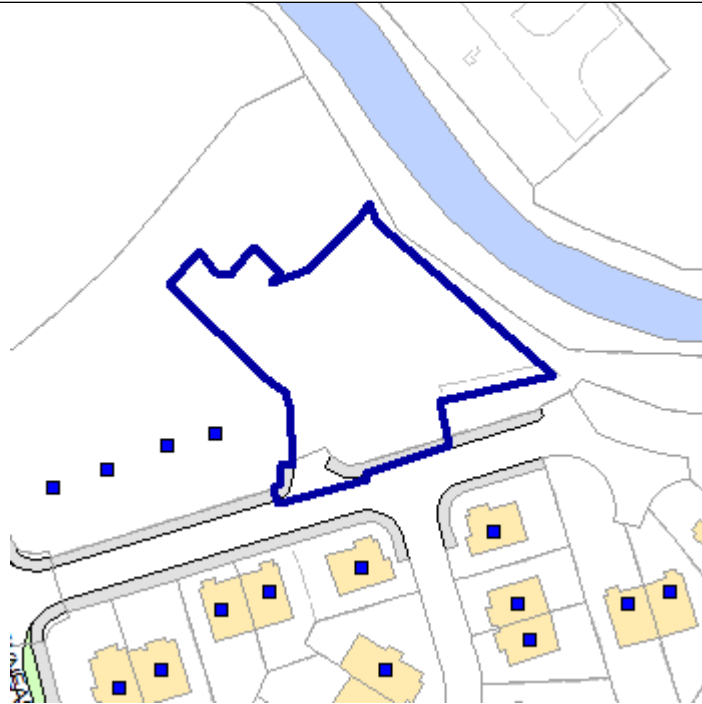


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0398/F	Target Date: 20 May 2022
Proposal: Proposed 3 No. dwellings within existing approved housing development	Location: Within Existing Mullinderg Housing Development (Approx 20M North East Of NO8) Moneyneany BT457FD
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Corramore Construction Unit A1 Workspace Tobermore Road Draperstown BT457AG	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT465AB
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0398-F.pdf
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0398-F.pdf
Non Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Please resend to Multiple Units West.
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Non Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Rivers Agency	643611 final.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	25
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures	
Summary of Issues <p>This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified of the proposal.</p> <p>There have been 25 letters of objections received in relation to this application. The concerns raised within these objection letters have been fully considered as part of this planning application and the main points have been summarised below:</p> <ul style="list-style-type: none"> • Covers over the loss of open space the open space will now be significantly smaller than previously approved • Concerns that the open space will be out of sight and hidden behind the 3 No proposed dwellings • It will be adjacent to two properties making it an annoyance for those residents as well as for the public using the area • Concerns that the land lost from banking down to the river or the turning head at the end of the turning head at the end of the private road. Therefore, the usable area is smaller than the total area shown. <p>The agent has provided comment on the objections received.</p>	
Characteristics of the Site and Area <p>The application site is located within the existing Mullinderg housing development (Approx 20m North East of No 8), Moneyneany, and is located within the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site lies within an existing housing development approved under H/2006/0071/F, which was approved for 41 No dwellings. There is a river which runs along the North Eastern boundary of the site. The immediate surrounding area is predominantly residential, however the wider landscape character is rural.</p>	
Description of Proposal <p>This is a full application for 3No dwellings within an existing housing development</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>Policy Consideration</u></p>	

Relevant Planning History

H/2006/0071/F -Proposed Housing Development (41 Dwelling Units), comprising of 8 detached dwellings and 20 semi detached dwellings, 7 apartments and 6 townhouses – Opposite 26 Moneyneaney Road, Moneyneaney – Permission Granted 28.06.20007.

LA09/2021/1343/F – Proposed detached dwelling within existing approved housing development, within existing Mulinderg housing development (approx. 20m North of No2) Moneyneany, Permission granted

The following policies will be considered in this assessment:

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 7 - Quality Residential Environments.
- Planning Policy Statement 8 – Open space, sport and outdoor recreation.
- Creating Places

Strategic Planning Policy Statement (SPPS)

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.

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. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

Magherafelt Area Plan 2015

This site is located on a committed Housing Site (Designation TE 03). The Plan does not stipulate key design requirements for these sites as future development will be subject to the conditions attached to planning permission. In the event that such planning permissions lapse, existing conditions can be altered or new conditions can be attached to any subsequent approval to take account of prevailing policy and plan proposals. There was a permission on this site for 37 units (H/2005/1174/RM) but this has since lapsed. The site is not subject to any other Plan designation.

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 Representation closed on 18th December 2020. On 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.

Planning Policy Statement 3 - Access, Movement and Parking.

DFI Roads were consulted on this application and acknowledged the 26No objections received. They had no objection to the proposal, however, they commented that while the submitted drawings demonstrate adequate parking and turning for the proposed 3 number dwellings off this private laneway within the Mullinderg Housing Development. They went on to say that Mullinderg Housing Development is under construction and that the site is bonded but not yet adopted by DFI Roads. These proposed dwellings are located on a private lane off Mullinderg Development that is not within the current PSD for the Development. The access way and parking areas associated with this development are private and the responsibility for this rests solely with the developer. DFI provided conditions and informatives that should be attached to any permission.

Planning Policy Statement 7 - Quality Residential Environments.

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

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

proposed development is residential in nature and is on a committed housing site within the development limits of Moneyneany. I am content that it will not impact negatively on the character of the area. The number of units proposed represents an increase of 3 from that approved under H/2006/0071/F and La09/2021/1343/F.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development – A consultation was sent to HED, who responded to say that they had no objections. In addition, given that the proposed dwellings will be located within an existing housing development that it is unlikely to adversely impact any features of archaeological and built heritage, and landscape features in the immediate vicinity so there is no conflict with this part of the policy.

Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area – The proposal is located on land which was identified and approved under the previous approval (H/2006/0071/F) as open space for the wider development. These will result in a substantial loss of open space for the development. This was the main concern from the 26 objectors. The overall size area of the Mullinderg Housing development is 2.1 hectares (21000Msq), the total open space remaining is approx. 1890msq which is less than the 10% stipulated in Creating Places. In addition to this, a portion of this 1890msq is not viable, usable open space (approx. 259.5msq) as it runs along the dwelling along the western boundary of the site. This means there is only approx 1630msq of open space for the development as a whole. I believe that this is not acceptable as there is a significant loss of open space (909.69msq) and contrary to PPS 7 and the guidance provided in Creating Places and it would have a detrimental impact on the amenity of the residents in the housing development. The agent submitted a response to the objection comments and in this states that the overall development measures 1.9 hectares, however, our records show that the development approved under H/2006/0071/F was 2.1 hectares.

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

A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures - As the site is within an urban settlement there is an existing movement

pattern (eg) foot paths and bus routes. The level of traffic travelling through the settlement would be fairly high and would be travelling a low speed. DFI Roads have been consulted and have no objections to the proposal but highlighted that the access way and parking areas associated with the proposal are, and will remain private, therefore the responsibility for this rests solely with the developer.

Adequate and appropriate provision is made for parking – There is sufficient provision made for parking as per the site plan submitted. As this is an outline application this level of detail has not been provided and can be a matter reserved.

The design of the development must draw upon the best local traditions of form, materials and detailing – The design and finishes reflects other dwellings approved within the housing development, as such design is considered to be acceptable.

The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance – The proposed dwellings are unlikely to give rise to overlooking, loss of light, overshadowing, noise or disturbance.

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

Ni Water

A consultation was sent to NI water who did not have any objections and provided site specific conditions to be attached to any approval.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy OS1 and PPS 8, Open Space Sport and Outdoor Recreation in that the proposal will lead to a loss of existing public open space within this housing development.

Reason 2

The proposal is contrary Policy QD 1 of PPS 7 Quality Residential Environments in that the development would encroach into an area required for open space as set out by condition under planning permission H/2006/0017/F.to the detriment of the residential environment as enjoyed by existing residents.

Signature(s): Siobhan Farrell

Date: 20 December 2022

ANNEX	
Date Valid	25 March 2022
Date First Advertised	5 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 4 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 6 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 7 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 8 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 1 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 26 Moneyneany Road Draperstown Londonderry BT45 7DZ The Owner / Occupier 9 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 3 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 59 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 5 Mulinderg Draperstown Londonderry BT45 7FD The Owner / Occupier 2 Mulinderg Draperstown Londonderry BT45 7FD	

Date of Last Neighbour Notification	25 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NI Water - Multiple Units West-LA09-2022-0398-F.pdf NI Water - Multiple Units West-LA09-2022-0398-F.pdf NI Water - Strategic Applications-Consulted in error. Please resend to Multiple Units West. DFI Roads - Enniskillen Office-Full & RM Resp.docx Historic Environment Division (HED)- Rivers Agency-643611 final.pdf	
Drawing Numbers and Title Proposed Plans Plan Ref: 06 Proposed Plans Plan Ref: 05 Proposed Plans Plan Ref: 04 Site Layout or Block Plan Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0542/F	Target Date: 20 June 2022
Proposal: Proposed upgrade to the existing milk reception/priority planning application including 2No. 300m ³ water storage tanks approx. 6.5 diameter and 9m high plus pumping set for 2No 200m ³ RO polished water storage tanks approx. 6.5m diameter and 6m overall height. Extension to existing CIP canopy to provide 3No. tanker washing facilities and demolition of existing disused office building and relocation of existing weigh-bridge, Extension to existing milk intake bays to provide 3No. milk intake bays and replacement of 6No. existing milk silos highlighted to be replaced with 6 new 250000l silos.	Location: Dunmanbridge 141 Moneymore Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Dale Farm Ltd 141 Moneymore Road Cookstown	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0542 F Dunmanbridge 141 Moneymore Road Cookstown 071222.doc
Non Statutory Consultee	Health And Safety Executive For NI	Please see response uploaded on behalf of HSENICN202208-0003 - Dunmanbridge, 141 Moneymore Rd, Cookstown BT80 8EQ.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0542 F Dunmanbridge 141 Moneymore Road Cookstown.doc

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	6

Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
<p>Summary of Issues</p> <p>One representation and a single petition with five signatures has been received in respect of the proposed development and raise the following issues:-</p> <ul style="list-style-type: none"> • Day light is currently being restricted and the proposal will exacerbate this; As the existing silos are sited to the north and north-east of the objectors properties, and are 24m from the dwellings at the closest point, they can only have a minimal impact on daylight as the sun rises in the east. Therefore after sunrise, the existing structures will only cast shadows between due-west thro' to the east in a clockwise direction. There is also a mature conifer hedgerow along the southern boundary of that part of the Dale Farm site. That hedgerow stands approximately 3-4m high with a vehicular laneway between the hedgerow and the rear boundaries of the dwellings. Some of those dwellings also have associated outbuildings/garages to the rear. • Ground excavations may cause structural damage; This appears to be speculative as no evidence has been provided to demonstrate that any damage will be caused to the structure of the existing dwellings. • Devaluation of property; No evidence has been provided to indicate that there will be any evaluation in the value of private property, due to the proposed development. • Is there a law on how close silos can be to private dwellings; I am not aware of any law or indeed of any requirement under Building Regulations which may limit how close the proposed milk silos may be to private dwellings. • Health & Safety; H&S advised that the proposal does not fall within their remit and the principle of how close the silos can be to residential dwellings and any health and safety issues is a matter to be addressed by the Principal Designer. Building Control also confirmed that the proposed silos do not fall within their remit. 	
<p>Characteristics of the Site and Area</p> <p>The site is located within the designated settlement of Dunman as defined in the Cookstown Area Plan 2010. The site is dominated by and centred on the Dale Farm Creamery and Food Processing Plant. The subject part of the site is located to the northern extremity of the Dale Farm complex with direct access to and from the main A29 Moneymore Road which is a Protected Route. The site has a road frontage at this location of approximately 150m.</p> <p>The site is currently a large milk and cheese processing factory which is accessed from the main A29 dual carriageway (Protected Route). The general area is more rural however in the more immediate area, to the west of the main building is a small residential estate of some 17 no. semi-detached and terraced dwellings which is</p>	

separated from the main complex by way of a high wall, vehicular laneway and 3-4m high conifer hedgerow. There is a mix of development within the vicinity inclusive of car sales, petrol filling station and other commercial enterprises.

Description of Proposal

The proposal is for the proposed upgrade to the existing milk reception including 2 No. 300m³ water storage tanks approximately 6.5 diameter and 9m high, plus pumping set for 2 No. 200m³ RO polished water storage tanks approx. 6.5m diameter and 6m overall height. Extension to existing CIP canopy to provide 3 No. tanker washing facilities and demolition of existing disused office building and relocation of existing weigh-bridge. Extension to existing milk intake bays to provide 3 No. milk intake bays and replacement of 6 No. existing milk silos highlighted to be replaced with 6 No. new 250,000 litre silos.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

ASSESSMENT OF POLICY AND OTHER MATERIAL CONSIDERATIONS

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

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS. The SPPS gives 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 (ie) Policies PED 1 and PED 9 of PPS 4.

Cookstown Area Plan 2010

PPS 3 - Access, Movement and Parking

PPS 4 - Planning and Economic Development

Cookstown Area Plan 2010

The site is within the urban area and is located within the settlement development limits of Dunman. The Area Plan recognises that the settlement of Dunman is dominated by and centred on the Dale Farm Creamery and Food Processing Plant. It does not set out any industrial policies that relate to this site. The plan also designated an LLPA within the settlement that is located along the River to the East of the site. The application site abuts this designated area with the LLPA extending along the north-eastern boundary.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted and advised that as the proposal does not include any increase in usage and all works are internal, Roads offer no objection to the proposal. The proposal will in fact reduce the potential for traffic disruption as it include measures which will help remove the need for delivery lorries to park on the dual carriageway whilst waiting to access the site to off-load milk. The additional 3 milk reception intake points will see an improvement on the current situation.

PPS 4 – Planning and Economic Development.

Policy PED 1 deals with Economic Development in Settlements. This is the relevant policy as the site is located within the small settlement of Dunman. PED 1 states that a development proposal for a Class B2 light Industrial Use or Class B3 General Industrial Use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.

As identified in the Area Plan, Dunman is dominated by the Dale Farm Creamery and Industrial Site. The Industrial Buildings are critically viewed in the local skyline when travelling either direction along the Dual Carriageway and the Minor Lismoney Road to the rear. This proposal involves the replacement of six of the existing milk reception silos with larger silos. The replacement silos stand 18m high and have a 4m diameter, each with a capacity of 250,000 litres and similar to the eight existing silos at the front of the site. The exterior of the silos are to match the existing silos of the same size. Two water storage tanks measuring 9.0m high with a 6.5m diameter together with two RO polished water tanks measuring 6.0m high with a 6.5m diameter are proposed to the rear of the existing milk reception area. These tanks are positioned with a bunded area with 3.0m high solid walls.

The proposal also includes an extension to the existing tanker wash bays which are used to flush the milk tankers after unloading has taken place. The extension will provide an additional 3 bays which are to be added onto the end of the existing facility. Three additional milk intake points are also proposed. These additional points will again be adjacent to the existing intake points at the front of the site and will speed up the off-loading of milk tankers. The existing weigh bridge is proposed to be relocated back into the site by a distance of around 8.0m to facilitate the free flow of milk tankers leaving the site. A second additional weigh bridge is proposed closer to the rear of the site.

The proposed development will be industrial in its nature and the design and will be finished in materials reflective of materials used in the rest of the industrial site. Given the fact that the settlement is already dominated by the industrial complex this proposal will not have any impact on character. There is some potential that the extension, given its height and massing, may cause some overshadowing of nearby properties, however given its location ie. to the north east, in relation to the nearby properties this potential is limited to very early morning, ie. around summer sunrise.

PED 9 of PPS 4 sets out general criteria for Economic Development. This proposal is compatible with surrounding land uses, namely the industrial landuse that dominates the settlement. EHD requested the submission of a noise impact assessment in respect of the '9m high plus pumping set for 2 no. 200m³ RO polished water storage tanks' and when received they raised no concerns about the impact of the proposal on residential amenity by way of nuisance or pollution. DRD Roads have no objection in principle to the development.

Health and Safety Executive were consulted but advised that the proposal does not fall within the scope of their remit to comment on. H&S advised that Building Control should be consulted, however following a discussion with the local Building Control office, it was deemed that the milk reception silos do not require building approval.

Adequate parking already exists on the site. I have no concern with proposed design/finishes. Boundary treatments are not necessary in this instance.

PED 9 also requires that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below.

This proposal is compatible with surrounding land uses, namely the industrial landuse which dominates the immediate area.

(a) The use is compatible with surrounding land uses as it forms part of the existing industrial area and does not extend that area and does not extend that area beyond its current limits.

(b) It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing or visual intrusion. The design will not cause overlooking and care has been taken to ensure the increased structure does not result in noise nuisance.

(c) The site abuts a Local Landscape Policy Area along the Lissan Water which was designated in order to protect the riparian setting and nature conservation interests. Although the Cookstown Area Plan states that development will not normally be permitted in this area, this proposal is for upgrades and improvements within an existing facility which cannot reasonably be provided on any alternative site. Therefore it is acceptable in the proposed location. Although the proposal extends to the boundary of the LLPA, it does not intrude into this and therefore will not have a detrimental impact on the LLPA. There are no built heritage features in the immediate vicinity.

(d) The proposal is not located in an area at flood risk nor will it cause or exacerbate flooding elsewhere.

(e) Environmental Health have advised that the proposed development is acceptable as it has been satisfactorily demonstrated by way of a noise report that the issue of noise will not cause a detrimental impact on amenity. Appropriate conditions have also been

provided to protect the amenity of local residents;

(f) The proposal is for an extension and upgrade of the existing milk reception depot. The existing facilities which exist to deal with spillages and or emissions/effluent are deemed to be capable of dealing with the modest proposed extensions. No concerns regarding emissions or effluent have been raised by Environmental Health.

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

(h) Transport NI have not raised any issues regarding access, parking or manoeuvring in or around the site.

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

(j) The site layout and building design are appropriate for the proposed use, match the existing buildings and structures and are therefore acceptable. Landscaping is not required nor proposed.

(k) Although the proposed milk reception silos will be highly visible, these are located to the rear of silos of a similar height and size and therefore will blend in with the immediate industrial nature of the site. The remainder of the proposal are either tanks to the rear of the site or extensions to existing buildings which will not be out of character in the industrial site.

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

(m) The site is located within an existing industrial site in an urban area and therefore the issue of integration is not a consideration.

