



02 March 2021

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 02 March 2021 at 19:00 to transact the business noted below.

In accordance with the spirit of the recent COVID restriction, Members are strongly encouraged to join virtually as the preferred option. Should you need to attend in person then provision will be made at the Council Offices, Magherafelt. Please notify Democratic Services in advance if this is the case.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

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

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

7 - 330

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2017/0787/F	Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, Dungannon for M & C McCallion.	REFUSE

4.2.	LA09/2017/0788/LBC	Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, Dungannon for M & C McCallion.	REFUSE
4.3.	LA09/2019/0730/O	Housing development at land immediately NE of St Patrick's Primary School, Pomeroy Road, Donaghmore for Torrent Valley Initiative Ltd.	APPROVE
4.4.	LA09/2019/0955/F	Retention of existing agricultural shed at 90m S of 91 Ballynagarve Road Magherafelt, for Mr Edmond Ferguson.	REFUSE
4.5.	LA09/2020/0121/F	Factory building, car parking and all associated site works at lands 85m NE of 100 Coleraine Road, Maghera, for Specialist Joinery Group.	APPROVE
4.6.	LA09/2020/0362/F	4 storage containers to be used as a 2 storey sports cafe and a museum; maintain existing vehicular access and provide ancillary parking and landscaping at lands at the junction of Carrydarragh Road & Turnaface Road; to the immediate E & NE of No.21 Turnaface Road, Moneymore for ARK Kingdom Ministry.	REFUSE
4.7.	LA09/2020/0395/F	Change of Use from Barn (Old Piggery)) to 2 residential Units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge for Shane Doherty.	APPROVE
4.8.	LA09/2020/0632/F	Residential development of 11 detached units; creation of new accesses on Tobermore Road and Fern Drive, private amenity space and landscaping at lands 40m N of 11 Desertmartin Road, Magherafelt, for Mullaghboy Construction Ltd.	APPROVE
4.9.	LA09/2020/0791/F	Split level dwelling with integral domestic garage at 40m N of 9b Crocknamohil Road, Draperstown	APPROVE

		for Enda Mc Grath and Aimee Kelly.	
4.10.	LA09/2020/0795/O	Dwelling and domestic garage at land between 37 and 43 Tulnavern Road, Ballygawley for Noel Stinson.	APPROVE
4.11.	LA09/2020/1044/O	Replacement dwelling at 64 Glassdrummond Road, Aughnacloy for Mr John Mc Kenna.	REFUSE
4.12.	LA09/2020/1045/O	Replacement dwelling at 66 Glassdrummond Road, Aughnacloy for Mr John Mc Kenna.	REFUSE
4.13.	LA09/2020/1080/F	New vehicular access at approx. 200m E of 33 Oldtown Road, Bellaghy for Mrs Emma McCoy.	REFUSE
4.14.	LA09/2020/1084/F	Detached material & tool storage building for adjacent retail outlet at 31 Dungannon Road Coalisland, for Mr Cathal Campbell.	APPROVE
4.15.	LA09/2020/1100/F	Covered area and partial reroofing with increase of ridge height for internal storage and 1 additional external storage bin at 4 Ballygillen Road, Coagh, for Thomas Hutchinson & Sons Ltd.	APPROVE
4.16.	LA09/2020/1142/RM	Two storey dwelling and domestic garage at 110m NE of 56 Sandholes Road, Cookstown for Claire McCarron and Adam McCulla.	APPROVE
4.17.	LA09/2020/1151/O	Dwelling and garage at 200m SW of 107 Lisacclare Road (on the Aughagranna Road) Stewartstown, for James Canavan.	APPROVE
4.18.	LA09/2020/1200/F	Retention of additional office space (amended description) at 15a Grange Road Ballygawley for Exi-Tile Ltd	APPROVE
4.19.	LA09/2020/1257/F	Farm building at 16 Brantry Road, dungannon, for Declan Rafferty.	REFUSE
4.20.	LA09/2020/1337/O	Dwelling and garage at 10m W of 45 Drumenny Road, Ballinderry for Gavin Mc Geehan.	REFUSE

4.21.	LA09/2020/1359/F	Retention of existing general purpose farm shed at land approximately 70m S of 26 Tullyaran Road Dungannon for Ryan Burnside.	APPROVE
4.22.	LA09/2020/1387/O	Dwelling and domestic garage at Site 40m E of 26 Washingbay Road, Coalisland for Mr Declan McClure.	REFUSE
4.23.	LA09/2020/1394/O	Dwelling on infill site between 112 & 118 Ardboe Road, Moortown, Cookstown, for Mr Rauri Donnelly & Ms Aimee O'Neill.	REFUSE
4.24.	LA09/2020/1480/O	Dwelling & garage on a farm adjacent to 24 Draperstown Road, Annagh & Moneysterling, Desertmartin, for Paschal Wilson.	REFUSE
4.25.	LA09/2020/1509/O	Dwelling at lands E of 37 Cookstown Road Dungannon for Raymond McCann.	APPROVE
4.26.	LA09/2020/1548/F	Dwelling and garage.at 40m NE of 59 Ferry Road, Coalisland, for Patrick McNeice	REFUSE
4.27.	LA09/2020/1601/F	Dwelling at approx 60m SW of 110 Mullaghboy Road, Ballymacpeake Upper, Bellaghy, for Mr Darren Milne.	APPROVE
4.28.	LA09/2020/1658/F	Two storey side and rear extension at 2 Dromdallagan, Straw, Draperstown for Seamus & Caitlin Bradley.	APPROVE
4.29.	LA09/2020/1660/O	Dwelling and garage at site adjacent to 135 Ballynease Road, Portglenone, for Jim McAuley.	REFUSE
4.30.	LA09/2021/0004/O	Hotel development between Glenshane Filling Station at 31 Glenshane Road and 10 Fallagloon Road, Maghera for James Molloy Glenshane Services Ltd.	APPROVE

5. Receive Deferred Applications

331 - 394

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0838/F	Hobby/Storage shed, portacabin raised flower beds, polytunnells and car parking associated with Coalisland mens shed	APPROVE

		club.(Amended landscaping and drainage information provided) at lands 90m S of 177a Annagher Road Coalisland (DMAC Engineering Factory for Lilac Cancer Support Ltd.	
5.2.	LA09/2019/1466/O	Infill dwelling and garage, approx 102m E of 260 Ballygawley Road, Dungannon for Mr Kevin McCaul.	APPROVE
5.3.	LA09/2019/1638/F	Infill sites for 2 dwellings and garages adjacent to 7 Coalpit Road, Dungannon, for Mr Shaun Kelly.	APPROVE
5.4.	LA09/2020/0399/O	Dwelling and domestic garage at 60m NW of 58 Annaghquin Road, Rock, for Patrick McGuire.	APPROVE

6. Receive Report on Call for Evidence on Planning Legislation 395 - 410

Matters for Information

- 7 Minutes of Planning Committee held on 2 February 2021 411 - 428
- 8 Receive Appeal Decisions 429 - 446
- 9 Receive Report on A5 Cycle Path 447 - 450

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

Matters for Decision

10. Receive Urban Capacity Study Report
11. Receive response to criticisms on Landscape Character Assessment
12. Receive report on Covid 19 - Implications for the LDP
13. Receive report on the implications of the draft Marine Plan on the DPS
14. Receive Retail and Leisure Capacity Study Report
15. Receive Report on Letter from DfI - MU draft Transport Study

16. Receive EIA Forest Service Consultation Report - Glenlark
17. Receive EIA Forest Service Consultation Report - Kileenan
18. Receive EIA Forest Service Consultation Report -
Aughnacloy Afforestation

Matters for Information

19. Confidential Minutes of Planning Committee held on 2
February 2021
20. Enforcement Live Case List
21. Enforcement Cases Opened
22. Enforcement Cases Closed



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0787/F	Target Date:
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Referral Route: Application is being recommended for refusal Objections received from neighbour and Historic Environment Division have concerns.	
Recommendation:	Refusal
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address: N/A
Executive Summary: The proposal is for the retention of works to a listed building and Historic Environment Division of the Department for Communities have advised they are not content with the works, both internally and externally. Additional plans have been requested to show internal features and these have not been submitted, despite a number of requests. An objection has been received from the neighbour raising a number of issues.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Fails to satisfy policy requirements of SPPS and BH8 & 11 in PPS6.

Representations:

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

Summary of Issues

HED have requested the following changes to the listed building: reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc), reinstatement of the internal staircase (this has been removed), rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc), quoins to frontage sides of the property be toothed (currently ladder type), external render to be lined (currently smooth render), details of all internal doors, architraves, skirtings and plaster mouldings to match the original features.

The neighbour has raised concerns about the dominance of the extension, overlooking, overshadowing, loss of visual amenity and that what is proposed does not match what has been built.

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls way from the street. It has a slate roof and render walls, wooden sliding sash windows and painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the

roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides. The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Planning Assessment of Policy and Other Material Considerations

The following planning publications and planning policy statements establish the policy context.

- Strategic Planning Policy Statement (SPPS)

- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 6 Planning Archaeology and the Built Heritage
- Planning Policy Statement 7 – Addendum – Residential Extensions and Alterations.

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

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

Members are advised the property was listed on 11th February 1982 and is Grade B1, this category is for good examples of particular period or style, a degree of alteration or imperfection may be acceptable and generally have a wide selection of attributes and usually include interior features where one or more features are of exceptional quality or interest.

Planning permission and listed building consent was granted under M/2009/0378/LB and M/2009/0248/F for the demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building on 14 September 2010.

Previous to this an application reference M/2008/0679/F for proposed demolition of existing rear return, 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices was granted at appeal. Members should note these have lapsed, however the policy context has not dramatically changed since they were approved and PPS6 is still the main consideration.

There is an on-going enforcement case for unauthorised works to a listed building. A conclusion of this planning application and the accompanying application for listed building consent is required in order to either resolve the breaches of planning control, or provide an opportunity for the Planning Department to further consider the merits of the enforcement case with a view to potential prosecution for unauthorised works to a Listed Building.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers together with neighbour notifications undertaken. Representations were sought from HED with comments received together with one objection received from No. 33 Killyman Street.

Considerations

Members are advised that Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

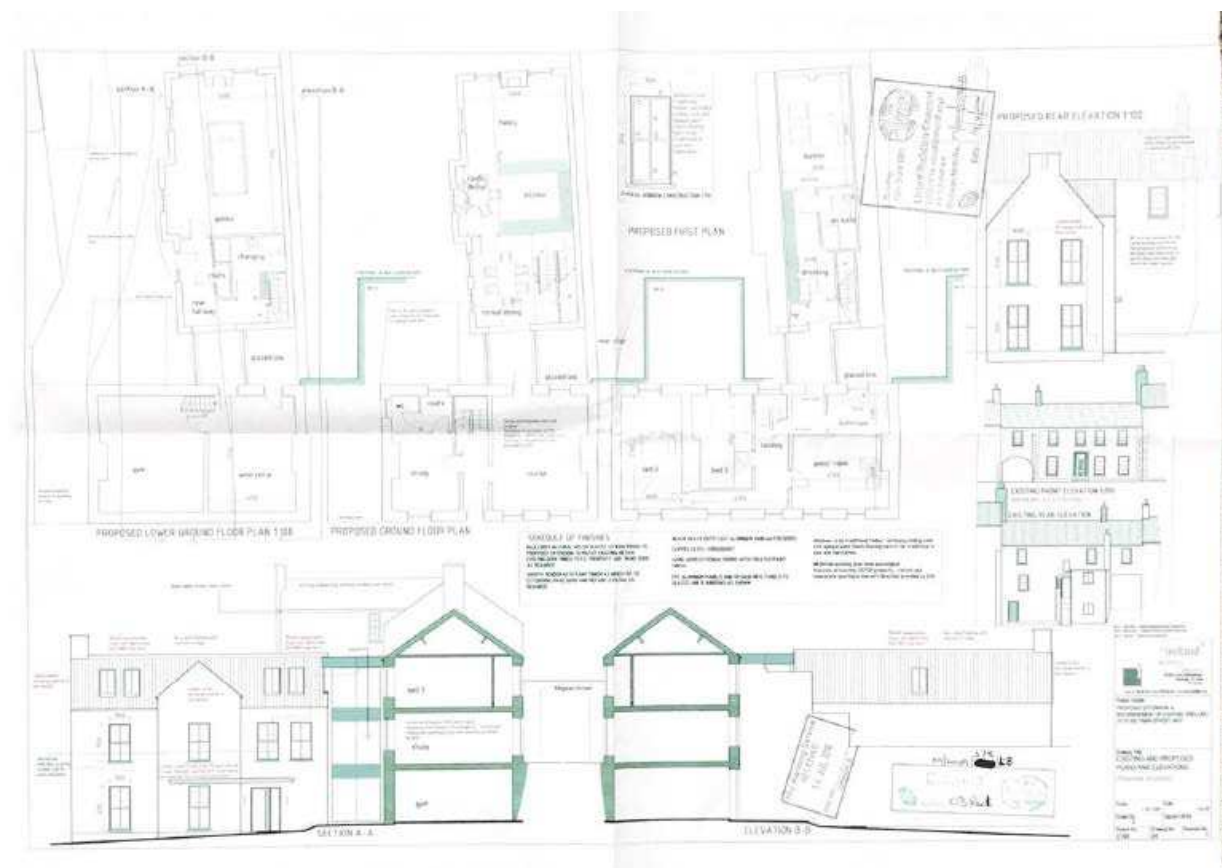
Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 identifies 33 Killyman Street as within the village of Moy where favourable consideration is given to development, provided it meets with stated criteria in SETT1. I consider if the proposal meets with other regional policy contained within PPS6 and PPS7 - Addendum, it will accord with the Area Plan.

Members are asked to note the Department already took a view on the acceptability of an extension to this property and granted planning permission for a broadly similar scheme. The previous proposal did not include any significant alterations to either the interior or the exterior of the listed building.



Plans approved M/2009/0247LB and M/2009/0248/F -14 September 2010

The proposal must accord with EXT 1 of PPS7 addendum in terms of design and amenity considerations. In regards to satisfying Policy EXT 1, it is my view the overall siting, scale and design of the proposed extension still remains subordinate to the original host property with a width of 5.6 metres and length/depth of 15 metres being similar with the extant application M/2008/0681/LB and the retrospective application LA09/2017/0788/LBC. The increase of height of the chimney by 600mm to the coping level is a noticeable change in the applications yet I still view it as not detrimental to the character and appearance of the host property, given the restricted views of the property. I am persuaded the proposal is in general compliance with the Area Plan.

Taking on board the objection and comments received, I am not persuaded that the extension as built is overly dominant to either property No. 31 or No. 35, particularly as it is below the ridge level of the host property. The perceived invasion of privacy onto 31 Killyman Street from the Velux bathroom window of No. 33 is not significant given the difficulties of obtaining a view combined with the consideration that commercial activities are also undertaken at No. 31. In relation to concerns of how the applicant proposes to maintain the wall and roof as raised by the objector at No. 31, this was a similar issue in relation to the scheme approved by the Department and I consider this is a common situation with this type of backland development which requires some degree of mutual co-operation between the parties.

In assessing the perceived loss of visual amenity, planning approval was previously given under M/2009/0378/LB and M/2009/0248/F for a very similar proposal. It is noted the proposal extends almost 10 metres beyond the extension in the neighbouring property, however that extension is over 3 stories and this one only 2. Neither extension interrupts the streetscape and the rear elevations are not easily viewed from Killyman Street, or any other area of public resort.

In relation to overshadowing, the objectors property at No. 31 is south of the host property and the extension will over shadow it to some degree, however this will be mostly in the early morning, the extension to no 31 provides a much greater shadowing effect to the windows in the north facing elevation of No 31.

Initially the plans for the development did not reflect what has been built on the ground, amended plans received in June 2019 do, in my opinion, show the development as built on the ground. Neighbour notification was carried out in relation to these plans and no further comments were received.

The proposal will not cause the unacceptable loss of, or damage to, trees, or other landscape features with sufficient space remaining within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. I am therefore satisfied the proposal does not unduly affect the privacy or amenity of neighbouring residents in proximity of 33 Killyman Street and accords with the policy requirements of EXT1 in PPS 7 (Addendum).

Consequently, I consider the principle of the extension is acceptable and the main issue to be resolved is the objection and comments raised by Historic Environment Division (HED) in respect of the works to the original building. Following the receipt of the plans that show the development as built, HED were consulted and consider the development as built fails to satisfy the policy requirements of the SPPS and BH8 and BH11 of PPS6.

Policy BH 8, extension or alteration of a Listed Building, states the Department will normally only grant consent for the extension or alteration of a listed buildings where all the following criteria are met:

1. the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
2. the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
3. the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH11 is similar to BH8, but it relates to the setting of the listed building.

The response dated 18 July 2019, identified 6 core areas of concern:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc)
- 2) reinstatement of the internal staircase (this has been removed)
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc)
- 4) quoins to frontage sides of the property to be toothed (currently ladder type)
- 5) external render to be lined (currently smooth render) and
- 6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

It is noted HED had previously requested the windows in the new extension to be changed to aluminium or wooden frames, they have not requested this in the most recent response and have solely concentrated on the works to the existing building.

HED provided photographs to show the property when it was inspected in 2000.



Front elevation with toothed quoins at sides and partially over archway



Lines in the plaster work to the front



Photographs of the internal features for the property

The applicant has advised they purchased the property in 2016 and at that time it had been vandalised with significant damage to the interior of the property and most of the internal joinery features stripped out and burned.



Extract from estate agents brochure

The applicants wished to retain the property as a family home and carried out extensive remedial works as the property had suffered defects due to the lack of maintenance. They have advised all works they carried out were without the benefit of any grant aid or other funding sources. The applicants advise the works they have carried out are not significantly different than those previously approved and that it was a matter of urgency the works were carried out to prevent the building falling into further disrepair. The applicant has submitted a statement that indicates they feel they have carried out the works in accordance with the guidance notes associated with the Historic Buildings Grant Aid Scheme and the 4 principles of conservation contained within the Burra Charter. These are: Minimum Intervention, Maximum Retention, Clarity and Reversibility.

In respect of the HED issues that have been raised the applicants wish the committee members and the planning officers to note:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc)
these are not visible from the public views and they match those in the extension, all windows to the front and the front door have been replaced like for like with high specification
- 2) reinstatement of the internal staircase (this has been removed)
The staircase had been removed by the previous owner, replacing it here would not meet current Building Regulations, it has been left that the stairs can be reinstated in the future so the change is reversible.
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is uPVC)

only the SVP (Sewer Vent Pipe) is uPVC and this is due to the amount of pipes flowing into it , it would have required 2 pipes if this was not done.

4) quoins to frontage sides of the property to be toothed (currently ladder type)
the 'original' quoins were not original, when the plaster was removed it was noted the original cut stone quoins were ladder type and this has been replicated. This is the same as no 35.

5) external render to be lined (currently smooth render)
there were no lines obvious in the plaster work when the property was bought, there is a mix of different finishes in the area and this is in keeping with no 35.

6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

none of the original features were left when the house was bought as the majority of the interior was gone, anything that was left was not original. The replacements were replicated from other nearby properties of a similar era to try and find the correct match.

The applicants indicate they have gone to considerable expense to try to make the property as original as possible and have carried out extensive research to do this. They have brought the building back into use as a modern family home where otherwise it would have been lost.

Members should be aware that works to a listed building require the necessary consent before they are undertaken. It is a criminal offence to carry out works to a listed building without obtaining that consent. Planning permission and listed building consent were granted in 2010 for a similar scheme, but it is important to note they had a 5 year time limit and had lapsed before the applicants bought the property in 2016. The development that was carried out was similar to the approved scheme, but is not in accordance with it and these changes are the issues that have caused concerns with HED. The applicant was aware they were buying a listed building and they should have consulted with HED before they carried out the works that have been undertaken. The applicant advise they incurred expense in researching the materials and finishes for the property, however it is clear that contact with HED would have provided them with as much information as they needed to ensure they carried out the work in accordance with their standards. This could have resulted in the works being carried out to the necessary standard.

HED acknowledge this was a building at risk and welcomes its re-use as a family home. They have no issues with the principle of the extension and the alterations to the building, it is the manner and detailing that is at issue. They have identified 6 core elements that require attention, these will require significant investment to put right. It is commonly known that financial assistance from the Department is scarce for this type of work. That said HED have sought co-operation with the applicants to provide changes to respect the character of the building, these have not been forthcoming.

The most recent consultation response does not raise any issue with the windows or appearance of the extension. The amendments that have been requested are solely in relation to the fabric of the listed building. As it does not appear that HED have any further issues with the extension I do not consider BH11 is offended.

It is obvious that without the applicants intervention this building may have continued to deteriorate and what has been done is preferable to the previous derelict appearance of the property. However this is still a listed building and afforded statutory protection as such am bound by HED guidance that the proposal as built does not accord with policy and I am therefore recommending refusal of this application.

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

The works that have been carried out to this building have adversely affected the character of this listed the building thought the use of inappropriate finishes, materials and detailing.

Members should note any decision on this application is dependant on the outcome of the Listed Building Consent and any possible notification to the Department.

Reasons for Refusal:

The development as constructed fails to meet with Policy BH11 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage in that:

- the essential character of the building has not been retained as its features of special interest do not remain intact and unimpaired;
- the works do not make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- the architectural details (e.g. doors, gutters, windows) do not match and are not in keeping with the building.

Signature(s)**Date:**

ANNEX	
Date Valid	8th June 2017
Date First Advertised	22nd June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 31 Killyman Street Moy Tyrone The Owner/Occupier, 35 Killyman Street Moy Tyrone John Curran 55 Bovean Road Bovean Dungannon The Owner/Occupier, Flat A 31 Killyman Street Moy The Owner/Occupier, Flat B 31 Killyman Street Moy The Owner/Occupier, Flat C 31 Killyman Street Moy The Owner/Occupier, Flat D 31 Killyman Street Moy The Owner/Occupier, Flat E 31 Killyman Street Moy The Owner/Occupier, Flat F 31 Killyman Street Moy	
Date of Last Neighbour Notification	3rd July 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0788/LBC Proposal: Refurbishment of existing 3 storey house. Including demolition of rear return and new 3 storey extension to rear to provide kitchen ,living, bedroom and ancillary space. conversion from existing flats into residential house Address: 33 Killyman Street, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0787/F	

Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space

Address: 33 Killyman Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: M/2000/0330/DCA

Proposal: Demolition of 21A Killyman Street, Moy

Address: 21A Killyman Street, Moy, Dungannon

Decision:

Decision Date: 21.08.2000

Ref ID: M/2009/0248/F

Proposal: Demolition of existing rear return, proposed extension & refurbishment of ex dwelling

Address: 33 Killyman Street, Moy Dungannon

Decision:

Decision Date: 29.09.2010

Ref ID: M/2005/0879/Q

Proposal: 3 Detached Dwellings

Address: Rear of 33 Killyman Street, Moy

Decision:

Decision Date:

Ref ID: M/2009/0378/LB

Proposal: Demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date: 08.10.2010

Ref ID: M/2008/0679/F

Proposal: Proposed demolition of existing rear return, proposed 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date:

Ref ID: M/2008/0681/LB

Proposal: Proposed extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:
Decision Date: 26.01.2009

Ref ID: M/1999/0058
Proposal: Proposed Extension and improvements to dwelling
Address: 33 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1999/0054
Proposal: Proposed Improvements and Extension to Dwelling
Address: 33 KILYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/2000/1061/LB
Proposal: Proposed Improvements/Extension to Dwelling
Address: 33 Killyman Street, Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/2000/0835/F
Proposal: Improvements and extension to dwelling
Address: 33 Killyman Street Moy Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/1991/0380
Proposal: Conversion and extension to dwelling to 5 No units of accommodation
Address: 31 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1986/0046
Proposal: IMPROVEMENTS TO DWELLING
Address: 33 KILLYMAN STREET, MOY
Decision:
Decision Date:

Ref ID: M/1986/0625
Proposal: ENLARGEMENT OF EXISTING SERVICES ACCESS TO SHOP AND YARD
Address: 31 KILLYMAN STREET, MOY
Decision:

Decision Date:

Ref ID: M/1988/0381

Proposal: NEW WINDOWS AND RE-RENDER FRONT OF DWELLING

Address: 35 KILLYMAN STREET, MOY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

HED – the development as carried out does not meet with policies in SPPS and BH8 and BH11 of PPS6.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02Rev3

Type: Floor Plans

Status: Approved

Drawing No. 03Rev3

Type: Floor Plans

Status: Approved

Drawing No. 04Rev3

Type: Proposed Plans

Status: Approved

Drawing No. 05ev1

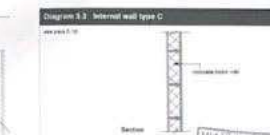
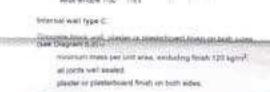
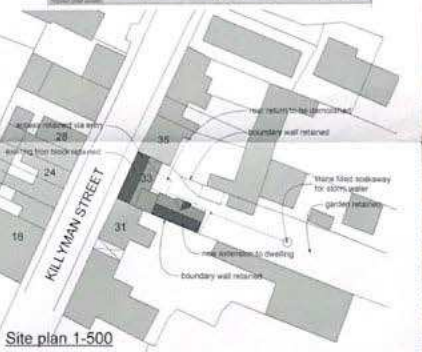
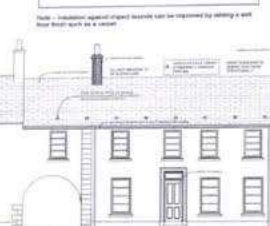
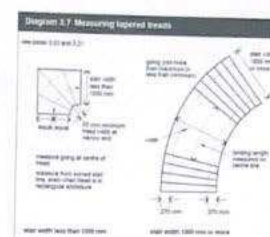
Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

[illegible]



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0788/LBC	Target Date:
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Referral Route: Application is being recommended for refusal.	
Recommendation:	Refusal
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address: N/A
Executive Summary: The host property is a Grade B1 listed building and within the conservation area of MOY. The property was previously dilapidated with planning approval (M/2009/0248/F & M/2009/0378/LB) extant. The applicant purchased the property in 2016 and undertook renovation works with an objection being received in July 2017 from Mr John Curran of 55 Bovean Road who operates a business adjacent to 33 Killyman Street on the basis that works carried out did not match what was approved. Historic Environment Division (HED) have expressed concerns that the proposal fails to satisfy 6.12 and 6.13 of the Strategic Planning Policy statement with primary concerns over rear window finishes, rain water goods and quoin arrangement to the front elevation.	

At a site meeting on 24th January 2017 with HED, Mid Ulster District Council Enforcement Officer and applicant, it was agreed a new planning application and LBC application would be submitted to regularise the works (LA09/2017/0787/F and LA09/2017/0788/LBC).

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Fails to satisfy policy requirements of SPPS and BH8 & 11 in PPS6.

Representations:

Letters of Support	None Received
Letters of Objection	0
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

HED have requested the following changes to the listed building: reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc), reinstatement of the internal staircase (this has been removed), rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc), quoins to frontage sides of the property be toothed (currently ladder type), external render to be lined (currently smooth render), details of all internal doors, architraves, skirtings and plaster mouldings to match the original features.

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls way from the street. It has a slate roof and render walls, wooden sliding sash windows and

painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides. The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Planning Assessment of Policy and Other Material Considerations

The following planning publications and planning policy statements establish the policy context.

- Strategic Planning Policy Statement (SPPS)

- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 6 Planning Archaeology and the Built Heritage

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

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

Members are advised the property was listed on 11th February 1982 and is Grade B1, this category is for good examples of particular period or style, a degree of alteration or imperfection may be acceptable and generally have a wide selection of attributes and usually include interior features where one or more features are of exceptional quality or interest.

Planning permission and listed building consent was granted under M/2009/0378/LB and M/2009/0248/F for the demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building on 14 September 2010.

Previous to this an application reference M/2008/0679/F for proposed demolition of existing rear return, 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices was granted at appeal. Members should note these have lapsed, however the policy context has not dramatically changed since they were approved and PPS6 is still the main consideration.

There is an on-going enforcement case for unauthorised works to a listed building. A conclusion of this planning application and the accompanying application for planning permission is required in order to either resolve the breaches of planning control, or provide an opportunity for the Planning Department to further consider the merits of the enforcement case with a view to potential prosecution for unauthorised works to a Listed Building.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers.

Considerations

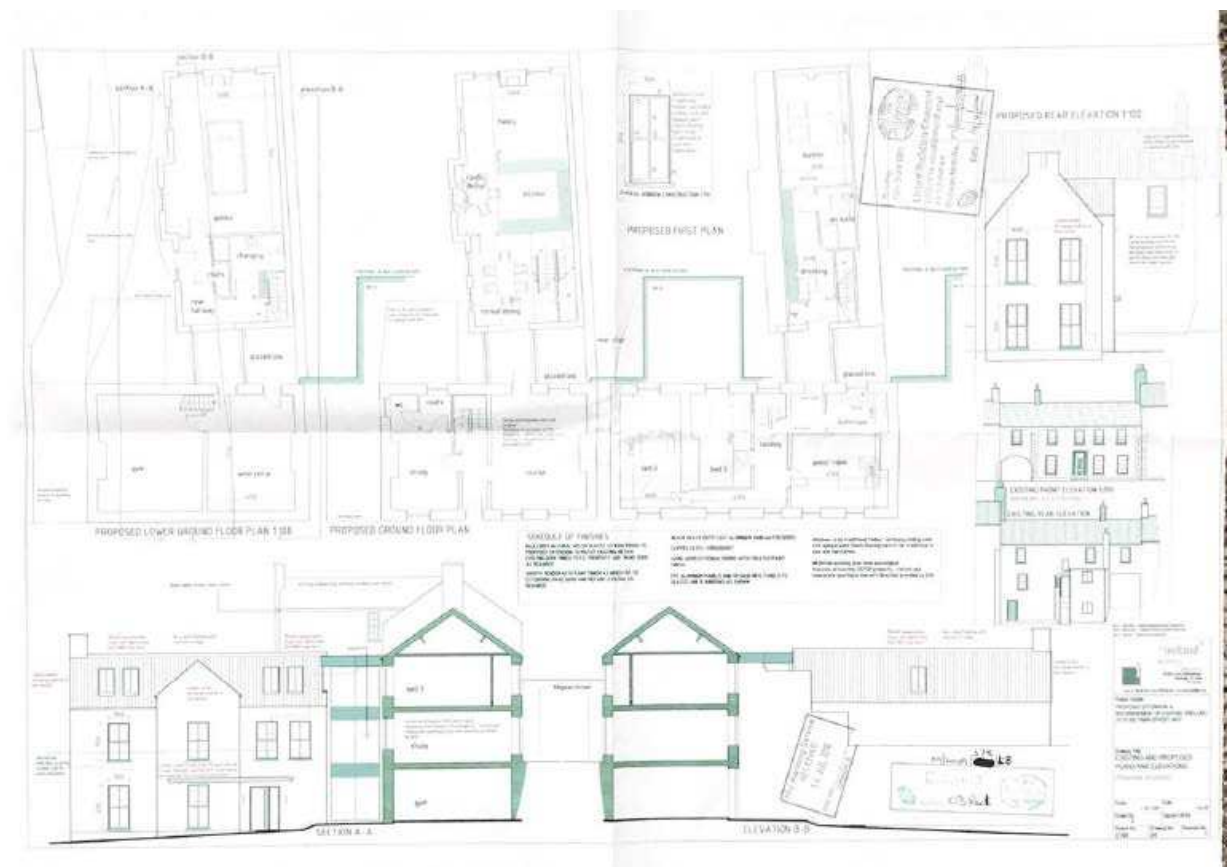
Members are advised that Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination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

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

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 identifies 33 Killyman Street as within the village of Moy where favourable consideration is given to development, provided it meets with stated criteria in SETT1. I consider if the proposal meets with other regional policy contained within PPS6, it will accord with the Area Plan.

Members are asked to note the Department already took a view on the acceptability of an extension to this property and granted planning permission for a broadly similar scheme. The previous proposal did not include any significant alterations to either the interior or the exterior of the listed building.



Plans approved M/2009/0247LB and M/2009/0248/F -14 September 2010

The main issue to be resolved is the comments raised by Historic Environment Division (HED) in respect of the works to the original building. Following the receipt of the plans

that show the development as built, HED were consulted and consider the development as built fails to satisfy the policy requirements of the SPPS and BH8 and BH11 of PPS6.

Policy BH 8, extension or alteration of a Listed Building, states the Department will normally only grant consent for the extension or alteration of a listed buildings where all the following criteria are met:

1. the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
2. the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
3. the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH11 is similar to BH8, but it relates to the setting of the listed building.

The response dated 18 July 2019, identified 6 core areas of concern:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc)
- 2) reinstatement of the internal staircase (this has been removed)
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc)
- 4) quoins to frontage sides of the property to be toothed (currently ladder type)
- 5) external render to be lined (currently smooth render) and
- 6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

It is noted HED had previously requested the windows in the new extension to be changed to aluminium or wooden frames, they have not requested this in the most recent response and have solely concentrated on the works to the existing building.

HED provided photographs to show the property when it was inspected in 2000.



Front elevation with toothed quoins at sides and partially over archway



Lines in the plaster work to the front



Photographs of the internal features for the property

The applicant has advised they purchased the property in 2016 and at that time it had been vandalised with significant damage to the interior of the property and most of the internal joinery features stripped out and burned.



Extract from estate agents brochure

The applicants wished to retain the property as a family home and carried out extensive remedial works as the property had suffered defects due to the lack of maintenance. They have advised all works they carried out were without the benefit of any grant aid or other funding sources. The applicants advise the works they have carried out are not significantly different than those previously approved and that it was a matter of urgency the works were carried out to prevent the building falling into further disrepair. The applicant has submitted a statement that indicates they feel they have carried out the works in accordance with the guidance notes associated with the Historic Buildings Grant Aid Scheme and the 4 principles of conservation contained within the Burra Charter. These are: Minimum Intervention, Maximum Retention, Clarity and Reversibility.

In respect of the HED issues that have been raised the applicants wish the committee members and the planning officers to note:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc) these are not visible from the public views and they match those in the extension, all windows to the front and the front door have been replaced like for like with high specification
- 2) reinstatement of the internal staircase (this has been removed)
The staircase had been removed by the previous owner, replacing it here would not meet current Building Regulations, it has been left that the stairs can be reinstated in the future so the change is reversible.
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is uPVC)

only the SVP (Sewer Vent Pipe) is uPVC and this is due to the amount of pipes flowing into it , it would have required 2 pipes if this was not done.

4) quoins to frontage sides of the property to be toothed (currently ladder type)
the 'original' quoins were not original, when the plaster was removed it was noted the original cut stone quoins were ladder type and this has been replicated. This is the same as no 35.

5) external render to be lined (currently smooth render)
there were no lines obvious in the plaster work when the property was bought, there is a mix of different finishes in the area and this is in keeping with no 35.

6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

none of the original features were left when the house was bought as the majority of the interior was gone, anything that was left was not original. The replacements were replicated from other nearby properties of a similar era to try and find the correct match.

The applicants indicate they have gone to considerable expense to try to make the property as original as possible and have carried out extensive research to do this. They have brought the building back into use as a modern family home where otherwise it would have been lost.

Members should be aware that works to a listed building require the necessary consent before they are undertaken. It is a criminal offence to carry out works to a listed building without obtaining that consent. Planning permission and listed building consent were granted in 2010 for a similar scheme, but it is important to note they had a 5 year time limit and had lapsed before the applicants bought the property in 2016. The development that was carried out was similar to the approved scheme, but is not in accordance with it and these changes are the issues that have caused concerns with HED. The applicant was aware they were buying a listed building and they should have consulted with HED before they carried out the works that have been undertaken. The applicant advise they incurred expense in researching the materials and finishes for the property, however it is clear that contact with HED would have provided them with as much information as they needed to ensure they carried out the work in accordance with their standards. This could have resulted in the works being carried out to the necessary standard.

HED acknowledge this was a building at risk and welcomes its re-use as a family home. They have no issues with the principle of the extension and the alterations to the building, it is the manner and detailing that is at issue. They have identified 6 core elements that require attention, these will require significant investment to put right. It is commonly known that financial assistance from the Department is scarce for this type of work. That said HED have sought co-operation with the applicants to provide changes to respect the character of the building, these have not been forthcoming.

The most recent consultation response does not raise any issue with the windows or appearance of the extension. The amendments that have been requested are solely in relation to the fabric of the listed building. As it does not appear that HED have any further issues with the extension I do not considered BH11 is offended.

It is obvious that without the applicants intervention this building may have continued to deteriorate and what has been done is preferable to the previous derelict appearance of the property. However this is still a listed building and afforded statutory protection as such am bound by HED guidance that the proposal as built does not accord with policy and I am therefore recommending refusal of this application.

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

The works that have been carried out to this building have adversely affected the character of this listed the building thought the use of inappropriate finishes, materials and detailing.

Members should note any decision to approve this application for Listed Building Consent contrary to HED advice will require notification to the Department before the decision can issue.

Reasons for Refusal:

The development as constructed fails to meet with Policy BH11 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage in that:

- the essential character of the building has not been retained as its features of special interest have been removed;
- the works do not make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- the architectural details (e.g. doors, gutters, windows) do not match and are not in keeping with the building.

Signature(s)**Date:**

ANNEX	
Date Valid	8th June 2017
Date First Advertised	22nd June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 31 Killyman Street Moy Tyrone The Owner/Occupier, 35 Killyman Street Moy Tyrone John Curran 55 Bovean Road Bovean Dungannon The Owner/Occupier, Flat A 31 Killyman Street Moy The Owner/Occupier, Flat B 31 Killyman Street Moy The Owner/Occupier, Flat C 31 Killyman Street Moy The Owner/Occupier, Flat D 31 Killyman Street Moy The Owner/Occupier, Flat E 31 Killyman Street Moy The Owner/Occupier, Flat F 31 Killyman Street Moy	
Date of Last Neighbour Notification	3rd July 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0788/LBC Proposal: Refurbishment of existing 3 storey house. Including demolition of rear return and new 3 storey extension to rear to provide kitchen ,living, bedroom and ancillary space. conversion from existing flats into residential house Address: 33 Killyman Street, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0787/F	

Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space

Address: 33 Killyman Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: M/2000/0330/DCA

Proposal: Demolition of 21A Killyman Street, Moy

Address: 21A Killyman Street, Moy, Dungannon

Decision:

Decision Date: 21.08.2000

Ref ID: M/2009/0248/F

Proposal: Demolition of existing rear return, proposed extension & refurbishment of ex dwelling

Address: 33 Killyman Street, Moy Dungannon

Decision:

Decision Date: 29.09.2010

Ref ID: M/2005/0879/Q

Proposal: 3 Detached Dwellings

Address: Rear of 33 Killyman Street, Moy

Decision:

Decision Date:

Ref ID: M/2009/0378/LB

Proposal: Demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date: 08.10.2010

Ref ID: M/2008/0679/F

Proposal: Proposed demolition of existing rear return, proposed 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date:

Ref ID: M/2008/0681/LB

Proposal: Proposed extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:
Decision Date: 26.01.2009

Ref ID: M/1999/0058
Proposal: Proposed Extension and improvements to dwelling
Address: 33 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1999/0054
Proposal: Proposed Improvements and Extension to Dwelling
Address: 33 KILYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/2000/1061/LB
Proposal: Proposed Improvements/Extension to Dwelling
Address: 33 Killyman Street, Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/2000/0835/F
Proposal: Improvements and extension to dwelling
Address: 33 Killyman Street Moy Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/1991/0380
Proposal: Conversion and extension to dwelling to 5 No units of accommodation
Address: 31 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1986/0046
Proposal: IMPROVEMENTS TO DWELLING
Address: 33 KILLYMAN STREET, MOY
Decision:
Decision Date:

Ref ID: M/1986/0625
Proposal: ENLARGEMENT OF EXISTING SERVICES ACCESS TO SHOP AND YARD
Address: 31 KILLYMAN STREET, MOY
Decision:

Decision Date:

Ref ID: M/1988/0381

Proposal: NEW WINDOWS AND RE-RENDER FRONT OF DWELLING

Address: 35 KILLYMAN STREET, MOY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

HED – the development as carried out does not meet with policies in SPPS and BH8 and BH11 of PPS6.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02Rev3

Type: Floor Plans

Status: Approved

Drawing No. 03Rev3

Type: Floor Plans

Status: Approved

Drawing No. 04Rev3

Type: Proposed Plans

Status: Approved

Drawing No. 05Rev1

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

GENERAL

All works to comply with current British Standards, Codes of Practice or BS requirements and Building Regulations. The Contractor shall verify all information on site and report any discrepancies immediately to the Architect. All dimensions are in millimetres unless stated otherwise. Figure dimensions to be taken in accordance to stated dimensions. The Contractor shall comply with all notices as required under Building Regulations in respect of work as indicated on drawings. (IN DOUBT ASK)

DRAINAGE

All foul and storm water drains are to be separate systems on site and constructed with underground UPVC pipework and fittings. Manufacture to be Wavin or equal and approved and all work shall be in accordance with Building Regulations. All gullies having access to the back of the property B.T.T.O. All waste appliances to be fitted with deep seal traps. Provide separate access points to waste traps of baths & showers. All drains are to be 150mm dia UPVC and surrounded with 150mm pea gravel. Where drains pass under the building they are to be wrapped in polythene sheathing to allow for thermal movement and surrounded with 150mm pea gravel. Where drains pass through the external walls they are to be sealed prior to this point with a concrete seal. Where drains are laid within 1000mm of the foundations the trenches are to be filled with weak concrete up to the level of the underside of the foundations. Drains shall be laid 800mm under vehicle areas and 300mm under other areas. Fall in drains to be 1:40 for 100mm pipes and 1:50 for 150mm pipes. All drains to be laid to the satisfaction of the local Building Control and Public Health inspectors. Where required internal manholes will have a mechanically fixed light cover. All drainage to comply with BS EN 752:2008 Specification.

Safety

1. To ensure the safety of the public and the safety of the site.

2. To ensure the safety of the site.

3. To ensure the safety of the site.

4. To ensure the safety of the site.

5. To ensure the safety of the site.

6. To ensure the safety of the site.

7. To ensure the safety of the site.

8. To ensure the safety of the site.

9. To ensure the safety of the site.

10. To ensure the safety of the site.

11. To ensure the safety of the site.

12. To ensure the safety of the site.

13. To ensure the safety of the site.

14. To ensure the safety of the site.

15. To ensure the safety of the site.

16. To ensure the safety of the site.

17. To ensure the safety of the site.

18. To ensure the safety of the site.

19. To ensure the safety of the site.

20. To ensure the safety of the site.

21. To ensure the safety of the site.

22. To ensure the safety of the site.

23. To ensure the safety of the site.

24. To ensure the safety of the site.

25. To ensure the safety of the site.

26. To ensure the safety of the site.

27. To ensure the safety of the site.

28. To ensure the safety of the site.

29. To ensure the safety of the site.

30. To ensure the safety of the site.

31. To ensure the safety of the site.

32. To ensure the safety of the site.

33. To ensure the safety of the site.

34. To ensure the safety of the site.

35. To ensure the safety of the site.

36. To ensure the safety of the site.

37. To ensure the safety of the site.

38. To ensure the safety of the site.

39. To ensure the safety of the site.

40. To ensure the safety of the site.

41. To ensure the safety of the site.

42. To ensure the safety of the site.

43. To ensure the safety of the site.

44. To ensure the safety of the site.

45. To ensure the safety of the site.

46. To ensure the safety of the site.

47. To ensure the safety of the site.

48. To ensure the safety of the site.

49. To ensure the safety of the site.

50. To ensure the safety of the site.

51. To ensure the safety of the site.

52. To ensure the safety of the site.

53. To ensure the safety of the site.

54. To ensure the safety of the site.

55. To ensure the safety of the site.

56. To ensure the safety of the site.

57. To ensure the safety of the site.

58. To ensure the safety of the site.

59. To ensure the safety of the site.

60. To ensure the safety of the site.

61. To ensure the safety of the site.

62. To ensure the safety of the site.

63. To ensure the safety of the site.

64. To ensure the safety of the site.

65. To ensure the safety of the site.

66. To ensure the safety of the site.

67. To ensure the safety of the site.

68. To ensure the safety of the site.

69. To ensure the safety of the site.

70. To ensure the safety of the site.

71. To ensure the safety of the site.

72. To ensure the safety of the site.

73. To ensure the safety of the site.

74. To ensure the safety of the site.

75. To ensure the safety of the site.

76. To ensure the safety of the site.

77. To ensure the safety of the site.

78. To ensure the safety of the site.

79. To ensure the safety of the site.

80. To ensure the safety of the site.

81. To ensure the safety of the site.

82. To ensure the safety of the site.

83. To ensure the safety of the site.

84. To ensure the safety of the site.

85. To ensure the safety of the site.

86. To ensure the safety of the site.

87. To ensure the safety of the site.

88. To ensure the safety of the site.

89. To ensure the safety of the site.

90. To ensure the safety of the site.

91. To ensure the safety of the site.

92. To ensure the safety of the site.

93. To ensure the safety of the site.

94. To ensure the safety of the site.

95. To ensure the safety of the site.

96. To ensure the safety of the site.

97. To ensure the safety of the site.

98. To ensure the safety of the site.

99. To ensure the safety of the site.

100. To ensure the safety of the site.

101. To ensure the safety of the site.

102. To ensure the safety of the site.

103. To ensure the safety of the site.

104. To ensure the safety of the site.

105. To ensure the safety of the site.

106. To ensure the safety of the site.

107. To ensure the safety of the site.

108. To ensure the safety of the site.

109. To ensure the safety of the site.

110. To ensure the safety of the site.

111. To ensure the safety of the site.

112. To ensure the safety of the site.

113. To ensure the safety of the site.

114. To ensure the safety of the site.

115. To ensure the safety of the site.

116. To ensure the safety of the site.

117. To ensure the safety of the site.

118. To ensure the safety of the site.

119. To ensure the safety of the site.

120. To ensure the safety of the site.

121. To ensure the safety of the site.

122. To ensure the safety of the site.

123. To ensure the safety of the site.

124. To ensure the safety of the site.

125. To ensure the safety of the site.

126. To ensure the safety of the site.

127. To ensure the safety of the site.

128. To ensure the safety of the site.

129. To ensure the safety of the site.

130. To ensure the safety of the site.

131. To ensure the safety of the site.

132. To ensure the safety of the site.

133. To ensure the safety of the site.

134. To ensure the safety of the site.

135. To ensure the safety of the site.

136. To ensure the safety of the site.

137. To ensure the safety of the site.

138. To ensure the safety of the site.

139. To ensure the safety of the site.

140. To ensure the safety of the site.

141. To ensure the safety of the site.

142. To ensure the safety of the site.

143. To ensure the safety of the site.

144. To ensure the safety of the site.

145. To ensure the safety of the site.

146. To ensure the safety of the site.

147. To ensure the safety of the site.

148. To ensure the safety of the site.

149. To ensure the safety of the site.

150. To ensure the safety of the site.

151. To ensure the safety of the site.

152. To ensure the safety of the site.

153. To ensure the safety of the site.

154. To ensure the safety of the site.

155. To ensure the safety of the site.

156. To ensure the safety of the site.

157. To ensure the safety of the site.

158. To ensure the safety of the site.

159. To ensure the safety of the site.

160. To ensure the safety of the site.

161. To ensure the safety of the site.

162. To ensure the safety of the site.

163. To ensure the safety of the site.

164. To ensure the safety of the site.

165. To ensure the safety of the site.

166. To ensure the safety of the site.

167. To ensure the safety of the site.

168. To ensure the safety of the site.

169. To ensure the safety of the site.

170. To ensure the safety of the site.

171. To ensure the safety of the site.

172. To ensure the safety of the site.

173. To ensure the safety of the site.

174. To ensure the safety of the site.

175. To ensure the safety of the site.

176. To ensure the safety of the site.

177. To ensure the safety of the site.

178. To ensure the safety of the site.

179. To ensure the safety of the site.

180. To ensure the safety of the site.

181. To ensure the safety of the site.

182. To ensure the safety of the site.

183. To ensure the safety of the site.

184. To ensure the safety of the site.

185. To ensure the safety of the site.

186. To ensure the safety of the site.

187. To ensure the safety of the site.

188. To ensure the safety of the site.

189. To ensure the safety of the site.

190. To ensure the safety of the site.

191. To ensure the safety of the site.

192. To ensure the safety of the site.

193. To ensure the safety of the site.

194. To ensure the safety of the site.

195. To ensure the safety of the site.

196. To ensure the safety of the site.

197. To ensure the safety of the site.

198. To ensure the safety of the site.

199. To ensure the safety of the site.

200. To ensure the safety of the site.

201. To ensure the safety of the site.

202. To ensure the safety of the site.

203. To ensure the safety of the site.

204. To ensure the safety of the site.

205. To ensure the safety of the site.

206. To ensure the safety of the site.

207. To ensure the safety of the site.

208. To ensure the safety of the site.

209. To ensure the safety of the site.

210. To ensure the safety of the site.

211. To ensure the safety of the site.

212. To ensure the safety of the site.

213. To ensure the safety of the site.

214. To ensure the safety of the site.

215. To ensure the safety of the site.

216. To ensure the safety of the site.

217. To ensure the safety of the site.

218. To ensure the safety of the site.

219. To ensure the safety of the site.

220. To ensure the safety of the site.

221. To ensure the safety of the site.

222. To ensure the safety of the site.

223. To ensure the safety of the site.

224. To ensure the safety of the site.

225. To ensure the safety of the site.

226. To ensure the safety of the site.

227. To ensure the safety of the site.

228. To ensure the safety of the site.

229. To ensure the safety of the site.

230. To ensure the safety of the site.

231. To ensure the safety of the site.

232. To ensure the safety of the site.

233. To ensure the safety of the site.

234. To ensure the safety of the site.

235. To ensure the safety of the site.

236. To ensure the safety of the site.

237. To ensure the safety of the site.

238. To ensure the safety of the site.

239. To ensure the safety of the site.

240. To ensure the safety of the site.

241. To ensure the safety of the site.

242. To ensure the safety of the site.

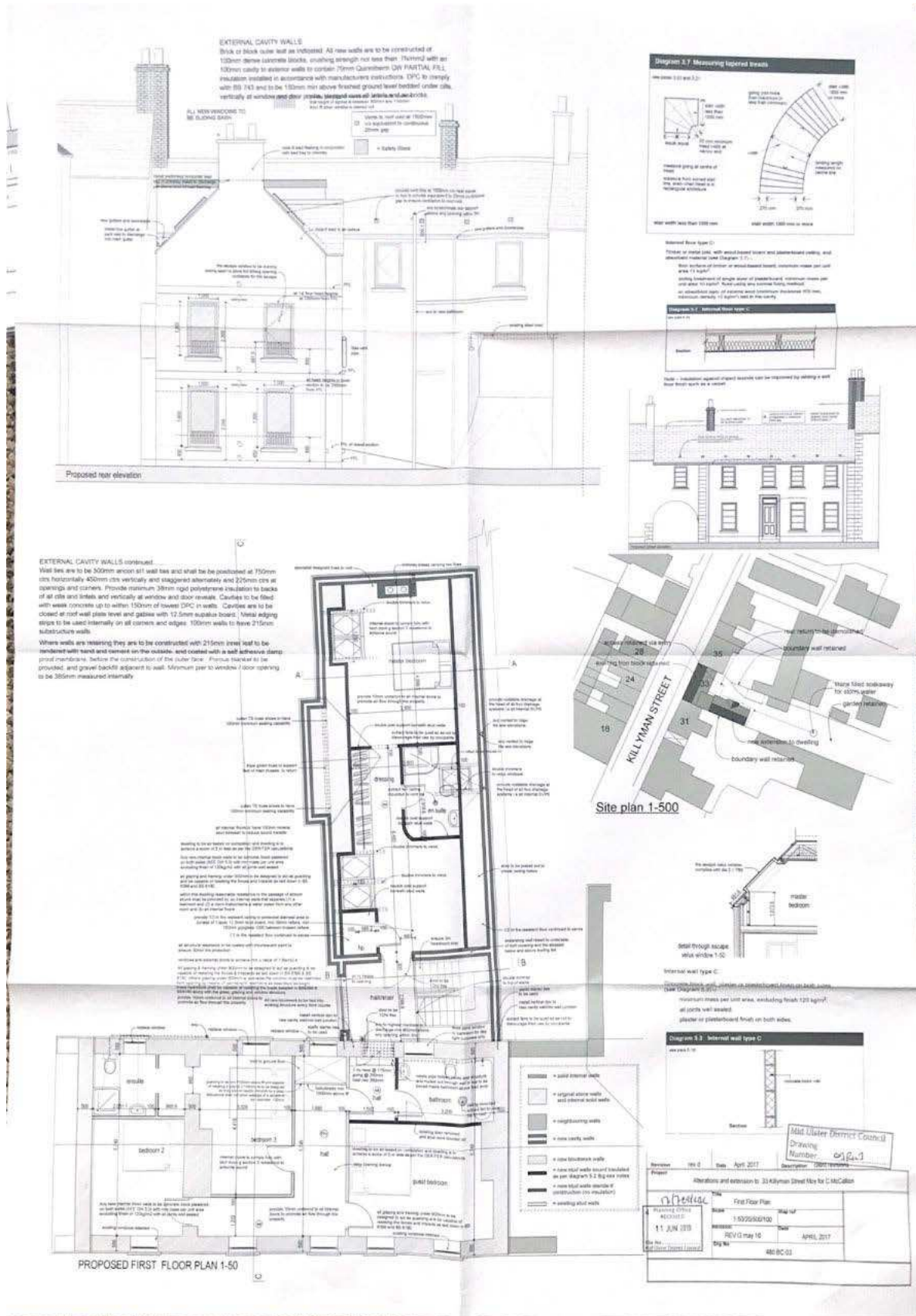
243. To ensure the safety of the site.

244. To ensure the safety of the site.

245. To ensure the safety of the site.

246. To ensure the safety of the site.

247. To ensure the safety of the site.





Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0730/O	Target Date:
Proposal: Proposed housing development	Location: Land immediately N.E. of St Patrick's Primary School Pomeroy Road Donaghmore
Referral Route: Objections	
Recommendation:	Approval
Applicant Name and Address: Torrent Valley Initiative Ltd C/o. unit14 Torrent Valley Business Pk Gortnagola Road Donaghmore	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: That outline planning permission should be granted subject to conditions.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues
Road safety issues

Description of proposal

This is an outline planning application for housing within the development limits of Donaghmore.

Characteristics of site and area

This site is located adjacent and north of St. Patrick's Primary School, Donaghmore with access from Pomeroy Road. Currently there is a tarred and finished access point in place and an associated footpath which stretches the entire frontage of the site. Behind the footway is a maintained hedgerow and some tree planting. A security wire mesh fence which is shared with the primary school defines the SE boundary of the site with the remaining site boundaries not currently defined and open to a larger agricultural field. The site is relatively flat and open, sloping gently downhill towards a watercourse to the north.

There are a mix of land uses in the area, mostly housing with education, a petrol filling station and associated convenience store to the north and Torrent Valley Business Park to the NW. The heart of Donaghmore Village lies further to the SE.

Planning 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.

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Donaghmore, within the northern node. It seems that the SE portion of the site is zoned as existing recreation/open space. Within the area plan it indicates that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

Key planning policy

The following policy provisions are relevant for this assessment;

Strategic Planning Policy Statement (SPPS)

PPS7 Quality Residential Environments

PPS8 Open Space, Sport and Outdoor Recreation

PPS15 Planning and Flood Risk

Creating Places Design Guide

Relevant planning history

M/2007/0895/F- full planning permission was granted for 38 units of accommodation (24 apartments and 14 townhouses) on 30th Jan 2009.

M/2009/0808/F- full planning permission was granted for proposed residential development (phase ii) consisting of 10no. semi-detached 2 storey dwellings, 1 detached 2 storey, and detached garages on 10th February 2010.

M/2012/0325/F- Proposed industrial unit and welfare building 'Enovate' to provide facilities to promote and develop engineering skills and for the manufacture of general engineering related products, approved 5/12/2012.

LA09/2018/0115/O- proposed housing development. Deemed invalid and sent back to agent/applicant 29/05/2019.

3rd party representations

Letters of objection have been received for the same complainant and the following has been raised;

- Road safety concerns. Impact of the access road on the existing public road and increase in traffic.
 - Proximity of bus stops on this stretch of road and children attending schools in Dungannon will walk to and congregate at these points.
 - Pedestrian safety concerns
 - Cumulative impact with other road users and competing land uses in this area is becoming dangerous to all road users
 - The objector also calls into question why Council did not seek a Transport assessment Form for this site in this instance.
- These concerns over road safety will be addressed later in my assessment.

Consideration

Previous planning permission was granted on this site under M/2007/0895/F (895/F) for 38 units of accommodation. The access road and footpath which were approved under 895/F are in place. It seems that these were put in place prior to the permission lapsing, in any case they have been in position for a period of over 5 years and are immune from enforcement.

Through discussion it was agreed that the access and footpath go the heart of the 895/F permission and therefore pre-commencement conditions have been honoured and commencement of development has taken place. It is likely that 895/F can still be implemented.

Part of the subject site is zoned as existing recreation/open space in the Area Plan. There is a presumption against the development of areas of open space except in exceptional circumstances which are laid out in policy OS1 of PPS8. This would have been clear to the Department when approving M/2007/0895/F (895/F) as the same planning policy was in place. Plus the Dungannon and South Tyrone Area Plan 2010 is still in place as was the case when 895/F was decided. Given that the area plan and planning policy have not changed, I see no reason why Council should not allow housing on this area of open space as it was deemed acceptable by the Department previously.

Part of this site is also within/close to an existing flood plain. PPS15 (revised) Planning and Flood Risk has been introduced since the 895/F permission and is a new material consideration. This will be assessed later in my report.

This is an outline planning application for housing. While the number of units are not described in the description of the proposal, the proposal is accompanied by a concept plan which indicates 16 development units. This is a significant reduction from the 38 that was previously granted on this site under 895/F. An area of open space provision is proposed to the north western corner of the site. The orientation of the proposed development units seem to be facing away from this area of open space. In policy terms this is unsatisfactory as areas of open space should be overlooked by surrounding property and benefit from surveillance. Dwellings that front onto areas of open space promote personal safety, creates a safer space for all to enjoy and discourages antisocial behaviour. The overall layout can be addressed at Reserved Matters (RM) stage.

Provision of private residential amenity space and boundary treatments can also be addressed at RM stage.

The proposal will not have a detrimental impact on natural or built heritage features. NIEA and Shared Environmental Services were consulted on this proposal and have no concerns about detrimental impacts to the natural environment, subject to Construction Environmental Management Plan being provided at RM stage. An EIA screening exercise was carried out and given the low biodiversity value of this open field it was determined that is unlikely that any significant detrimental environmental impacts will occur and therefore no Environmental Statement was required.

Internal movement patterns can be addressed at RM stage, along with parking provision, housing design and materials, and, promotion of personal safety. This site is close to an existing convenience store and Donaghmore Village has a generous provision of local services and shops and are all within walking distance and therefore no provision is required for local neighbourhood facilities to be provided by the developer in this instance. In my view policy QD1 of PPS7 is met.

An objector has raised concern over road safety. DfI Roads were consulted for comment on this proposal and are aware of this objection. DfI Roads have no objection to this proposal as the access and footpath to a previous permission (895/F) is in place. DfI Roads have not raised any concerns over road safety, potential impacts of increased traffic on the road or the capacity of the existing road to take this proposed development. It was previously considered acceptable for 38 dwellings to access from the same proposed access point. It is likely that this proposal will be for less than 38 units therefore intensification of the access will be less, leaving less traffic exiting and exiting from the public highway which will decrease the risk of accidents as there will be less car and pedestrian movements conflicting with each other. I cannot attach any determining weight to the objectors concerns over road safety in this instance.

I am of the view that the principle of housing on this site is acceptable and that an acceptable and quality housing layout can be achieved on this site, and can be assessed at RM stage.

PPS15 Planning and Flood Risk

This proposal is for over 10 units. Part of the site is located within a flood plain as evident from the Strategic Flood Maps NI. From a policy point of view it is very important to protect flood plains from any development as development within a flood plain will only serve to undermine the flood plain's natural function of accommodating and attenuating flood flows. Development within a flood plain may cause the new development to flood, or cause flooding elsewhere. This is not acceptable. On consultation with Rivers Agency there was a requirement for modelling to be undertaken, along with detailed upstream modelling from the site. This upstream modelling was required to calculate risks of flooding to the site, to show a more accurate picture of the actual flood plain, and to model flooding downstream. This modelling was undertaken by the agent/consultants and the results presented to Rivers Agency.

On 25/01/2021 Rivers Agency provided comment and are now content with the principle of development on this site subject to;

-All finished floor levels (including dwellings, garages, gardens, driveways, roadways and paths) shall be placed at a minimum of 600mm above the 1% AEP fluvial flood level as indicated in the Flood Risk Assessment date stamp received 29/10/2020;

-No infilling or development of any kind shall take place below the predicted 1% AEP fluvial flood level as indicated in the Flood Risk Assessment date stamp received 29/10/2020.

This requirement can be conditioned as part of any permission.

Dfl Roads also raise some concern over potential flood levels on this site, that any roads or footpaths shall be at least 600mm above the Q100 Flood Plain. This can also be conditioned.

Other Considerations

Northern Ireland Water have indicated that there is sufficient capacity at Donaghmore Waste Water Treatment Works for the development to connect.

This application proposes a reduced density than what was previously considered to be acceptable on this site under 895/F. While I appreciate that this is an outline planning application I am content the site can be developed for housing without adverse impact on the environment or neighbouring land uses, and that a satisfactory layout can be achieved that will respect the area and will safeguard existing and proposed private residential amenity. Environmental Health have raised no objections with this proposal in terms of any detrimental impacts to existing or proposed residential amenity.

In their original response to this proposal Environmental Health required additional information to consider potential land contamination on this site, given the proximity to a petrol filling station on the opposite side of the road. After providing clarification, Environmental Health provided comment to say that they were of the view that there was no or low contamination risk on this site. It was agreed in an e-mail to attach conditions that in the event of new land contamination being identified on site that remedial works would take place to remove the contamination safely and leave the site safe for the end users.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is granted subject to the following conditions;

Conditions

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

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

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 2 shall be submitted to the Council at reserved matters stage and shall be carried out as approved.

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

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

Reason: In the interest of visual amenity and to safeguard existing biodiversity.

