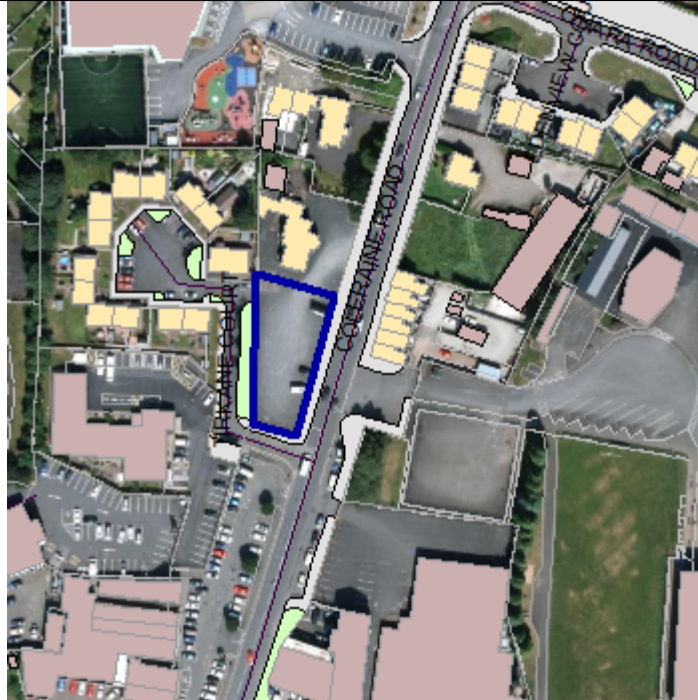




## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.1
<b>Application ID:</b> LA09/2020/1156/F	<b>Target Date:</b> 16 November 2020
<b>Proposal:</b> Proposed carpark	<b>Location:</b> Approx 5M South Of 30 Coleraine Road Maghera
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Walsh's Hotel 53 Main Street Maghera	<b>Agent Name and Address:</b> D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	1156 maghera carpark consultation 3.docx

**Representations:**

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

**Summary of Issues**

One objections was received in respect of the proposed development and related to the following:-

- o The proposed change of use moves the town centre out the Coleraine Road;  
The proposal does not move the commercial core of the town as this application is for a

car park and is not a commercial use.

- o Intensification of the use of the proposed access, requires a traffic study; DfI Roads considered the proposal and have not requested a traffic study. The proposal including the access has been deemed acceptable.

- o Social issues arising from late night use of the car park;

The provision of a security barrier which can be closed at the end of business should prevent the use of the site by anti-social uses as stated by the objector.

- o An adjacent application LA09/2020/1019/F also has proposed car parking;

The adjacent use, which has already been approved, was also considered by DfI Roads and has been considered to be acceptable.

- o The objectors dwelling will be surrounded by car parking on all sides.

The objectors premises are not surrounded by car parking on all sides as it will have a private car park to the south, a public car park to the north, with private dwellings to the west and private dwellings to the east.

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

The site is located within the settlement development limits of Maghera on an area of whiteland zoned and just outside the town centre as defined within the Magherafelt Area Plan 2015.

### **Description of Proposal**

The proposal is for the retrospective provision of a new car park which is to remain private for the exclusive use of patrons of Walsh's Hotel. The proposed use involves the reoval of the side amenity space originally belonging to the adjacent dwelling and the creation of a hard surfaced area. Perimeter fencing and security barrier are also proposed which will match the existing fencing around the car park. The security barrier can be closed after normal hours for security reasons.

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

#### **Policy Consideration**

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

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

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

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

### PPS 3 - Access, Movement and Parking

#### Policy AMP 9 Design of Car Parking

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The proposal meets the above policy requirements as it respects the character of the area without affecting visual amenity. It is wedged between an existing public car park, a private car park and with on-street parking on the opposite side of the Coleraine Road. Security fencing is provided around the car park with a security barrier at the entrance onto the Coleraine Road.

#### Policy AMP 10 Provision of Public and Private Car Parks

Planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- o they do not significantly contribute to an increase in congestion;
- o are not detrimental to local environmental quality;
- o they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer ;
- o within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and
- o they are compatible with adjoining land uses.

The proposal does not contribute to congestion as it will draw traffic away from the adjacent public car park. It is not considered to be detrimental to local environmental quality. The proposal has been accepted by DfI Roads. The car park will be private and used only by patrons of the applicants hotel business. The proposal is compatible to the adjacent land uses.

Recommendation - Approve subject to the conditions listed below:-

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

Approve is recommended

Approve subject to the conditions listed below:-



## Approval Conditions

### Condition 1

This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

### Condition 2

The vehicular access including visibility splays shall be provided in accordance with stamped approved drawing No. 01/2 bearing the date stamp 9th September 2022 within three months of the date of this decision.

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

### Condition 3

The hard surfaced areas shall be constructed and permanently marked in accordance with the stamped approved drawing No. 01/2 bearing the date stamp 9th September 2022 within 3 months of the date of this decision. 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.

**Case Officer:** Malachy McCrystal

**Date:** 15 November 2022

ANNEX	
<b>Date Valid</b>	21 September 2020
<b>Date First Advertised</b>	6 October 2020
<b>Date Last Advertised</b>	6 October 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 31 Coleraine Road Maghera Londonderry BT46 5BN The Owner / Occupier 1 Tirkane Court Maghera Londonderry BT46 5JD The Owner / Occupier Maghera Day Centre, 28 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier St Patrick's Co-Ed Comprehensive College, 25 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier 27 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier 13 Tirkane Court Maghera Londonderry BT46 5JD The Owner / Occupier 33 Coleraine Road Maghera Londonderry BT46 5BN The Owner / Occupier 29 Coleraine Road Maghera Londonderry BT46 5BN	
<b>Date of Last Neighbour Notification</b>	13 November 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-1156 maghera carpark consultation 3.docx	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Location Plan Plan Ref: 01/1  
Site Location Plan Plan Ref: 01/2

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.2
<b>Application ID:</b> LA09/2020/1211/O	<b>Target Date:</b> 25 November 2020
<b>Proposal:</b> Proposed residential development comprising 38 units (comprising 24 semi detached and 14 detached) open space, private amenity space, landscaping, access onto Moneymore Road and ancillary site works.	<b>Location:</b> Lands At 93 Moneymore Road Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mrs Julie Gray And Mrs Susan Roulston 25 Crosspaths Harpenden Herts	<b>Agent Name and Address:</b> Clyde Shanks 2ND Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation approval.docx
<b>Representations:</b>		
Letters of Support	0	
Letters of Objection	6	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
<p>Ten representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none"> <li>o The existing character of the area is large detached and semi-detached dwellings as opposed to the proposed scheme of small detached and semi-detached dwellings; The surrounding area not only includes large detached and semi-detached dwellings but also smaller dwellings on less generous plots.</li> <li>o The proposed density is out of character, does not respect the local context or street pattern; The density of surrounding developments ranges from around 13 dwellings per hectare to around 24 dwellings per hectare at the recently developed Foxfield development on the Moneymore Road. The proposed density of 22 dwellings per hectare is similar to Foxfield and is therefore in keeping with the existing character.</li> <li>o Proposed dwellings too close to existing boundaries and impacting on privacy; Whilst it is acknowledged that some of the proposed dwellings as indicated on the concept plan are close to the site boundaries, those dwellings are all gable end towards the site boundaries. Such dwellings should be required to have adequate separation distance from existing boundary hedgerows so as not to endanger the long term retention of the hedgerows. The design of the proposed dwellings should also be such that they do not cause an issue of overlooking or intervisibility with the existing dwellings. This may require the provision of screen fencing along the site boundary particularly to the rear of No. 54 Coolshinney Road.</li> <li>o Road safety, lack of proposed garages and in-curtilage parking; DfI Roads were consulted and following the submission of amendments and further information, advised that the proposed layout was acceptable in terms of the issues raised.</li> <li>o Impact on wildlife habitat/natural heritage and the need to fell or prune boundary trees; NIEA: Natural Environment Division were consulted in respect of any impact on wildlife, their habitats and natural heritage. Following the submission of additional information, NED advised that they considered the proposed development to be acceptable.</li> <li>o Boundary trees restricting natural light into the proposed dwellings and causing unacceptable shading; The current application is an outline application and therefore, whilst there is a concept plan, this does not demonstrate the final position of all proposed dwellings. Therefore,</li> </ul>		

the proposed dwellings can be positioned to take account of the existing hedgerows and enable the proposed dwellings to have an acceptable degree of natural light.

- o Requirement to fell mature trees to provide the necessary visibility splays;  
Although it may be desirable to retain all existing trees, it is a requirement of any such planning approval that an access be provided to the required DfL Roads standards. If this requires trees to be removed, unless those trees are protected by a tree preservation order, then it is taken as being acceptable. Compensatory planting may be required to compensate for those trees lost to provide the proposed access.

- o Lack of space for landscaping resulting in overdevelopment and result in loss of open space;

Adequate space is being proposed for open space within the proposed layout. This amounts to approximately 9% of the site area. Additional landscaping can also be provided within individual sites.

- o The existing laneway is within third party ownership;  
The proposed layout does not include the existing laneway which is to remain outside the site.

- o Design of the proposed dwellings are out of character with the existing surrounding dwellings;

As this is an outline application, the design of the dwellings has not been provided nor considered beyond the fact that they are of an indicated footprint and are either detached or semi-detached dwellings.

- o Impact on human rights in terms of the right to peaceful enjoyment of their property;

The proposed layout does not cause a detrimental impact on human rights nor the enjoyment of third party property. Adequate boundary treatment can be provided in any reserved matters application to ensure and avoid issues of overlooking.

- o Consideration should be given to controlling the hours of operation;  
As this is an application for a housing development, although there may be some disruption during the construction phase, this should be kept to a minimum and it is not foreseen that the construction will continue beyond normal working hours.

- o As the site has no road frontage how do construction vehicles and staff gain access without causing a road safety hazard;

The site does have direct access onto the Moneymore Road and access can be achieved via the proposed access into the site.

- o Noise disturbance;  
Environmental Health did not object to the proposal and provided advice on minimising the potential for disturbance during construction and demolition phases.

- o Visual impact;  
The proposed development is located within an urban area of predominantly residential dwellings. Although the site includes a crest of a hill within the overall site, this is not prominent and will not result in the proposed development being out of character with the surrounding area. The full impact of the proposed dwellings will be fully considered at reserved matters stage, following submission of the house types and proposed ground and floor levels. The visual impact of the proposed dwellings is not considered to be so unacceptable, at this stage, to warrant a refusal.

- o Design;  
As discussed above, this is an outline application and therefore the actual design of the dwellings has not been submitted. These details will be considered at reserved matters stage.