Consultees

DFI Roads - are content with the proposal and have no objections.

Environmental Health – Requested the submission of a noise impact assessment and following receipt advised they have no issues subject to conditions.

Health and Safety Executive – advised that the proposal does not fall within their remit and the principle of how close the silos can be to residential dwellings and any health and safety issues is a matter to be addressed by the Principal Designer.

Recommendation – Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

permission.

Reason: Time Limit.

Condition 2

The sound pressure level of any water pump set as annotated on drawing number 03 date stamped 25th April 2022 shall not exceed 70 dB(A) when measured 1 metre horizontally and a height of 1.5 metres from a working pump.

Reason: To protect nearby residential amenity from noise.

Condition 3

Within 4 weeks of a written request by Mid Ulster District Council, following a noise complaint from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with noise levels stated within condition 2. 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.

Signature(s): Malachy McCrystal

Date: 14 December 2022

ANNEX	
Date Valid	25 April 2022
Date First Advertised	10 May 2022
Date Last Advertised	10 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 12 Riverside Dunman Cookstown BT80 9UX The Owner / Occupier 12 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX The Owner / Occupier 11 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX The Owner / Occupier 13 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX The Owner / Occupier 14 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX The Owner / Occupier 15 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX The Owner / Occupier 16 RIVERSIDE DUNMAN COOKSTOWN BT80 9UX	
Date of Last Neighbour Notification	4 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2019/0874/F Type: F Status: PG Ref: I/1992/0040 Type: A Status: PCO Ref: I/2004/0349/LDE Type: LDE Status: PR	

Ref: I/2008/0703/F

Type: F

Status: PG

Ref: I/2004/0752/F

Type: F

Status: PG

Ref: I/1976/0471

Type: H13

Status: PG

Ref: I/1975/0026

Type: H13

Status: PG

Ref: I/1977/0028

Type: H13

Status: PG

Ref: I/1976/0029

Type: H13

Status: PG

Ref: I/1980/0090

Type: H13

Status: PG

Ref: I/1988/0114

Type: H13

Status: PG

Ref: I/1979/0515

Type: H13

Status: PG

Ref: I/1975/0344

Type: H13

Status: PG

Ref: I/1976/0494

Type: H13

Status: PG

Ref: I/1980/009001

Type: H13

Status: PG

Ref: I/1977/0440

Type: H13

Status: PG

Ref: I/1988/0113

Type: H13

Status: PG

Ref: LA09/2022/0542/F

Type: F

Status: PCO

Ref: LA09/2018/0426/F

Type: F

Status: PG

Ref: I/1997/0397

Type: F

Status: PCO

Ref: LA09/2016/0758/PAD

Type: PAD

Status: PAD

Ref: I/2013/0200/F

Type: F

Status: PG

Ref: I/2012/0439/F

Type: F

Status: PG

Ref: I/2013/0362/F

Type: F

Status: PG

Ref: LA09/2016/1009/PAN

Type: PAN

Status: PANACC

Ref: I/2014/0334/F

Type: F

Status: PG

Ref: I/1998/0507

Type: F

Status: PCO

Ref: LA09/2017/0770/F

Type: F

Status: PG

Ref: LA09/2017/0516/F

Type: F

Status: APPRET

Ref: LA09/2021/0685/F

Type: F

Status: PG

Ref: LA09/2016/1737/F

Type: F

Status: PG

Ref: LA09/2015/1252/F

Type: F

Status: PG

Ref: I/2002/0702/F

Type: F

Status: PG

Ref: LA09/2018/1307/F

Type: F

Status: PG

Ref: I/2014/0376/F

Type: F

Status: PG

Ref: I/1991/0033

Type: F

Status: PCO

Ref: I/1991/4003

Type: P

Status: PCO

Ref: I/2002/0281/F

Type: F

Status: PG

Ref: I/2013/0030/F

Type: F

Status: PG

Ref: I/2000/0193

Type: F

Status: APPRET

Ref: I/2007/0511/F

Type: F

Status: APPRET

Ref: I/2005/0171/F

Type: F

Status: PR

Ref: I/1989/0339

Type: F

Status: PCO

Ref: I/1974/0409

Type: H13

Status: PR

Ref: I/1993/0367

Type: F

Status: PCO

Ref: I/1990/0307

Type: F

Status: PCO

Ref: I/1974/0310

Type: H13

Status: PG

Ref: I/1977/0493

Type: H13

Status: PG

Ref: I/1977/049301

Type: H13

Status: PG

Ref: I/1980/0277

Type: H13

Status: PG

Ref: I/2012/0453/A

Type: A

Status: CG

Ref: LA09/2017/0656/F

Type: F

Status: PG

Ref: I/1988/0275

Type: H13

Status: PR

Ref: LA09/2016/1650/F

Type: F

Status: PG

Ref: I/1974/0087

Type: H13

Status: PG

Ref: I/1993/0400

Type: F

Status: PCO

Ref: LA09/2018/0016/F

Type: F

Status: PG

Ref: LA09/2018/0015/F

Type: F

Status: REC

Ref: I/2002/0402/F

Type: F

Status: PG

Ref: I/1987/0359

Type: H13

Status: PG

Ref: I/2004/0158/F

Type: F

Status: PG

Ref: I/2013/0007/A

Type: A

Status: CR

Ref: I/2002/0222/F

Type: F

Status: PG

Ref: I/2001/0857/A41

Type: A41

Status: 208

Ref: I/2008/0268

Type: LDP

Status: APPRET

Ref: I/2008/0372/F

Type: F

Status: APPRET

Ref: LA09/2016/1816/F

Type: F

Status: PG

Ref: I/2013/0124/F

Type: F

Status: PG

Ref: I/2011/0399/A

Type: A

Status: CG

Ref: I/2012/0449/F

Type: F

Status: PG

Ref: I/1974/0001

Type: H13

Status: PG

Ref: I/2007/0102/F

Type: F

Status: PG

Ref: I/1975/0054

Type: H13

Status: PG

Ref: I/1981/0210

Type: H13

Status: PG

Ref: I/1976/0290

Type: H13

Status: PG

Ref: I/2012/0068/F

Type: F

Status: PG

Ref: I/2012/0376/A

Type: A

Status: CR

Ref: I/2006/1037/LDP

Type: LDP

Status: PG

Ref: I/1998/0154

Type: F

Status: PCO

Ref: I/1987/0033

Type: F

Status: PG

Ref: I/1998/4052

Type: P

Status: PCO

Ref: I/1998/0296

Type: F

Status: PCO

Ref: I/1999/0020

Type: F

Status: PCO

Ref: I/1989/0461

Type: F

Status: PCO

Ref: I/2004/1004/LDP

Type: LDP

Status: PG

Ref: LA09/2017/1330/DC

Type: DC

Status: AL

Ref: I/2009/0559/F

Type: F

Status: PG

Ref: I/2009/0186/F

Type: F

Status: PG

Ref: I/1989/0329

Type: F

Status: PCO

Ref: I/2006/0862/Q

Type: PREAPP

Status: PDE

Ref: LA09/2020/0983/F

Type: F

Status: PG

Ref: LA09/2018/0855/F

Type: F

Status: PG

Ref: I/1987/0321

Type: H13

Status: PG

Ref: I/1987/0160

Type: F

Status: PG

Ref: I/1977/0187

Type: H13

Status: PR

Ref: I/2002/0553/F

Type: F

Status: PG

Ref: I/2011/0327/F

Type: F

Status: APPRET

Ref: I/2005/0116/F

Type: F

Status: PG

Ref: I/1977/0444

Type: H13

Status: PG

Ref: I/1977/0280

Type: H13

Status: PR

Ref: I/1978/0128

Type: H13

Status: PG

Ref: I/2011/0347/F

Type: F

Status: PG

Ref: I/2013/0279/F

Type: F

Status: APPRET

Ref: I/2013/0297/F

Type: F

Status: PG

Ref: I/1994/6088

Type: PREAPP

Status: PCO

Ref: I/1982/0071

Type: H13

Status: PR

Ref: I/1977/0306

Type: H13

Status: PR

Ref: I/1977/0426

Type: H13

Status: PR

Ref: LA09/2015/0885/F

Type: F

Status: PG

Ref: LA09/2016/1811/F

Type: F

Status: PG

Summary of Consultee Responses

Environmental Health Mid Ulster Council-LA09-22-0542 F Dunmanbridge 141
Moneymore Road Cookstown 071222.doc

Health And Safety Executive For NI-Please see response uploaded on behalf of
HSE/NICN202208-0003 - Dunmanbridge, 141 Moneymore Rd, Cookstown BT80
8EQ.pdf

DFI Roads - Enniskillen Office-Response Template.docx

Environmental Health Mid Ulster Council-LA09-22-0542 F Dunmanbridge 141
Moneymore Road Cookstown.doc

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 02/1

Existing Elevations Plan Ref: 07

Proposed Elevations Plan Ref: 06

Proposed Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Site Layout or Block Plan Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/0716/F	Target Date: 19 September 2022
Proposal: Proposed dwelling and garage	Location: Site Adjacent To No. 60 Sixtowns Road Draperstown BT45 7BB
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Gavin □ Senitta Scullion 300 Hillhead Road Knockloughrim	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Dfi Roads require a Block Plan based on the application LA09/2021/0264/O Checklist and RS1 Form dated 19/04/2021. PAD document attached is not relevant to Sixtowns Rd.
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

One objection was received which raised concerns over ownership of lands included in the application which include a shared laneway. Originally notice was not served on all relevant landowners however, this has since been addressed and I am content all landowners have been notified and made aware of the application. Land ownership concerns are not a planning consideration but I am content the application is valid and can be fully assessed.

Characteristics of the Site and Area

The site is located outside any defined settlement limits within the open countryside as per the Magherafelt area plan and is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined with hedgerows on the north boundary and all other boundaries defined by sporadic mature hedgerows. There is a single storey dwelling at No.60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicants ownership. There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.

Description of Proposal

This is a full planning application for a proposed dwelling and garage.

Relevant Site History

LA09/2021/0264/O- proposed dwelling and garage. Site Adjacent To 60 Sixtowns Road, Draperstown. Permission Granted 11th February 2022

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

The Magherafelt Area Plan identifies the site as being outside any defined settlement limits.

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 new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

Policy CTY 1 of PPS 21 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 number of examples are provided in CTY 1 detailing the different cases that would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a. Outline permission was granted on this site after a deferred office meeting it was agreed the application could be considered an exception to policy. From this I am content the principle of development is deemed acceptable following the approval in February 2022.

The application will be assessed against relevant policies CTY 13 & 14 in regards integration and rural character. Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The outline planning permission restricted the ridge height to 6m above finished floor level. As this is a full permission the applicant does not have to comply with said condition and have applied for a larger dwelling with a ridge height of approximately 9.5m. However as the proposed dwelling is to be sited to the east of the field, which slopes downhill the topography of the site aids integration. It is noted the dwelling is substantial in size, however given the location of the dwelling which is well removed from public views I am content that it will not be a prominent feature in the landscape. The design of the dwelling is high quality and I am content it is appropriate for the site and locality.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as rounding off and that a dwelling at this site would not change the character of the area.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted and in their response stated they had no objection subject to conditions.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

The existing natural screenings of this site, as detailed on stamped drawing No.02 Rev A, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 3

If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Condition 4

All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 RevA shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

Condition 5

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

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

Condition 6

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 01 Rev A & 02 Rev A 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.

Signature(s): Ciaran Devlin

Date: 15 December 2022

ANNEX	
Date Valid	6 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) <p> The Owner / Occupier 12 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 9 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 2 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 55 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 56 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 57 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 54 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 58 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 60 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 62 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 54a Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 54B Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 1 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 3 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 1 The Orchard Draperstown Londonderry BT45 7GG </p>	
Date of Last Neighbour Notification	18 November 2022
Date of EIA Determination	

ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/1994/0092 Proposals: ALTS AND ADDS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: H/2004/0467/O Proposals: Site of Dwelling and Garage. Decision: PR Decision Date: 30-JUN-06</p> <p>Ref: H/2007/0249/RM Proposals: Dwelling and garage. Decision: PG Decision Date: 25-JUN-07</p> <p>Ref: LA09/2022/0716/F Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: LA09/2021/0264/O Proposals: Proposed dwelling and garage Decision: PG Decision Date: 11-FEB-22</p> <p>Ref: LA09/2020/1153/O Proposals: Infill site for dwelling and garage Decision: PG Decision Date: 26-APR-21</p> <p>Ref: H/2004/0199/O Proposals: Site of dwelling house and garage. Decision: PG Decision Date: 24-FEB-05</p> <p>Ref: H/1988/0483 Proposals: ALTS AND ADDS TO BUNGALOW Decision: PG Decision Date:</p> <p>Ref: H/2012/0156/F Proposals: 33kv Overhead Powerline</p>	

Decision: PG
Decision Date: 19-NOV-12

Ref: H/2005/0709/O
Proposals: Site of domestic dwelling and garage.
Decision: PR
Decision Date: 24-APR-07

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DfI Roads require a Block Plan based on the application LA09/2021/0264/O Checklist and RS1 Form dated 19/04/2021.
PAD document attached is not relevant to Sixtowns Rd.
DFI Roads - Enniskillen Office-Full & RM Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Version: 1
Site Layout or Block Plan Plan Ref: 02 Version: 1
Proposed Floor Plans Plan Ref: 03 Version: 1

Notification to Department (if relevant)

Not Applicable

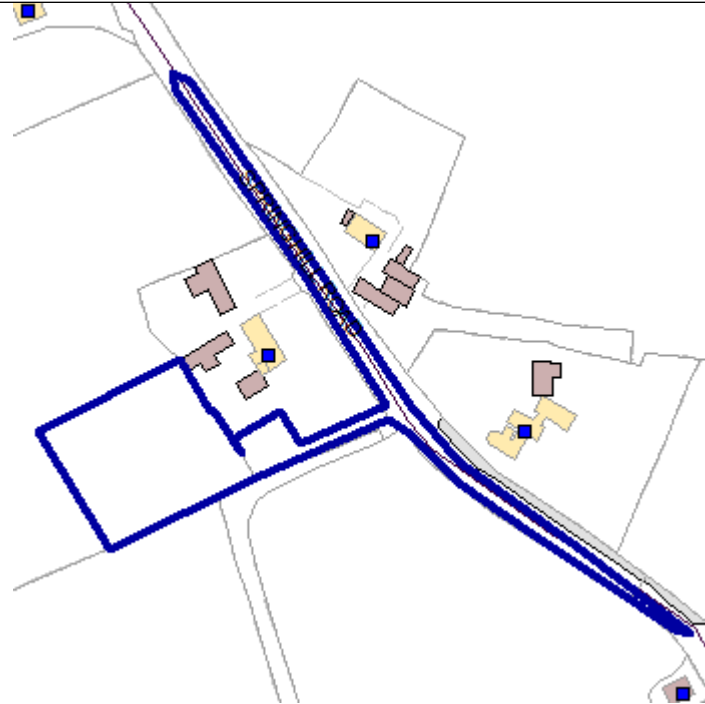


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1077/F	Target Date: 23 September 2022
Proposal: Proposed 2 storey dwelling and domestic garage	Location: 30M South West Of No. 55 Springhill Road Ballindrum, Moneymore BT45 7NH
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Mark Henry 3 Gallion Heights Moneymore BT45 7WE	Agent Name and Address: Lissan Design 45 Letteran Road Moneymore Magherafelt BT45 7UB
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval - Recon response.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docxDC Checklist 1.doc
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1077-F.DOCX

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

No third party representations were received during the assessment of this application.

All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is located approx. 30M South West Of No. 55 Springhill Road, Ballindrum, Moneymore, BT45 7NH and is located outside the designated settlement limits as defined in the Cookstown Area Plan, 2010. The site is a large irregular portion of an agricultural field. The elevations of the site falls away slightly from the Springhill road. The Southern boundary of the site is comprised of low level hedge rows and some scatter trees, the western and Northern boundaries are undefined and the Eastern boundary is comprised of low level hedge and some trees. The surrounding area is predominantly rural with scattered dwellings and farm holdings.

Description of Proposal

This application seeks full planning permission for a 2 storey dwelling and domestic garage

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Strategic Planning Policy Statement (SPPS)

Cookstown Area Plan, 2010

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

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

Planning History

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

Representations

Neighbour notification and press advertisement have been carried out in line with the

Council's statutory duty. At the time of writing, no third party objections were received.

Assessment

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

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

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

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

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

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and confirmed were consulted and confirmed that the farm business has been in existence and active for more than 6 years, therefore the application meets this test.

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

With respect to (c), the proposed development is located on a large portion of agricultural field and there farm buildings associated with the farm business located within the red line of the site, towards the south east, therefore the application meets this policy test.

The P1 form indicates that the proposal includes the construction of a new access to the public road. DFI Roads were consulted on the application and offered no objection providing that it is constructed and maintained to that detailed on drawing number 02, date stamped 11 Oct 2022 and conditions applied.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal is for full planning permission and details of design have been submitted. The proposed two storey dwelling, and domestic garage is designed with a hipped roof, the design is deemed to be out of keeping with the local character of the area and inappropriate for the site and its locality. There is a lack of established boundaries particularly along the western and Northern boundaries to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. The proposal relies on new landscaping along these boundaries and does not have a sufficient backdrop, therefore fails to meet the criteria of Policy CTY 13.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The proposal may be unduly prominent on the site and the design does not respect the traditional pattern of settlement exhibited in the area and could cause detrimental change to the rural character of the area, therefore it fails to meet the criteria of CTY 14.

I contacted the agent to give them the opportunity to amend the design , however they responded to say that his client wanted him to continue with the proposed design and was not prepared to amend it.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to CTY13 of PPS 21, in that the proposed design is deemed to be out of keeping with the local character of the area and inappropriate for the site and its locality. There is a lack of established boundaries particularly along the western and Northern boundaries to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. The proposal relies on new landscaping along these boundaries and does not have a sufficient backdrop to provide sufficient screening of the site.