5. The development shall include delineated areas of private and public open space, incorporating planted areas, play areas and informal recreational areas, laid out and maintained in accordance with a Landscape Scheme, comprising planting details including species, size at time of planting, siting and planting distances with a programme of planting. The Scheme shall also include a Management and Maintenance Schedule which includes the long term objectives, performance indicators and management responsibilities for all landscaped areas, including privately owned domestic gardens, where they are used as an integral part of the landscaping scheme. Trees and shrubs dying within 5 years of planting shall be replaced with trees and

shrubs similar in size to that dying. The Landscape Scheme shall be submitted to and agreed with the Council at Reserved Matters stage and the details shall be carried out as agreed.

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

6. The open space areas referred to in condition 5 above shall be managed in perpetuity by a Management Company the details of which shall be submitted to and agreed with the Council at reserved matters stage.

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

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

8. Should remediation works be required under condition 7 and prior to occupation of the development, a verification report shall to be submitted in writing and agreed with Planning Authority. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

9. All finished floor levels (including dwellings, garages, gardens, driveways, roadways and paths) shall be placed at a minimum of 600mm above the 1% AEP fluvial flood level, as indicated in Document 1: Flood Risk Assessment date stamp received 29/10/2020, unless otherwise agreed with Mid Ulster District Council.

Reason: To safeguard future occupants from flooding.

10. No infilling or development of any kind shall take place below the predicted 1% AEP fluvial flood level as indicated in Document 1: Flood Risk Assessment date stamp received 29/10/2020, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: Infilling of the flood plain will only serve to undermine the flood plain's natural function of accommodating and attenuating flood flows.

11. A 5m wide maintenance strip to the open watercourse shall be marked up on a drawing to be provided at RM stage. The 5m maintenance strip shall be protected from impediments (including tree planting, hedges, permanent fencing, garden sheds etc.), land raising or any other development, unless agreed in writing with Mid Ulster District Council.

Reason: To allow access to the watercourse at all time for essential maintenance purposes.

12. A site drainage plan and calculations for exceedance and likely overland flow shall be provided at RM stage for approval.

Reason: To ensure adequate drainage is in place for the proposed development.

13. A Schedule 6 Consent from DfI Rivers Agency shall be provided prior to the commencement of any development hereby approved.

Reason: To ensure discharge consent to the adjacent watercourse is in place.

14. A full Construction Environmental Management Plan (CEMP) shall be submitted at Reserved Matters and shall include method statements which identify the perceived risks to the aquatic environment, identify potential pollution pathways, and show mitigation measures to be employed which will negate the risk to any aquatic environment.

For example;

Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

Pollution Prevention Plan including;

-a suitable buffer between location of any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on site or adjacent to site.

-Regular inspections of machinery onsite.

-Emergency spill procedures in place.

-A suitable buffer between location for storage of excavated spoil and construction materials and any watercourses or surface drain present on site or adjacent to site.

-Water Quality Monitoring Plan;

-Environmental Emergency Plan;

(This list is not exhaustive).

Reason: To protect the impact of the proposal on the biodiversity of the site, including protected habitats and to ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will protect the hydrologically connected features of Lough Neagh and Lough Beg SPA/Ramsar.

15. All mitigation measures indicated within the agreed CEMP shall be managed and/or maintained to an acceptable standard until such times as they are no longer required.

Reason: To protect the impact of the proposal on the biodiversity of the site, including protected habitats and to ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will protect the hydrologically connected features of Lough Neagh and Lough Beg SPA/Ramsar.

16. At Reserved Matters a Lighting Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall include the following:

- Specifications of lighting to be used across the site, including model of luminaires, location and height;
- All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- Ecological protection areas, boundary hedgerows and river corridors to be kept free from any artificial light exceeding 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

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

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

18. 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.

19. Private Street Conditions

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

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

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

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

21. At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department's current published Parking Standards.

Reason: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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

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

4. The Strategic Planning Policy Statement places high quality design at the heart of new developments. A high standard of design, layout and landscaping is required and you are therefore, advised to discuss and agree with the Council, a comprehensive design scheme which sets out the broad details of the scheme and the process by which it was conceived, prior to the submission of a further application in accordance with the Department's publication "Creating Places: achieving quality in residential developments".

5. It should be noted that the concept design date stamped 29th January 2018 may not be fully acceptable in its proposed layout. Council advise that you consider a layout with dwelling units overlooking the proposed area of open space. If the developer wishes to discuss alternative proposals, then the Council will enter into discussions based on PPS7 - Quality Residential Environments, PPS8 - Open space, Sport and Outdoor Recreation and other relevant publications.

6. Council will require the submission of a signed legal agreement between the developer and an appropriate maintenance company for all areas of public open space prior to the commencement of site works.

Arrangements for the future management and maintenance of public open space shall be made in perpetuity with Council and shall include:

a) a legal agreement transferring ownership of and responsibility for the open space to the local district council; or

b) a legal agreement transferring ownership and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or

c) a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements. Evidence should be submitted to the Council include:

- Articles of Association
- Memorandum of understanding, and
- Evidence of registration of the company

If an alternative approach to those outlined above is to be followed, it should be demonstrated how the approach can meet the policy requirement for open space to be managed and maintained in perpetuity.

In all cases, the developers will be responsible for the laying out and landscaping of public open space required.

7. NIEA advise;

The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Multiple Dwellings.

The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance.

The applicant must refer and adhere to relevant precepts contained in Standing Advice Discharges to the Water Environment.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to ?20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

It is an offence to kill, injure or intentionally destroy any bat, bird or badger or associated habitat.

8. Rivers Agency advise-

It should be brought to the attention of the applicant that the responsibility for justifying the Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to

carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

Signature(s)

Date:

ANNEX	
Date Valid	28th May 2019
Date First Advertised	13th June 2019
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>St. Patricks PS 16 Pomeroy Road, Donaghmore, Tyrone, BT70 3HG The Owner/Occupier, 17 Pomeroy Road, Donaghmore, Tyrone, BT70 3HG The Owner/Occupier, 19 Pomeroy Road, Donaghmore, Tyrone, BT70 3HG The Owner/Occupier, Donaghmore Chinese Cuisine, Unit 2, 21 Pomeroy Rd, Donaghmore, BT70 3HG The Heritage Centre, Donaghmore, Tyrone, BT70 3HG The Owner/Occupier, Pomeroy Road, Donaghmore Emo Petrol Station Pomeroy Road, Donaghmore, Tyrone, BT70 3HG The Brewery Pomeroy Road, Donaghmore, Tyrone, BT70 3HG Donna's Hair And Makeup Studio Unit 1, 21 Pomeroy Road, Donaghmore, BT70 3HG Powercut Barber Shop Unit 10, Torrent Valley Business Park, Donaghmore, Dungannon. BT70 3BF The Beauty Lounge Unit 11, Torrent Valley Business Park, Donaghmore, Dungannon. BT70 3BF Olive Mccluggage Solicitors Unit 12, Torrent Valley Business Park, Donaghmore, Dungannon BT70 3BF The Venturei Network Unit 14, Torrent Valley Business Park, Donaghmore, Dungannon. BT70 3BF The Fried Fish Warehouse Unit 3, 21 Pomeroy Road, Donaghmore, BT70 3HG K9 Control Systems, Unit 7, Torrent Valley Business Park, Donaghmore, Dungannon Power Tech Unit 8, Torrent Valley Business Park, Donaghmore, Dungannon. BT70 3BF Dry-Cleaners And Launderette Unit 9, Torrent Valley Business Park, Donaghmore, Dungannon. BT70 3BF</p>	
Date of Last Neighbour Notification	11th October 2019
Date of EIA Determination	

ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0955/F	Target Date:
Proposal: Retention of existing agricultural shed	Location: 90m South of 91 Ballynagarve Road Magherafelt
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Edmond Ferguson 1 Orr Road Magherafelt	Agent Name and Address: Ward Design The Gravel 10 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues including Representations

No representations have been received in respect of this proposed development.

Characteristics of the site and area

The shed is located within a large field which has a road frontage onto both the Ballynagarve Road and the Aughrim Road. It is positioned against a 2m high hedge along the southern boundary of the field and approximately 45m back from the Ballynagarve Road boundary. Given the distance the shed is set back from the Ballynagarve Road, it does not have a frontage to the public road. The roadside hedge along the Ballynagarve Road (Eastern boundary) is defined by a 1.2m high hedge with ground levels in the field being lower than the road. The northern boundary is defined by a mature hedge while the western boundary is undefined.

At the time of inspection, there was no evidence of any facility for holding fodder within the shed. Given that the shed is of a very limited size, with a permanent opening with no means of closure and animals have unlimited access to the entire area, it would not be reasonable to expect fodder to be kept within this structure while animals are in the field.

The site is set within a rural area and within a large field along one of the main arterial routes in and out of Magherafelt. The area is characterised by roadside dwellings with dwellings and farm buildings located along laneways.

Description of proposal

The proposal is describes as 'retention of an agricultural shed'. According to the original plans submitted, the shed measured 9.6m x 5.7m (54.72m² footprint) with a roof height of 2.6m at the front and falling to 2.4m at the rear. The shed is a small rectangular structure consisting of 6no. telegraph poles fixed into the ground, with timber rails on the sides and clad with corrugated iron sheeting. On site, the shed actually measures 6.1m x 3.1m (18.91m² footprint) with a roof height of 2.4m at the front and falling to 2.2m at the rear. The shed has one 3.0m wide opening which extends halfway across the front.

Amended plans were submitted to correct this inconsistency. There is no concrete/hardcored floor in the shed nor is there a hard standing around the outside of the shed.



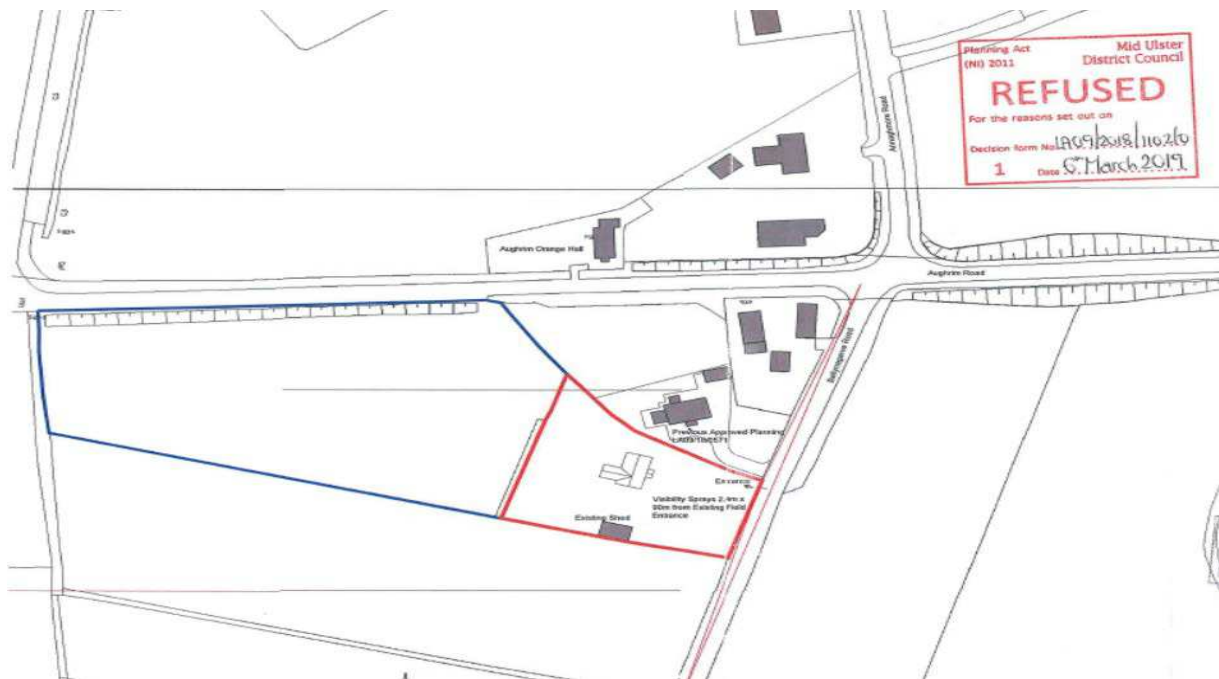
According to the P1C, the shed is located at an isolated field from the farm cluster and provides animal and fodder shelter.

Planning Assessment of Policy and Other Material Considerations

Relevant planning history

There is one planning history on this site as follows:-

LA09/2018/1102/O – Proposed site for dwelling – Refused 06.03.2019.



Development Plan and key policy considerations

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

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years and that it has claimed payments in each of the last 6 years. Therefore the business is both active and established for the required time.

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

- The proposed development is necessary for the businesses efficient use;
The only justification for the proposed building is as stated on the P1C which advises that 'It is an isolated field from the farm cluster buildings. The shed provides animal and fodder shelter.'

The applicant farms a substantial area in excess of 70ha with the farm address being stated as 1 Orr Road Magherafelt. This would appear to be where the main farmyard is located. The applicant's farm holding extends to a number of separate parcels of land

around the area. Some of these parcels include only a small number of fields and in a number of instances, like the application site, only consists of a single field. Therefore this raises the question of how necessary it is for a single building, of the size proposed, for the efficient running of the farm holding, particularly when it will only serve a single field. In my opinion, the proposed building is not necessary for the efficient functioning of the farm holding as it is not necessary to provide animal shelter on each individual plot of land within a single farm business. If such an argument were accepted, then the same would apply to every parcel of land within the same farm business.

- it is appropriate in terms of character and scale;

The proposed shed may be considered appropriate in terms of character and scale as it is proposed to be used as animal and fodder shelter. However, I would question how this can be used for fodder shelter as there is no internal partition which would separate stock from the feedstuffs. Furthermore, given the applicant has already attempted to secure planning approval between the shed and the adjacent development to the north, for an infill site (Ref: LA09/2018/1102/O), the proposed shed if granted, could lead to further development pressure at this location. If approval were to be granted for this shed, the applicant could create a yard area or hardstanding between the shed and the road, thereby creating a frontage to the road. Such an arrangement would harm the rural character of the area by extending a ribbon of development along the Ballynagarve Road.

- it visually integrates;

The proposed building only has the benefit of one boundary, to the rear. When viewed on approach from the west, along the Aughrim Road, the building is clearly visible from the junction of the Killyneese Road, a distance in excess of 200m. From this viewpoint, the shed is set in isolation and it suffers from a lack of enclosure, albeit it does not exceed the height of the hedgerow to the rear.

Consequently the proposed site cannot provide a sense of enclosure for the building and it would not integrate into the surrounding landscape.



View from the Aughrim Road

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

The proposed development will have no adverse impact on natural or built heritage.

- there will be no detrimental impact on residential amenity;

As the proposed building is located on a site which would be around 80m from a neighbouring dwelling it will not have a detrimental impact on residential amenity.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

Whilst this is a new farm building located away from any existing farm buildings, the applicant has not demonstrated that there are no suitable existing buildings on the holding which can be used. Furthermore, they have failed to satisfactorily demonstrate why the building is necessary at this particular location and why it could not be sited at the nearby group of fields on the Killyneese Road which are only 60m north-west of the field containing the existing building.

The design and materials are traditional to farm buildings and are acceptable in that respect.

As stated above, this is the first building at this location and therefore it is not sited beside any existing farm building. An exception may be made to this policy test provided there are no other sites available at another group of farm buildings on the holding or where it is essential for the functioning of the business or there are health and safety reasons.

No persuasive argument has been made to suggest that there are no other suitable sites available, it is not accepted that this particular site is essential and not simply desirable and no health and safety reasons have been provided.

Consequently, the proposal is considered to be contrary to the key tests of this policy.

CTY 13 Integration and design of buildings in the countryside.

Whilst the proposed site has boundaries on three sides, the building is set away from two of these and against the third. Therefore it only has one natural boundary and consequently lacks the necessary long established natural boundaries to provide a suitable degree of enclosure to enable the building to integrate into the surrounding landscape. This is particularly the case when the proposed building is viewed from the critical viewpoints when travelling eastwards on the Aughrim Road. The proposed building would rely primarily on new landscaping to achieve a sense of enclosure and enable it to integrate satisfactorily into the landscape.

Given the above, the proposed building is considered to be contrary to the policy tests of CTY 13.

Other policy and material considerations

Although the proposed building is described as an agricultural shed which is required for animal and fodder shelter there is no specific reason why it is absolutely necessary at this location within the subject field. If the shed were to be approved in this location it could give rise to an expectation that a dwelling would be approved within the same field, as an infill site under Policy CTY 8. Indeed, this field has already been the subject of such an application, by the same applicant, under LA09/2018/1102/O which was

refused. An adjoining site to the north of the application site was approved under LA09/2018/0571/RM.



View from the Ballynagarve Road access gate

The applicant was requested to consider relocating the proposed shed, however, they refused to do so and requested that the proposed development be determined on the basis of what is currently proposed.

Recommendations

Whilst it is recommended that the permanent retention of this structure fails the policy tests to get planning permission, there is case law which equally suggests temporary buildings of this nature would not be successfully enforced against as the nature of farming means that farmers will undoubtedly erect shelters on a site for eg. Lambing season and in such circumstances they are not considered buildings. However, in this case is my opinion that planning approval be refused for the proposed development for the reasons listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons listed below:-

Refusal Reasons

1. The proposal is contrary to Policies CTY 1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been satisfactorily demonstrated that;

- it is necessary for the efficient use of the active and established agricultural holding;
- the development, if permitted, would visually integrate into the local landscape without the provision of additional landscaping;
- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm buildings;
- there are no alternative sites available at another group of buildings on the holding; and

that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
the proposed building relies primarily on the use of new landscaping for integration.

Signature(s)

Date:

ANNEX	
Date Valid	10th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 91 Ballynagarve Road Magherafelt Londonderry The Owner/Occupier, 91a ,Ballynagarve Road,Magherafelt,Londonderry,BT45 6LA	
Date of Last Neighbour Notification	24th July 2019
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2019/0955/F Proposal: Retention of existing agricultural shed Address: 90m South of 91 Ballynagarve Road, Magherafelt, Decision: Decision Date: Ref ID: LA09/2018/1102/O Proposal: Proposed site for dwelling Address: Approximately 60m South of 91A Aughrim Road Magherafelt, Decision: PR Decision Date: 11.03.2019 Ref ID: LA09/2018/0571/RM Proposal: New dwelling and detached garage Address: Lands adjacent to 91A Aughrim Road, Magherafelt, Decision: PG Decision Date: 26.07.2018 Ref ID: LA09/2016/0002/O Proposal: Dwelling Address: 91A Aughrim Road, Magherafelt., Decision: PG Decision Date: 26.02.2016 Ref ID: H/1984/0178 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE	

<p>Address: 91 AUGHRIM ROAD, MAGHERAFELT</p> <p>Decision:</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>Consultees did not raise any issues.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



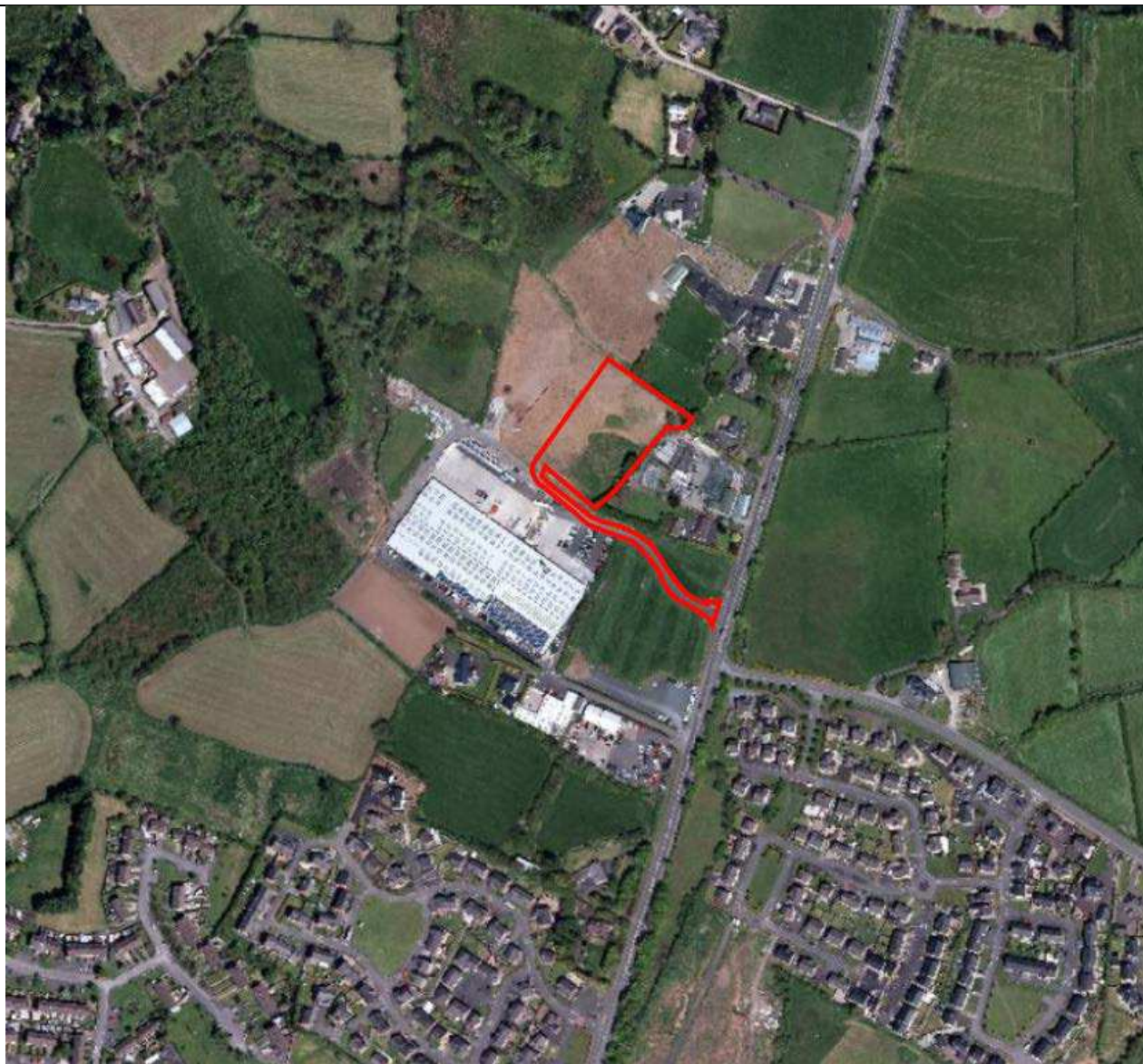
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0121/F	Target Date:
Proposal: Proposed new factory building, car parking and all associated site works.	Location: Lands 85m North East of 100 Coleraine Road Maghera
Referral Route: The application is being presented to Committee as two letters of objection have been received.	
Recommendation:	APPROVE
Applicant Name and Address: Specialist Joinery Group 100 Coleraine Road Maghera BT46 5BP	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	2	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Issues arising</p> <p>Two letters of objection were received in respect of this proposal and relate to the following:-</p> <p>Ongoing site works;</p> <ul style="list-style-type: none">- Potential flooding;- Discharge of surface water;- Impact of the proposal on an approved site;- Noise, light and air quality;- Operating hours;- Impact on wildlife. <p>The ongoing site works were preparatory works to remove a large earth bund of spoil and to reduce site levels in advance of construction works. The site has now been levelled and is largely at a lower level than the objectors rear amenity space and the approved site. A low earth bank has been created along the entire length of the boundary with the objectors property, which should prevent any run-off from the site into the objectors land.</p> <p>After considering the proposal and the associated drainage assessment and Schedule 6 consent to discharge, Rivers Agency advised that they have no objection to the proposal.</p>		

The approved dwelling is single storey with a blank gable wall to the rear return closest to the boundary. The dwelling will be well screened by the existing mature conifer hedgerow and therefore the impact of the proposed building will be negligible. Environmental Health did not raise any objections in respect of the impact of the proposal on residential amenity with regards to noise, light or air quality and therefore this is not perceived to be an issue. Environmental Health provided suggested hours of operation and this can be conditioned to protect residential amenity. During the site inspections, no evidence was found of any protected species, therefore the impact on wildlife is not considered to be sufficient to require amendments nor to refuse the application.

Characteristics of the Site and Area

The site is located on an area of rough ground to the side of an existing large joinery works and to the rear of a garden centre, which appears to have ceased trading and an associated rear amenity space linked to the garden centre owner's dwelling. The site previously contained a large earth bund which has since been cleared off site. The rear amenity space has an extant approval for a dwelling. The site is accessed via the main access to the joinery works, directly off the Coleraine Road (protected route). The site is bounded to the south-east, largely by a mature conifer hedgerow which screens the rear of the private dwelling and associated site. The hedgerow is partially raised above the site levels, by around 1.0m-1.5m before dipping towards the north-eastern corner along with the site levels. The hedgerow extends along part of the north-eastern boundary, where the adjacent land is an open agricultural field. A second field, adjacent to the north-western boundary contains some mature trees which extend further north-westwards. The site levels are approximately between 1.5m and 2.0m above the floor levels of the existing factory building.

Given the distance the building is site back off the public road and the existing built development, in particular the main factory building to the south-west in addition to the mature boundary hedgerows, there will be limited critical views of the proposed building.

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

The Key Site Requirements of MA 11 are

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

The site is located immediately adjacent to an existing large factory building which is occupied by the applicants existing joinery business and also to the rear of a garden centre. The garden centre appears to have ceased trading but retains the right to reopen and recommence trading. In addition to the dwelling at the former garden centre, there are two dwellings close to the north-eastern corner of the site.

Description of Proposal

The proposal is for the erection of a new factory unit with a footprint of 61m x 43m, a double span width with an eaves height of 5.0m and a ridge height of 6.8m above ground level. The external finishes of the building are:-

Blockwork wall with dash render finish;

Grey coloured metal deck roof with wall cladding to upper half of the walls;

Roller shutter doors on all but the south western elevation, which has three pedestrian doors and three windows;

Powder coated aluminium double glazed windows and doors.

The finished floor level is to be at 83.0m which is approximately 1.5m above the level of the existing adjoining factory. The single building is set back 20m from the existing access road and this allows for turning into the site with a row of car parking spaces across the front. Additional parking is located to the rear, north-eastern boundary with HGV/lorry parking at both the side of the building and at the northern corner.

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

The policy approach must be to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. All applications for economic development must be assessed in accordance with normal

planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so-as-to ensure safe, high quality and otherwise satisfactory forms of development.

Magherafelt Area Plan 2010.

The proposal satisfies all the Key Site requirements as stated above and is therefore compliant with the Area Plan.

PPS 4 - Planning and Economic Development

PED 1 - Economic Development in Settlements states that in relation to Class B2 Light Industrial Use and Class B3 General Industrial Use, that a development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

As this proposal is for a glass factory which will require a clean environment and can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit it therefore falls under Use Class B2. As the site is specifically zoned for industrial use within the Magherafelt Area Plan 2010 and the key site requirements state that its use shall be limited to Use Class B2, the proposal is compliant with this policy.

Policy PED 9 - General criteria for economic development; states that a proposal, in addition to other policy provisions of this PPS, will be required to meet all of the stated criteria, as follows:-

a) it is compatible with surrounding land uses;

The site is located within an area zoned from industrial use within the Area Plan and immediately adjacent to the applicants existing specialist joinery business. Although there are a number of private dwellings and a former garden centre within a short distance of the site the use is not considered to have a detrimental impact on these to such an extent to justify a refusal;

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

Two letters of objection have been received in respect of the perceived impact which the proposed development will have on both an existing dwelling and an approved, but not yet built dwelling. Environmental Health were consulted and will have considered the potential impact raised in the objection letters. However, in doing so, Environmental Health did not raise any issues in respect of noise, light or air pollution. Therefore the proposed development is not considered to harm residential amenity;

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

There are no features of built heritage. During the site inspections carried out on site, no evidence was seen of protected species. The existing boundary hedgerows can be retained and are in fact to be supplemented with additional planting and boundary definition. Therefore the proposed development will not have an adverse affect of natural heritage;

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

The site is not located in an area of flood risk. A drainage assessment was provided which, Rivers Agency considered together with the associated Schedule 6 Consent for discharge. Rivers Agency's advice was that they accepted the logic for the assessment and have no reason to disagree with its logic. Therefore it is not considered that the proposed development will cause or exacerbate flooding;

(e) it does not create a noise nuisance;

As detailed at (b) above, Environmental Health considered the potential for noise nuisance, and in doing so requested the submission of a noise impact assessment which was submitted and accepted. Conditions were suggested in relation to working hours, external fixed plant and roller doors. Therefore it is not accepted that the proposed development will have an adverse impact on residential amenity;

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

Environmental Health did not raise any issues in this respect;

(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;

The proposed development should not have a detrimental impact on the existing road network as DfI Roads accepted the proposed layout and provided suggested conditions;

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

As discussed at (g) above;

(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;

As the site is located within the settlement development limits an accesses directly onto an 'A' class road with pedestrian footpath links to the town centre, an acceptable movement pattern, which meets the criteria above, is provided;

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

The site layout is within an area zoned for industrial use and provides for good circulation space around the building. The building design is in keeping with the existing factory unit and it shares the associated infrastructure. The proposed landscaping will strengthen the existing boundaries and provides a landscaped tree belt along the northern boundary as required by the Key Site Requirements of the Area Plan Zoning.

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

The proposed landscaping will strengthen the existing boundaries and provides a landscaped tree belt along the northern boundary which is accepted as being sufficient.

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

The site is designed to deter crime and promote personal safety and is overlooked by the existing factory unit.

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

The site is not within the rural area.

Recommendation - As the proposal satisfies all the Key Site requirements in the Magherafelt Area Plan and the policy tests of contained in PPS 4 Planning and Economic Development it is my recommendation that it should be approved subject to the conditions listed below:-

Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Approve subject to the conditions listed below:-</p>	
<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The premises hereby approved shall be used only for Use Class B2: Light Industrial, and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.</p> <p>Reason: To prohibit a change to an unacceptable use within the Use Classes Order.</p> <p>3. The existing natural screenings along the north eastern and south 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.</p> <p>Reason: In the interests of residential amenity and to ensure the maintenance of screening to the site.</p> <p>4. All proposed planting as indicated on the stamped approved drawing no. 02/6 date stamped shall be undertaken prior to the building hereby approved becoming operational.</p> <p>Reason: To ensure the maintenance of screening to the site and in the interests of visual and residential amenity.</p> <p>5. 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.</p> <p>Reason: To ensure the maintenance of screening to the site and to ensure the continuity of amenity afforded by existing hedges/trees.</p> <p>6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted</p>	

at the same place, unless Mid Ulster District Council gives its written consent to any variation.

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

7. The premises shall not remain open for business, plant and equipment shall not be operated and no commercial vehicles shall enter or leave the premises hereby approved during the following times:-

- a) At any time on Sunday
- b) Prior to 07:00 hours and after 19:00 hours Monday-Friday
- c) Prior to 07:00 hours and after 14:00 on Saturday

Reason: In the interests of residential amenity.

8. Prior to the proposed development first becoming operational, a noise survey shall be undertaken to demonstrate that the noise impact from external plant and equipment installed at the proposed development can meet the target noise level of 55 dB LAeq (5mins) at 3m. A report shall be submitted to and agreed in writing with Mid Ulster District Council in consultation with Environmental Health Department prior to the development becoming operational.

Reason: In the interests of residential amenity.

9. Roller shutter doors serving the building permitted by this permission shall remain in the closed position, except when used for access or egress to prevent noise breakout from the factory and loss of amenity to noise sensitive receptors.

Reason: In the interests of residential amenity.

10. No storage or processing activities associated with the workshop shall be carried on outside the factory building.

Reason: In the interests of residential amenity.

11. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 02/6 bearing date stamped 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.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2020
Date First Advertised	11th February 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 100 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 108 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 110 Coleraine Road Maghera Londonderry</p> <p>The Owner/Occupier, 149 Moneysharvan Road Maghera Londonderry</p> <p>The Owner/Occupier, 151 Moneysharvan Road Maghera Londonderry</p> <p>The Owner/Occupier, 151a Moneysharvan Road Maghera</p> <p>Julie Graham</p> <p>Email Address</p> <p>Robert Graham</p> <p>Email Address</p>	
Date of Last Neighbour Notification	21st December 2020
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/0010/F</p> <p>Proposal: Proposed new creche building, car parking and all associated site works.</p> <p>Address: Lands 75m NE of 100 Coleraine Road , Maghera.,</p> <p>Decision:</p> <p>Decision Date:</p> <p>Ref ID: LA09/2019/1027/F</p> <p>Proposal: Proposed petrol filling station (8 No pumps) with underground storage tanks and ancillary services accommodation including retail, storage, cafe facilities, ATM, car parking and all associated site works (Receipt of amended site plan, Transport Assessment Form and Drainage Assessment)</p> <p>Address: Lands 80m South East of 100 Coleraine Road, Maghera,</p> <p>Decision:</p>	

Decision Date:

Ref ID: LA09/2019/0224/F

Proposal:

Installation of Photovoltaic Roof Panels onto existing roof.

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

Decision: PG

Decision Date: 11.06.2019

Ref ID: LA09/2020/0121/F

Proposal: Proposed New Factory building, car parking and all associated site works.

Address: Lands 85m North East of 100 Coleraine Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1568/LDE

Proposal: Storage Building for adjacent joinery workshops

Address: 100 Coleraine Road, Maghera,

Decision: PR

Decision Date:

Ref ID: LA09/2019/1652/PAN

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

Address: 151 - 151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1650/PAD

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

Address: 151-151A Moneysharvan Road, Maghera,

Decision:

Decision Date:

Ref ID: LA09/2019/1288/LDE

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

Address: 151a Moneysharvan Road Maghera,

Decision: PG

Decision Date:

Ref ID: LA09/2018/0932/LDP

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

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

Decision: PG

Decision Date:

Ref ID: LA09/2018/1577/O

Proposal: Proposed site for dwelling and garage. Based on policy CTY 2a (new dwelling in existing cluster)

Address: Land rear of no 151/151a Moneysharvan Road, Tamnymullan, Maghera,

Decision: PG

Decision Date: 29.07.2019

Ref ID: LA09/2015/1292/F

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

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

Decision: PG

Decision Date: 08.07.2016

Ref ID: H/2014/0397/PREAPP

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

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

Decision:

Decision Date:

Ref ID: H/2014/0254/F

Proposal: Proposed installation of a wind turbine on a tubular tower of up to 30m (to hub height) with blades up to 40.5m (to tip height)

Address: Lands 42m North of 100 Coleraine Road, Tamnymullan, Maghera, BT46 5BN,

Decision: WITHDR

Decision Date: 12.03.2016

Ref ID: H/1997/0185

Proposal: SITE OF HOSPICE

Address: 141B MONEYSHARVIN ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2011/0463/F

Proposal: Proposed development of 3 no. polytunnels in association with an established residential home and facilities

Address: Lands to rear of no. 141 Moneysharvin Road, Maghera,

Decision:

Decision Date: 03.11.2011

Ref ID: H/2002/0713/F

Proposal: Extension to Existing Joinery Works

Address: 100 Coleraine Road, Maghera,

Decision:

Decision Date: 14.11.2002

Ref ID: H/2005/1260/O

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

Address: Site adjacent to 100 Coleraine Road, Maghera

Decision:

Decision Date:

Ref ID: H/1992/0633

Proposal: SITE OF EXTENSION TO JOINERY WORKS

Address: 100 COLERAINE RD MAGHERA

Decision:

Decision Date:

Ref ID: H/1993/0152

Proposal: MANUFACTURING BUILDING FOR EXPANSION OF EXISTING JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2001/0316/Q

Proposal: Extension for Existing Workshop and Car Parking Facilities

Address: 100 Coleraine Road, Maghera, Magherafelt

Decision:

Decision Date:

Ref ID: H/2001/0732/F

Proposal: Extension To Joinery Works.

Address: 100 Coleraine Road, Maghera.

Decision:

Decision Date: 11.10.2001

Ref ID: H/1994/0165

Proposal: EXPANSION OF JOINERY PREMISES

Address: 100 COLERAINE ROAD MAGHERA

Decision:

Decision Date:

Ref ID: H/2010/0292/O

Proposal: Proposed Joinery Workshop expansion including Stores and Offices

Address: 100 Coleraine Road, Tamnymullan, Maghera

Decision:

Decision Date: 17.08.2011

Ref ID: H/1998/0389

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

Address: ADJACENT TO 100 COLERAINE ROAD, MAGHERA

Decision:

Decision Date: 05.03.2001

Ref ID: H/1998/0172
Proposal: INDUSTRIAL UNITS
Address: ADJACENT TO 100 COLERAINE ROAD MAGHERA
Decision:
Decision Date:

Ref ID: H/2003/0642/RM
Proposal: 8 No. Light Industrial Units for local community.
Address: Adjacent to 100 Coleraine Road, Maghera.
Decision:
Decision Date: 21.07.2005

Ref ID: H/1977/0140
Proposal: SITE OF RESIDENTIAL DEVELOPMENT
Address: TAMNYMULLAN, MAGHERA
Decision:
Decision Date:

Ref ID: H/1975/0281
Proposal: SITE OF DWELLING
Address: TAMNEYMULLAN, MAGHERA - A29
Decision:
Decision Date:

Ref ID: H/2011/0559/F
Proposal: Proposed joinery workshop expansion including stores - The proposed expansion of the existing joinery workshop is in part substitution for the temporary (unauthorised) storage sheds (Amended Plans Received).
Address: 100 Coleraine Road, Maghera,
Decision:
Decision Date: 25.06.2012

Ref ID: H/2010/0268/Q
Proposal: Specialist Joinery
Address: Coleraine Road, Maghera
Decision:
Decision Date:

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

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

<p>Ref ID: H/1980/0395 Proposal: DOUBLE GARAGE Address: 147 MONEYSHARVIN ROAD, MAGHERA Decision: Decision Date: Ref ID: H/1991/6129 Proposal: ORNAMENTAL GARDENS MAGHERA Address: MAGHERA Decision: Decision Date:</p> <p>Ref ID: LA09/2015/1076/F Proposal: Proposed 2No. Greenhouses in association with an established business Address: 32m N.W. of 151 Moneysharvan Road, Maghera, Decision: PG Decision Date: 18.01.2016</p>
<p>Summary of Consultee Responses</p> <p>All consultees responded positively.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 02/6 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Approved</p> <p>Drawing No. 03/1 Type: Proposed Floor Plans Status: Approved</p> <p>Drawing No. 04/1 Type: Proposed Elevations Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



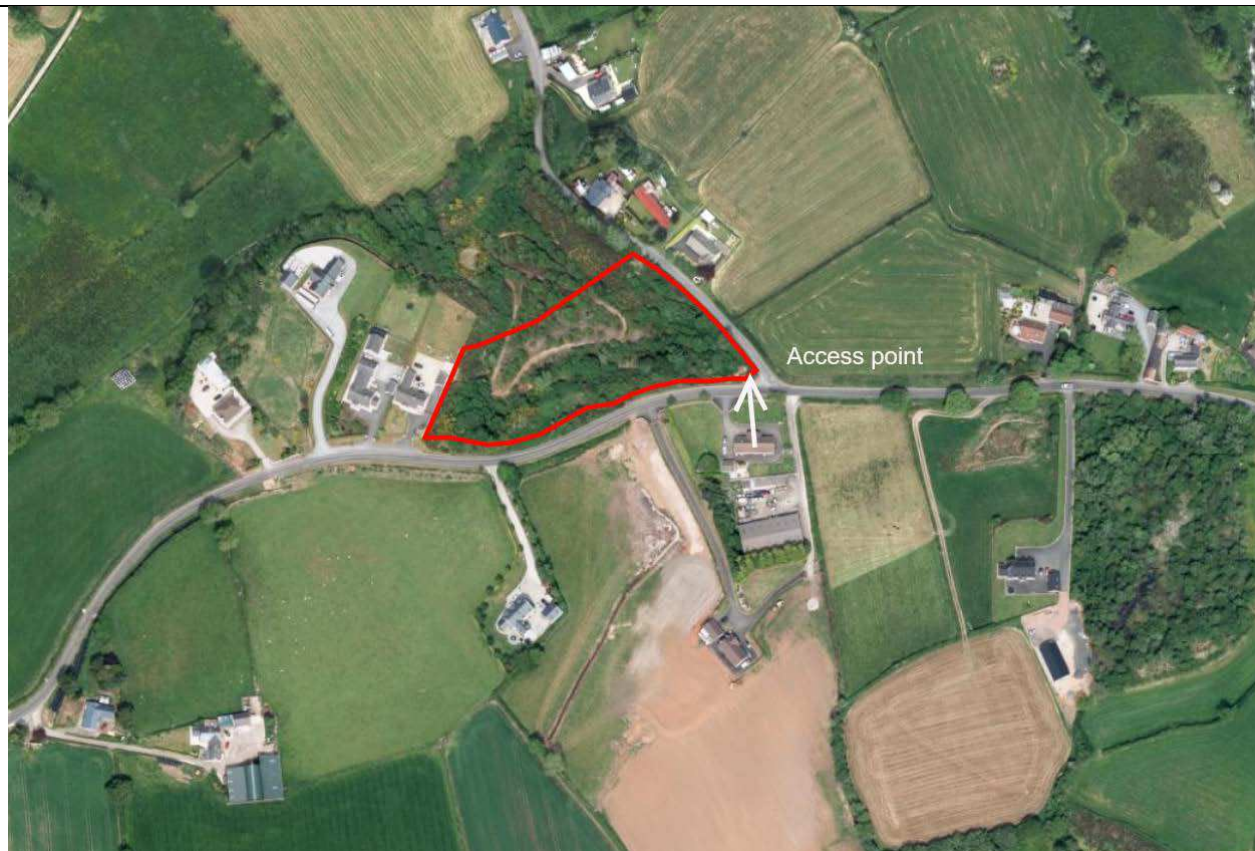
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0362/F	Target Date:
Proposal: Our proposal is to use converted storage containers on the site. The new purpose is to provide 4No. storage containers to be used as a 2 storey sports cafe and 2No. storage containers for museum. Maintain existing vehicular access and provide ancillary parking and landscaping. (Letter from Agent received 23rd September 2020).	Location: Lands at the junction of Carrydarragh Road and Turnaface road. To the immediate East & North East of No21 Turnaface Road Moneymore Magherafelt.
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: ARK Kingdon Ministry 55 Moelsworth Street Moneymore Cookstown BT80 8NX	Agent Name and Address: Bronagh Gordon 15 Rathkeel Road Broughshane Ballymena BT42 4NN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Statutory	Rivers Agency	Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	NI Water - Strategic Applications	Issues to be addressed in future application

Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Representations:		
Letters of Support	None Received	
Letters of Objection	9	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including representations		
<p>Nine letters of objection have been received in respect of this application and relate to the following:-</p> <ul style="list-style-type: none">• Impact on natural heritage and protected species and damage would be caused to a site of local and national nature conservation importance; This has been considered in the report below;• Traffic safety and inadequate parking leading to vehicles parking on roadside; This has been considered by DfI Roads;• Noise pollution and disruption; This has been considered by Environmental Health;• Alternative site exists at the Recreation Centre and a museum exists within the ground of the Manor House; This has been considered in the report below;• Increase in litter and potential for vandalism; No evidence has been provided to support this claim;• What sports are to be played which necessitate a sports cafe; There is no suggestion that sports are actually to be played at this site;		
Characteristics of the Site and Area		
<p>The site is located at the junction of the Turnaface Road and Carrydarragh Road on the site of a former sand pit/quarry. The access to the site is on the junction via a pair of security gates. This leads down into the pit via a shallow gradient where the quarry floor sits approximately 6m-8m below road level and is largely overgrown with shrubbery and semi-mature trees of a height of up to 8-10m. There is a wide grass verge along the Turnaface Road of between 3-6m wide and rising up from road level to a height of around 3m with a post and rail fence to the rear with semi-mature trees and shrubbery to the rear of the fence. To the rear of the fence/trees is a 3m wide shelf which then drops steeply into the quarry floor. Due to the topography of the site, the depth which the quarry floor sits below the road level and the amount of both boundary vegetation and the trees and shrubbery on the quarry floor, there are no critical views of the site from either the Turnaface Road or the Carrydarragh Road.</p>		
Description of Proposal		
<p>The proposal is to use converted storage containers to provide a two storey sports cafe and a museum. The existing access is to be retained and ancillary parking and landscaping is included. Three containers are to be placed side by side to provide a cafe with a servery area and disabled toilet facilities. The cafe measures 12.051m x 7.335m with a height of 2.591m. A fourth container is to be positioned on top of the three containers and at an oblique angles to these, overhanging the side, as that container measures 12.211m x 2.438m with a height of 2.591m. The overall height of the structure will</p>		

therefore be 5.182m above ground level. It is not proposed however that the upper container will be occupied. Those containers are positioned close to the eastern side of the site and near the entrance, while the museum element is made up of two container of a similar size to the upper level container and are positioned to the west of the cafe, in a more central location. The museum is constructed of two containers placed side by side measuring 12.211m x 4.897m with a height of 2.591m. This provides an open viewing area together with a seated area and toilet facilities.

Immediately adjacent and to the north of the museum area is a reflection garden which has a planted bed in the centre with decking extending around four of the five sides.

The entrance to the site is proposed to be retained at the existing location and extending along the southern side of the site with disabled parking spaces close to a pedestrian crossing leading to the cafe/museum.

Planning Assessment of Policy and Other Material Considerations

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

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

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

PPS 21 - Policy CTY 1 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance

The applicant submitted a justification for the proposed development which suggests that the development is supported by the tourism policy in addition to the Recreation and Open Space policy.

PPS 16 - Tourism: Policy TSM 2 Tourist amenities in the countryside advises that permission will be granted for tourist amenity in the countryside where is demonstrated;

a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,
or

b) the type of tourist activity in itself requires a countryside location.

Policy TSM 7 Criteria for Tourism Development: The agent has suggested that this application is a tourist related proposal. However, in considering the proposed development, it is very unclear from the information provided, how the proposed development relates to tourism. However, the proposal has been considered under Policy TSM 7 Criteria for Tourism Development which requires a proposal for a tourism use, in addition to the other policy provisions, will be subject to general criteria including a requirement that it does not harm the amenities of nearby residents; it is capable of dealing with any emission or effluent in accordance with legislative requirements such as the safeguarding of water quality through the adequate means of sewerage disposal and access arrangements. Sufficient information has not been provided to satisfactorily demonstrate that the proposed development can deal with these issues in an acceptable manner.

Consequently, it has not been satisfactorily demonstrated that the proposed development would not, if permitted, have an adverse affect on residential amenity, fail to safeguard water quality and prejudice road safety by providing a safe and acceptable means of access. Therefore the proposal fails to meet these policy tests and is contrary to Policy TSM 2 and Policy TSM 7.

The supporting statement also suggests that the proposal is supported by PPS 8 - Open Space, Sport and Outdoor Recreation Policy OS 3 Outdoor Recreation in the Countryside. However, the supporting statement fails to provide any site specific justification for the proposal being located on this site. Furthermore, Policy OS 3 requires that there is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Given the lack of information discussed above and as requested by NED in respect of a Preliminary Ecological Assessment which should identify and assess for the potential significance of impacts on protected/priority animals, habitats and plant species, and provide appropriate mitigation if necessary, the proposal is contrary to Policy OS 3. The proposal also falls contrary to this policy in that it has not been satisfactorily demonstrated that it will not have an unacceptable impact on residential amenity by way of noise and that satisfactory access arrangements can be provided.

PPS 2 Natural Heritage: Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance states that :-

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.



The quarry floor covered with vegetation

Natural Environment Division have advised that vegetation, including mature trees and hedgerows exists within and surrounding the site. This type of habitat can create foraging, commuting and resting places for various protected and priority species, such as bats, birds, and badgers. NED require the submission of a Preliminary Ecological Appraisal (PEA) which should identify and assess for the potential significance of impacts on protected/ priority animals, habitats and plant species, and provide appropriate mitigation if necessary. NED also highlight that any tree required for works or removal, or any built structure required for demolition, will also require an assessment as regards to the bat roosting potential for each respective tree/structure. An objector made specific reference to the plant *Pyrola rotundifolia* subsp. *maritima*, NED highlight that the plant *Pyrola media*, or Intermediate Wintergreen is identified as a Northern Ireland Priority Species. Therefore in the absence of further information, the proposal would be contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would have an unacceptable adverse impact on priority habitats/priority species/natural heritage features worthy of protection and insufficient information has been submitted to establish otherwise.

PPS 3 Access, Movement and Parking

DfI Roads advised that the access to the site should be a minimum of 30m (centreline to centreline) from the Carrydarragh Road / Turnaface Road junction and onto the Carrydarragh Road preferably as this is the minor road. Access onto the Turnaface Road will be considered with reasonable justification.



The site entrance at the junction

A TAF or any information in Table 25 of the P1 Application form in relation to expected number of vehicles or persons attending the premises on a daily basis has not been submitted. The parking capacity therefore within the site has not been demonstrated.

Environmental Health Department recommended that the applicant to submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether they may be remediated/managed to an acceptable level. This will require a risk assessment, which takes into consideration all potential pollutant linkages and an assessment of all potential risks in relation to those pollutant linkages.

The applicant has sought to avoid providing the necessary details on the basis of the cost of investigation being substantial and therefore suggested an alternative solution to invasive digging on site. It is suggested that as the buildings will be temporary structures there will be minimal digging required with the containers placed on above ground slabs, drainage and septic tanks being above ground and either covered by timber walkways or fenced off. The Car park can be layered above ground gravel/stone. However, the above does not completely exclude digging on site and therefore it is my opinion that in the absence of the requested information, the proposed development has failed to satisfactorily demonstrate that it is safe and will not pose a risk to human health. The proposal should therefore be refused for the lack of information.

Consideration

The proposal has failed to provide any site specific justification for the proposed development at this location and has also failed to demonstrate that there are no other suitable sites within the settlement development limits of Moneymore. Consequently the proposed development is considered to be contrary to the policies as stated above and should be refused for the reasons below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons below:-

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy TSM 2 of Planning Policy Statement 16 Tourism in that it has not been satisfactorily demonstrated that the proposed development is in association with and requires a site at or close to a particular tourism attraction, or the type of tourist activity in itself requires a countryside location.
3. The proposal is contrary to Policy TSM 7 of Planning Policy Statement 16 Tourism in that it has not been satisfactorily demonstrated that the proposed development would not, if permitted, have an adverse affect on residential amenity, fail to safeguard water quality and prejudice road safety by providing a safe and acceptable means of access.
4. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, prejudice the safety and convenience of road users since unsatisfactory access arrangements have been provided.
5. The proposal is contrary to Policy OS 3 of Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation in that it has not been satisfactorily demonstrated that the proposed

development would not, if permitted, have an adverse affect on, features of importance to nature conservation, residential amenity by way of noise and that satisfactory access arrangements can be provided.

6. The proposal is contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would have an unacceptable adverse impact on priority habitats/priority species/natural heritage features worthy of protection and insufficient information has been submitted to establish otherwise.

Signature(s)

Date:

ANNEX	
Date Valid	12th March 2020
Date First Advertised	24th March 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Carrydarragh Road Moneymore Londonderry M Fields 1 Carrydarragh Road, Moneymore, BT45 7YR</p> <p>The Owner/Occupier, 14 Turnaface Road, Moneymore, Londonderry, BT45 7YP</p> <p>The Owner/Occupier, 16 Turnaface Road Moneymore Londonderry B McComb 16, Turnaface Road, Moneymore, Londonderry, Northern Ireland, BT45 7YP</p> <p>The Owner/Occupier, 16A Turnaface Road Moneymore Londonderry Philip & Nicola Neill 18 Turnaface Road, Moneymore, BT45 7YP</p> <p>The Owner/Occupier, 18 Turnaface Road, Moneymore, Londonderry, BT45 7YP</p> <p>The Owner/Occupier, 1a Carrydarragh Road Moneymore Oliver Fields 1a Carrydarragh Road, Moneymore, BT45 7YR Nigel & Gail Dripps 1c Carrydarragh Road, Moneymore, BT45 7YR M Bell 2 Carrydarragh Road, Moneymore, BT45 7YR</p> <p>The Owner/Occupier, 21 Turnaface Road Moneymore Londonderry Donald Thompson 23 Turnaface Road Moneymore Londonderry David Riley Email Address David Riley Email Address</p>	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	Yes /No

Planning History

Ref ID: LA09/2020/0361/A

Proposal: Fabricated stainless steel/aluminum back-lit letters.

Address: Lands at the junction of Carrydarragh Road & Turnaface Road. To the immediate ,E & NE of No.21 Turnaface Road, Moneymore, Magherafelt.,

Decision:

Decision Date:

Ref ID: I/1974/0371

Proposal: SAND AND GRAVEL QUARRYING

Address: FEENANMORE, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1998/0177

Proposal: Continuation of sand extraction and screening operation

Address: FEENAMORE SANDPIT APPROX 40M NORTH-WEST OF NO.16
TURNAFACE ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/2000/0248/O

Proposal: Replacement Dwelling

Address: 21 Turnaface Road, Feenan More Moneymore

Decision:

Decision Date: 20.06.2000

Ref ID: LA09/2020/0362/F

Proposal: Our proposal is to use converted storage containers on the site. The new purpose is to provide 4No. storage containers to be used as a 2 storey sports cafe and 2No. storage containers for museum. Maintain existing vehicular access and provide ancillary parking and landscaping.

Address: Lands at the junction of Carrydarragh Road and Turnaface road. To the immediate East & North East of No21 Turnaface Road, Moneymore, Magherafelt.,

Decision:

Decision Date:

Summary of Consultee Responses

DfI Roads recommend that Council request amended drawings addressing access location, sightlines and parking.

Environmental Health as discussed above.

DAERA's Water Management Unit advised that the proposal has potential to adversely affect the surface water environment.

DAERA's Natural Environment Division - as discussed above.

Rivers Agency advised of no issues;

NI Water advised of no issues;

Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02/2 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 05 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 07 Type: Proposed Elevations Status: Submitted</p> <p>Drawing No. 08 Type: Further Particulars Status: Submitted</p> <p>Drawing No. 09 Type: Floor Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>

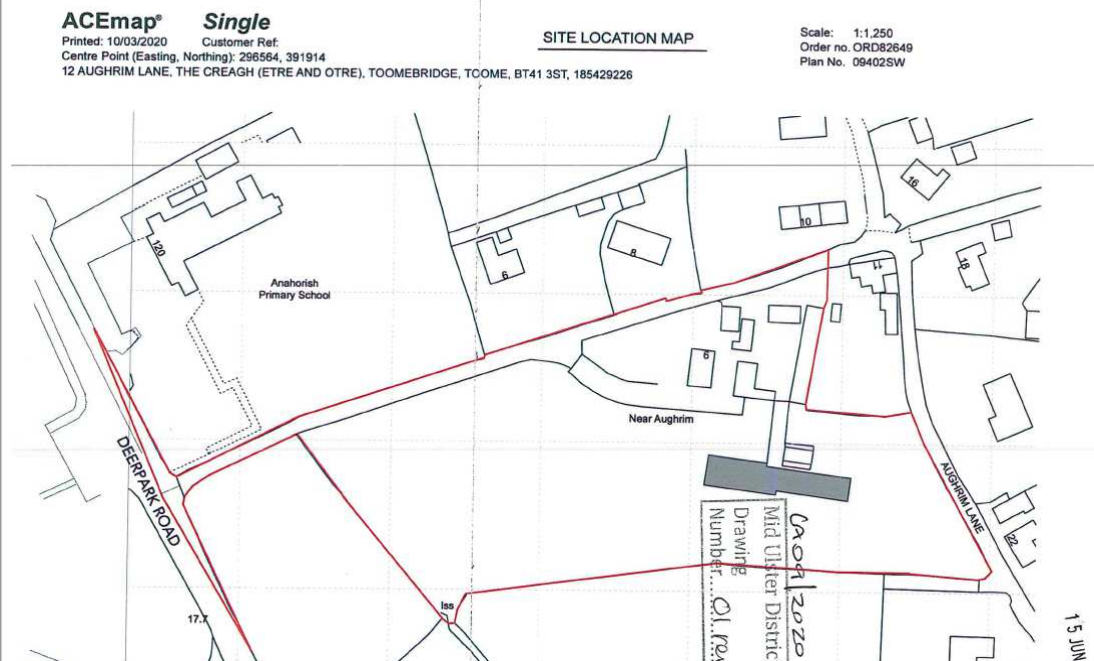


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2/3/2021	Item Number:
Application ID: LA09/2020/0395/F	Target Date:
Proposal: Proposed change of use - conversion from barn (old piggery) to 2 no residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge, BT41 3ST	Location: Site adjacent to Aughrim House Creagh Toomebridge
Referral Route: Recommendation for approval not in strict accordance with all provisions of SPPS.	
Recommendation: Approve	
Applicant Name and Address: Shane Doherty 9 Aughrim Lane Aughrim House Creagh Toomebridge BT41 3ST	Agent Name and Address: Alina Holyst RIBA 6 Ros Ard Rostrevor BT34 3XE
Executive Summary: In conclusion, I consider the proposal satisfies policy CTY 4: Conversion and Reuse of Existing Buildings however, CTY 4 does not impose this same requirement and refers only to "a suitable building" and any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. On balance, I consider the proposal while not wholly in accordance with the SPPS which refers to a "locally important building", the proposal engenders the spirit of the SPPS which advocates for sustainable development and "good design" which is achieved through sensitive conversion of this building. The building is located at a well - known locally important location that is Anahorish Primary School, both in the context of a community facility as well as its associations with Seamus Heaney. It is also considered that the proposal would not cause any adverse impact in terms of character of the area given its proximity to SDC Trailers. The building is also particularly visible from the public road and it represents high quality design and sustainable development as well as an opportunity for betterment in terms of the existing building and the character of the area. Consequently, I recommend the application is approved with conditions relating to road safety. I consider the application should be presented to Planning Committee for decision given it does not strictly comply with the provisions of SPPS.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations: None.

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

Summary of Issues

No representations received.

Characteristics of the Site and Area

The application site is located is a 1.43 Ha site located on Aughrim Lane which abuts Deerpark Road. The site is adjacent to Anahorish Primary and encompasses a large agricultural field, agricultural buildings the applicant's residence, no. 9 Aughrim Lane, Creagh, Toomebridge. The area is characterised by both agricultural land, farm holdings, dispersed settlement and industrial development with SDC Trailers opposite on the Deerpark Road and to the north west, beyond Anahorish P.S. Aughrim Lane abuts the Deerpark Road and serves numerous dwelling houses. The piggery building which is subject of this application is located in the agricultural field to the south east of the applicants dwelling house. It is accessed from Aughrim Lane through a courtyard of agricultural buildings. The site boundaries are

marked by a post and wire fence and hedgerows. There are public views of the application site when travelling on the Deerpark Road.

Description of Proposal

Proposed change of use - conversion from barn (old piggery) to 2 no residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge, BT41 3ST

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 21 - Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking

Magherafelt Area Plan 2015

The Magherafelt Area Plan 2015 identifies the site outside any settlement limits in an area of open countryside. There are no other designations on the application site. In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers and occupied premises on neighbouring land were consulted by letter. Further to discussion with the applicant, the proposal was reduced from 4 no. residential units to 2 and re-advertised and re-neighbour notified.

SPPS - Strategic Planning Policy Statement for Northern Ireland

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

In relation to residential development in the countryside, the SPPS states;

"The conversion and re-use of existing buildings for residential use: provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality."

The original proposal was for the change of use (conversion from barn (old piggery) to 4. no residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge). Further to assessment and advice to comply with policy, the number of residential units has been reduced to 2 no. units.

The piggery building is a single storey structure with grey render and a footprint of 48m x 10m. The proposal includes its conversion to now provide 2 residential dwellings, measuring, 190sqm and 165 sqm respectively. Both residential units are two bedrooms units. The proposal includes the creation of new window and door openings, grey larch cladding to the walls and Kingspan insulated panels to the roof. The design includes sliding timber doors and shutters which help to retain the general visual aesthetic of

an agricultural building set within the landscape. I consider the proposal involves minimal intervention and is a carefully considered design which provides a sympathetic conversion of the disused building.

The SPPS continues to state that the conversion should be of a locally important building (such as former school houses, churches and older traditional barns and outbuildings). The existing building is an "outbuilding" which I note is an example of the types of building which may be eligible. However, the SPPS says specifically that it should be a locally important building.

The agent submitted additional information which states, the old piggery barn is the most significant building at the applicants farm, was a crucial meeting point for the community and was closely associated with the Nobel Prize winning poet Seamus Heaney who visited the farm occasionally while he was in the area.

The agent continues to note that Mid Ulster Councils heritage project, Seamus Heaney Trails which will provide a journey through local landscape from which the poet drew inspiration, and there is a plan for the clients farm to be incorporated into the trails. While acknowledging the applicants submission that some informal conversations relating to the same may have took place, consultation with Arts and Culture Department of MUDC responsible for the project, confirm that the said lands are not being incorporated into the Seamus Heaney Trails.

I acknowledge the piggery is an outbuilding and the proposal is sympathetic, and while not part of the Seamus Heaney trails, there is some evidence to suggest this building may be considered locally important, however I do not consider that this information alone would give determining weight. That said, other material considerations include the location of the outbuilding opposite Anahorish Primary School and the adjacent approved tourist accommodation.

It is also notable that the building is visible from public vantage points along the Deerpark road. In addition is notable that large scale industrial works SDC Trailers which is located to the North and characterised as an area of mixed large scale industrial and dispersed residential. Furthermore, given the potential improvement proposed to the existing building through sensitive conversion the proposal represents an opportunity for betterment.

The SPPS continues to state that provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality.

The original proposal was for the conversion of the piggery to 4 no. 2 bedroom dwellings. I consider the original 4 no. residential units to be untypical and not appropriate in terms of size to the dwellings in the locality. I consider use as 2 no. larger units now proposed are more appropriate in terms of intensity of use.

PPS 21 : Sustainable Development in the Countryside

Policy CTY 4 : The Conversion and Reuse of Existing Buildings states,

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

(a) the building is of permanent construction;

- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

I consider that the proposal satisfies criteria (a) - (g) stipulated above. In relation to the number of dwellings being proposed, I consider 4 no. two bedroom dwellings, three of which measured 72sqm, 72sqm and 66sqm respectively were untypical and not appropriate to the locality. In my view the 2 no. units now proposed are acceptable.

PPS 3 - Access, Movement and Parking

Policy AMP 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. This proposal involves will be served by an existing access.

Policy AMP 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a Protected Route. DFI Roads have been consulted and not lodged any objection on the grounds of impact on road safety or traffic flow in the immediate area subject to recommended conditions to safeguard road safety. I consider the provisions of PPS3 are satisfied and there are no grounds for refusal from a road safety perspective.