- o Loss of views from the existing dwellings;  
The loss of views from existing dwellings is not a planning consideration.
- o Potential conflict with proposed access into zoned housing lands MT14;  
The potential for a conflict with the proposed access into the zoned housing lands at MT14 has been fully considered by DfL Roads. Following discussions between the applicants, agents and DfL Roads, an amended position for access into both sites has been agreed and is considered acceptable by DfL Roads.
- o Occupants of 11 Coolshinney Close not neighbour notified;  
MUDC's planning portal identifies No.11 Coolshinney Road as having been neighbour notified on 13th November 2020, six weeks after the application was received. The neighbour notification letter is available for viewing on MUDC's planning portal. Therefore it is not accepted that the objectors property was not notified.

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

The site contains a vacant detached single storey dwelling with an attic conversion measures set within a large site of approximately 1.75ha. The site is made up of three smaller fields surrounding the dwelling with access via an existing laneway off the Moneymore Road. The Moneymore Road frontage is defined by a mixture of mature trees and hedgerow and this extends along the south western boundary to the rear of No.60. A number of mature trees between the rear of No.60 and the existing dwelling on the site have been felled. The south western half of the site sits on a higher platform than the remainder of the site which falls towards the north east. The site boundaries are defined by a mixture of mature hedgerows and dense trees along the northern and southern boundaries, whilst the south western boundary, to the rear of a large detached dwelling at No.56, is defined by a 4m high conifer hedgerow. This boundary continues along the rear of No.54 which is defined by a post and wire fence. The site overlooks the rear of No. 54 at this point. The boundary between the site and No.11 Coolshinney Close is defined by a 2.5m-3.0m high thorn hedgerow with the rear corner of No.11 being 23m from the boundary. A short section of a single hedgerow still exists within the site and extends from the rear of the existing dwelling and outhouses towards no's 11-13 Coolshinney Close in a north-westerly direction. This section of hedgerow is to be retained within the proposed development.

### **Description of Proposal**

The proposal is an outline application for a residential development comprising 38 units (comprising 24 semi-detached and 14 detached) open space, private amenity space, landscaping, access onto Moneymore Road and ancillary site works.  
As the existing access laneway into the site is within third party ownership, the applicant proposes to create a new entrance onto the Moneymore Road approximately 70m northwards of the existing access. The position of the proposed access point has been discussed with the applicant of the current application for a housing development on the site of MT14 as there was the potential for a conflict between these.

The proposed concept plan was designed with the surrounding developments in mind. The current density within Coolshinney Close is 18 dwellings per hectare (dph), Thornhill development has a density of 16 dph whilst the more recent development at Foxfield,



which also accesses on the Moneymore Road in addition to the Colshinney Road, has a density of 24 dph. The subject proposal has a density of 22 dwellings per hectare.

The concept plan indicates the development to be a mixture of detached and semi-detached with a large area of open space centrally located with a second smaller area close to the access point. Whilst the concept plan is only an indicative layout, it shows all dwellings to have between 81m<sup>2</sup> and 397m<sup>2</sup> of private amenity space. The concept plan also indicates a hedgerow around the entire site.

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

### **Policy Consideration**

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

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

unless the proposed development will cause demonstrable harm to any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

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

As the site is located predominantly on white land within the Magherafelt Area Plan 2015, the critical planning policy is therefore PPS 7.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

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

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within a predominantly residential area. In terms of layout, the density at 22 dwellings per hectare is similar to the surrounding areas and in particular the most recent housing development at Foxfield on the Moneymore Road which has a density of 24 dwelling per hectare.

(b) There are no features of archaeological or built heritage on this site. The only landscape features identified are the boundary hedgerows and the single hedge extending from within the site towards the north west. These hedgerows should be protected and incorporated into the overall design and layout. There are no TPO's near the site.

(c) This proposal is for 38 dwellings and therefore there is a requirement for the provision of public open space. Two areas of public open space measuring approximately 0.16ha (9% of the site) have been identified within the site and are centrally located and are well place to be overlooked by the proposed dwellings. All dwellings have adequate private amenity space and range from a minimum of 81m<sup>2</sup> to 397m<sup>2</sup>.

(d) The site is close to and within walking distance of the centre of Magherafelt and existing neighbourhood facilities at Highfield. Therefore the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has vehicular access directly onto the Moneymore Road which will provide an acceptable movement pattern, including walking and cycling. This will enable occupants to access public transport routes and the public network system. A bus stop is located a short distance to the northeast on the Moneymore Road.

(f) As this is an outline application, full details of the layout have not been provided. However, any proposed layout, either at reserved matters stage or a full application, should allow for adequate provision of in-curtilage parking of vehicles.

(g) The design of the development draws on the best of local traditions in terms of the form/layout. However, as this is an outline application, details of the materials and

detailing have not been provided nor considered. This is a matter which can be dealt with at Reserved Matters stage.

(h) Any design of the proposed dwellings at Reserved Matters stage should be such that they do not cause a loss of residential amenity to the existing dwellings surrounding the site by way of overshadowing or overlooking. This may necessitate the provision of acceptable boundary treatment such as fencing and/or a substantial screen hedge.

(i) The proposal will not create a conflict with adjacent land uses as these are predominantly existing dwellings. Any layout submitted at Reserved Matters stage should ensure that the design and layout will not cause an issue of overlooking, overshadowing, noise or other disturbance.

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

### PPS 3 - Access, Movement and Parking

The amended position of the access has been agreed between the applicants of both this application and the applicant on the MT14 lands and DfL Roads. This is the only position at which both access points can exist without causing a road safety issue. DfL Roads have advised that they are agreeable in principle with the proposed location and the subsequent stagger between the various accesses. There is no flexibility for relocation of any of the indicated accesses as this would prejudice other accesses.

### Consultee responses

DfL Roads advised that the access and parking arrangements are acceptable subject to conditions.

Environmental Health advise that they have no issues of concern subject to the suggested advice on noise and vibrations during construction/demolition activities.

NIEA's Water Management Unit advised that they had concerns that the proposal had the potential to affect the water environment. This was in relation to the capacity of the receiving Waste Water Treatment Works. However, if NI Water advised that the WWTW's have the required capacity, then WMU would have no issue. NI Water duly advised that there is available capacity at the receiving WWTW's.

Natural Environment Division requested additional information in relation to the potential impact of the proposal on the local bat population. Following consideration of the required information, NED advised that the proposal was acceptable subject to the suggested condition.

DfL Rivers advised that either a revised drainage assessment be submitted to demonstrate how out-of-sewer flooding will be managed if the proposed drainage network is designed and constructed in accordance with Sewers for Adoption or the suggested condition be attached to any approval.

NI Water advised that they have no issues of concern and that there is available capacity at the receiving Waste Water Treatment Works.

### Recommendation

On consideration of the above, it is my opinion that planning permission should be

approved subject to the conditions listed below:-

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

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

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

**Condition 2**

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

**Condition 3**

The layout shall be in general conformity with the stamped approved concept plan drawing no. 04 date stamped 30th September 2020 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

**Condition 4**

A landscape management plan shall be submitted at reserved matters stage to include details of all existing vegetation within the site indicating those trees to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, the species, the size at time of planting, location, spacing and numbers and an implementation and maintenance programme. The landscape management plan should include adequate compensatory planting for the loss of the trees along the Moneymore Road frontage.

Reason: To ensure successful establishment and maintenance in perpetuity of the open

space and amenity areas in the interests of visual and residential amenity.

**Condition 5**

Details of the maintenance and management in perpetuity of the open space and landscaped areas by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to Mid Ulster District Council, including a signed copy of the Memorandum and Articles of Association in accordance with the Management Plan shall be submitted prior to the occupation of the first dwelling hereby permitted and finalised to the satisfaction of Mid Ulster District Council.

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

**Condition 6**

The existing hedgerows along all site boundaries, excluding the Moneymore Road frontage, of the site shall be retained at a mature height and let grow.

Reason: To ensure residents privacy is not adversely affected.

**Condition 7**

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

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

**Condition 8**

The reserved matters submission shall include a plan of the site indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls.

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

**Condition 9**

No other development hereby permitted shall be commenced until the vehicular access as indicated generally on Drawing Nos. 09/3, 10, & 11 bearing the date stamps 23rd May 2022 have been completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

**Condition 10**

The visibility splays of 4.5 metres by 120 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 09/3 bearing

the date stamp 23rd May 2022 prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### Condition11

No other development hereby permitted shall be occupied until a 3 metre wide pedestrian / cycle path is provided along and from the site frontage to the existing pedestrian / cycle path network fronting the Foxfield development.

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

#### Condition12

If, during the proposed development, any ground contamination is encountered then all works on the site should cease. Mid Ulster District Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: For the protection of health and environmental receptors and to ensure the site is safe for the proposed use.

#### Condition13

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

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

#### Condition14

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

The development shall be in accordance with the requirements of the Council's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, DfI Roads 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.

#### Condition15

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

No other development hereby permitted, shall be commenced, until the road improvements indicated generally on Drawing No. 09/3 bearing the date stamp 23rd May 2022 have been completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage. DfI Roads may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

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

**Case Officer:** Malachy McCrystal

**Date:** 17 November 2022

ANNEX	
<b>Date Valid</b>	30 September 2020
<b>Date First Advertised</b>	20 October 2020
<b>Date Last Advertised</b>	20 October 2020
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 98 Moneymore Road, Magherafelt, Londonderry, BT45 6HH The Owner / Occupier 93 Moneymore Road, Magherafelt, Londonderry, BT45 6HH The Owner / Occupier 19 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 17 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 91 Moneymore Road Magherafelt Londonderry BT45 6HH The Owner / Occupier 21 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 15 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 13 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 11 Coolshinney Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 60 Coolshinney Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 56 Coolshinney Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 52 Coolshinney Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 90 Moneymore Road Magherafelt Londonderry BT45 6HH The Owner / Occupier 54 Coolshinney Road Magherafelt Londonderry BT45 5JF	
<b>Date of Last Neighbour Notification</b>	6 July 2022



<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NI Water - Multiple Units West-Substantive: TBCResponseType: FR Rivers Agency-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Roads Consultation approval.docx	
<b>Drawing Numbers and Title</b>  Road Access Plan Plan Ref: 09/1 Road Access Plan Plan Ref: 09 Road Access Plan Plan Ref: 08 Road Access Plan Plan Ref: 07 Landscaping Plan Plan Ref: 06 Existing Floor Plans Plan Ref: 05 Site Layout or Block Plan Plan Ref: 04 Site Layout or Block Plan Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01 Road Access Plan Plan Ref: 09/3 Levels and Cross Sections Plan Ref: 10 Levels and Cross Sections Plan Ref: 11	
<b>Notification to Department (if relevant)</b>  Not Applicable	