Reason 2

The proposal is contrary to CTY14 of PPS 21, as it has the potential to be unduly prominent on the site and the design does not respect the traditional pattern of settlement exhibited in the area and could cause detrimental change to the rural character of the area

Signature(s): Siobhan Farrell

Date: 20 December 2022

ANNEX	
Date Valid	10 June 2022
Date First Advertised	12 July 2022
Date Last Advertised	12 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 64 Springhill Road Moneymore Londonderry BT45 7NH The Owner / Occupier 58 Springhill Road Moneymore Londonderry BT45 7NH	
Date of Last Neighbour Notification	2 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1997/0500 Proposals: Extension to Dwelling Decision: PG Decision Date: Ref: I/2002/0443/F Proposals: New repositioned access Decision: PG Decision Date: 19-SEP-02 Ref: I/1999/0054 Proposals: 33KV O/H Line Decision: PG Decision Date: Ref: LA09/2020/0810/O Proposals: Proposed site for a "Dwelling on a farm" & domestic garage (based on Policy CTY 10) Amended Access Decision: PG Decision Date: 22-OCT-20	

Ref: I/2008/0479/F

Proposals: Removal of existing rear return and renovation of dwelling (re-slate, new windows & doors, new stair, replaster internally & externally, new ground floor re-build chimney, new storm goods)

Decision: PG

Decision Date: 17-SEP-08

Ref: LA09/2016/0375/O

Proposals: Gap site for dwelling and garage

Decision: PG

Decision Date: 19-AUG-16

Ref: LA09/2022/1077/F

Proposals: Proposed 2 storey dwelling and domestic garage

Decision:

Decision Date:

Ref: LA09/2022/0060/RM

Proposals: Proposed 2 storey dwelling and domestic garage

Decision:

Decision Date:

Ref: LA09/2018/1435/F

Proposals: 2 Farm sheds -1 for the storage of winter fodder and 1 for animal shelter

Decision: PG

Decision Date: 16-SEP-19

Ref: I/1993/0452

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0086

Proposals: Erection of Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1980/0062

Proposals: EXTENSION AND REPAIRS TO EXISTING DWELLING

Decision: PG

Decision Date:

Ref: LA09/2021/1627/F

Proposals: Proposed rear extension, detached garage & alterations

Decision: PG

Decision Date: 09-MAR-22

Ref: I/2004/0148/F

Proposals: Rough cast mobile home.

Decision: PR

Decision Date: 12-MAY-04

Ref: I/1998/0305

Proposals: Extension to Dwelling

Decision: PG

Decision Date:

Ref: I/1986/0440

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/2013/0004/O

Proposals: Gap site dwelling and garage

Decision: PG

Decision Date: 20-MAR-13

Ref: LA09/2021/0940/O

Proposals: Gap Site for Dwelling & Garage

Decision: PG

Decision Date: 26-AUG-21

Ref: I/1988/0462B

Proposals: Sewage Treatment Works

Decision: WITHDR

Decision Date:

Ref: I/1997/0491

Proposals: 2 no. dwellings

Decision: PR

Decision Date:

Ref: I/1983/0369

Proposals: 4 NO DWELLINGS

Decision: PR

Decision Date:

Ref: I/1996/6018

Proposals: Infill Site for 2 no. dwellings Springhill Road, Moneymore

Decision: PRER

Decision Date: 02-APR-96

Ref: I/1992/6010
Proposals: Dwelling Springhill Road Moneymore
Decision: PRER
Decision Date: 16-JUN-92

Ref: I/1988/0462
Proposals: Proposed Sewage Treatment Works
Decision: PG
Decision Date: 23-JAN-89

Ref: I/1995/6043
Proposals: Site for Housing Ballindrum Road Moneymore
Decision:
Decision Date:

Ref: I/1991/6021
Proposals: Surplus Land Springhill, Moneymore, Co Tyrone.
Decision: QL
Decision Date:

Ref: LA09/2021/0911/F
Proposals: Gap site for dwelling with integral garage
Decision: PG
Decision Date: 10-JAN-22

Ref: I/2010/0259/F
Proposals: Refurbishment of and extension to front and rear of existing Orange Hall
Decision: PG
Decision Date: 10-AUG-10

Ref: I/2003/0203/F
Proposals: Extension to dwelling
Decision: PG
Decision Date: 14-APR-03

Ref: I/1993/0057
Proposals: Domestic Garage
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation full approval - Recon response.docx
DFI Roads - Enniskillen Office-Roads Consultation full approval.docxDC Checklist 1.doc
DAERA - Coleraine-Consultee Response - LA09-2022-1077-F.DOCX

Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Elevations and Floor Plans Plan Ref: 03 Garage Plans Plan Ref: 04 Site Location Plan Site Layout or Block Plan
Notification to Department (if relevant)
Not Applicable

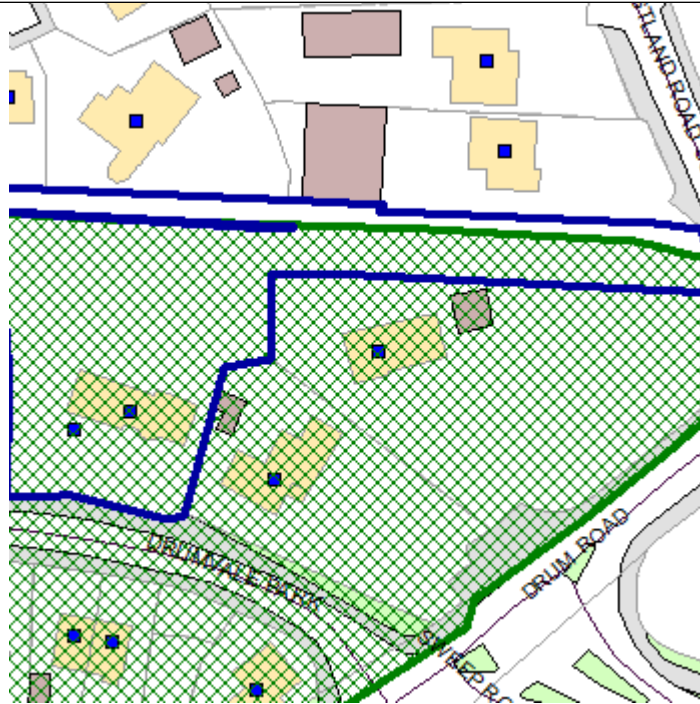


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/1106/F	Target Date: 17 October 2022
Proposal: Proposed Replacement Dwelling and Carport	Location: 5 Greenvale Cookstown BT80 8QS
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Odhran McCracken 4 Westwood Park Cookstown BT80 8YX	Agent Name and Address: Mr Peter Hampsey 35 OLD RECTORY PARK COOKSTOWN BT80 9XR
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval - Recon response.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.docRoads Consultation full approval.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The current application is presented as an approval; however, it is being presented at Committee following objections from two neighbours.

Concerns are addressed below:

Submitted plans do not reflect what is on the ground, right of way not shown – A land registry check has confirmed that there is no public right of way on this land.

Proposed garage blocks right of way – Garage has been removed entirely from the proposal.

Ground level to the right of way has been raised, existing levels of right of way should be maintained – Site visits were carried out on 15/09/22 and 17/11/22 and I am content that the ground level has not been raised. A number of tree stumps had been removed in the north-western corner of the site and the soil had subsequently been flattened, however no infilling has occurred.

Queries over the legality of granting permission for trees and hedges in a public right of way as the amended block plan (uploaded to Public Access on 26/09/22) shows a hedge blocking right of way – As mentioned previously, there is no formal right of way on this land however a section of the proposed hedging to the north-western corner of the site has been removed to address this concern.

Lack of detail regarding species and height of proposed hedges – A condition has been added to specify native species hedging not to exceed 2m in height.

Characteristics of the Site and Area

The application site is located at No. 5 Greenvale within the settlement limits of Cookstown as per the Cookstown Area Plan 2010. The site is accessed from Drumvale Park and features a two-storey dwelling with an attached single storey garage projecting from the eastern elevation. The site rises gently from south to north. Parking is currently accommodated within the curtilage of the site and there is a generous amount of grassed amenity space, particularly to the rear of the dwelling.

The front boundary of the site is defined by a mature hedgerow with a gated vehicular access point. The side boundaries feature a mixture of fencing and vegetation and along the rear boundary there is a 1m retaining wall with fencing panels on top separating the application site from the dwellings to the north.

The area is predominately residential and there are two hotels, the Greenvale and the Glenavon, within the vicinity of the application site.



Consultations

TPO Officer consulted internally as area was identified as a TPO area – responded requesting additional information, further investigation showed relevant trees had been removed prior to the applicant purchasing the site therefore the group are content that no additional information is required.

DfI Roads – responded advising they offer no objection on the basis that the proposed development is built in accordance with the approved drawings.

Site History

There is no relevant site history for this application site.

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. This application was initially advertised in the local press on 19/07/2022. Eleven neighbouring properties were notified in relation to this application and two objectors have submitted correspondence.

Description of Proposal

This is a full application for a proposed replacement dwelling and carport at No. 5 Greenvale, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

The site falls within the Cookstown development limit as defined in the Cookstown Area Plan 2010. The application site was identified as falling within a TPO area.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

The SPPS outlines the aims to providing sustainable development and with respect to that, should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting, and landscaping. It does not offer any change in policy direction regarding replacement dwellings.

Mid Ulster 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 of 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 Policy Statement 7 – Quality Residential Environments

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

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

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

The immediate surrounding area is mostly residential with a variety of single storey and two storey detached dwellings with community and local facilities available close by. The principle of residential development is generally acceptable within the development limit of Cookstown, and this proposal respects the use of the surrounding area which is mainly residential. I am content that the layout, scale, proportions, and massing of the dwelling are similar to that of the existing dwelling to be replaced. The proposal is for a replacement dwelling therefore there will be intensification of development on 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;

There are no archaeological features in the immediate vicinity of the site.

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

The application is for a replacement dwelling which is sited largely in the footprint of the existing dwelling. Existing and proposed landscaping will soften the visual impact of the proposal.

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

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

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

The location of this site within the town of Cookstown supports walking and cycling and

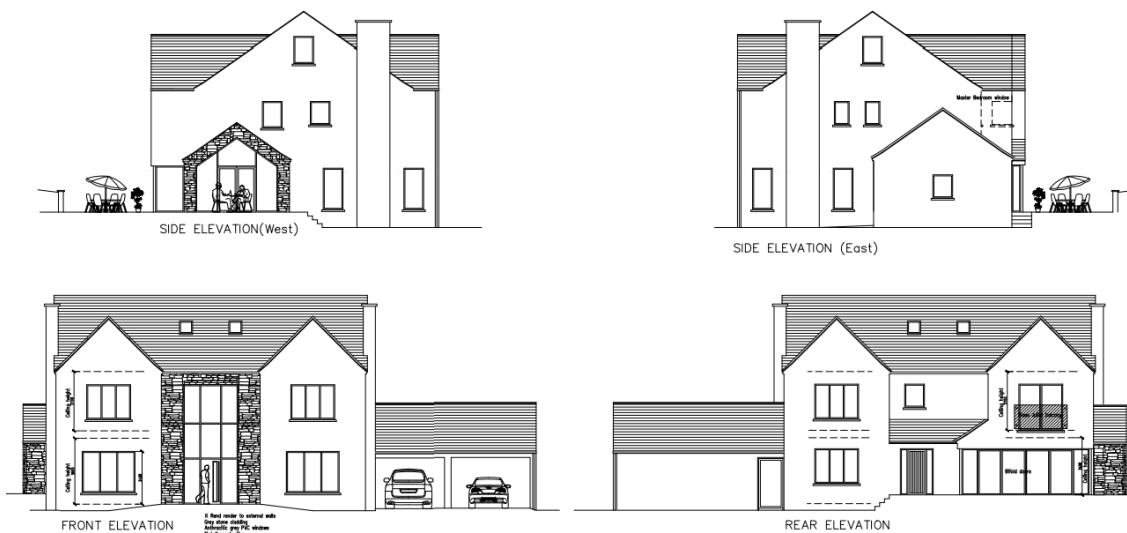
there is convenient access to public transport.

- Adequate and appropriate provision is made for parking;

There appears to be adequate space for parking at the front of the dwelling.

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

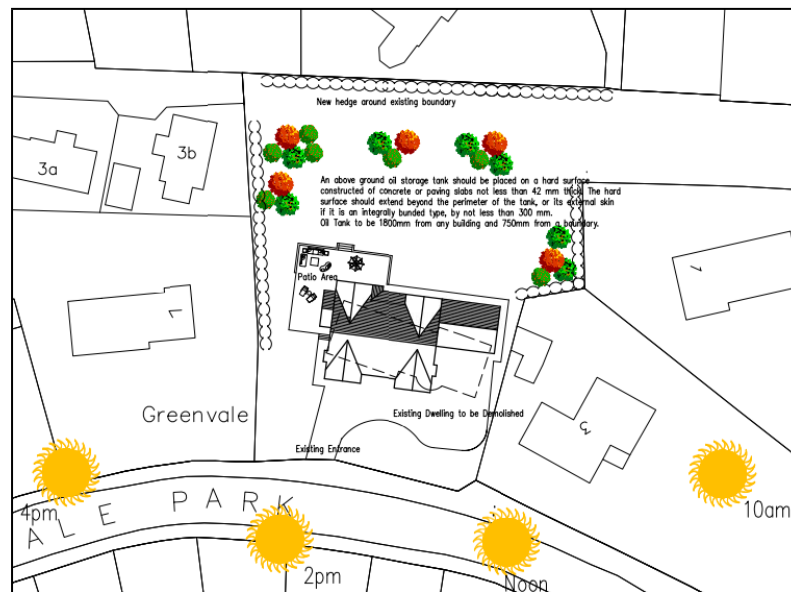
The dwelling has a proposed ridge height of 6m, 14.5m in length, and a gable depth of 8.7m with an additional 1.4m porch projection and 4.2m rear outshot. The walls are to be finished with a smooth painted render with locally sourced stone to the front porch. The proposed dwelling is similar in scale to those in the surrounding area, and finishes are not out of character for the area. Sections of natural stone cladding are evident at neighbouring dwellings including No. 3 Greenvale to the east of the application site. I am content that the proposal is acceptable in this regard.



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

The proposed dwelling is to be sited in the footprint of the existing dwelling and within the existing curtilage. The application proposes a two-storey dwelling to replace the existing two-storey dwelling. I am content that sufficient separation exists between the application site and neighbouring plots to ensure there are no adverse impacts on

neighbouring dwellings.



- The development is designed to deter crime and promote personal safety.

Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas

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

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

The application is for a replacement dwelling therefore there will be no intensification of development within the established residential area.

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

The pattern of development in the immediate area is detached dwellings on large plots

and considering the proposal is for a replacement dwelling and carport with a similar footprint, it is consistent with the overall character and environmental quality of this established residential area.

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

The proposed dwelling exceeds the minimum Space Standards as set out in Annex A of Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas. The proposed dwelling is therefore acceptable in this regard.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

All landscaping comprised in the approved details of landscaping on drawing 02 Rev A uploaded to Public Access on 26/09/22 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved. Hedging shall be of a native species and shall not exceed 2m in height.

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

Signature(s): Zoe Douglas

Date: 21 December 2022

ANNEX	
Date Valid	4 July 2022
Date First Advertised	19 July 2022
Date Last Advertised	19 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 51 Drum Road Cookstown Tyrone BT80 8JQ The Owner / Occupier 125 Westland Road South Cookstown Tyrone BT80 8JN The Owner / Occupier 11 Drumvale Avenue Cookstown Tyrone BT80 8QZ The Owner / Occupier 9 Drumvale Avenue Cookstown Tyrone BT80 8QZ The Owner / Occupier 3B Drumvale Avenue Cookstown Tyrone BT80 8QZ The Owner / Occupier 7 Greenvale Cookstown Tyrone BT80 8QS The Owner / Occupier 3 Drumvale Park Cookstown Tyrone BT80 8QY The Owner / Occupier 2 Drumvale Park Cookstown Tyrone BT80 8QY The Owner / Occupier 1 Drumvale Park Cookstown Tyrone BT80 8QY The Owner / Occupier 3 Greenvale Cookstown Tyrone BT80 8QS The Owner / Occupier Downhill Lodge 1 Greenvale Drum Road Cookstown BT80 8QS	
Date of Last Neighbour Notification	24 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1990/0011 Proposals: 2 No Semi_Detached Dwellings Decision: WITHDR Decision Date:	

Ref: I/1977/0078

Proposals: CONVERSION OF LICENSED RESTAURANT TO HOTEL

Decision: PG

Decision Date:

Ref: I/1977/0258

Proposals: 4 NO BUNGALOWS

Decision: WITHDR

Decision Date:

Ref: I/1977/007801

Proposals: CONVERSION OF LICENSED RESTAURANT TO HOTEL

Decision: PG

Decision Date:

Ref: I/1986/0322

Proposals: EXTENSION TO HOTEL

Decision: WITHDR

Decision Date:

Ref: LA09/2022/1106/F

Proposals: Proposed Replacement Dwelling and Carport with detached Garage and Store

Decision:

Decision Date:

Ref: I/1991/0397

Proposals: Boundary Wall

Decision: PG

Decision Date:

Ref: I/2002/0841/F

Proposals: Proposed extension and alterations to dwelling

Decision: PG

Decision Date: 22-FEB-03

Ref: I/1977/0298

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: I/1977/029802

Proposals: SITE FOR DWELLING

Decision: PG

Decision Date:

Ref: I/1977/029801

Proposals: 2 NON-SUBSIDY BUNGALOWS

Decision: PG

Decision Date:

Ref: I/2007/0512/O

Proposals: Demolition of existing dwelling and replacement with 2 no. semi-detached dwellings and 2 no. detached dwellings

Decision: PG

Decision Date: 27-APR-09

Ref: I/2002/0185/F

Proposals: Extension to dwelling, garage, wall raised

Decision:

Decision Date:

Ref: LA09/2017/1286/F

Proposals: Proposed retention of change of use from Retail Sales and plant hire back to its former use as Vehicle Repair Garage

Decision: PG

Decision Date: 27-MAR-18

Ref: I/2011/0496/F

Proposals: Retention of change of use from domestic store to fuel sales and hire business including retention of office building used in conjunction with business

Decision:

Decision Date:

Ref: I/2014/0022/LDE

Proposals: Retail sales & plant hire with ancillary storage & distribution

Decision: PG

Decision Date: 02-APR-14

Ref: I/1977/0138

Proposals: TWO NON-SUBSIDY BUNGALOWS

Decision: WITHDR

Decision Date:

Ref: LA09/2019/1339/TPO

Proposals: Consent for works to a TPO

Decision: WTPOG

Decision Date: 14-NOV-19

Ref: I/1977/0150

Proposals: EXTEND EXISTING GARDEN CENTRE

Decision: PG

Decision Date:

Ref: I/1978/0172

Proposals: EXTENSION TO GARDEN CENTRE

Decision: PG

Decision Date:

Ref: I/1994/0401

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0413

Proposals: Proposed 2 No.dwellings and garages

Decision: WITHDR

Decision Date:

Ref: I/2004/0341/F

Proposals: Proposed 2no two storey dwellings, one with integral garage and one with detached garage

Decision: PG

Decision Date: 18-SEP-04

Ref: I/2002/0367/O

Proposals: Proposed site for dwelling

Decision: PG

Decision Date: 15-AUG-02

Ref: I/1996/0540

Proposals: Site for dwelling

Decision: PG

Decision Date:

Ref: I/1980/0232

Proposals: TWO NO NON-SUBSIDY DWELLING HOUSES

Decision: PG

Decision Date:

Ref: I/1992/0466

Proposals: Domestic Garage

Decision: PG

Decision Date:

Ref: I/1986/0033

Proposals: CONVERSION OF EXISTING GARAGE TO PLAYROOM AND ERECTION OF NEW GARAGE

Decision: PG
Decision Date:

Ref: I/1981/0102
Proposals: MEETING ROOM AND OFFICE
Decision: PG
Decision Date:

Ref: I/1986/0362
Proposals: NEW ENTRANCE
Decision: PG
Decision Date:

Ref: I/1980/0251
Proposals: PROPOSED STORE
Decision: PG
Decision Date:

Ref: I/1986/0310
Proposals: EXTENSION TO FUNCTION ROOM
Decision: WITHDR
Decision Date:

Ref: I/1998/0044
Proposals: Erection of Dwelling and Garage
Decision: PG
Decision Date:

Ref: I/1991/6076
Proposals: Residential Development Westland Road South / Drum Road Cookstown
Decision: QL
Decision Date:

Ref: I/1990/0195
Proposals: Erection of wall to front of Historic Building
Decision: PG
Decision Date:

Ref: I/1990/0196
Proposals: Alterations to existing estate entrance and erection of wall to the front of Historic Building
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation full approval - Recon response.docx
DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation full approval.docx

Drawing Numbers and Title**Notification to Department (if relevant)**

Not Applicable

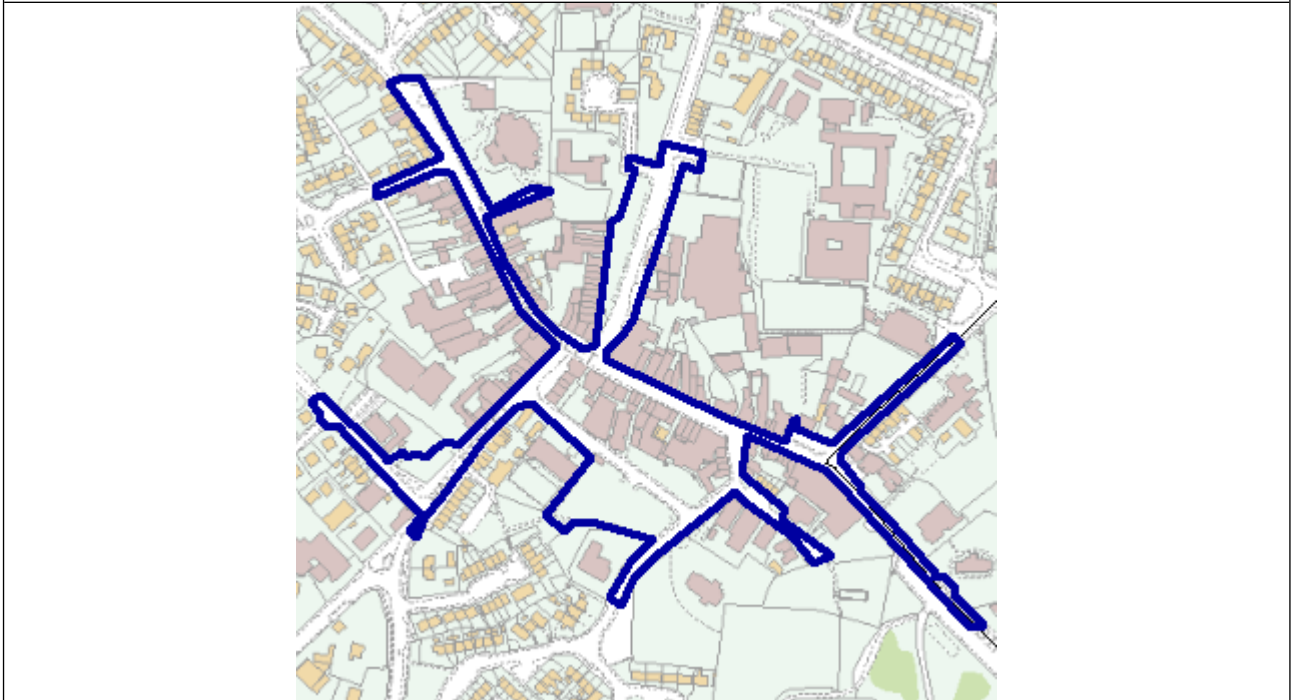


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1149/F	Target Date: 2 November 2022
Proposal: Public realm improvements comprising the resurfacing of existing footpaths and spaces; new/replacement tree planting; new street and feature lighting; new/replacement street furniture and railings; reconfiguration of ingress/egress points at the car park on the Coleraine Road; reconfiguration of on-street parking and realignment of roadside kerbs; a new pedestrian crossing on Lower Main Street; and all associated site works	Location: Lands Adjacent To 1-5 Glen Road, 2-122 Main Street, Maghera Day Centre, 2-53 Coleraine Road, 2-48 Hall Street, 1-19 Fair Hill, 2-12 Bank Square, 1-6 Martins Terrace, 1-43 Church Street, 20 Tirkane Road, 7 Meeting House Avenue, Maghera Pr...
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Refer to comments published 15/11/2022
Statutory Consultee	Rivers Agency	803080 - Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	<p>Drawings to be upgraded / amended are</p> <p>Sheet 4 of 10 ' Missing zig zags on approach to roundabout on Main Street (zig zags currently on both sides of road along with middle). Missing DPB markings in Layby</p> <p>Sheet 5 of 10 ' Missing double yellow lines RHS Main Street on approach to RAB where it meets station road.</p> <p>Sheet 6 of 10 ' Missing double yellows at St</p>

		<p>Lurachs/ meeting house avenue Junction. Missing single yellow line on St Lurachs (one side). Missing double yellow lines at car park on St Lurachs road (on left side where car park meets road).</p> <p>Sheet 9 of 10 ' Missing yellow lines on RHS at entrance to Tirkane Court. Missing zig zag on approach to pedestrian crossing from Coleraine direction on RHS. Missing Bus stop markings in Bus lay by.</p> <p>Sheet 10 of 10 ' Missing yellow lines RHS Church Street (A42)</p> <p>General Arrangement Drawings All sheets need pedestrian guard rail drawing detail.</p> <p>Any queries from the Design Team can be raised with DfI Roads Traffic Section</p>
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docx Roads Consultation blank.docx
Representations:		
Letters of Support	0	
Letters Non Committal	0	
Letters of Objection	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		

Characteristics of the Site and Area

The site is within the Maghera Settlement Limit as defined by the Magherafelt Area Plan and consists of parts of Glen Road, Main Street, Coleraine Road, Hall Street, Fairhill, Bank Square, St Martins Terrace, Church Street, Tirkane Road and Meeting House Avenue. The vast majority of the site is within the Town Centre designation as per the Magherafelt Area Plan. The area is a typically busy commercial hub of a local town with a range of services and a varied retail offer. There are also some residential properties although the vast majority of the site is commercial in nature. The site is comprised mainly of public carriageways and associated footpaths as well as some on street car parking.

Description of Proposal

The proposal involves improvements to the public realm in the form of re surfacing of footpaths, widening of footpaths, re provisioning of some existing car parking areas, additional yellow lines to reduce on street parking in certain areas, replacement streetlighting, replacement street furniture, provision of strip LED lighting to an alleyway, replacement of pedestrian guard rails, re surfacing of pedestrian crossings. There will be a new roundabout installed at the junction of Tobermore Road and Fairhill.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 3 – Access, Movement and Parking
- PPS 6 – Archaeology and the Built Heritage

MAGHERAFELT AREA PLAN

As stated, the vast majority of the site is within the Town Centre designation and therefore the provisions of the SPPS in relation to town centres and retail must be taken into account. The Town Centre designation includes a Primary Retail Core (PRC) along Upper Main Street, Main Street and the units 2-22 on Coleraine Road. The entirety of this PRC is included within the application site and therefore the provisions of the SPPS in relation to PRC's must be considered as this is the relevant prevailing planning policy.

Map 6a also includes some Development opportunity Sites which are adjacent to the red line of this proposal but neither of these sites will be impacted by the proposed improvements.

The area of the site from the Hall Street / Coleraine Road Junction with Main Street / Upper Main Street and extending SE towards Station Road all lies within an Area of Archaeological Potential and therefore, the provisions of PPS 6 – Archaeology and the Built Heritage must be taken into account as the prevailing planning policy.

Designation MA 13 which is a Local Landscape Policy Areas (LLPA) also abut the red line of the site. These designations were made in recognition of the distinctive sloping landscapes to the south of the town and the river floodplain. In particular, reference is made within the MAP to the;

- Attractive green slopes and wetlands characterised by streams and associated vegetation
- The grouping, setting and visual association between historical buildings; St. Lurach s Church, Church of Ireland Rectory and Presbyterian Meeting House.
- Church of Ireland Rectory and the significant mature landscape including trees and stream corridors which contribute to the wider townscape
- Significant tree group at junction of Mullagh Road and Church Street
- Silverhill House and mature trees along its boundaries
- Roadside trees on Mullagh Road
- Stream corridor and associated wetlands

Having carried out a site inspection of the entire site, it is my view that the measures involved in the proposed improvements to the public realm will not have any detrimental impact on the features which are listed as being characteristics which contribute to the overall importance of the LLPA designation.

The works involved are mostly amended road line markings, removal of on street parking via increased double yellow line provision, footpath widening in places, replacement street furniture and replacement street lighting. There are no new buildings, tree removal or extensions / alterations of buildings. These works will not be significant enough to impact upon the features which merit the designation of the LLPA. The LLPA is considerable in size, extending all the way to the south to the Glenshane Road (A6) and the relatively small portion of the designation which is affected by these proposals also mean that the designation and the rationale for it, will not be undermined.

STRATEGIC PLANNING POLICY STATEMENT (SPPS)

The SPPS states that town centres should be encouraged to develop at an appropriate scale in order to improve the attractiveness of them as places to visit. The document also states that the planning authority should promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments.

It is my view that this proposal will make the town centre more attractive by replacing existing street furniture and pedestrian guard rails with newer and more visually attractive replacements. More aesthetically pleasing street lighting will also replace existing lighting and new tree planting will also increase the visual attractiveness of the town centre. The reduction of on street car parking and the introduction of a roundabout at the junction of Fairhill and Tobermore Road will improve traffic flows in the town and reduce traffic at certain pinch points on Main Street and Upper Main Street. As well as making traffic flow more freely and therefore improving accessibility, this will also make the town centre safer for pedestrians. Improved street lighting and the introduction of LED strip lighting to pedestrian alleyways will also increase safety and help to deter

crime.

The SPPS also states directly that planning proposals should maintain and improve accessibility within the town centre. As mentioned already, this proposal will increase traffic flow throughout the town by reducing on street parking and thus making the main thoroughfares more accessible. There will be a net reduction in car parking spaces within the town centre of 20 parking spaces in total. However, given the improvements to traffic flows and the already considerable provision of car parking spaces within the town centre, this proposal will in my opinion, improve the accessibility of the town centre.

It is my view therefore that the proposed improvements to the public realm are in keeping with the policy provisions of the SPPS.

PPS 6 – ARCHAEOLOGY AND THE BUILT HERITAGE

An Area of Archaeological Potential has been designated in the MAP and it extends eastwards from the Hall St / Coleraine Road junction towards St. Lurachs church, including Bank Square and part of Station Road. It is therefore likely that there are archaeological remains in this area and that development may cause them to be exposed or uncovered and therefore policy BH4 of PPS 6 is relevant.

HED (Historic Monuments) have been consulted and are satisfied that the proposal meets the requirements of PPS 6 subject to a developer funded programme of works being carried out prior to construction in order to identify and preserve any archaeological remains that are discovered.

Therefore, subject to the imposition of this condition, I am of the view that this proposal complies with the provisions of PPS 6 in relation to its impact on archaeological remains.

PPS 3 – ACCESS MOVEMENT AND PARKING

The proposal will seek to improve the traffic flow in the town centre area by increasing double yellow lines to reduce on street parking, widening footpaths to increase pedestrian footfall, increased and improved pedestrian crossings, replacement pedestrian barriers, the introduction of a roundabout at Fairhill. All these measures have been discussed with DFI Roads in the pre application stages via liaison between them and the developer.

DFI Roads have been consulted on this application and are content for the development to be approved subject to conditions.

Summary of Recommendation:

Approve is recommended

I am of the view that this proposal is in keeping with the relevant policy considerations and therefore can be recommended for approval.

Approval Conditions

Condition 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.

Condition 2

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been approved by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for;

- a) The identification and evaluation of archaeological remains within the site
- b) Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in - situ;
- c) Post - excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- d) Preparation of the digital, documentary, and material archive for deposition.

REASON; To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

Condition 3

No site works of any nature or development shall take place other than in accordance with programme of works approved under L15a.

REASON - to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

Condition 4

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition L15a. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

REASON - To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Condition 5

Prior to the commencement of any development hereby approved, a licence agreement to carry out the Works on the public road network shall be entered into with DfI Roads by Mid Ulster Council

Reason : To ensure a licence is in place for any Works carried out as part of this planning permission.

Condition 6

A detailed programme of Works and any required / associated traffic management proposals shall be submitted to and agreed by DfI Roads, prior to the commencement of any element of road works affecting the public road network

Reason: To facilitate the convenient movement of all road users and the orderly progress of Work in the interest of road safety.

Condition 7

A Stage 2 Road Safety Audit shall be carried out prior to any works commencing on the existing road network and recommendations implemented in accordance with the Design Manual for Road and Bridges GG119

Reason : In the interest of road safety

Condition 8

On completion of the highway works, the applicant shall, within the required time, carry out Stage 3 and Stage 4 Road Safety Audits and recommendations implemented in accordance with the Design Manual for Road and Bridges GG119

Reason : In the interest of road safety

Signature(s): Colin McKeown

Date: 13 December 2022

ANNEX	
Date Valid	20 July 2022
Date First Advertised	26 July 2022
Date Last Advertised	26 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 57 Fairhill Maghera County Londonderry BT46 5AY The Owner / Occupier 2 Tobermore Road, Maghera County Londonderry The Owner / Occupier 7 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 5 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 14 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 1 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 2 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 3 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 4 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier 2 FairFIELD Maghera Londonderry BT46 5LX The Owner / Occupier 1 FairFIELD Maghera Londonderry BT46 5LX The Owner / Occupier 4 FairFIELD Maghera Londonderry BT46 5LX The Owner / Occupier 19 Fair Hill Maghera Londonderry BT46 5AY The Owner / Occupier Maghera Presbyterian Church 7 Bank Square Maghera Londonderry BT46 5AZ The Owner / Occupier 2 Bank Square Maghera Londonderry BT46 5AZ The Owner / Occupier 4 Bank Square Maghera Londonderry BT46 5AZ The Owner / Occupier 6 Bank Square Maghera Londonderry BT46 5AZ The Owner / Occupier 8 Bank Square Maghera Londonderry BT46 5AZ The Owner / Occupier	

10 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 12 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 14 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 16 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 9 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 11 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 7 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 7A Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 7B Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 5 Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 5A Bank Square Maghera Londonderry BT46 5AZ
 The Owner / Occupier
 Maghera Presbyterian Church Hall 7 Meeting House Avenue Maghera Londonderry
 BT46 5BA
 The Owner / Occupier
 Cinema 51 St. Lurachs Road Maghera Londonderry BT46 5JE
 The Owner / Occupier
 The Tower Restaurant 49 St. Lurachs Road Maghera Londonderry BT46 5JE
 The Owner / Occupier
 2 St. Lurachs Road Maghera Londonderry BT46 5JE
 The Owner / Occupier
 1 Station Road Maghera Londonderry BT46 5EY
 The Owner / Occupier
 1A Station Road Maghera Londonderry BT46 5EY
 The Owner / Occupier
 2 Station Road Maghera Londonderry BT46 5EY
 The Owner / Occupier
 Maghera Primary School 15 Station Road Maghera Londonderry BT46 5EY
 The Owner / Occupier
 St Patricks College 15 Station Road Maghera Londonderry BT46 5EY
 The Owner / Occupier
 1 Martins Terrace Maghera Londonderry BT46 5BT
 The Owner / Occupier
 2 Martins Terrace Maghera Londonderry BT46 5BT
 The Owner / Occupier
 3 Martins Terrace Maghera Londonderry BT46 5BT
 The Owner / Occupier
 4 Martins Terrace Maghera Londonderry BT46 5BT

The Owner / Occupier
 5 Martins Terrace Maghera Londonderry BT46 5BT
 The Owner / Occupier
 6 Martins Terrace Maghera Londonderry BT46 5BT
 The Owner / Occupier
 Maghera Library 1 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 1 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 3 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 15 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 Maghera Library, 1 Church Street, Maghera
 The Owner / Occupier
 1 Glenview Maghera County Londonderry
 The Owner / Occupier
 27 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 29 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 31 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 33 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 35 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 37 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 39 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 41 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 43 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 St. Lurachs Church 25 Church Street Maghera Londonderry BT46 5EA
 The Owner / Occupier
 10 Glen Road Maghera COUNTY LONDONDERRY
 The Owner / Occupier
 70A Main Street, Maghera County Londonderry
 The Owner / Occupier
 68 Main Street Maghera, County Londonderry
 The Owner / Occupier
 60 Main Street Maghera, County Londonderry
 The Owner / Occupier
 62A Main Street Maghera, County Londonderry
 The Owner / Occupier
 Maghera Orange Hall 32 Church Street Maghera Londonderry BT46 5EA