Policy AMP 3 - Car Parking and Servicing Arrangements states the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. The Design and Access Statement submitted along with the proposal states that the units are intended to be for the client's elderly family and are intended to be car free. The site plan indicates 4 no. parking spaces, which satisfies parking standards requirements.

Conclusion

In conclusion, I consider the proposal satisfies policy CTY 4: Conversion and Reuse of Existing Buildings however, CTY 4 does not impose this same requirement and refers only to "a suitable building" and any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

On balance, I consider the proposal while not wholly in accordance with the SPPS which refers to a "locally important building", the proposal engenders the spirit of the SPPS which advocates for sustainable development and "good design" which is achieved through sensitive conversion of this building. The building is located at a well-known locally important location that is Anahorish Primary School, both in the context of a community facility as well as its associations with Seamus Heaney. It is also considered that the proposal would not cause any adverse impact in terms of character of the area

given its proximity to SDC Trailers. The building is also particularly visible from the public road and it represents high quality design and sustainable development as well as an opportunity for betterment in terms of the existing building and the character of the area.

Consequently, I recommend the application is approved with conditions relating to road safety. I consider the application should be presented to Planning Committee for decision given it does not strictly comply with the provisions of SPPS.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve with conditions.

Conditions

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

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

2. The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement/occupation/operation of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s)

Date:

ANNEX	
Date Valid	20th March 2020
Date First Advertised	31st March 2020
Date Last Advertised	15th December 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Aughrim Lane, Toomebridge, Toome, Londonderry, BT41 3ST The Owner/Occupier, 11 Aughrim Lane Toomebridge Toome The Owner/Occupier, 15 Aughrim Lane, Toomebridge, Toome, Londonderry, BT41 3ST The Owner/Occupier, 20 Aughrim Lane, Toomebridge, Toome, Londonderry, BT41 3ST The Owner/Occupier, 22 Aughrim Lane Toomebridge Toome The Owner/Occupier, 6 Aughrim Lane, Toomebridge, Toome, Londonderry, BT41 3ST The Owner/Occupier, 8 Aughrim Lane, Toomebridge, Toome, Londonderry, BT41 3ST The Owner/Occupier, Annahorish P.S. 120 Deerpark Road, Toomebridge, BT41 3SS	
Date of Last Neighbour Notification	4th December 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/0395/F Proposal: Proposed change of use (conversion from barn (old piggery) to 4 no residential units and associated ground works at site adjacent to Aughrim House, Creagh, Toomebridge) Address: Site adjacent to Aughrim House, Creagh, Toomebridge, Decision: Decision Date: Ref ID: LA09/2019/1010/F Proposal: Proposed conversion of existing outbuildings and yard to provide 5No. self-catering holiday lets and associated parking including internal and minor external alterations with small covered entrance to one building.	

Address: Site between No.9 and No.11 Aughrim Lane, Creagh, Toomebridge, BT41 3ST.,
Decision: PG
Decision Date: 17.12.2019

Ref ID: H/2015/0076/F
Proposal: Proposed Domestic Car Storage Garage
Address: 17 Aughrim Lane, Toomebridge,
Decision: PG
Decision Date: 06.07.2015

Ref ID: H/2008/0646/F
Proposal: Change of house type and double garage to previously approved application H/2006/0737/RM
Address: Adjacent to 17 Aughrim Lane, The Creagh, Toomebridge
Decision:
Decision Date: 21.01.2009

Ref ID: H/2006/0737/RM
Proposal: Proposed bungalow
Address: Adjacent to 17 Aughrim Lane, The Creagh, Toomebridge, BT41 3ST
Decision:
Decision Date: 24.11.2006

Ref ID: H/2005/0808/F
Proposal: Extension To Dwelling
Address: Aughrim Lane, Deerpark Road, Creagh
Decision:
Decision Date: 19.10.2005

Ref ID: H/2005/0634/F
Proposal: Variation of time condition number 2 of application H/1999/0696/O to extend outline permission by one year.
Address: Adjacent to 17 Aughrim Lane, The Creagh, Toomebridge
Decision:
Decision Date: 31.08.2005

Ref ID: H/2004/1419/O
Proposal: Site of dwelling and garage
Address: 80m North of, 22 Aughrim Lane, Toomebridge
Decision:
Decision Date: 13.02.2006

Ref ID: H/2003/0230/O

Proposal: Site of dwelling and garage.
Address: 60 Metres North West of 55 Hillhead Road, Castledawson.
Decision:
Decision Date: 07.11.2005

Ref ID: H/2003/0226/O
Proposal: Site of two storey dwelling and garage.
Address: Adjacent to 17 Aughrim Lane, Toomebridge.
Decision:
Decision Date: 07.06.2004

Ref ID: H/2002/1146/F
Proposal: Dwelling and Garage. (Renewal of H/1997/0264)
Address: Adjacent to 22 Aughrim Lane, Toomebridge.
Decision:
Decision Date: 14.02.2003

Ref ID: H/2001/0612/F
Proposal: Dwelling
Address: 50 m West Of Number 14 Aughrim Lane, Creagh, Toomebridge
Decision:
Decision Date: 21.11.2001

Ref ID: H/2001/0504/F
Proposal: Extension to dwelling
Address: 17 Aughrim Lane, The Creagh, Toomebridge, Northern Ireland, BT41 3ST
Decision:
Decision Date: 11.10.2001

Ref ID: H/2000/0500/RM
Proposal: Dwelling and Garage
Address: Opposite 22 Aughrim Lane, Toomebridge
Decision:
Decision Date: 22.09.2000

Ref ID: H/2000/0326/O
Proposal: Site for dwelling and garage
Address: 190m East of Aughrim Lane, Toomebridge
Decision:
Decision Date: 11.01.2001

Ref ID: H/2000/0325/O
Proposal: Site for dwelling and garage
Address: 200m East of 18 Aughrim Lane, Toomebridge

Decision:
Decision Date:

Ref ID: H/1999/0696/O
Proposal: Site of Bungalow
Address: Adjacent to 17 Aughrim Lane, The Creagh, Toomebridge, Northern Ireland, BT41 3ST
Decision:
Decision Date: 11.06.2000

Ref ID: H/1999/0679/O
Proposal: Site of Dwelling and Garage
Address: Opposite 22 Aughrim lane, Toomebridge
Decision:
Decision Date: 08.05.2000

Ref ID: H/1999/0347
Proposal: DWELLING & GARAGE
Address: 22 AUGHRIM LANE TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1999/0066
Proposal: SITE OF DWELLING
Address: ADJ TO 16 AUGHRIM LANE CREAGH TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1998/0450
Proposal: REPLACEMENT SEPTIC TANK
Address: 9 AUGHRIM LANE CREAGH
Decision:
Decision Date:

Ref ID: H/1998/0263
Proposal: DWELLING AND GARAGE
Address: ADJACENT 17 AUGHRIM LANE TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1997/0605
Proposal: SITE OF DWELLING
Address: ADJ TO 17 AUGHRIM LANE TOOMEBRIDGE
Decision:

Decision Date:

Ref ID: H/1997/0264

Proposal: DWELLING & GARAGE

Address: ADJ TO 22 AUGHRIM LANE TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1995/0246

Proposal: SITE OF DWELLING AND GARAGE

Address: ADJ TO 9 AUGHRIM LANE TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1993/0353

Proposal: BUNGALOW AND GARAGE

Address: ADJ TO 22 AUGHRIM LANE TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1993/0026

Proposal: SITE OF DWELLING AND GARAGE

Address: ADJ TO 22 AUGHRIM LANE CREAGH TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1990/0560

Proposal: H.V. O.H. LINE BM 0464/90

Address: AUGHRIM LANE CREAGH MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1988/0507

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 16 AUGHRIM LANE CREAGH TOOMEBRIDGE

Decision:

Decision Date:

Summary of Consultee Responses

No objections received subject to conditions.

Drawing Numbers and Title

Drawing No. 03 rev1
Type: Proposed Plans
Status: Submitted

Drawing No. 02rev1
Type: Site Layout or Block Plan
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

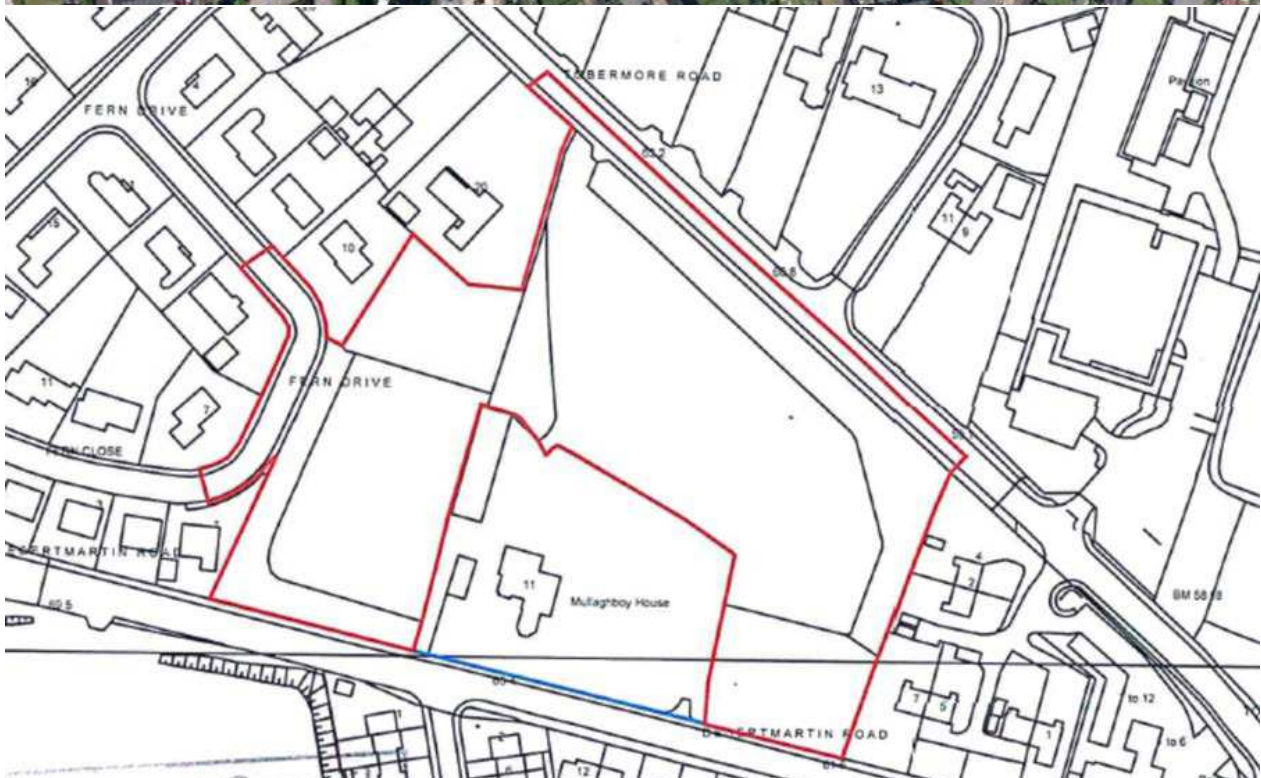


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 2nd March 2021	Item Number:
Application ID: LA09/2020/0632/F	Target Date: 17th Sept 2020
Proposal: Proposed residential development comprising 11 no. detached units, creation of new accesses on Tobermore Road and Fern Drive, private amenity space and landscaping	Location: Lands 40metres North of 11 Desertmartin Road Magherafelt, Co.Derry BT45 5HD
Referral Route: Objections received	
Recommendation: Approve	
Applicant Name and Address: Mullaghboy Construction Ltd 11 Desertmartin Road Magherafelt BT45 5HD	Agent Name and Address: Clyde Shanks 7 Exchange Place Belfast BT1 2NA
Executive Summary: This proposal is not at conflict with the SPPS, the Magherafelt Area Plan 2015 or any relevant planning policy. Objections have been received but do not merit the refusal of the application. Approval is recommended	
Signature(s):	

Case Officer Report

Site Location Plan



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

Representations:

Letters of Support	None Received
Letters of Objection	6
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

In line with Statutory Neighbour Notification Procedures, 24 neighbouring properties were notified of this application and it was advertised in local press. To date, there have been 6 no. of objections received.

The issues raised in each objection are summarised and considered below:

Occupant of no. 42 Mullaghboy Glen who owns no. 7 Fern Drive. Received 17th July 2020

- Failure to be neighbour notified.
- Concern about the accesses coming from Fern Drive, the level of traffic which will be using these accesses and the impact of this on road safety
- The road layout will not be adopted by DFI Roads and the impact this will have on public services (eg) bin collection
- As the road will not be adopted it may give rise to pedestrian safety issues

Occupant of no. 5 Fern Drive. Received via planning portal

- Roads safety/traffic flow concerns relating to the 2 access points onto Fern Drive

Occupant of no. 9 Fern Drive. Received 17th July 2020

- Failure to be neighbour notified.
- Concern about the accesses coming from Fern Drive, the level of traffic which will be using these accesses and the impact of this on road safety
- The road layout will not be adopted by DFI Roads and the impact this will have on public services (eg) bin collection
- As the road will not be adopted it may give rise to pedestrian safety issues

Occupant of no. 10 Fern Drive. Received 31st July 2020

- Proper neighbour notification not carried out
- Non compliance with Key Site Requirements set out in Magherafelt Area Plan
- Layout and Design not in keeping with the character of the area (ATC)
- Road safety concerns associated with the access to site 6
- Concern that the roads layout will remain private
- Parking and turning concerns
- Planning conditions suggested

Occupant of no. 42 Mullaghboy Glen who owns no. 7 Fern Drive. Received 17th November 2020

- Original concerns remain
- Bin collection area opposite this property will result in hazard and congestion
- Not a high quality residential design

Occupant of no. 20 Tobermore Road. Received 23rd December 2020

- Non compliance with Key Site Requirements set out in Magherafelt Area Plan
- Clarity on what will be happening to the existing access into the site
- Land ownership query

Consideration:

All relevant neighbours have now been notified in line with the Statutory requirements. An error was made with the initial NN letters. They were sent to Fern Close instead of

Fern Close. This has been rectified and no one has been prejudiced. The application has also been advertised in local press.

DFI Roads have been consulted with the application, objections and subsequent amendments. They have advised the roads layouts are to remain private and will not be subject to Private Streets Determination. They have also advised that the onus of street maintenance will fall to the individual house owners. Whilst DFI Roads recommend that where there are more than 3 houses accessing from the same road the layout should be brought up to an adoptable standard and be subject to PSD, this can not be insisted upon by the Planning Department as Guidance Document "Creating Places" does allow for this. DFI Roads have also advised that they do not have any justifiable reason to object to the proposal on either road safety or vehicular impact on Fern Drive. Adequate parking is being provided in line with Parking Standards. They have recommended standard conditions to be attached to any favourable decision. I have no objection to the recommended conditions.

Compliance with key site requirements, general layout and design will be discussed later in this report in my policy assessment.

The existing access coming off the Tobermore Road will not be retained and this has been noted on the revised site layout. This can be a condition of any favourable decision.

The applicant has submitted a land registry map and I am satisfied that the red line of the application reflects the applicants folio. All neighbours have been notified that this land registry map has been submitted and no further challenge has been received to date.

Members are advised that all material planning concerns raised by third parties have been fully considered and in my opinion do not merit the refusal of this application.

Characteristics of the Site and Area

The application site is a 1.8 hectare parcel of zoned housing land, located adjacent to number 11 Desertmartin Road, Magherafelt. It is within the development limits of Magherafelt Town and is outside the defined Town Centre boundary. The site comprises a 4 bay garage/outbuilding and undeveloped land in the Western portion, with the remaining site undeveloped. It is currently accessed via an agricultural gate coming off the Tobermore Road, which runs parallel to the NE site boundary. The topography of the site falls slightly from the West to East and the boundaries are defined by thick, mature trees, some of which are protected by a Tree Preservation Order. The Western boundary which runs adjacent to Fern Drive Housing Development is defined by a high concrete wall and mature vegetation.

The immediate area is characterised primarily by residential development of varying densities. To the NW of the site is a mix of detached bungalows and 2 storey semi's all of which front onto the Tobermore Road. Fern Drive and Fern Close, a housing Development of detached two storey dwellings is also located to the NW. To the South of the site, at the opposite side of the Desertmartin Road is Rainey Court, a development

of two storey terraced and semi-detached dwellings. There is also a large playing field in this location. Mullaghboy House, a large two storey dwelling on an expansive plot is immediately adjacent to the site. To the SE of the site is another small development of semi's and two storey apartments. The Rainey Endowed Grammar School and its associated playing fields are situated to the NE of the site and running along the Tobermore Road are detached dwellings on large plots. This area is also recognised as an Area of Townscape Character (ATC)

Description of Proposal

This is a full application for a proposed residential development comprising of 11 no detached units, the creation of new accesses, private amenity space and landscaping. 6 detached dwellings will access onto Fern Drive and 5 will access onto the Tobermore Road.





Planning Assessment of Policy and Other Material Considerations

The relevant policies and guidance under consideration in this assessment are:

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015 (MAP)
- Mid Ulster District Council Local Development 2030 - Draft Plan Strategy
- Planning Policy Statement 2 - Natural Heritage
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 6 (Addendum) - Areas of Townscape Character
- Planning Policy Statement 7 - Quality Residential Environments.
- Creating Places
- Parking Standards

SPPS Strategic Planning Policy Statement for Northern Ireland

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.

Paragraph 4.11 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

I am satisfied that this residential proposal, its density, layout and house designs will not have an adverse impact on neighbouring residential amenity. The residential nature of the proposal will not give rise to any unacceptable emissions or odours. This will be discussed in detail further in this report.

Consultation with NIW has confirmed that there are no WWTW Capacity issues currently in Magherafelt. The applicant submitted a Drainage Assessment with this application and following consultation with Rivers Agency, no concern has been raised about drainage

or flooding. Consultation has been carried out with Environmental Health who have raised no objection in terms of noise or any other nuisance.

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 (MAP)

The application site is within the defined settlement of Magherafelt. The MAP acknowledges that the Town of Magherafelt should accommodate a substantial portion of housing in the District and approximately 77 hectares of land has been zoned for housing in the plan. The application site represents one of these zonings - MT11 Housing Land between the Tobermore Road and Desertmartin Road. The MAP sets out 6 key site requirements for the development of MT 11. I will deal with each as they appear in the plan.

The site lies within an ATC and any future planning application will be considered within the context of prevailing regional planning policy (Addendum to PPS 6) and designation MT 35 (ATC)

This site is within the only ATC designation in the Town of Magherafelt. The ATC is characterised with mostly large, 2 storey and detached dwellings with large mature gardens and long front gardens. There are a variety of house designs in the area including Mullaghboy House - a large 2 storey Victorian property which is bounded by mature trees. The built form in the area is subservient to the mature trees and other vegetation. Residential properties are in single occupancy use.

MT35 acknowledges that the retention of existing vegetation will be a prime constraint to new development in the ATC and that low density development with a sensitive approach will be required. The wide range of building styles in the ATC allows more flexibility in the design of any new buildings. Vertical proportions and a high solid to void ratio should be encouraged.

Policy ATC 2 of the Addendum to PPS 6 New Development in an Area of Townscape Character is relevant in this assessment. This policy only permits development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area. It also requires that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. This development consists of 11 detached 2 storey dwellings - a cluster of 6 accessing onto Fern Drive and a cluster of 5 accessing onto the Tobermore Road. Each dwelling is sited on a large substantial plot providing extensive private amenity space. The mature existing tree cover defining the site boundaries is being retained. All dwellings have a hipped roof design, vertical proportions and good solid to void ratios. I am satisfied that the proposed development does not impact negatively on the character of the ATC and the design of the dwellings reflect the varied built form in the area. It is also noted that

with the retention of the mature vegetation along the site boundaries, the proposed dwellings will be subject to very minimal views.

Housing Development shall be limited to a maximum of 11 dwellings to recognise the location of the site within a designated ATC which is characterised by low residential density.

This proposal is for 11 dwellings, keeping with this key site requirement.

A planning application for development of the site must be accompanied by a fully detailed tree survey carried out by a qualified arboriculturist.

The application was accompanied by an Arboricultural Impact Statement, which indicates that 10 trees within the site need felled and many need trimmed back. A detailed method statement was set out in respect of this felling and trimming. The impact statement also included a detailed tree survey report and tree constraint plan. The applicant also submitted a separate Landscape Management Plan. I am therefore satisfied that this ensures compliance with this key site requirement. These documents have been assessed by the Councils Tree Officer as some of the trees are protected by a Tree Preservation Order. The Tree Officer has confirmed that the development will not have a significant detrimental impact on the high quality visual amenity provided by the protected trees. Standards conditions have been recommended to attach to any favourable decision.

The following areas within the site are excluded from development (1) A copse of mature trees on the Desertmartin Road frontage located between 7 Desertmartin Road and the driveway to Mullaghboy House (2) Belts of mature trees around the perimeter of the site and inside the site boundary. Development in proximity to the trees will not be permitted within a distance equating to half the height of the tree or the equivalent of the crown spread, whichever is the greater, unless required for access points, which shall be minimised.

The site layout plan, 02 rev 2 indicates that this key site requirement is being adhered to. A condition specific to existing and proposed planting will further ensure that this is achieved.

The layout is to be designed to ensure a built frontage of 2 storey detached dwellings to the Tobermore Road. A maximum of 5 such dwellings set back at least 30m from the site frontage will be permitted. This is to reflect the existing building line and the built form on the Tobermore Road.

The layout incorporates 5 detached 2 storey dwellings fronting onto and sited just over 30m from the Tobermore Road. This ensures the building line is reflective of the existing dwellings to the NW of the site. The built form to the SE of the site differs in that the dwellings form part of a development and do not front directly onto the Tobermore Road.

The remainder of the dwellings shall be provided in the Western portion of the site adjacent to Fern Drive Housing Development. House types in this area may be semi-detached or detached and either single or 2 storey. These dwellings must not back onto the Desertmartin Road.

It is proposed to erect 6 detached 2 storey dwellings in the Western portion of the site. They front directly onto Fern Drive. This is in keeping with this final key site requirement.

Based on the above consideration, I am satisfied that the proposal is in no way conflicting with the MAP 2015.

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. 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.

Planning Policy Statement 2 - Natural Heritage

Consultation has been carried out with NIEA (NED) due to the presence of mature trees and dense vegetation along the site boundaries and the potential of these trees as being habitats for protected species such as bats. The applicant also submitted an ecological report with the application which indicated the potential for common lizards within the site. Following the submission of additional information by way of a Lizard Survey and a Bat Roost Potential Survey, NED have now advised the Planning Department that they have no concerns about the proposal from a natural heritage/PPS 2 perspective. They have recommended inclusion of a pre-commencement condition relating to external lighting on the site and a condition for the retention of native hedgerows and vegetation along the site boundaries. I have no objection to the inclusion of these conditions on any favourable decision.

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 Tobermore Road, the closing up of an existing agricultural access onto the Tobermore Road and the construction of 2 new accesses out onto Fern Drive. As referred to earlier in this report, DFI Roads have been consulted and they have advised the roads layouts are to remain private and will not be subject to Private Streets Determination. Whilst DFI Roads recommend that where there are more than 3 houses accessing from the same road the layout should be brought up to an adoptable standard and be subject to PSD, this can not be insisted upon by the Planning Department as Guidance Document "Creating Places" does allow for this. DFI Roads have also advised that they do not have any justifiable reason to object to the proposal on either road safety or vehicular impact on Fern Drive. Adequate parking is being provided in line with Parking Standards. They have recommended standard conditions to be attached to any favourable decision. I have no objection to the recommended conditions.

Planning Policy Statement 6 (Addendum) - Areas of Townscape Character

Compliance with policy ATC 2 was discussed earlier in this report. Policy ATC 1 Demolition Control in an Area of Townscape Character is also relevant in this assessment as the proposal will involve the removal of an existing domestic outbuilding in the NW portion of the site.

Policy ATC 1 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area.

The building in question is a large 4 bay garage type building located within the extensive domestic curtilage associated with Mullaghboy House. It can not be viewed from either the Tobermore or Desertmartin Roads. It makes no contribution to the character of this area.

Planning Policy Statement 7 - Quality Residential Environments.

PPS 7 is a material planning policy for this type of development in an urban context. 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 zoned housing land within the development limits of the Town of Magherafelt. Given the low density residential nature of the proposal which is located in an area where there are other housing developments of similar densities as well as single dwellings, I am content that it will not impact negatively on the character of the area. The site is relatively flat and gives rise to no issues with levels/topography. The layout is generally acceptable and is in keeping with the key site requirements set out in the MAP. The house types are typical of designs seen in any urban context. The hipped roof features are also common within the Town. In terms of scale and massing they are not over dominant. The development is not dominated by hard surfaced areas.

Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development - The site is not in an area of archaeological importance/potential and there are no Listed Buildings nearby that need to be considered in this assessment. There are TPO protected trees within the site and the Councils Tree Officer has advised that given a significant amount of trees and hedging will remain and shall continue to be protected by a Tree Preservation Order, she is content that the scheme will not have a significant detrimental impact on the high quality visual amenity provided by the protected trees. Conditions have been recommended to ensure the protection of these trees and I have no objections to attaching these to any favourable decision.

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 proposed development is below the threshold (25 units) for requiring public open space as detailed in PPS 8 Open Space, Sport and Outdoor Recreation. Each dwelling has in excess of the minimum 40m² private rear amenity space as advised in Creating Places. The mature existing vegetation along the site boundaries is shown to be retained except where access is required. This will be a condition of approval and will ensure the character of the area is not impacted upon.

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 Magherafelt and there are existing neighbourhood facilities already available in the locality (eg) shops, school, restaurants etc. The density of the scheme does not merit the provision on stand alone facilities.

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 Magherafelt and there are existing neighbourhood facilities already available in the locality (eg) shops, school, restaurants etc. The density of the scheme does not merit the provision on stand alone facilities.

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

Adequate and appropriate provision is made for parking - Adequate in-curtilage parking is being provided for 2 no. cars for each dwelling unit. This is in line with Parking Standards.

The design of the development must draw upon the best local traditions of form, materials and detailing - I have no concerns with the design or finishes of these dwellings and they are appropriate in this particular area where there is a wide variety of house types and designs.

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 site is surrounded by residential properties of varying densities. Site 6 in my opinion is the one which has the potential to impact on third parties - namely a dwelling at 20 Tobermore Road and a dwelling at 10 Fern Drive. The dwelling on site 6 is detached 2 storey dwelling. It has a gable to gable separation distance of 11.5m from number 10 Fern Drive and a back to back separation distance of 18.5m from number 20 Tobermore Road. An 11.5m gable to gable separation distance is considered generally acceptable in terms of providing adequate privacy. Having walked the curtilage of number 10 Fern Drive I am satisfied that the boundary with the site contains ample thick and mature vegetation which can be conditioned to be retained. This will ensure privacy is protected. There will be no loss of light, overshadowing, or overlooking experienced by number 10 due to the separation distance involved and the fact that the new dwelling on site 6 will actually sit at a lower level to number 10. The layout shows an indicative location for a

detached garage on the plot. Concern was raised by the occupant of number 10 as to the likelihood of the garage actually being built in this location. I consider the proposal as presented and if in the future the applicant erects any development that is not in compliance with the accepted plans then this can be a matter that third parties can bring up with the Councils Planning Enforcement Section. Creating Places advises that a back to back separation distance of 20m is normally expected on flat sites. The dwelling on plot 6 has a 18.5m separation distance. This is a shortfall of 1.5m. It is my opinion that this minimal shortfall is acceptable in this instance given the existing mature boundary treatment along the common boundary which can be conditioned to be retained. Any overlooking will be screened out by this vegetation and will be minimal due to the distance involved.

The residential nature of the proposal will not give rise to any unacceptable odours, noises or dust, albeit there may be some experienced during construction phase but these won't be permanent.

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.

Planning Policy Statement 15 - Planning and Flood Risk

This site is not in area of recognised flood risk and as such, Policy FLD 1 is not relevant.

Policy FLD 2 deals with flood defence and drainage infrastructure. Under paragraph 6.32 of PPS 15 maintenance strips are required along the culvert running through the site. These are being shown on the applicants plan and detailed in the FRA and DA. A condition can be attached to any favourable decision to ensure this is adhered to.

Policy FLD 3 deals with development and surface water. It requires the submission of a DA for proposals in excess of 10 dwellings. Rivers have considered the DA and FRA submitted with the application and have recommended a pre-commencement condition relating to the submission of a final DA which should contain a detailed drainage network design including a demonstration of how out of sewer flooding will be managed. I have no objections to this pre-commencement condition.

The proposal involves the realignment of an existing culvert through a part of the site. Policy FLD 4 permits culverting in 2 circumstances - To provide access and for other engineering reasons. This proposal is for a small diversion of an existing culvert and in my opinion is not contrary to FLD 4 as the culverting through the site already exists.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to Conditions

Conditions

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

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

2. The vehicular access onto the Tobermore Road including visibility splays of 2.4 x 70 metres shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 20th Jan 2021 prior to the commencement of any other development that access from the Tobermore Road hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The vehicular accesses onto Fern Drive including visibility splays of 2.0 x 33 metres shall be provided in accordance with Drawing No 2 rev 2 bearing the date stamp 20th Jan 2021 prior to the commencement of any other development that access from Fern Drive Road 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.

4. The existing site access coming off the Tobermore Road shall be permanently closed up.

Reason: To prevent a proliferation of accesses onto the Tobermore

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

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

6. All works shall be carried out in accordance with Drawing Number 07 bearing date stamp 4th June 2020, which shows the retention of all onsite hedgerows and only limited tree felling and works.

Reason: To ensure the protection of both the local bat population and hedgerow.

7. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site.
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife including low lighting levels to be used across the site.
- c) A map showing predicted light spillage across the site (isolux drawing).
- d) Retained hedgerows and treelines/woodland to be kept free from any artificial lighting.

Reason: To minimise the impact of the proposal on bats and other wildlife

8: Prior to the commencement of any site works, all required protective fencing and signage will be in-situ, as per stamped approved drawings, 03, 06 and 07 and shall be implemented in accordance with BS5837:2012 Trees in relation to design, development and construction - Recommendations. The protective fencing must remain in-situ during construction phase. No fires, nor construction material to be stored within the identified construction exclusion zone. Signage must reflect this requirement>

Reason: To protect, conserve and enhance the high quality visual amenity and landscape values of existing protected trees under TPO/2009/0102 in the public interest.

9: Prior to the commencement of any site works, all proposed recommended tree works, in accordance with Arboriculturist Impact Statement by Dr Philip Blackstock, dated March 2020 and as per tree survey report sheets dated 21st May 2020, will be completed.

Reason: To protect, conserve and enhance the high quality visual amenity and landscape values of existing protected trees under TPO/2009/0102 in the public interest.

10: The Landscape Management Plan, dated 4th June 2020 (Appendix B) and associated drawing number 07 dated 4th June 2020 shall be implemented post completion of the development. All proposed tree works, other than that granted under Landscape Management Plan, must have prior written consent from Mid Ulster District Council Planning Department. All tree works shall accord with BS3998:2010: Tree Works Recommendations

Reason: To protect, conserve and enhance the high quality visual amenity and landscape values of existing protected trees under TPO/2009/0102 in the public interest.

Informatives

1. The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The DfI Roads has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Responsibility for the access way and parking areas rests solely with the developer.

The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development. The applicant should contact the DfI Roads Maintenance Section at Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

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

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

2. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI. This should be obtained from our Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

3. BATS

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

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

- iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- e) To damage or destroy a breeding site or resting place of such an animal.

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

To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

BADGER

The applicants attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly: kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);

damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;

damage or destroy anything which conceals or protects any such structure;

disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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

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

RED SQUIRREL

The applicants attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the red squirrel (*Sciurus vulgaris*);

damage or destroy, or obstruct access to, any structure or place which red squirrels use for shelter or protection;

damage or destroy anything which conceals or protects any such structure;

disturb a red squirrel while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
If there is evidence of red squirrel on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

COMMON LIZARD

The applicants attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the the common lizard (*Lacerta vivipara*);
damage or destroy, or obstruct access to, any structure or place which common lizards use for shelter or protection;
damage or destroy anything which conceals or protects any such structure;
disturb a common lizard while it is occupying a structure or place which it uses damage or destroy anything which conceals or protects any such structure;
Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
If there is evidence of common lizard on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

ALL BIRDS

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
kill, injure or take any wild bird; or
take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
obstruct or prevent any wild bird from using its nest; or
take or destroy an egg of any wild bird; or
disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
disturb dependent young of such a bird.
Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

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

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

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

To avoid any breach of The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), all mature trees and/or buildings which require works should be surveyed for the presence of bats by an experienced bat worker or surveyor within 48 hours prior to removal, felling, lopping or demolition. All survey work should be carried out according to the Bat Conservation Trust Good Practice Guidelines (<http://www.bats.org.uk>). If evidence of bat activity is discovered all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

5.If it is not possible to connect to mains sewer then Discharge consent, issued under the Water (Northern Ireland) Order 1999, will be required for the discharge of foul sewage from this development.

The applicant should be aware there is no guarantee that discharge consent will be granted. It should be noted that Discharge Consent can only be assessed whenever the department has received an application deemed complete accompanied by the appropriate fee. When assessing a discharge consent Water Management Unit's concern is the suitability of the proposed means of effluent disposal and a number of site specific factors need to be taken into account.

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Multiple Dwellings.

This proposal includes the realignment of an existing culvert. Water Management Unit request the appointed contractors consult with Water Management Unit Pollution Prevention Team at least 8 weeks in advance of works commencing in order to agree a Construction Method Statement (CMS)/ Method of Works Statement (MOS) prior to the commencement of these works. Water Management Units Pollution Prevention Team will be happy to provide any pollution prevention advice the applicant requires and advise on the CMS / MOS. The contractors can liaise with Water Management Unit Pollution Prevention Team at nieapollutionprevention@daera-ni.gov.uk.

The applicant (and CMS / /MOS) must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic including any contaminated site drainage during the construction phase of the development . Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant must refer and adhere to relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.

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

Signature(s)

Date:

ANNEX	
Date Valid	4th June 2020
Date First Advertised	16th June 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Fern Close Magherafelt Londonderry The Owner/Occupier, 1 Rainey Court, Magherafelt, BT45 5BX The Owner/Occupier, 10 Fern Drive Magherafelt Londonderry Clare Kelly 10, Fern Drive, Magherafelt, Londonderry, Northern Ireland, BT45 5HZ The Owner/Occupier, 11 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 13 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 15 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 16 Rainey Court, Magherafelt, BT45 5BX The Owner/Occupier, 17 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 18 Rainey Court, Magherafelt, BT45 5BX The Owner/Occupier, 19 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 2 Tobermore Road Magherafelt Londonderry The Owner/Occupier, 20 Rainey Court, Magherafelt, BT45 5BX The Owner/Occupier, 20 Tobermore Road Magherafelt Londonderry R P Duncan 20, Tobermore Road, Magherafelt, Londonderry, Northern Ireland, BT45 5HB The Owner/Occupier, 21 Tobermore Road, Magherafelt, Londonderry, BT45 5HA The Owner/Occupier, 22 Rainey Court, Magherafelt, BT45 5BX The Owner/Occupier, 4 Tobermore Road Magherafelt Londonderry Claire Magennis 42 Mullaghboy Glen, Magherafelt, Londonderry, Northern Ireland, BT45 5GX Claire Magennis 42 Mullaghboy Glen, Magherafelt, Londonderry, Northern Ireland, BT45 5GX	

john mccarroll
 5 Fern Drive Magherafelt Londonderry
 The Owner/Occupier,
 5 Fern Drive, Magherafelt, Londonderry, BT45 5GZ
 The Owner/Occupier,
 5 Fern Drive, Magherafelt, Londonderry, BT45 5GZ
 The Owner/Occupier,
 7 Desertmartin Road Magherafelt Londonderry
 The Owner/Occupier,
 7 Fern Close Magherafelt Londonderry
 The Owner/Occupier,
 7 Fern Drive, Magherafelt, Londonderry, BT45 5GZ
 The Owner/Occupier,
 8 Fern Drive, Magherafelt, Londonderry, BT45 5HZ
 Henrietta Smith
 9 Fern Drive, Magherafelt, Londonderry, Northern Ireland, BT45 5HZ
 The Owner/Occupier,
 9 Tobermore Road, Magherafelt, Londonderry, BT45 5HA
 The Owner/Occupier,
 9a Tobermore Road, Magherafelt, Londonderry, BT45 5HA
 The Owner/Occupier,
 Rainey Endowed School, 79 Rainey St, Magherafelt BT45 5DB

Date of Last Neighbour Notification

25th January 2021

Date of EIA Determination

21st January 2021

ES Requested

No

Planning History

Ref ID: LA09/2019/0753/TPO

Proposal: Consent to carry out Tree works to Protected Trees (TPO/2009/0102)

Address: Lands at Mullaghboy House, 11 Desertmartin Road, Magherafelt, BT45 5HD,

Decision: CG

Decision Date:

Ref ID: LA09/2020/0632/F

Proposal: Proposed residential development comprising of 11 no detached units,
 creation of new accesses on Tobermore Road and Fern Drive, private amenity space
 and landscaping

Address: lands 40metres North of 11 Desertmartin Road, Magherafelt, Co.Derry, BT45
 5HD,

Decision:

Decision Date:

Ref ID: LA09/2017/1761/TPO

Proposal: Consent to carryout works to protected trees
Address: Lands at Mullaghboy House, Desertmartin Road, Magherafelt,
Decision: CG
Decision Date:

Ref ID: LA09/2018/0374/F
Proposal: Proposed new detached domestic garage and store.
Address: Mullaghboy House, 11 Desertmartin Road, Magherafelt, BT45 5HD.,
Decision: PG
Decision Date: 16.08.2018

Ref ID: LA09/2019/0464/F
Proposal: Proposed rear extension to existing dwelling
Address: 7 Desertmartin Road, Magherafelt,
Decision: PG
Decision Date: 26.06.2019

Ref ID: H/1999/0593
Proposal: 5 NO. DETACHED HOUSES & GARAGES
Address: OPPOSITE 7-13 FERN DRIVE MAGHERAFELT
Decision:
Decision Date: 25.01.2001

Ref ID: H/2012/0041/LDP
Proposal: Provision of homeworking/hairdressing facilities within existing sun room
Address: 1 Fern Close, Magherafelt,
Decision:
Decision Date:

Ref ID: H/1993/0590
Proposal: ROOFSPACE CONVERSION
Address: 10 FERN DRIVE MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1984/0426
Proposal: ALTERATIONS AND ADDITIONS TO DWELLING
Address: 10 FERN DRIVE, MAGHERAFELT
Decision:
Decision Date:

Ref ID: H/1978/0009
Proposal: ADDITIONS TO HOUSE

Address: 10 FERN DRIVE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1990/0164

Proposal: ALTS AND ADDS TO HOUSE

Address: MULLAGHBOY HOUSE 11 DESERTMARTIN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2013/0124/F

Proposal: Erection of double garage in rear garden

Address: 7 Desertmartin Road, Magherafelt, BT45 5HD,

Decision: PG

Decision Date: 06.08.2013

Summary of Consultee Responses

DFI Roads - No objections

EH - No objections

NIW - No objections

NIEA - No objections

Rivers - No Objections

Drawing Numbers and Title

Drawing No. 06
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

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

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

Drawing No. 07
Type: Landscaping Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0791/F	Target Date:
Proposal: Proposed split level dwelling with integral domestic garage	Location: 40m North of 9b Crocknamohil Road Draperstown
Referral Route: Approval - To Committee - Objection received.	
Recommendation:	
Applicant Name and Address: Enda Mc Grath and Aimee Kelly 9b Crocknamohil Road Draperstown	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Approval - To Committee - One Objection received.

Summary of objection is as below;

- It was stated that the applicant failed to mention their relation to Cllr McGuigan.
- An issue was raised that Mr Liam Kelly does not own the commercial equine business but rather it is owned by a Noel Kelly. Went on to state that Mr Liam Kelly does own agricultural land around his property but rents the land and has never farmed the land himself but does graze horses on this land.
- Objector made reference to an application for winning and working of sand & gravel submitted by Mr Kelly.
- Finally, objector stated that if planning was given under this false information this would be unjust and unfair to other applicants.

Characteristics of the Site and Area

The site is located approximately 3.3km south east of the development limits of Draperstown, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. I note that the site is currently accessed via an existing access in which the red line covers an undulating piece of agricultural land. I note that the site rises from the roadside but a mix of

mature vegetation bounds the field on all boundaries. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential dwellings.

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 split level dwelling with integral domestic garage located 40m North of 9b Crocknamohil Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

CTY 10 - Dwellings on Farms

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development 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 policy goes on to state that a proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

Under this policy an equine business is to be afforded the same benefits as an established and active farm. Such businesses will include horse breeding and training and the operating of livery yards, trekking centres and riding schools. Applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years. Such information should include:

- a statement of commercial rateable history for the business;
- copies of appropriate Insurances;
- copies of 'Horse Passports' (if applicable); and
- any other information considered relevant to the particular case.

I note that whilst horses are classified as livestock in the Agricultural (amendment) Act (Northern Ireland) 2020, it is well established in planning terms, that the keeping and breeding of racehorses or recreational horses is not an agricultural use of land because they are not livestock kept for agricultural production.

I note that during the process of the application the agent has provided an array of supporting information however it all refers to racing horses or the breeding of racehorses. As mentioned above, the keeping and breeding of racehorses is not constituted as an agricultural use and cannot be considered to comply under CTY 10. I have relayed this opinion back to the agent and his response was the application is to be considered under CTY 8 of PPS 21.

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.

With regards to the continuous and built up frontage, I note that to the east of the site sits a line of 5 detached dwellings with associated garages. Where to the west sits a large shed with dwellings further west along the public road. I am of the opinion that these buildings are able to constitute as a continuous and built up frontage. In terms of the gap I am content that it could only accommodate *no more than one dwelling*, from such I am content on balance that the application complies under CTY 8.

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. Given the landform and the use of a split level design helps to ensure that the dwelling would be unlikely to be visually prominent in the landscape. Given the existing landscaping and landform coupled with surrounding development I am content that the dwelling would be capable of visually integrating into the landscape. In terms of the proposed design, I note that it has used its landform successfully wherein I am content that it is acceptable within this rural context. Finally, I am content that the ancillary works are acceptable and capable to satisfactorily integrating. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of

development in the area. I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

I note that the intention to alter an existing access directly onto the public road, I note that DFI Roads were consulted and confirmed that they were content subject to conditions.

In response to the comments made by the objector, in terms of the relationship between the applicant and Cllr McGuigan, I note the P1 form was amended to include this however I note that Cllr McGuigan is not a member of the Planning Committee so there is no conflict in terms of planning. With regards to the ownership of the equine business, I note that this is no longer a concern as the application has been considered under a different policy. I note the reference to the application for winning and working of sand & gravel submitted by Mr Kelly has no bearing on this application. Finally, in terms of the false information I note that I am content that sufficient information has been provided to allow for an informed decision to be made.

I have no ecological, flooding or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 02nd September 2020 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

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

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

6. The vehicular access, including visibility splays of 2.4m x 45m and any forward sight distance, shall be provided, in accordance with Drawing No. 02/1 bearing the date stamp 02nd September 2020, prior to the commencement of any other works or other development hereby permitted.

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

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

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

Informatives

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

2. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

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

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

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

Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

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

Signature(s)

Date:

ANNEX	
Date Valid	6th July 2020
Date First Advertised	21st July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Crocknamohil Road Desertmartin Londonderry The Owner/Occupier, 11a ,Crocknamohil Road,Desertmartin,Londonderry,BT45 7LB The Owner/Occupier, 9b Crocknamohil Road,Draperstown,Londonderry,BT45 7LB The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0791/F Proposal: Proposed split level dwelling with integral domestic garage Address: 40m North of 9b Crocknamohil Road, Draperstown, Decision: Decision Date: Ref ID: H/1988/0325 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 11 CROCKNAMOHILL ROAD DRAPERSTOWN Decision: Decision Date: Ref ID: H/1991/0313 Proposal: SITE OF DWELLING & GARAGE Address: ADJ TO 11 CROCKNAMOHILL ROAD DESERTMARTIN Decision: Decision Date: Ref ID: H/1991/0312 Proposal: SITE OF DWELLING & GARAGE Address: ADJ TO 11 CROCKNAMOHILL ROAD DESERTMARTIN Decision:	

Decision Date:

Ref ID: H/1978/0090

Proposal: HV O/H LINE (BM 2016)

Address: BRACKAGHLISLEA, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/1995/6125

Proposal: SITE OF DWELLING CROCKNAMOHILL ROAD DRAPERSTOWN

Address: CROCKNAMOHILL ROAD

Decision:

Decision Date:

Ref ID: H/1995/0046

Proposal: TEMPORARY MOBILE HOME

Address: BESIDE LANEWAY TO 11 CROCKNAMOHILL ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1979/0159

Proposal: SITE OF 2 BUNGALOWS

Address: BRACKALISLEA, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1981/0246

Proposal: SITE OF BUNGALOW

Address: CRACKNAMOHIL ROAD, BRACKALISLEA, DRAPERSTURN

Decision:

Decision Date:

Ref ID: H/2013/0147/O

Proposal: Proposed bungalow and domestic double garage

Address: 60 m North of 11 Crocknamohil Road Draperstown BT45 7LB,

Decision: PG

Decision Date: 26.06.2014

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02/1
Type: Site Layout or Block Plan
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

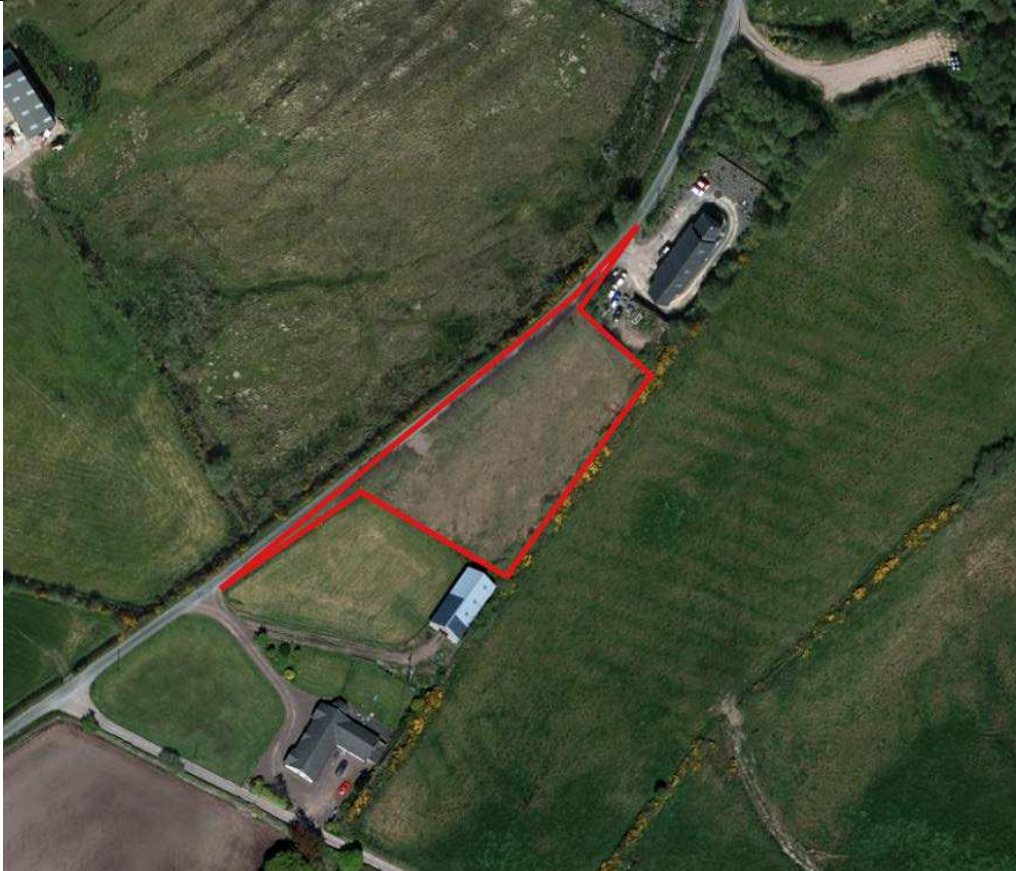
Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0795/O	Target Date:
Proposal: Erection of dwelling and domestic garage in a gap site under CTY8 of PPS21	Location: Land between 37 and 43 Tulnavern Road Ballygawley
Referral Route: Approval – 1 Objection received and 1 Non Committal	
Recommendation:	Approval
Applicant Name and Address: Noel Stinson 43 Tulnavern Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

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

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

Representations:

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

Summary of Issues

Two representation were received in relation to the proposal. The main issues raised were in relation to sewerage issues at the site.

Characteristics of the Site and Area

The site is located at lands between No 37 and 43 Tulnavern Road, Ballygawley. The site is located within the countryside as designated within the Dungannon and South Tyrone Area Plan 2010. There is a dwelling located north of the site, No 43 which is outlined in blue lands indicating ownership. The application site comprises of a roadside agricultural field and appears to be generally flat throughout however is quite overgrown at present. The site has existing hedging and vegetation along the site boundaries. The surrounding area is generally rural in nature with scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for the proposed erection of dwelling and domestic garage in a gap site under CTY 8 of PPS 21.

Planning Assessment of Policy and Other Material Considerations

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Area Plan 2010 identify the site as being outside any defined settlement limits, located North East of Ballygawley Settlement Limit. There are no other specific designations or zonings.

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.

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 has been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap

site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this stretch of Tulnavern Road. At present, there is a dwelling directly north and directly south of the site. The dwelling to the south of the site also has an existing outbuilding located to the side which I consider has a frontage to the road also therefore making the line of 3 buildings. I am content there is a line of 3 or more buildings along this road frontage. The application site has a similar frontage size to the adjoining site to the north. It is my view that the gap, is sufficient to accommodate no more than two dwellings when taking into account existing plot sizes along this road. The site respects the existing pattern of development found in this locality.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. 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. I feel a single storey dwelling would be appropriate at this site given the dwellings and outbuildings it is proposing to infill are all single storey.

DfI Roads were consulted and have no objection to the proposal subject to condition.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 37 and 43 Tulnavern Road. At the time of writing, two representations were received. One of these representations was considered an objection and the other a non-committal letter, however the "objection" didn't necessarily state that they opposed the proposal. Both representations include issues related to:

- Sewerage Issues

The issues have been carefully considered and were dealt with mainly by way of consultation with the relevant professional bodies, namely NIEA and NI Water. The agent has also provided an indicative site layout plan showing where you are proposing the sewerage provision for this application, as shown in figure 1 below. Both NIEA and NI Water have responded with no objection to the proposal subject to condition and informatives and re-neighbour notification was carried out, at time of writing no further representations have been received.

Policy CTY 16 of PPS 21 has also been considered in the assessment of the application. This policy notes that planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The requirement will be on the applicants to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. It is considered that the applicant/agent has provided sufficient information to alleviate any potential issues. The standard conditions for single dwellings will be attached to any forthcoming approval and reference given to informatives provided within standing advice.

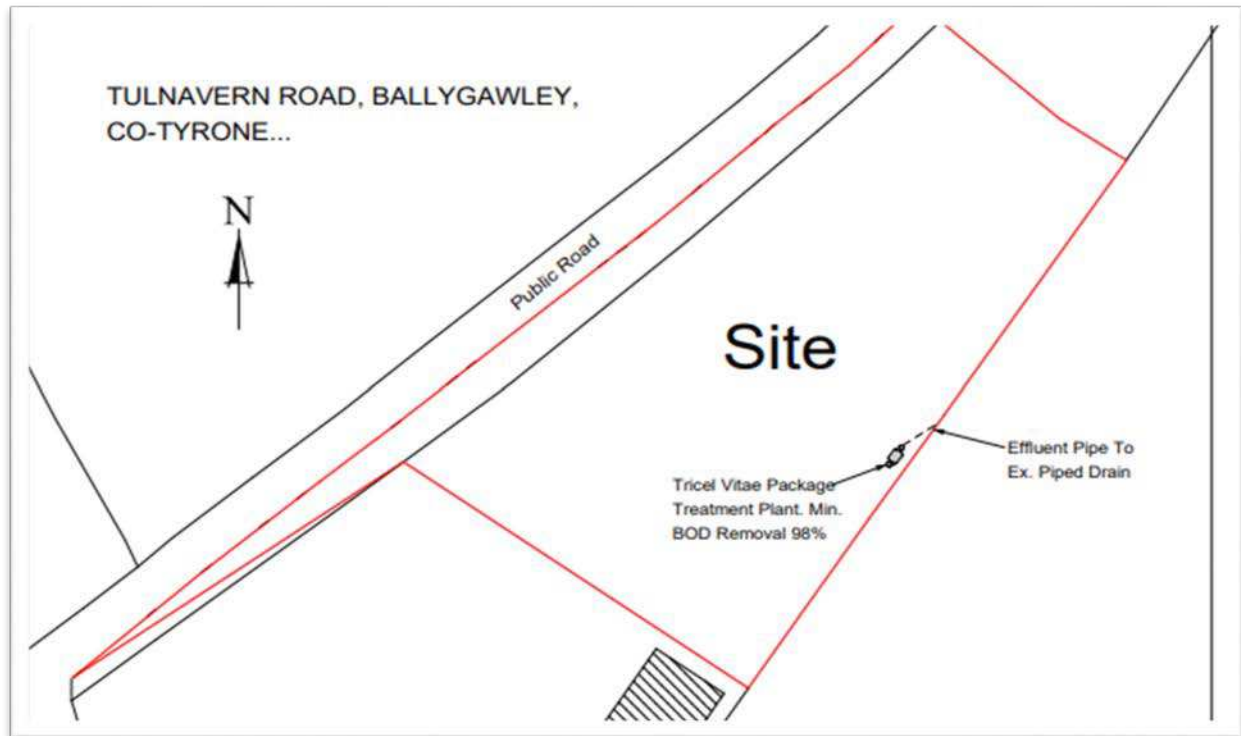


Figure 1 – Indicative Sewerage Layout Plan as provided by agent

Neighbour Notification Checked

Yes

Summary of Recommendation:

It is considered the proposal is in compliance with the relevant planning policies and as such approval is recommended.

Conditions:

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

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

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

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.0m x 60m and a 60m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The 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.

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

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

7. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, 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.

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

Reason: To ensure a practical solution to sewage disposal is possible at this site.

9. The building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

Informatives

1. Please see informatives provided within the DAERA's Standing Advice for Single Dwellings.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:

ANNEX	
Date Valid	6 th July 2020
Date First Advertised	21 st July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 37 Tulnavern Road, Ballygawley, BT70 2HJ The Owner/Occupier, 43 Tulnavern Road, Ballygawley Oliver Cairns 60, Ballynahaye Road, Ballygawley, Tyrone, Northern Ireland, BT70 2HZ Meta Graham Email	
Date of Last Neighbour Notification	12 th February 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0795/O Proposal: Erection of dwelling and domestic garage in a gap site under CTY8 of PPS21 Address: Land between 37 and 43 Tulnavern Road, Ballygawley, Decision: Decision Date: Ref ID: M/2000/1066/O Proposal: Site for bungalow Address: Adjacent to 27 Tulnavern Road Ballygawley Decision: Decision Date: 27.03.2001 Ref ID: M/2002/0317/F Proposal: Removal of condition 06 to related outline approval ref. no. M/2000/1066/O from 120M squared of floor area to 135M squared floor area Address: Adjacent to 27 Tulnavern Road, Ballygawley Decision: Decision Date: 30.05.2002	
Summary of Consultee Responses No objection, subject to condition and informatives.	

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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1044/O	Target Date:
Proposal: Proposed replacement dwelling	Location: 64 Glassdrummond Road Aughnacloy
Referral Route: This application is contrary to CTY 3 in PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr John Mc Kenna Cullenfad Road Castlecaulfield Dungannon	Agent Name and Address: Mc Keown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located along the Glassdrummond Road approximately 5 km to the north east of Aughnacloy. It includes No 64 and a parcel of land cut out of a larger field to the east, approximately 50 metres away. The building subject of this application is attached to another building which is referred to as No 66 and is also subject of a separate planning application for an off-site replacement dwelling under application LA09/2020/1045/O.

In order to understand the particulars of these applications, they both refer to the other and therefore for ease of understanding, both applications are addressed in this report.

No 64 Glassdrummond Road

No 64 Glassdrummond Road is a two storey which is attached to and sits to the left of No 66. It has a higher ridge height with 2 chimneys at either end of the roof. A small front porch projection is centred on the front elevation, with a window either side. This building is derelict with almost two thirds of it covered in ivy.



No 66 Glassdrummond Road

No 66 Glassdrummond Road is a derelict bungalow which is attached to the eastern gable end of No 64. It has an off centre recessed front door with window panels either side. Two windows are to the right and one to the left of this front door. It has 3 distinctive chimneys which are evenly spaced on the ridge, the central one having 2 pots and the others either side have a single pot. The windows on both buildings are the same size with a vertical emphasis and are three light sash windows. This gives the illusion of uniformity which in turn accentuates the difference in the roof heights of each building.

It proposes to site its replacement on a plot of land in the western quarter of these crossroads. The Carricklongfield Road runs along the north eastern boundary of the site and it is quite sparse with the corner boundary being a post and wire fence. Both the north western and south western boundaries are undefined and a telegraph pole is located close to the latter.



These buildings are sited some 90 metres from the crossroads where the Carricklongfield and Glassdrummond Roads intersect. No 64 and No 66 together have the appearance of a single entity, being attached and sharing a small enclosed concrete area to the front which defines their curtilage. They are viewed together as part of a farm grouping. At the rear to the north west and north east, there are a number of single storey outbuildings which create a small shared courtyard area as they enclose the curtilage to the rear. To the south west is a concreted yard which allows access to the redundant agricultural sheds which sit parallel to the road. As a whole, these buildings are clearly observed as a single farm holding, and not as 2 separate dwellings.

However, it is only the 2 attached buildings along the roadside for which planning permission is sought. All other outbuildings within their curtilage have not been included within the red line and as a result are not part of this application.



Description of Proposal

This application (LA09/2020/1044/O) seeks outline planning permission for a replacement dwelling at No 64 Glassdrummond Road, Aughnacloy.

Application (LA09/2020/1045/O) seeks outline planning permission for a replacement dwelling at No 66 Glassdrummond Road, Aughnacloy.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period has been extended and it closed at 5pm on 24th September 2020.

In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

CTY1 Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

During the initial site visit, there were signs advertising the property for sale. A quick search on the internet found a number of realtors advertising this holding along with 27 acres of farmland as a single cottage. As the applicant is claiming there are 2 dwellings on this plot of land, it drew suspicion as to whether there actually was 2 dwellings on which 2 dwellings could be permitted in replacement of. After discussion at group it was decided it was necessary to determine the number of dwellings actually on the site.

A property search drew no light on this issue and subsequent investigation by the Council's Building Control Department concluded there is only one address for the two sites applied for, No 66 Glassdrummond Road, as is evident in print on the Ordinance Survey Base Maps.

The agent was asked to provide some clarification on this issue, to produce evidence showing 2 separate dwellings and not one single entity. The agent provided a letter from the applicant's mother who states that she with her husband bought both properties in July 1971 from Mr Brown.

The bungalow (No 66) was known as 'Brown's House' and the agent provided the land folio for this dwelling. Folio 13068 contains this property and it also illustrates how the 2 buildings are dissected, however it does not appear to clearly reflect this as is on the ground. In March 2018, this folio was transferred to the applicant from his parents.

The building with the higher ridge (No 64) is included in folio 12572. This was known as 'Daly's House', attributable to Thomas Daly who owned the house in 1932. Mr Brown bought it off him in 1932 and as stated above, the applicant's parents purchased it in 1971.

It was evident during a site revisit when access was gained to No 64, that there is no evidence of any internal features allowing access to link both the buildings. I was also able to confirm from seeing around the inside of No 64 that it was definitely utilised as a dwelling. As a result of this, the Council is happy to accept there are 2 separate dwellings to be replaced and this proposal satisfies part of Policy CTY 3 Replacement Dwellings, in so far as the proposed building to be replaced exhibits the essential characteristics of a dwelling and is substantially intact in both cases

All proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either

(a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or

(b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

For the purposes of this policy “curtilage” will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The large agricultural field which sits between the crossroads and the 2 dwellings is where the applicant proposes to locate the off-site replacement dwellings.

LA09/2020/1044/O seeks an off-site replacement with the proposed location some 50 metres from No 64 the dwelling to be replaced.

Application LA09/2020/1045/O seeks an off site replacement dwelling for No 66 on the adjacent plot between No 64 and application site LA09/2020/1044/O.

The field where the 2 applications propose the dwellings rises to where it peaks in the north western corner. The north eastern boundary of the site runs along the Carricklongfield Road which some earth bounds are located to the rear of the roadside boundary.

The agent has not sited the replacement dwellings within the established curtilage of the existing dwellings nor have they demonstrated how the proposed alternative site would result in demonstrable landscape, heritage or amenity benefits. The agent failed to include any of the established curtilage within the site area.

There are a number of other criteria CTY 4 sets out that proposals must meet,

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

The sites proposed would not integrate into the surrounding area. They would have a significantly greater visual impact on the immediate landscape, creating a ribbon of development. Historic Environment Division (HED) were consulted in regards to both these applications. They welcome the off site replacement of these vernacular building and request it is retained as part of the development. As both application sites only include the particular dwelling without its curtilage and a separate plot of land to site a replacement, it is not possible to ensure a design of high quality which incorporates these vernacular buildings as part of an overall scheme of development which would respect the rural setting having regard to local distinctiveness.