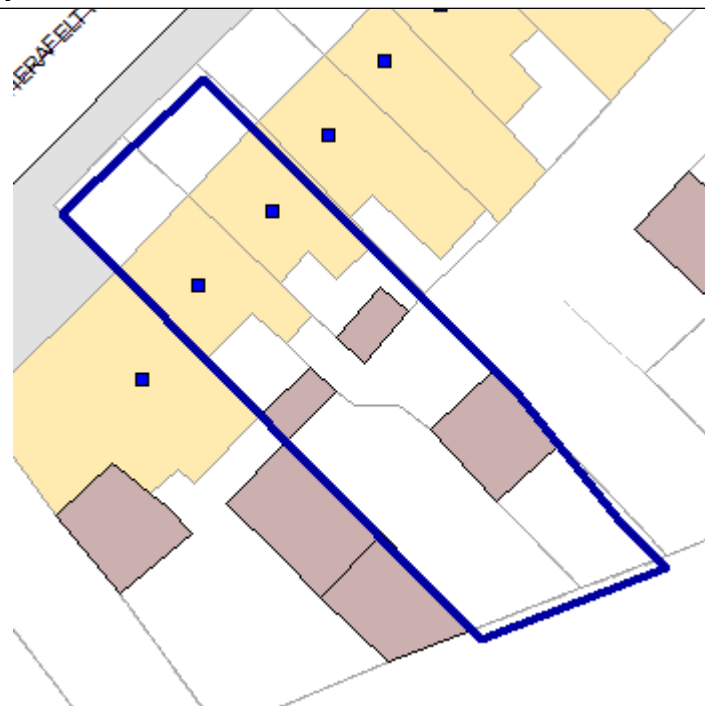


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.3
<b>Application ID:</b> LA09/2021/0800/F	<b>Target Date:</b> 20 July 2021
<b>Proposal:</b> Proposed conversion of 2 existing terrace houses to 4 apartments with existing Boyne Row streetscape being unaltered 2 existing on street parking spaces to be reused with an additional 3 private parking spaces to the rear along with shared private amenity space	<b>Location:</b> Site At 8-9 Boyne Row Castledawson
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> John Donnelly Ronan Valley Business PK Unit E2 58/60 Ballyronan Road Magherafelt	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: TBC

### Representations:

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

### Summary of Issues

Neighbour notification No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties where not required to be neighbour notified.

## Characteristics of the Site and Area

The site is located at 8-9 Boyne Row, Castledawson. On site are two no, two storey houses which are part of an existing row of terraced houses. The site is located within the settlement limits of Castledawson as identified in the Magherafelt Area Plan, 2015. The surrounding area is primarily residential.



## Description of Proposal

The proposal is a full application for proposed conversion of 2 no existing terrace houses to 4no apartments within existing Boyne Row Streetscape being unaltered, 2 No existing on street parking spaces to be reused with an additional 3No private parking spaces to the rear along with shared private amenity space.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

Relevant Site History:

None

Representations:

Neighbour notification No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties were not required to be neighbour notified.

Development Plan and Key Policy Consideration:

SPPS - Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan, 2015

Planning Policy Statement 3: Access, Movement and Parking (PPS 3)

Planning Policy Statement 7: Quality Residential Environments (PPS7)

PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas

Creating Places: Achieving Quality in Residential Developments

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The SPPS sets out that planning authorities should be retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council area has been adopted planning applications will be assessed against existing policy.

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

The application site is defined as housing land is situated within the settlement limits of Castledawson by the Magherafelt Area Plan 2015 and therefore the principle of development is acceptable subject to the relevant policy tests.

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

PPS 7 is a material planning policy for this type of development in an urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the

policy.

Criterion (a) requires development to respect 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. While the streetscape remains unaltered, with amendments to the rear which are considered an improvement to the current condition of the rear of both properties. There is an extension proposed to the rear of both properties which are two storey, however there are no windows on the sides of the extensions. Windows are only located on the rear elevations. Also, given the existing development to the rear of the adjoin properties, this was deemed to be acceptable. However, I do consider that the proposal is over development of the site. The layout in terms of access is in my opinion, unacceptable, as some of the proposed apartments can only be accessed from the rear of the property. Also, people accessing the rear of the property at first floor level, could potentially represent an invasion of privacy for neighbouring properties and impact adversely on the amenity of these residents.

Criterion (b) features of the archaeological and built heritage, and landscape features identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. HED were consulted on the application and responded to say that the listed asset, The Manse, 63 Main Street, Castledawson (Grade B1) is sufficiently removed in location as not to be affected by the scale and nature of the proposal. HED (Historic Monuments) were also content that the proposal is satisfactory to SPPS and PPS6 archaeological Policy requirements. This is due to the nature and scale of the proposed development.

Criterion (c) requires adequate provision of public and private open space and landscaped areas as an integral part of the development. The plans provided show an area of private amenity space can be provided at the rear of the site which is considered to be of adequate size. The proposal complies with criterion (c).

Criterion (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Not considered relevant.

Criterion (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. The proposal is convenient to the local bus network. The proposal complies with criterion (e)

Criterion (f) requires adequate and appropriate provision to be made for car parking. DFI Roads were consulted on the application and were content The proposal complies with criterion (f)

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

I have no concerns that the proposal will conflict with adjacent land uses. Nor do I have any concerns regarding loss of neighbouring residential amenity, All-in all the proposal complies with Criterion (h).

Criterion (i) the development is designed to deter crime and promote personal safety. Not considered relevant.

I am of the opinion that conversion of two dwelling houses to 4No apartments on this site would constitute overdevelopment of the site.

#### Other Material Consideration

This proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street. The agent was contact to enquire if they could amend the proposal to allow for access from the public street. However, they responded to state that having looked at this possibility they felt it was not feasible as the applicant to restore the character of the historic frontage of the dwellings, and any alterations to the frontage will deny this possibility. Therefore, I believe that this proposal contrary to part ( e )of the policy LC2 and therefore I recommend refusal.

i Water Multi Units were consulted on the application and responded to say refusal was recommended as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

hey have said that NIW will approve connection to the network for 2 units (apartments) only 'due to it being like for like' The remaining 2 units (apartments) will be deemed as new and therefore, connection to the network will be refused by NIW. A Waste water assessment (WWIA) will be required by the applicant to best serve these 2 additional units.

fi Roads were consulted on the application and did not offer an objection

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

Refuse is recommended

#### Refusal Reasons

##### Reason 1

The proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street.

##### Reason 2

Conversion of two dwelling houses to 4No apartments on this site would constitute



overdevelopment of the site.

**Reason 3**

Ni Water Multi Units recommend refusal as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

**Signature(s):** Siobhan Farrell

**Date:** 22 November 2022

ANNEX	
<b>Date Valid</b>	25 May 2021
<b>Date First Advertised</b>	8 June 2021
<b>Date Last Advertised</b>	8 June 2021
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE  The Owner / Occupier 72 , Main Street, Castledawson, Londonderry, BT45 8AB The Owner / Occupier 14 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 19 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 17 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 16 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 15 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 18 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 2 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 1 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 3 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 5 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 13 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 6 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 7 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 8 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 9 Boyne Row Castledawson Londonderry BT45 8AE	

The Owner / Occupier 10-11 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 10A Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 12 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 12A Boyne Row Castledawson Londonderry BT45 8AE	
<b>Date of Last Neighbour Notification</b>	17 November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR NI Water - Multiple Units West-Substantive: TBC	
<b>Drawing Numbers and Title</b>  Proposed Plans      Plan Ref: 02 Site Location Plan   Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.4
<b>Application ID:</b> LA09/2021/0913/F	<b>Target Date:</b> 28 September 2021
<b>Proposal:</b> Erection of turbine - hub height 50m, blade diameter 52m	<b>Location:</b> Lands Approx. 575M Se Of 71 Rockdale Road Sandholes Dungannon
<b>Referral Route:</b> Approve is recommended  Objections received	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Thomas Kelso 37 Rockdale Road Sandholes Cookstown BT80 9BA	<b>Agent Name and Address:</b> Design & Detail 5 Ballylame Road Garvagh BT51 5PH
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	Environmental Health Mid Ulster Council	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Belfast City Airport	Substantive: TBCResponseType: FR
	Belfast International Airport	Substantive: TBCResponseType: FR
	RSPB	Substantive: TBCResponseType: FR
	National Air Traffic Services	Substantive: TBCResponseType: FR
	N.I Water - Windfarms	Substantive: TBCResponseType: FR
	P.S.N.I. Information And Communications Services	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR

	Defence Instructure Org	Substantive: TBCResponseType: FR
	NIEA	Substantive: TBCResponseType: PR
	National Air Traffic Services	Substantive: TBC
Non Statutory Consultee	NIEA	PRT LA09-2021-0913-F CON.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-21-0913 F.doc

#### **Representations:**

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

#### **Summary of Issues**

Two written objections have been received which have been fully considered within the body of this report. The points raised relate to:

- Impact on residential amenity
- Impact of the turbine on the landscape
- Potential shadow flicker

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

The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Cookstown Area Plan 2010. The site is small portion of an agricultural field which is accessed via an existing laneway from the Rockdale Road. The turbine is proposed to be located at the bottom of a hill, which rises steeply to the north east. The ground level to the north west and south is relatively flat in the immediate area. The surrounding area is mainly agricultural in nature, with farm buildings located approximately 140m to the north east which are within the applicants ownership and located at the top of the hill.

#### **Description of Proposal**

This is a full planning application for erection of turbine - hub height 50m, blade diameter 52m.

##### **Relevant Planning History**

LA09/2020/0232/F- Erection of 850KW turbine hub height 50m blade diameter 52m. Lands Approximately 625M South East Of 71 Rockdale Road. Sandholes. Application withdrawn. This application was submitted by the same applicant, with the application withdrawn and the proposal relocated further south west on lower ground.

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

### **Policy Consideration**

The proposal falls within Schedule 2 development in terms of the Planning (EIA) Regulations (NI) 2015. Mid Ulster District Council determined that the proposal is unlikely to have a significant environmental impact.

#### **Cookstown Area Plan 2010**

The site is located in the open countryside, therefore the policy provisions of PPS 21 apply.

#### **The Strategic Planning Policy Statement for Northern Ireland (SPPS)**

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is renewable energy projects in accordance with PPS18.

PPS18 is also a retained policy document under SPPS, however the SPPS introduces subtle differences to this policy including;

- a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONB's, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings.
- The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted (as opposed to significant weight contained within RE1 of PPS18).

The remaining criteria contained within PPS18 is consistent with policy contained within SPPS.

#### **Consideration**

This proposal is for a single turbine with a hub height of 50m and a blade diameter 52m with a maximum height from base to tip of 76m. Policy RE1 of PPS 18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. At the same time it is acknowledged that refusal of an application for one turbine will not significantly affect Northern Ireland achieving its renewable energy targets as set out in the Strategic Energy Framework i.e. 40% of energy from renewable resources by 2020, given we have already reached

30%.