The Owner / Occupier
 5 Hall Street Maghera County Londonderry
 The Owner / Occupier
 1A Main Street Maghera County Londonderry
 The Owner / Occupier
 14 Main Street Maghera County Londonderry
 The Owner / Occupier
 10 Main Street Maghera County Londonderry
 The Owner / Occupier
 10A Main Street Maghera County Londonderry
 The Owner / Occupier
 12 Main Street Maghera County Londonderry
 The Owner / Occupier
 8 Main Street Maghera County Londonderry
 The Owner / Occupier
 6 Main Street Maghera County Londonderry
 The Owner / Occupier
 4 Main Street Maghera County Londonderry
 The Owner / Occupier
 2-4 Main Street Maghera County Londonderry
 The Owner / Occupier
 9 Meeting House Avenue Maghera Londonderry BT46 5BA
 The Owner / Occupier
 1 Tamney Crescent Maghera Londonderry BT46 5AQ
 The Owner / Occupier
 57 Main Street Maghera Londonderry BT46 5AA
 The Owner / Occupier
 55 Main Street Maghera Londonderry BT46 5AA
 The Owner / Occupier
 10 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 12 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 8 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 6 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 4 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 2 Main Street Maghera Londonderry BT46 5AD
 The Owner / Occupier
 1 Main Street Maghera Londonderry BT46 5AA
 The Owner / Occupier
 24 Main Street Maghera Londonderry BT46 5AE
 The Owner / Occupier
 26 Main Street Maghera Londonderry BT46 5AE
 The Owner / Occupier
 28 Main Street Maghera Londonderry BT46 5AE

The Owner / Occupier
30 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
34 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
32 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
32A Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
34A Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
38 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
42 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
42A Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
38 B Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
16-18 Main Street Maghera Londonderry
The Owner / Occupier
18-22 Main Street Maghera Londonderry
The Owner / Occupier
44A Main Street Maghera Londonderry
The Owner / Occupier
46 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
52 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
58 Main Street Maghera Londonderry BT46 5AE
The Owner / Occupier
5A Main Street Maghera Londonderry
The Owner / Occupier
9 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
11 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
13 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
15 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
27 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
29 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
31-33 Main Street Maghera County Londonderry
The Owner / Occupier
33 Main Street Maghera Londonderry BT46 5AA

The Owner / Occupier
37 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
41 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
43-49 Main Street Maghera Londonderry BT46 5AA
The Owner / Occupier
61A Main Street Maghera Londonderry
The Owner / Occupier
61 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
69 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
71 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
73 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
75A Main Street Maghera Londonderry
The Owner / Occupier
77 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
79-81 Main Street Maghera Londonderry
The Owner / Occupier
95 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
97 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
109 Main Street Maghera Londonderry
The Owner / Occupier
76 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
78 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
80 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
82 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
84A Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
85 Main Street Maghera Londonderry BT46 5AB
The Owner / Occupier
86 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
90 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
94 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
96C Main Street Maghera Londonderry BT46 5AF

The Owner / Occupier
98-100 Main Street Maghera Londonderry
The Owner / Occupier
100 Main Street Maghera Londonderry BT46 5AF
The Owner / Occupier
102 C Main Street Maghera County Londonderry
The Owner / Occupier
102 A Main Street Maghera County Londonderry
The Owner / Occupier
104 Main Street Maghera County Londonderry
The Owner / Occupier
106 Main Street Maghera County Londonderry
The Owner / Occupier
112 Main Street Maghera County Londonderry
The Owner / Occupier
114 Main Street Maghera County Londonderry
The Owner / Occupier
116-118 Main Street Maghera County Londonderry
The Owner / Occupier
122A Main Street Maghera County Londonderry
The Owner / Occupier
122 Main Street Maghera County Londonderry
The Owner / Occupier
2-4 Glen Road Maghera County Londonderry
The Owner / Occupier
1 Glen Road Maghera County Londonderry
The Owner / Occupier
3 Glen Road Maghera County Londonderry
The Owner / Occupier
5 Glen Road Maghera County Londonderry
The Owner / Occupier
20A Tirkane Road Maghera County Londonderry
The Owner / Occupier
20 Tirkane Road Maghera County Londonderry
The Owner / Occupier
2B Coleraine Road Maghera County Londonderry
The Owner / Occupier
2A Coleraine Road Maghera County Londonderry
The Owner / Occupier
2 Coleraine Road Maghera County Londonderry
The Owner / Occupier
4 Coleraine Road Maghera County Londonderry
The Owner / Occupier
4B Coleraine Road Maghera County Londonderry
The Owner / Occupier
4C Coleraine Road Maghera County Londonderry
The Owner / Occupier
6D Coleraine Road Maghera County Londonderry

The Owner / Occupier
6C Coleraine Road Maghera County Londonderry
The Owner / Occupier
10 Coleraine Road Maghera County Londonderry
The Owner / Occupier
10A Coleraine Road Maghera County Londonderry
The Owner / Occupier
16 Coleraine Road Maghera County Londonderry
The Owner / Occupier
18 Coleraine Road Maghera County Londonderry
The Owner / Occupier
20 Coleraine Road Maghera County Londonderry
The Owner / Occupier
22 Coleraine Road Maghera County Londonderry
The Owner / Occupier
Maghera Day Centre 26 Coleraine Road Maghera County Londonderry
The Owner / Occupier
27 Coleraine Road Maghera County Londonderry
The Owner / Occupier
19A Coleraine Road Maghera County Londonderry
The Owner / Occupier
19 Coleraine Road Maghera County Londonderry
The Owner / Occupier
17 Coleraine Road Maghera County Londonderry
The Owner / Occupier
17A Coleraine Road Maghera County Londonderry
The Owner / Occupier
53 Coleraine Road Maghera County Londonderry
The Owner / Occupier
2 Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
4 Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
6A Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
8A Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
14 Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
16 Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
18 Hall Street Maghera Londonderry BT46 5DA
The Owner / Occupier
20 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

The Owner / Occupier
 28 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 32 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 34 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 36 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 38 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 40 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 42 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 44 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 46 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 48 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 17 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 17A Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 15 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 13 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 9-11 Hall Street Maghera Londonderry BT46 5DA
 The Owner / Occupier
 1-3 Hall Street Maghera Londonderry BT46 5DA

Date of Last Neighbour Notification	5 December 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Refer to comments published 15/11/2022

Rivers Agency-803080 - Final Response.pdf

DFI Roads - Enniskillen Office-Drawings to be upgraded / amended are

Sheet 4 of 10 ' Missing zig zags on approach to roundabout on Main Street (zig zags currently on both sides of road along with middle). Missing DPB markings in Layby

Sheet 5 of 10 ' Missing double yellow lines RHS Main Street on approach to RAB where it meets station road.

Sheet 6 of 10 ' Missing double yellows at St Lurachs/ meeting house avenue Junction. Missing single yellow line on St Lurachs (one side). Missing double yellow lines at car park on St Lurachs road (on left side where car park meets road).

Sheet 9 of 10 ' Missing yellow lines on RHS at entrance to Tirkane Court. Missing zig zag on approach to pedestrian crossing from Coleraine direction on RHS. Missing Bus stop markings in Bus lay by.

Sheet 10 of 10 ' Missing yellow lines RHS Church Street (A42)

General Arrangement Drawings

All sheets need pedestrian guard rail drawing detail.

Any queries from the Design Team can be raised with DfI Roads Traffic Section

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-Roads Consultation blank.docxRoads Consultation blank.docx

Drawing Numbers and Title

Technical Specification		Plan Ref:	1950.1.01
Technical Specification		Plan Ref:	1950.1.02
Technical Specification		Plan Ref:	1950.1.03
Technical Specification		Plan Ref:	1950.1.04
Technical Specification		Plan Ref:	1950.1.05
Technical Specification		Plan Ref:	1950.1.06
Technical Specification		Plan Ref:	1950.1.07
Technical Specification		Plan Ref:	1950.1.08
Technical Specification		Plan Ref:	1950.1.09
Technical Specification		Plan Ref:	1950.1.10
Technical Specification		Plan Ref:	1950.3.29
Technical Specification		Plan Ref:	1950.3.30
Technical Specification		Plan Ref:	1950.3.31
Technical Specification		Plan Ref:	1950.3.32
Technical Specification		Plan Ref:	1950.3.33
Technical Specification		Plan Ref:	1950.3.34
Technical Specification		Plan Ref:	1950.3.35
Technical Specification		Plan Ref:	1950.3.36
Technical Specification		Plan Ref:	1950.3.37
Technical Specification		Plan Ref:	1950.3.38
Technical Specification		Plan Ref:	1950.4.04
Technical Specification		Plan Ref:	1950.4.03
Technical Specification		Plan Ref:	1950.4.02
Technical Specification		Plan Ref:	1950.3.38
Technical Specification		Plan Ref:	1950.3.37
Technical Specification		Plan Ref:	1950.3.36
Technical Specification		Plan Ref:	1950.3.35
Technical Specification		Plan Ref:	1950.3.34
Technical Specification		Plan Ref:	1950.3.33
Technical Specification		Plan Ref:	1950.3.32
Technical Specification		Plan Ref:	1950.3.31
Technical Specification		Plan Ref:	1950.3.30
Technical Specification		Plan Ref:	1950.3.29
Technical Specification		Plan Ref:	1950.3.28
Technical Specification		Plan Ref:	1950.3.27
Technical Specification		Plan Ref:	1950.3.26
Technical Specification		Plan Ref:	1950.3.25
Technical Specification		Plan Ref:	1950.3.24
Technical Specification		Plan Ref:	1950.3.23
Technical Specification		Plan Ref:	1950.3.22
Technical Specification		Plan Ref:	1950.3.21
Technical Specification		Plan Ref:	1950.3.20
Technical Specification		Plan Ref:	1950.3.19
Technical Specification		Plan Ref:	1950.1.10
Technical Specification		Plan Ref:	1950.1.09
Technical Specification		Plan Ref:	1950.1.08
Technical Specification		Plan Ref:	1950.1.07
Technical Specification		Plan Ref:	1950.1.06
Technical Specification		Plan Ref:	1950.1.05
APPROVED FOR RELEASE UNDER E.O.	12958-2022/01/01	Plan Ref:	1950.1.04
TACKN		Plan Ref:	1950.1.03
Technical Specification		Plan Ref:	1950.1.02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1181/O	Target Date: 7 November 2022
Proposal: SITE OF DWELLING HOUSE AND DOMESTIC GARAGE. CTY 2A.	Location: 70 Meters North West Of 14 Maghera Road Tobermore BT45 5QB
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr HUGH BRADLEY 8 HAWTHORNE CRESCENT MAGHERA BT46 5FT	Agent Name and Address: Mr AIDAN O HAGAN ARCHITECTURAL SERVICES 5 DRUMDERG ROAD DRAPERSTOWN, BT45 7EU
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The proposal is contrary to Policies; CON 2 of the Magheraflet Area Plan 2015, CTY1, CTY2a, CTY 13 and CTY 14 of PPS 21 and BH 3 and BH11 of PPS 6.

Characteristics of the Site and Area

The site is located within the open countryside approximately 380m North East of the settlement limits of Tobermore, within a Local Landscape Policy Area TE09 as per the Magherafelt Area Plan 2015. The site is located on a hill which sits above the public road to the east, with the red line including an existing laneway, and travelling north west until the site which is made up of part of an agricultural field, part of a mature tree line and part of vacant land surrounding other dwellings. There are a number of dwellings located within the immediate vicinity, including a Fort William listed building. It is also located adjacent to a rath. Tobermore Football Club is located approximately 175m east of the site.

Description of Proposal

This is an outline planning application for site of dwelling house and domestic garage. CTY 2a.

Representations

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

PPS 6: Planning, Archaeology, and the Built Heritage.

The Magherafelt Area plan identifies the site being located in the open countryside, outside the development limits of Tobermore but within a Local Landscape Policy Area TE 09. Some of those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below:

- Fort William, a Listed House, beside a hill-top rath on a local hill, and in designed grounds with mature planting, including its setting and views;
- Hilltop rath, a historic monument, beside Fortwilliam House and within its designed setting. Visible, as a distinctive landmark, in the wider landscape, its prominence is enhanced by tree planting. The slopes of the hill are particularly sensitive to any change;

Policy for the control of development in Local Landscape Policy Areas is contained in

Policy CON 2 in Part 2 of the Plan. This policy states, "Within designated Local Landscape Policy Areas (LLPAs) planning permission will not be granted to development proposals that would adversely affect their intrinsic environmental value and character, which includes those features and areas set out in Part 4 of the Plan"

If a dwelling was to be located here it would require the removal of a section of mature tree planting that surrounds the Rath and Listed Building, which as stated in the Area Plan, the prominence of these are enhanced by tree planting. Furthermore, the area plan states the slopes of the hill are particularly sensitive to change. From this I believe a dwelling here would adversely affect the intrinsic environmental value and character of the Local Landscape Policy Area.

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 new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

Policy CTY 1 of PPS 21 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 number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy 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.*

I am content there are 3 dwellings located within the cluster as per the agents block plan provided and a third building is a business located at south of No.14 which is used in connection with the business registered at No.14. The agent has confirmed the outbuildings are no longer used for farming activities rather they are redundant storage buildings. From this I am content the proposal complies with this policy.

- *The cluster appears as a visual entity in the local landscape*

I am content the cluster appears as a visual entity whilst travelling along the Tobermore

Road from both directions, amplified by the mature trees around the cluster.

- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

I am content that the cluster is associate with the Rath and Fort William listed building.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The site is not bounded by development on two sides, it is partially bounded on the south but to the east, what appears to be vacant grassland separates the site from the dwelling at No.14.

- *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.*

As mentioned, the site is not bounded on at least two sides and the proposed development visually intrudes into the open countryside, doesn't round off or consolidate the cluster of development that exists.

- *Development would not adversely impact on residential amenity.*

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, as mentioned the proposed development will require the removal of mature trees and will visually intrude into the open countryside a dwelling here would not visually integrate into the surrounding landscape and it would rely solely on additional planting for integration.

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. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would result in the erosion of the rural character of the area as per the assessment above.

PPS3: Access, Movement and Parking

DfI Roads were consulted on the proposal and they are offering an objection as the proposed access is onto the A29 Tobermore Road which is a Protected Route and

therefore Protected Routes Policy PPS3 AMP 3 is applicable. They did however advise from the drawings provided it indicates that the applicant is in control of the lands to facilitate an access onto the minor Fortwilliam Road Tobermore which would be preferable to DfI Roads. No amended plans have been sought or received in relation to this and as such, the refusal reason provided by DfI Roads is applicable.

PPS 6: Planning, Archaeology, and the Built Heritage

Historic Environment Division were consulted given the fact the site is located within close proximity to a Rath and Fort William Listed Building. Historic Buildings have considered the impacts of the proposal on the building and on the basis of the information provided, advises:

We have incomplete information which does not allow a substantive response on the impact of the proposal on the listed buildings. Further information is requested. These comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.12 (setting) and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building).

As the principle of development has been deemed unacceptable in planning policy terms, further information has not been sought from the applicant to address Historic Buildings concerns and as such the refusal reason is added relating to incomplete information being provided. The agent did submit an email from HED stating that it had been discussed by officers who stated they would prefer the dwelling to be further away, but a house in this location could be made acceptable with a low ridge height, vernacular style design and appropriate planning to assist integration. They stated it would also require archaeological mitigation to test for below ground archaeological remains and advised if the site dwelling was further away from the rather these conditions and measures would not be necessary. It is important to note this was not received as formal consultation response and just advice directed to the applicant.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CON 2 of the Magherafelt Area Plan 2015, in that if approved a dwelling here would adversely affect the intrinsic environmental value and character of the Local Landscape Policy Area.

Reason 2

The proposal is contrary to the Strategic Planning Policy Statement and 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.

Reason 3

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks a suitable degree of enclosure and is not bounded on at least two sides with other development and the development visually intrudes into the open countryside.

Reason 4

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not visually integrate into the surrounding landscape and it would rely solely on additional planting for integration.

Reason 5

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

Reason 6

The proposal is contrary to Policies BH 3 and BH 11 of Planning Policy Statement 6 Planning, Archaeology, and the Built Heritage as incomplete information as been provided to allow a complete assessment of the impact of the proposal on archaeological remains and on the listed building.

Signature(s): Ciaran Devlin

Date: 16 December 2022

ANNEX	
Date Valid	25 July 2022
Date First Advertised	2 August 2022
Date Last Advertised	2 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 20 Fortwilliam Road Tobermore Londonderry BT45 5QE The Owner / Occupier 16 Maghera Road Tobermore Londonderry BT45 5QB	
Date of Last Neighbour Notification	13 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2002/0510/F Proposals: Change of use of part of industrial premises to residential use. Decision: PG Decision Date: 11-OCT-02 Ref: LA09/2022/1181/O Proposals: SITE OF DWELLING HOUSE AND DOMESTIC GARAGE. CTY 2A. Decision: Decision Date: Ref: H/1993/0186 Proposals: CHANGE OF USE FROM AGRICULTURAL BARN TO LIGHT INDUSTRIAL ASSEMBLY AND DESIGN PREMISES Decision: PG Decision Date:	
Summary of Consultee Responses Historic Environment Division (HED)- Historic Environment Division (HED)- DFI Roads - Enniskillen Office-Outline resp.docx Historic Environment Division (HED)-	

Drawing Numbers and Title
Site Layout or Block Plan Plan Ref: 02 Rev A Site Layout or Block Plan Plan Ref: 03 Rev A Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Site Layout or Block Plan Plan Ref: 03
Notification to Department (if relevant)
Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1277/F	Target Date: 29 November 2022
Proposal: PROPOSED NEW INFILL DWELLING AND DETACHED DOMESTIC GARAGE	Location: Lands Approx 7M East Of 20 Ballymacpeake Road Portglenone
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr FEARGAS QUINN 20 BALLYMACPEAKE ROAD PORTGLENONE BT44 8LW	Agent Name and Address: Mr JOE DIAMOND 77 MAIN STREET MAGHERA BT46 5AB
Executive Summary: To Committee - Refusal - Contrary to CTY 1 and 8 of PPS 21.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and 8 of PPS 21.

Characteristics of the Site and Area

The site is approximately 2.4km west of the development limits of Clady, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site has been identified as lands Approx. 7M East Of 20 Ballymacpeake Road, Portglenone,

in which the site lies in part of the garden area for No.20 Ballymacpeake Road. I note that the site intends to use the same access as No.20. I note that the immediate and surrounding area is characterised by residential development, with the wider setting being characterised by agricultural land uses.

Representations

Four neighbour notifications were sent out however one objection was received in connection with this application.