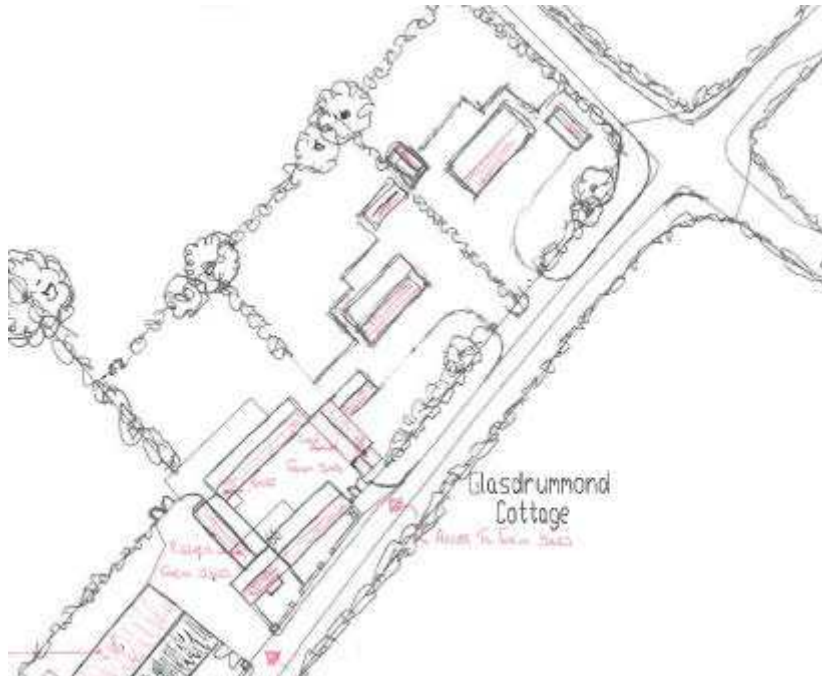
Transport NI were consulted and state the site is subject to DCAN 15. They also state visibility splays of 2.4 metres by 45 metres in both directions and a 45 metre forward sight distance must be provided at Reserved Matters stage.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

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.

Addendum

A Concept Plan and Statement as to how the existing buildings would be incorporated with that what is proposed was recently submitted by the agent.



In this Statement they have incorrectly stated “the Department believes the buildings do not make an important contribution to the heritage and appearance of the locality” when both the Council and NIEA have noted the importance and value of these buildings. However the agent does then go on to say they will retain the buildings as ancillary to the proposed development. An analysis of the existing buildings from the agent claims neither dwellings are suffice to accommodate modern day living.

It is stated the outbuildings included within the two applications are the central core of an existing working farmyard. From my visits to the site I would refute this claim as there was no evidence of any livestock, machinery or any farming activity in the vicinity and appears to not have been for some time. However, as these applications are for replacement dwellings there is no requirement to provide evidence of an active farm business.

The agent states the proposed sites are as so, to allow for potential expansion of the farm business, however with no evidence to demonstrate an active farm I do not feel this reason can at this stage be justified.

The site outlined in red on both applications include just the dwelling and the off-site plot. They do not include the outbuildings and therefore the curtilage of the existing dwellings has not been included within the actual application sites, just the dwelling.

It is my opinion, in order to be able to sympathetically incorporate the existing dwellings and outbuildings into any new proposed development, the application sites as submitted do not allow this and therefore I feel these applications should be refused permission until an acceptable scheme which includes these is provided.

Neighbour Notification Checked	N/A
Summary of Recommendation: <p>The principle of a dwelling to be replaced has been established through the processing of this application. However due to this site only including the dwelling and the land in another field off site, a suitable replacement dwelling cannot be achieved through this application. The agent has been made aware of this and that any potential permission to replace this dwelling must retain the original building and incorporate it into the scheme.</p> <p>Therefore I must recommend refusal of this application due to the Council and HED's view that the dwellings to be replaced are important to the local vicinity and must be retained and incorporated into a sympathetic scheme for a replacement dwelling.</p>	
Reasons for Refusal: <p>1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the appearance and character) of the locality and the existing structure has not been retained and sympathetically incorporated into the new development scheme.</p> <p>2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.</p>	
Signature(s) Date:	

ANNEX	
Date Valid	28th August 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1044/O Proposal: Proposed replacement dwelling Address: 64 Glasdrummond Road, Aughnacloy, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Approved	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1045/O	Target Date:
Proposal: Proposed replacement dwelling	Location: 66 Glassdrummond Road Aughnacloy
Referral Route: This application is contrary to CTY 3 in PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr John Mc Kenna Cullenfad Road Castlecaulfield Dungannon	Agent Name and Address: Mc Keown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located along the Glassdrummond Road approximately 5 km to the north east of Aughnacloy. It includes No 66 and a parcel of land cut out of a larger field to the east. The building subject of this application is attached to another building which is referred to as No

64 and is also subject of a separate planning application for an off-site replacement dwelling under application LA09/2020/1044/O.

In order to understand the particulars of these applications, they both refer to the other and therefore for ease of understanding, both applications are addressed in this report.

No 66 Glassdrummond Road

No 66 Glassdrummond Road is a derelict bungalow which is attached to the eastern gable end of No 64. It has an off centre recessed front door with window panels either side. Two windows are to the right and one to the left of this front door. It has 3 distinctive chimneys which are evenly spaced on the ridge, the central one having 2 pots and the others either side have a single pot. The windows on both buildings are the same size with a vertical emphasis and are three light sash windows. This gives the illusion of uniformity which in turn accentuates the difference in the roof heights of each building.



It proposes to site its replacement on a plot of land in the western quarter of these crossroads. The Carricklongfield Road runs along the north eastern boundary of the site and it is quite sparse with the corner boundary being a post and wire fence. Both the north western and south western boundaries are undefined and a telegraph pole is located close to the latter.

No 64 Glassdrummond Road

No 64 Glassdrummond Road is a two storey which is attached to and sits to the left of No 66. It has a higher ridge height with 2 chimneys at either end of the roof. A small front porch projection is centred on the front elevation, with a window either side. This building is derelict with almost two thirds of it covered in ivy.



These buildings are sited some 90 metres from the crossroads where the Carricklongfield and Glassdrummond Roads intersect. No 64 and No 66 together have the appearance of a single entity, being attached and sharing a small enclosed concrete area to the front which defines their curtilage. They are viewed together as part of a farm grouping. At the rear to the north west and north east, there are a number of single storey outbuildings which create a small shared courtyard area as they enclose the curtilage to the rear. To the south west is a concreted yard which allows access to the redundant agricultural sheds which sit parallel to the road. As a whole, these buildings are clearly observed as a single farm holding, and not as 2 separate dwellings.

However, it is only the 2 attached buildings along the roadside for which planning permission is sought. All other outbuildings within their curtilage have not been included within the red line and as a result are not part of this application.



Description of Proposal

This application (LA09/2020/1044/O) seeks outline planning permission for a replacement dwelling at No 64 Glassdrummond Road, Aughnacloy.

Application (LA09/2020/1045/O) seeks outline planning permission for a replacement dwelling at No 66 Glassdrummond Road, Aughnacloy.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

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

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning

applications in the District. Re-consultation on the Draft Plan Strategy commenced at 10am on 25th March and was to run for 8 weeks. Due to issues being faced with COVID-19, this period was been extended and all valid representations received have been subject to a Counter Representation period. In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

CTY1 Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

During the initial site visit, there were signs advertising the property for sale. A quick search on the internet found a number of realtors advertising this holding along with 27 acres of farmland as a single cottage. As the applicant is claiming there are 2 dwellings on this plot of land, it drew suspicion as to whether there actually was 2 dwellings on which 2 dwellings could be permitted in replacement of. After discussion at group it was decided it was necessary to determine the number of dwellings actually on the site.

A property search drew no light on this issue and subsequent investigation by the Council's Building Control Department concluded there is only one address for the two sites applied for, No 66 Glassdrummond Road, as is evident in print on the Ordinance Survey Base Maps.

The agent was asked to provide some clarification on this issue, to produce evidence showing 2 separate dwellings and not one single entity. The agent provided a letter from the applicant's mother who states that she with her husband bought both properties in July 1971 from Mr Brown.

The bungalow (No 66) was known as 'Brown's House' and the agent provided the land folio for this dwelling. Folio 13068 contains this property and it also illustrates how the 2 buildings are dissected, however it does not appear to clearly reflect this as is on the ground. In March 2018, this folio was transferred to the applicant from his parents.

The building with the higher ridge (No 64) is included in folio 12572. This was known as 'Daly's House', attributable to Thomas Daly who owned the house in 1932. Mr Brown bought it off him in 1932 and as stated above, the applicant's parents purchased it in 1971.

It was evident during a site revisit when access was gained to No 64, that there is no evidence of any internal features allowing access to link both the buildings. I was also able to confirm from seeing around the inside of No 64 that it was definitely utilised as a dwelling. As a result of this, the Council is happy to accept there are 2 separate dwellings to be replaced and this proposal satisfies part of Policy CTY 3 Replacement Dwellings, in so far as the proposed building to be replaced exhibits the essential characteristics of a dwelling and is substantially intact in both cases

All proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either

- (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or

- (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

For the purposes of this policy "curtilage" will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The large agricultural field which sits between the crossroads and the 2 dwellings is where the applicant proposes to locate the off-site replacement dwellings. LA09/2020/1044/O seeks an off-site replacement with the proposed location some 50 metres from No 64 the dwelling to be replaced.

Application LA09/2020/1045/O seeks an off site replacement dwelling for No 66 on the adjacent plot between No 64 and application site LA09/2020/1044/O.

The field where the 2 applications propose the dwellings rises to where it peaks in the north western corner. The north eastern boundary of the site runs along the Carricklongfield Road which some earth bounds are located to the rear of the roadside boundary. The agent has not sited the replacement dwellings within the established curtilage of the existing dwellings nor have they demonstrated how the proposed alternative site would result in demonstrable landscape, heritage or amenity benefits. The agent failed to include any of the established curtilage within the site area.

There are a number of other criteria CTY 4 sets out that proposals must meet,

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

The sites proposed would not integrate into the surrounding area. They would have a significantly greater visual impact on the immediate landscape, creating a ribbon of development. Historic Environment Division (HED) were consulted in regards to both these applications. They welcome the off site replacement of these vernacular building and request it is retained as part of the development. As both application sites only include the particular dwelling without its curtilage and a separate plot of land to site a replacement, it is not possible to ensure a design of high quality which incorporates these vernacular buildings as part of an overall scheme of development which would respect the rural setting having regard to local distinctiveness.

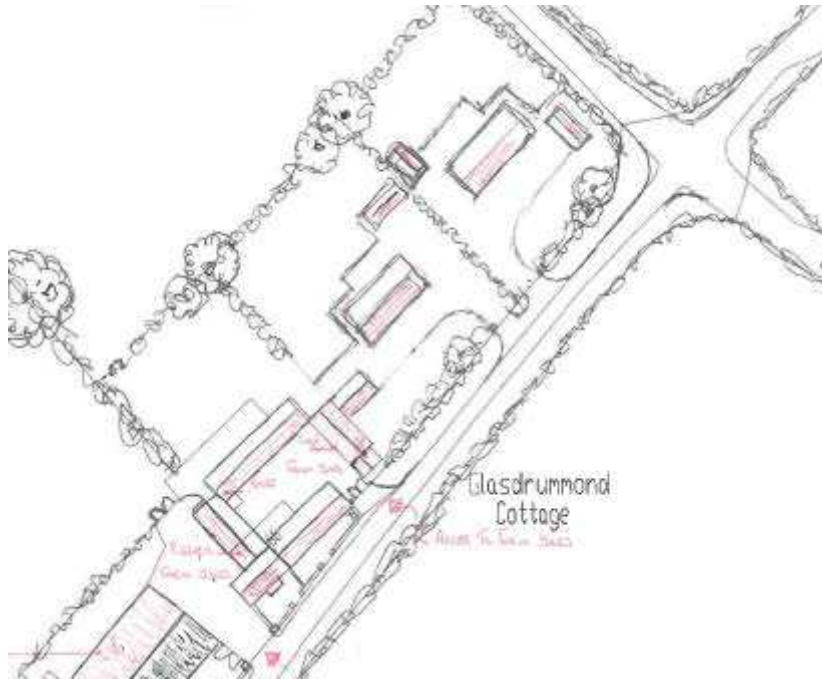
Transport NI were consulted and state the site is subject to DCAN 15. They also state visibility splays of 2.4 metres by 45 metres in both directions and a 45 metre forward sight distance must be provided at Reserved Matters stage.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

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.

Addendum

A Concept Plan and Statement as to how the existing buildings would be incorporated with that what is proposed was recently submitted by the agent.



In this Statement they have incorrectly stated “the Department believes the buildings do not make an important contribution to the heritage and appearance of the locality” when both the Council and NIEA have noted the importance and value of these buildings. However the agent does then go on to say they will retain the buildings as ancillary to the proposed development. An analysis of the existing buildings from the agent claims neither dwellings are suffice to accommodate modern day living.

It is stated the outbuildings included within the two applications are the central core of an existing working farmyard. From my visits to the site I would refute this claim as there was no evidence of any livestock, machinery or any farming activity in the vicinity and appears to not have been for some time. However, as these applications are for replacement dwellings there is no requirement to provide evidence of an active farm business.

The agent states the proposed sites are as so, to allow for potential expansion of the farm business, however with no evidence to demonstrate an active farm I do not feel this reason can at this stage be justified.

The site outlined in red on both applications include just the dwelling and the off-site plot. They do not include the outbuildings and therefore the curtilage of the existing dwellings has not been included within the actual application sites, just the dwelling.

It is my opinion, in order to be able to sympathetically incorporate the existing dwellings and outbuildings into any new proposed development, the application sites as submitted do not allow this and therefore I feel these applications should be refused permission until an acceptable scheme which includes these is provided.

Neighbour Notification Checked

N/A

Summary of Recommendation:

The principle of a dwelling to be replaced has been established through the processing of this application. However due to this site only including the dwelling and the land in another field off

site, a suitable replacement dwelling cannot be achieved through this application. The agent has been made aware of this and that any potential permission to replace this dwelling must retain the original building and incorporate it into the scheme.

Therefore I must recommend refusal of this application due to the Council and HED's view that the dwellings to be replaced are important to the local vicinity and must be retained and incorporated into a sympathetic scheme for a replacement dwelling.

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the appearance and character) of the locality and the existing structure has not been retained and sympathetically incorporated into the new development scheme.

2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Signature(s)

Date:

ANNEX	
Date Valid	28th August 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1044/O Proposal: Proposed replacement dwelling Address: 64 Glasdrummond Road, Aughnacloy, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Approved	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1080/F	Target Date:
Proposal: Proposed new Vehicular access	Location: Approx 200 m East of no 33 Oldtown Road Bellaghy
Referral Route: This application is presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSAL
Applicant Name and Address: Mrs Emma McCoy 26 Castle Lodge Randalstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

No representations were received in relation to this proposed development.

Characteristics of the site and area

The site is located on the north western side of the Oldtown Road 0.75km from the centre of Bellaghy. The site is a small field adjacent to an existing bungalow on a long straight part of the Oldtown Road. There are a number of dwellings located along this stretch of the Oldtown Road, some of which have a road frontage and others which are set back from the road. The site is bounded by a post and rail fence to the rear of a 1.5m wide public footpath along the site frontage, a 1.2m high hedge and open drain along the north-eastern boundary, a 4m high conifer hedge along the south western boundary and tall semi-mature trees along the rear boundary. The public road rises gently for around 200m to the north east towards a crest before dropping towards Bellaghy. The proposed access is located in a dip in the road with a second crest located close to the entrance of no.35 approximately 40m to the south west. It was noticed during the site inspection that a car, on approach from the south west, was almost completely obscured from view by that crest when standing at the proposed site entrance.



Photo taken from the propose access point

Description of Proposal

This is a full application for the creation of a new access into a site approved for a dwelling.

Planning Assessment of Policy and Other Material Considerations

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for an entrance for an approved dwelling in the rural area.

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

PPS 3 - Access, Movement and Parking

Policy AMP 2 Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DfI Roads were consulted on the proposal and advised that 'the access as outlined in application LA09/2020/1080/F will not provide a safe access unto the Oldtown Road due to a crest on the road in the South Western direction preventing an unobstructed 2.4 x 120 metre visibility splay and F.S.D. The agent / applicant should revert back to the access point as outlined on planning ref: LA09/2017/0387/O and LA09/2019/1192/RM for the acceptable access details.'

It is therefore clear that the proposed access point is unacceptable as it would lead to an unsafe access, contrary to policy AMP 2. The application is therefore being recommended for refusal for that reason.

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

Refuse for the reason below:-

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3 , Access, Movement and Parking Policy AMP2, in that it would if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 120 metres is not available, on the public road, at this proposed access in accordance with the standards contained in the Departments Development Control Advise note 15.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking Policy AMP2, in that it would, if permitted, prejudice the safety and

convenience of road users since a visibility splay of 2.4 x 120 metres cannot be provided in a South Western direction, in accordance with the standards contained in the Departments Development Control Advice Note 15.

Signature(s)

Date:

ANNEX	
Date Valid	4th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Oldtown Road,Bellaghy,Londonderry,BT45 8LQ The Owner/Occupier, 34 Oldtown Road,Bellaghy,Londonderry,BT45 8LQ The Owner/Occupier, 35 Oldtown Road Bellaghy Londonderry The Owner/Occupier, 36 Oldtown Road,Bellaghy,Londonderry,BT45 8LQ	
Date of Last Neighbour Notification	13th November 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/1080/F Proposal: Proposed new Vehicular access Address: Approx 200 m East of no 33 Oldtown Road, Bellaghy, Decision: Decision Date: Ref ID: H/1993/6054 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Address: NEAR BELLAGHY Decision: Decision Date: Ref ID: H/2004/1067/O Proposal: Site of dwelling and garage Address: Site adjacent to 35 Oldtown Road, Bellaghy Decision: Decision Date: Ref ID: H/1980/0396 Proposal: SITE OF BUNGALOW Address: OLDTOWN ROAD, BELLAGHY	

Decision:
Decision Date:

Ref ID: H/1981/0300
Proposal: FARM BUNGALOW WITH GARAGE
Address: OLDPARK ROAD, BELLAGHY
Decision:
Decision Date:

Ref ID: LA09/2019/1192/RM
Proposal: Proposed new bungalow dwelling
Address: 20m North of 33 Oldtown Road, Bellaghy,
Decision: PG
Decision Date: 06.12.2019

Ref ID: LA09/2017/0387/O
Proposal: Proposed dwelling and domestic garage/store
Address: Approx 20m North of 33 Oldtown Road, Bellaghy,
Decision: PG
Decision Date: 05.10.2018

Summary of Consultee Responses

DfI Roads advised that the proposed access is unacceptable and unsafe due to the proximity to a crest on the road and that the applicant should revert back to the approved access.

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

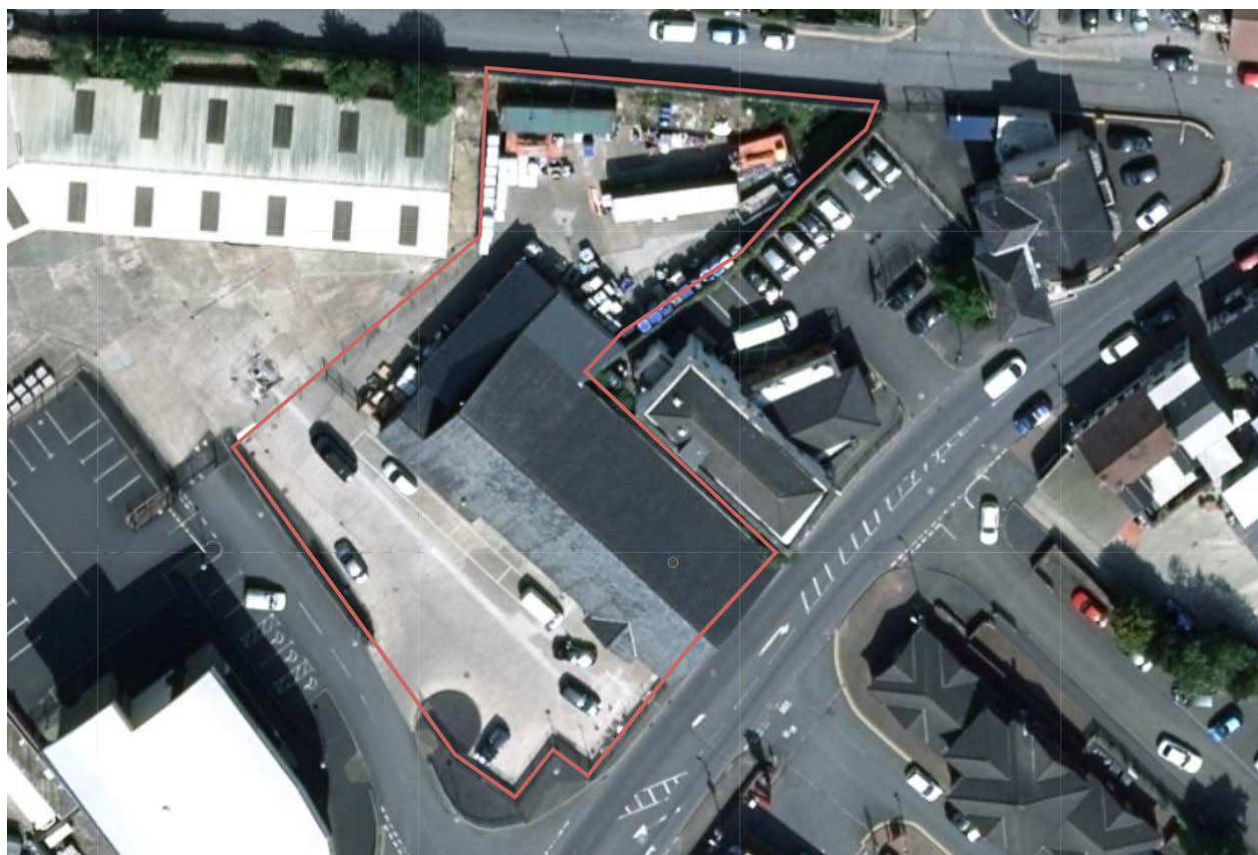
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 02/03/2021	Item Number:
Application ID: LA09/2020/1084/F	Target Date:
Proposal: Proposed detached material & tool storage building for adjacent retail outlet	Location: 31 Dungannon Road Coalisland BT71 4HR
Referral Route: 1. Third party objection received.	
Recommendation:	Approval
Applicant Name and Address: Mr Cathal Campbell 31 Dungannon Road Coalisland BT71 4HR	Agent Name and Address: McKeown & Shileds Associates Ltd. 1 Annagher Road Coalisland BT71 4NE
Executive Summary: The proposal is for a shed which is ancillary to the existing retail outlet 'The Tool Shed' in Coalisland. The existing business is a hardware and tool shop. The proposed shed is for the storage of tools and materials associated with the business. The agent has confirmed the shed is only for storage. There is an objection but having assessed the proposal I am content there will not be unacceptable neighbour amenity to dwellings to the north in terms of loss of light, dominance or excessive noise.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Characteristics of the Site and Area

The application site is within the town centre and settlement limit of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character with a mix of retail, residential and services. To the south east and abutting the site is Clarman Architects and abutting the boundaries to the west, south and east are retail and financial services. To the north of the site is mainly rows of terraced dwellings along Station Road and more residential beyond this in a north direction.

The application site is a an irregular shaped plot with a flat topography and is 0.2 hectares in size. The site has roadside frontage and has 3m high black metal fencing around the roadside boundary with the Dungannon Road and along the adjoining access road. In front of the main building which houses the retail outlet 'The Tool Shed' is a large tarmacked area with designated car parking spaces. Along the rear boundary and along the south east boundary is a stone wall as the boundary treatment. To the rear of the main retail building is a concrete yard and there are a number of materials being stored in the open.

Description of Proposal

This is a full application for a proposed detached material & tool storage building for adjacent retail outlet at No. 31 Dungannon Road Coalisland.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection has been received.

An anonymous objection letter was received with no name or address of the objector but it was returned attached to a neighbour notification letter at 4 station Road, Coalisland. This address is to the north of the application site along a row of terraced dwellings at Station Road. I wrote a letter to the occupants of 4 Station Road on 14th January 2021 and at the time of writing no response has been received.

The objector in the letter expressed concerns the proposed shed would impact on the light at their house and drilling into the ground in the construction would affect the ground at their house. I consider the proposed shed will not create an unacceptable loss of light to the dwellings to the north on Station Road. As shown in drawing 01 Rev 1 the height of the proposed shed is 1.5m above the height of the existing wall which is approximately the same height as sheds to the west. The shed will also be set back from the wall along the application boundary site by 5m and will be at a lower ground level than the public road. In addition, I am content the construction of the proposed shed will not impact on surrounding land.

Planning History

There is no recent planning history at the application site.

Approvals for the industrial building to the west and directly adjacent at No. 33 Dungannon Road.

LA09/2020/0373/F - Proposed change of use from a Class B2 light engineering unit to a strength and conditioning gym, focusing on 1 to 1 personal training, and groups of up to 6. The gym will also be open for use by members. It will also contain the following ancillary

accommodation: a sports massage therapy room, an accessible room / changing, and an additional changing room / W.C - Unit 4, 33 Dungannon Road, Coalisland – Permission Granted 16.09.2020

LA09/2018/0627/F - Change of use of existing commercial warehouses to provide 6 no Class B2 Light Engineering Workshops, including re-roofing, partial re-cladding, provision of 2 no shop fronts and 4 no roller shutter doors to front facade building - 33 Dungannon Road, Coalisland – Permission Granted 29.08.2018

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The proposal is within the designation of town centre and settlement limit of Coalisland and is not within any other designations within the Plan. I am content if the proposal complies with the SPPS it will comply with SETT 1.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. 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.

The existing site is a retail outlet selling tools and is a hardware store. The proposal is for a shed for the storage of tools and other materials associated with the hardware business. The shed is 30m in length at the longest point and 11.5m in depth, and a ridge height of 6m above finished floor level. The building has along rectangular form and will have a small store attached. The finishes of the shed are grey roof and wall cladding on the top half of the building and smooth render on the lower half. I am content the proposed shed is a scale and form compatible with the location and will not overdevelop the site. As shown in figure 1 below directly adjacent and to the west are other buildings which have a similar finish to the proposed shed. The shed will sit adjacent to these buildings so I am content the proposal will fit with the character of the area. There are minimal critical views of the proposed shed from the Dungannon Road but the proposed shed is typical of a shed at an industrial or retail outlet. It is a large plot and there is still sufficient space for staff/visitor parking and the circulation of lorries.



Figure 1 – Buildings directly adjacent and to the west of the application site.

I am content the proposed shed will not harm the amenity of residential dwellings which are predominantly to the north. The proposed shed is set back from the rear boundary wall by 5m and there is another 10m between the wall and the curtilage of the dwellings along Station Road. I consider this is sufficient separation distance for there not to be unacceptable dominance and loss of light to the neighbouring properties. The applicant has also confirmed there will be an increase of 1 goods vehicles and 1 staff vehicles so I am content there will not be increased noise from traffic.

In line with SPPS policy the proposed shed is associated with an existing retail business and is within the town centre of Coalisland. I am content the proposal is acceptable as it will contribute to the development of retail within the town centre.

PPS 6 – Planning, Archaeology and the Built Heritage

Policy BH11 – Development affecting the setting of a listed building

The listed building, The First Trust Bank, which is a Grade B2 listing abuts the north east corner of the application site so I consulted HED as a statutory requirement. HED in their initial consultation response had concerns the proposed shed may impact on the setting of the listed building. Subsequently the agent submitted sections of the proposed site in relation to the listed building which shows the separation distance and the change in levels. The shed is 20m from the nearest gable wall of the Bank and is 2m lower in ground level than the Bank so I consider will not impact on the listed building. Thus, HED were content the proposed shed will not have an unacceptable impact on the listed building. I am content the design of the shed and external materials will not have a negative impact on the character of the listed building as there are already similar buildings like the proposed shed in the immediate area.

Other Considerations

The application site is within the 200m buffer zone of the archaeological site and monument Ducarts Canal. I am content the proposed shed will not have an unacceptable impact on the Canal.

PPS 3 Access, Movement and Parking

DFI Roads were consulted as it is stated on the P1 form there will be an expected increase of 1 vehicle for staff and 1 lorry space due to the proposed shed. I am content there is sufficient space at the site to accommodate the extra vehicles.

Neighbour Notification Checked **Yes**

Summary of Recommendation:

The proposal is recommended for approval as it complies with all the relevant policies in the SPPS and PPS 6.

Conditions

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

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

2. The approved development shall be used only for storage associated with the adjoining development as shown on Drawing 01 Rev 1 date stamped received 07 DEC 2020.

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1100/F	Target Date: 25/12/20
Proposal: Proposed covered area and partial reroofing with increase of ridge height to accommodate internal storage and 1no. additional external storage bin	Location: 4 Ballygillen Road Coagh Cookstown BT80 0AL
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: Thomas Hutchinson & Sons Ltd 4 Ballygillen Road Coagh Cookstown	Agent Name and Address: Henry Marshall Brown 10 Union Street Cookstown BT80 8NN
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	Environmental Health	Content

Representations:

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

Characteristics of the Site and Area

The site is situated at the junction of the B-class Ruskey Road and Ballygillen Road in the open countryside at the north-eastern edge of the Cookstown District, as defined in the Cookstown Area Plan 2010. The application site is located approx. 2 km south of The Loup, 4 km north of Coagh and 10 km northeast of Cookstown. The site comprises an established and operational mill complex, Hutchinson Mills. The mill has had a number of additional extensions/alterations throughout the years. The buildings on site are finished in grey rough dash with metal sheet cladding to roof, towers, silos and large roller shutter doors. Immediately southwest of the site, on the opposite side of the road and within the blue land, there is a car parking area associated with the Mill. The surrounding area is predominately defined by undulating agricultural land uses with a scattering of single residential dwellings.

Description of Proposal

This planning application seeks full planning permission for a covered area and partial reroofing with increase of ridge height to accommodate internal storage and 1no. additional external storage bin at 4 Ballygillen Road, Coagh.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 4: Planning and Economic Development
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received. The concerns outlined in this letter are summarised below:

- Expansion - This is a rural area, the mill is not located on an industrial estate.
- Impacts from previous permissions - Questions how planning permission was previously granted to build on the Ballygillen Road. Previous extensions are now causing increased traffic hazard, partially at the Rouskey and Ballygillen Road junction where a bus stop is located.
- Ownership - Objector claims the applicant is using part of his properties folio number.
- Noise and pollution - Objector claims the mill is impacting on their residential amenity and business and they have had to invest large sums of money to try and stop carbon monoxide pollution and noise associated from the mill. Objector asks for an absolute guarantee that the extension will not make the current situation worse and the new extension will dramatically reduce noise levels during the day and will not under any circumstances be used outside normal working areas. Objector feels their family has been discriminated against and everyone should have the right to an undisturbed night's sleep and planning permission should not be given unless the applicant signs an agreement to stop all work at 5.30 each working day.
- Proximity to the river – existing pollution and potential flooding
- Irish road signs - Road signs have recently been changed to Irish however no consultation with the local community has been made by the Council.

In response to the comments raised by the objector; it is noted that the application site is located within the rural area however as this is an existing, established business

currently in operation and the principle of development is established on the site. All previous planning permissions were considered against the prevailing planning policy at that time and determined that the existing business was allowed to operate at this location. Therefore this is not a matter for reconsideration under this planning application. The application to be considered is minor in nature and relates to a small extension with covered area and re-roofing with increased ridge height of existing building and an additional external storage bin. Previous extensions of the existing mill on to the road are now in place and have no bearing on the application to be considered. Where a previous application proposed intensification of the site or new access, DfI Roads would have been consulted and provided comment. It is noted that the application states that there will be no expected increase of vehicles or visitors to the site as a result of the development proposed. Given there is no intensification, it is not considered the use of an existing access with no additional visitors will have an adverse impact on traffic. With regards to the claims that a portion of the mill has been built on the objector's folio, this is a civil matter and not under planning control. In terms of any noise and pollution issues most of the claims appear to make reference to the existing uses on site. I appreciate this may be an issue, however this does not form the basis of this application and I must consider the development proposed. Environmental Health were consulted and have advised they have no objections to the proposal given that more of the site is to be enclosed and no new noise sources are proposed. No change to existing operation times appear to be proposed under this planning application. There is no evidence presented that the proposed development will give rise to increased noise or pollution. It will be the applicant's responsibility to ensure that this no detrimental impact occurs and should detrimental noise or pollution be negatively impacting on residential amenity this should be reported to Mid Ulster Council Environmental Health to investigate. With respect the adjacent river, any concerns regarding potential pollution of the river does not fall under the remit or responsibility of planning to investigate and should be directed to the relevant statutory body. Water pollution management falls under the remit of NIEA. Rivers Agency were consulted with respect potential of flooding and have responded with no objections however have provided recommendations for development which can be conditioned to any forthcoming approval. Finally, the consultation or provision of new road signs also does not fall under the remit of planning and has no bearing on the application proposed.

History on Site

LA09/2018/1129/F – Proposed extension to forklift gantry and reroofing of production area - 4 Ballygillen Road, Coagh, Cookstown BT80 0AL – Permission Granted 03/10/19

LA09/2018/1112/F - Proposed offices and storage building - Land opposite 4 Ballygillen Road, Coagh, Cookstown – Permission Granted 07/03/19

I/2014/0167/F - Proposed new entrance, weighbridge & additional parking - Druminard Mills, 4 Ballygillen Road, Cookstown, BT80 0AL – Permission Granted 18/09/14

I/2013/0093/F - 1 no. additional storage bin and the relocation of a bunded storage tank - Druminard Mills, 4 Ballygillen Road, Cookstown, BT80 0AL – Permission Granted 19/07/13

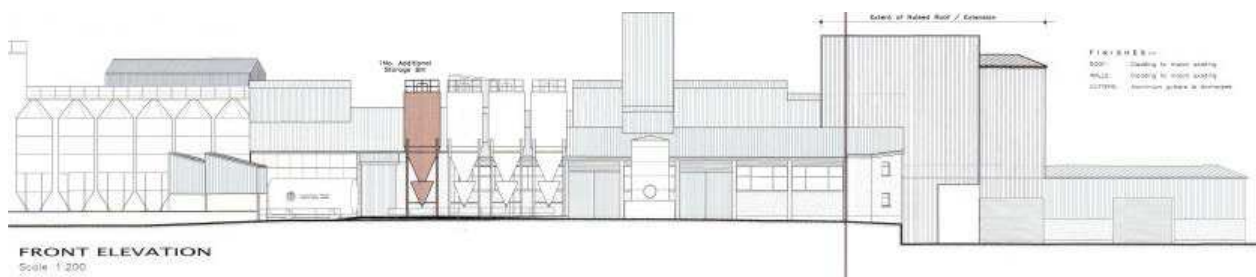
Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – 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 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Industry and business uses will be assessed in the countryside in accordance with PPS 4. Policy PED 2 refers to proposals that will be acceptable in the countryside. The expansion of an established economic development use will be permitted in accordance with the provisions of policy PED 3.

PED 3 Expansion of an Established Economic Development Use in the Countryside - PED 3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. I first note that this is not a major expansion of an existing industrial enterprise. The proposal seeks an additional storage bin, small extension adjacent to the forklift gantry and storage area with covered area and re-roofing of this section with an increased ridge height. In terms of the additional storage bin, this is sited with 3 additional storage bins finished to match existing and located in front of the existing mill. I note that the proposed extension and covered area encompasses a small area to the rear of the site and a covered area to the front elevation, adjacent to the Ballygillen Road, approx. 48.5sqm. The proposed extension and re-roofing will increase the ridge height of the mill complex at this point to 17.2 metres. Given the existing built form, I consider the proposal will respect the existing building and is acceptable on balance in terms of scale, design and use of materials.



PED 9 General Criteria for Economic Development

With regards to this policy, it states that a proposal for economic development use, in addition to the other policy provisions, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

As this a small extension, with additional storage bin and re-roofing of an existing building within an established complex I am content that it is still compatible with surrounding land uses.

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

As previously stated, this application is deemed to be relatively minor and relates solely to 1 storage bin, re-roofing of storage area, new covered area leading to lorry loading area and small extension, I am of the opinion that the proposed works are unlikely to give to any adverse impacts on nearby residents.

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

No built heritage of significant has been identified on the site or in close proximity. Given the existing use and the development proposed, I am content on balance that the proposed works is unlikely to have an adverse impact on natural and built heritage.

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

It was noted that part of the site lies within the 1 in 100 year fluvial flood plain. Rivers Agency were consulted and advised a previous FRA (submitted August 2019 for a previous application on this site) remains valid and estimates an approximate Q100 of 43.06mm OD at this location. Taking into account the precautionary approach of PPS15, DfI Rivers recommend that any new development be allowed an additional freeboard of 600mm. DfI rivers also refer to the designated watercourse, Salterstown Extension, advising a 5m maintenance strip is required. It is therefore considered necessary to condition an appropriately worded condition requiring a 600mm freeboard and 5m maintenance strip to any forthcoming approval

(e) it does not create a noise nuisance;

I note that an objector raised noise concerns therefore Environmental Health were consulted on the development proposed and advised given that more of the site is to be enclosed and no new noise sources are proposed; we have no objection to this proposal. Having considered the proposal and EHD comments, I am content that the proposed development will not create any a noise nuisance.

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

Having considered the development proposed, I do not foresee any adverse emissions or effluent however it is considered given the existing operations there are existing arrangements in place to satisfactorily deal with any emissions 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;

There will be no additional staff or traffic movements as indicated in the P1 Form, therefore there should be no impact on the existing road network.

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

Access arrangements remain unchanged and I am content that there is sufficient parking and manoeuvring areas.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public

rights of way and provides adequate and convenient access to public transport;

Existing arrangements are unaffected.

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

It is considered given the nature and use of the site and the development proposed, the layout, design and landscaping are acceptable in this instance.

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

The proposal includes a storage bin sited with existing storage bins to the western section of the site, adjacent to the Ruskey Road, and a small extension and re-roofing to the southern section of the complex. It is considered given the works proposed, the existing boundary treatment and enclosure provided are adequate.

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

The design will not give rise to crime and promotes personal safety.

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

It is considered the proposed development will satisfactorily integrate into the existing built form with no significant impact to the surrounding landscape.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having weighted up the above policy and material considerations I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

Conditions

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

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

2. The proposed development hereby permitted as indicated on Drawing 03 date stamped 11th September 2020 will have freeboard of 600mm above the Q100 Level.

Reason: To reduce flood risk.

3. No development hereby permitted shall take place until a 5 metre level maintenance strip is provided along the eastern boundary of the site to be protected from impediments, land raising or future unapproved development.

Reason: To ensure protection from impediments in relation to potential flooding issues.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to Rivers Agency consultation response dated 23rd November 2020.


Signature(s)**Date:**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1142/RM	Target Date:
Proposal: Proposed two storey dwelling and domestic garage	Location: 110m North East of 56 Sandholes Road Cookstown
Referral Route: Letter of objection	
Recommendation:	Approval
Applicant Name and Address: Claire Mc Carron and Adam Mc Culla 56 Sandholes Road Annaghananam Cookstown	Agent Name and Address: T/A T4 Architects 169 Coagh Road Stewartstown Dungannon BT71 5LW
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues <p>This is a Reserve Matters application which complies with the ambit of the outline application. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One letter of objection was received dated 21st October 2020. All other material considerations including the objection have been addressed within the determination below</p>		
Characteristics of the Site and Area <p>The application is located 110m North East of 56 Sandholes Road, Annaghananam, Cookstown, which is within the open countryside, outside any designated settlement as defined under Cookstown Area Plan 2010. The site is adjacent to an existing farm which is accessed off an existing farm laneway, which serves the farm and outbuildings. The laneway extends from Sandholes Rd, and continues through the farm group towards the proposed site, which is set back approx. 250m from Sandholes Road and 110m north east from no 56 Sandholes Road. The proposed site sits NE of an existing farm group which is elevated in an easterly direction from the public road. The boundaries are defined by mature deciduous hedging and mature</p>		

trees. The Northeast is defined by farm buildings. There is some views from Sandholes Rd, travelling towards the site from the north, but limited due to topography.

The proposed site is located within the open countryside, surrounded by undulating agricultural landscape. The wider area is rural in nature. Development visible in the wider vicinity of the site is defined by dispersed rural settlement, consisting mainly of single unit dwellings/farm dwellings with outbuildings in their curtilage dispersed throughout the wider area. The surrounding area of the site has well defined field boundaries, with native trees/hedging.

Description of Proposal

The applicant is seeking approval for a Reserves Matters for proposed two storey dwelling and domestic garage located 110m Northeast of No 56 Sandholes Road, Cookstown. The proposed dwelling design represents rectangular forms and horizontal and vertical lines incorporating materials are in keeping with the surrounding farm buildings: The shape of proposed dwelling is divided into two levels: the ground level consist of 3 bedrooms, bathroom, boot room and utility and is accessed via a narrow staircase. The first floor level is a triangular area used as the living room, kitchen, lounge and bedroom. The garage is located to the rear of the dwelling and reflects a similar design and materials.

Full design details including materials are annotated on DRW Nos 01, 04 stamp date 05/06/2020 DWG Nos 01, 02, 03, 04, 05, 06 stamp date 21/09/2020.

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing a letter of objection was received dated 21/10/2020. This application was initially advertised in the local press on w/c 5th October 2020 (publication date 6th October 2020. Two (2) neighbouring properties were notified on 8th October 2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

HRA Determination (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, under the Habitats Regulations is not required for this proposal. There are no waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

Planning History

Planning Assessment of Policy and Other Material Considerations

1. Strategic Planning Policy Statement (SPPS).
 2. Magherafelt Area Plan 2015.
 3. PPS 21 Sustainable Development in the Countryside.
 4. PPS 3 Access, Movement and Parking.
- Building on Tradition: - A Design Guide for N Ireland.

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 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. Two of these policies are CTY 13 and 14.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposed development.

Objection Assessment.

A letter of objection was received dated 21st October 2020. The objectors occupies property identified as No 51 Sandholes Road, Cookstown.

I will deal with the points raised as they appeared on the objection letter.

Point No 1. The objectors raised concerns that the proposed dwelling would overlook the private amenity of No 51.

Response. Given that the principle of development has already been established under an outline application LA09/2020/0308/O for a dwelling and garage, which was issued on 3rd July 2020. It is noted that the objectors at No 51 were neighbour notified at the time of the OPP and no objections were received. Therefore I am content that there will be no adverse overlooking impact on No 51 due to separation distance and the topography of the surrounding land. It is noted that Sandholes Road separates No 51 and the application site.

Point 2. The objectors raised concerns that the proposed development would further erode the character of the surrounding area.

Response. The principle of development has already been established and was assessed under CTY 13 and 14 at the outline application stage. It was considered that the proposed development will not appear a prominent feature in the landscape. I am content that the dwelling will integrate along with all ancillary works and complies the policies of CTY 13.

Point 3. The objectors raised concerns that the proposed entrance would be directly opposite their entrance.

Response. The entrance to the site is annotated on DWG No 02 stamp date 21/09/2020 shows the entrance to the site to be located approximately 35m south of the objectors entrance. DFI Roads were consulted and had no objections subject to standard condition. With this in mind I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS 3 Access, Movement and Parking.

Assessment

The principle of development has been established on the application site. The site was initially approved under CTY 10 Dwelling on a farm.

The main considerations in the processing of this application are assessing whether the conditions imposed on the outline consent have been adhered to, and the acceptability of siting, design, and finishes of the proposal.

The conditions on the outline consent relate to time limit, reserved matters to be dealt with including the details to be presented, requirement for the proposal to exhibit the traditional features of rural design in accordance with Building on Tradition, ridge height restrictions, location and siting restrictions, access considerations, and existing/proposed landscaping requirements. This application for reserved matters has been submitted within the conditioned time frame, as per condition No. 1 of the outline approval. A landscaping scheme has accompanied this reserved matter application and details surrounding existing and proposed landscaping, along with existing and proposed ground/floor levels have been annotated on Drawing No. 02, date stamped 21/09/2020 in accordance with Condition No 5 (topography Survey Plan No 03 Section A-A stamp date 03/03/2020. Details surrounding the design and materials to be used on the proposal have been provided in accordance with condition No. 2. Road details have been complied with 2.4m x 110m in accordance with the RS1 set down in condition No 4 of the OPP.

Based on that above, I am content that the conditions imposed on the outline approval have been met.

As the design of the development is considered acceptable and the proposal respects the traditional pattern of development in the area and would not create a ribbon of development nor damage the rural character, the proposal complies with CTY 13 & CTY 14.

Other policy and material considerations:

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and confirmed that they had no objection to the proposal subject to conditions and Informatives.

Policy CTY 13 of PPS 21 is a material consideration. CTY 13 outlines the criteria to be met in terms of the integration and design of new buildings in the countryside. CTY 13 highlights that a new building will be unacceptable where:

- a) It is a prominent feature in the landscape; or
- b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- c) It relies primarily on the use of new landscaping for integration; or
- d) Ancillary works do not integrate with their surroundings; or
- e) The design of the building is inappropriate for the site and its locality; or
- f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

The proposed dwelling and garage is sited in a position which on the basis of existing ground levels would be considered appropriate in terms of the surrounding topography. The siting of the proposal was restricted during the outline stage in order to ensure that the dwelling was sited in a position which made best use of the existing topographical makeup of the site. The proposal is sited in an area which is well enclosed from public viewpoint. The development involves the construction of a new access onto Sandholes Road, there is very little in terms of views onto the proposal.

The site is deemed to integrate with its surroundings whilst the mature vegetation to the front of the site provides an element of supplementary integration to the proposal. In terms of natural

boundaries the site has sufficient background vegetation and farm buildings coupled with addition landscaping helps aid integration of the proposed development into the existing landscape setting.

I consider that the level of existing enclosure afforded to the site via elevation and landscape considerations, in association with that proposed and outlined in the site layout plan, is sufficient to ensure that there is an adequate level of enclosure afforded to the development proposal. The proposed garage which is ancillary to the use of the proposed dwelling house and is to the rear of the proposed dwelling and is subordinate in size and scale and it is deemed to integrate effectively into the existing surrounding landscape setting. The existing farm buildings to the north also help aid the integration of the proposal into this area of the countryside. With regard to the design of the proposal, the house type and form of the proposed dwelling presents a modern design that is in keeping with the farm buildings to the rear of the site aids integration with the surrounding features.

The proposal satisfies each of the criteria, highlighted above, of Policy CTY 13.

CTY 14 Rural Character, is also a material consideration. CTY 14 identifies that new buildings in the countryside will be expected to not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:

- (a) It is unduly prominent in the landscape; or
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

In consideration of that above I am content that the proposal satisfies each of the criteria of CTY 14. The proposal does not present an unduly prominent feature in this local landscape and although this is aided by a significant degree of proposed landscaping I am content that this is an acceptable solution in this area and environment. The proposal does not present a suburban style of development or an inappropriate development pattern. The proposed dwelling does not create or add to a ribbon of development. I am content that the proposal will not give rise to an unacceptable level of impact on the rural character of this area and I am therefore content that the proposal accords with the policy provision contained within CTY 14.

Access.

The access to the site was established during the outline application and approval. The proposed access is in keeping with that approved in the outline application. DFI Roads were consulted on this application and have responded highlighting that they had no objection to the proposal, subject to condition. I am satisfied that an adequate means of access to the site has been proposed and that it complies with the policy requirements of PPS 3 Access, Movement and Parking

Neighbour Amenity.

The application site is located approx. 110m Northeast of No 56 Sandholes Road to the closest neighbouring dwelling. No 51 is approximately 106m northwest of the site. The proposal is sited at a slightly higher level than that of the surroundings dwellings and at a location which does not impede upon its outlook on to Nos 56 and 56 Sandholes Road and with this in mind it would be difficult to sustain a reason for refusal based on neighbouring amenity. I consider that the proposal is sited far enough away and in a position which will not impede upon the residential amenity of No. 51 and 56 or any surrounding neighbouring properties.

The proposal will not cause a negative impact on the neighbouring property by way of dominance, overshadowing or loss of light, or privacy concerns.	
Neighbour Notification Checked	Yes
Summary of Recommendation: Approval subject to conditions	
Conditions: 1.The development to which this approval relates must be begun by whichever is the later of the following dates:- i. The expiration of a period of 5 years from the grant of outline planning permission; or ii. The expiration of a period of 2 years from the date hereof. Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011. 2.The vehicular access including visibility splays of 2.4 x 110 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 bearing the date stamp 21 September 2020 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 3. All planting comprised in the approved details of drawing No 02 bearing the date stamp 21/09/2020, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape 4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal. Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality. Informatives	

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

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

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

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

5. This determination relates to Planning Control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation or may be administered by the Planning Authority or other statutory authority

6.The applicant's attention is drawn to the need to comply with all conditions imposed on the outline planning permission, some of which may need to be satisfied prior to the commencement of any work on the site pursuant to that permission and to this approval of reserved matters.

Signature(s)

Date:

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) J D McCord 51 Sandholes Road, Cookstown, Tyrone, BT80 9AT The Owner/Occupier, 51 Sandholes Road, Cookstown, Tyrone, BT80 9AT The Owner/Occupier, 56 Sandholes Road Cookstown Tyrone	
Date of Last Neighbour Notification	8th October 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/0308/O Proposal: Proposed two storey dwelling with 8m ridge and domestic garage on a farm (under Policy CTY10 of policy statement PPS 21) Address: 110m North East of 56 Sandholes Road, Annaghananam, Cookstown, Decision: PG Decision Date: 21.07.2020 Ref ID: LA09/2020/1142/RM Proposal: Proposed two storey dwelling and domestic garage Address: 110m North East of 56 Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: I/2013/0102/F Proposal: Proposed 2 no pigs sheds with associated meal bin (to contain less than 2000 pork pigs in total) Address: Approximately 200m ESE of 56 Sandholes Road, Cookstown, Co Tyrone BT80 9AT, Decision: PG Decision Date: 21.05.2013	
Summary of Consultee Responses Content	

Drawing Numbers and Title
Drawing No. 05 Type: Cross Sections Status: Submitted
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 04 Type: Proposed Elevations Status: Submitted
Drawing No. 03 Type: Proposed Floor Plans Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 06 Type: Garage Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

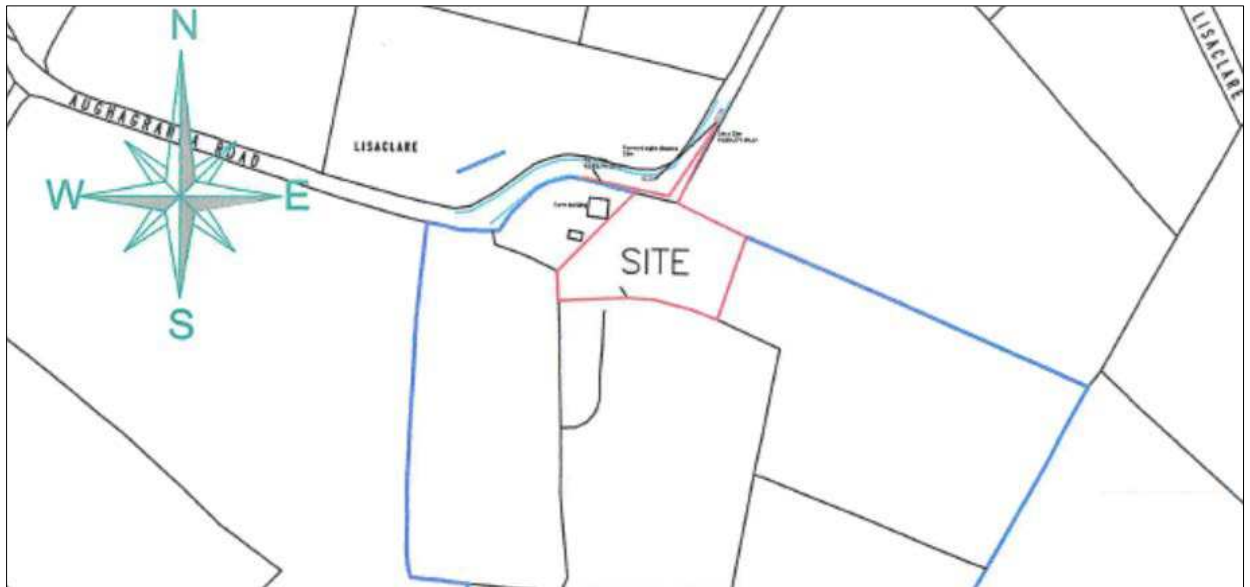
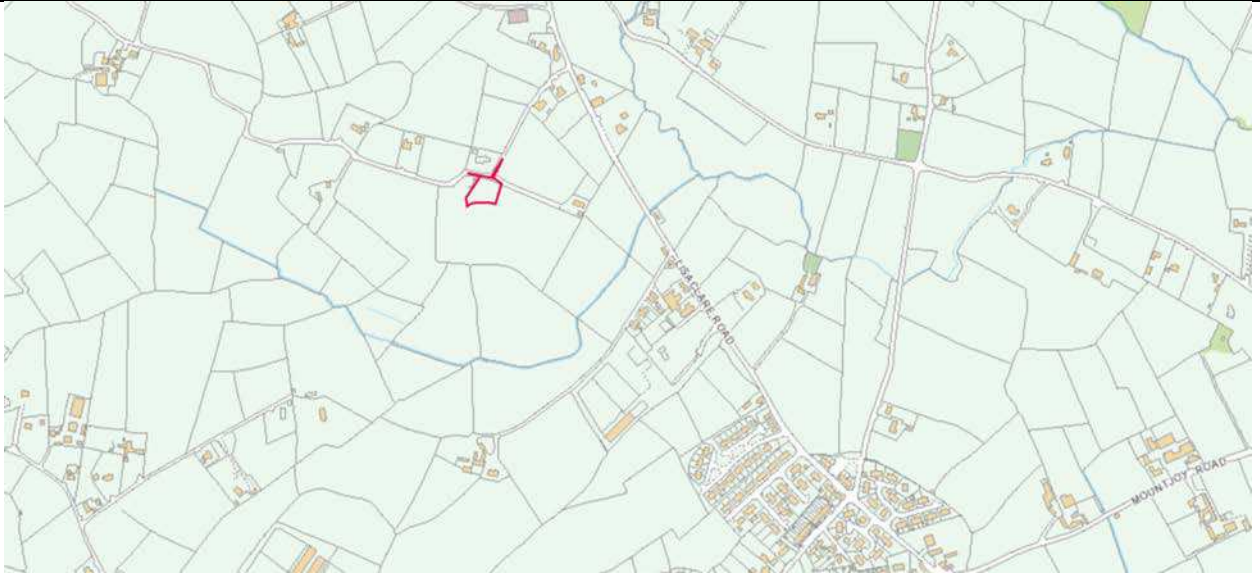
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1151/O	Target Date:
Proposal: Proposed dwelling and garage.	Location: 200m SW of 107 Lisacclare Road (on the aughagranna road) Stewartstown.
Referral Route: Non delegated – applicant brother in law of Marissa Canavan, MUDC’s Director of Organisational Development	
Recommendation: Approve	
Applicant Name and Address: James Canavan 80 Mountjoy Road Aughrimderg Coalisland BT71 5EF	Agent Name and Address: Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
<p>The application site is located in the rural countryside as defined within the Dungannon and South Tyrone Area Plan 2010, adjacent the Aughagranna Road approx. 500m northeast of Killeen. Lough Neagh sits approx. 3.3km east of the site.</p> <p>The site forms part of the roadside frontage of a much larger agricultural field containing a small agricultural shed / store for animal feed (see 'Planning History' below with reference to LA09/2017/1705/F) and a smaller corrugated metal outbuilding to its south. The shed / store has a square shaped floor plan and pitched roof construction with natural slates and stone finish to its roof and walls, respectively. The smaller outbuilding is derelict.</p> <p>The site and aforementioned buildings located immediately to its northwest in the wider host field, are accessed directly off the Aughagranna Road, via an existing access situated adjacent and south of a small bend in the road opposite no. 46 Aughagranna Rd, a recently constructed 1 ½ storey dwelling of bungalow appearance.</p> <p>A mix of mature hedgerow and tree vegetation bounding and enclosing the host field defines the northeast boundary of the site. The remaining boundaries of the site are undefined apart from a post and wire fence erected to accommodate the curtilage of the site. Its noted no. 73 Aughagranna Rd, a 1 ¾ dormer dwelling located approx. m to the southeast of the site, is set back from and accessed off the Aughagranna Rd along the northeast boundary of the applications site.</p> <p>The site occupies a slightly elevated position within its host field, as the immediate landform surrounding the site is one of undulating countryside whereby the land falls away from Aughnagranna Road, in a south / southeast direction.</p> <p>Views of the application site are from close up on the minor Augharanna Road over a short distant on the eastern approach, whereby it will appear prominent owing to the topography of the area, and passing the site. The site is screened, from the Augharanna Rd, on the west approach by some vegetation along the roadside boundary of the site and roadside hedges in wider vicinity. There are long distance glimpses og the site from the Lisaclare Rd located to the east of the site through roadside through roadside hedges (see Figs 1, 2 & 3 below).</p>		

The wider area surrounding the site comprises predominantly agricultural lands dispersed with single dwellings and farm holdings.



Fig 1 & 2: Photos on east approach to site from Aughagranna Rd



Fig 3: Photo on east approach to site from Aughagranna Rd

Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm to be located on lands approximately 200m SW of 107 Lisaclore Rd (on the Aughagranna Rd) Stewartstown.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
CTY1 - Development in the Countryside
CTY10 – Dwellings on Farms
CTY 13 - Integration and Design of Buildings in the Countryside
CTY 14 - Rural Character

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. 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.

Representations

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

Relevant Planning History

On site

- M/1977/0489 – Dwelling – Granted 14th September 1977
- M/1991/0491 – Dwelling – Withdrawn 19th October 1991
- M/2013/0364/PREAPP – Dwelling – Likely to Refuse 2nd September 2013
- M/2014/0040/O – Proposed replacement dwelling – Refused 5th January 2015 as:
 - o proposal is contrary to
 - o Policies CTY1 and CTY3 of Planning Policy Statement 21, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.
 - o Policy CTY13 of Planning Policy Statement 21, in that: the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration.

This application was appealed – the appeal was dismissed 2nd November 2015.

- LA09/2017/0028/CA - Unauthorised dwelling under construction – Case Closed 20th November 2019
- LA09/2017/0614/F – Improvements to dwelling – 200m SW of 107 Lisacclare Rd (on Aughagranna Rd) Stewartstown – Withdrawn 24th January 2018.
This proposal was withdrawn as it was determined the application was invalid, as it was assessed that no dwelling was in existence on site to improve.
- LA09/2017/1705/F – Retention of and completion to reinstatement of previous building for agriculture purposes – 200m SW of 107 Lisacclare Rd (on Aughagranna Rd) Stewartstown – Granted 7th November 2019

Adjacent site

- M/2010/0875/F – Dwelling and Garage – 105m SE of 42 Aughagranna Rd Lisacclare Dungannon – Granted 15th March 2011

The above application relates to no. 46 Aughagranna Rd, a 1 ½ storey dwelling of bungalow appearance located immediately opposite the site.

- M/2003/0944/O – Proposed retirement bungalow, garage, septic tank and percolation area – Site adjoining 107 Lisclare Road Stewartstown – Granted 14th October 2003
- M/2006/1581/RM – Proposed retirement dwelling, garage, septic tank and percolation area – Site adjoining 107 Lisclare Road, Stewartstown – 12th December 2006

The above application relates to no. 73 Aughagranna Rd, a 1 ¾ dormer dwelling to the southeast of the site, set back from and accessed off the Aughagranna Rd

Consultees

1. DfI Roads were consulted in relation to access arrangements and have raised no Objections, subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.
3. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their “Shafts and Adits Database” indicates that the proposed site is not in an area of abandoned mine workings.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside; and Statement 3: Access, Movement and Parking are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 ‘Development in the Countryside’ and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 ‘Dwellings on Farms’.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where the following criteria have been met:

1. the farm business is currently active and has been established for at least 6 years,

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DEARA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. I am content Criterion (1) of CTY 10 has been met.

2. no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application or since PPS 21 was introduced on 25th November 2008.

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Canavan's farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

3. the new building is visually linked or sited to cluster with an established group of buildings on the farm.

I am content that a dwelling on this site will cluster and visually link with an established group of buildings on the farm holding comprising a small agricultural shed / store for animal feed see 'Planning History' above with reference to LA09/2017/1705/F) and a smaller outbuilding to its south. Both are located immediately to the northwest of the site within the same host feild. Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character.

I am of the opinion a dwelling and garage of an appropriate size, scale and design with a ridge height no greater than 6.5m above FFL, could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area in accordance with the requirements of policies CTY13 and 14. Whilst I acknowledge the site is prominent in views from the east, due to the road alignment, this is for a limited stretch of the minor road only. I believe a low ridge dwelling with additional landscaping which can be conditioned and considered further under any subsequent reserved matters application would reduce the impact of the building in this view.

As this is an outline application the details of the siting, size, scale and design of the dwelling and garage, alongside a planting scheme, can be considered further under any subsequent reserved matter application.

I am content given the separation distances between the site and neighbouring properties, their amenity should not be adversely impacted by this proposal to any unreasonable degree, in terms of overlooking or overshadowing.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment (NED) map viewers available online has been checked and there are no built heritage features of significance or natural heritage assets of interest on site.

Flood Maps NI indicate the site is not subject to Flooding.

Recommendation

Approve

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve

Conditions

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

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

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

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

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

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

4. The proposed dwelling shall have a ridge height of no greater than 6.5 metres above finished floor level.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

7. The existing natural screenings of this site as indicated in yellow on approved drawing no. 01 bearing the date stamp received 22 SEP 2020, shall be retained intact and no lopping, topping, felling or removal shall be carried out without prior consent in writing to the Council.

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

8. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. The scheme shall include a native species hedgerow to be planted along the new boundaries of the site indicated in pink on approved drawing no. 01 bearing the date stamp received 22 SEP 2020. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual and residential amenity.

9. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m x 33m in both directions onto the public road and a forward sight distance of 33m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved and the area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

5. Please see DETI GSNi consultation response dated and scanned to the planning portal on the 23rd October 2020 for information purposes.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1200/F	Target Date:
Proposal: Retention of additional office space (amended description)	Location: 15a Grange Road Ballygawley Dungannon
Referral Route: The applicant's father is an elected member of Mid Ulster Council and a member of the Planning Committee (Cllr Wills Robinson).	
Recommendation:	Approval
Applicant Name and Address: Exi-Tile Ltd 15a Grange Road Ballygawley Dungannon	Agent Name and Address: Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

This application site is located at No 15a Grange Road, Ballygawley, approximately 70 metres north east of the Ballygawley Roundabout. It is within the development limits of the village of Ballygawley and is included within the Grange Road Local Landscape Policy Area (LLPA 4) as designated in the Dungannon and South Tyrone Area Plan. The purpose of this LLPA is to protect the attractively landscaped grounds and residences which make a positive contribution to the visual amenity and character of the village on approaches from the A4 Roundabout. Adjacent to and immediately south of this site is Suitor's Craft Gallery and Coffee Shop. The area surrounding the site includes a mixture of detached private residential properties on large plots.