Policy RE 1 sets out 5 policy criteria:

a) Public Safety, Human Health and Residential Amenity

The proposed wind turbine is to be located approximately 273metres south of the Rockdale Road accessed via an existing agricultural laneway. It is considered that public safety would not be unduly affected by the proposal given the proposed location of the turbine. It is advised for single turbines that the separation distance should be at least its base to tip height plus 10% from the nearest occupied property. That distance for this would be 76m + 7.6m which would be 83.6m from the location. The nearest building to the proposed site is approximately 133m north west, uphill and this is a farm shed within the applicants ownership. There are no occupied properties within 83.6m of the proposed site. The nearest 3rd party dwelling is located approximately 580m east of the development, with another located approximately 580m North West, therefore there is little risk to human health through collapse or ice throw.

Noise

An environmental noise impact assessment was submitted by Lester Acoustics, and Environmental Health were consulted on this. Following an examination by Environmental Health and assessed against 'The Assessment and Rating of Noise from Wind Farms' and predicts that noise from the proposed scheme will not be an issue at the nearest sensitive dwelling. Conditions have been recommended to be attached to any planning permission issued. I am content that any potential noise will not cause any issues to residential amenity.

Shadow Flick and Reflective Light

A number of factors have to be aligned for reflective light to occur, such as sun angle, the finish of materials of the turbine, cloud cover, the angle of properties to the turbine, distance of the property from the turbine, intervening landscape/vegetation/buildings, and, elevation of property in comparison to the proposed turbine. In my opinion any potential impacts of reflective light experienced at residential properties is low given the distance from nearby properties and intervening vegetation and buildings.

Wind Turbines also have the potential to create shadow flicker, but this is rare and has only been recorded occasionally at one site in the UK (source: Best Practice Guide to PPS18 Paragraph 1.3.73). Best practice guidance to PPS18 suggests that only dwellings within 130 degrees either side of north and within 10 times the rotor blade diameter will be affected by shadow flicker. The objector raised concerns with the potential of shadow flicker occurring at their property (18 Ballynakilly Road). It is acknowledged that this dwelling is located within 130 degrees either side of north however it is located approximately 580m, east. 10 times the rotor blade diameter for this application would be 520m and I am satisfied there are no dwellings located within this diameter of the wind turbine so shadow flicker is unlikely to be an issue. The objector provided pictures from their property which show the sun setting at different points in this direction which caused concern that the proposed turbine would result in a shadow flicker. However, having viewed the photomontage submitted by the agent, it was agreed at a group meeting that the likelihood of shadow flicker is low as the turbine will be located left of the sunset at a lower point, given it is located at the bottom of the hill.



Therefore, 3rd party objections relating to shadow flicker are not sufficient to warrant the refusal of a turbine in this location.

In terms of residential amenity, I am content that the turbine is far enough removed from any third party dwellings to cause any detrimental impacts to residential amenity. The objector raised concerns regarding the proposal as mentioned above but it is the planning authorities job to assess if the proposed turbine will have an ever present and overbearing presence detrimental to residential amenity and the attractiveness of the dwellings living environment overall. Having visited the objectors dwelling and assessed the proposal from this vantage point, it is noted the dwelling (18 Ballynakilly Road) sits at a level lower than the Ballynakilly road, travelling west down a hill to the dwelling. When viewing the proposed siting of the turbine from the dwelling, with benefit of the photomontage provided by the agent, it is clear the turbine will be visible from the dwelling however it is not directly behind the house, it is some 580m west of the property, with the rear of the property facing in a north western direction, therefore not directly facing the proposed turbine. I am content that the turbine is mainly screened by the existing hillside which acts as a buffer for the visual impact on this residential property. I do not believe the turbine will be visually dominant when viewed from the objectors property.

(b) Visual amenity and Landscape character:

The site is located within Landscape Character Area 42 (LCA 42) as defined in the NIEA Wind Energy Development in Northern Ireland's Landscapes publication. This publication rates the overall sensitivity of the area to be high to medium. The proposed turbine is to be located within a field at the bottom of a drumlin and views of the site are short in distance. The drumlin screens the site to the north and east and the remaining views are relatively short. Given the placement of the turbine at the bottom of the hill, it will ensure long views of the turbine are reduced. I am content that the turbine will integrate into and reflect the scale of the existing pattern of drumlin hills and mature vegetation. Given the separation between this proposed and existing approved turbines in the area and the intervening landscape I am content there will be no detrimental cumulative impacts with other turbines on this landscape area.

(C) Biodiversity, nature conservation or built heritage interests:

NIEA and Shared Environmental Services (SES) were both consulted on this proposal. SES responded to state that having considered the nature, scale, timing, duration of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European Site.

Within NIEA's response Regulation Unit (Land and Groundwater Team) considered the impacts of the proposal on the environment and refers to standing advice and offers no objection. The agent also confirmed the turbines foundation will not have any impact on surface water, private (or public) water supplies, designated wetland nor any springs. Natural Environment Division (NED) initially required further information as it was identified the proposal is likely to harm bats protected by law and therefore requested a bat survey. Following the submission of this, NED had concerns and requested a Bat Monitoring and Mitigation Plan (BMMP). This was then provided and on the 25th July

2022, NED responded to the latest consultation response confirming they were content with the proposal subject to conditions. Therefore, I am content that the proposal complies with this criteria and the policy contained within Planning Policy Statement 2- Planning and Nature Conservation.

There are no nearby historic monuments or buildings that could be impacted by this proposal, and no evidence has been provided to state otherwise. Subsequently this criteria or the policy criteria contained within PPS 6- Planning, Archaeology and Built Heritage are not offended.

(d) Local natural resources, such as air quality and water quality

The turbine is constructed off site from metal and is erected on site. There are no impacts on local natural resources from its construction. The proposal is a clean energy and there will no impacts on air or water quality.

(e) Public access to the countryside

The proposal will not impact on public access to the countryside. The proposal is utilizing and existing laneway and will be located within a small portion of an existing agricultural field.

Within Policy RE1 there are also further criteria that wind energy development will also be required to demonstrate compliance with the criteria listed. I am content that the first two criteria listed have been met as discussed above. The proposed turbine is on relatively flat land within an agricultural field, although the site does rise steeply to the east. The site is not located on peatlands.

Consultations were issued to Belfast City and Belfast International airport, National Air Traffic Services, NI Water windfarms and the PSNI. None of these consultees offered any objection to the proposal confirming it will not give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems. There were no other fixed links that may be impacted by this proposal.

Should the application be approved, site restoration on cessation of electricity production can be controlled by a planning condition.

#### Other Material Considerations

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

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

Approve is recommended

## Approval Conditions

### Condition 1

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

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

### Condition 2

The level of noise emissions from the wind turbine hereby permitted (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97) shall not exceed values set out in Table 1 contained within Environmental Health's consultation response dated 8th November 2021. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Planning Department.

Reason: To control the noise levels from the development at noise sensitive locations.

### Condition 3

The wind turbine operator shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 2, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 2 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason: To control the noise levels from the development at noise sensitive locations.

### Condition 4

Within 4 weeks from receipt of a written request from the Planning Authority, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of AM to the Planning Authority for its written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16th December 2013;

and implemented within 3 months of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority.

Reason: To control the levels of AM from the development at noise sensitive locations.

**Condition 5**

The approved Bat Monitoring and Mitigation Plan (BMMP) by Erne Environmental date stamped by Council on 09 June 2022 shall be implemented in accordance with the approved details within BMMP, unless otherwise agreed in writing by the Planning Authority.

Reason: To monitor and mitigate the impact of the proposal on bats

**Condition 6**

Any vegetation clearance within the site footprint shall occur outside the bird breeding season which lasts from 1st March to 31st August.

Reason: Avoid disturbance to nesting birds in order to uphold the Wildlife (NI) Order 1985 (as amended).

**Condition 7**

The permission shall be for a limited period expiry 25 years from the date on which electricity from the wind turbine is connected to the grid. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission whichever is sooner, all structures and access tracks shall be removed, and the land restored in accordance with a scheme to be submitted and approved by Council prior to the commencement of any decommissioning works, unless otherwise agreed by Council in writing.

Reason: To restore the site and maintain the landscape quality of the area.

**Case Officer:** Ciaran Devlin

**Date:** 18 November 2022

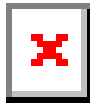
<b>ANNEX</b>	
<b>Date Valid</b>	15 June 2021
<b>Date First Advertised</b>	
<b>Date Last Advertised</b>	29 June 2021
<b>Details of Neighbour Notification</b> (all addresses)	
<b>Date of Last Neighbour Notification</b>	28 July 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2021/0913/F Proposals: Erection of turbine - hub height 50m, blade diameter 52m Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  Environmental Health Mid Ulster Council-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Belfast City Airport-Substantive: TBCResponseType: FR Belfast International Airport-Substantive: TBCResponseType: FR RSPB-Substantive: TBCResponseType: FR National Air Traffic Services-Substantive: TBCResponseType: FR N.I Water - Windfarms-Substantive: TBCResponseType: FR P.S.N.I. Information And Communications Services-Substantive: TBCResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR Defence Instructure Org-Substantive: TBCResponseType: FR NIEA-Substantive: TBCResponseType: PR National Air Traffic Services-Substantive: TBC NIEA-PRT LA09-2021-0913-F CON.PDF Environmental Health Mid Ulster Council-LA09-21-0913 F.doc	

<b>Drawing Numbers and Title</b>
Site Location Plan   Plan Ref: 01
<b>Notification to Department (if relevant)</b>
Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.5
<b>Application ID:</b> LA09/2021/1010/RM	<b>Target Date:</b> 30 August 2021
<b>Proposal:</b> Proposed dwelling and detached domestic garage	<b>Location:</b> Between 12A Drumconor Road And 15 Lisnagleer Road Lisnagleer Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> David Craig 123 Sherrigrim Road Lisnane Cookstown	<b>Agent Name and Address:</b> Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	Rivers Agency	Substantive: TBCResponseType: FR
	Rivers Agency	
Non Statutory Consultee	Rivers Agency	680326 - Final Response.pdf

**Representations:**

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

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

The site comprises a small rectangular field located between number 15 and 11 Lisnagleer Road, Dungannon. The site is bounded by mature hedgerow along the road to the West, with a row of trees along the northern boundary, undefined eastern boundary and a row of trees and a lane dividing the site from the dwelling at number 11 to the South. The land is relatively flat and at the time of site visit it had been cleared leaving the bare soil exposed.

The site lies in the open countryside outside all other areas of control. It is located a short distance to the west of the settlement limit of Newmills. The area is characterised by undulating agricultural land with a scattering of single dwellings and farm holdings along the roadsides.

**Description of Proposal**

The proposal is for a dwelling and domestic garage. The planning application seeks



approval of matters reserved from previous outline planning consent re. LA09/2018/0361/O. Outline planning permission was granted for the "Proposed infill dwelling and garage" on 17th June 2018 therefore the principle of development has already been established on this site with a number of conditions set out on the approval. This current application seeks consent for a number of matters which were reserved at the outline stage.