Description of Proposal

This is a full application for a proposed new dwelling and domestic garage the site is identified as land Approx. 7M East Of 20 Ballymacpeake Road, Portglenone

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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 agent is relying on dwellings Nos 20, 20a and 22 Ballymacpeake Road to be able to constitute as a continuous line of buildings along a common frontage. Taking each separately I note the following;

- No. 20 fronts onto a private laneway off the Ballymacpeake Road with no common frontage to the Ballymacpeake Road. (Figure 1)
- No.20s front onto a different private laneway off the Ballymacpeake Road with no common frontage to the Ballymacpeake Road. (Figure 1)
- Finally, No.22 does front and share a common frontage to the Ballymacpeake Road. (Figure 2)



Figure 1



Figure 2

With this in mind I hold the view that the application has failed to demonstrate that there is a line of three buildings along a common frontage. I note that the three dwellings around the site all have different frontages and would not comply under this part of the policy. In terms of the gap, I note that this is sufficient for only one dwelling which has been applied in line with this part of the policy. From such I hold the view that the application has failed to demonstrate compliance under CTY 8.

I referred the issues to the agent with regards to this policy and confirmed that this was the only case under CTY 1 that was applicable. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

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 the size of the proposed dwelling is reflective of the immediate area, as such I am content that the proposed dwelling is unlikely to appear as visually prominent and given the position and surrounding landscaping is able to visually integrate. I am content that the proposed design is acceptable within this rural context. As such I am content that the application is able to comply under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the

countryside where it does not cause detrimental change to, or further erode the rural character of an area. Upon review of the plans I am content that the proposed dwelling in this location will not cause a detrimental impact to the character of the area and as such complies with CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their final response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

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

I have no flooding or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 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.

Reason 2

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a gap along a continuous and built up frontage.

Signature(s): Peter Henry

Date: 20 December 2022

ANNEX	
Date Valid	16 August 2022
Date First Advertised	30 August 2022
Date Last Advertised	30 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 22 Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20B Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20A Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20 Ballymacpeake Road Portglenone Londonderry BT44 8LW	
Date of Last Neighbour Notification	12 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Full & RM Resp.docx	
Drawing Numbers and Title	
Site Location Plan Plan Ref: DA41-22-01 Site Layout or Block Plan Plan Ref: DA41-22-02 Proposed Elevations Plan Ref: DA41-22-03 Garage Plans Plan Ref: DA41-22-04	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1294/O	Target Date: 5 December 2022
Proposal: Site for dwelling & domestic garage	Location: On Lands Approx 35M North Of No 12 Drumard Road Kilrea BT51 5TJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr COLM BRADLEY No 74 DRUMNAGARNER ROAD KILREA BT51 5TE	Agent Name and Address: Mr BRENDAN MONAGHAN 38B AIRFIELD ROAD TOOME, ANTRIM BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-1294-O (2).DOCX
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-1294-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The proposal is contrary to Criteria C of policy CTY 10, CTY 13 & CTY 14 of PPS 21.

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 2015. The red line of the application site comprises of the front portion of a larger agricultural field. The site rises in an eastern direction from the road to the eastern boundary of the red line, which is currently undefined as the field extends further east and levels out. A low level hedge defines the northern and western boundary with mature trees and hedges defining the southern boundary. The surrounding area is a mix of agricultural and single dwellings, with a dwelling located directly north of the site with associated farm buildings and a third party dwelling and buildings located to the south.

Representations

No third party written representations have been received.

Description of Proposal

This is an outline planning application for a site for dwelling & domestic garage

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

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' 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a

dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.
Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

The agent originally completed the application form in which they provided a farm business No. for Mr. Michael Bradley who gave consent for the farm business ID to be used. Following further discussions with the agent an amended P1c form was submitted and Mrs. Mary McCloskey's farm business was used and DAERA were consulted who confirmed the business ID was allocated in 1991, that payments have only been claimed in 2016 & 2017 and the site is located on land associated with another farm business. The agent provided a lease agreement from May 2015 which runs until May 2030, from this I am content the farm is currently active and has been established for at least 6 years.

Following a search on the planning system, I am content the proposal complies with criteria B above in that 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.

With regards criteria C, the agent has indicated the proposed siting within the red line being towards the south eastern corner of the site. It will be located approximately 80m south west of the established group of buildings on the farm, which are located to the rear (east) of 10 Drumard Road. I do not believe a dwelling sited here would visually link with these buildings nor be sited to cluster with these buildings given the clear separation between the site and the buildings. The development is also proposing a new access to the dwelling. The policy states 'where practicable access to the dwelling should be obtained from an existing lane.' As the proposed siting is not sited to cluster or visually link, and no reasoning has been given for this alternative site, I believe it is practicable to use the existing access and an alternative siting within the red line, closer to the established group of farm buildings would satisfy criteria C. However, an alternative site within the red line would also be required to comply with Policy CTY 13 & 14.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of

an appropriate design. As this is an outline application, no design details have been provided however, I do not believe a dwelling at this proposed siting would visually integrated in the landscape, and given the topography of the land, with the dwelling sited at the top of a hill it will be a prominent feature. There is some screening on the southern boundary which would aid integration however, it is felt that it would rely primarily on new landscaping for integration. As mentioned above the siting fails to visually link or be sited to cluster with an established group of buildings on a farm. It is felt that an alternative site within the red line would also fail to comply with this policy given it is an open and prominent site.

Policy CTY 14 states, 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. As this is an outline application, no design details were submitted. As stated, the proposed dwelling would be on an elevated site and would appear unduly prominent in the landscape. As such, the proposal is contrary to this policy.

PPS 3 - Access, Movement and Parking:

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 10 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.

Reason 2

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape and the site relies primarily on the use of new landscaping for integration.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape.

Signature(s): Ciaran Devlin

Date: 20 December 2022

ANNEX	
Date Valid	22 August 2022
Date First Advertised	6 September 2022
Date Last Advertised	6 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 12A Drumard Road Kilrea Londonderry BT51 5TJ The Owner / Occupier 10 Drumard Road Kilrea Londonderry BT51 5TJ	
Date of Last Neighbour Notification	16 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2017/0016/NMC Proposals: Proposed in line movement of Structure IMP73 (2 metres) West of previously approved location. Proposed in line movement of Structure IMP56 (1.5 metres) South West of previously approved location. All alterations are contained within the land ownership boundaries of the landowners who requested the movements. Decision: CG Decision Date: 17-JAN-17 Ref: LA09/2022/1294/O Proposals: Site for dwelling & domestic garage Decision: Decision Date: Ref: LA09/2017/0002/DC Proposals: Discharge of conditions 11 and 12 on Planning Application LA09/2015/1294/ Decision: AL Decision Date: 13-JAN-17 Ref: LA09/2017/0017/NMC Proposals: Proposed in line movement of Structure IMP42 (11 metres) West of previous	

approved location.

Proposed in line movement of Structure IMP76 (3 metres) West of previously approved location.

Proposed in line movement of Structure IMP79 (30 metres) North to boundary hedge.

This will require a further movement to structures AM78 (10 metres) and AM81 (10 metres) to accommodate this new structure location.

All alterations are contained within the land ownership boundaries of the landowners who requested the movements.

Decision: CG

Decision Date: 17-JAN-17

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2022-1294-O (2).DOCX

DAERA - Coleraine-Consultee Response LA09-2022-1294-O.DOCX

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1393/F	Target Date: 30 December 2022
Proposal: Proposed 2 no. Detached dwellings 1 accessed via Glen Road and 1 accessed via Glen Gardens	Location: Located 20M East Of 62 Glen Road, & Glen Gardens Off Glen Road Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr BERNARD O'LOUGHLIN 166 GLEN ROAD MAGHERA BT46 5JN	Agent Name and Address: Mr JOE DIAMOND 77 MAIN STREET MAGHERA BT46 5AB
Executive Summary: To Committee - Approval - One objection received.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

To Committee – Approval – One objection received.

Characteristics of the Site and Area

The site is located within the development limits of Maghera, but within undesignated land just outside the area of townscape character as defined by the Maghera Area Plan 2015. The site is located within an existing approved housing development, I note that a

dwelling formerly sat on the site. The site proposes direct access onto the Glen Road for one of the proposed dwellings and the other dwelling off Glen Gardens. I note that immediate and surrounding area is characterised by a mix of development inclusive of residential, schools, commercial and agricultural land uses.

Relevant planning history

LA09/2017/0800/F - Change of house type to Sites 1 and 2 (Planning Ref: H/2014/0314/F) and provision of 3 no additional dwellings and domestic garages (Sites 20, 21 & 22) - Located 20M East Of 62 Glen Road Maghera, Glen Gardens Off Glen Road, Maghera – Permission Granted - 10.04.2018

H/2014/0314/F - Proposed Residential Development of 19No. Dwellings (detached) and Garages. - Rear Of 58A, 62, 64 & 80 Glen Road Maghera – Permission Granted - 18.08.2016

Representations

There were 15 neighbour notification letters sent out however one objection received, summary of objection below;

- Health and safety in terms of road safety
- Glen Road is already busy given the construction of two housing estates, this would exacerbate the issue
- Glen Road is used by school pupils that already use narrow footpaths this development would exacerbate the issue
- Sight line at this location is not safe given a hill within 120m, presenting a hazard to traffic
- Entrance is across from the objectors property, this will present as a significant hazard to family and visitors
- Both houses have windows that will overlook our property, affecting privacy.
- The proposed development is out of character with the development pattern in the area.
- It is a very narrow site, two houses would be overcrowded and appear aesthetically unacceptable.

Description of Proposal

This is a proposed full application for proposed 2 no. Detached dwellings 1 accessed via Glen Road and 1 accessed via Glen Gardens, the site is located 20M East Of 62 Glen Road, & Glen Gardens Off Glen Road Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Mid Ulster Local Development Plan 2030 – Draft Strategy
Strategic Planning Policy Statement (SPPS)
PPS 7: Quality Residential Environment

PPS 3: Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

I note that two dwellings have already been accepted on this. Regardless, I note that the site is located within a predominately residential area as such I am content that the proposed development would be able to successfully respect the surrounding context and that site is acceptable in of layout, scale, proportions, massing and appearance of buildings structures and landscaped and hard surface areas.

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

I note that there are no archaeological and built heritage, in the immediate vicinity so there is no conflict with this part of the policy. The site is located just outside the ATC but I am content that there is no conflict with this designation.

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

First I note that a development this size does not require public open space. I am content that sufficient private amenity space has been provided for all three proposed dwellings.

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

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

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

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

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

I am content that there is sufficient provision made for parking as per the site plan submitted and confirmed by DFI Roads.

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

I note that the designs reflect that previously accepted on the site, I am content that all proposed designs would be acceptable in this locale.

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

Upon review of the submitted plans, and acknowledging the previously approved plans on the site, I am content that the proposed development is unlikely to conflict with adjacent land uses. In that I am content given the site layout that it is unlikely to give rise to an unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

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

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

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposed development will read as part of the wider area and as such will be sympathetic.

PPS 3: Access, Movement and Parking

In relation to the access and comments made by the objector, a consultation was sent DFI Roads who responded to say, whilst acknowledging the objection that, the proposed dwelling on Glen Road is using the access previously used by house number 60. The access and onsite parking now proposed meets the standards set out in PPS3 and DCAN 15 for a single dwelling. The dwelling on Glen Gardens is within a residential park, therefore the proposed visibility splays of 2.0 x 33 metres and adequate onsite parking meet the required standard for a single dwelling. I am content that the access in place complies under PPS 3.

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

In response to the comments made by the objector, to start I note that the objector made a number of comments in relation to road safety. I first note that DFI Roads were consulted and confirmed that the access arrangements are acceptable and line with policy. In addition, the comments that these two dwellings would exacerbate the problem over road users etc. again I note at this point that two dwellings were already approved on this site and DFI Roads have confirmed their acceptability.

With regards to the comments that both houses have windows that will overlook our property, affecting privacy, upon review of the plans in relation to the objectors property I hold the following

view. Firstly I reiterate the point that two dwellings have already been approved and the approval is live and could be developed. In addition, I note that given the separation distance between the objectors property and the two dwellings that any impact on amenity would be minimal at best. Finally in terms of the site being out of character with the development pattern of the area and would be overcrowded and appear aesthetically unacceptable, I will reiterate one last time that similar proposals have already been approved and from above it complies with the relevant policy.

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

The vehicular access onto Glen Road including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date Sept 2022 prior to the commencement of any other development hereby permitted.

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

Condition 3

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

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

Signature(s): Peter Henry

Date: 20 December 2022

ANNEX	
Date Valid	16 September 2022
Date First Advertised	27 September 2022
Date Last Advertised	27 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 58 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 60 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 61 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 63 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 58A Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 56 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 65 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 67 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 69 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 71 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 77 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 79 Glen Road Maghera Londonderry BT46 5AP The Owner / Occupier 6 Glen Gardens Maghera Londonderry BT46 5GN The Owner / Occupier 8 Glen Gardens Maghera Londonderry BT46 5GN The Owner / Occupier 10 Glen Gardens Maghera Londonderry BT46 5GN	
Date of Last Neighbour Notification	10 November 2022
Date of EIA Determination	
ES Requested	<events screen>

<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Full Resp.docx	
Drawing Numbers and Title	
Site Location Plan Plan Ref: DA48-22-01 Site Layout or Block Plan Plan Ref: D48-22-02 Proposed Floor Plans Plan Ref: DA48-22-03-HT01 Proposed Elevations Plan Ref: DA48-22-04-HT01 Proposed Floor Plans Plan Ref: DA48-22-03-HT02 Proposed Elevations Plan Ref: DA48-22-03-HT02	
Notification to Department (if relevant)	
Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1414/O	Target Date: 5 January 2023
Proposal: Proposed site for dwelling and garage	Location: Adj And South Of No 197 Drumagarner Road Kilrea
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Terence Birt 8 Bogashen Road Portglenone Ballymena BT44 8LZ	Agent Name and Address: Mr Damien Kearney 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Two letters of objection were submitted online. The concerns raised within these objection letters have been fully considered as part of this planning application and the main points have been summarized below:

- Concerns over increased traffic, access onto the public road and increase in number of access points. General road safety concerns were raised.
- The site is close to existing development and may have impact on residential

amenity.

- No details provided on the style or size of the proposed dwelling.
- No details on septic tank or sewage treatment.
- Over development of the area and impact on character of the area.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Magherafelt Area Plan. The red line of the application is a corner site or an existing larger agricultural field, located in the north eastern corner of the field. It is a roadside site, with the northern boundary defined by trees and hedges along the boundary. The eastern boundary which is the roadside, is defined by a low level hedge. The other two boundaries are currently undefined. The site rises gently in a western direction from the road. The surrounding area is a mix of land uses with dwellings located within relatively close proximity and beyond the site to the north is Churchtown Manse and Morans Cross Roads, as well as an orange hall to the north east.

Description of Proposal

This is an outline planning application for a Proposed site for dwelling and garage.

Relevant Planning History

LA09/2021/0479/F- Proposed change of dwelling, garage and access lane to supersede previous approval H/2012/0294/F. Adjacent to And West Of 197 Drumagarner Road, Kilrea. Permission Granted 9th June 2021.

LA09/2022/1417/O- Proposed site for dwelling and garage. Adjacent & North Of No.199 Drumagarner Road, Kilrea. Pending Consideration.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking

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 north of the site there is the dwelling identified as No.197. To the south of the site, although there is a gap immediately there is a subsequent planning application submitted under LA09/2022/1417/O in this piece of land. Beyond this is the dwelling No.199 and associated outbuildings and then No.201 Drumagarner Road. From this I am content there is a substantial and continuously built up frontage present along the Drumagarner 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 reasonably accommodate one house at this location. When viewed in conjunction with the adjoining application, the gap that is available could only reasonably accommodate two dwellings in total.

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 is 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 pattern along the Drumagarner Road. This can be agreed at Reserved Matters stage to ensure the final siting and design is acceptable.

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 northern and eastern sides and these should be retained and augmented where necessary, unless required to be removed for visibility splays. Additional planting will be required along the southern and western boundaries but the site will not rely solely on additional planting for integration. 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 6.5metres 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.

There is ample space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21 and information regarding the location of the proposed septic tank can be agreed at Reserved Matters stage when detailed plans of the design are submitted.

PPS 3 - Access, Movement and Parking

DfI Roads were consulted on the proposed development and offered no objection. They also stated they viewed the two objections received and advising Council Planning department should be aware that a previous adjacent application (LA09/2021/0479/F) for a dwelling house has been granted full planning permission at this proposed access. Should the planning department decide on an approval for this application LA09/2022/1414/O and another adjacent application LA09/2022/1417/O then these dwellings all should access the Drumagarner Road via one laneway thus preventing a proliferation of accesses onto this B Class Road. I am content this response has considered all points received by the objector and concerns raised regarding traffic. A condition can be applied to any approval to ensure access is taken via the one access approved under application LA09/2021/0479/F. In regards to the objections received relating to road safety, roads have confirmed a safe access onto the public road can be achieved.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 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.

Condition 4

The dwelling hereby permitted shall have a ridge height not exceeding 6.5 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.

Condition 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.

Condition 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): Ciaran Devlin

Date: 15 December 2022

ANNEX	
Date Valid	22 September 2022
Date First Advertised	4 October 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 197 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 193 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 201 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 199 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 2 Churchtown Lane Kilrea Londonderry BT51 5UA The Owner / Occupier 197A Drumagarner Road Kilrea Londonderry BT51 5TP	
Date of Last Neighbour Notification	3 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2013/0205/F Proposals: Proposed new access lane to serve previously approved dwelling H/2012/0294/F for residential purposes Decision: PG Decision Date: 30-OCT-13 Ref: H/2004/1581/O Proposals: Site of Dwelling and Garage. Decision: PR Decision Date: 13-FEB-06 Ref: LA09/2022/1414/O	

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Ref: LA09/2020/1379/F

Proposals: Proposed change of access lane to serve previously approved dwelling and garage (H/2012/0294/F).

Decision: WDN

Decision Date: 08-APR-21

Ref: LA09/2021/0479/F

Proposals: Proposed change of dwelling, garage and access lane to supersede previous approval H/2012/0294/F

Decision: PG

Decision Date: 09-JUN-21

Ref: H/2005/0743/F

Proposals: Alterations & Extensions to Dwelling, with an increase in ridge height.