This application site is occupied by the premises of Exi-Tite Ltd which is a supplier of Heating, Ventilation and Air Conditioning systems. The site currently accommodates a single storey office building with a large cladded building connected to the rear and these are sited close to the south eastern boundary. The site is narrower at the roadside being just over 20 metres wide. It stretches some 70 metres back from the roadside to where vehicles are parked to the rear of the store. The ground falls in a northerly direction from the site to the Ballygawley Water and there are small groupings of trees in the immediate environs. The north eastern boundary of the site is the rear wall of an outbuilding associated with No 15 Grange Road. The hardstanding area within the application site and adjacent to this appears to be utilised for undesignated parking. The south eastern roadside boundary is a black wire fence which separates the site from the public footpath and also comprises the gated entrance.

Planning History

This is some relevant planning history associated with this application site.

LA09/2020/1259/F was submitted around the same time as this proposal and it is on the same site but for additional first floor office space to the existing building. No decision has been arrived at on this application as it is still being processed.

In August 2017, planning permission was granted for the demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance under application LA09/2017/0509/F.

An Enforcement Case was opened under LA09/2018/0052/CA, however this was closed in June 2018 as it was found there was no breach of planning control.

Description of Proposal

This is a full application for the Retention of additional office space at 15A Grange Road, Ballygawley. This proposal was initially submitted as "proposed additional office space" however as was discovered during the site visit, the structure is in position and is currently functioning as office space. Therefore the agent was requested to amend the description accordingly to include "Retention of" in order to reflect what is on the site and it was re-advertised and the neighbours re-notified.

This structure comprises 2 separate but interconnected offices and measures 9.1 metres in length and is 3.7 metres wide. It is slightly raised off the ground and is 2.6 metres high and this office space is sited along the western boundary of the site. The structure has a flat roof, grey uPVC windows and doors, grey panelling for the walls with either side of the front facade comprising timber panelling.

It is only the front elevation which has any openings, a door with a glazed upper and 2 windows for the large office and a single door for the smaller office. It is sited in such a way that the front elevation faces the side of the existing store which is the large cladded building.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

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

The 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, which in this instance is the Dungannon and South Tyrone Area Plan.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 4 Planning and Economic Development is retained and it is this policy which this application will be assessed under.

Policy PED 1 Economic Development in Settlements sets out the requirements for the various Class Types and their suitability in each of the different settlement types in the hierarchy. This application site is located within the Development Limits of the village of Ballygawley which is classified in the Villages and Smaller Rural Settlements. PED 1 states that proposals to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

Policy PED 9 General Criteria for Economic Development states any proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

This site is currently occupied by Exi-Tite Ltd and its use has been established since ???. As this proposal is for an extension to an existing business, I have no concerns about the compatibility of the use of this structure an office located within the confines of an existing business.

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

There have been no objections received regarding this application. I do not foresee that the use of this structure as an office will have any detrimental impact on the amenities of nearby residents.

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

As this structure is sited in the yard area of an existing business, there are no natural or built heritage issues with this proposal.

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

The Ballygawley Water river course sits approximately 140 metres to the north of this application site. Although this river is susceptible to flooding, this does not impact this site and occurs on land to the north of this site which sits between it and the river.

(e) it does not create a noise nuisance;

I do not have any concerns this proposal which is to retain a structure comprising 2 offices will have any impact on nearby residents.

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

This proposal includes 2 offices to cater for social distancing and the growth of the company. There are no toilet facilities included in this structure, it is solely 2 offices which are interconnected. NI Water were consulted regarding this application and although they have stated the receiving Ballygawley WWTW is currently operating above design capacity, as this proposal does not involve any additional loading, they have no objections. They have advised the site is located within a Development Consultation Zone and there is a possibility of nuisance from odour and/or noise. They recommend the Developer should enter into early discussion with NI Water by means of a Development Encroachment Application to agree the limit of development and/or conditions.

(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;

The applicant has indicated in the application form they propose to utilise an existing unaltered access onto the Grange Road. DfI Roads were consulted and they requested the visibility splays at the entrance be amended. They asked that the position of the sliding gates and location of the entrance to be plotted accurately and labelled accordingly and also that the parking and servicing layout as indicated on application LA09/2020/1200/F be included on this proposal also. Upon receipt of these amended drawings they were consulted again and responded stating that they had no objection to the proposal, subject to standard condition requiring visibility splays of 2 metres by 45 metres to the west and 2 metres by 60 metres to the east direction at the access onto the public road.

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

This site is located along the main road network making it accessible to all with a Bus Stop metres from the site entrance and a footpath which also increases safety of pedestrian customers.

(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 areas of outside storage proposed are adequately screened from public view;

In terms of layout and design, this structure is sensitively located and sited to fit neatly into a corner of the site. The finishes of the offices are of a high quality with the timber panelling adding a nice design feature to improve the appearance and quality of this proposal. The existing site has the capacity to absorb this extension as it is approximately 0.7 hectares.

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

Fencing currently surrounds the site ensuring its security.

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

This criterion is not applicable for this proposal as it lies within the development limits of Ballygawley.

Consultations and Representations

DfI Roads are satisfied this proposal is approved subject to conditions. They recommended including a condition stating that no operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved to provide adequate facilities for parking, servicing and circulating within the site. As this application is retrospective, I am of the opinion that 8 weeks from the date of the decision notice is adequate time to allow the applicant to fulfil this required condition. Therefore I am content this proposal subject to the implementation of conditions will achieve the policy requirements of PPS 3 Access, Movement and Parking.

The Environmental Health Department of Mid Ulster Council initially did have concerns about this proposal. It was indicated on the P1 form that waste water is to be disposed of through connection to mains system. As there is no capacity in the Ballygawley WWTW at present Environmental Health require that the applicant provide information on the proposed sewerage system including details of the type of facility, the location, as well as details of noise and odour. Once the applicant confirmed there would be none of the aforementioned facilities required by this proposal and that NI Water in their reconsultation response were agreeable there would be no additional loading, Environmental Health have no objections to this development proposal.

This application was advertised in the local press and five neighbours were notified, in line with the Council's statutory duty. No objections were received for this application.

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the criterion set out in PPS 4, I am content this proposal satisfies the requirements of PED 9 and therefore should be recommended for approval, subject to conditions.

As the applicant has stated in Q26 of the P1 form that his father is an elected member of Mid Ulster Council and a member of the Planning Committee (Cllr Wills Robinson), this application cannot be determined under the Council's present Scheme of Delegation and therefore it must go before the Council's Planning Committee.

Conditions

1.This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.
Reason: This is a retrospective application.

2.The vehicular access, including visibility splays of 2 m x 45m in both directions, shall be provided in accordance with Drawing No.02 bearing the date stamp 17th September 2020, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

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

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

4.The gates/security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed, and retained thereafter.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

5.The hard surfaced areas as indicated on Drawing No 02REV1 date stamped 13th November 2020 must be constructed and permanently marked within 8 weeks, 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.

Informatives

This notice relates to Drawing Nos 01REV1 and 02REV1 which were received on 13th November 2020

This permission does not confer title. It is the responsibility of the developer to ensure they control all the lands necessary to carry out the proposed development.

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

The site is located within a Development Encroachment Consultation Zone in proximity to a WWTW and there is a possibility of nuisance from odour and/or noise. The Developer should

enter into early discussion with NI Water by means of a Development Encroachment Application to agree the limit of development and/or conditions.

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

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

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

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

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, the existing roadside drainage is accommodated and no water flows from the public road onto the site and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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

Notwithstanding the terms and conditions of the approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Infrastructure Section Engineer whose address is Section Office, Moygashel Road, Dungannon.

Signature(s)

Date:

ANNEX	
Date Valid	29th September 2020
Date First Advertised	13th October 2020
Date Last Advertised	1st December 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 ,Grange Road,Ballygawley,Tyrone,BT70 2LP The Owner/Occupier, 15b Grange Road Ballygawley The Owner/Occupier, 17 Grange Road Ballygawley Tyrone The Owner/Occupier, 17a Grange Road Ballygawley The Owner/Occupier, 20 Grange Road Ballygawley Tyrone	
Date of Last Neighbour Notification	19th November 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1200/F Proposal: Proposed additional office space Address: 15a Grange Road, Ballygawley, Dungannon, Decision: Decision Date: Ref ID: LA09/2020/1259/F Proposal: Additional first floor office space Address: 15a Grange Road, Ballygawley, Dungannon, Decision: Decision Date: Ref ID: M/2002/0707/O Proposal: Residential Development to include alterations to existing roundabout Address: Land adjacent to Omagh Road, Ballygawley Decision: Decision Date: 13.03.2007 Ref ID: M/1990/0122	

Proposal: Two Signs
Address: 17 GRANGE ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1990/0130
Proposal: Change of use from Existing Building to Picture Framing Workshop
Address: 17 GRANGE ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1998/0085
Proposal: Minor Extension to Craft Shop and Relocation of Toilets
Address: 17 GRANGE ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/1992/0334
Proposal: Replacement Domestic Garage and store
Address: 17 GRANGE ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/2002/1021/F
Proposal: Proposed change of use from stables (disused) to self catering accommodation at existing guest house
Address: The Grange Guest House, 15 Grange Road, Ballygawley
Decision:
Decision Date: 21.10.2002

Ref ID: M/1997/0169
Proposal: Site for proposed private housing development including road and housing layout
Address: ADJACENT TO 15 GRANGE ROAD BALLYGAWLEY
Decision:
Decision Date:

Ref ID: M/2004/1627/F
Proposal: Proposed sun lounge and new dormer windows
Address: The Grange, Grange Road, Ballygawley
Decision:
Decision Date: 11.01.2005

Ref ID: LA09/2017/0509/F
Proposal: Demolition of existing store building and proposed pallet store building with extended yard area and alterations to entrance
Address: 15A Grange Road, Ballygawley,
Decision: PG
Decision Date: 08.08.2017

Summary of Consultee Responses

DfI Roads have no objections subject to conditions.

As this proposal will not create additional loading to the over capacity Ballygawley WWTW, NI Water and Environmental Health have no objections.

Drawing Numbers and Title

Drawing No. 01REV1
Type: Site Location Plan
Status: Approved

Drawing No. 02REV1
Type: Elevations and Floor Plans
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



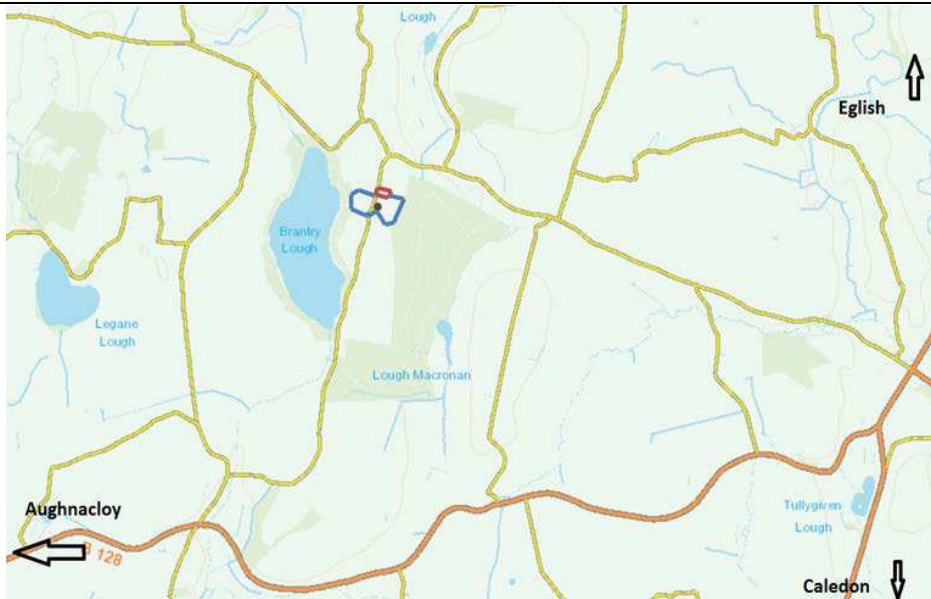
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1257/F	Target Date:
Proposal: Farm building	Location: 16 Brantry Road Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Declan Rafferty 16 Brantry Road Dungannon BT70 1QA	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the east of Brantry Lough. It is situated to the east of Aughnacloy, west of Eglish and North of Caledon settlements and outside all other areas of constraints as depicted by the Dungannon and South Tyrone Area plan.

The red line of the site includes a rectangular portion in the Northern half of a larger agricultural field situated directly south of and adjacent to number 10 Brantry road, Dungannon. The

property to the north at number 10 is an old dilapidated bungalow and small outbuilding. This dwelling is accessed via an old gravel path along the northern boundary of the site. The dwelling to the south is the applicants home at number 16 and includes an access off the Brantry road and a detached garage to the rear.



The site is bounded on the north, east and roadside west by a low cropped hedgerow and a scattering of trees. The southern boundary is undefined on the ground.



The site is accessed via an agricultural gate in the North west corner, there is also a small enclosed cattle crush in this corner. The site slopes gradually from the roadside to the rear.

Description of Proposal

The proposal seeks full planning permission for a farm dwelling with a new access. The shed is to include two cattle pens, two sheep pens and a machinery storage area, measuring 12 metres by 29 metres and 6 metres high.

Planning Assessment of Policy and Other Material Considerations

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

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

Planning History

There is no relevant planning history on this site.

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 have been received.

Assessment

The principal planning policies are provided by the Area Plan, SPPS, PPS 21, and PPS 3.

Area Plan

Dungannon and South Tyrone Area Plan 2010- un-zoned land in the countryside.

SPPS

The Strategic Planning Policy Statement (SPPS) for Northern Ireland - Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21 and PPS 3 have been retained under transitional arrangements. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS21

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

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

CTY 12

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and within the amplification text, it clarifies that for the purposes of this policy the determining criteria for an active and established business will be

that set out under Policy CTY 10. Policy CTY 10 stipulates that the farm business should be both active and established for a period of at least 6 years.

The P1C form states that the business Id for this holding has only been created on 25/07/2019 and claimed single farm payment for the first time in 2020. DAERA has confirmed that the proposed site located on business as per P1C and DAERA 2020 scheme map checked., they also confirmed that the applicant was a member of a previous business and left to form the current farm business.

Whilst visiting the site I observed the application lands and noted that they were in decent agricultural condition.

I am content that the agricultural holding is currently active, however, I have not requested information to support continued activity for the previous 6 years.

CTY 12 includes five further criteria (a-e):

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
The applicant has not put forward any case as to why the proposed shed is necessary for the agricultural holding.

(b) in terms of character and scale it is appropriate to its location;
The proposal presents an agricultural building which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area. The proposed building would be single storey. It is 12 metres wide and 29 metres long. However, in my opinion a building of this size sitting in isolation away from the main farm dwelling would not be appropriate to the location.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
The proposed building, including an area for turning and parking would be very open and exposed from the Brantry road especially when travelling from the south. It is my opinion the proposal would present a prominent feature in the context of this rural landscape setting and would fail to integrate in the local landscape.

(d) it will not have an adverse impact on the natural or built heritage;
There are no sensitive natural heritage features of note within the site or the surrounding area.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
It is noted that the proposal is sited some 15m away from the closest unconnected residential dwelling at No. 10 Brantry Road. And 60 metres. The dwelling at number 10 is not currently habituated. In addition it must also be noted that the owner of number 10 has submitted a letter of support for the application. However, should the dwelling be replaced on site in the future, it is my opinion that its amenity would be impacted by such a large shed along its boundary.

CTY 12 - Additional Requirements

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

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

The applicant has provided no supporting statement along with this application. The applicants address is 16 Brantry Road road, which is the main farm holding with a number of fields and farm buildings surrounding. There does not appear to be any farm buildings within his ownership that could be used. It must be noted that there is no specific planning policy for first farm sheds

for start-up farmers. In addition the applicant has not provided any justification as to why the siting away from the existing farm is necessary.

CTY 13 & 14

An assessment of the proposed siting of the development along with its visual and physical impact has been documented within parts b and c, above. In terms of visual integration and impact on rural character members are advised that the proposal is deemed to fail to satisfactorily integrate into the surrounding rural landscape setting. I consider the proposal is not compliant with the policy provision contained within Policies CTY 13 and 14 of PPS 21.

PPS3

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have returned comment requesting a revised site location showing all visibility splays shown.

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.

Policy AFR1 - Agriculture and forestry development and development ancillary to fishing - applies and in principle there is no conflict with the existing policies.

Refusal recommended.

Neighbour Notification Checked

Yes

Refusal Reasons (NEED TO CLARIFY)

The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the existing agricultural (or forestry holding) is not currently active and established

it is not necessary for the efficient use of the active and established agricultural holding;

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the proposal is sited beside existing farm or forestry buildings.

Additionally in cases where a new building is proposed at an alternative site away from existing farm or forestry buildings:

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and

that health and safety reasons exist to justify an alternative site away from the existing farm (or forestry) buildings.

that the alternative site away is essential for the efficient functioning of the business.

Signature(s)

Date:

ANNEX	
Date Valid	12th October 2020
Date First Advertised	27th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Brantry Road Dungannon Tyrone The Owner/Occupier, 16 Brantry Road,Dungannon,Tyrone,BT70 1QA	
Date of Last Neighbour Notification	6th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1257/F Proposal: Farm building Address: 16 Brantry Road, Dungannon, Decision: Decision Date: Ref ID: M/1993/0650 Proposal: 11kv Rural Spur Address: IN TOWNLAND OF GORT EAST DUNGANNON Decision: Decision Date:	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Proposed Plans Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



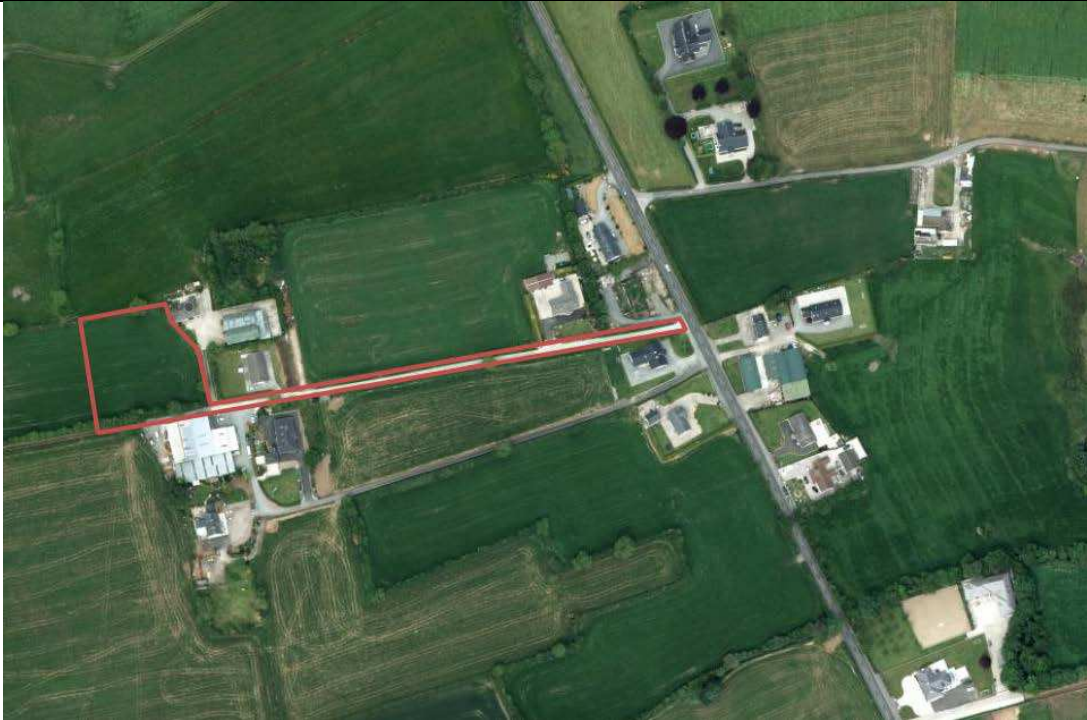
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1337/O	Target Date: 09/02/21
Proposal: Proposed dwelling and garage	Location: 10m West of 45 Drumenny Road Ballinderry
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Gavin Mc Geehan 34 Munalohug Road Dungiven	Agent Name and Address: C Mc Ilvar Ltd Cookstown Enterprise Centre Unit 7 Sandholes Road Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY2a of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Environmental Health	Additional Info Required

Representations:

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

Characteristics of the Site and Area

The site is located within the open countryside, approximately 0.3km southwest of the settlement limits of Ballinderry as defined in the Cookstown Area Plan 2010. The immediate locality has come under some significant development pressure in recent years and the surrounding area is predominantly characterised by residential properties with agricultural land and holdings also present in the wider area. The site comprises a portion of an agricultural field set back considerably from the public road with a relatively flat topography. The application seeks to utilise an existing concrete laneway on to the Drumenny Road which currently serves a number of existing dwellings and is approximately 280 metres long. Immediately south of the application site is an existing joinery business. The north, east and south boundaries of the site are defined by established trees and hedging whilst the western boundary is currently undefined. There is a small front lawn and a larger rear lawn, enclosed by a mixture of timber fence, hedgerow and mature trees.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands 10m West of 45 Drumenny Road, Ballinderry.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 2a New Dwellings in Existing Clusters.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

LA09/2016/1478/F – Extension to dwelling including addition of a single storey granny annex - 45a Drumenny Road, Coagh, BT80 0BY – Permission Granted 27/01/17

I/2007/0915/F - Proposed dwelling - Adjacent to 45 Drumenny Road, Derrychrin, Coagh – Permission Granted 14/04/08

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any designated settlement. The site lies within the designated Lough Neagh Shore Countryside Policy Area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Plan considers that further ribbon development along these roads will further erode the rural character and landscape

quality of the area, as well as having unacceptable adverse effects on the important nature conservation interests of the Lough and its shoreline.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met.

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

The proposal site is located outside settlement limits; however there is a high degree of development pressure in the surrounding locality. I am content that the site lies outside of a farm and there are at the required buildings and dwellings to satisfy the policy criterion. In the immediate context, to the east of the proposal site there are two dwellings, No.45 and No.45a, and south of the site there is an established joinery business and 2 further dwellings, No.47 and No.47a.

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

The site is set back approximately 270 metres from public road, however given the build-up of development in the immediate locality, directly east and south of the site, I consider when travelling on the Drumenny Road in either direction the cluster of development, which surrounds the proposal site, appears as a visual entity in the local landscape.

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

The applicant has relied on the Joinery Works business located 10 metres from the application site as the “focal point” for the purposes of meeting Policy CTY2a. It is not considered a small scale, privately owned joinery business represents a social/community building/facility. The site is not located at a cross-roads, the agent has referred to a staggered cross-roads junction east of the application site. Private laneways to residential dwellings are not considered a cross-roads. It is noted that the junction with the Gort Road is located some 270 metres from the application site but this is not a staggered cross-roads, nor is this where the application site is located.

- *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 bound on the necessary two sides by development. To the east, the site is bound by other detached dwellings within the cluster. South of the site, a joinery works business is located which although is separated by a laneway, I consider acceptable in this occasion as it visually reads as bounding given the minimal separation distance.

- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and*

In my opinion, the proposed dwelling is sited within the centre of an existing cluster. The application site is set back considerably from the public road therefore views will be limited. The existing buildings within the cluster will assist in screening the proposed development and I am satisfied that the development can be absorbed into this existing cluster through consolidation of the grouping of building. I do not consider the development would significantly alter the existing character or visually intrude into the rural landscape.

- *development would not adversely impact on residential amenity.*

Given the existing screening, I do not consider a dwelling on the proposal site would have an adverse impact on residential amenity of the neighbouring properties, subject to appropriate design and siting. Council Environmental Health Department were consulted to ensure no residential impact from the adjacent factory given the proximity. Environmental Health have responded advising that having considered the proximity to an existing joinery works, there is potential for residential amenity to be adversely impacted due to the elevated levels of noise from plant and machinery associated with the business. Environmental Health requested a noise impact assessment at the development site to determine the suitability of the site for residential development. Given that I consider the proposal already fails to meet all Criteria under Policy 2a, it was not considered appropriate to request the applicant go to the expense of commissioning a noise assessment. However, should the Planning Committee consider the proposed development is acceptable and planning permission should be granted, it will be necessary to consider Environmental Health concerns further.

I do not consider that the proposed development meets all the criteria outlined under CTY2a to merit the granting of permission under this policy.

Policy CTY13 states that planning permission will be granted of a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The site has a good degree of enclosure being bound on three sides by existing mature hedging. It is considered the existing vegetation would assist in integrating a dwelling on this site and I therefore consider it appropriate to condition that the retention of existing vegetation. New landscaping will be required to the rear boundary however this is not being primarily relied upon for integration. It is noted that land rises gradually from the public road to the application site, however given the site is

considerably set back in my opinion a dwelling and garage would successfully visually integrate into the surrounding landscape.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The proposal site has an adequate degree of enclosure and natural screening and I do not consider the addition of a single dwelling on the site will detrimentally alter the rural character of this area. The surrounding area already has a significant degree of development pressure and suburban style of development, the granting of planning permission on the site would not adversely change the rural character of the area or provide further development opportunities through infilling therefore I consider it complies with CTY14.

PPS 3: Access, Movement and Parking - The application site seeks to use an existing access on to Drumenny Road. DfI Roads have been consulted and have raised no objections to the proposal subject to conditions. Therefore, it is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1359/F	Target Date:
Proposal: Proposed retention of existing general purpose farm shed	Location: Land approximately 70m South of 26 Tullyaran Road Dungannon BT70 3HH
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Ryan Burnside 26 Tullyaran Road Dungannon BT70 3HH	Agent Name and Address: Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
Executive Summary: Proposed retention of existing general purpose farm shed for the storage of farm machinery complies with policy CTY1, 12, 13 and 14 of PPS21. One objection received in relation to why: late neighbour notification process, planning permission needed for the retention of an existing shed, and purpose the applicant intends for the existing shed. (Further details in body of report)	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Omagh	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Description of Proposal

This a retrospective planning application for the retention of an existing general purpose farm shed located on land approximately 70m South of 26 Tullyaran Rd Dungannon, identified on the submitted P1 Form as the applicant home address.

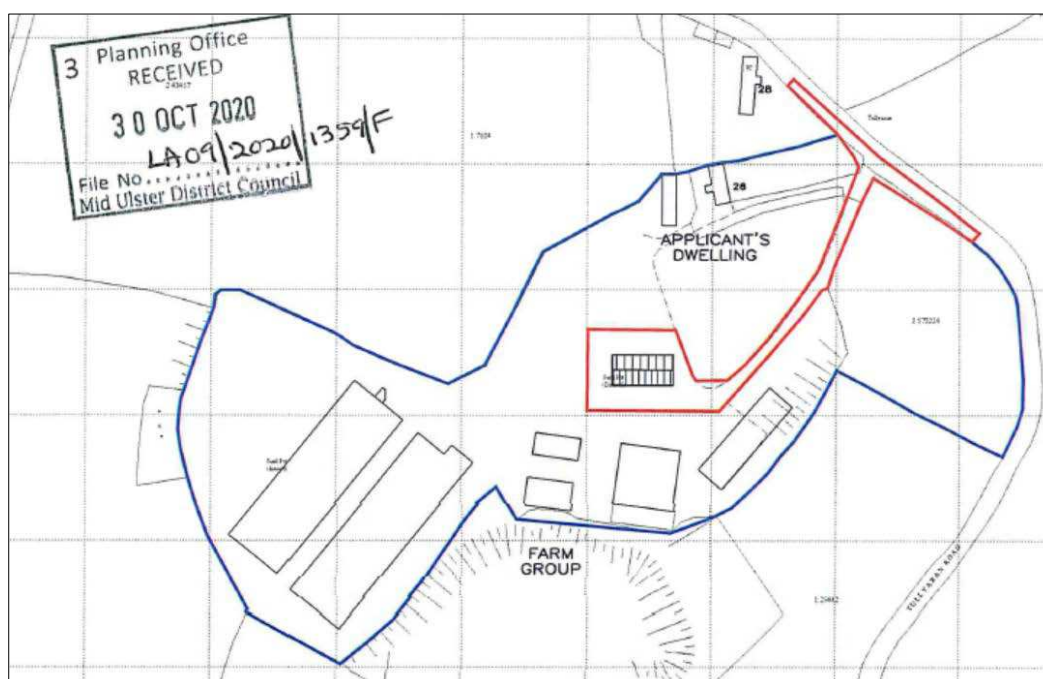


Fig 1: Site location Plan

The shed sits on an existing farmyard between the applicant home and a no. of existing agricultural buildings (see Fig 1, above). It has a rectangular shaped floor plan and pitched roof construction, measures approx. 12.2m (gable depth) x 24.3m (length) x 6.7m (height above FFL), and has a footprint of approx. 296.46m². Finishes to the shed include smooth concrete to the lower half of its walls and single skin juniper green cladding to the upper half of its walls and roof. The shed has 2 large galvanised steel roller shutter doors, 1 on its east facing (gable) elevation and a 1 on its south facing elevation. A steel pedestrian security door is also located on its south facing elevation, providing access through a small internal store, into the main open body of the shed.



Fig 2: Photo taken on approach to shed (most eastern) from access lane.

The agent has advised, via email on the 14th December 2020, the shed will be used for the storage of farm machinery only.

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits designated in the Dungannon and South Tyrone Area Plan 2010, approximately 1 mile north west of Donaghmore village.

The site is a relatively rectangular shaped plot comprising a large agricultural shed, the retention of which is the subject of this application and details of which are provided above in the 'Description of Proposal'. The shed is located within an existing farmyard (and former sand quarry) comprising a number of agricultural buildings, including 4 pig-fattening sheds, accessed off the Tullyaran Rd via a private concrete lane. The lane off the Tullyaran Rd runs up to, along the south side of, and southwest beyond the shed on site to the aforementioned pig sheds. Directly south / opposite the shed on site to the other side of the access lane exists another small no. of agricultural sheds / outbuilding.

Whilst the site and wider farm complex are located on elevated lands above the Tullyaran Rd, (sections located to east and north of site) they are relatively well enclosed and screened to views from it by the topography of the area; and existing mature vegetation along the boundaries of the farm complex, and wider vicinity.

In addition to the applicant's property no. 26 Tullyaran Rd (approx. 70m north of the site) there are a number of other domestic properties close to the site on its north and south sides.

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

Planning History

On Site/Farm

- M/1981/0308 – Sand and gravel washing plant, office and weighbridge – Tullyaran Dungannon – Approval (Historical) Granted 13th November 1984
- M/1992/0085 - Extension to dwelling - 26 Tullyaran Rd Dungannon – Approval Granted 16th April 1992
- M/1994/0459 – 33kv O/H powerline – Townlands of Mullaghroddan Creve Tulnagall Tullyaran Dungannon – Approval Granted 15th September 1994
- M/2006/0976/O – dwelling and garage – approx. 80m S of 26 Tullyaran Rd Donaghmore – Approval Granted 14th November 2006
- M/2011/0300/F – Extension to rear and N side of dwelling – 27 (known as no. 26) Tullyaran Rd Dungannon – 27th May 2011
- M/2013/0167/F – proposed 2 no. pig fattening sheds with feed bin - Land approx 200m SW of 26 Tullyaran Rd Dungannon – Approval Granted 30th January 2014
- M/2013/0076/CA – Development (M/2013/0167/F - Agricultural shed) commenced without planning permission – case close (permission granted) November 2014
- LA09/2017/0797/F – Proposed 2 additional pig sheds (to contain a total of 4000 weaner pigs 30kg weight with 2 additional feed bins and associated site works, existing pig shed to have a reduction in pig numbers to 2000 weaner pigs 30kg (giving a total site capacity of 6000 weaner pigs 30kg) – Land approx. 200m S.W. of 26 Tullyaran Rd Dungannon – Approval Granted 29th August 2018
- LA09/2020/0020/CA – Breach of Condition 4 of LA09/2017/0797/F (Odour Nuisance) and unauthorised agricultural shed under construction – case closed (As per case officers report - PCN confirms that the odour condition has is met) Open new case for the U/A farm shed.
- LA09/2020/0105/CA – Unauthorised agricultural building - Hold pending the outcome of planning application LA09/2020/1359/F

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. To date 1 objection has been received by email on the 13th December 2020 from an interested third party, Mr Donnelly, the owner / occupier of no. 28 Tullyaran Rd located to the north of the site, just beyond the applicant property (see Fig: 1, further above)

Concerns / questions raised by Mr Donnelly:

1. The application was received 31st October 2020 but he was not notified until the 30th November 2020, with a return date of 14th December 2020. He stated the return date was not indicated in the letter. He asked why the delay in notification and why does he need to access the portal to find the date to return objections? Stating, he was out of the country until the Friday night (11th December 2020) hence his email rather than a letter to meet the deadline. And, there is a pattern of late and inadequate notification in relation to applications from this applicant, that a similar situation arose in relation to his previous building projects for pig houses.
2. Why is planning permission needed for "retention of existing ... shed"?
3. What purpose the applicant intends for the existing shed if permission is granted and object until such times as this information is forthcoming.

Further to the above email on the 14th December 2020, the agent advised the shed would be for storage of machinery only. I rang and spoke to the objector on the 14th December 2020 and advised of the intended purpose, explained this was a retrospective planning application for consideration, and apologised for the delay in the neighbour notification process and convenience caused owing to a backlog in applications that had arose, because of Covid 19. I also advised Mr Donnelly I had not yet visited the site and that he still had time to put any further concerns in writing for consideration.

Consultations

1. The Department of Agriculture, Environment and Rural Affairs DAERA were consulted on this application and confirmed on the 15th January 2021 that the farm business stipulated in the P1C Form accompanying the application is currently active and has been established for at least 6 years.

Dungannon and South Tyrone Area Plan 2010

Dungannon & South Tyrone Area Plan acknowledges that agriculture is an important use in the area. 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 or policies, as such, existing planning policies should be applied in this assessment.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland

Under Subject Policy, 'Development in the Countryside', the SPPS makes provision for development on an active and established (for a minimum 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing farm buildings on the holding. An alternative site away from existing buildings is only being acceptable in exceptional circumstances. I am content the SPPS has introduced no changes to Planning Policy Statement 21: Sustainable Development in the Countryside, in term of agricultural development therefore if this proposal complies with Planning Policy Statement 21 as detailed below it will also meet the requirement of the SPPS.

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside
Policy CTY 12 of PPS 21 makes provision for agricultural development on an active and established agricultural holding subject to a number of criteria.

Accordingly, the first policy test before going through the additional criteria listed below is, 'is Mr Burnside's farm holding active and established?'

Having consulted with DAERA I am content that Mr Burnside's farm business (identified on P1C Forms and Farm maps submitted alongside the application) has been active and established for at least 6 years. DAERA confirmed the farm business has been established for at least 6 years; and applicant has claimed on the business in the last 6 years.

I am content to proceed to apply the additional criteria outlined by Policy CTY 12 which must be met, as follows:

- it is necessary for the efficient use of the agricultural holding;



Fig 3: Internal photo of Storage shed

As detailed above the applicant has an active and established farm holding as verified by DAERA. At the site inspection I observed a number of Mr Burnside's agricultural machines inside the proposed building (as seen in Fig 3 above) which require adequate protection from the elements and theft. In addition, I noted the other existing sheds on site are in use for other purposes or at full capacity.

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

The surrounding area is rural in character. The shed is typical of agricultural buildings in terms of its design, size, scale and finish and considered appropriate to its location. The shed is sited on an existing farmyard, beside existing agricultural buildings, as such I consider its' location appropriate. Whilst the shed and wider farm complex is located on elevated lands above the Tullyaran Rd (see ' Characteristics of Site and Area') they are relatively well enclosed and screened to views from it by the topography of the area; and existing mature vegetation along the boundaries of the farm complex, and wider vicinity. Thus, in my opinion the development adequately integrates into the surrounding landscape (see Figs: 4 &5)

- it visually integrates into the local landscape and additional landscaping is provided as necessary;

The shed is currently in situ and from local views, from Tullyaran Rd to north, the roof of the building is just visible on a ridge top location through existing vegetation. Views from the Tullyaran Rd to the south are limited to passing its access. I do not consider it unduly prominent in the local landscape and I consider it has a suitable degree of integration, as can be seen in Figs: 4 &5.



Fig 4: view from Tullyaran Rd (located to north of site)



Fig 5: view from Tullyaran Rd (located to south of site / at access) shed set back sight

- it will not have an adverse impact on the natural or built heritage; and

In addition to checks on the planning portal DfC's Historic Environment Division and DAERA's Natural Environment Division Map Viewers both available online have been checked. No significant built or natural heritage assets or features were identified on or in close proximity to the site.

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

I have no concerns regarding the shed detrimentally impacting the amenity of residential dwellings outside the holding as the shed is for the storage of farm machinery only and can be conditioned as such.

In cases where a new building is proposed (as is the case here) applicants will also need to provide sufficient information to confirm all of the following:

- the applicant has no buildings on the holding that can be used;

I am content based on the information submitted and searches carried out on the applicant's lands, that he has no other buildings on his holding, as detailed above, that can be used. Existing sheds on site are in use for other purposes or at full capacity.

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

The design and materials are generally typical of agricultural sheds and are considered acceptable to its rural setting. The shed is located on lands set well back from the road; and existing vegetation both bounding the farmyard and in the wider vicinity largely screen it.

- the proposal is sited beside existing farm buildings

The shed to be retained is sited beside existing buildings located on the applicant's farm holding to the south and southwest as can be seen further above in Fig 1: Site location Plan; and at the outset of report in orthophotography. As detailed above in 'Characteristics of the Site and Area', the shed is located within an existing farmyard comprising a number of agricultural buildings, including 4 pig-fattening sheds located to its southwest and small no. of agricultural sheds / outbuilding located to its south.

I am content that this proposal complies with SPPS and PPS 21 including Policy CTY 13 and 14 as detailed below.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. I consider the proposal, which utilises an existing agricultural access off Tullyaran Rd, is appropriate in terms of design, size, scale and materials for this site and the locality.

Additional Consideration

Flood Maps NI indicate the site is not subject to flooding.

Recommendation: Approve

Neighbour Notification Checked	Yes
---------------------------------------	-----

Summary of Recommendation	Approve
----------------------------------	---------

Conditions (Drawing nos. 01, 02, 03)

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

Reason: This is a retrospective application.

2. The shed hereby approved shall be used only for the storage of agricultural machinery and feed.

Reason: To prohibit a change to an unacceptable use and in the interest of neighbouring amenity.

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

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

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1387/O	Target Date:
Proposal: Dwelling and Domestic Garage	Location: Site 40m East of 26 Washingbay Road Coalisland
Referral Route: Contrary to DfI Roads	
Recommendation:	Refusal
Applicant Name and Address: Mr Declan McClure 26 Washingbay Road Coalisland	Agent Name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The site is located within the development limits of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010 situated between the Annagher Road and Washing Bay Road to the north and south of the site respectively. It is a square shaped plot measuring approx. 0.2 hectares and comprising of a large agricultural field located to the East of no 26 Washingbay Rd. It is proposed to be accessed from the Washingbay Rd via an existing access and shared laneway.

The site is currently bounded mainly by existing post and wire fencing with scattered trees along the boundary also. The site has a gradual incline from the south of the site towards the north. Lands at either side of the site are hatched blue indicating ownership. Whilst the is located within settlement limit of Coalisland, to the west is The Mills, a medium density housing development, as the lands within this zoning are largely undeveloped the area retains a rural feel overlooking agricultural lands on the outskirts of the town with a farm located just north of the site.

Description of Proposal

Outline planning permission is sought for a dwelling and domestic garage.

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 1, 2, 3, 4, 5, 6 The Mills and 16, 19, 24, 26, 38 Washingbay Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2019/0869/O - Site to the rear and North of 24 Washingbay Road, Lower Annagher, Coalisland - Proposed dwelling & domestic garage – PERMISSION GRANTED



Historical Approval – LA09/2019/0869/O

The above application relates to the most recent dwelling approved of the laneway proposed to serve the site, which is located NW of this application site. There is extensive history associated with the lands surrounding the site, relating to the Mills housing development and other development accessed off this lane. There is no other relevant planning history associated with this application site.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments
- PPS 7 (Addendum) – Safe Guarding the Character of Established Residential Areas
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
- Creating Places
- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards

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 have been 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** 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.

Dungannon and South Tyrone Area Plan is the extant Plan for the area and identifies the site as being within the settlement limits for Coalisland of Annagher Road and north of Washing Bay Road.

The proposal is for a dwelling and domestic garage. Details surrounding the design of the dwelling and garage have not been submitted as this application relates to outline planning consent only, however I find no reason why a modest sized dwelling could not be designed to respect the surrounding context and character of this area whilst remaining respectful in terms of layout, size and scale. In considering the surrounding context, there is a diverse mix of dwellings surrounding the site. In considering the surrounding context, there is an eclectic mix of dwelling sizes and designs.

There are no protected archaeological or built heritage features identified within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests. The proposal has no existing boundaries in terms of landscaping, however a landscaping scheme can be requested for further considered under any subsequent reserved matters application. Adequate private open space should be provided as part of the RM application. As the proposal is for a single dwelling and garage, it is considered that it would be unnecessary and inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The site accesses onto the Washingbay Rd whereby footpaths link the development to services located within Coalisland and Clonoe. The location of this site within Coalisland allows for sustainable methods of travel for pedestrians and public transport users. Any potential issues surrounding parking and design would be identified at Reserved Matters stage subsequent to any planning approval. Given the dimensions of the site which are similar to the plots along the laneway at present, adequate in-curtilage parking for 2 vehicles could be accommodated. DFI Roads have raised no concerns in respect of parking. There is a mix of land uses in this area, with a substantial amount of the adjacent land uses being used for residential purposes, therefore it is not considered that there would be a conflict of land uses.

In terms of overlooking, loss of light and overshadowing, I consider that a dwelling could be designed at a proportionate size, scale and height to avoid causing any significant detrimental impact on neighbouring amenity. The proposal is within the settlement limits

of Coalisland and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

The site is proposed to be accessed off the Washingbay Rd via an existing access and shared laneway with 6 other dwellings 5 within the settlement limits of Coalisland, with 1 just outside and 1 live outline planning approval. DFI Roads have been consulted and as detailed further below, advised roads servicing in excess of 5 units as is the case here should be brought up to adoptable standards. They also advised of the excessive width at the laneway entrance to the site and potential for piecemeal development. DFI Roads have advised that if the access is utilised correctly then the visibility splays are in situ, subsequently I think it is reasonable to approve this application. In terms of piecemeal development, I believe there is limited opportunity for further housing to be accessed off this lane. Adequate in-curtilage parking for 2 vehicles could be accommodated. I am therefore content that this proposal is in compliance with the policy provisions of PPS 3.

PPS 7 – Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

DFI Roads were consulted in relation to the access arrangement to the site and referred to their previous response for a similar type of application, LA09/2020/0869/O. This previous application was subsequently put to committee and was approved as an exception to policy. DFI stated the proposed site is situated within the settlement limits at Lands South of Annagher Road and North of Washing Bay Road, as illustrated in the Dungannon and South Tyrone Area Plan 2010. The section of access laneway within the settlement limits, appears to be currently serving five units and one additional single unit, outside the limit. Roads serving more than five dwellings must be determined in accordance with the Private Streets Order and the Layout of the Housing Roads design guide, "Creating Places". They have noted that they could not recommend approval for this application either given that it would be contrary to DCAN 15 and the guidance held within it relating to requirements of the Private Streets Order. Creating Places notes that all access roads serving new residential developments in excess of 5 dwellings will normally need to be designed and constructed to adoptable standards. This application would be the seventh dwelling located along this laneway taking into account the current live application and we are of the opinion that we cannot continue to allow further development to access of this laneway.

DFI advised that the approval of this proposal would exceed criteria where a road servicing in excess of 5 units should be designed in accordance with Creating Places. They noted in their previous response for LA09/2019/0869/O that the Council should consider the implications of any approval and the potential for further piecemeal development / applications being serviced via this un-adopted road. Their site inspection indicated an excessive width at the laneway entrance to the site of 13.5m. That visibility splays to the west comply with DCAN15, however visibility splays to the east vary due to possible points a vehicle can exit the laneway. Visibility splays of 2.4m x 60m are achievable if the distance is measured from 2m of the westerly point of the access however visibility splays of only 2.4m x 27.8m is achievable if the distance is measured from 2m of most easterly point of the access. Due to current design widths there is no

physical restraint to prevent vehicles exiting the entrance at the most easterly point, which could compromise road safety.	
Neighbour Notification Checked	Yes
Summary of Recommendation: Given the road safety concerns provided by DfI Roads, the proposal is recommended for refusal.	
Reasons for Refusal: 1. The road is not of an adequate standard to provide for additional dwellings in accordance with the provisions of Creating Places or DCAN 15 Vehicle access standards and if erected would further erode high way safety.	
Signature(s) Date:	

ANNEX	
Date Valid	6th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 16 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 19 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 2 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 24 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 26 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 3 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 38 Washingbay Road, Coalisland, Tyrone, BT71 4PU The Owner/Occupier, 4 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 5 The Mills, Coalisland, Tyrone, BT71 4UB The Owner/Occupier, 6 The Mills, Coalisland, Tyrone, BT71 4UB	
Date of Last Neighbour Notification	4th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/1340/F Proposal: Alterations of "The Mills" housing development entrance, Washingbay Road, Coalisland as approved in M/2009/0954/F Address: The Mills Washingbay Road, Coalisland, Decision: Decision Date:	

Ref ID: LA09/2019/0869/O

Proposal: Proposed dwelling & domestic garage.

Address: Site to the rear and North of 24 Washingbay Road, Lower Annagher, Coalisland.,

Decision: PG

Decision Date: 20.08.2020

Ref ID: LA09/2020/1387/O

Proposal: Dwelling and Domestic Garage

Address: Site 40m East of 26 Washingbay Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2019/0781/F

Proposal: Removal of condition 3 from Planning Approval M/1978/0567.

Address: 26 Washingbay Road, Coalisland, BT71 4PU.,

Decision: PG

Decision Date: 11.09.2019

Ref ID: M/2000/1002/O

Proposal: Site for retirement dwelling

Address: Adjacent to 32 Washingbay Road Coalisland

Decision:

Decision Date: 15.02.2001

Ref ID: M/1979/0249

Proposal: RESIDENTIAL DEVELOPMENT

Address: LOWER ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/2012/0579/O

Proposal: Proposed Dwelling and Garage

Address: 30m South of 32 Washingbay Road, Coalisland,

Decision: PG

Decision Date: 08.01.2013

Ref ID: M/2013/0186/RM

Proposal: Proposed dwelling and garage

Address: 30m South of 32 Washingbay Road, Coalisland,

Decision: PG

Decision Date: 23.08.2013

Ref ID: M/1975/0203
Proposal: ERECTION OF A SEWAGE PUMPING STATION
Address: ANNAGHER, COALISLAND
Decision:
Decision Date:

Ref ID: M/2007/1520/Q
Proposal: Alternative Access for proposed housing development
Address: Washingbay Road, Coalisland
Decision:
Decision Date:

Ref ID: M/1998/0343
Proposal: Erection of 6 No. Dwellings and construction of new roadway and alteration to existing roadway
Address: WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0594
Proposal: Erection of Replacement Dwelling
Address: APPROX 60M EAST OF 32 LOWER ANNAGHER COALISLAND
Decision:
Decision Date:

Ref ID: M/1995/0594B
Proposal: Proposed two storey dwelling
Address: APPROX 60M EAST OF 32 LOWER ANNAGHER COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0317B
Proposal: Erection of dwelling
Address: APPROX 150M WEST OF NO 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1990/0317
Proposal: Dwelling
Address: APPROX 150M WEST OF 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1992/0210
Proposal: Site for Dwelling
Address: ADJACENT TO NO 24 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/1978/0567
Proposal: RETIREMENT DWELLING
Address: WASHINGBAY ROAD, ANNAGHER
Decision:
Decision Date:

Ref ID: M/1986/0354
Proposal: BUNGALOW
Address: WASHINGBAY ROAD, COALISLAND
Decision:
Decision Date:

Ref ID: M/2011/0419/F
Proposal: Extension of time on condition 1 currently 6 months up to 18 months to allow time for completion of legal documentation prior to works commencing on site.
Address: Site entrance serving The Mills Housing Development Washingbay Road Coalisland.,
Decision:
Decision Date: 07.12.2011

Ref ID: M/1990/4100
Proposal: Alterations to dwelling
Address: 28 WASHINGBAY ROAD COALISLAND
Decision:
Decision Date:

Ref ID: M/2009/0954/F
Proposal: Alt. to entrance of existing "The Mills" Housing Development, Washingbay Road, Coalisland to include the demolition and repositioning of existing entrance wall to the left side of development entrance.
Address: Site Entrance serving "The Mills" Housing Development, Washingbay Road, Coalisland
Decision:
Decision Date: 08.02.2011

Ref ID: M/1999/0170
Proposal: Proposed Extension to Dwelling
Address: ANNAGHER MILLS LOWER ANNAGHER COALISLAND

Decision:

Decision Date:

Ref ID: M/1992/0042

Proposal: 33/11 KV system improvement (Part 5)

Address: CULLION, EDENDORK, DERRY, BRACKAVILLE, ANNAGHER GORTGONIS
DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1394/O	Target Date:
Proposal: Proposed dwelling on infill site	Location: Site between 112 & 118 Ardboe Road Moortown Cookstown
Referral Route: Contrary to Policy Objection received	
Recommendation:	Refusal
Applicant Name and Address: Mr Rauri Donnelly & Ms Aimee O'Neill 115 Battery Road Coagh BT80 0HW	Agent Name and Address: Gibson Design & Build 25 Ballyinderry Bridge Road Coagh BT80 0BR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	2
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Contrary to CTY 1, 2a, 8 and 14 of PPS 21 and contrary to PPS 3.

One objection has been received at the time of writing. In summary, the objector raised concerns over road safety, specifically relating to the proposed access lane. However, this is not an adopted road.

Characteristics of the Site and Area

The site is located within the open countryside, outside of any settlement limits as defined by the Cookstown Area Plan 2010. The red line of the application site includes an existing laneway that is used to access 116, 118 and 118A Ardboe Road, with the main part of the site being part of a larger agricultural field. The site is located approximately 140m back from the Ardboe Road, with the southern and eastern boundaries of the site defined by an existing hedgerow. A hedgerow separates the site from a vacant dwelling with associated outbuildings located to the west. The northern

boundary is undefined and extends into a larger agricultural field. The immediate area is a mix of residential properties with a dwelling to the west and a number of other dwellings to the east and southeast. The wider surrounding area is agricultural with single dwellings located throughout.

Description of Proposal

This is an outline application for a proposed dwelling on an infill site between 112 & 118 Ardboe Road, Moortown, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21- Development in the Countryside

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. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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

Policy CTY 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 it respects the existing development patter along the frontage in terms of size, scale, sitting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I am content that the size of the proposed site is sufficient to accommodate a dwelling. However, given the pattern of development along the laneway, the site does not represent a gap site, as it is not located along a built up frontage. The laneway used runs north east and does not continue along the front of the proposed application site, therefore cannot be considered a substantial and built up frontage.

I do not believe the site represents a gap in an otherwise substantial and continuously built up frontage therefore, fails to meet the policy criteria of CTY 8.

Although the application description states the proposal is for an infill, the application can also be assessed under Policy CTY2a- New dwellings in existing clusters. However, the site does not meet all the policy criteria required. I am content there is a cluster of development at this location, which consists of four or more buildings, of which at least three are dwellings. However, the dwelling to the west appears to be a farm dwelling and outbuildings, although it appears to be a vacant building.

I am content that the cluster appears as a visual entity in the landscape. However, the cluster of development is not associated with a focal point such as a social or community building/facility or at a cross roads, so fails to meet this policy criteria.

I am content that the site provides a suitable degree of enclosure and is bounded on the east and west with existing development within the cluster and that the site can be absorbed into the existing cluster through rounding off.

I do not believe a dwelling at this location would adversely impact on residential amenity. However, as the proposal does not meet all the criteria listed above, it fails to meet the policy requirements of CTY2a.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that the dwelling proposed would not be a prominent feature in the landscape. The site has existing boundaries on east, south and western boundaries. The site does lack established boundaries to the north and will require additional planting and screening at this side. I am content that the proposal meets the criteria of CTY 13, as it would blend in with the existing character of the area given the number of dwellings at this location.

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. I believe the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings, as there is no gap site to fill, it would also add to a ribbon of development in the area. As a result, this would erode the rural character of the area, as the proposal cannot be considered as part of a cluster or an infill opportunity. I do not believe the impact of ancillary works would damage the rural character of the area.

Other Material Considerations

DfI Roads have been consulted and responded requesting amended plans to show the visibility splays of 2.4m x 80m. No amended plans have been received to date and they have not been requested at this stage, as the proposal is going forward as a refusal. In its current form the proposal is contrary to PPS 3: Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.

<p>The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.</p>	
Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation:</p> <p>Refusal</p>	
<p>Reasons for Refusal:</p> <p>The proposal is contrary to the SPPS 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.</p> <p>The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within an existing cluster of development that is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.</p> <p>The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage.</p> <p>The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would result in a suburban style build-up of development when viewed with existing and approved buildings.</p> <p>The proposal is contrary to PPS3, Access, Movement, and Parking in that insufficient information has been provided to demonstrate that a safe access can be achieved onto the public road.</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	9th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 112 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 116 Ardboe Road, Cookstown, Tyrone, BT80 0HU Ann Gilligan 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 118a ,Ardboe Road, Cookstown, Tyrone, BT80 0HU Brian ONeill 119 Ardboe Road Cookstown Tyrone Aimee ONeill 119 Ardboe Road, Cookstown, Tyrone, BT80 0HU The Owner/Occupier, 120 Ardboe Road Cookstown Tyrone The Owner/Occupier, 123 Ardboe Road, Cookstown, Tyrone, BT80 0HU	
Date of Last Neighbour Notification	2nd December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1394/O Proposal: Proposed dwelling on infill site Address: Site between 112 & 118 Ardboe Road, Moortown, Cookstown, Decision: Decision Date: Ref ID: I/1985/0148 Proposal: DWELLING Address: SESSIAGH, COAGH Decision: Decision Date:	

Ref ID: I/1985/014801
Proposal: DWELLING HOUSE
Address: SESSIAGH, COAGH
Decision:
Decision Date:

Ref ID: I/1996/0506
Proposal: Extension to dwelling
Address: 120 ARDBOE ROAD, COAGH
Decision:
Decision Date:

Ref ID: I/2005/1460/F
Proposal: Proposed extension to dwelling.
Address: 120 Ardboe Road, Sessia, Cookstown.
Decision:
Decision Date: 07.02.2006

Ref ID: I/2004/0144/O
Proposal: Proposed site for dwelling (Ridge Height 6.5 Metres) and domestic garage.
Address: 40 Metres North of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 19.04.2004

Ref ID: I/2006/0921/RM
Proposal: Proposed Site for Dwelling (ridge height 6.5mts) + Domestic Garage
Address: 45m mEast of No. 118 Ardboe Road - Coagh
Decision:
Decision Date: 15.01.2007

Ref ID: I/2004/1214/O
Proposal: Proposed site for dwelling (ridge height 6.5) and domestic garage.
Address: 45Mts east of No 118 Ardboe Road, Coagh.
Decision:
Decision Date: 16.12.2004

Ref ID: I/2004/1079/F
Proposal: Proposed site for dwelling (ridge height 6.5mts) & domestic garage
Address: 40mts North of No 118 Ardboe Road, Coagh
Decision:
Decision Date: 20.12.2004

Ref ID: I/1997/0084
 Proposal: Replacement Dwelling
 Address: 118 ARDBOE ROAD COAGH CO TYRONE
 Decision:
 Decision Date:

Ref ID: I/2007/0152/F
 Proposal: Proposed replacement dwelling.
 Address: 116 Ardboe Road, Moortown.
 Decision:
 Decision Date: 15.05.2007

Ref ID: I/1982/0140
 Proposal: ERECTION OF BUNGALOW
 Address: SESSIA, COAGH, COOKSTOWN
 Decision:
 Decision Date:

Ref ID: I/1982/014001
 Proposal: ERECTION OF BUNGALOW
 Address: SESSIA, COAGH, COOKSTOWN
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1480/O	Target Date: 08/03/21
Proposal: Proposed dwelling & garage on a farm	Location: Adj. 24 Draperstown Road Annagh & Moneystering Desertmartin BT45 5NB
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY 10 (c) and CTY13	
Recommendation:	Refusal
Applicant Name and Address: Paschal Wilson 4 Desertmartin Road Desertmartin Magherafelt	Agent Name and Address:
Executive Summary: Proposal considered against relevant prevailing planning policy below. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DAERA	Advice
Statutory	Historic Environment Division	Content

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Magherafelt Area Plan 2015. The site is located approx. 1km northwest of the settlement limits of Desertmartin. The site comprises a roadside triangular field as well as a small portion of an adjacent roadside field, both of which appear to be currently used for agricultural purposes. The topography of the site is relatively flat. Planning Permission was granted for a dwelling immediately south of the application site under planning reference H/2014/0044/F. On the date of the site inspection it was noted the foundations of this permission are in place however the dwelling has not been constructed, adjacent to this is an existing agricultural building. Immediately west of the application are two hard cored laneways running parallel. The laneway furthest from the application site is the approved access for dwelling approved under planning reference

H/2014/0044/F and this access also provides access to the existing agricultural building. The roadside boundary is defined by dispersed small deciduous trees. The western boundary is defined by post and wire fencing and given the site extends into the adjacent field to the east beyond the natural boundaries, the south eastern boundary is currently undefined. The surrounding area is rural in nature with the predominant land use being agricultural fields and dispersed detached dwellings.

Description of Proposal

This is an outline planning application for a dwelling and garage on a farm adjacent to 24 Draperstown Road, Desertmartin.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

Relevant Planning History

H/2014/0044/F – Single storey dwelling and domestic garage (Change of house type from previously approved H/2006/0487/RM) - 220m of 14 Draperstown Road, Desertmartin, BT45 5NB –Permission Granted 24/03/14

H/2003/0327/O - Site of single storey dwelling and garage - 220m of 14 Draperstown Road, Desertmartin, BT45 5NB - Planning Appeal Upheld 2003/A436 – 16/08/04

H/2004/0972/O - Site of 1 1/2 Storey Dwelling - Adjacent to 14 Draperstown Road, Desertmartin –Planning Appeal Upheld 2005/A850 – 16/08/04

H/2007/0848/O - Site of Dwelling & Garage - Adjacent to 20 Draperstown Road, Desertmartin – Permission Granted 12/02/10

Key Policy Considerations/Assessment

Magehrafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – 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 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) the farm business is currently active and has been established for at least 6 years
- b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims have been made on the lands. The information submitted along with DAERAs consultation response sufficiently demonstrate that the farm business has been established on the site for an excess of 6 years along with activity over this time.

With respect to (b) I have carried out a check of the land associated with the farm map provided, as well as a search of the Farm Business ID provided and there are no records indicating that any dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c) the application site is located approximately 40 metres north of an existing building on the farm holding. The proposal site is located on the roadside and

therefore exposed to public views when travelling on both directions of Draperstown Road. There is a degree of visual linkage with the farm building to the rear, however this is limited given the established trees and vegetation which currently define the NE boundary of the field in which the shed is located. This established boundary treatment adjacent to the shed is outside the red line of the application site but it is accepted provides some form of backdrop for the application site. CTY 10 criterion (c) requires the new building to visually link or site to cluster with an established *group of buildings* on the farm, not one building. It is noted that there is an established group of buildings on the farm, within land outlined in blue, 180 metres east of the proposal site which includes the dwelling No.14 and No.14a. Following discussions at internal group meeting, it was considered that the proposal site lacks defined and established boundaries which would allow a dwelling to integrate into the landscape. It was also considered following internal discussions, that there may be a more suitable location for a dwelling on the farmland which would allow for clustering with a group of buildings on the farm, in accordance with CTY 10, and provide greater integration into the landscape. As such, I consider the proposal fails to meet Policy CTY10 (c).

Policy CTY 13 - Integration and Design of Buildings in the Countryside 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 noted that the topography of the site is relatively flat. However, the proposal site is located on the roadside and lacks long established natural boundaries with a significant degree of the existing vegetation requiring removal to accommodate a dwelling and necessary sightlines should permission be granted. It is accepted the proposal is sited in proximity to one established building on the farm, however as discussed above there is limited visual linkage and from a review of the farm maps, there appears to be available farm land in proximity to a group of established group of buildings on the farm. The proposal was discussed at an internal group meeting with the Principal Planner and it was considered the proposed dwelling fails to provide an acceptable visually linkage with a group of buildings on the farm or provide a suitable degree of enclosure to enable the proposed building to successfully integrate into the surrounding landscape, therefore contrary to Policy CTY13.

Policy CTY 14 – Rural Character states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. It was noted on the date inspection that a number of dwellings along this stretch of Draperstown Road are located on the roadside. It is therefore considered a new building would not cause a detrimental change to rural character and respects the traditional pattern of settlement exhibited in this area. It is considered an appropriately designed dwelling in keeping with design principles contained within Building on Tradition guidance would not appear unduly prominent in the landscape or result in a suburban style build-up of development or ribbon of development.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application seeks to utilise an existing access point currently used for agricultural purposes on to Draperstown Road. DfI Roads have been consulted and have no objection subject to standard conditions.

Therefore, I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Additional considerations

In addition to checks on the planning portal, the Natural Environment map viewer available online have been checked and identified no natural heritage assets interests of significance on site. It was identified the proposal site is located in proximity to an Archaeological Site/Monument (Possible Ecclesiastical Site POLREF: LDY041:039) therefore DfC Historic Environment Division were consulted. HED have considered the application and responded that the proposal is satisfactory to SPPS and PPS6.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10 (b) or CTY 13 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building visually links or clusters with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and the proposed site lacks long established natural boundaries to provide a suitable degree of enclosure for the proposed dwelling to visually integrate into the surrounding landscape.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1509/O	Target Date:
Proposal: Proposed dwelling	Location: Lands East of 37 Cookstown Road Dungannon BT71 4BQ
Referral Route: 1. Third party objection from neighbouring property at No. 35.	
Recommendation:	Approve
Applicant Name and Address: Raymond McCann 36 Lisnagowan Road Carland Dungannon BT70 3LH	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary: The applicant has applied for a single dwelling and no policy has been stated in the description. I consider the proposal meets the criteria in CTY 8 – Ribbon Development.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice

Representations:

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

Characteristics of the Site and Area

The application site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with single dwellings and agricultural fields. The immediate area has a number of dwellings recently built or under construction.