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

### **Policy Consideration**

#### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 11 and 15 Lisnagleer Road. There were two letters returned with Royal Mail noting "no such address" for the reason. The addresses were checked on site and a further neighbour notification letter was hand delivered to 12a Drumconor Road. At the time of writing, one representation was received by way of objection. The issues raised within the objection include:

- o Flooding concerns
- o Overflow of water
- o Intensification of traffic

DFI Roads and DFI Rivers were both consulted on the application as they are the professional bodies which deal with the issues raised within the objections. The details of their responses are discussed later in the report but no objections to the proposal were raised by either consultee.

#### **Planning History**

LA09/2018/0361/O - Proposed infill dwelling and garage - PERMISSION GRANTED - 17th June 2018

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

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o PPS 15: Planning and Flood Risk
- o Local Development Plan 2030 - Draft Plan Strategy

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

When outline planning permission was granted re. LA09/2018/0361/O a number of conditions were imposed. I am content that the conditions set out have been complied with.

The Dungannon and South Tyrone Area Plan identifies the site as being outside any defined settlement limits. The site has no other zonings or designations within the 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.

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. In particular Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 - Rural Character of PPS 21 are 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.

The surrounding area has a mix of dwellings with a range of sizes, designs and materials however they are mainly bungalow or 1.5 storey dwellings. The dwelling proposed is a 1.5 storey and has a simple design with a modest outshot to the rear which consists of an orangery style projection which has glazing which will also be evident from the front of the house, given that it extends to the side of the dwelling slightly. Materials proposed include natural slates on the roof, render on the walls and concrete quoins and bands. I don't consider that the dwelling proposed would be prominent at this site given that a number of the neighbouring properties are similar in terms of size and scale. The dwelling to the South has a similar design to what is proposed. The design is considered acceptable for this rural setting and there is existing and proposed landscaping around the site and along the site boundaries which will aid with integration at this site. There is a single storey garage proposed also which is to be located to the rear of the dwelling.

The proposal intends to create a new access onto Lisnagleer Road. DfI Roads weren't consulted as the applicant/agent has provided sight lines of 2.4m x 33m as required in the outline permission.

Rivers were consulted and have assessed the proposal against the policies held within PPS 15. Their response notes that an undesignated watercourse flows along the western boundary of the site and therefore a 5m Maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. Following an email trail between the agent and a DfI Roads engineer, Roads confirmed that the watercourse appears to be behind the existing hedgeline and therefore not within the road boundary. The agent has marked this on the plans noting that the open drain is to be piped to the satisfaction of Rivers Agency.

**Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission;
- or
- ii. The expiration of a period of 2 years from the date hereof.

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

### Condition 2

The vehicular access, including visibility splays of 2.4m x 33m, shall be in place, in accordance with Drawing No.02a bearing the date stamp 5th September 2022, 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 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

### Condition 3

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 33.0m 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.

### Condition 4

The scheme of planting hereby approved shall be carried out in accordance with drawing No.02a bearing the date stamp 5th September 2022 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

<p><b>Case Officer:</b> Sarah Duggan</p>
<p><b>Date:</b> 21 November 2022</p>

<b>ANNEX</b>	
<b>Date Valid</b>	5 July 2021
<b>Date First Advertised</b>	10 May 2022
<b>Date Last Advertised</b>	20 July 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 12A Lisnagleer Road, Dungannon, Tyrone, BT70 3LN The Owner / Occupier 15 Lisnagleer Road Dungannon Tyrone BT70 3LN The Owner / Occupier 11 Lisnagleer Road Dungannon Tyrone BT70 3LN	
<b>Date of Last Neighbour Notification</b>	6 October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Rivers Agency-Substantive: TBCResponseType: FR Rivers Agency- Rivers Agency-680326 - Final Response.pdf	
<b>Drawing Numbers and Title</b>  Garage Plans      Plan Ref: 04 Proposed Plans    Plan Ref: 03 Site Layout or Block Plan   Plan Ref: 02 Site Location Plan   Plan Ref: 01 Site Layout or Block Plan   Plan Ref: 02A	

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.6
<b>Application ID:</b> LA09/2021/1423/O	<b>Target Date:</b> 23 November 2021
<b>Proposal:</b> Demolition of former dwelling and outbuildings and replacement with single dwelling and garage	<b>Location:</b> 150M North Of 17 Corvanaghan Road Cookstown
<b>Referral Route:</b> Approval is recommended  Objections received against this application.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Oliver MC Kenna 15 Corvanaghan Road Cookstown	<b>Agent Name and Address:</b> Oonagh Given 10 Carnan Park Omagh BT79 7XA
<b>Executive Summary:</b>  This application is for a replacement dwelling in the countryside beside an active quarry that is planning to expand. The proposal meets the test in CTY3 for a replacement dwelling and there are no policies to protect the quarry on the Area Plan or A Planning Strategy for Rural Northern Ireland. The proposal will not prevent quarrying but will mean that different quarrying methods are used close to the property. Objection received from quarry operator raising issues about potential effects on the development from the quarry, on the quarry due to the development, land ownership query, neighbour notification query and assessment of impact on bats.	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
Non Statutory Consultee	Health And Safety Executive For NI	
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

**Representations:**

Letters of Support	0
Letters of Objection	2
Letters Non Committal	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

Replacement dwelling close to an active quarry, objection received from quarry operator raising issues about potential effects on the development from the quarry, on the quarry due to the development, land ownership query, neighbour notification query and assessment of impact on bats.

**Characteristics of the Site and Area**



The site is located in the Sperrins AONB to the west of the small settlement of Orritor. It is comprised off a group of farm buildings at the end of a long private lane. The buildings are grouped around a courtyard and the building identified as the dwelling to be replaced has the appearance of a vernacular building with a corrugate iron roof, stone walls with window openings and a storm porch. Inside the building there are no internal walls, however it is apparent there are old chimney breasts. To the rear of the building to be replaced is a stand of trees on higher ground and the old building is dug into the ground. In front of the group is another hedge that screens the site and provides enclosure.

The area is rising hills and is dominated by P Keenans Quarry and plant located to the west of the application site.

### **Description of Proposal**

This application seeks permission for demolition of the former dwelling and outbuildings and erection of a new dwelling and garage.

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

#### **Policy Consideration**

Planning Assessment of Policy and Other Material Considerations  
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: 17 Corvanaghan Road, Cookstown. At the time of writing, 3 letters of objection have been received in relation to the impacts on the adjacent quarry, landownership, ecology and the neighbour notification process. This has been addressed in the report.

#### **Planning History**

I/2001/0802/O - Site for dwelling, 100m South East of 17 Corvanaghan Road, Cookstown, OPP Granted 14.01.2002

I/2006/0144/F - Dwelling & detached garage, 100m SE 17 Corvanaghan Road Cookstown, FPP Granted 21.11.2006

I/2002/0173/F - Extension to Quarry Crushing & Mixing Plants, 29 Corvanaghan Road, Cookstown FPP Granted 28.08.2002

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- Strategic Planning Policy Statement (SPPS)

- Local Development Plan 2030 – Draft Plan Strategy
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking

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

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

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

The proposal is for a replacement dwelling in the countryside, CTY1 allows for replacement dwellings where they meet with the criteria set out in CTY3. In this case the building to be replaced does, from my observations, have some of the characteristics of a dwelling, it has window and door openings that would be typical of an older dwelling, a small storm porch at the front door and the chimney breast are still intact, though not in use. Within the building is a tiled hearth, chimney breasts and wall subdividing the building into 2 rooms which would also suggest this was a dwelling. The building has its roof and all the external walls are upstanding. I consider this building was most likely used as a dwelling and as such is appropriate for replacement. (see photographs 1 – 6 below)

Photo 1 Front elevation of the building for replacement with storm porch and typical fenestration of dwelling of the time

Photo 2 Internal wall subdividing the existing building into 2 rooms, typical of a dwelling of the time

Photos 3 and 4 - Hearth and fireplaces inside the existing building

Photos 5 & 6 - Tiled hearth below chimney breast

The building does, in my opinion, exhibit some of the characteristics of a vernacular building, as it is narrow and long with the opening on the long wall. That said, it is located down a long lane away from any views, it has been modified with the roof

replaced and some walls partially rebuilt and the building used for agricultural purposes. In light of this I do not consider it could be considered to make an important contribution to the character or appearance of the area and is not worthy of being retained.

Photo 7 and 8, shows some rebuilding of the walls and the roof condition

The proposed site is slightly larger than the original curtilage, I consider the existing curtilage is restrictive and would not be capable of accommodating a modern dwelling. It is noted that existing vegetation to the northwest and south east can be retained and this would ensure that a new dwelling here will not be prominent in any views and would not detract from the appearance of the area. The existing vegetation is such that a larger dwelling could be accommodated and as such consider it necessary to condition the retention of the vegetation but not to restrict the size of any dwelling. I consider the design can be Reserved where it will be assessed against the other criteria in CTY3 as well as DES4 of PSRNI. Access to the site is off an existing lane that serves 2 other dwellings as well as the farm. the proposal is for a replacement dwelling on a one for one basis and is therefore not going to create an intensification of the use of the access. It is also noted that where the lane meets Corvanaghan Road the access is wide and has a good concrete surface with good visibility splays and as such unlikely to create any traffic hazards.

I consider the proposal meets with CTY3 of PPS21.

The site is beside an active quarry and there are plans to expand the quarry in the direction of these buildings. The Cookstown Area Plan does not have any policies that would restrict any development here due to the quarry, even though there was provision for this in MIN5 - Mineral Reserves of PSRNI. It must be concluded that the minerals here were not valuable and there was no need to protect the area from development. MIN 6 –Safety and Amenity recognises that residential development and quarries are bad neighbours and that new buildings in close proximity to quarries would not be permitted. In this instance the existing building was once used as a dwelling, the proposal for a new building is in place of the existing building and can be located on the footprint of the existing or further away from the quarry in recognition of this. MIN 6 while protecting quarries also protects residential development and as such the application of the expansion of the quarry will have to take account of the existing development around it and that should include existing dwellings, approved and committed residential development and potential dwellings, which I have considered this meets.

Objections have been received on behalf of the adjoining quarry raising issues with the proposed development for a replacement dwelling and the protection afforded to quarries is set out above. HSENI have set out their considerations and referred to the response to the quarry application, this set out conditions on how the minerals are to be extracted close to this application site. This does not prevent quarrying but limits the extraction method. Environmental Health Officers have also considered the proposal and the impacts of the quarry and this application, they have advised conditions proposed for the quarry that should protect the amenity of any dwelling, ensure the proposed dwelling does not come close to the quarry than the existing building and that any occupants should be made aware of the quarry. I consider a condition to restrict the curtilage and

siting of the proposed dwelling will ensure any new dwelling does not come closer to the quarry than the existing building.