Decision: PG

Decision Date: 25-NOV-05

Ref: H/2014/0021/F

Proposals: Variation of Condition No 4 of approval H/2013/0205/F to enable a visibility splay to the SW of 2.4 x 105m (a variation from 2.4 x 120m)

Decision:

Decision Date:

Ref: LA09/2022/1417/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 22-01

Notification to Department (if relevant)

Not Applicable

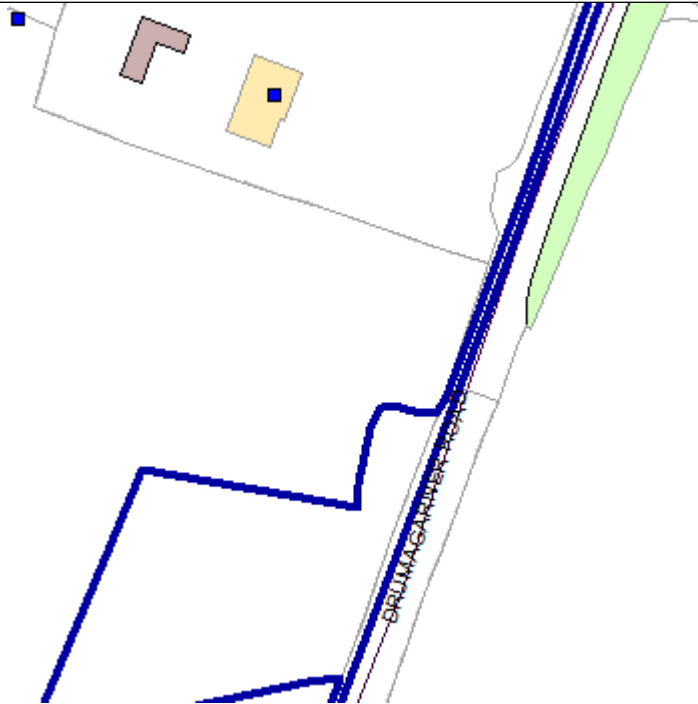


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1417/O	Target Date: 5 January 2023
Proposal: Proposed site for dwelling and garage	Location: Adjacent & North Of No.199 Drumagarner Road Kilrea Coleraine
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Terence Birt 8 Bogashen Road Portglenone Ballymena BT44 8LZ	Agent Name and Address: Mr Damien Kearney 7 ROUGHAN GLEN MAGHERA BT46 5GD
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1417-O.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Two letters of objection were submitted online. The concerns raised within these objection letters have been fully considered as part of this planning application. and the main points have been summarized below:

- Concerns over increased traffic, access onto the public road and increase in number of access points. General road safety concerns were raised.

- The site is close to existing development and may have impact on residential amenity.
- No details provided on the style or size of the proposed dwelling.
- No details on septic tank or sewage treatment.
- Over development of the area and impact on character of the area

Characteristics of the Site and Area

The site is located adjacent & North Of No.199 Drumagarner Road Kilrea, Coleraine and is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The red line of the application is a corner site or an existing larger agricultural field, located in the south eastern corner of the field. It is a roadside site, with the southern boundary defined by hedgerows. The eastern boundary which is along the roadside, is defined by a low level hedge. The other two boundaries are currently undefined.

The elevation of the site rises gently in a western direction from the road. The surrounding area is mixed land uses with dwellings located within relatively close proximity and beyond the site to the north is Churchtown Manse and Morans Cross Roads, as well as an orange hall to the north east.

Description of Proposal

This is an outline planning application for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable

Development in the Countryside (PPS 21).

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

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.

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 north of the site there is the dwelling identified as No.197. To the north of the site, although there is a gap immediately there is a subsequent planning application submitted under LA09/2022/1414/O in this piece of land. To the south of the site there is a dwelling (No.199) and associated outbuildings and then No.201 Drumagarner Road. Based on this, I am content there is a substantial and continuously built up frontage present along the Drumagarner 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 reasonably accommodate one house at this location. When viewed in conjunction with the adjoining application, the gap that is available could only reasonably accommodate two dwellings in total.

I am content that there is adequate separation distance between the proposed dwelling and neighbouring dwellings to assume that there will be no significant impact on neighbouring amenity be reason of overlooking, overshadowing or general nuisance.

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 is 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 pattern along the Drumagarner Road.

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 integrate sufficiently into the existing landscape. However, a ridge height restriction of no greater than 6.5metres above finished floor level will be applied. The existing natural boundaries of the site should be retained and augmented where necessary, unless required to be removed for visibility splays. Additional planting will be required along the northern and western boundaries but the site will not rely solely on additional planting for integration.

Full details of landscaping proposals should be submitted as part of the reserved matters application. 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 believe 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.

There is sufficient space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21 and information regarding the location of the proposed septic tank can be agreed at Reserved Matters stage when detailed plans of the design are submitted.

PPS 3 - Access, Movement and Parking

Dfl Roads were consulted on the proposed development and offered no objection. They stated that the Council Planning department should be aware that a previous adjacent application (LA09/2021/0479/F) for a dwelling house has been granted full planning permission at this proposed access. Should the planning department decide on an approval for this application LA09/2022/1414/O and another adjacent application LA09/2022/1417/O then these dwellings all should access the Drumagarner Road via one laneway thus preventing a proliferation of accesses onto this B Class Road.

A condition can be applied to any approval to ensure access is taken via the one access approved under application LA09/2021/0479/F. In regards to the objections received relating to road safety, roads have confirmed a safe access onto the public road can be achieved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 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

Condition 4

The dwelling hereby permitted shall have a ridge height not exceeding 6.5 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.

Condition 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.

Condition 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): Siobhan Farrell

Date: 16 December 2022

ANNEX	
Date Valid	22 September 2022
Date First Advertised	4 October 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 197 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 193 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 201 Drumagarner Road Kilrea Londonderry BT51 5TP The Owner / Occupier 2 Churchtown Lane Kilrea Londonderry BT51 5UA The Owner / Occupier 11 Tamlaght Road Kilrea Londonderry BT51 5UL The Owner / Occupier Drumagarner Road Kilrea BT51 5EA	
Date of Last Neighbour Notification	16 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2005/0080/O Proposals: Site of dwelling and garage Decision: PG Decision Date: 08-JUL-05 Ref: H/2005/0743/F Proposals: Alterations & Extensions to Dwelling, with an increase in ridge height. Decision: PG Decision Date: 25-NOV-05 Ref: H/1999/0738/F Proposals: Replacement Dwelling Decision: PG Decision Date: 19-APR-00	

Ref: H/1998/0262
Proposals: ALTERATIONS TO DWELLING
Decision: PG
Decision Date:

Ref: H/2012/0294/F
Proposals: Proposed dwelling and garage for residential purposes
Decision: PG
Decision Date: 18-DEC-12

Ref: LA09/2020/1379/F
Proposals: Proposed change of access lane to serve previously approved dwelling and garage (H/2012/0294/F).
Decision: WDN
Decision Date: 08-APR-21

Ref: H/1987/0366
Proposals: EXTENSION TO BUNGALOW FOR DISABLED PERSON
Decision: PG
Decision Date:

Ref: H/2004/1581/O
Proposals: Site of Dwelling and Garage.
Decision: PR
Decision Date: 13-FEB-06

Ref: LA09/2022/1417/O
Proposals: Proposed site for dwelling and garage
Decision:
Decision Date:

Ref: LA09/2022/1414/O
Proposals: Proposed site for dwelling and garage
Decision:
Decision Date:

Ref: H/2001/1076/F
Proposals: Replacement Orange Hall
Decision: PG
Decision Date: 24-MAY-02

Ref: H/2007/0202/RM
Proposals: Proposed single storey dwelling and double garage (single storey).
Decision: PG
Decision Date: 11-MAY-07

Ref: H/1996/0196

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: LA09/2021/0479/F

Proposals: Proposed change of dwelling, garage and access lane to supersede previous approval H/2012/0294/F

Decision: PG

Decision Date: 09-JUN-21

Ref: H/2013/0205/F

Proposals: Proposed new access lane to serve previously approved dwelling H/2012/0294/F for residential purposes

Decision: PG

Decision Date: 30-OCT-13

Ref: H/2014/0021/F

Proposals: Variation of Condition No 4 of approval H/2013/0205/F to enable a visibility splay to the SW of 2.4 x 105m (a variation from 2.4 x 120m)

Decision:

Decision Date:

Summary of Consultee Responses

NI Water - Single Units West-LA09-2022-1417-O.pdf
DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 22-01

Notification to Department (if relevant)

Not Applicable

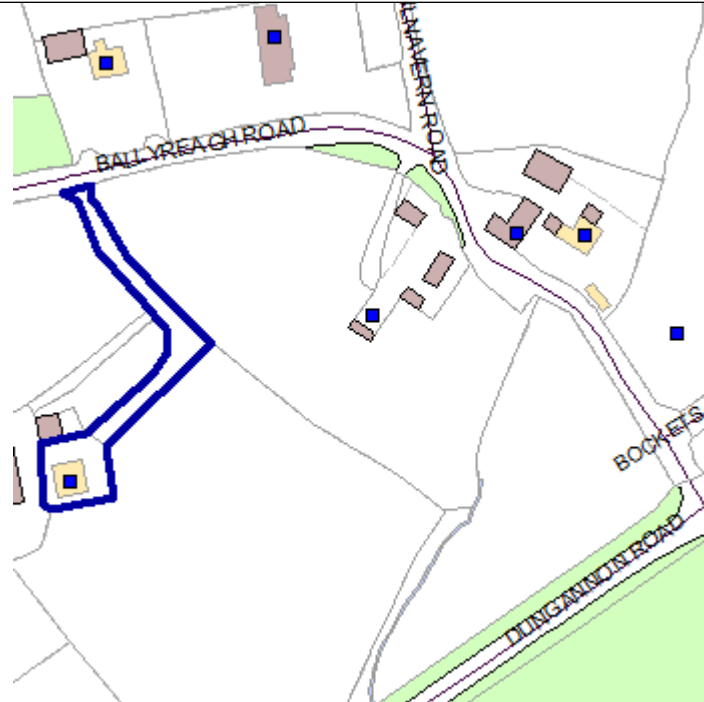


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1466/F	Target Date: 19 January 2023
Proposal: Renovation works to include side and rear extensions with attic conversion	Location: 8 Ballyreagh Road Ballygawley BT70 2HQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Peter Somerville 8 Ballyreagh Road Ballygawley BT70 2HQ	Agent Name and Address: Concept 44 Architecture 44 Reahaghey Road Aughnacloy BT69 6EU
Executive Summary: The design of the proposal including the dormers to the front elevation are not considered acceptable in this rural setting in close proximity to a Listed Building.	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The design of the proposal will detract from the appearance and character of the surrounding rural area, and adversely impact the setting of a Listed Building.

Characteristics of the Site and Area

The site is located at No. 8 Ballyreagh Road, outwith any development limits as identified in the Dungannon and South Tyrone Area Plan 2010, and lies approximately 2.8km NE of Ballygawley. At present on site is a single storey dashed render dwelling with two rear

returns. A two storey building lies to the rear of the dwelling, and there are a number of associated outbuildings on the site which is elevated from the public road.

There are two Listed Buildings in close proximity to the site, Ballyreagh Mill (HB13/09/024) which lies 156m to the northeast at No. 9 Tulnavern Road, and Rivervale Cottage (HB13/09/027) which lies 159m to the south at 109 Dungannon Road.

Description of Proposal

Full application for Renovation works to include side and rear extensions with attic conversion

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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.

Relevant Histories

There are no relevant recent histories to consider. There was a preapp enquiry relating to a dwelling to the immediate north of the site in 1991.

Representations

One (1) neighbour has been identified to be notified, and press advertisement has been carried out in line with the Council's statutory duty. To date no third party representations have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment i.e. Policy EXT 1 of PPS 7.

Mid Ulster District Council Draft Plan Strategy 2030

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.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The 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. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application. Consequently, the relevant policy context is provided by the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations (The Addendum).

CTY1 of PPS 21 – Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 lists development proposals that are considered to be acceptable forms of development in the countryside, including an extension to a dwelling house where this is in accordance with the Addendum to PPS 7.

Planning Policy EXT 1 of PPS7 details that planning permission will be granted for a proposal to extend or alter a residential property where a number of criteria are met. The proposal consists of a single storey extension to the side and a two storey extension to the rear, with new dormers in the roof on the front elevation.



The extension to the rear of the dwelling will consolidate the two existing rear returns and build up to gain more space at first floor level which will be a new bedroom and

balcony terrace. The extension measures 4.1m x 10.2m x 6.3m in height - in line with the existing dwelling. The extension to the side is single storey and measures 4.4m x 2.9m x 5.2m in height. The finishes of white dashed render to the main body of the dwelling and stone cladding to the front and rear porches as well as the side extension are considered acceptable. There is a new dormer window proposed to the side of the dwelling, expressed from the wall plate; and two dormers are proposed to the front elevation, expressed from the roof. Critical views of the site are when travelling south west along the Dungannon road, and in particular there are long term critical views of the front elevation of the dwelling. There are limited critical views when travelling northeast along the Dungannon road. When traveling along the Ballyreagh and Tulnavern roads there are limited critical views of the site due to the existing vegetation to the northern boundary of the site.

There are no overlooking or overshadowing concerns given the separation distance from any neighbouring properties, and I do not feel that the proposal will unduly affect the privacy or amenity of neighbouring residents. No vegetation removal is required to facilitate development; consequently there is no unacceptable loss to trees or other landscape features. Sufficient space remains within the curtilage of the property for recreational and domestic purposes, and there will be no negative impact on parking and manoeuvring of vehicles within the site.

The scale and massing are sympathetic with the built form and appearance of the existing property, in particular when taking into consideration the two storey outbuildings to the rear of the dwelling. However; the design of the dormer windows is not considered to be sympathetic and will detract from the appearance and character of the surrounding area, especially when considering the close proximity of the existing Listed Buildings in the immediate area. Although consultation with HED was not considered necessary given the separation distance from the Listed Buildings, consideration must still be given to the impact of this proposal on them.

Para A.17 of the Addendum to PPS7 states that where a dormer is open to public view, it can interfere with both the original design of the existing building and cause a visual intrusion into the rural setting. Dormer windows to the front or side of a property will be resisted in areas where they are uncharacteristic and should be located below the ridgeline of the existing roof. Given the fact the dwelling is located in close proximity to two listed buildings and dormers from the roof are not characteristic of the area, the design is not considered acceptable.

I have spoken with the agent on 28th October 2022 and 31st October 2022 and advised that we have concerns with these and that a velux window to the front would perhaps be more acceptable. However, his client feels they improve the overall aesthetic of the house and wishes them to remain and provided a number of site montage photos to illustrate how they feel the dormers would have little to no greater visual impact than the standard rooflight alternatives. From looking at these my opinion remains the same that the front elevation will have a negative impact on the Listed Building to the NE and are still unacceptable. I spoke again with the agent on 30th November 2022 and advised we are still of the opinion they are unacceptable and he reiterated they would still like this application presented to Council in its current form. Given the fact the dwelling reads

with the Mill Listed Building when travelling along the Dungannon Road (see Google Map Imagery below) I do not feel the dormers to the front roof elevation are acceptable and should be refused in this instance.



I recommend refusal as the proposal is contrary to the policy requirements of EXT 1 and is therefore not considered acceptable. The proposal is contrary to EXT 1 of PPS7: Residential extensions and Alterations (Addendum) in that the design will detract from the appearance and character of the surrounding rural area, and adversely impact the setting of a Listed Building.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to EXT 1 of PPS7: Residential extensions and Alterations (Addendum) in that the design will detract from the appearance and character of the surrounding rural area, and adversely impact the setting of a Listed Building.

Signature(s): Deirdre Laverty

Date: 19 December 2022

ANNEX	
Date Valid	6 October 2022
Date First Advertised	20 October 2022
Date Last Advertised	20 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 3 Ballyreagh Road Ballygawley BT70 2HQ	
Date of Last Neighbour Notification	21 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2016/0262/F Proposals: Removal / variation of condition 8 of M/2011/0500/F Decision: PG Decision Date: 09-MAY-16 Ref: M/1992/0169 Proposals: 33 KV O/H Line Decision: PG Decision Date: Ref: M/2003/1398/F Proposals: TRAINING SCHOOL - TO BE UTILISED AS IT SPECIALIST TRAINERS TO BE ROAD HAULAGE INDUSTRY. Decision: PG Decision Date: 31-MAR-04 Ref: M/1997/0193 Proposals: New Bungalow Decision: PG Decision Date: Ref: LA09/2021/1656/O	

Proposals: Proposed Dwelling House & Detached Garage

Decision: WDN

Decision Date: 23-NOV-22

Ref: LA09/2022/1466/F

Proposals: Renovation works to include side and rear extensions with attic conversion

Decision:

Decision Date:

Ref: LA09/2016/0157/DC

Proposals: Discharge conditions 6 and 7 of application M/2011/0500/F

Decision: AL

Decision Date: 14-JUL-16

Ref: M/2004/1535/O

Proposals: Erection of dwelling & domestic garage

Decision:

Decision Date:

Ref: M/1976/0094

Proposals: 11KV O/H LINE

Decision: PG

Decision Date:

Ref: M/1977/0680

Proposals: MV O/H LINE

Decision: PG

Decision Date:

Ref: M/2006/1220

Proposals: Hoarding

Decision: 461

Decision Date: 30-JUN-06

Ref: M/1975/0185

Proposals: ERECTION OF PRIVATE RESIDENCE

Decision: PG

Decision Date:

Ref: M/1991/6075

Proposals: Dwelling Next to Ballyreagh Road Ballygawley

Decision: QL

Decision Date:

Ref: M/1996/0296

Proposals: Restoration/Repairs to roof,new doors/windows

Decision: PG
Decision Date:

Ref: M/2011/0642/F
Proposals: New extension is to be used for entrance hall and toilets
Decision:
Decision Date:

Ref: M/2011/0713/F
Proposals: New extension is to be used for entrance hall and toilets
Decision: PG
Decision Date: 03-FEB-12

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Elevations and Floor Plans Plan Ref: 03
Elevations and Floor Plans Plan Ref: 04
Existing Site Survey Plan Ref: 05
Existing Plans Plan Ref: 06
Existing Plans Plan Ref: 07

Notification to Department (if relevant)

Not Applicable

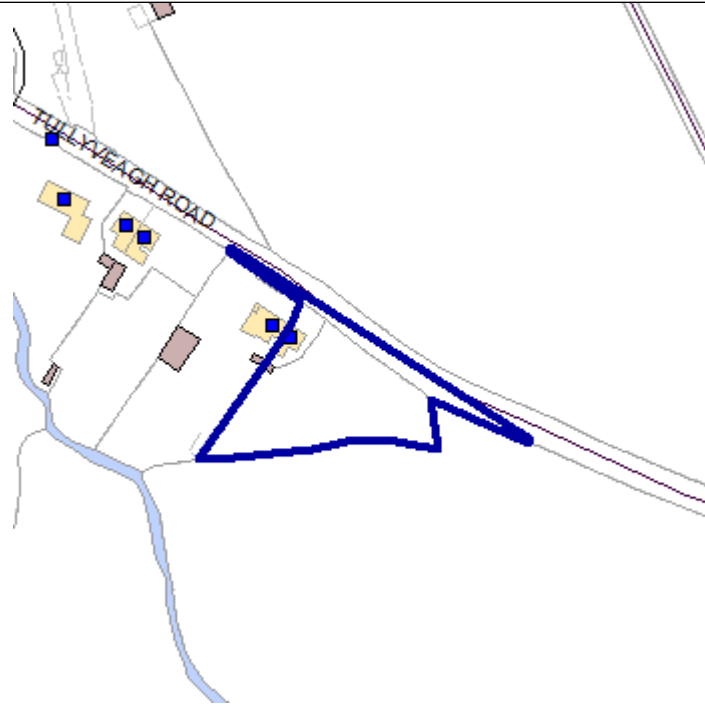


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1476/RM	Target Date: 23 January 2023
Proposal: Proposed dwelling in accordance with la09/2021/0994/O	Location: Approved Site Adjacent To 21 Tullyveagh Road, Doorless ,Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Patrick CONLON 52 TULLYREAVY ROAD Antrim TULLYREAVY COOKSTOWN BT70 3JJ	Agent Name and Address: No Agent
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

There does not appear to be any significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area by enlarge remain as per LA09/2021/0994/O.