The northern boundary of the site is defined by a post and wire fence. The eastern boundary of the site is defined by a low wooden fence and there is a dwelling under construction on lands immediately east under approval LA09/2019/0058/F. The western boundary of the application site has fir trees approx. 2-3m below the level of the site. Beyond the northern boundary of the site is banking 6-7m high. Beyond the north east 'tip' of the application site trees can be found at 15-20m high. There is a post and wire fence along the lane at the southern boundary of the site.

The land mass is falling generally moderately downwards from the north east and east towards the west. The levels along the lane are such that the ffl of no 33 are approx 10-12m above those of no 35. No 35 is an established plot with excellent boundary treatment of mature native and non-native mix, ensuring all year round screening. The vegetation along the southern side of the lane also acts as an effect screening mechanism when viewed from the front of no 33 looking in a westerly direction, given the bend in the lane also reduces visual linkage between the two houses.

Description of Proposal

This is an outline application for a proposed dwelling at lands East of 37 Cookstown Road, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection has been received.

The objection letter was received on the 4th January 2021 from the owners/occupiers Mrs and Mrs Shields who live at No. 35 Cookstown Road. This is a dwelling which immediately abuts the south west corner of the application site. The finished floor level of their dwelling is approximately 5m lower than the finished floor level of the proposed dwelling.

The first concern stated is that the access lane was originally an agricultural lane and is currently being used to facilitate four dwellings and this proposal would mean another dwelling using the lane. DFI Roads were consulted with this application and had no concerns about road safety. DFI Roads were also consulted with the two previous approvals at this site M/2015/0165/O and LA09/2019/0058/F and had no concerns. I am of the opinion the issue of road safety for dwellings has been well covered with numerous consultations to DFI Roads.

Flooding and drainage is a civil matter between those parties who own the lane and the complainant. If the dwelling is to be approved, satisfactory drainage arrangement would have to be incorporated. The issue of flooding at the site was previously considered in planning approval M/2015/0165/O.

The objector raised concerns about noise and air pollution. This issue was considered in approval M/2015/0165/O which is the same application site. This would be a civil matter and would not be a reason for refusal.

The objector also raised concerns the siting of the proposed dwelling and that it may create unacceptable neighbour amenity and loss or privacy. This is a factor which can be considered at the reserved matters stage through positioning of windows. As shown on drawing 01 the applicant has proposed to retain a row of vegetation along the boundary with No. 35. In addition, potential loss or privacy could be mitigated through a ridge height restriction.

Planning History

M/2015/0165/O - Site for dwelling - Between 33 and 35 Cookstown Road, Dungannon – Permission Granted 4th March 2016

This is an important history as the issues about flooding, drainage and roads issues are discussed and these are the main concerns the objector has mentioned in their letter.

LA09/2016/0486/RM - Replacement dwelling house - 4 Annaginny Road, Dungannon – Permission Granted 20th June 2016

LA09/2018/0047/F - Alterations of an existing access to provide second access to existing dwelling - 4 Annaginny Road, Dungannon – Permission Granted 14th June 2018

LA09/2019/0058/F - This proposal is for a new single dwelling house, garage and landscaped courtyards/garden - Site East of 37 Cookstown Road, Carland, Dungannon – Permission Granted 1st May 2019. This is the dwelling under construction immediately east of the application site. This history is important as this dwelling was approved under CTY 8 infill dwelling policy. When I was on site I observed this dwelling has been built to roof level.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Dungannon and South Tyrone Area Plan 2010.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account

of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. 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'.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement.

There is relevant history associated with the site as discussed before under the application M/2015/0165/O where a single dwelling was approved. This previous application was approved under a different policy than this current application which has been assessed under CTY8. It is still considered that the proposed site meets the policy tests as set out in CTY 8 of PPS 21 in that there is a continuous built up frontage along this laneway. LA09/2019/0058/F was approved under CTY 8 as an infill dwelling so there is history of a dwelling along this lane being approved under CTY 8. I feel this is an important consideration in the assessment.

CTY 8 – Ribbon Development

To the west of the application site is a dwelling at No. 35 which has a garden that abuts the laneway. To the east of the application site at No. 33a there is a dwelling under construction but when on my site visit I can confirm the dwelling has been built to roof level, and another dwelling at No. 33. Further along the lane to the east is another dwelling at No. 4. I am content the proposal meets the definition of a small gap site within a substantial frontage along the laneway.

I am content the application site is in character with other plots along the laneway in terms of plot size and siting. The application site is similar in size to the dwelling to the east approved under LA09/2019/0058/F. The majority of the dwellings along the laneway and fronting the Cookstown Road are two-storey or one-half storey. However as shown in figures 1 to 3 below the land rises up steeply from the edge of the laneway to the north of the site but also slopes downwards towards the boundary with dwellings No. 35, No. 37 and No.39. I consider from the site of the proposed dwelling there are no direct views into their rear amenity.

Overall I am content the proposal meets the criteria for CTY 8.



Figure 1 – Photograph of the site from the access point on the laneway.



Figure 2 – Photograph showing the case officer standing in the location of the southern portion of the proposed dwelling facing No. 35.



Figure 3 – Photograph at the location of proposed dwelling to demonstrate views towards No. 37 and No.39

In terms of CTY 13 (Integration and design of buildings in the countryside) and CTY 14 (Rural Character) the steeply rising land to the north and north east provide an excellent backdrop and the vegetation along the lane provides excellent screening from critical views along the main Cookstown Road to the south as shown in figure 4 below. I do not consider that this could be sustained as reason for refusal.



Figure 4 – Photograph of critical views from the end of the laneway

CTY 2a – New Dwelling in a Cluster

Planning approval M/2015/0165/O granted permission for a single dwelling on the land including the application site and the land approved under LA09/2019/0058/F. M/2015/0165/O granted approval under the policy CTY2a so the principle of an approval under CTY 2a has been approved at this site. Therefore I consider the proposal meets the criteria for CTY2a also.

PPS 3 Access, Movement and Parking

DFI Roads were consulted and had no concerns about the proposal in terms of road safety subject to conditions about visibility splays and informatives.

Other Considerations

Geological Survey were consulted and had no concerns.

The site is not within any other NED, HED or flooding designations.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval as it complies with all the criteria in CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside.

Conditions

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

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

3. The dwelling hereby permitted shall have a ridge height not exceeding 7 metres above finished floor level and shall be designed in accordance with 'Building on Tradition' Design Guidance.

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

4. The depth of the underbuilding between finished floor level and ground level shall not exceed 0.3m at any point.

Reason: In the interest of visual amenity.

5. The proposed dwelling shall be sited in the area shaded orange on the approved drawing 01 date stamped 18 NOV 2020.

Reason: To preserve the amenity and privacy of the adjoining dwelling.

6. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees or hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

7. The existing natural screenings of the site, as indicated in green, on approved drawing 01 date stamped received 18 NOV 2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers.

8. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 45m in both directions shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. 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.

Informatives

1. This permission does not alter or extinguish or affect any existing right of way crossing.
2. This permission does not confer title. It is the responsibility of the developer to ensure he controls all the land necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.
4. The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

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

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

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

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway

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

Signature(s)

Date:



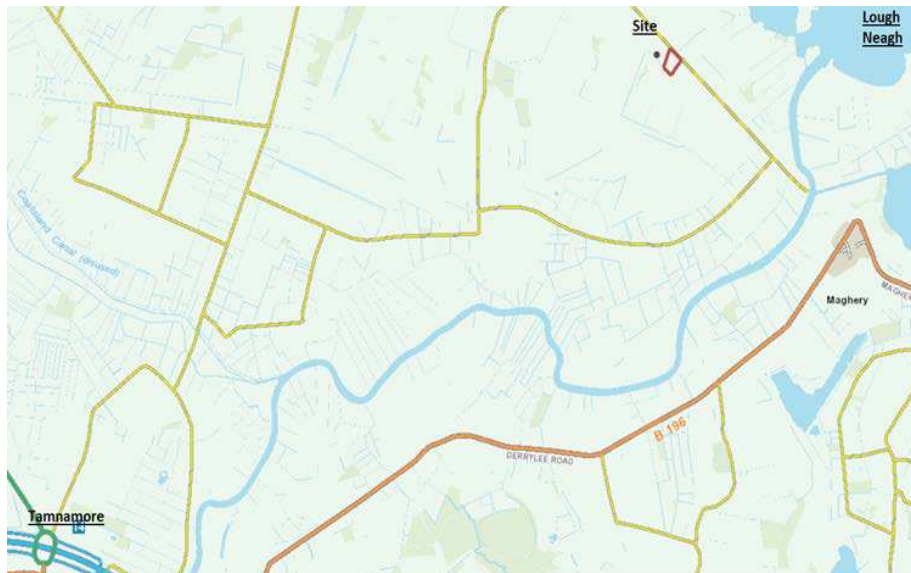
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1548/F	Target Date:
Proposal: Proposed dwelling & garage.	Location: 40m NE of 59 Ferry Road Coalisland BT71 4QU.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Patrick McNeice 59 Ferry Road Coalisland Dungannon BT71 4QU	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site is located in the open countryside just a short distance to the south west of Lough Neagh, and to the North of the settlement of Maghery. The M1 motorway junction at Tamnamore is approx. 2 km to the South West. The site lies out all other areas of constraint as depicted by the Dungannon and south Tyrone area plan 2010.



The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

The application site is located along a laneway with a number of detached dwellings on either side of the public road. The site has a roadside frontage along the public road and will not access from the existing laneway. The site is a rectangular shaped agricultural field with a flat topography. There are established trees along the eastern boundary and a small gorse hedgerow along the boundary with the public road. Along the western boundary with the laneway is a post and wire fence.

Description of Proposal

This is a full application for a proposed dwelling and garage based on policy CTY 2a ? dwellings in a cluster.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is a current outline approval for a dwelling on this site. Through planning application LA09/2019/0663/O, approval was gained for a dwelling at a cluster. However, a number of conditions were imposed, including, 5metre ridge height, a siting condition shaded blue (below), and with the use of the existing access.



Consultees

DFI Roads were consulted and responded with no objections subject to conditions.

Northern Ireland Water were consulted as this proposal is for a new dwelling. NI Water replied with no objections.

Representations

At the time of writing no representations have been received.

Mid Ulster Development Plan 2030 ? Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

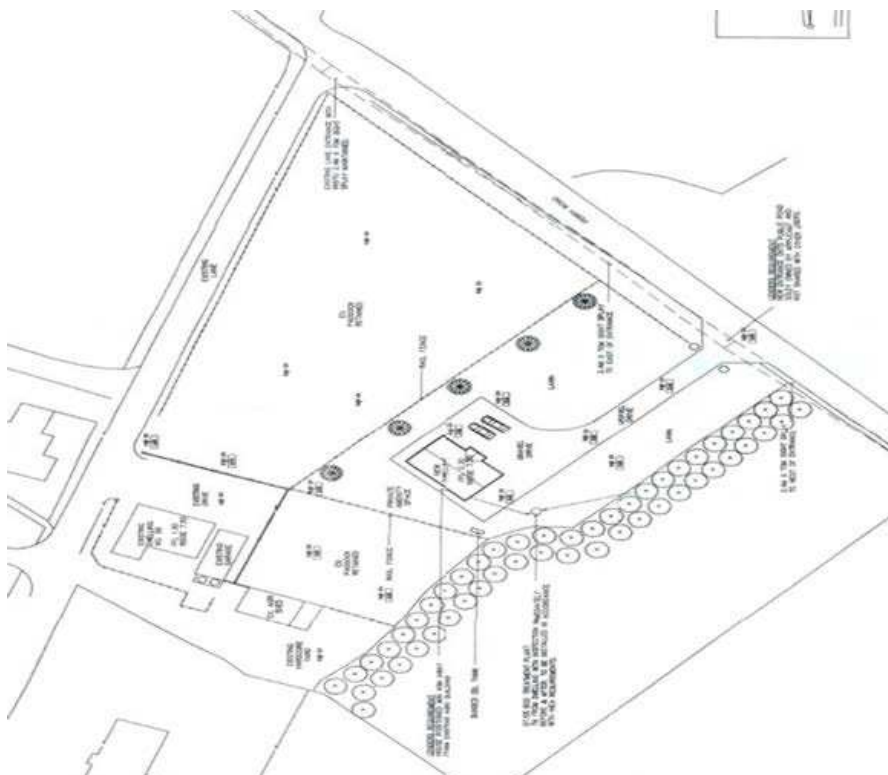
Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

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.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a new dwelling in an existing cluster and as a result, the development must be considered under CTY 2a of PPS 21.



Policy CTY 2a - New Dwellings in Existing Clusters

I am content the proposal (as it is the same red line as LA09/2019/0633/O) sits within a cluster of development outside of a farm and consists of four or more buildings of which at least three are dwellings. There are dwellings at No. 57, No.59, No. 61 and No. 61a. I consider the cluster appears as a visual entity in the landscape. The dwellings are all located in close proximity to each other and when travelling either direction along Ferry Road, visually read as a cluster of development. It was also accepted that there is no focal point here, however, the previous approval was granted as an exception to policy in that it this was the only criteria it failed on and it met all the other points

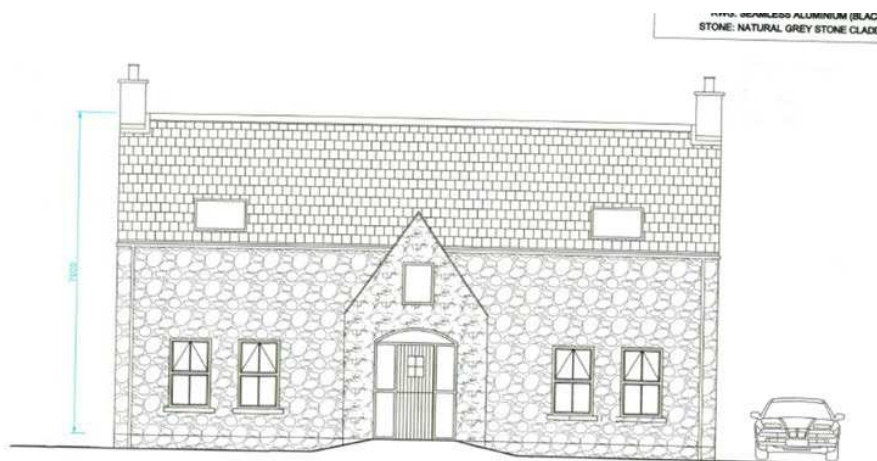
However, in the existing approval the siting restriction was placed in order for a proposed dwelling to fulfil the criteria of policy CTY2A, in that in this position it would have development on 2 sides. Therefore, the current proposal now fails this policy CTY2a on two criteria, as it doesn't have development on both side and there is no focal point.

Other elements which remain to be considered are the siting and design of the proposal.

I do not consider the proposal, with the dwelling positioned at this area within the site can easily be absorbed into the existing cluster. This was also the opinion at outline stage, and resulted in a siting condition to the rear of the site alongside the existing buildings, in order to minimise the impact of the dwelling on the existing character of the cluster and the surrounding area. It is my opinion that the siting condition alongside the existing dwelling was justified. The current proposal seeks to move the proposed dwelling and curtilage approx. 35 metres further forward outside of the siting condition and closer to the road. I do consider the proposed dwelling at this position will significantly alter the existing character of the cluster and visually intrude into the open countryside.

CTY 13 - Integration and Design of Buildings in the Countryside

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.



The outline approval on the site conditioned the dwelling to be 5 metre maximum, the proposal is for a 7 metre ridge height and it is my opinion that a dwelling of this size in the proposed position away from the cluster and closer to the roadside will be a prominent feature in the landscape. There are critical views in the northwest direction as the site is open here due to a lack of vegetation.

With the previous positioning the dwelling and buildings at No. 59 would have provided a backdrop for the proposal and a degree of enclosure, whereas the new positioning will struggle to integrate and would rely primarily on the use of new landscaping for integration.

The current proposal also fails to use the existing access along the laneway at the junction with Ferry Road but rather proposes to create a new access in the west corner of the site. This will involve the creation of sight splays and therefore the removal of roadside boundary and will further decrease the level of integration with the site and surrounding area.

The proposal is contrary to PPS 21 - Policy CTY 13.

CTY 14 - Rural Character

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area.

As mentioned, the positioning of the proposed dwelling within the site will in my opinion be a prominent feature in the landscape. In addition I am of the opinion that the site cannot accommodate a dwelling with a 7 metre ridge height which would not respect the scale and form of other dwellings within the local area, especially seeing as the development in the surrounding area is single storey.

Finally, it is my opinion that the creation of a new access will damage the rural character of the immediate area.

The proposal is contrary to PPS 21 - Policy CTY 14 in that the proposal will be out of character with the area.

PPS 3 - Access, Movement and Parking

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Department for Infrastructure Roads (DFI Roads) were consulted and had no objections subject to conditions.

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

Summary of Recommendation:

The proposal is recommended for refusal, as it does not meet the policy in CTY2a and Policy 13 or CTY14 in Planning Policy Statement 21 - Sustainable Development in the Countryside.

Neighbour Notification Checked

Yes

Refusal Reasons

1 – ctY 2a

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the dwelling would if permitted, significantly alter the existing character of the cluster and visually intrude into the open countryside.

2 – ctY13

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

3 – ctY14

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	4th December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 57 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 57a , Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 59 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 60 Ferry Road Coalisland Tyrone The Owner/Occupier, 61 Ferry Road Coalisland Tyrone The Owner/Occupier, 61 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 61a , Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 62 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 63 Ferry Road Coalisland Tyrone	
Date of Last Neighbour Notification	14th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1175/PAD Proposal: Temporary peat extraction and bog restoration works. Address: Lands to the NE and SW of Ferry Road (loughshore area), Coalisland, BT71 4QU., Decision: Decision Date: Ref ID: LA09/2020/1548/F Proposal: Proposed dwelling & garage. Address: 40m NE of 59 Ferry Road, Coalisland, BT71 4QU., Decision: Decision Date:	

Ref ID: LA09/2018/0275/F

Proposal: Change of house type to previously approved M/2010/0756/F

Address: Lands adjacent to 62 Ferry Road, Coalisland,

Decision: PG

Decision Date: 22.06.2018

Ref ID: LA09/2019/0633/O

Proposal: Proposed site for a dwelling and garage. Based on Policy CTY 2a (cluster).
(amended access)

Address: 25m North-East of No 59 Ferry Road, Coalisland BT71 4QU.,

Decision: PG

Decision Date: 22.09.2020

Ref ID: M/2008/0780/RM

Proposal: Proposed dwelling & domestic garage

Address: Lands adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 17.10.2008

Ref ID: M/2010/0756/F

Proposal: Proposed amendment to previously approved plans M/2008/0780/RM to
provide a change of House Type and Garage to that previously approved

Address: Lands Adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 19.11.2010

Ref ID: M/2005/0521/O

Proposal: dwelling and domestic garage

Address: Lands Adj to 62 Ferry Road

Decision:

Decision Date: 21.06.2005

Ref ID: M/2008/0110/F

Proposal: Site for dwelling and domestic garage without compliance of 6.5m ridge
height condition on planning approval M/2005/0521/O to allow for a ridge height of 7.5m.

Address: Lands adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 13.06.2008

Ref ID: M/2006/0937

Proposal: Site for dwelling

Address: 65m North East of 59 Ferry Road, Coalisland, Dungannon

Decision:

Decision Date: 26.04.2006

Ref ID: M/1985/0332

Proposal: BUNGALOW

Address: FERRY ROAD, DERRYWHILLEN, DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/2002/0392/RM
 Proposal: Erection of dwelling.
 Address: Land 120m north of 65 Ferry Road, Derrylaughan, Coalisland.
 Decision:
 Decision Date: 11.06.2002

Ref ID: M/2000/0620/O
 Proposal: Site for dwelling
 Address: 120m north of 65 Ferry Road Derrylaughan Coalisland
 Decision:
 Decision Date: 26.10.2000

Ref ID: M/2002/1143/F
 Proposal: Revised house type to previously approved plans, M/2002/0392/RM
 Address: 120 Metres North of 65 Ferry Road, Coalisland
 Decision:
 Decision Date: 30.12.2002

Ref ID: M/1997/0327
 Proposal: Proposed dwelling
 Address: 30M TO THE REAR OF 61 FERRY ROAD DERRYLAUGHAN COALISLAND
 Decision:
 Decision Date:

Ref ID: M/1997/0327B
 Proposal: Erection of dwelling
 Address: APPROX 30M TO THE REAR OF NO 61 FERRY ROAD DERRYLAUGHAN COALISLAND CO TYRONE
 Decision:
 Decision Date:

Ref ID: M/1980/0318
 Proposal: IMPROVEMENTS TO DWELLING
 Address: 73 FERRY ROAD, DERRYLAUGHAN, COALISLAND
 Decision:
 Decision Date:

Ref ID: M/1975/0494
 Proposal: 11KV AND MV O/H LINES AND MV SURFCE WIRING
 Address: DERRYLOUGHAN, DUNGANNON
 Decision:
 Decision Date:

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1601/F	Target Date:
Proposal: New dwelling	Location: Approx 60m SW of 110 Mullaghboy Road Ballymacpeake Upper Bellaghy
Referral Route: Committee- Applicant is related to an elected member	
Recommendation:	Approval
Applicant Name and Address: Mr Darren Milne 48 Ballydermott Road Ballymacpeake Upper Bellaghy BT45 8LF	Agent Name and Address: CMI Planners Ltd 38a Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No third party representations have been received. Consultations were issued to DfI Roads and DAERA who had no objections to the proposal subject to conditions.

Characteristics of the Site and Area

The site is located approximately 2.7km North West of the development limits of Bellaghy, in the open countryside as defined by the Magherafelt Area Plan 2015. The site is identified as being 80m South West of 110 Mullaghboy Road, Bellaghy. The existing site is currently an agricultural field which raises in gradient from east to west. The northern and eastern boundary of the site is defined by a strong hedgerow with a number of mature trees on the eastern boundary. The south and south eastern boundary is defined with post wire fencing and hedgerows. The western boundary has a post wire fence and a hedgerow, with an agricultural lane running adjacent to it, which has an agricultural field gate used to access the site. The existing farm buildings are located

adjacent to the site, to the western boundary along with two other dwellings to the north of the site. The remainder of the surrounding area is agricultural fields with the lane used to access the site extending further south west to a number of other dwellings.

Description of Proposal

This is a full planning application for a new dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

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.

Outline permission was granted for a dwelling at this location under planning reference LA09/2020/0501/O however, the applicant did not wish to comply with the conditions imposed at outline being that the depth of the underbuilding should not exceed 0.3m given the topography of the land. Although the principle of development was agreed at this stage, the farm information was once again checked for compliance.

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:

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.

In respect to criteria (a) a consultation was issued to DAERA in which they have confirmed the Farm Business Id is currently active and has been in existence for more than 6 years. Therefore, the proposal meets this criteria.

I am content that following a site history check and review of the farm maps provided, no dwellings or development opportunities have been sold off from the farm holding within the last 10 years.

The proposed dwelling is located adjacent to the existing farm buildings and the site is visually linked with an existing group of buildings and the proposal will take its access from the existing lane.

Therefore, I am content the proposal complies with Policy CTY10.

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. Upon review of the submitted plans and undertaking a site visit, I am of the opinion that the proposed building will integrate well into the surrounding area. I am content that site has established boundaries which allows the dwelling to integrate and will not primarily rely on new landscaping to integrate. Additional planting is proposed which will benefit the integration of the dwelling. I am content the design of the dwelling is suitable for a rural location which will blend with the landform and existing farm buildings, which are visually linked to the dwelling.

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 previously mentioned, the building is of an appropriate design and will integrate well into the existing surroundings therefore, it will not be an unduly prominent feature in the landscape. It will not result in a suburban style build-up of development when viewed with existing and approved buildings. As the proposal is for a dwelling on a farm and it is visually linked to existing farm buildings, I am content it will respect the traditional pattern of settlement in the area. The proposal will not create or add to a ribbon development. Any associated ancillary works will not damage the rural character. From this, I am content the proposal complies with Policy CTY 14.

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.

<p>I have no flooding, ecological or residential amenity concerns.</p> <p><u>PPS 3 - Access, Movement and Parking:</u></p> <p>DfI Roads were consulted regarding the proposed access and had no objection to the proposal subject to conditions and informatives being included in any planning approval.</p>	
Neighbour Notification Checked	Yes/No
<p>Summary of Recommendation:</p> <p>Approval</p>	
<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. The vehicular access including visibility splays 2.4 x 100 metres and a 100 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 07 Dec 2020 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. <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <ol style="list-style-type: none"> 3. The existing mature vegetation on the northern, eastern and southern boundaries of the site shall be permanently retained. <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <ol style="list-style-type: none"> 4. 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. <p>Reason: To ensure the continuity of amenity by existing trees.</p> <ol style="list-style-type: none"> 5. All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 date stamped 07 DEC 2020 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved. <p>Reason: To ensure the development integrates into the countryside.</p>	

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

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Signature(s)

Date:

ANNEX	
Date Valid	14th December 2020
Date First Advertised	29th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Mckennas Lane Bellaghy Londonderry The Owner/Occupier, 110 Mullaghboy Road Bellaghy Londonderry The Owner/Occupier, 5 Mckennas Lane, Bellaghy, Londonderry, BT45 8JJ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0501/O Proposal: Proposed Site for Dwelling and Garage Under CTY 10 Address: Approx 80 Metres South West of 110 Mullaghboy Road, Bellaghy, Decision: PG Decision Date: 04.09.2020 Ref ID: H/2005/0661/F Proposal: Replacement two storey dwelling & detached garage Address: 5 McKenna's Lane, Mullaghboy Road, Bellaghy Decision: Decision Date: 19.10.2005 Ref ID: LA09/2020/1601/F Proposal: New dwelling Address: Approx 60m SW of 110 Mullaghboy Road, Ballymacpeake Upper, Bellaghy, Decision: Decision Date: Ref ID: H/1996/0144 Proposal: DWELLING Address: MCKENNA LANE MULLAGHBOY ROAD BELLAGHY Decision: Decision Date:	

Ref ID: H/1992/6123
Proposal: SITE OF DWELLING McKENNAS LANE BELLAGHY
Address: McKENNAS LANE
Decision:
Decision Date:

Ref ID: H/1994/0432
Proposal: SITE OF DWELLING
Address: MCKENNAS LANE MULLAGHBOY ROAD BELLAGHY
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1658/F	Target Date:
Proposal: Proposed two storey extension to side and rear of existing dwelling.	Location: 2 Dromdallagan Straw Draperstown BT45 7EY.
Referral Route: Approval - To Committee - Objections received.	
Recommendation:	approve
Applicant Name and Address: Seamus & Caitlin Vradley 2 Dromdallagan Straw Draperstown BT45 7EY	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh BT51 5AB
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
-------------------	-----------	----------

Representations:

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

Summary of Issues

Two objections received - summary of objections are as below;

- Firstly, a concern was raised on the impact on the existing character of the area. It was noted that Dromdallagan has an existing rural neighbourhood character and that the proposed extension is not in-keeping with the style of house and the original design of the neighbourhood. In that they opposes to the size, roof line, extra windows and materials of the proposed extension. The size of the extension will become very opposing and will not provide good neighbouring amenity.
- Issue raised over the proposal in terms of having detrimental impact on sunlight and daylight of their property. Stating that the proposed works is poorly designed and sited, where it would result in shadowing that will affect the main inhabited rooms to an unacceptable level. Which will result in higher energy costs requiring the need to turn on the lights in the house. It is believed that this would result in a failure the angle test.
- Damage to their property has been raised, in that during the construction of this proposal would require foundations and given the extension being so closed to the boundary would result in damage to their driveway preventing safe access.
- Noise Pollution was raised, not just during the construction phase but also with additional windows and the property being so close would result in adverse noise levels.
- Objector raised issues that the neighbourhood were not adequately informed, as No.2 borders the only entrance of the housing development that during construction this has the potential to cause disruption and that every household should have been notified.
- Finally, the prepared plans, maps and drawings have insufficient information and detail.

Characteristics of the Site and Area

The site is located within the development limits of Straw within undesignated white land as per the Magherafelt Area Plan 2015. The site is identified as 2 Dromdallagan in which the site includes a detached two storey dwelling with a small garden to the rear and parking to the side and front. I note that the site is accessed via an existing driveway that serves the rest of the housing development. I note that the immediate setting is characterised by residential development with the wider setting being characterised by a mix of development inclusive of residential, agricultural, commercial and playing fields.

Five neighbour notifications were sent out however two objections were received.

Description of Proposal

This is a full application for a proposed two storey extension to side and rear of the existing dwelling, I note that the site is located at 2 Dromdallagan, Straw, Draperstown.

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
Magherafelt Area Plan 2015

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

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

(a) Deals with scale, massing, design and external materials. I note that an amended scheme has been submitted due to the concerns raised by an objector. Wherein upon review of the submitted plans I am content that the proposed extension is acceptable in terms of scale, massing and design is acceptable within the context of the existing dwelling. In addition, I note that the external materials are to match that of the existing dwelling therefore I am content that the proposed extension can be seen as subordinate to the existing dwelling and will not adversely impact the character of the surrounding area.

(b) In terms of any impact on neighbouring amenity, I note that initially the extension was to extend close to the boundary with No.04, however an amended scheme reduced this. From such, taking into consideration that there is no new windows on the gable wall that I am content that it unlikely to result in any overlooking. In addition, as the scheme has been amended and taken away from the boundary and only marginally extends beyond the line of No.04 that I am

content that the extension is unlikely to result in an adverse impact on amenity such as overshadowing.

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

(d) I note that a portion of the existing rear garden/yard will be loss as a result of the proposed extension, however upon review of the submitted plans I am content that there will still be sufficient space within the curtilage for recreational and domestic purposes inclusive of parking.

In responses to the comments made by the objector; firstly, in terms of the impact on the character of the area. I note that this in fact to be found within the development of Straw and not an existing rural character as stated. From above I have stated that I am content that the proposed extension is able to be in-keeping within the surrounding area it is located. In terms of amenity, I note above that I am content that the extension would unlikely result in an adverse impact in terms of overlooking and overshadowing on the neighbouring property. I note that any damage caused during construction is a civil matter and beyond planning control, best construction practices is expected. In terms of noise pollution, I note that again best construction practices should be in place to reduce the noise during the construction phase and should only last for a finite time. In terms of any additional noise as a result of additional windows I note that this will not be adverse in terms of the existing noise levels. With regards to the fact that Dromdallagan neighbourhood were not adequately informed, I note that the relevant neighbour notification was completed but also has the relevant advertising period. Finally, the issue that the prepared plans, maps and drawings have insufficient information and detail, I contend this issue and conclude that sufficient information has been provided to allow a planning decision to be made.

I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	21st December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Dromdallagan Draperstown Londonderry The Owner/Occupier, 3 Dromdallagan Draperstown Londonderry The Owner/Occupier, 4 Dromdallagan Draperstown Londonderry Deirdre McGuigan 4 Dromdallagan, Draperstown, BT45 7EY The Owner/Occupier, 55 Sixtowns Road Draperstown Londonderry The Owner/Occupier, 57 Sixtowns Road Draperstown Londonderry Deirdre McGuigan Email Address	
Date of Last Neighbour Notification	9th February 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1658/F Proposal: Proposed two storey extension to side and rear of existing dwelling. Address: 2 Dromdallagan, Straw, Draperstown BT45 7EY., Decision: Decision Date: Ref ID: H/1996/6067 Proposal: HOUSING DEVELOPMENT STRAW DRAPERSTOWN Address: STRAW Decision: Decision Date: Ref ID: H/1994/0026 Proposal: CONVERSION OF SINGLE GARAGE INTO DOUBLE GARAGE Address: 55 SIXTOWNS ROAD STRAW Decision:	

Decision Date:

Ref ID: H/1974/0027

Proposal: SITE FOR TWO SUBSIDY DWELLINGS

Address: STRAW, DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2001/0096/O

Proposal: Revised access to approved residential development lands (H/2001/0096/

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 21.05.2001

Ref ID: H/2000/0104/O

Proposal: Site of residential development.

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 05.02.2001

Ref ID: H/2004/0156/O

Proposal: Site of residential development.

Address: Lands beside, behind and opposite 55/57 Sixtowns Road, Straw, Draperstown.

Decision:

Decision Date: 12.10.2004

Ref ID: H/2002/0478/Q

Proposal: Development of land

Address: Land adjoining 55/57 Sixtowns Road, Draperstown

Decision:

Decision Date:

Ref ID: H/2002/0119/Q

Proposal: Site for Residential Development

Address: Sixtowns Road, Straw, Draperstown

Decision:

Decision Date:

Ref ID: H/2004/0687/F

Proposal: Proposed residential housing development of 60 units comprising detached, semi- detached and terraced dwellings and associated car parking.

Address: Lands adj to and to the rear of 55-57 Sixtowns Road, Straw, Draperstown.

Decision:

Decision Date: 09.05.2005

Ref ID: H/2005/1041/F

Proposal: Amendment to Previously Approved Housing Development - Planning Ref: H/2004/0687

Address: Lands adjacent to and the Rear of 55 - 57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 23.03.2006

Ref ID: H/2002/0790/F

Proposal: Revised Access To Approved Residential Development (H/2001/0096/O)

Address: Land Behind 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 02.01.2003

Ref ID: H/2012/0156/F

Proposal: 33kv Overhead Powerline

Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,

Decision: PG

Decision Date: 19.11.2012

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 03

Type: Existing Plans

Status: Submitted

Drawing No. 05/1

Type: Proposed Elevations

Status: Submitted

Drawing No. 02/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 04/1

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1660/O	Target Date:
Proposal: Proposed dwelling and garage under PPS 21 CTY2a	Location: Site adjacent to 135 Ballynease Road Portglenone BT44 8NU.
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Jim McAuley 135 Ballynease Road Portglenone BT44 8NU	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY2a of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historical Environment Division	Content

Representations:

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

Characteristics of the Site and Area

The site is located within the open countryside, approximately 1.3 miles south of the settlement limits of Clady as defined in the Magherafelt Area Plan 2015. The application is set back considerably from the public road, approximately 380 metres. The application seeks to utilise an existing laneway on to Ballynease Road which currently serves a number of existing dwellings. Along the public road, the area has come under a degree of development pressure in recent years. However, the immediate locality of the application site is characterised predominantly by agricultural land, with three residential properties in a row present immediately south. There is a large wooded area directly east of the site. The site comprises the dwelling, garage and garden of No.135 and a portion of the adjacent agricultural field. The topography of the site is relatively flat. The northern, eastern and western boundaries of the site are defined by established trees and hedging. The site is bounded to the south by the dwelling and associated outbuilding of No.133.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands adjacent to 135 Ballynease Road, Portglenone.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 2a New Dwellings in Existing Clusters.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan 2015

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Representations

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

History on Site

No relevant planning history.

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met.

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

The proposal site is set back considerably from the road and lies outside of a farm. There are three dwellings immediately south of the application site with associated garages and outbuildings. It is noted that the required number of buildings is four or more and this excludes *garages and outbuildings*. I do not consider it is a cluster of development and does not consist of the required number of buildings to be meet the first criterion in my opinion.

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

The site is set back approximately 360 metres from public road. It is recognised that there appears to be two distinct clusters of development which appear as a visual entity approximately 270m NE of the application site and 390m SE of the application site. However given the separation distance, I do not consider the proposal site is associated with either of these clusters and given the limited public views of the application site or adjacent buildings, I do not consider the proposal site is a cluster which appears as a visual entity in the local landscape.

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

The applicant has relied on a bus stop and a car mechanics 'Dohertys Garage' as a "focal point" for the purposes of meeting Policy CTY2a. It is not considered a small scale, privately owned mechanic business represents a social/community building/facility, and furthermore this is located 410 metres east of the site therefore there is limited association. Similarly, even if the bus stop was to be considered as a focal point for the purpose of this policy, there is little to no visual linkage and the site is not considered to be associated with the bus stop. The site is also not located at a cross-roads.

- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

The applicant has provided an indicative siting for the proposed dwelling hatched in green on Drawing No.02 date stamped 21st December 2020. Considering the siting proposed, I am content the site is bound on the necessary two sides by development. Immediately to the east, the site is bounded by the garage of No.135 and south of the site the outbuilding associated with No.133. Given the existing vegetation and the large wooded area to the east, I am content the site provides a suitable degree of enclosure.

- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and*

As stated previously, I do not consider the proposal site is located within an existing cluster. However, given the limited public views and degree of enclosure I also do not consider the proposed development would significantly alter the existing character of the area or visually intrude in the open countryside.

- *development would not adversely impact on residential amenity.*

The indicative siting of the proposed dwelling as hatched green on Drawing No.02 would provide a separation distance between the proposed dwelling and No.133 and No.135 of around 20 metres. This is considered minimal, however it is accepted this is an outline application with no detailed plans on design, orientation etc. Given the mature hedging screening surrounding the proposed siting, on balance I consider an appropriately designed dwelling would not adversely impact on residential amenity.

I do not consider that the proposed development meets all the criteria outlined under CTY2a to merit the granting of permission under this policy.

Policy CTY13 states that planning permission will be granted of a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The site has a good degree of enclosure being bound on three sides by existing mature vegetation. It is considered the existing vegetation would assist in integrating a dwelling on this site and I therefore consider it appropriate to condition that the retention of existing vegetation. There is a large wooded area between the application site and the public road, therefore public views are limited. The site is to be located to the rear of the existing dwelling No.135. Should the Planning Committee consider the proposal acceptable and planning permission be granted, I consider a ridge height restriction of 6 metres would be required to respect the existing built form. On balance it is considered the proposal complies with CTY13, in my opinion a dwelling and garage would successfully visually integrate into the surrounding landscape.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I have no concerns with ribbon development or build up. The proposal site has an adequate degree of enclosure and natural screening and I do not consider the addition of a single dwelling on the site will detrimentally alter the rural character of this area.

PPS 3: Access, Movement and Parking - The application site seeks to use an existing access on to Ballynease Road. DfI Roads have been consulted and have advised the proposal site is using a laneway that serves at least 7 other dwellings accessing unto Ballynease Road. DfI Roads have advised the developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The DfI Roads has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Should permission be granted, this could

be added as informative to the approval notice. DfI Roads has no objections to approval being granted to this application subject to the following conditions. Therefore, it is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the Natural Environment map viewer available online have been checked and identified no natural heritage assets interests of significance on site. It was identified the proposal site is located in proximity to an Archaeological Site/Monument (Enclosure POLREF: LDY037:053) therefore DfC Historic Environment Division were consulted. HED have considered the application and responded that the proposal is satisfactory to SPPS and PPS6.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0004/O	Target Date: 18/04/21
Proposal: Proposed hotel development	Location: Between Glenshane Filling Station at 31 Glenshane Road and 10 Fallagloon Road Maghera
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: James Molloy Glenshane Services Ltd 31 Glenshane Road Maghera	Agent Name and Address: Clarman Partnership Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Water – Strategic Applications	Advice

Representations:

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

Characteristics of the Site and Area

This site is located between Glenshane Filling Station at 31 Glenshane Road and 10 Fallagloon Road, Maghera and almost 0.5km to the west of the settlement of Glen. Access to the site is proposed from the Fallagloon Road. The site is approximately 0.3 hectares in size. The boundaries of the site consists of a wall approximately 1m high along the eastern boundary and a post and wire fence along the northern boundary. The southern boundary of the site is undefined. There are currently two large mounds of soil/rubble within the site. Whilst the site is located within the rural countryside, to the immediate east of the site is a petrol filling station and associated shop with the adjoining 'Oakleaf Restaurant' and associated car parking. To the west of the site is a vacant two storey dwelling with a linear out-building approved for a conversion to a dwelling under H/2011/0566/F. There is a further approval for another dwelling (H/2011/0561/O) to the south west of the barn conversion with existing dwellings along the Fallagloon Road frontage, to the west of the site. There is an existing community hall and play group a short distance to the north east on the Glen Road with a number of industrial units and associated yard adjacent.

Description of Proposal

This application seeks outline permission for a hotel on this site. The supporting statement submitted with the application details that the proposed development is for a 20 bed hotel.

This proposal was previously granted outline planning approval 14/12/15 under planning reference H/2014/0046/O.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 16: Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking
- Planning Policy Statement 15: Planning and Flood Risk (Revised)
- The 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. 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.

History on Site

H/2014/0046/O - Proposed hotel development - Between Glenshane Filling Station at 31 Glenshane Road and 10 Fallagloon Road, Maghera – Permission Granted 14/12/15

Consideration

The planning history of the proposal site is a material consideration of this planning application. The proposed development was previously approved under Planning Reference H/2014/0046/O on 14/12/15. Condition 2 of this approval placed a time limit as required by Article 62 of the Planning (Northern Ireland) Act 2011 which stated an 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: the expiration of 5 years from the date of this permission; or the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. Five years from the date of planning permission H/2014/0046/O was 14/12/20, therefore this permission has now lapsed. This Planning Application LA09/2021/0004/O was received on 4th January 2021.

There are no changes to the proposal with all aspects remaining the same as that previously approval. There has been also been no changes to regional planning policy since the approval of H/2014/0046/O. Mid Ulster Local Development Plan 2030: Draft Plan Strategy launched on February 2019 and whilst is a material planning consideration, as stated above, the draft Plan Strategy does not carry the determining weight associated with the plan. Nonetheless it is noted the draft Plan Strategy provides an opportunity for tourism accommodation including the development of hotels, guest house or hostel subject to policy criteria being met. It was considered under the previous permission on the site for the same scheme, H/2014/0046/O, that the proposal was in accordance with the relevant planning policy. The relevant prevailing planning policy has been considered below.

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The SPPS introduced in September 2015 is a material consideration in determining this application. 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. It does not present any change in policy direction therefore existing policy applies. Hotel development in the countryside would usually be considered under PPS 16 - Tourism: Policy TSM3 Hotels, Guest Houses and Tourist Hostels in the Countryside. However, Policy TSM3 only supports proposals for a new build hotel on the periphery of a settlement where it satisfies certain criteria. As this site is located approximately 0.5km west of the settlement of Glen and is separated from the settlement by the main Belfast to Derry A6 Protected Route, it is not considered the application site is on the peripheral to the settlement and therefore automatically be supported by this policy.

The overarching criteria for considering development in the countryside is PPS 21. Policy CTY 8 - Ribbon Development advises that planning permission will be refused for a building which creates or adds to a ribbon of development, it goes on to state that in certain circumstances it may also be acceptable to consider the infilling of such a small gap with an appropriate economic development proposal provided it meets other criteria. Such a small gap site can only be of a size sufficient to accommodate a maximum of two dwellings within an otherwise substantially and continuously built up frontage of 3 or more buildings along a road frontage without accompanying development to the rear. This site is considered to be a small gap site, in that sense, within a substantial and built up frontage as it has a frontage length in the region of 80m along the Glenshane Road, compared to the frontage of the adjacent petrol filling station and accompanying Oakleaf Restaurant which extends to around 110m to the east, while there are a number of dwellings immediately adjacent to the west of the site and which have frontages extending from 20m to around 65m.

Policy CTY 8 provides opportunity for the infilling of an appropriate economic development. As previously considered under the H/2014/0046/O, the infilling of this gap site with a hotel development would be considered to be an appropriate economic development. It would be located beside the existing commercial businesses of the petrol filling station and the Oakleaf Restaurant and would be well sited to provide accommodation for visitors travelling between the key tourism areas of Belfast and Derry and to the Causeway Coast and Glens areas. A hotel in this location is likely to be convenient for visitors touring Northern Ireland. As the site levels sit considerably lower than the forecourt of the adjoining petrol filling station it may be possible to

accommodate a two storey building without being visually obtrusive. The site could only accommodate a development of a size which would be complimentary to the existing adjoining development. Given this is an outline application, it is considered the design, materials, landscaping etc. could be satisfactorily dealt with by way of appropriate conditions attached to any forthcoming approval.

NI Water were consulted and have advised there is available capacity and have provided standard informative. The application was considered at a development management internal group meeting and whilst the application is not an in-time renewal, given that there is only a short lapse in time between the expiry of permission and the submission of this application and the fact there has been no changes to the site or prevailing policy, it was not considered necessary to await or seek responses from any other consultees and that permission be granted as before with the same planning conditions.

It is noted that under the previous planning approval (H/2014/0046/O), Transport NI advised that the proposal was unacceptable in terms of the proximity of the proposed access to the road junction and the impact of this on traffic. The application was presented to Planning Committee in June 2015 and deferred for further consideration of Transport NI's comments. The application was presented to Committee in December 2015 recommended for approval following the submission of supporting traffic reports from ESH Consulting. Given that the Planning Manager and Planning Committee has considered this issue previously, including Transport NI comments and the supporting reports, and deemed the proposal to be acceptable, it is not considered necessary to reconsider this as the access has not been amended or altered from that previously approved.

It was identified that an area of the site within an area of present day surface water and it was noted Rivers Agency were not consulted on the previous application. However on review of the online Flood Maps NI it appears this area only encompasses a small portion of the NE portion of the site. The indicative site layout plan which was previous approved and which has been submitted with no amendments, proposes landscaping and car parking in this portion of the site. Having discussed this at internal group, given there are no buildings proposed in this area of potential surface flooding, it was not considered necessary to consult Rivers Agency in this instance.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received the summary of issues are as below:

- The objector lives at No.06 Fallagloon Road, Maghera and advised whilst they do not necessarily object to a hotel on the site, they do have grave concerns about the proposed junction onto Fallgloon Road. The objector has concerns with safety of the proposed entrance. Lorries park on both sides of the junction making it difficult to exit Fallagloon Road and the entrance to the objector's field if regularly blocked by lorries making it difficult for the former to enter and exit the field. As there is no footpath, increased traffic using the junction would also raise safety concerns for residents.

It is noted that a similar letter of representation outlining traffic concerns was submitted in objection to the previous planning approval on the site. As stated above the previous planning application was initially presented to the Planning Committee recommended for refusal on DfI Roads recommendation on the basis of proximity of the access to a road junction. The application was deferred to allow the Planning Manager to examine DfI Roads objections. The applicant commissioned ESH Consulting to carry out an examination of the road safety aspects of the proposal. This report was also submitted in support of this planning application. The previous case officer considered DfI Roads comments and ESH Consulting report and considered planning approval should be granted. This planning application seeks to utilise the access previously approved and there has been no changes or alterations to the application. The area plan and planning policy context in which the previous permission was granted remains the same. Given all material considerations were considered under the previous permission, H/2014/0046/O, it is not considered necessary to revisit the access arrangements previously approved. It is noted on Drawing 01 date stamped 4th January 2021 there is provision of a footpath.

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

It is considered the planning history of the site in this instance should be given determining weight. Planning Permission expired 3 weeks before the receipt of this planning application. It was considered under the previous planning permission H/2014/0046/O that the proposal accords with the relevant policy tests. There has not been a change to policy in the intervening years therefore in my opinion the proposal is still considered acceptable as per the previous case officer's recommendation.

As the area plan and planning policy context has not changed from the previous permission, it is my view that this proposal is granted permission subject to the same conditions attached to the previous permission and outlined below.

Conditions

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

- i. the expiration of 5 years from the date of this permission; or

- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

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

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

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance; the colour, texture and type of facing materials to be used for external walls and roofs.

Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4. The means of vehicular access to the development hereby permitted shall be from Fallagoon Road only.

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

5. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

6. 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 becomes operational and 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.

7. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed within the site and permanently marked to provide:

i. public car parking spaces which shall include facilities for disabled people and staff, the precise number of which shall be determined by the Council on submission at reserved matters stage when the final floor space is known but which are generally in accordance with Drawing No 01 bearing the date stamp 4th January 2021; and

ii. separate facilities for the operational parking, loading and unloading of delivery and other service vehicles and for the turning of such vehicles so that they can enter and leave the site in forward gear.

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

8. A noise report shall be submitted at Reserved Matters stage to take into account the potential noise impact on occupants of noise sensitive dwellings / potential dwellings in the vicinity of the site.

Reason: To ensure the protection of neighbouring amenity.

Informatives

1. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopment.asp and Forms.

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

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

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

5. The applicant is advised to contact the Tourist Boards's Quality and Standards Officer to discuss Certification requirements and quality grading prior to commencement.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2019/0838/F	Target Date:
Proposal: Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnells and car parking associated with coalisland mens shed club.(Amended landscaping and drainage information provided)	Location: Lands 90m of South of 177a Annagher Road Coalisland (DMAC Engineering Factory).
Applicant Name and Address: Lilac Cancer Support Ltd 177b Annagher Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Consultee Responses: No objections subject to conditions.	
Characteristics of the Site and Area: <p>This red line of the site includes a long narrow access laneway taken off the Annagher road and a triangular plot of land located adjacent and south of the existing approved DMAC engineering factory. The access runs along the west of the existing factory and continues to a cleared portion of land to the rear. At present there is a sizable earth bund, approx 6-7m high, which separates the proposed site from the existing factory and yard. There is also earth banking and mature landscaping along the SE and NE boundaries of the site. The cleared area itself is at a much lower level than the factory and a gravel base has been constructed. At the time of my site visit there was a portacabin located on the site.</p> <p>To the south is a detached single dwelling. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west. The site lies just a short distance to the East of the settlement limits of Coalisland and to the West of the settlement limits of Clonoe.</p>	



Description of Proposal

Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with coalisland mens shed club. A Temporary 5 year planning permission is initially being sought.

Deferred Consideration:

Following a deferral of this application in Dec 2019 meetings were held with both the objector and the applicants for the development.

Date: 18 December 2019

Time: 12.00

Present:

Melvin Bowman – Head of Development Management

P Marrion – MUDC

Mr James Hughes – Objector

Mrs Maria Hughes – Objector

MB Bowman explained the process and that the meeting was only for Lilac Cancer Care application. Planning do not notify when applications are being brought to committee.

MB advised there is an opportunity to speak to the members in accordance with the protocol.

Mr Hughes read out a prepared statement and provided a copy of this

MB advised if temporary permission is granted then it would generally be for a maximum of 5 years.

Mr Hughes set out a number of other places that are more suitable including the Councils site on Gortgonis Road. Other sites felt available were Clonoe Community Centre / Washingbay Centre, South Tyrone Mens Shed in Dungannon. The site has a habitat that supports newts/badgers/bats and there is a report on file. Council biodiversity officer M Edgar was on the site in September 2015. Only 1 type of newt in NI. The use is felt incompatible with DMACs operations given a history of complaints relating to noise / odour etc.

MB questioned if there was any activity on the site at the moment. Mr Hughes advised there is limited activity on the site of the men's shed. The access to the men's shed cannot come off the private lane from Washingbay Road. This is a private lane and there are 6 houses that are accessed off the lane. This was clarified during legal proceedings in regards to the Mills Housing Development where the Water Board advised they were the owner. Mr Hughes advised the legal decision is that all of those who access off the lane must agree to any changes.

The temporary nature of the proposal is questioned- if this was a site gifted to Lilac would this not be for a longer term? In addition, what happens to the site when any temporary permission expires?

Office Meeting held , Council Offices, Magherafelt

Date: 19 December 2019

Time: 10:55

Present:

Melvin Bowman – Head of Development Management

P Marrion – MUDC

Cllr Niamh Doris

Cllr Brian McGuigan

Margaret – Lilac Cancer Care

Chris – Lilac Cancer Care

Chris Cassidy – Agent

Francie Molloy – MP

Melvin Bowman set out the issues relating to the application the site is in the countryside, the status of the site, reasons for recommendation, note only for temporary permission and is there any medium to long term proposals for this.

Chris Cassidy set out that the proposal should be considered against PPS8 as Pg37 sets out the definition of open space, allotments are included and this is what the case officer report has set out. The Case officer has already accepted this aspect meets PPS8 policy.

Chris/Margaret explained that what is needed is driven by the members. The members come from the Lough Shore Area, Killyman and Coalisland. They are men who live on their own and there is a need for a café/kitchen area.

MB asked if there are any other similar facilities that they are aware of?

Chris/Margaret – none in Coalisland, there is a deficiency in the area for this type of facility. From experience of other facilities it is unlikely to affect neighbours. There is a flagship project in Limavady which is the model this is based up[on]. While the application is for a men-shed, Lilac Cancer Care are a sponsoring body and are able to provide sustainability for the project/ Lilac Cancer Care will ensure this project does not fail . Funding has been secured from Dept. for Communities and DHS which will fund full time employees.

Francie Molloy MP advised South Tyrone Men shed in Dungannon and Western House in Coalisland are for different people. Dungannon Mens shed are to vacate the existing premises and there are issues with ownership and management. Eden Project in Carrickfergus is comparable, it is for coming together of men. The applicant has been trying to obtain the railway lines in Coalisland as only space available but unable to get control of these. The person in Western House tragically lost her life and there was no one to take over. The trust withdrew support for it.

Margaret advised they need green space and have approached Woodland Trust in relation to planters and bee-keeping. They require space to erect poly tunnels for growing vegetables.

Cllr McGuigan alluded to the Moneyneany site where there are polytunnels and beds within the grounds of the community hub.

Francie Molloy MP advised this site is central and will serve the area of Coalisland, Clonoe and Washing Bay.

MB queried how accessible the site is.

C Cassidy advised there are 2 roads into the site.

Margaret advised the majority of the users do not own cars and they use a pathway from Spring Island. Lilac Cancer Care approached DMAC to get ground for the project as they were aware of the community need.

MB queried why 5 years proposed?

Chris/Margaret advise they intend to invest heavily in the site and do not own the land yet.

C Cassidy advised the ground would be gifted by DMAC on ownership basis

F Molloy explained DMAC got planning permission and moved up the hill in accordance with the eventual planning permission. He felt that the Drainage issues have been dealt with by DMAC and that the proposal should be determined on its merits and given the clear local community need.

MB advised it would be helpful for the Council to greater understand the basis on which this is a necessary community facility which can be normally be acceptable under CTY1.

C Cassidy advised the scheme is supported by GEDA and FLOGAS who back the scheme. DMAC have ownership of the lane onto Washingbay Road.

MB asked about the site selection process or that it needs to be demonstrated how this site has been selected. Issues in relation to natural habitat have been raised also.

Margaret advised the main access to the site is off Annagher Road, a keyholder would have access to the site through a pedestrian gate in the main gate. It is the intention to close off and close in the site for operational purposes. Mr Hughes has been advised of the benefits of the scheme by other members. They need to be on site for a number of reasons – to ensure they meet the growing season and to meet funding deadlines.

F Molloy advised there are a number of funding streams from DHS and DFC and most schemes need signed off.

Neighbourhood renewal date is 1 March. Southern Trust recognise there are mental health issues around Coalisland and this offers an alternative.

C Cassidy advised they were unsuccessful in getting into the enterprise centre.

MB advised they need to provide details to show other sites that have been considered, provide details of the constitution of Lilac Cancer.

Margaret advised Lilac have been in contact with the objector, the site meets so many of their needs and they can show the objector how this can operate without impacting on them. There are currently 35 members and the site will operate under set hours with 7PM usually the finish time. There may be some later events in the summer evening.

Planning assessment of Policy and other material considerations.

The SPPS. (Improving Health and Well-Being)

At Par. 4.3 the SPPS states, 'The planning system has an active role to play in helping to better the lives of people and communities in Northern Ireland and in supporting the Executive's key priority of improving health and well-being. For the purpose of the SPPS the Department supports the World Health Organisation's definition of health as 'a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'.

Further at Par. 4.14 'The planning system has an important role supporting Government with addressing these issues through its influence on the type, location, siting and design of development. Examples of such development include: mixed use developments; mixed tenure housing schemes; strong neighbourhood centres; temporary uses in interface locations; active street frontages; buildings that provide public services, including education, healthcare and recreational facilities; public paths and cycleways; and passive spaces such as civic squares and public parks. Our society will not only benefit from the economic advantages of maximising shared space but can also reap the rewards that come with a more diverse, enriched environment. I also appreciate that the Regional Development Strategy 2025 (RDS) recognises the importance of open space, sport and outdoor recreation to health and the environment'.

Whilst being edge of settlement, this is a rural location as defined by the current Dungannon Area Plan so the provisions of PPS21 apply. I note that this specific type of proposal does not comply

with any of the obvious exceptions to development in this countryside. Policy CTY1 of PPS21 does however provide for exceptions:

'Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan'.

In terms of Non-Residential Development, CTY1 states that Planning permission will be granted for non-residential development in the countryside in a number of other cases one of which is a necessary community facility to serve the local rural population. This may offer some scope within which to further consider positively this proposal against policy when also considered alongside the temporary 5 permission being sought by the applicants.

Additionally, there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies

PPS8, (Open Space, Sport and Outdoor Recreation) as suggested by the first report to the planning committee and by the agent for the application is in my view also supportive of this application given that in its preamble it states:

'This PPS sets out the Department's planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans. It embodies the Government's commitment to sustainable development, to the promotion of a more active and healthy lifestyle and to the conservation of biodiversity'.

At Par 1.1 of PPS8, it is stated that, 'Open space, sport and outdoor recreation are important components of life. They provide many cultural, social, economic and environmental benefits and contribute positively to physical and mental health and a better quality of life. The Government considers everyone, particularly children, the elderly and those with disabilities, should have easy access to open space and the opportunity to participate in sport and outdoor recreational pursuits'. I note that at Par 1.3 that allotment developments, which are part of this application, are included amongst a range of definitions of open space.

Policy OS 3 Outdoor Recreation in the Countryside of PPS8 may provide some additional policy context for this proposal. The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
 (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements

If one accepts that this proposal does provide a form of recreation for its intended users then having considered the 8 criteria listed above, and having consulted various statutory bodies in order to be able to determine its impact, this application does generally meet with Policy OS3.

The central consideration for me is the rationale for choosing this site, located as it is just outside the development limits, and indeed whether it is a proposal which should be located elsewhere. The Lilac group have set out their site selection path as referenced in the office meeting notes above and I do see that the proposal in its entirety, which includes the outside space / poly-tunnels and small workshop as well as some parking, requires a site of this area perhaps not immediately easily found or available elsewhere. I have no reason not to accept that DMAC have agreed to gift the site to the Lilac Group, this setting up the potential for the project to quickly get off the ground and to meet a demand locally for the facility which is according to the group also backed by Cancer Care. I am aware of other 'mens shed' type developments in the province and it has been explained to me that the current proposal will satisfy a local need identified and supporting by other funding bodies. As such it seems entirely reasonable to me for members to consider this application against Policy CTY1 of PPS21 on the basis that it has been presented as providing a necessary community facility to serve the local rural population with its members described to me as coming from the more isolated and rural Lough Shore Area, Killyman and Coalisland. They are described as being men who live on their own, this tied into the need for a small café/kitchen area to complement the overall proposal. The application also in my view supports the aims of the SPPS outlined earlier in this report relating to promoting wider health and well-being objectives.

The proposal in no way harms any other aspects of PPS21 policy such as visual integration, rural character concerns or despite its urban / rural interface location, will it mar in any measurable way the setting of Coalisland. The proposed workshop measures some 16m x 8m and is designed with one roller shutter door and a pedestrian access to its southern side. The smaller portacabin / tearoom building sits facing onto the raised flowerbed area and wider site. Appropriate native species landscape is proposed.

In addition I do not foresee any obvious nuisance of loss of amenity to other dwellings and occupied property in the vicinity, nor have EHO raised any issue with this aspect of the proposal. The use of the site can also be secured with appropriate planning conditions as can any restoration of the site given that a temporary permission is being sought. Whilst the application seeks a 5 year permission this does not prevent further applications being made to either extend the temporary permission or indeed seek a permanent location here for the development, such proposals being assessed against the relevant Development Plan and Policies in place at this time.

I have considered the PPS2 (Natural Heritage) and PPS15 (Flood risk) aspects of this application in my further assessment below.

Recent amendments.

The presence of additional badger setts as discovered during the on site investigation with NIEA has resulted in the need for some revisions to the original proposal, principally to enable a 25m buffer area free from development. PPS2 concerns raised by objections, given the approval of the plans to NEDs satisfaction subject to conditions, permit me to conclude that the proposal is in accordance with this Policy.

The inclusion of an on-site PTP Plant will deal with sewerage disposal from the site. It should be noted that any future discharge point will be required to be agreed with a separate consent from



This application would undermine pledges made to residents made in the initial approval.

Siting is outside the settlement and therefore unsuitable for this type of development. There are alternative sites for the development.

Bio diversity, the application is located within 50 metres of a newt pond, in addition the objector is stating that there are bats / badger setts in the adjoining area.

In response, I note that the objections received appear not to raise issues specifically relating to any loss of amenity to the objectors property by way of noise, nuisance or other disturbance but

rather focusses on the wider principle of the proposed development and some of its alleged local environmental impacts. Great effort has been applied by the Council in seeking expert opinion on these matters of concern in terms of engaging NIEA with a site visit and seeking specific consultation advice with the likes of Rivers Agency and Environmental Health Department.

In considering the above objections I would respond and consider further as follows:

Previous pledges / attempt to extend DMAC – Whilst I accept that this site was once the location of the original DMAC site before its eventual approved relocation, the site was subsequently cleared of all buildings. DMAC are not applicants for this application but I do acknowledge that the application has been submitted on the basis that the land is being initially gifted to the Lilac group. As such, if approved, this development would not in itself be an extension of DMAC but an entirely separate use of the lands not in my setting any precedent for an extension of the DMAC facility onto the site again. Any permission granted by the Council can also specifically condition the use of the site. Any such proposal to occupy the site for purposes associated with the DMAC operations would require a planning application which would be assessed on its own individual merits and in accordance with the relevant Plan and Policies in place at that time.

Siting outside the settlement – this is a material consideration in this proposal as one which I have set out my rational for suggesting than members could consider the application as being within the wider scope of PPS21 and PPS8.

PPS15 / flood risk concerns

It is acknowledged via photographic evidence submitted to the Council by an objector and uploaded to the planning portal that this lower part of the wider site has been at risk from storm water ponding /inundation. In attempting to clarify the cause and potential solution to this the agent was asked to comment, and the advice of Rivers Agency sought. The 25 Nov 2020 drawings have detailed an arrangement to deal with running water coming from the existing access lane into a large cattle grid which in turn drains back to the attenuation tank associated with the DMAC factory. Rivers Agency have stated that they have no reason to disagree with the method proposed by Sheehy Consulting to redirect overland flow from the access lane into the factory system.

It is this overland flow via the access which appears to be the principal cause of ponding within part of the application site. Rivers Agency go on to state that drainage is via percolation through the soil strata, and whilst also stating they cannot comment on the efficacy of this arrangement do note that the Consultants letter states this soakaway system has been approved by NIEA.