The objectors have advised the proposed building has the opportunity to house bats and insist the Council should request a report about bat activity and request that it is carried out by a recognised ecologist. The quarry application is accompanied by an Environmental Statement (ES), which contains an ecology appraisal by Dara Dunlop of Neo Environmental who is a Qualified Member of the Chartered Institute of Ecology and Environmental Management. In the ecology section of the ES, Mr Dunlop has advised there was an extended phase 1 habitat survey undertaken on 20 May 2020 which included the quarry application site and a 50m buffer. The replacement dwelling site is located within the 50m buffer. Mr Dunlop has indicated in Section 8.3.4 of the ES that no records of bat species were recorded within 2kms of the quarry site. In light of this report from an ecologist, I do not consider it is necessary to request any further information in respect of bat activity in the buildings on the application site.

Fig 8.2 in the ES accompanying P Keenan Quarry Application.

A query in respect of the land ownership of the application site was also put forward and the agent acting for the applicant has advised the proper notification has been carried out to the land owners. Members will be aware that it is an offence to make a misleading statement on the land ownership declaration. If there are other lands needed then it is the developers responsibility to ensure they have all the lands necessary to carry out the development as planning permission does not confer title.

The objector was concerned that the quarry was not notified by letter about the application. Members are advised the neighbour notification process set out in Article 8 (1)(b) of the Planning (General Development Procedure) Order (NI) 2015 relates to occupied buildings on neighbouring lands. As the quarry does not share a common boundary with this application site, it is not a notifiable neighbour.

Taking account of the MIN Policies, I do not see any policy that would prevent this proposal from being allowed as it meets with Policy CTY3 of PPS21 and as such I recommend this is approved.

**Summary of Recommendation:**

Approval is recommended

The proposed development meets with the policies for a replacement dwelling and is not considered to contravene MIN Policies in A Planning Strategy for Rural Northern Ireland.

## Approval Conditions

### Condition 1

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

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

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

### Condition 2

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

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

### Condition 3

Prior to the commencement of the development hereby permitted the existing building coloured green on drawing No. 01 date stamped 28 SEP 2021, shall be demolished and the site restored in accordance with a scheme as agreed with the Council.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in the countryside.

### Condition 4

The dwelling hereby approved shall be sited in the area identified in yellow on drawing No 01 bearing the stamp dated 28 SEP 2021.

Reason: In the interests of amenity as the development is in close proximity to an active quarry.

### Condition 5

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Informative 1

This development is located close to an active quarry and any future residents may experience nuisance from time to time due to the activities in the quarry.

**Case Officer:** Phelim Marrion

**Date:** 23 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	28 September 2021
<b>Date First Advertised</b>	12 October 2021
<b>Date Last Advertised</b>	12 October 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 17 Corvanaghan Road, Cookstown, BT80 9TN	
<b>Date of Last Neighbour Notification</b>	14 January 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Health And Safety Executive For NI- Environmental Health Mid Ulster Council-Planning response.pdf	
<b>Drawing Numbers and Title</b>          Site Location Plan   Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not ApplicableNot ApplicableNot ApplicableNot Applicable	







## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2021/1686/O	<b>Target Date:</b> 20 January 2022
<b>Proposal:</b> Proposed residential development of five dwellings, a private roadway and ancillary development.	<b>Location:</b> Lands Approx. 30M Ne Of 22 Littlebridge Road Drummullan.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr D Howard 54 Littlebridge Road Moneymore BT45 7NT	<b>Agent Name and Address:</b> Les Ross Planning 14 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>  Proposal considered against relevant prevailing planning policy below. 7No. objection letter received and considered below.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline 25 oct 2022.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	7
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the settlement limits of Drummullan as defined in the Cookstown Area Plan 2010. The application site is set back approximately 60 metres from the public road located to the rear of roadside dwellings No.24 and No.26 Littlebridge Road. The site comprises the majority of an agricultural field as well as a small portion of a roadside green field which provides the proposed access arrangements. The immediate surrounding context is rural in character defined by agricultural fields and dispersed detached dwellings. When travelling in a northerly direction along this stretch of the public road on approach of the small settlement of

Drummullan, it is noted the character gradually becomes more urbanised with a build-up of development including retail, residential and a public house. To the south, travelling away from Drumullan, the character changes to a more rural context with the land south of the application site sitting within the transition from rural to urban. The north, east and west boundary are defined by hedging, whilst the southern boundary is relatively undefined. The topography of the site is relatively flat.

### **Description of Proposal**

This is an outline application for 5 dwellings with private roadway and ancillary development located 30m NE of 22 Littlebridge Road, Drummullan.

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

#### **Policy Consideration**

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- PPS 11 – Planning and Waste Management

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

#### **Representations**

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, 7no. objections letters have been received from the owner/occupiers of No.23, No.24 and No.26 Littlebridge Road and No.37,

No.39, No.41 and No.47 Killybearn Road. The concerns detailed in the objection letters are outlined and considered below.

- Objector has stated a similar planning approval did not commence due to civil findings that the applicant did not have control/ownership of the required sight lines. The objector states the applicant does not have control over the land indicated therefore falsifying information supplied as part of the planning application and the required land for sight lines or the necessary removal of our existing hedges will not be granted. A copy of their deed map has been provided to show their folio extends to the middle of Littlebridge Road indicating ownership of the portion of land to the front of No.24 / lay-by. They advised the lay-by was previously used for garden centre clients however the business ceased trading over 10 years ago and it is their intention to relocate existing walls and pillars to encapsulate the entirety of the land which will render the proposed sight lines unacceptable.

The agent responded to this letter of objection advising the applicant is not aware of the civil findings referred to and argues whilst landowners often have a theoretical land ownership to the centre of the roadside boundary, the road verge is well established and is under the control of DFI Roads. The agents supporting letter ascertains the hedge planted on the layby represents a danger to existing road users and DFI roads have a variety of powers available under the Roads NI Order 1992 to preserve established road verge areas. The agent has provided an additional drawing to demonstrate the proposed access arrangements are possible and a land registry map demonstrating the extent of land under the applicant's control. It is noted, Certificate C has been signed on the P1 form serving notice on DFI Roads. DFI Roads have advised in their latest consultation response that they are of the view that any issues in relation to ownership and control of lands are matters for the individuals and Planning Service to consider. The above information has been considered at internal group and the Planning Department accept the arguments presented by the agent however it is considered appropriate that a negative condition is attached to any forthcoming approval requiring the sightlines to be in place prior to any construction. Ultimately it is considered land ownership is ultimately a civil matter and falls outside the remit of planning and it is understood any impediment to visibility created by existing hedges and vegetation overgrowing the road verge is potentially a matter for DFI to enforce against under their legislative provisions.

- The proposed access is close to the entrance of a haulage company at No.23 Littlebridge Road with 8no. 44ton HGV's coming and going at all times which would be dangerous and not appropriate. The existing road network is busy and dangerous and has been subject to increased speed over years, any increased traffic entering and existing the site will add hazard.

DFI Roads have been consulted and have raised no objections or concerns on road safety. Any forthcoming approval will be subject to conditions to ensure satisfactory means of access. It is noted there is a 30mph speed limit along this stretch of road.

- The proposal will lead to a 100% increase in the density of homes along the private laneway and would urbanise the current semi-rural setting. The density is

overbearing, and the design is not in keeping with the area with surrounding properties being predominantly bungalows. The proposed two-storey dwellings which will change the character of the rural setting.

The plot size, design and scale of individual dwellings in the immediate vicinity varies. Whilst the proposal may represent a greater density than the immediate surrounding area, I do not consider it to be inappropriate to the settlement limits of Drummullan. I do not consider 5no. dwellings on the application site would detrimentally impact the character of the area and the exact siting, layout, design and scale will be a matter should a reserved matters application be forthcoming.

- The proposed dwellings will overlook neighbouring properties, impact on natural light and significantly impact on privacy. If approved, all privacy currently enjoyed by the surrounding properties will be gone. Three proposed dwelling will face directly onto the rear of existing properties overlooking private gardens and living space. Existing hedging will offer no protection to privacy. The development will lead to increased residential noise with the potential to add in excess of 18 residents in this small rural area.

This is an outline application therefore exact details on design, layout, scale and massing are not available for consideration. A concept plan has been submitted which provides an indicative layout, from this I do not consider the addition of 5no. dwellings on the site will detrimentally impact residential amenity in terms of overlooking or loss of privacy however the finalised layout and design including window placement will require further consideration should a reserved matters or full application be forthcoming. The concept plan provided is illustrative and not to scale however it appears from this indicative plan a minimum separation distance of 40metres between the proposed units and existing dwellings and a 10m minimum distance between the rear of the new houses and the common boundary as per Creating Places is achievable. The concept plan identifies additional planting, the retention of existing vegetation and submission of a landscaping plan will be conditioned to be included with any reserved matters application. Environmental Health have been consulted and have raised no concerns with respect noise impacts therefore I do not consider the additional noise from 5 residential units would warrant refusal.

- The proposal will change the character of the neighbourhood and detract from open countryside views enjoyed by many local residents. If approved this will set the precedent for similar intrusive development in the area on other areas of land in proximity to their property.

The loss of countryside views is a not considered a material planning consideration. As stated previously, I do not consider this proposal will detrimentally impact the character of the area and the principle of 5no. units on this site within Drummullan settlement is considered acceptable. Planning applications are considered on a case by case basis against the individual merits and relevant prevailing planning policy and material considerations.

## **Planning History**

I/2007/0037/F - 3 No 4 Bed 2 Storey Detached Dwellings and 2 No 3 Bed 2 Storey Semi - Detached Dwellings With Associated Parking, Amenity Space and Private Roadway – 30m NE of 22 Littlebridge Road, Drumullan - Permission Granted 29/01/09

I/2006/0709/F - Residential development of 29 dwelling units. Comprising 13 detached units, 12 semi-detached units and 4 apartments. Development to include new pedestrian footway along road verge - Lands at 23 Littlebridge Road, Drummullan – Permission Granted 24/03/11

I/2002/0158/F – Extension to Public Bar - Public Bar, 28 Littlebridge Road, Drumullan– Permission Granted 18/07/02

### **Consultees**

DFI Roads - DFI Roads have advised that the application is for 5 dwellings therefore this could be approved with the road remaining private. However, they have advised that there is potential for the development road to serve additional dwellings as part of a comprehensive development of adjacent lands, in such case the development road would need to be constructed to adoptable standards. This has been considered at internal group and it was agreed as the proposal is for 5 units it will be considered on this basis and can be approved with the road remaining private. Should any further proposals be received for greater density development, this will be reconsidered on this basis.

NI Water – NI Water have advised there is available capacity at the WWTW however advised due to the proposed development site falling within the Odour Encroachment Boundary, submission of an application for an Odour Assessment to NI Water (NIW) will be required by the applicant.