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010, approx. 1.3 miles southeast of Cookstown.



Fig 1: Site outlined red



Fig 2: Site outlined red

The red line of the site includes a roadside portion of lands adjacent to and southeast of and existing single storey semi-detached roadside dwelling, no. 21 Tullyveagh Road Cookstown. The application site includes a paddock/garden area and an existing garage in the latter stages of construction as approved under LA09/2019/0664/F. Whilst the wider area surrounding the site is primarily rural in character comprising agricultural lands interspersed with single dwellings, ancillary buildings, and farm group the immediate area to the northwest of the site has come under some development pressure in recent times with a number of residential roadside properties running along both sides of the Tullyveagh Rd.

Critical views into the site will be relatively limited until passing along its roadside frontage due to the topography of the area and its location within an existing line of development which will screen it on both approach from the Tullyveagh Rd.

Description of Proposal

This is a reserved matters application for a proposed dwelling to be located on lands adjacent to 21 Tullyveagh Road Doorless Cookstown. This proposal gained outline approval under planning application LA09/2021/0994/O on the 9th February 2022.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Development Control Advice Note 15: Vehicular Standards
- Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Planning History on Site

- LA09/2019/0664/F - Proposed domestic garage, amenity area with curtilage expansion to enable works - 21 Tullyveagh Rd Doorless Cookstown - Granted 2nd August 2019
- LA09/2021/0994/O - Proposed infill site for a dwellinghouse in accordance with CTY8 of PPS21 - Adjacent to 21 Tullyveagh Rd Doorless Cookstown - Granted

9th February 2022

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections. Accordingly, I am content subject to standard conditions, which will be applied to any subsequent decision notice this proposal will comply with the requirements of PPS 3 Access, Movement and Parking.

Cookstown Area Plan 2010.

The site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside

PPS 21 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.

The principle of development has already been established on this site under outline planning application LA09/2019/0529/O. This approval granted permission for a dwelling and garage under the provisions of Policy CTY 8 'Ribbon Development'.

This Reserved Matters proposal complies with the planning conditions set at outline stage under LA09/2019/0529/O.

The size, scale, siting, orientation and design (including finishes) of the dwelling are considered acceptable for the site and locality in that they should integrate on site and into the landscape, with minimal disruption to the character of the area. As such, this proposal should not offend policy CTY 13 or CTY 14 of Planning Policy Statement 21.

The design of the new dwelling is of a high quality and appropriate to its rural setting. It is simplistic and reflective of traditional rural design and generally in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

The proposed single storey dwelling, which has a simple rectangular floor plan and pitched roof construction (5.5m ridge height above FFL) with two chimneys expressed along its ridgeline to either gable, has a dropped pitched roof rear return offset to its northwest gable and a small pitched roof front porch. Finishes to the dwelling include natural slates to the roof, cream rough cast render to the walls cream sash windows, hardwood doors painted and raised brick base plinth. Whilst brick is not considered consistent with simple rural form and acceptable in the countryside I am content it acceptable in this exceptional instance as views into the site of the plinth will be limited to passing the frontage of the site and there is a small amount of brick in the immediate vicinity. Brick detailing exists to a few of the properties located immediately to the

northwest including nos. 19 and 6 Tullyveagh Rd; and 4 and 6 Lower Grange Rd.

I have no significant concerns regarding the proposal impacting the amenity of neighbouring properties, name no. 21 Tullyveagh Rd, to any unreasonable degree in terms of overlooking or overshadowing due to the single storey design of the dwelling with windows at ground floor level only; the separation distances that will be retained; and vegetation proposed.

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

All proposed landscaping as detailed on approved Drawing No. 02 received 10 OCT 2022, shall be carried out within the first available planting season after the commencement 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.

Condition 3

The vehicular access, including visibility splays of 2.4m x 45m in both directions and any forward sight distance, shall be provided in accordance with approved Drawing No. 01 received 10 OCT 2022, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

Condition 4

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.

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

Signature(s): Emma Richardson

Date: 20 December 2022

ANNEX	
Date Valid	10 October 2022
Date First Advertised	25 October 2022
Date Last Advertised	25 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 17 Tullyveagh Road Cookstown Tyrone BT80 8RY The Owner / Occupier 19 Tullyveagh Road Cookstown Tyrone BT80 8RY	
Date of Last Neighbour Notification	15 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1980/0365 Proposals: DOMESTIC GARAGE Decision: PG Decision Date: Ref: I/1996/0086 Proposals: 11 kv rural spur (system improvement) Decision: PG Decision Date: Ref: I/2000/0899/O Proposals: Proposed one and a half storey dwelling Decision: PG Decision Date: 27-MAR-01 Ref: I/1996/0352 Proposals: Site for Dwelling and Garage Decision: PG Decision Date: Ref: I/2005/1366/F Proposals: Proposed dwelling and garage (Amended drawings)	

Decision:
Decision Date:

Ref: I/2004/0092/F
Proposals: Proposed dwelling and garage
Decision:
Decision Date:

Ref: I/2009/0035/F
Proposals: Proposed extension and alterations to dwelling to include side extension for living room, rear extension for bedroom and kitchen, new front porch and reroofing of entire dwelling, works to include internal alterations
Decision: PG
Decision Date: 03-MAR-09

Ref: LA09/2021/0994/O
Proposals: Proposed infill site for a dwelling house in accordance with CTY8 of PPS21
Decision: PG
Decision Date: 09-FEB-22

Ref: LA09/2022/1476/RM
Proposals: Proposed dwelling in accordance with la09/2021/0994/O
Decision:
Decision Date:

Ref: I/1979/0181
Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING
Decision: PG
Decision Date:

Ref: LA09/2019/0181/F
Proposals: Proposed domestic garage with amenity space.
Decision:
Decision Date:

Ref: LA09/2019/0664/F
Proposals: Proposed domestic garage, amenity area with curtilage expansion to enable works
Decision: PG
Decision Date: 02-AUG-19

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Proposed Plans Plan Ref: 03 (Rev.01)

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1543/O	Target Date: 13 February 2023
Proposal: Proposed New Dwelling to round off a cluster as provided for under Policy CTY 2a of PPS21.	Location: Adj To 11 Gort Road Coagh
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Patrick Wilson 128A Ballinderry Bridge Road Cookstown BT80 0AY	Agent Name and Address: Mr Kieran Wilson 39D Belagherty Road Magherafelt BT45 6JJ
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	RS1 Form a (1).doc Roads Consultation outline approval.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

This application is contrary to policy CTY2a. It is being presented to the planning committee as an approval based on an exception to policy as it does not fully comply with all criteria set out within Policy CTY2a.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits. The site is a rectangular portion of land, currently an agricultural field with sporadic trees located within the site. It is accessed off the Gort Road, which is a minor country road which leads to a dead end. The site is relatively flat with the boundaries defined by sporadic mature trees and hedges with the western boundary defined by a wooden fence with a laneway running adjacent to this leading to the dwelling located south of the site. The surrounding area is a mix of land uses with a number of dwellings surrounding especially to the west, with further dwellings located sporadically to the east further down the road.

Description of Proposal

This is an outline planning application for a proposed New Dwelling to round off a cluster as provided for under Policy CTY 2a of PPS21.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

The Cookstown Area Plan identifies the site as being outside any defined settlement limits.

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 new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

Policy CTY 1 of PPS 21 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 number of examples are provided in CTY 1 detailing the different cases that would allow

for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy 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.*

I am content there is a cluster of development with 8 dwellings located to the north, south and west of the proposed site.

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

I am content that the cluster appears as a visual entity in the local landscape whilst travelling along the Gort Road. This site appears at the edge of this existing cluster of development.

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

The agent has identified a grave yard located approximately 225m south east of the application site. Following a discussion at an internal group meeting it was deemed that there is an existing cluster, however, it is not associated with this grave yard given the separation distance between the cluster and the grave yard. There is no focal point within the cluster.

- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

I am content that the site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The site is bounded on three sides, and is therefore considered a reasonable rounding off.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;*

I am content that the proposed dwelling can be absorbed into the existing cluster through rounding off and consolidations and it will not alter the existing character of the area.

- *Development would not adversely impact on residential amenity.*

I am satisfied that an appropriately designed dwelling at this location would not adversely impact on residential amenity. This can be further assessed at Reserved Matters stage.

As per the above assessment the proposal complies with all criteria bar one, that being associated with a focal point. For this reason, it is presented to the planning committee to consider it as an exception to policy as all other criteria are met and the site is bounded on three sides by development within this cluster, and is considered a reasonable rounding off within the cluster.

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 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 predominant style of the dwellings adjacent are single storey therefore, I feel a ridge height restriction of 6m from finished floor level should be placed to ensure it is not prominent in the landscape. The design of the dwelling can be assessed at Reserved Matter stage when full details are submitted. The site has some natural screenings and with the dwellings to either side of the site it will provide screening and blend with the existing landscape.

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. A siting condition should be applied to any approval to ensure a dwelling is sited to ensure it respects the character of the area. From all of this I am satisfied that the application is able to comply with CTY 14.

There is ample space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have advised they have no objections subject to a condition being attached.

Other Planning Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 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.

Condition 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.

Condition 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.

Condition 4

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.

Condition 5

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.

Condition 6

The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

Condition 7

The proposed dwelling shall be sited in the area shaded green on the approved plan drawing No.01.

Reason: To ensure that the development is integrated into the landscape.

Condition 8

The curtilage of the proposed dwelling shall be as indicated in the area shaded yellow on the approved plan drawing No. 01.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

Signature(s): Ciaran Devlin

Date: 20 December 2022

ANNEX	
Date Valid	31 October 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 10 Gort Road Coagh Tyrone BT80 0DA The Owner / Occupier 11B Gort Road Coagh Tyrone BT80 0DA The Owner / Occupier 11 Gort Road Coagh Tyrone BT80 0DA	
Date of Last Neighbour Notification	10 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1543/O Proposals: Proposed New Dwelling to round off a cluster as provided for under Policy CTY 2a of PPS21. Decision: Decision Date: Ref: I/2001/0194/F Proposals: Extension to dwelling Decision: PG Decision Date: 19-JUN-01 Ref: I/2007/0425/RM Proposals: Proposed dwelling and garage. Decision: PG Decision Date: 10-OCT-07 Ref: I/2005/0173/O Proposals: Proposed dwelling and garage Decision: Decision Date:	

Ref: I/2004/0043/O

Proposals: Proposed Two Storey Dwelling & Garage

Decision:

Decision Date:

Ref: I/2003/0322/O

Proposals: Two storey house and detached garage

Decision: PG

Decision Date: 19-JUN-03

Ref: I/2004/0818/RM

Proposals: Two storey house and detached garage

Decision: PG

Decision Date: 17-SEP-04

Summary of Consultee Responses

DFI Roads - Enniskillen Office-RS1 Form a (1).docRoads Consultation outline approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1561/O	Target Date: 16 February 2023
Proposal: proposed site for dwelling & domestic garage (based on policy cty 2a - dwelling within an existing cluster)	Location: Approx 30M South Of No 26 Grillagh Hill Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr MALACHY SCULLIN No 10 CORLACKY HILL MAGHERA BT46 5NP	Agent Name and Address: Mr BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Rivers Agency	818577 - Final Response.pdf

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

The proposal is contrary to Policy CTY 1, 2A, 8, and 14 of PPS 21 and policy FLD 1 & FLD 3 of PPS15.

One objection has been received. The objection did not raise any issues with the principle of development rather highlighting issues relating to drainage issues and highlighting surface water flooding within the site. These issues have been assessed as

part of this report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any development limits of any other designations as per the Magherafelt Area Plan. The red line of the application site is comprised of the eastern, roadside portion of a larger agricultural field, which extends further west. The site is relatively flat, with a low level hedge defining the southern boundary, with the eastern and northern boundaries defined by post and wire fencing and wooden fencing separating the site from the adjacent dwelling to the north. The western boundary is currently undefined. The surrounding area is a mix of residential dwellings and agricultural land.

Description of Proposal

This is an outline planning application for a proposed site for dwelling & domestic garage (based on policy CTY2a - dwelling within an existing cluster).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking
PPS 15 (Revised): Planning and Flood Risk

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 new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

Policy CTY 1 of PPS 21 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

number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy 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.*

I am content there is a cluster of development which consists of four dwellings, three to the north of the site and one to the east.

- *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.*

With regards the above two points, it was agreed at an internal group meeting that the cluster does not appear as a visual entity in the local landscape. Furthermore, the agent is relying on a church in ruins and burial grounds approximately 250m north west of the site. Whilst this has been agreed as a focal point for other applications, these applications have been within the cluster associated with that focal point. While it is contended there is a cluster of development around the development site, this cluster is not associated with this focal point as it is too far removed, therefore failing to comply.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The site is bounded to the north by No.26 Grilagh Hill and although the public road separates the site from No.23 to the east it is agreed this is considered being bound. Therefore, the development is bounded on two sides.

- *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.*

As the development is bounded on two sides, I am content this site can be absorbed into the existing cluster and it will not visually intrude into the open countryside. There is an existing laneway directly adjacent to the south which acts as an important boundary for the cluster, any development beyond this would appear as visually intrusive in the open countryside.

- *Development would not adversely impact on residential amenity.*

An objection was raised in relation to surface water flooding and the impact this would have on the neighbouring property. DfI Rivers were consulted who stated that surface water run-off from the development may adversely impact upon other development. As such, in its current form and without any assessment to show otherwise, I believe the

proposal would adversely impact the amenity on the neighbouring property.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape with additional planting along the western boundary to aid integration. A ridge height condition of 6m should be applied to any approval.

Policy CTY 14 states 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, the proposed dwelling would not appear unduly prominent in the landscape if kept to a restricted ridge height. However, a dwelling in this location my view, would extend a ribbon of development along the Grillagh Road and would be contrary to Policy CTY 8 and Policy CTY 14.

PPS 3 - Access, Movement and Parking;

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

PPS 15 (Revised): Planning and Flood Risk

DfI Rivers were consulted and responded to state that the Strategic Flood Map (NI) indicates that the site lies within the 1 in 100 year fluvial flood plain. DfI Rivers would consider that this proposal is contrary to PPS 15, Planning and Flood Risk, FLD 1. I do not consider the application to be an exception to this nor of overriding regional importance. A Flood Risk Assessment has not been received or requested and as such the proposal is contrary to FLD 1.

DfI Rivers stated further that surface water run-off from the development may adversely impact upon other development. Therefore, DfI Rivers would recommend that a Drainage Assessment is carried out for our consideration. As the principle of development has not been agreed or established a Drainage Assessment was not request and as such the proposal is contrary to FLD 3.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 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.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads and the development would adversely impact on residential amenity.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along Grillagh Hill.

Reason 4

The proposal is contrary to Policy FLD 1 and FLD 3 of Planning Policy Statement 15, Planning and Flood Risk in that the site is located within the 1 in 100 year fluvial flood plain and not Drainage Assessment has been submitted to prove surface water run-off from the site development will not adversely impact on other development.

Signature(s): Ciaran Devlin

Date: 20 December 2022

ANNEX	
Date Valid	3 November 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 23 Grillagh Hill Maghera Londonderry BT46 5PR The Owner / Occupier 26 Grillagh Hill Maghera Londonderry BT46 5PR	
Date of Last Neighbour Notification	25 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2009/0068/F Proposals: Proposed farm dwelling. Decision: PG Decision Date: 09-APR-09 Ref: LA09/2022/1561/O Proposals: proposed site for dwelling & domestic garage (based on policy cty 2a - dwelling within an existing cluster) Decision: Decision Date: Ref: H/1979/0515 Proposals: SITE OF BUNGALOW INCLUDING GUEST HOUSE ACCOMMODATION Decision: PR Decision Date: Ref: H/2002/1113/F Proposals: Two storey dwelling and garage. Decision: PG Decision Date: 17-JAN-03 Ref: H/2008/0645/F	

Proposals: Retrospective relocation of access approved under H/2002/1113/F, erection of pillars and wing walls. Proposed adjacent farm shed and new access.

Decision: PG

Decision Date: 28-JUL-09

Ref: H/2002/0224/O

Proposals: Site For Two-Storey Dwelling & Garage

Decision: PG

Decision Date: 24-MAY-02

Ref: H/2012/0155/F

Proposals: Proposed extension and alterations to provide additional creche/day care facilities and first floor living accommodation to supersede planning approval

H/2008/0638/F

Decision: PG

Decision Date: 12-SEP-12

Ref: H/2001/1037/F

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 14-MAR-02

Ref: H/2003/1052/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 04-AUG-04

Ref: H/2004/1364/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 08-JUL-05

Ref: H/2008/0638/F

Proposals: Proposed incorporation of creche facilities into existing dwelling.

Decision: PG

Decision Date: 16-JUN-09

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-818577 - Final Response.pdf

Drawing Numbers and Title
Site Location Plan Plan Ref: 01
Notification to Department (if relevant)
Not Applicable