Considering that the above measures should be meeting the requirements and approval of other agencies, I see no clear impediment otherwise which should result in this proposal prejudicing the DMAC sites obligations to ensure surface water is appropriately dealt with. More recent images provided by the objector showing ponding of surface water on the 21 Jan are noted. There are clearly lower lying parts of this site still subject to collection of storm surface water more towards the eastern half. I would again add that the development of the site for this proposal, as considered in the drainage assessment submitted and based on the Rivers Agency response, should not pose any greater risk to drainage given the drainage assessments assurance that whilst part of this site is affected by pluvial flooding, that this risk is to be eliminated upon the development of the site as this area will be served by a percolation system. The Drainage assessment also reports that whilst there is evidence of live drainage infrastructure within the site boundary which acts as a soakaway from the DMAC site, this percolation area poses no flood risk to the proposed development.

NIEAs response addresses the natural environment impacts of this application and in light of this I feel that the objections relating to wildlife and habitat are addressed. As I see it appropriate badger

buffer areas are provided, including to the later identified unused sett within the site, as well as the necessary means by which the site is illuminated. In addition, this proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) and NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, and having screened the proposal, i acknowledge no concerns which would justify a refusal of permission subject to conditions.

It is my considered conclusion that members can consider applying determining weight for this application in accordance the provisions of PPS21 as representing a necessary community facility and are also entitled to acknowledge the desire to promote open space and recreation use such as this in a rural location as provided for within PPS8 policies. Objections to the proposal have been considered, and in light of the consultee responses and consideration of the specifics and need for the proposal, I do not find these of sufficient weight to justify a refusal of the application.

It is therefore on balance my view that the application should be approved subject to the below conditions:

Conditions

1. The permission hereby is granted is temporary and shall be limited for a period of 5 years from the date of this permission.

Reason: This application is for temporary planning permission.

2. Upon the expiry of 5yrs from the date of this permission the site shall be cleared of all buildings and structures and suitably restored in accordance with a plan to be submitted and agreed by the Council within 6 months before the use ceases on the site.

Reason: To ensure the sites appropriate restoration is achieved.

3. The site is hereby approved for community use only as defined by Class D1: 'Community and Cultural Uses' of the Use Classes Order NI 2015 and shall be used for no other purpose.

Reason: To control the orderly use of the site.

4. The site and its buildings hereby approved shall be used only for meetings / ancillary small scale arts and crafts activities and ancillary canteen use and all outdoor areas including parking shall be used only for horticulture and car parking associated with the community use of the site.

Reason: In order to control the use of the site and in the interests of protecting the amenity of nearby property.

5. The use of the site hereby approved shall not operate outside the hours of 10am and 7pm Mon to Saturday.

Reason: In the interest of protecting neighbouring amenity.

6. No development activity, vegetation clearance, dumping or storage of materials (except for the hand planting of trees and shrubs) shall take place within the badger

protection zone, as shown on Drawing No. 2E, date stamped 25TH Nov 2020, unless an appropriate Wildlife License has been obtained from NIEA. Any proposed tree and hedgerow planting within the badger protection zone shall be carried out using hand tools only.

Reason: To protect badgers and their setts.

7. There shall be no external lighting of the site with the exception of any necessary security lighting, fitted with motion sensors.

Reason: To minimise the impact of the proposal on bats and other wildlife.

8. The vehicular access, including visibility splay of 4.5 metres by 120.0 metres in both directions, shall be provided in accordance with Drawing No 5 bearing the date stamp 22nd October 2019 prior to the commencement of any other development hereby permitted.

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

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

9. The 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.

10. The parking facilities detailed on Drawing No 04 date stamp 7th October 2019 shall be open for use during all hours of business.

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

11. All planting as specified on Drawing 02/E shall be provided during the first available planting season following the commencement of the development.

Reason: To ensure the provision of all soft landscaping to the site in the interests of visual amenity.

Informatives

1. Any septic tank or waste water treatment unit should be constructed in accordance with BSEN 12566. The waste water treatment unit and drainage field should be installed in accordance with BS6297:2007 however a minimum separation distance from the waste water treatment unit to any habitable dwelling of 15m is suggested.
2. A Consent to discharge effluent being obtained from Department of Agriculture, Environment and Rural Affairs (DAERA), Northern Ireland Environment Agency as required by The Water (Northern Ireland) Order 1999. Application forms are available from

Northern Ireland Environment Agency, Water Management Unit, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL. Tel: 0300 200 7856 / Email: consents@daera-ni.gov.uk

3. Where lands not in the ownership of the applicant or outside the site boundary marked red in the application site maps are to be used in connection with a septic tank and/or associated drainage, a legal agreement should be obtained in relation to these lands. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement work as required. Such legal agreement being included in any planning approval as a planning condition.
4. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE

5. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- ☐ kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- ☐ damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;

Natural Heritage & Conservation Areas

- ☐ damage or destroy anything which conceals or protects any such structure;
- ☐ disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 955.

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

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

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

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

7. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

☐ kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*);

Natural Heritage & Conservation Areas

☐ damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection;

☐ damage or destroy anything which conceals or protects any such structure;

☐ disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

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

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

9. The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as rabbits present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org.

Signature(s): M.Bowman

Date 17/2/21



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0838/F	Target Date:
Proposal: Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with Coalisland men's shed club.	Location: Lands 90m of South of 177a Annagher Road Coalisland (DMAC Engineering Factory).
Referral Route: Objection received	
Recommendation:	Refusal
Applicant Name and Address: Lilac Cancer Support Ltd 177b Annagher Road Coalisland	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	

Statutory	NIEA	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

One objection has been received from the owner of number 36 Washingbay Road, Coalisland. The main concerns in the letter refer to the neighbouring engineering site of DMAC, however, the objector states a number of additional points;

This application would undermine pledges made to residents made in the initial approval.

This is an attempt to extend the operations at DMAC.

Siting is outside the settlement and therefore unsuitable for this type of development.

Siting is on existing soakaways and may cause flooding.

Bio diversity, the application is located within 50 metres of a newt pond, in addition the objector is stating that there are bats in the area.

Characteristics of the Site and Area

This red line of the site includes a long narrow access laneway taken off the Annagher road and a triangular plot of land located adjacent and south of the existing approved DMAC engineering factory. The access runs along the west of the existing factory and continues to a cleared portion of land to the rear. At present there is a sizable earth bund, approx. 6-7m high, which separates the proposed site from the existing factory and yard. There is also earth banking and mature landscaping along the SE and NE boundaries of the site. The cleared area itself is at a much lower level than the factory and a gravel base has been constructed. At the time of site visit there was a number of metal containers as well as some other industrial type metal structures located along the southern boundary.

To the south is a detached single dwelling. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west. The site lies just a short distance to the East of the settlement limits of Coalisland and to the West of the settlement limits of Clonoe.

Description of Proposal

Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnels and car parking associated with coalisland men's shed club.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon South Tyrone Area Plan 2010- The site is located just outside the development limits of Coalisland, in the countryside. The policy provisions of SPPS and PPS21 apply.

Planning Policy

SPPS- Strategic Planning Policy Statement

PPS21- Sustainable Development in the Countryside

PPS1 - General Principals

PPS3- Movement Access and Parking

PPS8 - Open Space and Recreation

Relevant Planning History

M/2011/0126/F- permission granted for a small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland, for DMAC on 13.04.2015 (North of application site).

M/2006/2126/F- Retention of Replacement shed for the purpose of paint spraying machine components, permission was refused on 22.06.2017.

An enforcement notice was served on this site for unauthorised breached in planning control and the offender fined £15,000.

LA09/2018/0943/F - Extension to existing factory premises to provide staff car parking - which is currently ongoing.

There are various other planning histories on or close to this site (both planning applications and enforcement cases) however most relate to the factory to the north, some of which are ongoing.

3rd Party Objection

One objection has been received from the owner of number 36 Washingbay Road, Coalisland. The main concerns in the letter refer to the neighbouring engineering site of DMAC, however, the objector states a number of additional points;

-This application would undermine pledges made to residents made in the initial approval.

-This is an attempt to extend the operations at DMAC.

There is concern that an approval for the men's shed on this site would set a precedent and lead to the owner for the adjoining DMAC to extend into this part of the site again after years of trying to get unauthorised operations from this part of the site removed.

-Siting is outside the settlement and therefore unsuitable for this type of development.

There has been no supporting statement to suggest why this application must be sited on this site and not within the settlement limits. The applicant has stated that should the proposal gain planning permission the owner of the site would gift the area to the applicant, however, no evidence of this has been submitted.

-Siting is on existing soakaways and may cause flooding.

The proposal will be close to the drainage area for DMAC which may increase flooding at the objectors property, at the applicants request I am bringing the application to committee before the full response from rivers agency or NIEA have been received.

-Bio diversity, the application is located within 50 metres of a newt pond, in addition the objector is stating that there are bats in the area.

During my site visit there was no evidence of bats or newt, no evidence or photographs have been provided by the objector and the time of writing the full response from rivers agency or NIEA have not been received.

Consideration

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building.

The Council has the important task of guiding appropriate developments to the right places, while preventing developments that are not acceptable. In exercising its planning role, it must make provision for necessary developments, such as workplaces, houses, schools and roads, and at the same time protect the natural and built environment. It must secure economy and efficiency as well as amenity in the use of land. It must integrate a variety of complex economic, social, environmental and other factors, many of which have implications beyond the confines of the land-use planning system. The key themes that underlie the Councils approach to planning are sustainable development, mixed use, quality development and design. These themes are set out here and more detailed policies are contained in the other Planning Policy Statements and the SPPS. With this application PPS 3 and PPS21 are applicable.

PPS 21 CTY1

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. In addition other types of development will be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. In this case the application is applying for a non-residential use (Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking associated with coalisland men's shed club.) in the open countryside.

Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4;
- tourism development in accordance with the TOU Policies of PSRNI;
- industry and business uses in accordance with PPS 4 (currently under review);
- minerals development in accordance with the MIN Policies of PSRNI;
- outdoor sport and recreational uses in accordance with PPS 8;
- renewable energy projects in accordance with PPS 18; or
- a necessary community facility to serve the local rural population.

The proposed development is for the Lilac Cancer Support Ltd, whom have proposed to locate a Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking all in conjunction with The Coalisland's men's shed club.

It is suggested that the shed would be open from the hours of 10am to 7pm, however, it has not been made clear if this is the first of its type within the area, or where the current meeting places are and as to why they require a new premises.

This application does not fall within any of the above categories and the applicant has not demonstrated any overriding reason why it cannot be located within the settlement limit therefore refusal recommended

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

PPS21 CTY13

It is my opinion that there is sufficient landscaping and trees to assist with integration of the proposal into the landscape. The design, size and scale of the building would allow the building to blend in successfully with its immediate and wider surroundings. I have no concerns for integration.

PPS21 CTY14

It is my opinion that the proposal is of a size and scale that will not have a detrimental impact on the rural character of this area and will not offend policy CTY14.

PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

This proposal does not impact on any features of archaeological importance or built heritage.

There was no evidence of any protected species on site on the day of my inspection.

The proposal does not result in the loss of any agricultural land and due to its location – a clearing to the rear of the DMAC engineering site– it will not have any impact on agricultural activities.

The site and activities are nearly totally enclosed with mature vegetation and its topography. It cannot be critically viewed from the public road. It therefore has no adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located over 40m to the S of the site. I am satisfied that the activities on site (as long as there is no increase in activity) will not have an adverse impact on residential amenity.

The site is in an area outside of the settlement limit and given the limited use of the site, I would have no concerns in respect of public safety.

The proposal is acceptable in terms of scale, massing and design.

The proposal will cater for the need of older men, with a concern for their mental health and well being. Access to this site is only achievable by private car/bus given its rural location.

The proposal does involve intensification in terms of traffic movements, however road service have no objection and adequate parking is available.

I am satisfied that this proposal is compliance with all criteria contained in policy OS 3.

PPS 3

Planning Policy Statement 3 - Access, Movement and Parking sets out the main planning considerations that the Council will take into account in assessing: the provision made for access, movement and parking in proposals for new development; proposals for car parks; and proposals which affect routes afforded protection for future transport proposals. The provisions

will prevail unless there are other overriding policy or material considerations which outweigh them and justify a contrary decision.

The proposed access is taken off the Annagher Road via the existing access, DFI Roads have been consulted and have responded with no objections subject to conditions.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this the Draft Plan cannot be given any determining weight at this time.

Accordingly, this application does not accord with the provisions of current Planning Policy and therefore cannot be determined under the Council's present scheme of delegation and must be presented to the Planning committee.

Neighbour Notification Checked

Yes

Refusal Reasons

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

Signature(s)

Date:

ANNEX	
Date Valid	14th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 172 Annagher Road, Coalisland, Tyrone, BT71 4NF The Owner/Occupier, 174 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 175 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 175a ,Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 177 Annagher Road, Coalisland, Tyrone, BT71 5DA The Owner/Occupier, 177 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 36 Washingbay Road Coalisland Tyrone James Hughes 36 Washingbay Road, Coalisland, Tyrone, BT71 4PU	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/0838/F Proposal: Hobby/Storage shed, portacabin to be used as a canteen and recreation room, raised flower beds, polytunnells and car parking associated with coalisland mens shed club. Address: Lands 90m of South of 177a Annagher Road, Coalisland (DMAC Engineering Factory)., Decision: Decision Date: Ref ID: LA09/2018/0943/F Proposal: Extension to existing factory premises to provide staff car parking (Biodiversity checklist and amended plans) Address: 70m South of 177 Annagher Road, Coalisland (DMAC Engineering Factory),	

Decision:

Decision Date:

Ref ID: LA09/2016/1761/NMC

Proposal: Relocation of previously approved flue stacks

Address: 70m South of 177 Annagher Road, Coalisland,

Decision: CR

Decision Date:

Ref ID: LA09/2019/0179/F

Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition

Monday - Friday from 6am - 8pm

Address: Lands 70m South of 177 Annagher Road, Coalisland.,

Decision:

Decision Date:

Ref ID: LA09/2015/1278/NMC

Proposal: Minor change to planning approval M/2011/0126/F: change of exterior cladding colour of the unit to green and change of roof pitch to accommodate overhead cranes

Address: 70m South of 177 Annagher Road, Coalisland,

Decision: CG

Decision Date:

Ref ID: LA09/2017/0319/F

Proposal: The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line. (Amended description) (Revised Odour Impact Assessment received)

Address: 70m South of 177 Annagher Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2013/0464/LDE

Proposal: Works which were subject to conditions have not been carried out

Address: Lands south of 177 annagher Road, Coalisland,

Decision: PG

Decision Date:

Ref ID: M/2014/0027/LDE

Proposal: The continued use of the land for the storage of industrial machinery, steel. portacabins and general industrial equipment

Address: Lands south of 177 Annagher Road, Coalisland,

Decision: PR

Decision Date:

Ref ID: M/2010/0631/Q

Proposal: Zoning of Industrial Lands

Address: Lands South of 177 Annagher Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2010/0074/F

Proposal: Proposed retention of existing spray painting/shot blasting workshop (using an Industrial Development Board backed volatile organic compound extraction system) and hardstanding area with extension to workshop and hardstanding area.

Address: 260m South of 177 Annagher Road, Coalisland

Decision: AW

Decision Date:

Ref ID: M/2011/0126/F

Proposal: Small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland.

Address: 70m South of 177, Annagher Road, Coalisland,

Decision: PG

Decision Date: 29.04.2015

Ref ID: M/1986/0582

Proposal: EXTRACTION OF SAND

Address: ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1987/0421

Proposal: SAND EXTRACTION

Address: ANNAGHER ROAD, ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/2006/2126/F

Proposal: Retention of Replacement shed for the purpose of paint spraying machine components

Address: Retention of Replacement Shed 260m's South of 177 Annagher Rd, Coalisland, Co.Tyrone

Decision:

Decision Date: 22.06.2007

Ref ID: M/2009/0643/F

Proposal: Proposed retention of ex shotblasting/spray painting workshop with hardstanding area and extension to workshop & hardstanding area

Address: 260m south of 177 Annagher Rd, Coalisland

Decision:

Decision Date: 11.01.2010

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

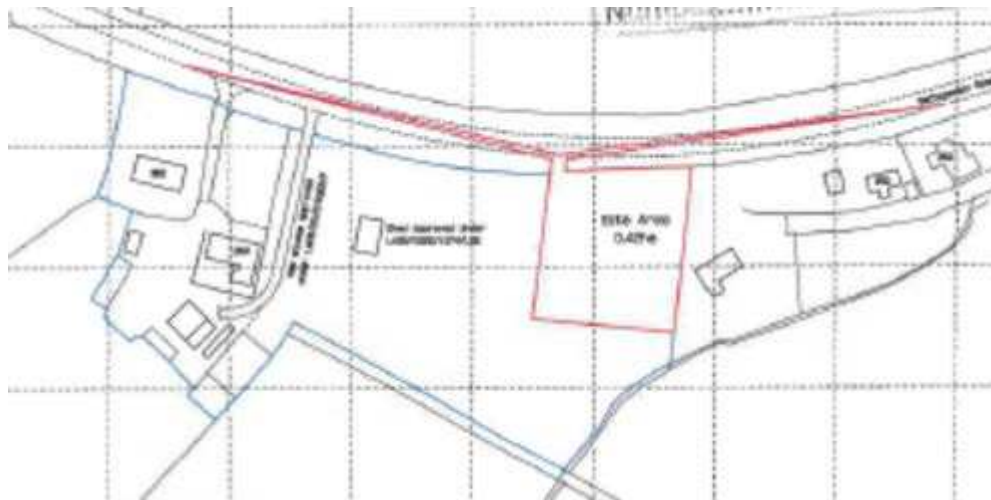
Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/1466/O	Target Date: <add date>
Proposal: Proposed infill dwelling and garage	Location: Approx 102m East of 260 Ballygawley Road Dungannon
Applicant Name and Address: Mr Kevin McCaul 260 Ballygawley Road Dungannon BT70 1TG	Agent name and Address: C.McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: Whether the site can be considered as a gap in a substantially built up frontage.	
Summary of Consultee Responses: DFI Roads – site lines of 2.4m x 160m required	
Characteristics of the Site and Area: This site forms the eastern half of a roadside field which is located approximately 102m east of No. 260 Ballygawley Road, with Cabragh Petrol Filling Station located approx. 1 km to the East. Along the roadside boundary there is a significant roadside verge approx. 6-10m wide, with the verge sloping down into the site from roadside, behind which grows a patchy tree lined hedge row. To the west, this boundary is open to a larger field and is not clearly defined. Along the SW and SE boundary is a post and wire fence. The eastern boundary is also defined by a post and wire fence and is shared in part with the curtilage boundary of No. 256. The site is relatively flat, sloping gently down hill to the south, and is approx. 3m lower than levels at roadside. To the west is a recently constructed agricultural building, a farm group and two single storey dwellings, while to the east there is a grouping of four dwellings which all access onto one private laneway which provides access to Ballygawley Road (a former protected route). These grouping of	

dwelling include 3 two storey detached, and one storey and a half detached. Land in the area is used mostly for agricultural grazing purposes and the area is defined by dispersed single dwellings and farm holdings.

Description of Proposal

This is an outline planning application for a proposed infill dwelling and garage as shown on the attached map.



Deferred Consideration:

This application was presented before the members in February 2020, along with a site immediately to the west, LA09/2019/1465/O with recommendations to refuse as the gap was too large to consider as an infill. Since then the applicant has exercised rights under the General Permitted Development Order and constructed a new agricultural building to the west. This building is lawful by virtue of a Certificate of Lawful Use or Development ref LA09/2020/1074/LDE which was issued on 1 December 2020. This has the effect of closing the gap between the development to the west and the east, as can be seen below.



The new building has been constructed and now forms part of the overall built form for the purposes of making an assessment of the development in the area. As members can see from the above layout, the gap between the development to the west and the east is now reduced. The proposed site has a frontage of 54m compared with the existing development close by which ranges from:

- 88m for the dwelling at no 252 Ballygawley Road,
- 48m for the 2 properties immediately to the east, 250 and 256 Ballygawley Road,
- 38m for 262 Ballygawley Road to the east and
- 90m for the dwelling and farm group at 260 Ballygawley Road, this is including the new agricultural building.

Taking these frontages into account, and the development which is located either side of this proposed site, I consider the gap between the existing development would only be capable of accommodating 2 dwellings of a size comparable with the adjacent development. I consider this site, which is one half of the gap, meets with the exception contained within policy CTY8 and recommend this application is approved.

Conditions:

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

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4m x 160.0m in both directions and forward sight distance of 160.0m, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. 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.

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

to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1466/O	Target Date: 20/02/2020
Proposal: Proposed infill dwelling and garage	Location: Approx 102m East of 260 Ballygawley Road Dungannon
Referral Route: Refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Kevin McCaul 260 Ballygawley Road Dungannon BT70 1TG	Agent Name and Address: C.McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is an outline planning application for a proposed infill dwelling and garage (adjacent and east to LA09/2019/1465/O)

Characteristics of Site and Area

This site forms the eastern half of a roadside field which is located approximately 102m east of No. 260 Ballygawley Road, with Cabragh Petrol Filling Station located approx. 1 km to the East. Along the roadside boundary there is a significant roadside verge approx. 6-10m wide, with the verge sloping down into the site from roadside, behind which grows a patchy tree lined hedge row. To the west, this boundary is open to a larger field and is not clearly defined. Along the SW and SE boundary is a post and wire fence. The eastern boundary is also defined by a post and wire fence and is shared in part with the curtilage boundary of No. 256.

The site is relatively flat, sloping gently down hill to the south, and is approx. 3m lower than levels at roadside.

To the west is two single storey dwellings, while to the east there is a grouping of four dwellings which all access onto one private laneway which provides access to Ballygawley Road (a former protected route). These grouping of dwellings include 3 two storey detached, and one storey and a half detached. Land in the area is used mostly for agricultural grazing purposes and the area is defined by dispersed single dwellings and farm holdings.

Planning 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

The site is located in the open countryside as defined in the Dungannon and South Tyrone Area 2010 where SPPS and PPS21 are applicable. There are no specific area plan policies relevant to this proposal.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.

In light of this, the Draft Plan cannot be given any determining weight at this time.

Representations

None received

Relevant planning history

LA09/2019/1465/O- Proposed infill dwelling and detached garage (decision pending, will be considered at the same time as this proposal as adjacent and west and makes up part of the overall gap which is proposed to be developed).

Key Planning Policy and consideration

Strategic Planning Policy Statement- The policy provision of SPPS do not impact on the policy provisions of PPS21 Sustainable Development in the Countryside, which is the applicable policy for assessing planning applications in the countryside, until such times as the new area plan is adopted.

There are certain circumstances where the development of a dwelling is considered acceptable in the countryside, subject to certain criteria. These are listed in CTY1 Development in the Countryside. The applicant has provided a case that the site represents a gap site within an existing built up frontage therefore will be assessed against policy CTY 8 Ribbon Development.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

To the west of the site are 2 existing dwellings on rectangular shaped plots. From Photo 1 you can see these plot shapes and sizes compared to the application site. The curtilage of No. 260 measures approx.. 32m wide at roadside and 120m long. No. 262 has a frontage of approx.. 40m wide and measures approx. 90m long. Given these plot sizes, it is my view that up to 4 dwellings could be sited in the gap between No. 260 and No 250 to the east. In my view the application site and the site to the west (LA09/2019/01465/O) is not reflective of the existing development pattern along this frontage of road in terms of the size and scale of the plot sizes.

The curtilage boundaries to dwellings east of the site, especially Nos 254 and 252 Dungannon Road are different to those to the west, as they have a wider roadside frontage and are not as

deep. No 254 (see photo 1) has a road frontage of approx. 62m and is approx. 20m wide, while No. 252 has a road frontage of approx. 100m long and 20m wide. Again, these plot sizes are not reflective to the subject site, or the adjacent site, which measure approx.. 70m wide and 100m long. Even with the use of siting conditions it is my view that dwellings on this gap site would result in ribbon development. It would not be possible to develop these sites that would reflect the character of development in this area and is contrary to policy CTY 8 of PPS21.

The agent has also excluded a piece of land to the west of site 19/14665/O as this makes up part of planning application LA09/2016/0305/F. At present, LA09/2016/0305/F is not commenced, and may never be developed. This future gap could create an opportunity for another gap site along this frontage.

The area hatched (see Photo 1) is not included in the overall gap site, even though it forms part of the gap. This land does not appear to belong to the curtilage of any dwelling and has the appearance of agricultural land (see photos 3, 4 and 5). No. 256 accesses onto a private lane and not directly onto Ballygawley Road and does not seem to have included the hatched land within it's curtilage. Along the hatched area frontage there is no formal garden area, fences, walls or hedgerow that would normally define a dwelling curtilage and give the appearance of a built up frontage. Again, by allowing dwellings on sites 1465 and 1466 in my view could give rise to other infill opportunities given the size of the gap and the variety of site shapes and sizes along this stretch of road.

In my view, the gap between Nos 254 and 260 is an important visual break between two clusters of development. This gap is sufficient, 180m in total when including the access to LA09/2016/0305/F and the area to the north of No. 256, to provide relief from build-up and ribbon development in this part of the countryside.

This site also lacks long established natural boundaries and in my view a dwelling on this site will not integrate into the landscape. The plot size as proposed is excessive and is not of a size and scale that will respect surrounding development, especially development to the west. DfI Roads have provided comment on this proposal and indicate that the access position be along the eastern boundary. This boundary has no established natural boundaries, and there is a significant difference in levels between roadside and the site. There will have to be significant cutting and filling to provide access to the site and the access is such that it will not follow any existing natural boundaries to assist with integration. Some roadside vegetation may also have to be removed to provide access to this site which will open the site further. For these reasons I find the proposal contrary to policy CTY13 of PPS21 in that a dwelling and garage and ancillary development including access will not integrate into the countryside. The dwellings in the area are on intimate sites that are well defined by natural landscaping. This site is not of the same character to those surrounding.

To develop a dwelling on this site would add to an existing build up of development in this area of countryside. At present this gap provides a welcome relief from development located at No.s 260-262 Ballygawley Road, and, No.s 250-256 Ballygawley Road. To allow a dwelling on this site, and the adjacent site (1465/O) would add to an existing build up of development in the countryside which would further erode the rural character of this area of countryside and is contrary to policy CTY14 of PPS21.

Other Policy and Material Considerations

The site is not subject to flooding and there are no land contamination issues to consider.

DfI Roads have no objection to this proposal subject to splays of 2.4m by 160m in both direction and the access point to be at the position indicated on the RS1 form.

As this proposal is outline there are no details of the proposed dwelling or how it may impact on surrounding amenity. However, in my view a dwelling on this site could be designed and sited to

ensure that existing and proposed private amenity is protected.	
Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission is refused for the following reasons;	
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent the development of a small gap sufficient only to accommodate a maximum of two houses and would, if permitted, result in the creation/addition of ribbon development along Dungannon Road also adversely impacting on the rural character of this area of countryside. 2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: <ul style="list-style-type: none"> -the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling and garage to integrate into the landscape; -the ancillary works will not integrate with their surroundings. 3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> -the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; -the building would, if permitted not respect the traditional pattern of settlement exhibited in that area); -the building would, if permitted create or add to a ribbon of development; -the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside. 	
Signature(s) Date:	

ANNEX	
Date Valid	7th November 2019
Date First Advertised	19th November 2019
Date Last Advertised	14th January 2020
Details of Neighbour Notification (all addresses) The Owner/Occupier, 250 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 252 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 256 Ballygawley Road, Dungannon, Tyrone, BT70 1TG The Owner/Occupier, 260 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 262 Ballygawley Road Dungannon Tyrone	
Date of Last Neighbour Notification	10th December 2019
Date of EIA Determination	NA
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/1638/F	Target Date: <add date>
Proposal: Proposed infill sites for 2 dwellings and garages (Amended plans and shadow analysis)	Location: Adjacent to 7 Coalpit Road Dungannon
Applicant Name and Address: Shaun Kelly 3A Coalpit Road Dungannon	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: If the development meets the criteria for infill development and if there will be any adverse impacts on the amenity of the adjoining properties.	
Summary of Consultee Responses: DFI Roads – 2.4m x 60.0m sight lines at new access and 2.4m x 60.0m to be kept clear to the west from Rossmore Road junction. DFI Rivers – maintenance strip, ffl to be 600mm above existing ground level DETI Geological Survey – no response	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural and is characterised by single detached dwellings, farm complexes and agricultural fields. There is moderate development pressure in the area from single dwellings with a roadside frontage. Along this short stretch of Coalpit Road there are 5 dwellings with a frontage to Coalpit Road, these are mainly one and one and half storey dwellings. The application site is a rectangular shaped plot and is 0.19 ha in size. The site sits slightly below the level of the public road and is currently an agricultural field. The field is at the junction of Coalpit Road and Rossmore Road. Across the road and to the east is No. 2 and	

to the west are 3 no. detached dwellings. Along the road and east boundaries is a low hedge approximately 1m in height. Along the southern boundary are established trees and abutting the boundary with No. 7 is a post and wire fence.

Description of Proposal:

The proposal is for the erection of 2 detached chalet dwellings and detached domestic garages. The dwellings will have a ridge height of 7.5m above ground level with smooth render walls and dark slate or tiled roofs. The dwellings will have dormer windows to the front protruding from the wallplate level, one house will have 1 central dormer and the other 2 at either side of the flat roofed single storey stone porch. (see drawings in Addendum)

Deferred Consideration:

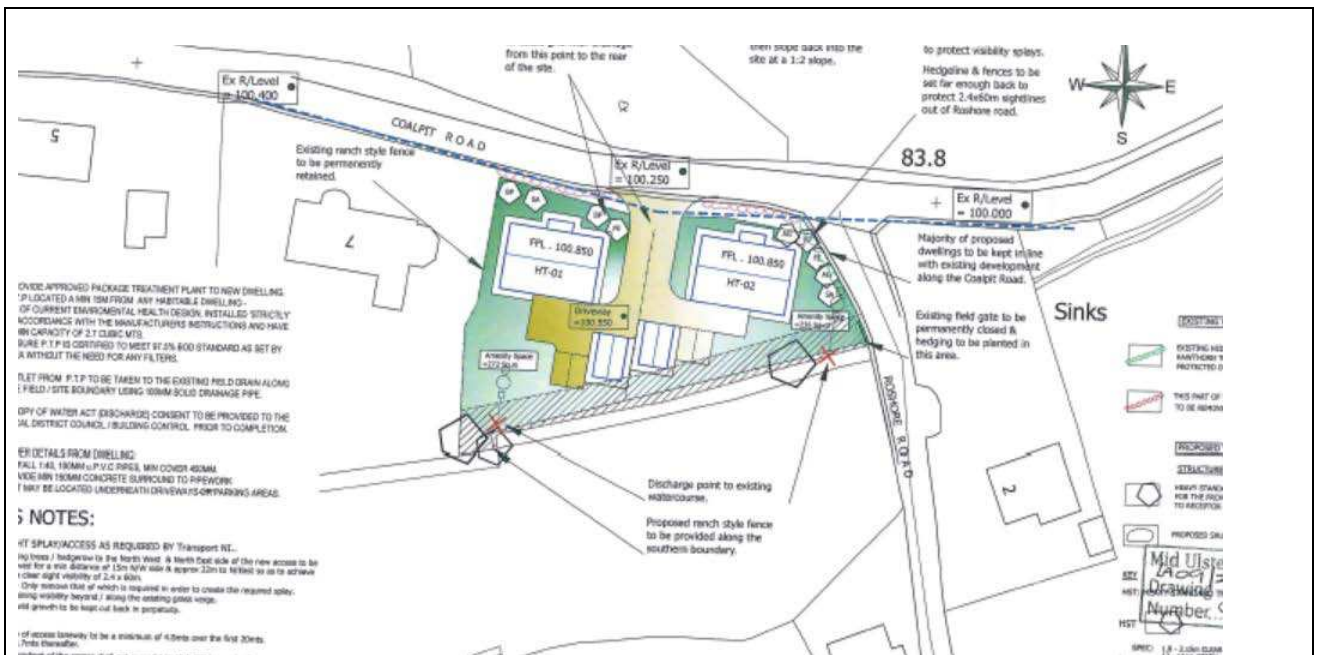
This application was presented to the committee on 4th August 2020 where it was deferred for a meeting with the planning manager. A meeting was held on 18th August where the size and sale of the proposed development was discussed. Subsequently amended plans have been received which show 2 detached chalet dwellings and detached domestic garages. The dwellings will have a ridge height of 7.5m above ground level with smooth render walls and dark slate or tiled roofs. The dwellings will have dormer windows to the front protruding from the wallplate level, one house will have 1 central dormer and the other 2 at either side of the flat roofed single storey stone porch.

It has been accepted this is an infill site as there are 3 dwellings and outbuildings to the west, towards Cookstown Road and a detached dwelling to the east, on the opposite side Rossmore Road, which has a frontage with Coalpit Road. Concerns about the capability of the site to accommodate 2 dwellings had been raised and amended plans have been submitted to address this.

The site is located in an area where there is a considerable amount of built development already carried out to the west, as can be seen in Fig 1 below.

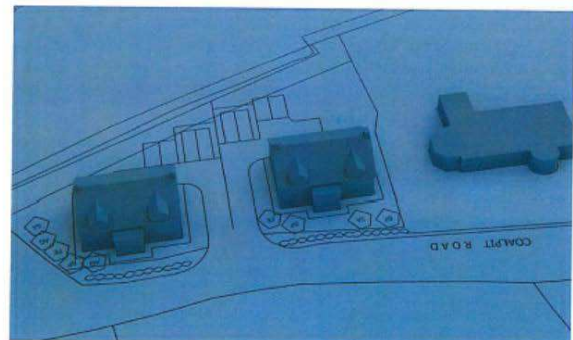
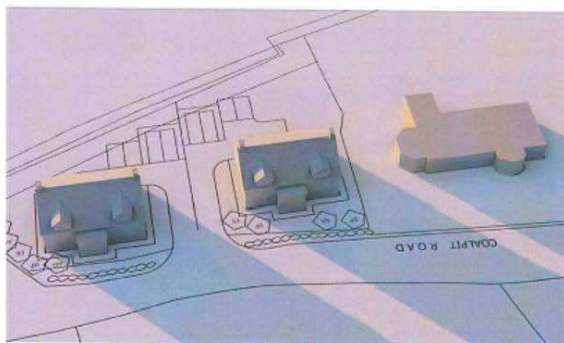


Fig 1: site and surrounding development

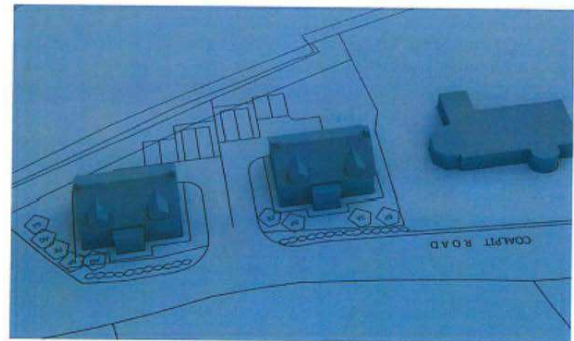
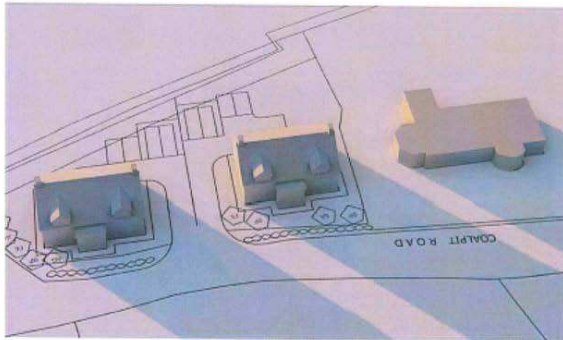


This proposal for 2 dwellings is, in my opinion similar in spacing to that in the immediate area. The closest dwelling to the existing neighbouring dwelling is 10m gable to sun room wall. I had some reservations about this and its potential overshadowing and overlooking. A shadow analysis was carried out and it demonstrates there may be some shadowing at certain times of the morning in the winter, however it is not to an unacceptable degree.

21st December



21st December



The only window proposed in the gable facing the existing development will be a downstairs bathroom window, which will have obscure glazing in it. I am therefore content the proposal will not unduly overlook the existing property. I will in all probability provide some screening for the sunroom from the public road as it is very open to views on approach from the east.

DFI Rivers comments have been addressed and a maintenance strip is being provided to the rear boundary to allow access to the waterway.

Given that this is a gap site within a substantially built up frontage, I am content that issues of residential amenity will not be unduly affected by these proposed dwellings and they respects the character of the surrounding development. I recommend the application, as amended, is approved.

Conditions:

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

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

2. The vehicular access, including visibility splays of 2.4m x 60.0m and any forward sight line shall be provided in accordance with drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The sight line of 2.4m x 60.0m to the west of the Rossmore Road/Coalpit Road junction shall be provided in accordance with drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020., prior to the commencement of any works or other development hereby permitted. The area within the visibility splay shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. All hard and soft landscape works as detailed on drawing no 02 Rev 4 bearing the stamp dated 18 DEC 2020 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 any 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 interests of visual amenity.

5. The 5m strip along the south boundary of the site as identified by hatching on the approved drawing No 02 Rev 4 bearing the stamp dated 18 DEC 2020 shall be kept free from any development or landscaping planting and ground levels within it shall not be raised or lowered.

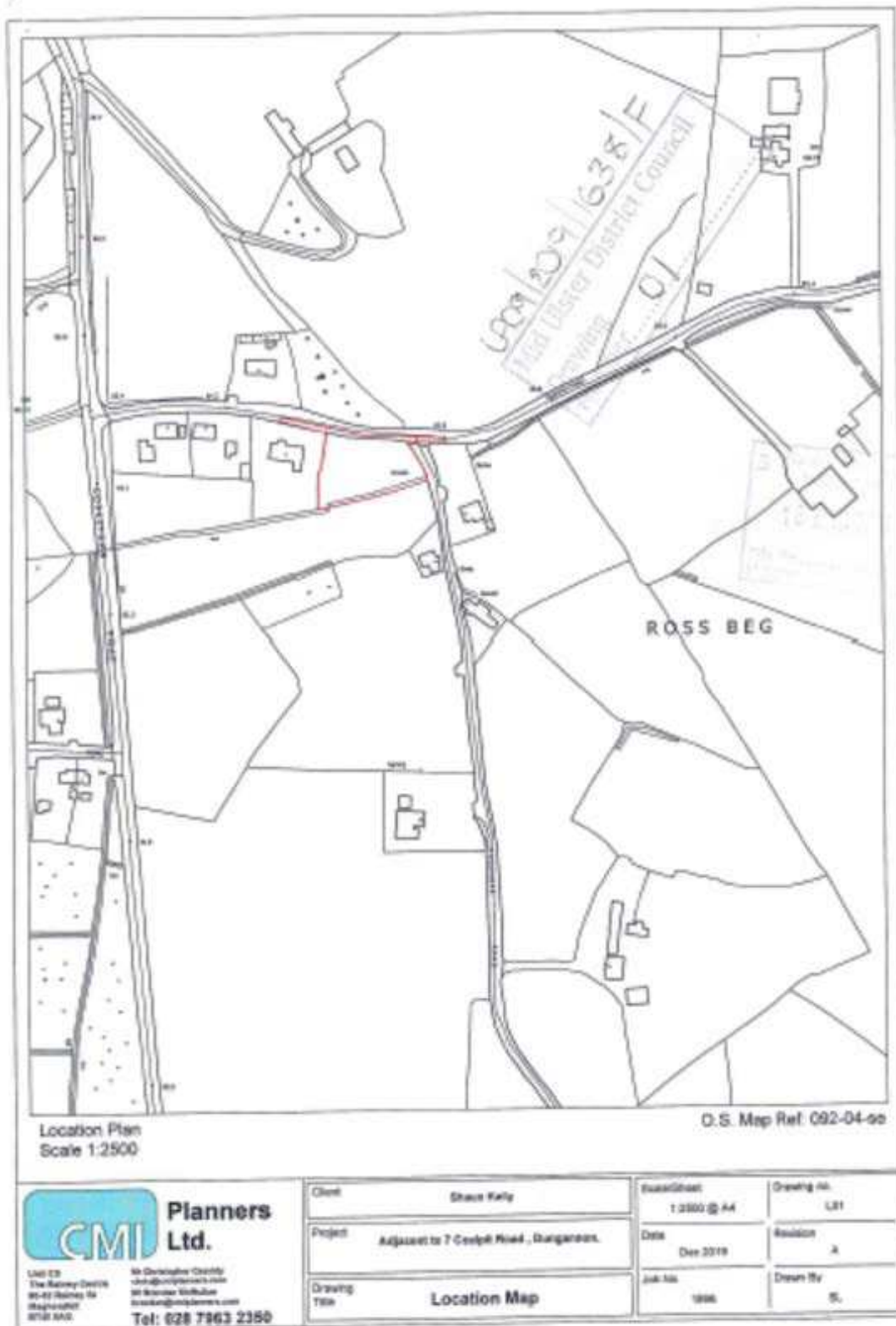
Reason: To allow maintenance of the adjacent watercourse.

Informatives:

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Signature(s):

Date





HOUSE TYPE 2



First Floor Plan:
1942-1944 - 61,200 sq ft



Ground Floor Plan:
 1000 sq. ft. - 1000 sq. ft.



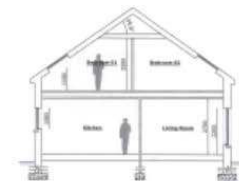
Front Elevation



RHS Service



L.H.S. Elevation:



Sections

SCHEDULE OF PAGES	
BOOK	ENTIRE FILE - BLACK, SHOWN IN ORDER
PAGE	10000-10000, 10000-10000, 10000-10000 10000-10000, 10000-10000, 10000-10000 10000-10000, 10000-10000, 10000-10000
DATE OF ISSUE	10000-10000, 10000-10000, 10000-10000 10000-10000, 10000-10000, 10000-10000
ISSUES	10000-10000, 10000-10000, 10000-10000 10000-10000, 10000-10000, 10000-10000



Peak Elevation

[illegible]



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

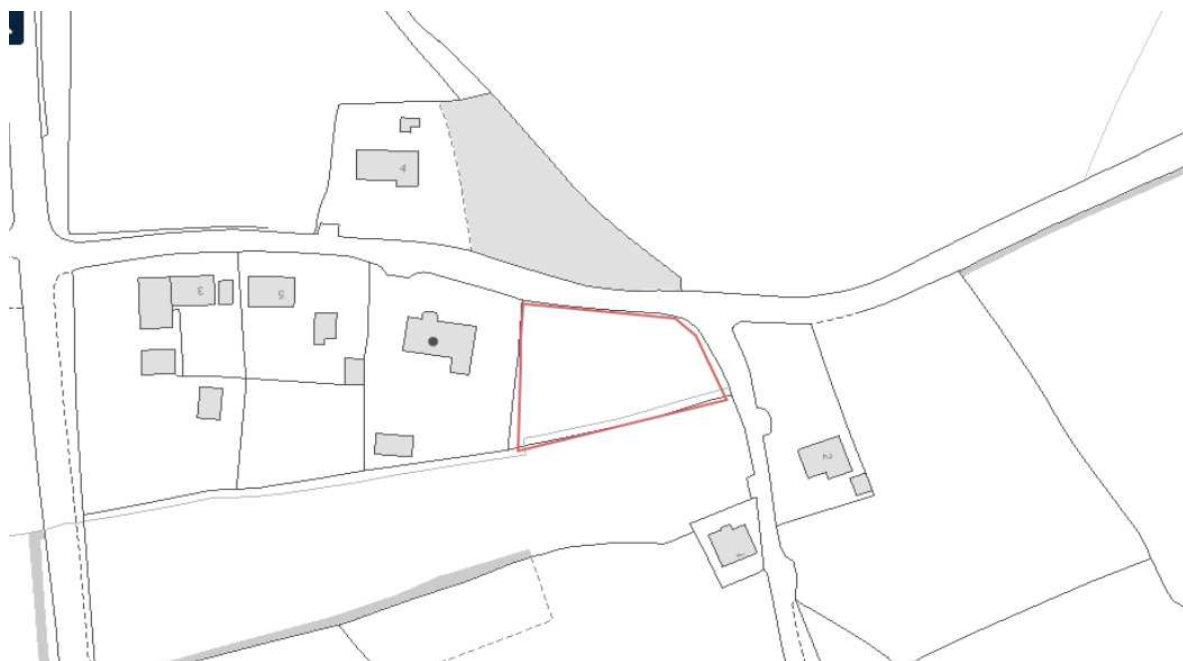
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 02/06/2020	Item Number:
Application ID: LA09/2019/1638/F	Target Date:
Proposal: Proposed infill sites for 2 dwellings and garages	Location: Adjacent to 7 Coalpit Road Dungannon
Referral Route: <ol style="list-style-type: none">1. Proposal is contrary to Policy CTY 8 – Ribbon Development in Planning Policy Statement 21 in that the proposal does not reflect the development pattern along the frontage in terms of siting and plot size.2. Proposal is contrary to Policy CTY 14 – Rural Character in Planning Policy Statement 21 in that the proposal does not respect the traditional pattern of settlement exhibited in the area.	
Recommendation:	Refusal
Applicant Name and Address: Shaun Kelly 3A Coalpit Road Dungannon	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural and is characterised by single detached dwellings, farm complexes and agricultural fields. There is moderate development pressure in the area from single dwellings with a roadside frontage. Along this short stretch of Coalpit Road there are 5 dwellings with a frontage to Coalpit road and it is mainly one and one and half storey dwellings.

The application site is a rectangular shaped plot and is 0.19 ha in size. The site has a topography which is level with the public road and is currently a field. The field is a corner

plot at the junction of Coalpit Road and Rossmore Road. Across the road and to the east is No. 2 and to the west are 3 no. detached dwellings. Along the road and east boundaries is a low hedge approximately 1m in height. Along the southern boundary are established trees and abutting the boundary with No. 7 is a post and wire fence.

Description of Proposal

This is a full application for an infill site for 2 no. detached dwellings and detached garages.

Planning Assessment of Policy and Other Material Considerations

Planning History

No recent planning histories.

Representations

The proposal was advertised and neighbour notified and at the time of writing no representations have been received.

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.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period give rise to a number of objections to Policies contained in the Plan. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. 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'.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 8 – Ribbon Development

The proposal is for 2 no. detached dwellings and garages at an infill site along Coalpit Road. The site is a field which is between 4 no. other dwellings along this side of the public road. To the west of the site there are dwellings at No. 3, No.5 and No.7 and to the east there is a dwelling at No. 2. I am content these dwellings all have frontages to the public road which are either private gardens or their driveways. Therefore, I am content the proposal meets the criteria that the site is located along a substantial and built up frontage that includes a line of 3 or more buildings along a road without accompanying development to the rear.

The frontage at the application site is 44m, No. 3 is 40m, No. 5 is 32m, No.7 is 40m and No. 2 is 20m and the average plot frontage is 35m. I am content the overall size of the site respects the development pattern along this stretch of Coalpit Road.

Most of the other dwellings along this road are one or one and half storey. No. 2 is a two-storey dwelling, but this is set further back from the road and there are minimal critical views due to established trees. The proposal is for 1 type of detached dwellings with a ridge height of 6.5m and this is consistent with the height of dwellings along this road. I am satisfied the size and scale of the proposed dwellings fits with the character of the surrounding area.

In terms of siting, the other buildings along this road are single dwellings on plots approximately the same area as the application site and have generous sized amenity space and driveways. As shown on Drawing No 02 Rev2 date stamped 01 MAY 2020 the proposal is to site 2 no. detached dwellings at the site and have a dual access driveway through the middle. The detached garage will be sited along the southern boundary. I am not content there is adequate amenity space for House Type 1 for the size of the dwelling, while house Type 2 has slightly more amenity space. The amount of amenity space at these two plots is not in character with the other dwellings along this stretch of Coalpit Road as shown in figure 1 below. I consider the overall size of the application site cannot reasonably accommodate 2 dwellings and would not be in character with the other development along this road. Members should be aware that I discussed concerns about siting 2 no. dwellings on this site and the agent stated in an email dated 27th April 2020 that the applicant did not wish to reduce the proposal to a single dwelling and wished to proceed with the proposal for 2 no. dwellings.

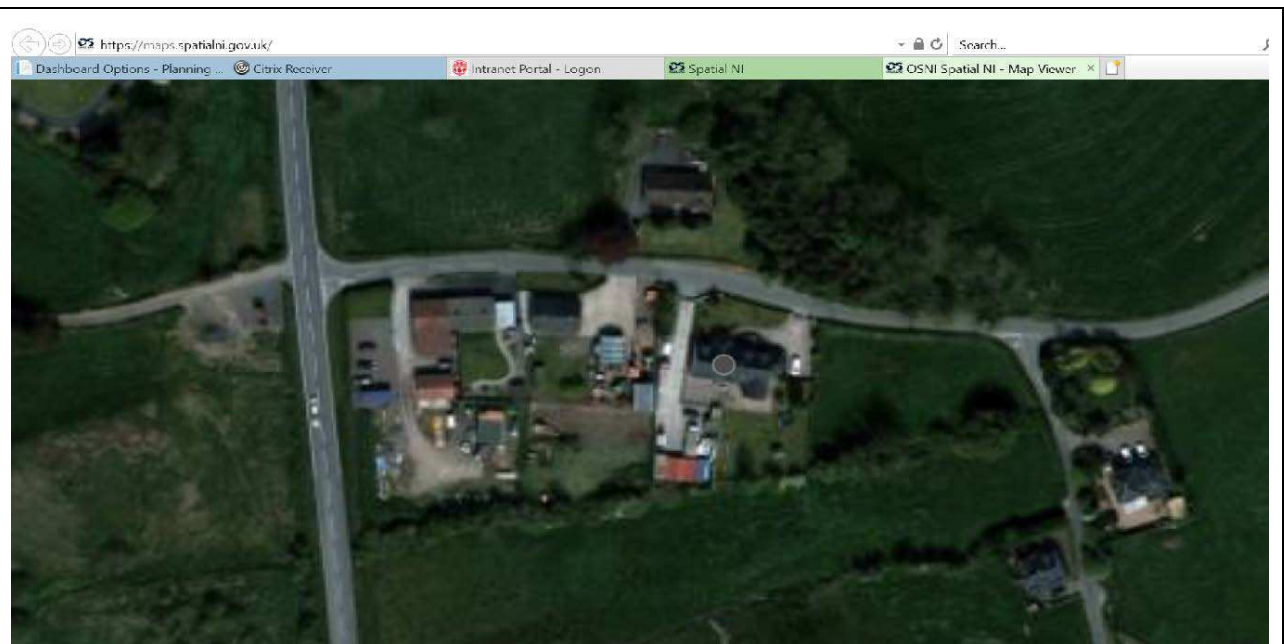


Figure 1

Therefore, I consider the proposal does not meet the section of criteria for siting and plot size of the individual plots as set out in CTY 8.

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

The application site is at the same level as the public road and is located at the junction of Coalpit Road and Rossmore Road. The site is a corner plot along a row of detached dwellings and there is another dwelling across Rossmore Road at No. 2. Further west along Coalpit Road towards the junction with the main Cookstown Road there are no critical views and to the east along Coalpit Road there are minimal critical views. In addition, as the proposed site is along a row of existing dwellings, I am content the proposal is not a prominent feature in the landscape.

There is a low 1m hedgerow along the roadside boundary which would need to be removed to provide visibility splays but Drawing 02 Rev 2 shows there is a proposed hawthorn hedgerow to replace this one. The low hedgerow along the eastern boundary will be retained. On Drawing 02 Rev 2 there is shown a ranch style fence along the west boundary with No. 07 and along the south boundary. I would recommend a hedgerow along these boundaries to assist integration at the site and protect the amenity of No. 7. I am content there is a suitable degree of enclosure for the buildings to integrate and it does not primarily rely on the use of new landscaping for integration.

The proposal will have a dual access that runs through the middle of the site. It is preferable if the access runs along an existing boundary but as the access runs for a short distance I have no concerns. A new garage is proposed at each site with a ridge height of 3.9m and is 6.3m in length and 4.2m in width. The garage will have the same finishes as the proposed dwelling, so I have no concerns. They will be situated along the south boundary so I am content there will not be an unacceptable impact on neighbouring amenity.

House type 1 which is the proposed dwelling on the west half of the site is a one and half storey dwelling with a ridge height of 6.5m and a long rectangular form. House Type 2 has

the same ridge height and form. Overall, I have no concerns about the scale and massing of the dwellings as they are in character with other dwellings along this stretch of road. Both dwellings have built in dormer windows to the window which would not normally be acceptable in rural dwellings but No. 7 immediately to the west has the same type of windows. Therefore, I am content they will not detract from the character of the area. In terms of the design, the windows have a long vertical emphasis and there is a good solid to void ratio, and chimneys project from the ridges. In initial designs submitted House Type 1 had a double projection on the front elevation but after discussions with the agent this was subsequently removed as this is not in character with a rural area. The proposed external finishes on both dwellings are blue/black slate roof tiles, wet/dry dah finish to the external walls and black upvc and guttering. I am content the proposed finishes are acceptable for a rural area and will not detract from the character of the surrounding area.

I am content the proposal will blend with the existing buildings as the site is along a row of 4 no. other dwellings.

The case of dwelling on a farm is not applicable in this case.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape as the proposed dwellings will sit with other buildings either side along this stretch of road. I consider the proposal will not result in a suburban style build-up of development when viewed with existing and approved buildings. However, I consider the siting of 2 no dwellings on this site does not respect the traditional pattern of settlement along this stretch of road. The principal type of development along this road is detached dwelling on a single plot with relatively large gardens and driveways. This proposal will have 2 no. dwellings on a plot about the same size as other plots along the road with less amenity space. The proposal will not add or create ribbon development. The proposed access runs through the middle of the site but I am content this will not damage rural character.

PPS 3 Access, Movement and Parking

DFI Roads were consulted about the application and had no concerns subject to conditions and informatives. No third party land is required on either side to create the visibility splays.

Other Considerations

There are no ecological or built heritage issues at the site. I consulted Geological Survey as there are abandoned mines in the vicinity and at the time of writing no consultation response has been received. However, I completed a check on Mid Ulster Council's Historical Ortho Viewer and there are no abandoned mines at the application site.

The application lies on the periphery of the fluvial flood plain which is along the southern boundary and Rivers Agency were consulted. They had no concerns as long as conditions about the design and siting were met. The proposed dwellings and garage should be a minimum of 600mm above existing ground level and there is a 5m maintenance strip along the southern boundary.

Neighbour Amenity

As shown on drawing No 02 Rev 2 date stamped 01 MAY 2020, house type 1 is sited that the left hand side gable wall is only 1.5m from the boundary with No. 7. There is a ground floor kitchen window and sunroom window on the ground floor and first floor bedroom window on this side of the proposed dwelling. There will be an open ranch style fence between the 2 properties and I consider the close distance and upper bedroom window will create an unacceptable loss of privacy to the occupiers of No. 7. The new windows face onto No. 7's front garden and amenity space.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not comply with the criteria in CTY 8 and CTY 14 in Planning Policy Statement 21.

Reasons for Refusal:

1. Proposal is contrary to Policy CTY 8 – Ribbon Development in Planning Policy Statement 21 in that the proposal does not reflect the development pattern along the frontage in terms of siting and plot size.
2. Proposal is contrary to Policy CTY 14 – Rural Character in Planning Policy Statement 21 in that the proposal does not respect the traditional pattern of settlement exhibited in the area.

Signature(s)

Date:



Deferred Consideration Report

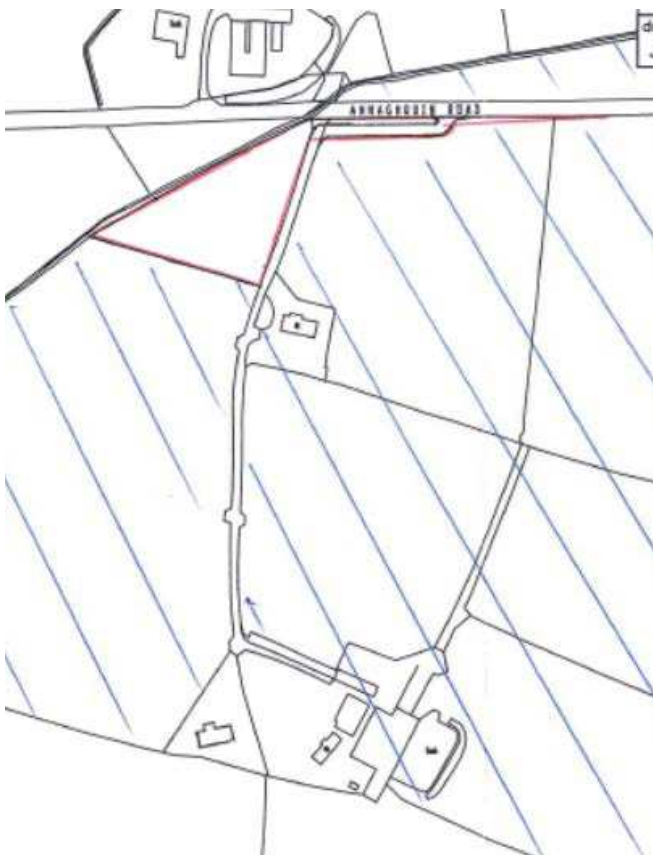
Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/0399/0	Target Date:
Proposal: Proposed dwelling and garage	Location: 60m N.W of 58 Annaghquin Road Rock Dungannon
Applicant Name and Address: Patrick McGuire 58 Annaghquin Road Rock Dungannon	Agent name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: The application was originally recommended as refusal on the basis that the site is not visually linked or sited to cluster with an established group of buildings on the farm. Following a site inspection and re-assessment, an approval with conditions is now being recommended.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located in the open rural countryside. It is an agricultural field and triangular in shape. It is bound on north/north west with existing trees and vegetation. A post and wire fence and laneway exists along the eastern boundary. The southern boundary is currently	

undefined and continues into a larger agricultural field. The land begins to rise beyond this boundary. The land rises from north to south, although the site itself is relatively flat and on the same level. The surrounding area is mainly agricultural with farm dwellings and buildings.

LA09/2020/1566/LPD has since been submitted for 'Proposed new dry cattle shed enclosed fenced animal compound and hard standing to an existing cluster of farm buildings and active farm yard' at Lands 150m South of 58 Annaghquin Road Rock and it is currently under consideration. This proposal is adjacent to the main group of farm buildings to the SW of the site.

Description of Proposal

This is an outline application for a proposed dwelling and garage on a farm.



Deferred Consideration:

The application was first presented as a refusal to Planning Committee in December 2020 for the following reasons;

1. 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.
2. The proposal is contrary to CTY10 of PPS21 in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an

established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.

3. The proposal is contrary to CTY13 of PPS21 in that the proposed dwelling is not visually inked or sited to cluster with an established group of buildings on the farm.

However it was deferred for a virtual office meeting which was held with the Planning Manager on 10th Dec 2020.

In relation the meeting the criteria of CTY10 for a farm dwelling, DEARA have confirmed there is an active and established farm business which has been in existence for more than 6 years. No dwellings or development opportunities have been sold off from the farm.

The only issue had been in relation to criteria c and that the site would not be visually linked or sited to cluster with a group of buildings on the farm. The site could not be visually linked with the main group of farm buildings approx. 220m NW of it. It had been noted that there was a farm dwelling No.58 (applicant's address), to the SE of the site that could be visually linked to the site but, as it was only single dwelling it could not be considered as a farm 'group'. However following a further site inspection of this dwelling, it is noted there is a farm shed located to the rear of the house (see photos below). As the site can be viewed with these, it would therefore be visually linked with a group of two buildings on the farm and so I am satisfied it meets criteria c on this basis.





Shed at No.58

In order to ensure a dwelling on this site would be not unduly prominent, I would add a siting condition to the southern portion of the site and restrict the ridge height to 6m. Approval is therefore recommended with the following conditions noted below.

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.

Conditions

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

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

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

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

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

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

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

4. 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.

5. The proposed dwelling shall have a ridge height of less than 6 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.

6. The proposed dwelling shall be sited in the area shaded green on the approved plan date stamped 20 March 2020.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

7. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development,

Reason: In the interests of visual amenity.

8. 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):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0399/O	Target Date:
Proposal: Single dwelling and domestic garage	Location: 60m N.W of 58 Annaghquin Road Rock Dungannon
Referral Route: Recommended Refusal	
Recommendation:	Refusal
Applicant Name and Address: Patrick McGuire 58 Annaghquin Road Rock Dungannon BT70 3JX	Agent Name and Address: McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY10 (c) and CTY 13. No objections received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type

Statutory

Consultee

DFI Roads - Enniskillen Office

Response

Content

Non Statutory

DAERA - Omagh

Substantive Response Received

Representations:

Letters of Support

None Received

Letters of Objection

None Received

Number of Support Petitions and signatures

No Petitions Received

Number of Petitions of Objection and signatures

No Petitions Received

Characteristics of the Site and Area

The site is located approximately 1.3km south west of the settlement limits of The Rock within the open countryside and has no other designations on or around the site, as per the Cookstown Area Plan 2010. The site is currently an agricultural field, which is bound on the north/ north western side with existing tree lines and other vegetation. A post and wire fence running along an existing laneway defines the eastern boundary. The southern boundary of the application is undefined and continues into a larger agricultural field. The land rises from north to south, although the land within the red line is mainly flat. The surrounding area is mainly agricultural with three dwellings located south of the application site, along the existing access laneway, which are all associated with the existing farm holding, located approximately 220m south east, shown in blue on the site location plan above.

Description of Proposal

This is an outline planning application for a dwelling and a garage on a site approximately 60m NW of 58 Annaghquinn Road, Rock, Dungannon.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

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.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010

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 Cookstown Area Plan 2010. 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:

- 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.

In respect to criteria (a) a consultation was issued to DAERA in which they have confirmed the Farm Business Id is currently active and has been in existence for more than 6 years. Therefore, the proposal meets this criteria.

With respect to (b) there are no records indicating that any dwellings or development

opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With regards criteria (c), the proposal is not sited to be visually linked or to cluster with an established group of farm buildings. The proposed site is located approximately 220m north west of the established group of farm buildings. It is located at the start of an existing access which is used to access the farm holding. Given the landform at the application site where the land rises in a southerly direction, the established group of farm buildings cannot be seen from the site. The agent submitted a supplementary report providing justification regarding the proposed site and why no other fields within the farm holding (as shown in figure 1 below) could be considered, the main reasoning was due to the open, elevated land and they believe it would not achieve integration. Health and safety issues were also raised about siting another dwelling close to an active farm. The statement also claimed the farm business had plans to expand the existing farmyard but no evidence was provided to support this. Following an initial group discussion, it was determined insufficient reasoning was provided to support this alternative site and the agent was asked if they could provide further information.