Following this response, the agent provided a letter from NI Water which advised PPS11 requires the Planning Department to consider whether sensitive development in proximity to WWTW is acceptable and NIW policy is to object to new development close to an existing wastewater treatment works. However, NIW have prepared a policy on planned development near to WWTW and have considered the location of the property and can confirm that whilst inside the odour consolation zone boundary their assessment concludes that NIW will not on the ground of incompatible development raise any objection to any proposed development on the site. NIW advise in their letter the suitability of a particular development proposal adjacent to a WWTW rests with the Planning Department. The contents of this letter have been considered and it was agreed at internal group, in light of NIW letter dated 6<sup>th</sup> April 2022 advising they have no objection following their assessment, we are content on this matter.

Environmental Health – EHD advised they are aware of the WWTW within the vicinity of the proposal and advised they should be re-consulted for further comment when the requested Odour Impact Assessment is made available. Having considered the letter from NI Water dated 6<sup>th</sup> April 2022, it was not considered necessary to insist an odour impact assessment therefore re-consultation with EHD was not required.

### **Key Policy Considerations/Assessment**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS

states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Cookstown and located on white land with no specific zoning or designation. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks outline planning permission for 5 residential dwellings with a private roadway. As this is an outline application, no details of the design have been included and will be a matter for consideration should a reserved matters or full application be forthcoming. However, Drawing 02 date stamped 10<sup>th</sup> December 2021 provides an indicative plan which indicates the proposal will be made up of 5 detached dwelling units each with a garage. The proposed layout will be considered below and if considered acceptable an appropriately worded condition could be attached to any forthcoming approval requiring this layout/siting.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is for 5 dwelling units which would be in the form of 5 detached properties as per the submitted concept plan (Drawing No. 02). Two dwelling units have a northern orientation facing towards Killybearn Road and three units have a western orientation facing towards an existing private laneway. The indicative plot size and scale of dwelling appears to be acceptable to the setting. However this will be a matter of further consideration, along with the design, should permission be granted and a reserved matters application forthcoming.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) The submitted concept plan Drawing 02 has indicated a suitable level of private amenity space along with an indication that the existing mature boundaries will be retained and where necessary new additional planting will be provided. More details of this can be conditioned at reserved matters stage should an approval be granted.
- d) The proposal site is situated within the settlement limits of Drummullan thus it is

considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

- e) The proposal seeks to create a new access onto Littlebridge Road. It was noted on the date of the site inspection there is no existing footpath along this public road. DfI Roads have been consulted and have no objection to the proposal subject to conditions. It is considered given the siting within a small rural settlement the movement pattern provided is acceptable in this context.
- f) I considered that adequate provision has been made for the provision of in-curtilage parking on the site. Drawing 02 provides an indicative site layout which demonstrates in-curtilage parking and a detached garage for each dwelling unit. This again will be considered further at Reserved Matters stage when further detail is provided.
- g) As this is an outline application no form or detailing has been given. The proposal site is surrounded by predominantly residential development of varying design and scale. South and west of the site there are predominantly detached single storey dwellings; there is a mix of single storey, storey and a half and two storey detached dwellings to the north and east. It is considered semi-detached dwellings with a modest 2 storey design could be accommodated on site reflecting the surrounding character and built form.
- h) Drawing No.02 provides an indicative site layout which indicates existing vegetation to be retained and reinforced where necessary with additional planting. Landscaping will be a further consideration at reserved matters stage, however should planning permission be granted it is considered necessary to condition a landscaping scheme is provided to be approved by Council. In terms of overlooking, loss of light and overshadowing, the proposed layout indicated in Drawing 02 Rev 3 provides a minimum separation distance from neighbouring properties of approximately 40 metres. I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal subject to the submission of suitable design at Reserved Matters stage.
- i) The proposal seeks permission for a small housing development proposal of 4 units, each with private off street parking and amenity space. I have no significant in terms of crime or health and safety with respect the proposed design.

Further to that above Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria:

- a) The proposed density is not significantly higher than that found in the established



residential areas – This proposal is for 5 units, the surrounding development is predominantly single units on individual plots, however there are existing higher density residential development within Drummullan settlement. The extant area plan states comprehensive 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. Given the site area of the application site, I consider the site could accommodate 5 detached units on individual plots with an appropriate and acceptable density to this setting.

- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area – In my opinion the proposal will not significantly alter the existing pattern of development or have a negative impact on the character and environmental quality of the established residential area.
- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7 - As this proposal is an outline application the precise details of the scale and size of dwellings has not been provided. However, having considered the concept plan provided it is considered the minimum standards could be accommodated and this will be a consideration at the reserved matters stage should an approval be granted.

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

Approve is recommended

#### **Approval Conditions**

##### **Condition 1**

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

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

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

##### **Condition 2**

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

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

#### Condition 3

Full particulars, detailed plans and elevations 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.

#### Condition 4

The layout shall be in general conformity with the stamped approved concept plan Drawing 02 bearing the date stamp received 25th November 2021 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

#### Condition 5

The layout submitted at reserved matters stage shall indicate that where proposed development abuts the private gardens of existing properties there shall be a minimum separation distance of 10 metres between the rear of new development and the common boundary of existing properties.

Reason: To ensure residents privacy is not adversely affected.

#### Condition 6

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

Reason: In the interests of visual amenity.

#### Condition 7

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

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

#### Condition 8

No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. The scheme shall include details of those trees to be retained and measures for their protection during the course of development. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

**Condition 9**

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements 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.

**Condition10**

The vehicular access, including visibility splays of 2.4 metres by 90 metres and forward sight distance of 90 metres shall be provided prior to the commencement of any works or other development hereby permitted and such splays shall be permanently 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):** Grace Heron

**Date:** 21 November 2022



<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  NI Water - Multiple Units West-Substantive: TBCResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office-Roads Consultation outline 25 oct 2022.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02	
<b>Notification to Department (if relevant)</b>  Not Applicable	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.8
<b>Application ID:</b> LA09/2022/0027/F	<b>Target Date:</b> 7 March 2022
<b>Proposal:</b> Proposed residential development to erect 7 No. dwellings (5 No. detached and 2 No. semi-detached) with associated garden amenities and garages. (Previous planning on lands H/2009/0275/F) (Amended Description and plans)	<b>Location:</b> Land Opposite 55-57 Sixtowns Road Straw Draperstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> O'Kane Developments Ni Ltd C/O Irwin Donaghey Stockman 23-25 Queen Street Coleraine BT52 1BG	<b>Agent Name and Address:</b> Studios Rogers Architects Ltd The Eggstore 1 Mountsandel Road Coleraine BT52 1JB
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	Rivers Agency	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 3.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 4.docx
Statutory Consultee	NIEA	PRT LA09-2022-0027-F.PDF
Statutory Consultee	Rivers Agency	636883 - Final Response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH response uploaded 23/9/22
Statutory Consultee	Rivers Agency	
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0027-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0027 F Sixtowns Rd Dtown.doc
Statutory Consultee	Rivers Agency	495918 - Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2022-0027-F

		CON.PDF
Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	
<b>Representations:</b>		
Letters of Support	0	
Letters of Objection	5	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
<p>Seven representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none"> <li>o The existence of a public 'Right of Way';</li> </ul> <p>Although there are a number of dwellings which access off the existing laneway extending along the eastern boundary of the site, this is a private Right-of-Way and not public.</p> <ul style="list-style-type: none"> <li>o Access to services for the existing dwellings using the laneway which are under the laneway;</li> </ul> <p>The proposed development does not affect the existing laneway nor any services under the laneway.</p> <ul style="list-style-type: none"> <li>o Farm machinery would be diverted through a housing development causing a safety issue for residents;</li> </ul> <p>As discussed above, the proposed development does not affect the line of the existing laneway nor access to nor from the lane.</p> <ul style="list-style-type: none"> <li>o Road safety;</li> </ul> <p>DfI Roads have considered the proposed development and advised that it is acceptable subject to the suggested conditions.</p> <ul style="list-style-type: none"> <li>o Previous approval H/2009/0275/F has not been lawfully implemented as the pre-commencement conditions 05, 14 and 15 of approval H/2005/0146/F have not been satisfied. Therefore there is no fall-back position.</li> </ul> <p>It has been accepted that neither planning approval H/2005/0146/F nor H/2009/0275/F were lawfully commenced. Therefore the description on this planning application has been duly amended from 'Amendment to part implemented residential development...' to 'Proposed residential development...'. </p> <ul style="list-style-type: none"> <li>o The description is therefore flawed as it cannot rely on either of the earlier approvals. The description should be amended or the application returned as invalid.</li> </ul> <p>As discussed above, the description has been amended and the application has been assessed in its totality as a new proposal.</p>		
<b>Characteristics of the Site and Area</b>		
<p>The site comprises a small, agricultural field with a road frontage of 75m along the northern boundary which is defined by a mixture of a post and wire fence and a 1.7m high thorn hedgerow. A private concrete laneway extends along the western boundary which is defined by a low cut thorn hedgerow. The eastern and southern boundaries are</p>		



both mainly defined by a mixture of mature and semi-mature trees which are set to the rear of an open watercourse. The site sits slightly below the level of the public road with site levels rising towards the rear south western corner. The fields to the rear of the site continue to rise more steeply towards the south. A recent development of two storey dwellings occupy an adjacent site to the immediate west of the private concrete laneway. A large two storey dwelling occupies the site directly opposite the site to the north, with the eastern and southern boundaries adjoining agricultural fields.

### **Description of Proposal**

Initially the application was submitted as an amendment to a part-implemented approval H/2009/0275/F (site 3) phase 1 to provide 7 dwellings, associated garden amenities and garages. However, following discussion with the agent on the legitimacy of the application, the application was changed to a full application for the erection of seven dwellings, associated garden amenities and garages. This was due to the fact that the previous planning approval had not been lawfully commenced and had therefore expired due to the non-compliance with the pre-commencement conditions of planning approval H/2005/0146/F.

The current proposal is a full application for five detached and two semi-detached two storey dwellings. The site is to have a direct access onto the Sixtowns Road, which will serve only the seven dwellings proposed. The road terminates at a turning head at the rear south western corner, however, the site layout indicates that this may, at some time in the future, be extended across the private concrete laneway to serve phase two of the development which is to be located immediately east of and adjoining St. Colm's GAC playing fields.

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

#### **Policy Consideration**

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to

take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The SPPS has superseded PPS 1 (General Principles.). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

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

As the site is located predominantly on white land within the Magherafelt Area Plan 2015, the critical planning policy is therefore PPS 7.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

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

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within the settlement development limits of Straw and in a predominantly residential area. In terms of layout, the density at 15 dwellings per hectare is lower than the adjacent development of Shanmullagh Park which has a density of 40 dwelling per hectare.