Figure 1: Farm Maps

Following this, the agent submitted a further drawing (Drawing No.02) which outlined planned future expansion of the farm buildings and slurry tanks, as well as an additional supplementary report. Within the report, the agent again outlined the fact that the majority of the other field's available lack established boundaries and would fail to integrate. The agent also stated that the applicant had experienced a fire at the farmyard and outlined this was a health and safety issue by locating a dwelling close to these existing buildings and attached photos. Following a group discussion it was determined that although the applicant has stated they plan to expand, there was not enough evidence to support this. It was noted that although the fire was an unfortunate event, there was not enough evidence that health and safety concerns restricted the dwelling being sited closer to the existing farm holding. For this reason, the application fails to meet criteria (c) of policy CTY 10.

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, the proposed site is bounder to the north and eastern boundaries with an existing hedgerow, which provides natural screening from the public road. Although I do not believe a well-designed dwelling would be a prominent feature in the landscape, CTY 13 states a new

building will be unacceptable in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm. As a result, the proposal fails to meet the criteria of CTY 13.

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. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development. I believe any dwelling approved here should be subject to a condition limiting the ridge height to 5.5m to ensure the dwelling does not appear prominent in the landscape and respects the local character of the area. `

Other Material Considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. 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.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside. It has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and no exceptional case has been presented which would justify an alternative site elsewhere on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	20th March 2020
Date First Advertised	31st March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 58 Annaghquin Road, Dungannon, Tyrone, BT70 3JX The Owner/Occupier, 60 Annaghquin Road Dungannon Tyrone The Owner/Occupier, 60c Annaghquin Road Dungannon	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/0399/O Proposal: Single dwelling and domestic garage Address: 60m N.W of 58 Annaghquin Road, Rock, Dungannon, Decision: Decision Date: Ref ID: I/2009/0245/F Proposal: Proposed domestic dwelling and garage in association with a farm Address: 50m West of 58 Annaquinn Road, Rock, Cookstown, Co Tyrone Decision: Decision Date: 25.05.2010 Ref ID: I/2014/0314/O Proposal: Proposed infill dwelling and garage Address: 50m South of 58 Annaghquin Road, Rock, Decision: WITHDR Decision Date: 03.06.2015	
Summary of Consultee Responses	

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

Report on	Call for Evidence of the Implementation of the Planning Act (NI) 2011
Date of Meeting	2 nd March 2020
Reporting Officer	Dr Chris Boomer, Head of Development Plan
Contact Officer	Dr Chris Boomer, Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To inform members of the review of the implementation of the Planning Act (NI) 2011 and to agree a submission on behalf of the Council.
2.0	Background
2.1	Under Section 228 of the Planning Act the Department is required to review and publish a report on the implementation of the Act no later than 3 years after the commencement of Part 3 of the Act and at least once every five years thereafter.
2.2	The review is very broad brush in nature and poses questions that ask whether you believe there is a need to retain, amend or repeal any provisions of the Act or associated subordinate legislation in relation to the preparation and implementation of the local development plan, planning control and enforcement. It also asks if there is a need to change planning procedures in general to safeguard in terms of emergencies, such as experienced during the Covid 19 epidemic. It also asks if there is a need to retain, amend or repeal any other parts of the act or legislation.
2.3	The call for evidence is over a very limited time period, launched on 15 th February and closing on 15 th March.
3.0	Main Report
3.1	In general, the planning system is working to achieve the objective of leading and controlling development in the wider public interest. Rather than legislation, it is normally policy that creates the issues. This said there are areas, which I believe the legislation creates unnecessary delays and results in undue resource burden on planning authorities.
3.2	In relation to development plan making it is clear with only two plans to date submitted to the Department, Plan making is proving both protracted and

3.2	<p>cumbersome. In part this is due to the form of the plan documents and the consultation process. It is therefore suggested the Department look at changes to reform the plan system to facilitate:</p> <ul style="list-style-type: none"> • A greater number of plan documents rather just the Plan Strategy and Local Policies Plan. • A reduced role for the he Plan strategy document to focus on the objectives of the plan, the strategy for achieving it and establishing any housing or industrial allocations, • Strategic Policies to be brought forward as separate plan documents allowing for existing PPS's to be retained as plan policy where no need for change has been identified. • Allow for local policies documents to be brought forward single or groupings of settlements • Revisions in the site outlined in red to facilitated revisions to make a proposal more sustainable • Allow for more than one plan document to be brought forward at a time • The timetable to set out the priorities for bringing plan documents forward within a foreseeable time frame i.e. five years.
3.3	<p>There should also be a review to explore whether the consultation processes can be reduced to</p> <ul style="list-style-type: none"> • Specifically remove the requirement for a counter objection period at Plan strategy/ strategic policy stage • Reduce the number of statutory consultees as it is clear we are sending out lots of letters to people such as electricity generating licence holders who have no interests in the plan • Promote the use of ICT and switch to a system based on electronic publication of plan documents and submission of representations. In short promote a paperless environment which will reduce costs and save time. <p>In relation to Development management, the main cause for frustration for applicants is delay in decision making, and for planning officials delays in getting information needed to make a decision. It is therefore recommended that the system be streamlined to:</p> <ul style="list-style-type: none"> • To explicitly allow for an application to be held as invalid until such time as additional information required to determine the application is provided. This would include information required by policy such as flood risk assessments, wildlife surveys, noise reports, transport assessments, etc. This allows the applicant to decide whether they want to provide the information to proceed with the application. • Increased flexibility in order to allow applicants to make changes to the site and proposals, reducing the need to re-apply. • Remove the requirement for pre determination hearings where the local authority has already allowed for representations at the planning committee before formulating its initial opinion. If the Department feels

	<p>the council has erred in its opinion the Department can call it in or alternatively set out what it wishes the Committee to consider which it has not already considered,</p> <ul style="list-style-type: none"> Promote the use of ICT and retain the similar to those brought in with regards to the Covid regulations. Move to go completely paperless in relation to consultation and plan documents. should not be required to be subject to a counter objection, which should only apply to local policy documents. <p>In relation to Enforcement it is suggested that the system could be stream lined to avoid the unnecessary expense of taking court action by:</p> <ul style="list-style-type: none"> Introduction of Fixed Penalty Notices for advertisement offences. Allowing fixed penalty notices to be served on more than one occasion if a planning breach is not remedied Increasing fines in relation to notices, particularly in relation to breach of condition from £1000 to £5000 <p>In relation to the Fees Regulations, the Departments attention is drawn to the need for a fee review which should take account of:</p> <ol style="list-style-type: none"> Inflation since 2015 The need to review fees for certain categories such as wind turbines which are expensive for Local authorities to process The benefits of reintroducing a concessionary where an application was recently refused because additional information is required and the application has now reapplied provided that information. Greater flexibility to alter or transfer fees.
	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	<p>Financial: No cost to mid ulster</p>
	<p>Human: The suggestions are to make administration of the Planning system easier</p>
	<p>Risk Management: None identified.</p>
4.2	Screening & Impact Assessments
	None for the Council

	Rural Needs Implications: None for the Council. N/A
5.0	Recommendation(s)
5.1	That the planning manager responds to the Department making the suggestions contained in the report, together with any other suggestions raised by the Committee:
6.0	Documents Attached & References
	Call for Evidence of the Implementation of the Planning Act (NI) 2011 (Department of Infrastructure 15 th February 2021)

Call for Evidence

Review of the Implementation of The Planning Act (NI) 2011

Issued: 15 February 2021

Respond by: 15 March 2021

Contents

Introduction	3
How to Respond.....	3
Background.....	4
Why undertake a review?	5
Purpose and scope.....	8
Key Questions.....	9
Next steps.....	11

Introduction

The Department for Infrastructure is currently undertaking a review of the implementation of the Planning Act (NI) 2011 (the Act) as required by section 228 of the Act. This Call for Evidence will help inform the consideration of this review.

How to Respond

You are invited to submit your views in response to this Call for Evidence **by 4.00pm on 15 March 2021**. Comments after this deadline will not be accepted.

Please respond using the Response Form attached to this document.

Responses should be emailed to the Department at the following address:

Legislation.Planning@infrastructure-ni.gov.uk

Please note that your response may be made public by the Department. For example, information people provide in response to this targeted engagement exercise, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA). If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Background

1. In Northern Ireland, the planning system was fundamentally reformed in 2015 with the transfer of responsibility for most local planning decisions and plan making going to councils as well as significant reforms to the development management and plan making processes. The reforms represented the most fundamental change to the planning system in Northern Ireland in over 30 years.
2. This also involved commencement of significant new primary legislation in the form of the Planning (NI) Act 2011, together with a raft of other supporting subordinate legislation, which all came into effect on 1st April 2015. This new legislation paved the way for implementing the reforms.
3. The key aims of the reform of the planning system were to:
 - deliver Northern Ireland Executive decisions to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and
 - bring forward short, medium and long term process improvements to modernise the system.
4. The main objectives for reforming and transferring planning were:-
 - the continued formulation and co-ordination of planning policy by the Department;
 - councils preparing local development plans;
 - councils determining the majority of planning applications for development; and
 - councils taking appropriate enforcement action where a breach of planning control may have taken place.
 - further sustainable development;
 - enhance community involvement in the planning process;
 - make more timely decisions in ways which are transparent and demonstrably fair;
 - allow higher fines for planning offences; and
 - reform the planning appeals system.
5. In addition, in May 2016 the Departments Act (Northern Ireland) 2016, reduced the number of government departments from 12 to 9. This was the culmination

of discussion going back a number of years on the shape and size of the Northern Ireland Executive.

6. As part of this restructuring, the majority of departmental planning functions of the former Department of the Environment were transferred to the Department for Infrastructure¹, while the functions of the Planning Appeals Commission under Part 9 of the 2011 Act were transferred from the Office of the First and Deputy First Ministers to the Department of Justice. In addition a number of historical built environment functions of the 2011 Act were transferred to the Department for Communities. These included:
 - the power to list buildings under sections 80 to 84;
 - the reserve power to designate conservation areas under section 104; and
 - the reserve listed building enforcement powers under sections 158 to 161.

While these functions are the responsibility of the respective Departments, DFI will engage with both Departments as parts of the overall review of the implementation of the 2011 Planning Act.

Why undertake a review?

7. Section 228 of the Act requires the Department to review and publish a report on the implementation of the Act no later than 3 years after the commencement of Part 3 of the Act (Planning Control), and at least once in every 5 years thereafter. The Department is required by section 228(2) to make regulations setting out the terms of the review. The regulations were made on 12th October 2020 and came into operation on 2nd November.
8. The delay in meeting the initial timeframe set out in the Act for making the regulations and publication of the associated report, stems from decisions (not to proceed) made under the NI (Executive Formation & Exercise of Function etc.) Act 2018. These decisions determined that in the absence of a Minister or functioning Assembly, it would not be appropriate to make the regulations, and to publish the subsequent report on the implementation of the Planning Act.

¹ [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016](#)

9. The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020² specify that the Review must:-

- consider the objectives intended to be achieved by the Planning Act;
- assess the extent to which those objectives have been achieved; and
- assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

The Planning Act (NI) 2011

10. The Act consists of 15 Parts, 255 sections and seven schedules³.

Amendments to timeframes for taking enforcement action and also a number of increased penalties were introduced from 1 December 2011, however the majority of provisions came into operation on 1 April 2015. The provisions of the Act which have been implemented are:

- Part 1 Functions of the Department for Infrastructure with respect to the development of land
- Part 2 Local development plans
- Part 3 Planning control
- Part 4 Additional planning control (except Chapter 4)
- Part 5 Enforcement
- Part 6 Compensation
- Part 7 Purchase of estates in certain land affected by planning decisions
- Part 8 Further provisions as to historic buildings
- Part 9 The planning appeals commission
- Part 10 Assessment of council's performance or decision making
- Part 11 Application of Act to crown land
- Part 13 Financial provisions
- Part 14 Miscellaneous and general provisions
- Part 15 Supplementary
- Schedule 1 Simplified planning zones
- Schedule 4 Amendments to the Land Development Values (Compensation Act (Northern Ireland
- Schedule 5 The historic buildings council
- Schedule 6 Minor and consequential amendments
- Schedule 7 Repeals

11. A small number of the provisions of the 2011 Act have not been commenced to date:

- Part 4 – Chapter 4 Review of Mineral Planning Permissions

² <https://www.legislation.gov.uk/nisr/2020/218/made>

³ <https://www.legislation.gov.uk/nia/2011/25/contents>

- Part 12 – Correction of Errors
- Schedule 2 – Review of old mineral planning permission
- Schedule 3 – Periodic review of mineral planning permissions.

Subordinate Legislation

12. The Department has made around 40 statutory rules and six directions under the Planning Act to facilitate the transfer of planning powers and the introduction of the two-tier planning system. This subordinate legislation may be viewed on the Department's website⁴. This raft of subordinate legislation underpins the Planning Act and sets out the detailed statutory requirements for key processes such as the submission of planning applications, and the preparation of local development plans. These ensure certain statutory functions are carried out and provide conformity throughout the planning system.

⁴ <https://www.infrastructure-ni.gov.uk/articles/current-planning-legislation>

Purpose and scope

13. The requirement to review and publish a report on the implementation of the Act is to ensure the Department monitors and reports on the coming into operation of the provisions within the Act, to provide a level of assurance that the legislative framework for the delivery of a reformed two-tier planning system has been implemented and in a timely fashion.
14. The focus of the review is, therefore, on the implementation of the legislative provisions of the Act itself and the extent to which the original objectives of the Act have been achieved. This will then inform whether there is a need to **retain, amend or repeal** any provisions of the Act. The review will also provide an opportunity to consider any improvements or 'fixes' which may be required to the way in which the Planning Act has been commenced and implemented in subordinate legislation. It is likely that issues with the planning system that have surfaced as a result of the Coronavirus pandemic will be considered as part of this review.
15. It is important, however, to highlight that the review is not envisaged as a fundamental root and branch review of the overall 2 tier planning system or the principles behind the provisions. It is still relatively early days in the delivery of the new system, compared with other jurisdictions, and there is no evidence to suggest this is the time for another fundamental re-examination of the system here, which would take considerable time. However, the Minister is keen to look at how the provisions of the Act are working in practice and whether there are any changes that could be implemented to further improve the system for all stakeholders – including councils, developers, and the wider public, not just in planning decisions, but also in the delivery of new local development plans which will provide certainty for the longer term. This may not always require legislative change.

COVID-19

16. The COVID-19 crisis has had an impact on everyone, and every sector across NI, and the planning system is no exception. To address this, the Department has and continues to issue guidance to councils and the public by way of Chief Planner's Updates providing information and advice on the ongoing operation of the planning system through this time, including support for practical measures to keep delivering local planning services whilst observing the latest health advice.
17. The Department has introduced emergency legislation and associated practice guidance which temporarily suspends the requirement for a Pre-application Community Consultation public event for major planning applications.
18. The Department has also worked with the Department for Communities in bringing forward Regulations enabling councils to put in place arrangements for holding Planning Committee meetings remotely and allowing council business, including taking planning decisions, to proceed during the COVID-19 emergency.
19. While we all continue to work through the current emergency period this review could provide an opportunity to examine how and in what ways the Department can future-proof / shield the planning system from potential future adverse impacts arising from similar events.

Key Questions

20. Whilst the Department welcomes comments on any aspect of the Act, (together with other information and evidence that may assist in the forthcoming review) it is particularly keen to hear views on the provisions for Local Development Plans (Part 2), Planning Control (Part 3), Additional Planning Control (Part 4) and Enforcement (Part 5), as set out in the following key questions:

Part 2 – Local Development Plans

Q.1. Do you believe there is a need to retain, amend or repeal any provisions of Part 2 of the Act or associated subordinate legislation with regard to the delivery of Local Development Plans?

Q.2 Do you believe there are any improvements which may be made to the way in which local development plans are implemented?

Parts 3 & 4 – Planning Control and Additional Planning Control

Q.3 Do you believe there is a need to retain, amend or repeal any provisions of Part 3 or Part 4 of the Act or associated subordinate legislation with regard to the Planning and Additional Planning Control?

Q.4. Do you believe there are any improvements which may be made to the way in which planning control is implemented?

Part 5 - Enforcement

Q.5 Do you believe there is a need to retain, amend or repeal any provisions of Part 5 of the Act or associated subordinate legislation with regard to the Enforcement?

Q.6. Do you believe there are any improvements which may be made to the way in which planning enforcement is implemented?

COVID-19 Recovery

Q.7 Do you believe there are any changes to planning procedures in general which could safeguard the system against potential future adverse impacts associated with emergency situations, such as that currently being experienced as a result of COVID-19 pandemic?

Other Parts of the 2011 Planning Act.

Q.8 Do you believe there is a need to retain, amend or repeal any provisions of other parts of the 2011 Planning Act, or associated subordinate legislation?

Please provide information or evidence to support your answers.

Next steps

21. Responses to this Call for Evidence should be made to the Department by 4.00pm, Monday 15 March 2021.
22. The information gathered as a result of this Call for Evidence will be considered by the Department and will help inform the first review.
23. Any recommendations emerging from the first review which might involve legislative changes will follow the normal policy development process including public consultation on any draft proposals and Assembly scrutiny where appropriate.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 2 February 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor S McPeake, Chair

Councillors Bell, Black*, Brown*, Clarke*, Colvin*, Cuthbertson*, Gildernew*, Glasgow, Kearney*, Mallaghan*, McFlynn*, McKinney, D McPeake*, Quinn* (7.04 pm), Robinson*

Officers in Attendance

Dr Boomer, Planning Manager
Ms Donnelly, Council Solicitor**
Ms Doyle, Senior Planning Officer**
Mr Marrion, Senior Planning Officer**
Ms McCullagh, Senior Planning Officer**
Ms McKearney, Senior Planning Officer**
Miss Thompson, Democratic Services Officer

Others in Attendance

Applicant Speakers

LA09/2020/1027/F

Mr Kearney*
Mrs Mellon*
Mr Cassidy*

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7.02 pm

The Chair, Councillor S McPeake welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair, in introducing the meeting detailed the operational arrangements for transacting the business of the Committee in the Chamber and by virtual means, by referring to Annex A to this minute.

The Chair also referred to addendum which had been circulated earlier in the day and asked if those joining remotely had seen this document and had time to read it.

Members joining remotely confirmed that they had seen the addendum and had time to read it.

P016/21 Apologies

None.

P017/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

The Chair, Councillor S McPeake referred to agenda items 4.8 (LA09/2020/0705/F) and 4.21 (LA09/2020/1523/F) and that as these items are Council applications all Members should declare an interest when the item is taken.

The Chair, Councillor S McPeake declared an interest in agenda items 4.14 (LA09/2020/1030/F), 5.1 (LA09/2016/1693/O) and 5.6 (LA09/2020/0862/F).

P018/21 Chair's Business

The Planning Manager advised that agreement had now been reached in relation to the procurement of a new planning computer system. The Planning Manager advised that some of the capabilities of this new system are that it will be able to accept planning applications online and also issue decisions online and should be more user friendly.

The Chair, Councillor S McPeake stated that this was good news as the new planning computer system has been talked about since RPA and is long awaited. The Chair stated he hoped the implementation of the new system would come to fruition shortly.

The Planning Manager referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda item 4.1 – LA09/2017/0319/F – Relocation of 2 chimney stacks (approved. M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building.(Amended description) (Revised Odour Impact Assessment received) at 70m S of 177 Annagher Road, Dungannon, for DMAC Engineering.

Agenda item 4.3 – LA09/2019/1546/F - Site for a farm dwelling and double garage at 70m W of 25a Corrycroar Road, Pomeroy, for Mr Connor Carberry.

Agenda item 4.9 – LA09/2020/0707/F - Infill dwelling and garage 20m E of 15 Lisgorgan Lane, Maghera, for William Drennan.

Agenda item 4.13 – LA09/2020/0899/O - Site for a dwelling & domestic garage at approx 15m N of 69 Anneeter Road, Coagh, for Mr Charles Mallon.

Agenda item 4.15 – LA09/2020/1119/O - Dwelling and garage in a cluster 10m W of 44 Ballyscullion Road, Bellaghy, for Mr Brian Milne.

Agenda item 4.18 – LA09/2020/1192/O - Dwelling on a farm at 70m NW of 90 Moneysharvan Road, Maghera, for Ronan Bradley.

Agenda item 4.19 – LA09/2020/1225/O - Infill dwelling at lands adjacent to 214 Hillhead Road, Castledawson, for Jim McPherson.

Agenda item 4.20 – LA09/2020/1317/O - Site for dwelling and garage at lands between 17-19a Drumrot Road, Moneymore for Miss Z McClintock.

Agenda item 5.3 – LA09/2019/1008/F - Retention of dwelling under construction at 7 Tobermesson Road, Dungannon, for Mr Conor Curran.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That the planning applications listed above for deferral be deferred for an office meeting.

Matters for Decision

P019/21 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2017/0319/F Relocation of 2 chimney stacks (approved. M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. (Amended description) (Revised Odour Impact Assessment received) at 70m S of 177 Annagher Road, Dungannon for DMAC Engineering

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2018/0594/F Demolition of existing abattoir and erection of new local neighbourhood shop, workshops, forecourt, canopy and crèche at 1 Coalisland Road, Dungannon for BDJ Management Ltd

Members considered previously circulated report on planning application LA09/2018/0594/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in this item.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/0594/F be approved subject to conditions as per the officer's report.

LA09/2019/1105/O **Site for a farm dwelling and double garage at 70m W of 25a Corrycroar Road, Pomeroy, for Mr Connor Carberry**

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2019/1546/F **No1 pullet rearing poultry shed with feed bin, storage shed and associated site works at land approximately 250m SW of 1 Grillagh Road, Maghera for Glenshane Eggs**

Members considered previously circulated report on planning application LA09/2019/1546/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2019/1546/F be approved subject to conditions as per the officer's report.

LA09/2020/0263/F **1 detached dwelling and 4 semi-detached dwellings with detached garages, Estate Road and Footpaths. 1 dwelling and change of use of existing listed outbuilding from farm building to domestic garage and stores with renovations for domestic purposes ancillary to the proposed dwelling on the former site of 1 Gortagammon Road and lands adjacent to Berkley Mews, Tullyhogue, Cookstown for Mr David Mc Aleece & Shani Flint**

Members considered previously circulated report on planning application LA09/2020/0263/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0263/F be approved subject to conditions as per the officer's report.

LA09/2020/0639/O **2 storey dwelling and garage at site approximately 90m SW of 81 Cullenrammer Road, Dungannon for Miss Natasha Murray**

Members considered previously circulated report on planning application LA09/2020/0639/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0639/O be approved subject to conditions as per the officer's report.

**LA09/2020/0695/F Detached dwelling at lands to the rear of 39-41
Ranfurly Road, Dungannon, (accessed from
Gortmerron Avenue) for Mr Patrick McEvoy**

Councillor Cuthbertson stated he had a number of concerns in relation to this application and that approving the application could set a precedent that every garden could be built on along that road. The Councillor stated that Gortmerron Avenue is a single width lane and there is insufficient infrastructure to service any more houses.

Mr Marrion (SPO) presented report on planning application LA09/2020/0695/F advising that it was recommended for approval. Mr Marrion also showed the block plan and siting of the proposal and advised that Roads Service did not have any concerns in relation to the application.

Councillor Bell stated he was happy to propose the officer recommendation based on the report and explanation provided tonight.

Councillor Gildernew seconded Councillor Bell's proposal.

Councillor Cuthbertson stated he would like to see the site plan showing the red line which gives a better layout of the area and would provide a better indication of the number of houses in the area and that the road gets narrower. Councillor Cuthbertson stated that if this application is approved there could end up being a house in every garden.

The Chair, Councillor S McPeake stated that a block plan had been shown which indicated that curtilages decrease going North. The Chair also referred to the officer's comments in that any other applications would be treated on their own merit.

Members were shown the site plan which indicated the red line and layout.

The Planning Manager stated that this application runs across two back gardens and that this site is different to the others as it has the tennis courts to one side and is also the longest of the gardens. The Planning Manager stated he did not feel this proposal could be replicated along the road unless several gardens were combined.

Councillor Cuthbertson asked for a site meeting on the proposal.

Members voted on Councillor Bell's proposal –

For – 9

Against – 6

Abstained – 1

Resolved That planning application LA09/2020/0695/F be approved subject to conditions as per the officer's report.

LA09/2020/0705/F

Upgrade to an existing household waste recycling centre to include new split level design, site office, weighbridges, concrete yard and vehicle parking sheds and upgrading non-hazardous waste transfer station, including reinforced concrete internal push walls and reconfiguration of roller doors at Magherafelt Depot and Recycling Centre, Ballyronan Road, Magherafelt for Mid Ulster District Council

All Members present at the Committee both in the room and virtually (Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in this item.

Members considered previously circulated report on planning application LA09/2020/0705/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0705/F be approved subject to conditions as per the officer's report.

LA09/2020/0707/F

Infill dwelling and garage 20m E of 15 Lisgorgan Lane, Maghera for William Drennan

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/0798/F

2 No. two storey dwellings at site immediately E and adjacent to 5 Frenchmans Lane Castlecaulfield for Miss Kathy Robinson

Members considered previously circulated report on planning application LA09/2020/0798/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0798/F be approved subject to conditions as per the officer's report.

LA09/2020/0840/F

Dwelling and garage (infill site) adjacent to 55 and opposite 59 Coole Road, Aughamullan Coalisland for Fionntan Cullen and Niamh Carberry

Mr Marrion (SPO) presented a report on planning application LA09/2020/0840/F advising that it was recommended for refusal.

Councillor Mallaghan felt that the applicant should be given the opportunity to reflect and consider if they want to amend the design of the property and proposed that the application be deferred to March to allow time for this.

Councillor Bell seconded Councillor Mallaghan's proposal.

Councillor Bell stated that the proposal does look out of character and asked if it would be more acceptable if the dwelling was lower at the front and higher at the back.

The Planning Manager stated that the only issue in relation to this application was design and if plans for an appropriately designed dwelling are submitted then these will be considered.

Councillor Quinn stated that although the proposal may be out of character within that particular stretch of houses it would not be out of character for the area in general and supported Councillor Mallaghan's proposal.

The Planning Manager stated that he did not feel an office meeting would be appropriate in this case. The Planning Manager stated that officers have been in contact with the applicant and explained the situation and that the applicant wanted the proposal brought before the Committee as is. The Planning Manager stated that he was content that the application be deferred and that officers will go back to the applicant again.

Resolved That planning application LA09/2020/0840/F be deferred to March Planning Committee to allow time for applicant to consider if they want to submit amended plans.

**LA09/2020/0879/O Dwelling and garage on a farm at 45m NE of No 7
Glenviggan Road, Draperstown for Mr Cathal Doyle**

Members considered previously circulated report on planning application LA09/2020/0879/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/0879/O be approved subject to conditions as per the officer's report.

**LA09/2020/0899/O Site for a dwelling & domestic garage at
approximately 15m N of 69 Anneeter Road, Coagh for
Mr Charles Mallon**

Agreed that application be deferred for an office meeting earlier in meeting.

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2020/1030/F Replacement dwelling and garage at 55 Mullaghboy Road, Bellaghy for Miss Clodagh McPeake

Members considered previously circulated report on planning application LA09/2020/1030/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2020/1030/F be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2020/1119/O Dwelling and garage in a cluster 10m W of 44 Ballyscullion Road, Bellaghy for Mr Brian Milne

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1169/F Alterations and extensions to existing dwelling including new access gates, pillars & walls at 81a Glen Road, Maghera for Mr and Mrs Gareth Campbell

Members considered previously circulated report on planning application LA09/2020/1169/F which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1169/F be approved subject to conditions as per the officer's report.

LA09/2020/1191/F New access to existing dwelling at 28 Ballymaguigan Road, Magherafelt for Martin McIvor

Members considered previously circulated report on planning application LA09/2020/1191/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1191/F be approved subject to conditions as per the officer's report.

LA09/2020/1192/O Dwelling on a farm at 70m NW of 90 Moneysharvan Road, Maghera for Ronan Bradley

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1225/O Infill dwelling at lands adjacent to 214 Hillhead Road, Castledawson for Jim McPherson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1317/O Site for dwelling and garage at lands between 17-19a Drumrot Road, Moneymore for Miss Z McClintock

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1523/F Installation of Floodlights to MUGA a Maghera Leisure Centre, Coleraine Road, Maghera for Mid Ulster District Council

All Members present at the Committee both in the room and virtually (Councillors Bell, Black, Brown, Clarke, Colvin, Cuthbertson, Gildernew, Glasgow, Kearney, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson) declared an interest in this item.

Members considered previously circulated report on planning application LA09/2020/1523/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/1523/F be approved subject to conditions as per the officer's report.

Councillor S McPeake declared an interest in the following application, vacated the Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2016/1693/O Farm dwelling and garage, 195m SW of 146 Gulladuff Road, Bellaghy for Seamus McCorry

Members considered previously circulated report on planning application LA09/2016/1693/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2016/1693/O be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

**LA09/2019/0050/O Site for a dwelling and garage at 37m NE of 9
Annaghmore Lane, Annaghmore, Cookstown for Mr
Noel Devlin**

Members considered previously circulated report on planning application
LA09/2019/0050/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Colvin and

Resolved That planning application LA09/2019/0050/O be approved subject to
conditions as per the officer's report.

**LA09/2019/1008/F Retention of dwelling under construction at 7
Tobermesson Road, Dungannon for Mr Conor Curran**

Agreed that application be deferred for an office meeting earlier in meeting.

**LA09/2019/1157/F Retrospective domestic storage shed with extension of
curtilage 5 Jacksons Drive, Gulladuff for Paul McGarvey**

Members considered previously circulated report on planning application
LA09/2019/1157/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/1157/F be approved subject to
conditions as per the officer's report.

**LA09/2020/0315/O 2 storey dwelling and garage on a farm adjacent to
182 Mountjoy Road, Brockagh, Dungannon for Mr
Paul Mulholland**

Members considered previously circulated report on planning application
LA09/2020/0315/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/0315/O be approved subject to
conditions as per the officer's report.

Councillor S McPeake declared an interest in the following application, vacated the
Chair and withdrew to the public gallery.

Councillor Glasgow took the Chair.

LA09/2020/0862/F

**Replacement dwelling and garage at site 400m E of
Fairview, 221 Hillhead Road, Castledawson for Jason
Thompson and Julie Espie**

Members considered previously circulated report on planning application LA09/2020/0862/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/0862/F be approved subject to conditions as per the officer's report.

Councillor S McPeake rejoined the meeting and took the Chair.

LA09/2020/1027/F

**Infill site for 2 dwellings and garages between 11B
and 11E Hillside Road, Upperlands for Mr Danny
McMaster**

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1027/F advising that it was recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received and invited Mr Kearney to address the committee in the first instance.

Mr Kearney stated he wanted to support the three reasons for refusal as per the officer recommendation. Mr Kearney stated that the proposal is against planning policy and asked that the Committee refuse the application.

Mrs Mellon stated that she was speaking on behalf of herself and her husband and that they resided at 11B Hillside Road. Mrs Mellon stated she stood over previous objections to the proposal and stated that the proposal was not an infill site but rather an agricultural field. Mrs Mellon stated that the laneway was private and did not have the infrastructure to take more traffic.

Mr Cassidy stated that policy has been met in that the site has frontage and there are three buildings. Mr Cassidy advised the two proposed frontages will be approximately 70m and that other frontages in the vicinity are a lot more. Mr Cassidy stated that the proposal is for two detached houses and allowing for separation distances he felt that a third house would not fit into the site. Mr Cassidy stated that Roads Service have no issue with the proposal and that sightlines on the road would be improved should the proposal be approved.

Councillor Colvin asked what the distance is across the front of the field.

Ms McCullagh advised that the site frontage is approximately 140m.

The Planning Manager stated that Members have to assess the character of what is already there which is dispersed dwellings. The Planning Manager stated that there is ribboning in the area and questioned if this site is actually an important break in

the ribboning and build up as opposed to whether it is a gap in which to put more houses. The Planning Manager stated that one of the proposed dwellings will be going up the back of one house and in front of another house and that these are also factors to consider.

Councillor McKinney asked if there was an opportunity for a site meeting.

The Planning Manager stated it was reasonable to request a site meeting to allow Members to see the site however he stated the site meeting should not be organised during the current restrictions and such a meeting would be deferred until March at the earliest.

Councillor Gildernew stated that the Planning Manager mentioned build up and that he did not think this had been previously mentioned in the officer report. Councillor Gildernew asked if build up had not been previously mentioned could it be taken into consideration now.

Ms McCullagh advised that build up is included in the refusal reasons.

Councillor McFlynn referred to previous comments in relation to the private lane and asked if there is a right of way on the lane to allow the applicant to use the site.

Ms McCullagh advised that there is no right of way on the lane.

Proposed by Councillor McKinney
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/1027/F be deferred for a site meeting to be held at such times as current restrictions are lifted.

Matters for Information

P020/21 Minutes of Planning Committee held on 11 January 2021

Members noted minutes of Planning Committee held on 11 January 2021.

P021/21 Receive report on lodgement of a Non-determination Appeal

The Planning Manager presented previously circulated report which advised that an appeal has been lodged for the non-determination of planning application LA09/2019/0951/F.

Members noted the content of the report.

Live broadcast ended at 8.04 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P022/21 to P026/21.

Matters for Decision

P022/21 Receive Updated Planning Office Authorisation List
P023/21 Receive Enforcement Report

Matters for Information

P024/21 Confidential Minutes of Planning Committee held on
11 January 2021
P025/21 Enforcement Cases Opened
P026/21 Enforcement Cases Closed

P027/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.36 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.

- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 2nd February 2021

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	Letter from applicant	Members to note
4.20	Late objection received	Members to note

Report on	PAC decisions dismissing appeals against: 1) the refusal of planning permission for Mr Bryan Turkington, Retention of a 20ft x 8 ft container to house vending machines at 42 Main Road Moygashel 2) the issuing of an enforcement notice against the unauthorised siting of a metal container used for retailing at Lands/premises 30m East of 41 Main Street, Moygashel, Dungannon BT71 7QU
Date of Meeting	2nd March 2021
Reporting Officer	Phelim Marrion/Maeve McKearney
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To advise members of the outcome of appeals against the Councils Decisions to: 1) refuse planning permission for Retention of a 20ft x 8 ft container to house vending machines at 42 Main Road Moygashel for Mr Bryan Turkington, 2) issue an enforcement notice against the unauthorised siting of a metal container used for retailing at Lands/premises 30m East of 41 Main Street, Moygashel, Dungannon BT71 7QU
2.0	Background
2.1	The planning committee considered an application for the retention of the container with amendments to the appearance of it and restricting the hours of operation.
2.2	The development is located in Moygashel and there had been a number of objections about noise and nuisance from the development from neighbouring properties. The Council refused planning permission as the development did not enhance the character of the area and caused nuisance. This decision had a direct bearing on an enforcement case and the Council issued an enforcement notice.
2.3	The applicant exercised their right of appeal against these decisions.
3.0	Main Report
3.1	The Planning Application Appeal The PAC considered the information submitted by the applicant, the objectors and the information submitted by the Council in relation to noise and appearance of the structure as well as appearance of the surrounding area.

3.2	The Commissioner did not consider the development had a permanence to it that would be expected and took account of the objectors concerns in relation to noise and nuisance.
3.3	It was noted this is an innovative type of development that would be better suited to a more commercialised area away from residential areas.
3.4	The Commissioner indicated that Policy SETT1 of the Dungannon and South Tyrone Area Plan is also a material consideration and the proposal did not meet with some of the criteria contained in it.
3.5	It was concluded the development is not appropriate in this locating, it does not meet with DES2 of PSRNI as such dismissed the appeal, refusing planning permission.
3.6	<p>The Enforcement Notice Appeal</p> <p>Grounds of Appeal</p> <p>The appeal was brought on grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. At the hearing the appellant withdrew his ground of appeal on (f). There is a deemed planning application for the development referred to in the Enforcement Notice (EN).</p>
3.7	<p>Decision</p> <ul style="list-style-type: none"> • The Notice is corrected at Part 2 to read Land/Premises 30m East of Main Road Moygashel; • The appeal on ground (a) fails and the deemed planning application is refused; and • The appeal on ground (g) succeeds in that the timeframe for compliance has been extended from 60 days to 90 days given the various difficulties being experienced during the current pandemic. <p>The Enforcement Notice is upheld and the remedial actions set out within the Notice must be complied with.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments

	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That members note the decisions by the Commission, Planning Officers are reminded to fully consider the existing policies in the extant Development Plan when assessing applications and Enforcement Officers monitor the site for compliance with the enforcement notice.
6.0	Documents Attached & References
6.1	Copies of appeal decisions 2020/E0006 and 2020/A0008

Enforcement Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2020/E0006
Appeal by:	Mr Bryan Turkington
Alleged Breach of Planning Control:	The alleged unauthorised siting of a metal container used for retailing.
Location:	Lands/premises 30m East of 41 Main Street, Moygashel, Dungannon BT71 7QU
Planning Authority:	Mid Ulster District Council
Authority's Reference:	EN/2020/0087
Procedure:	Remote Hearing on 21 st January 2021
Decision by:	Commissioner Helen Fitzsimons on 9th February 2021

Grounds of Appeal

1. The appeal was brought on grounds (a), (f) and (g) as set out in Section 143(3) of the Planning Act (Northern Ireland) 2011. At the hearing the appellant withdrew his ground of appeal on (f). There is a deemed planning application for the development referred to in the Enforcement Notice (EN).

The Notice

2. Part 2 of the EN identifies the land to which it relates as 30m East of 41 Main Street Moygashel, Dungannon BT71 7QU.
3. Section 138 of the Act provides for the issuing of an EN where it appears to the Council that there has been a breach of planning control. Section 140(1) (a) of the Act says that an EN must state the matters which appear to the Council to constitute the breach of planning control. Section 140 (2) of the Act states that a notice complies with this requirement if it enables any person on whom a copy of it has been served to know what those matters are.
4. Section 144 (2) of the Act empowers the Commission to correct any misdescription, effect or error in the notice or vary its terms if it is satisfied that the correction or variation can be made without injustice to the appellant or the Council.
5. At the hearing it was accepted by the parties that the correct address of the appeal site is 30m East of Main Road Moygashel and that a misdescription had arisen. However, despite this misdescription the appellant received the EN and a map correctly identifying the subject site of the EN and was able to lodge and attend an appeal against it. The EN can be corrected without injustice to the appellant.

Ground (a) – that planning permission ought to be granted for the matters stated in the notice

6. The main issues in this appeal are whether the proposed development is sensitive to the character of the settlement in terms of its form, design and use of materials, whether it would respect its surroundings and if it would have an adverse impact on residential amenity.
7. Section 45 (1) of The Planning (Northern Ireland) Act 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The appeal site lies on unzoned land located within the Settlement Limit of Dungannon as designated by Policy SETT 1 'Settlement Limits' of the Dungannon and South Tyrone Area Plan 2010 (DSTAP) the local development plan (LDP) which operates in the area where the appeal site is located.
8. Policy SETT 1 of (DSTAP) says that favourable consideration will be given to development proposals within settlement limits including zoned sites where seven criteria are met. The following criteria are pertinent in this appeal; criterion one 'the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials; criterion two 'the proposal respects the opportunities and constraints of the specific site and its surroundings, and where appropriate considers the potential for the creation of a new sense of place through sensitive design; and criterion three 'there is no significant detrimental affect on amenities'.
9. Policy RSO 5 'Local Shops' of DSTAP says that proposals for local shops will be determined in accordance with prevailing regional planning policy. There is no evidence that the proposed development would fail prevailing retail planning policy for shops and this provision of DSTAP would not be offended. Consequently I do not need to consider the appellant's arguments regarding the merits of the proposed development in relation to retail policy.
10. The appellant referred me to The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is regional policy and relied upon the following paragraphs in respect of his proposal. Paragraph 3.8 'the guiding principle for planning authorities in determining planning applications 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.'; paragraph 4.11 the 'planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location layout and design of new development.'; paragraph 4.19 'planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions.'; and paragraph 4.20 'when assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the

scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasise the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region

11. Policy DES 2 'Townscape' of 'A Planning Strategy for Rural Northern Ireland' (PSRNI) is retained regional policy under the SPPS and is also a material consideration in this appeal. The stated objective of DES 2 of PSRNI is to 'require development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.'
12. Paragraph seven of Policy DES 2 within the heading 'Development' says that ' new development will normally be required to be appropriate in use and sensitive in siting, scale, layout, design and materials both in itself and in relation to adjoining buildings, spaces and views. The main concern is to ensure that development proposals neither conflict with or detract from the character, amenity and design of an area.'
13. Paragraph eleven of the policy entitled 'Amenity' says that 'new developments should provide reasonable standards of amenity both in terms of the environment which the development creates and in terms of its effect on neighbouring properties. Where there is inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused.'
14. Both the Council's and objectors' concerns are based upon the requirements of Policy DES 2 of PSRNI in respect of character of area and detriment to residential amenity.
15. The appeal site comprises the site of a former petrol filling station and shop which fronted Main Road. Those buildings were demolished some time ago and the site lay vacant until the container was sited upon it. Inside the container are three vending machines; one for cold drinks; one for hot drinks and one for snacks. The vending activities at the appeal site are unmanned and have the potential to operate 24 hours a day seven days a week.
16. Immediately adjacent to, on the northern side of the appeal site, is Gordy's Fish and Chip shop the front elevation of which is finished with a timber fascia and stonework to the walls. Beside Gordy's is a café, with its front elevation finished in painted timber sheeting. Both buildings are single storey and have an appearance of permanency within the street scene. Some 50m North West on the opposite side of the road is a Costcutter supermarket and car park. The supermarket is set back approx. 70 from the road to the rear of the site with the car park in front. Its roadside boundary comprises a low brick wall with metal railings atop which are set between brick pillars. This roadside boundary treatment is approximately 2m high. The 'Linen Green' retail outlet which comprises a number of shops and a restaurants lies just north of the Costcutter supermarket. A day care centre is located east of and to the rear of the appeal site.
17. Opposite the appeal site, fronting Main Road, are six dwellings whilst in the south is a residential terrace. All of these dwellings are mainly finished in render with tiled

roofs, except No 29 Main Road which is constructed in stone. The dwellings vary in height from single storey to two storey. The front boundaries of the dwellings typically comprise either 1m high close boarded fencing, rendered 1m high walls or 1m high brick built walls. The streets leading off this part of Main Road comprise a mix of housing types. The part of Main Road, where the appeal site lies, appears built up and this is mainly due to the number of residential properties, both fronting the road and in the streets behind.

18. Because of the existing buildings and structures in the area surrounding the appeal site, its character is one of permanence within its built fabric.
19. In my opinion the nature and appearance of the metal container makes it an incongruous element in the street scene. Because of this it would appear as an unsatisfactory feature which would be out of character with its surroundings. It would not integrate in the area, and be unacceptable even on the temporary basis proposed. Consequently I do accept the appellant's arguments that its retention would make 'efficient use of the vacant site and create a more positive street frontage'
20. Although the proposed development would not be insensitive to the size of the settlement it would be out of character with the settlement in terms of its temporary appearance due to its scale, form, design and use of materials at this location and criterion one of Policy SETT 1 of DSTAP would not be met. It would also offend criterion two of the LDP policy in that it would not respect the constraints of the specific site and its surroundings and it has failed to consider the potential for the creation of a new sense of place through sensitive design. The proposed development would not meet the provisions of Policy DES 2 of PSRNI in that it would not make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design and use of materials.
21. The Council and objectors raised the matters of noise and disturbance associated with the appeal premises, especially at night, and additional concerns regarding compliance with health and safety measures that should be in place during the current Covid 19 health crisis.
22. The appellant proposes restricted opening hours of 7.00 – 23.00 seven days a week, which I consider reasonable given both the opening hours of other convenience and food outlets in the wider area and what are considered to be 'daytime hours' as set out in British Standard BS4142:2014, British Standard BS8233:2014 and the WHO guidelines referred to me by the appellant and this could be dealt with by way of a planning condition.
23. Although the appellant referred to WHO guidelines for the maximum recommended day time noise and night time noise levels within dwellings no evidence was presented to demonstrate that those levels would not be breached. Whilst the appellant eluded to 'a relatively high background noise climate' due to the area's 'mixed use context' I was given no substantive evidence in support of this argument.
24. Photographic evidence submitted by an objector shows a number of young people, bikes and cars congregated outside the vending facility during hours of darkness. A day time photograph shows five bicycles on the ground outside the container with a number of young people inside. The background papers also contain photographs

showing cars queued up at night at the appeal site. This demonstrates to me that it is a congregating point both during the daylight and in darker hours. I note that no photographic or CCTV evidence was presented by the appellant to refute the objectors' claims

25. The Environmental Health Department (EHD) originally offered no objections to the proposed development. However, the EHD officer told me at the hearing that he had since changed his opinion on the basis of noise complaints received between July 2019 – November 2020 regarding the operation of the proposed development, and he is entitled to do so. Because of the EHD concerns and the objectors' evidence I am not persuaded that a letter from one resident in support of the scheme is sufficient to outweigh the Council's objections and the objectors' evidence in this respect.
26. Notwithstanding the definition of daytime hours set out in guidance and the similarity of the proposed opening hours of other nearby convenience shops, it is my view that the unmanned nature of the proposal has the potential to attract gatherings at any time as there is no member of staff to deter people congregating in and around the appeal site. Given this, the remedial action of limiting the hours of opening is not sufficiently effective to mitigate the inherent incompatibility of the proposed development with neighbouring properties. This has already given rise to and has the potential for a further adverse detrimental impact on the amenities of nearby residents irrespective of opening hours. The proposed development would fail to meet the requirements of criterion three of Policy SETT 1 of DSTAP; paragraph 4.11 of the SPPS would be offended and paragraph eleven Policy DES 2 of PSRNI would not be met.
27. All of this distinguishes it from the Costcutter which was granted planning permission under M/2012/0106/F and other convenience stores referred to, where staff are present, which from my own experience can act as a deterrent to people congregating, and where I have been given no evidence of noise complaints.
28. At my site visit I observed that hand sanitiser has been provided within the container and there are health and safety signs in place. It is a matter for individuals to avail of the sanitising facilities provided. Therefore I do not accept that the appellant is in breach of Covid 19 regulations. The Council and objectors' concerns are not determining in this regard.
29. Whilst I accept that the appellant's proposal is an innovative and new form of retailing, it is my opinion that such an operation is better suited to a more predominantly commercial area or one located away from residential properties. I do not agree with the appellant that it constitutes sustainable economic development in an environmentally sensitive manner because of both its temporary appearance and the potential for noise disturbance. I do not agree with the appellant that the provision of the two jobs provided, of which there was no explanation as to what those jobs entailed, is of sufficient economic weight to warrant allowing the appeal.
30. As required by Section 45 (1) of the Act I have had regard to the DSTAP and in doing so I have concluded that the proposed development does not accord with criteria one, two and three of Policy SETT 1 of the LDP. I have also had regard to the SPPS and concluded that the proposed development would fail to meet the requirements of its paragraphs 3.8, 4.19 and 4.20. I have taken account of Policy DES 2 of PSRNI and concluded that the proposed development does not meet the provisions of that

policy. As a consequence the appeal must fail, the Council has sustained both of its draft reasons for refusal based on PSRNI and the objector's concerns are upheld. The appeal on Ground (a) fails.

Ground (g)

31. Part 4 of the EN requires that the unauthorised metal container be removed from the site within 60 days of the date on which the EN takes effect. At the hearing the Council said that agreed with the appellant that the period for compliance could be extended to 90 days given the various difficulties being experienced during the current pandemic. The appeal on ground (g) succeeds

Decision

- The Notice is corrected at Part 2 to read Land/Premises 30m East of Main Road Moygashel;
- The appeal on ground (a) fails and the deemed planning application is refused; and
- The appeal on ground (g) succeeds.

Commissioner Helen Fitzsimons

Attendances

Planning Authority: -	Mr P Marion Ms M Mc Kearney Mr David Stewart Mr G Evans (EHD)
Appellant: -	Ms G Jobling Ms A Wallace
Objectors:-	Mr and Mrs S & A Salt

List of Documents

Planning Authority: -	C1	Written Statement and Appendices
Appellant: -	A1	Written Statement and Appendices
Objectors:-	Obj 1	Written Statement and Appendices

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2020/A0008
Appeal by:	Mr Bryan Turkington
Appeal against:	Refusal of full planning permission
Proposed Development:	Retention of a 20ft x 8 ft container to house vending machines
Location:	42 Main Road Moygashel
Planning Authority:	Mid Ulster District Council
Application Reference:	LA09/2019/0357/F
Procedure:	Remote Hearing on 21 st January 2021
Decision by:	Commissioner Helen Fitzsimons on 9 th February 2021

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is sensitive to the character of the settlement in terms of its scale, form, design and use of materials, whether it would respect its surroundings and if it would have an adverse impact on residential amenity.
3. Section 45 (1) of The Planning (Northern Ireland) Act 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The appeal site lies on unzoned land located within the Settlement Limit of Dungannon as designated by Policy SETT 1 'Settlement Limits' of the Dungannon and South Tyrone Area Plan 2010 (DSTAP) the local development plan (LDP) which operates in the area where the appeal site is located.
4. Policy SETT 1 of DSTAP says that favourable consideration will be given to development proposals within settlement limits including zoned sites where seven criteria are met. The following criteria are pertinent in this appeal; criterion one 'the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials; criterion two 'the proposal respects the opportunities and constraints of the specific site and its surroundings, and where appropriate considers the potential for the creation of a new sense of place through sensitive design; and criterion three 'there is no significant detrimental affect on amenities'.

5. Policy RSO 5 'Local Shops' of DSTAP says that proposals for local shops will be determined in accordance with prevailing regional planning policy. There is no evidence that the proposed development would fail prevailing retail planning policy for local shops and this provision of DSTAP would not be offended. Consequently I do not need to consider the appellant's arguments regarding the merits of the proposed development in relation to retail policy.
6. The appellant referred me to The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is regional policy and relied upon the following paragraphs in respect of his proposal. Paragraph 3.8 'the guiding principle for planning authorities in determining planning applications 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.'; paragraph 4.11 the 'planning system has a role to play in minimising potential adverse impacts such as noise or light pollution on sensitive receptors by means of its influence on the location layout and design of new development.'; paragraph 4.19 'planning authorities should therefore take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions.'; and paragraph 4.20 'when assessing the positive and negative economic implications of planning applications planning authorities should ensure the approach followed is proportionate to the scale, complexity and impact of the proposed development. When taking into account the implications of proposals for job creation, planning authorities should emphasise the potential of proposals to deliver sustainable medium to long-term employment growth. Furthermore, in processing relevant planning applications planning authorities must ensure appropriate weight is given to both the public interest of local communities and the wider region
7. Policy DES 2 'Townscape' of 'A Planning Strategy for Rural Northern Ireland' (PSRNI) is retained regional policy under the SPPS and is also a material consideration in this appeal. The stated objective of DES 2 of PSRNI is to 'require development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.'
8. Paragraph seven of Policy DES 2 within the heading 'Development' says that 'new development will normally be required to be appropriate in use and sensitive in siting, scale, layout, design and materials both in itself and in relation to adjoining buildings, spaces and views. The main concern is to ensure that development proposals neither conflict with or detract from the character, amenity and design of an area.'
9. Paragraph eleven of the policy entitled 'Amenity' says that 'new developments should provide reasonable standards of amenity both in terms of the environment which the development creates and in terms of its effect on neighbouring properties. Where there is inherent incompatibility with neighbouring developments, or where remedial action cannot be made effective, applications will normally be refused.'

10. Both the Council's and objectors' concerns are based upon the requirements of Policy DES 2 of PSRNI in respect of character of area and detriment to residential amenity.
11. The appeal site comprises the site of a former petrol filling station and shop. Those buildings were demolished some time ago and the site lay vacant until the proposed container was sited upon it. The appellant intends to affix timber cladding to all four sides of the container, and finish a signage area along its upper front portion and the edges of each side in dark grey metal cladding. The door and the shuttered window in the front elevation would be painted dark grey. The boundaries on the north and the south of the appeal site would be defined by a close boarded fence of some 1.5m in height. Inside the container are three vending machines; one for cold drinks; one for hot drinks and one for snacks. The vending activities at the appeal site are unmanned and have the potential to operate 24 hours a day seven days a week.
12. Immediately adjacent to, on the northern side of the appeal site, is Gordy's Fish and Chip shop the front elevation of which is finished with a timber fascia and stonework to the walls. Beside Gordy's is a café, with its front elevation finished in painted timber sheeting. Both buildings are single storey and have an appearance of permanency within the street scene. Some 50m North West on the opposite side of the road is a Costcutter supermarket and car park. The supermarket is set back approx. 70 from the road to the rear of the site with the car park in front. Its roadside boundary comprises a low brick wall with metal railings atop which are set between brick pillars. This roadside boundary treatment is approximately 2m high. The 'Linen Green' retail outlet which comprises a number of shops and a restaurants lies just north of the Costcutter supermarket. A day care centre is located east of and to the rear of the appeal site.
13. Opposite the appeal site, fronting Main Road, are six dwellings whilst in the south is a residential terrace. All of these dwellings are mainly finished in render with tiled roofs, except No 29 Main Road which is constructed in stone. The dwellings vary in height from single storey to two storey The front boundaries of the dwellings typically comprise either 1m high close boarded fencing, rendered 1m high walls or 1m high brick built walls. The streets leading off this part of Main Road comprise a mix of housing types. The part of Main Road, where the appeal site lies, appears built up and this is mainly due to the number of residential properties, both fronting the road and in the streets behind.
14. Because of the existing buildings and structures in the area surrounding the appeal site, its character is one of permanence within its built fabric.
15. Although not iterated in its reason for refusal the Council argued that the container is a temporary structure which is out of character with the surrounding area. The objectors raised similar concerns. The appellant did not dispute the temporary nature of the structure.
16. In my opinion the close boarded style of the proposed timber finishes to the container, and the characteristics of the container of itself, would not provide the architectural character one would expect to see with a permanent building, it would appear as a short term, temporary and unsatisfactory design solution to integrate the proposed development into the street scene and be inappropriate in this area. Therefore I do

not accept that its retention would make 'efficient use of the vacant site and create a more positive street frontage'

17. Although the proposed development would not be insensitive to the size of the settlement it would be out of character with the settlement in terms of its temporary appearance due to its scale, form, design and use of materials at this location and criterion one of Policy SETT 1 of DSTAP would not be met. It would also offend criterion two of the LDP policy in that it would not respect the constraints of the specific site and its surroundings and it has failed to consider the potential for the creation of a new sense of place through sensitive design. The proposed development would not meet the provisions of Policy DES 2 of PSRNI in that it would not make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design and use of materials.
18. The Council and objectors raised the matters of noise and disturbance associated with the appeal premises, especially at night, and additional concerns regarding compliance with health and safety measures that should be in place during the current Covid 19 health crisis.
19. The appellant proposes restricted opening hours of 7.00 – 23.00 seven days a week, which I consider reasonable given both the opening hours of other convenience and food outlets in the wider area and what are considered to be 'daytime hours' as set out in British Standard BS4142:2014, British Standard BS8233:2014 and the WHO guidelines referred to me by the appellant and this could be dealt with by way of a planning condition.
20. Although the appellant referred to WHO guidelines for the maximum recommended day time noise and night time noise levels within dwellings no evidence was presented to demonstrate that those levels would not be breached. Whilst the appellant eluded to 'a relatively high background noise climate' due to the area's 'mixed use context' I was given no substantive evidence in support of this argument.
21. Photographic evidence submitted by an objector shows a number of young people, bikes and cars congregated outside the vending facility during hours of darkness. A day time photograph shows five bicycles on the ground outside the container with a number of young people inside. The background papers also contain photographs showing cars queued up at night at the appeal site. This demonstrates to me that it is a congregating point both during the daylight and in darker hours. I note that no photographic or CCTV evidence was presented by the appellant to refute the objectors' claims
22. The Environmental Health Department (EHD) originally offered no objections to the proposed development. However, the EHD officer told me at the hearing that he had since changed his opinion on the basis of noise complaints received between July 2019 – November 2020 regarding the operation of the proposed development, and he is entitled to do so. Because of the EHD concerns and the objectors' evidence I not persuaded that a letter from one resident in support of the scheme is sufficient to outweigh the Council's objections and the objectors' evidence in this respect.

23. Notwithstanding the definition of daytime hours set out in guidance and the similarity of the proposed opening hours of other nearby convenience shops, it is my view that unmanned nature of the proposal has the potential to attract gatherings at any time as there is no member of staff to deter people congregating in and around the appeal site. Given this, the remedial action of limiting the hours of opening is not sufficiently effective to mitigate the inherent incompatibility of the proposed development with neighbouring properties. This has already given rise to and has the potential for a further adverse detrimental impact on the amenities of nearby residents irrespective of opening hours. The proposed development would fail to meet the requirements of criterion three of Policy SETT 1 of DSTAP; paragraph 4.11 of the SPPS would be offended and paragraph eleven Policy DES 2 of PSRNI would not be met.
24. All of this distinguishes it from the Costcutter which was granted planning permission under M/2012/0106/F and other convenience stores referred to, where staff are present, which from my own experience can act as a deterrent to people congregating, and where I have been given no evidence of noise complaints.
25. At my site visit I observed that hand sanitiser has been provided within the container and there are health and safety signs in place. It is a matter for individuals to avail of the sanitising facilities provided. Therefore I do not accept that the appellant is in breach of Covid 19 regulations. The Council and objectors concerns are not determining in this regard.
26. Whilst I accept that the appellant's proposal is an innovate and new form of retailing, it is my opinion that such an operation is better suited to a more predominantly commercial area or one located away from residential properties. I do not agree with the appellant that it constitutes sustainable economic development in an environmentally sensitive manner because of both its temporary appearance and the potential for noise disturbance. I do not agree with the appellant that the provision of the two jobs provided , of which there was no explanation as to what those jobs entailed , is of sufficient economic weight to warrant allowing the appeal
27. As required by Section 45 (1) of the Act I have had regard to the DSTAP and in doing so I have concluded that the proposed development does not accord with criteria one, two and three of Policy SETT 1 of the LDP. I have also had regard to the SPPS and concluded that the proposed development would fail to meet the requirements of its paragraphs 3.8, 4.19 and 4.20. I have taken account of Policy DES 2 of PSRNI and concluded that the proposed development does not meet the provisions of that policy. As a consequence the appeal must fail, the Council has sustained it sole reason for refusal based on PSRNI and the objector's concerns are upheld.

This decision relates to the:- 1:1250 scale site location plan; 1:200 scale proposed site plan; 1:50 scale existing elevations; 1:50 scale existing plan and section; 1:50 scale proposed plans and section; 1:50 scale proposed elevations; and the photomontage titled Proposed 3D

COMMISSIONER HELEN FITZSIMONS

Attendances

Planning Authority: -	Mr P Marion Ms M Mc Kearney Mr David Stewart Mr G Evans (EHD)
Appellant: -	Ms G Jobling Ms A Wallace
Objectors:-	Mr and Mrs S & A Salt

List of Documents

Planning Authority: -	C1	Written Statement and Appendices
Appellant: -	A1	Written Statement and Appendices
Objectors:-	Obj 1	Written Statement and Appendix

Report on	A 5 Walking Transport Corridor Walking, Cycling and Horse Riding Assessment
Date of Meeting	2nd March 2021
Reporting Officer	Dr Chris Boomer, Head of Development Plan
Contact Officer	Dr Chris Boomer, Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	To inform members of WSP, on behalf of the Department for Infrastructure, is undertaking a Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) for the A5 Western Transport Corridor (A5WTC). The purpose of the WCHAR process is to facilitate the inclusion of all walking, cycling and horse-riding modes within highway schemes by gaining an understanding of existing facilities in the local area, providing background information to inform decision-making during the scheme development and identifying opportunities for improvements.
2.0	Background
2.1	Members will be aware that the A5WTC is 85km of 2 lane dual carriageway and associated single carriageways between New Buildings and Aughnacloy. The dual carriageway will be of high standard with no access permitted to non-vehicular traffic. Two phases of the road (Phase 1B) Omagh to Ballygawley and (Phase 3) Ballygawley southwards run through Mid Ulster.
2.2	The <i>“Walking, cycling and horse-riding assessment and review”</i> is to facilitate the inclusion of all walking, cycling and horse-riding modes in the highway scheme development process from the earliest stage, enabling opportunities for new or improved facilities and their integration with the local and national network. This could include the creation and/or improvement of facilities for pedestrians, cyclists and equestrians that are separate from the highway. The <i>“WCHAR”</i> is intended to provide increased collaboration, interaction and engagement with key stakeholders.
3.0	Main Report
3.1	As part of the design process of the review consideration will be given to the needs of the users. Each of the affected Public Rights of Way (PRoWs) has been reviewed with other routes in the area. Online plans of the project can be

	<p>found on the A5WTC website. The WCHAR requires that stakeholder organisations, local user groups and the wider public are consulted in relation to the existing PRoWs and other Walking, Cycling & Horse-Riding routes in the area. This will allow determination of their usage and identify potential improvements for recreation, commuting and general access to community facilities and public transport.</p>
3.2	<p>As part of this project, the assessment will examine potential for improvements to facilities with the aim of encouraging active travel. Mid Ulster Council has been asked to provide information on any current proposals you may have relating to facilities for walkers and wheeled users, including greenways, and would be appreciative of any information you can provide on these as well as pedestrian and cyclist usage counts in your area undertaken within the last two years, by the 10th of March.</p>
3.3	<p>Within the study area, existing routes include:</p> <ul style="list-style-type: none"> • a high quality stretch of the Ulster Way running along the border and through the Clogher Valley • the Marshall County trail. • A local walking sites adjacent to the current road, which include one situated at Ballygawley Playing Field and the other Glencull path (a small riverside path between St Malachy's Primary School and St Malachy's church, not far from Todds Leap. <p>In addition, there is the proposed Clogher Valley Greenway. Whilst funding has not been secured as of yet, it may become possible to implement it in part or in full.</p>
(Other Considerations
4.1	<p>Financial, Human Resources & Risk Implications</p> <p>Financial: No cost to mid ulster</p> <p>Human: The suggestions are to make administration of the Planning system easier</p> <p>Risk Management: None identified.</p>
4.2	<p>Screening & Impact Assessments</p> <p>None for the Council</p> <p>Rural Needs Implications: None for the Council. N/A</p>

5.0	Recommendation(s)
5.1	The Planning Manager will respond and make the Department's consultants aware of the identified existing and proposed routeways and greenways.
6.0	Documents Attached & References
	A5 ASTA Master Plan can be found on www.a5wtc.com/A5ASTA-Master-Plan which includes interactive maps of the proposed A5 roadline