(b) There are no features of archaeological or built heritage on this site. The only landscape features identified are the boundary hedgerows and the open watercourse along the southern and eastern boundaries. Those hedgerows and the mature trees should be protected and incorporated into the overall design and layout. There are no TPO's near the site.

- (c) This proposal is for 7 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of 88m<sup>2</sup> to a maximum of 170m<sup>2</sup>.
- (d) The site is within Straw village and 150m from the neighbourhood shop. There is also a football club with playing fields, a church, a school all within 350m of the proposed site. Therefore the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has vehicular access directly onto the Sixtowns Road which will provide an acceptable movement pattern, including walking and cycling. This will enable occupants to access public transport routes and the public network system.
- (f) Adequate provision has been made for in-curtilage parking of vehicles and DfI Roads advised that this is acceptable.
- (g) The design of the development draws on the best of local traditions in terms of the form/layout with house types not being dissimilar to the existing dwellings in the adjacent developments.
- (h) The design of the proposed dwellings is such that they do not cause a loss of residential amenity to the existing dwellings surrounding the site by way of overshadowing or overlooking. Although there are a number of objections to the proposed development in respect of the impact that it will have on the existing laneway leading to a number of dwellings south east of the site, this proposal in itself, does not propose to alter the line of the existing laneway. Furthermore, as the proposed site plan indicates that half of the existing laneway is in third party ownership, any alteration of that laneway will require consent from the third party owner. This is however, a civil matter between the parties concerned.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

### PPS 3 - Access, Movement and Parking

DfI Roads considered the proposed development and advised that following amendments to the Private Streets Determination drawings that the proposed development is acceptable subject to the suggested conditions.

### Consultee responses

DfI Roads advised that the access and parking arrangements are acceptable subject to conditions.

Environmental Health advise that they have no issues of concern.

Natural Environment Division requested the submission of a Bio-Diversity checklist to enable an assessment to be completed on the potential impact of the proposed development on natural heritage features. Following submission of the required information, NED advised that the proposal was acceptable subject to the suggested condition.

DfI Rivers requested that the working strip be kept free from all impediments including tree planting, hedges, permanent fences and sheds. Following consideration of amended plans, Rivers advised that the proposed development is acceptable subject to the suggested condition.

NI Water advised that they have no issues of concern and that there is available capacity at the receiving Waste Water Treatment Works.

**Recommendation**

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

Reason: Time Limit.

**Condition 2**

The existing trees indicated on stamped approved drawing no. 21122 Revision d, date stamped 30th August 2022 shall be permanently retained and allowed to grow on.

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

**Condition 3**

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details contained on the stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of Mid Ulster District Council.

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

**Condition 4**

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

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

Condition 5

The existing hedgerow along the eastern and western boundaries of the site as indicated on stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, shall be retained at a minimum height of 2 metres.

Reason: To ensure the continuity of amenity afforded by existing screening to the site.

Condition 6

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

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

Condition 7

All proposed planting as indicated on the stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

Reason: To ensure the continuity of amenity afforded by existing screening to the site.

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

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

Condition 9

A 5m wide maintenance strip shall be provided along the watercourse on the eastern boundary and shall be protected from impediments (including new tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development and access to and from the maintenance strip should be available at all times.

Reason: To ensure that access is available to the watercourse for maintenance purposes.

Condition 10

No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 5 metres of the watercourse along the eastern boundary.

Reason: To protect the potential habitat of breeding birds.

Condition11

The visibility splays of 4.5 x 70 metres to the Southwest and 4.5 x 90 metres to the Northeast at the junction of the proposed access road with the public road, shall be provided in accordance with the stamped approved Drawing No. C-01 Revision E date stamped 25th August 2022, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition12

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.

Condition13

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

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

Condition14

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

Reason: In order to safeguard against surface water flood risk.

Condition15

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on stamped approved Drawing No C-01 REV E date stamped 25th August 2022.

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

Condition16

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on stamped approved Drawing Number C-01 REV E date stamped 25th August 2022 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

**Case Officer:** Malachy McCrystal

**Date:** 21 November 2022

ANNEX	
Date Valid	10 January 2022
Date First Advertised	24 May 2022
Date Last Advertised	27 January 2022
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 55 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 3 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 54A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 2 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 54 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 57 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 1 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 56 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 54B Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 9 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner / Occupier 58A , Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 8 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner / Occupier 60 Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 62 Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 1 The Orchard, Draperstown, Londonderry, BT45 7GG The Owner / Occupier 10 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF  The Owner / Occupier Email Address	



<b>Date of Last Neighbour Notification</b>	2 August 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBC Rivers Agency- DFI Roads - Enniskillen Office-Roads Consultation 3.docx DFI Roads - Enniskillen Office-Roads Consultation 4.docx NIEA-PRT LA09-2022-0027-F.PDF Rivers Agency-636883 - Final Response.pdf Environmental Health Mid Ulster Council-EH response uploaded 23/9/22 Rivers Agency- NI Water - Multiple Units West-LA09-2022-0027-F.pdf Environmental Health Mid Ulster Council-LA09 2022 0027 F Sixtowns Rd Dtown.doc Rivers Agency-495918 - Final Response.pdf NIEA-PRT LA09-2022-0027-F CON.PDF Rivers Agency- Rivers Agency-	

**Drawing Numbers and Title**

Proposed Plans

Road Access Plan Plan Ref: 15/1

Road Access Plan Plan Ref: 15

Site Layout or Block Plan Plan Ref: 02/1

Site Layout or Block Plan Plan Ref: 02/2

Garage Plans Plan Ref: 14

Garage Plans Plan Ref: 13

Proposed Elevations Plan Ref: 12

Proposed Elevations Plan Ref: 11

Proposed Elevations Plan Ref: 10

Proposed Elevations Plan Ref: 09

Proposed Elevations Plan Ref: 08

Proposed Elevations Plan Ref: 07

Proposed Floor Plans Plan Ref: 06

Proposed Plans Plan Ref: 05

Housing Concept Plan Plan Ref: 04

Site Appraisal or Analysis Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 21122 REV D

Road Access Plan Plan Ref: C01 REV E

**Notification to Department (if relevant)**

Not Applicable

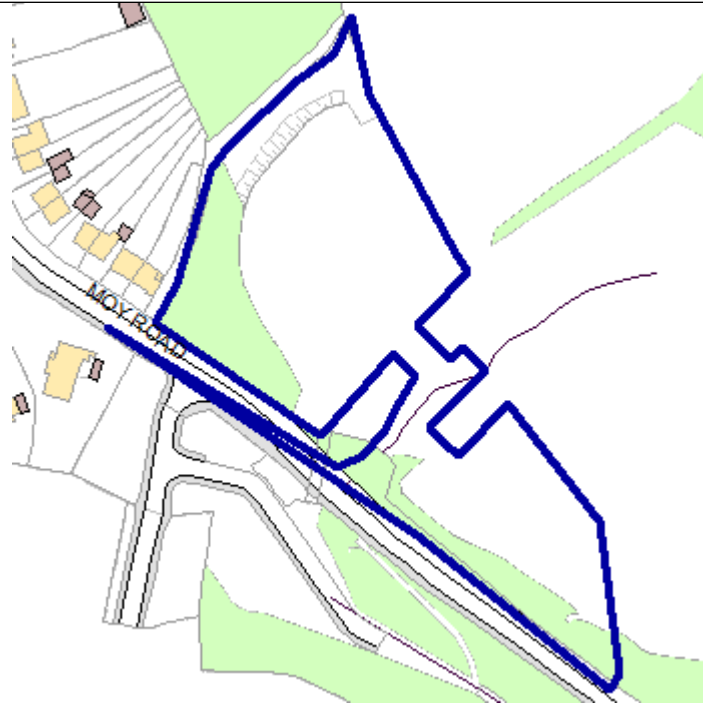


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.9
<b>Application ID:</b> LA09/2022/0040/F	<b>Target Date:</b> 9 March 2022
<b>Proposal:</b> Change of house type on 8 sites previously approved under LA09/2018/1551/F	<b>Location:</b> Land East Of 44 Moy Road Mullaghmagh Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Neil Badger F P MC Cann 3 Drumard Road Knockloughrim	<b>Agent Name and Address:</b> Rachelle Law Architect 12 Longfield Road Desertmartin Magherafelt BT45 5NW
<b>Executive Summary:</b>  A letter of objection has been received and the agent is now a staff member of the Council's Building Control Department.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	NI Water - Multiple Units West	Substantive: TBCResponseType: PR
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0040-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	29-09-2022.docx
Statutory Consultee	DFI Roads - Enniskillen Office	

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

This application site is located in Dungannon sitting along to the Moy Road occupying the front roadside portion of a larger site of what was the grounds of the Inn on the Park Hotel (Oaklin House Hotel). Currently the site is fenced off from the A29 Protected Route with hoarding atop the stone wall entrance and palisade fencing enclosing the site. This brownfield site has been cleared and appears to be recently utilised for the storage of aggregates and concrete piping. There are a number of mature trees along the southern roadside boundary and the western boundary which separates the site from the rear garden of No 44 Ranfurly Road.

The northern eastern boundary of the site runs along the rear boundary of Castle Glen, this part of which is still under construction and zoned as housing land. This application site lies within The Milltown House/Moy Road Local Landscape Policy Area (LLPA 05) where the landscape makes a valuable contribution to the townscape of Dungannon town. Windmill Wood which sits north of this site is a zoned area of Existing Recreation and Open Space with pathways meandering through this wooded area.

The area surrounding this site is mostly residential in character with some community uses nearby in terms of the Royal School and its associated leisure facilities. Whereas on the opposite side of the road to this site there is a rural appearance as the development limit of Dungannon runs close to the main road.

## PLANNING HISTORY

M/2002/1405/F- Demolition of existing hotel & out buildings, erection of 17 no. detached, 32 no. semi-detached, 19 no. apartments & 6 no. town houses & associated site works – Approval - 04.06.2004

M/2004/1797/F- 97 no. residential units comprising of both houses and apartments - Approval - 16.03.2007

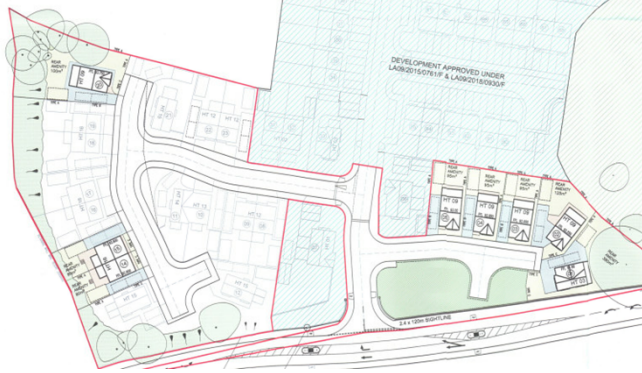
LA09/2015/0761/F- Change of house type for central portion of approved development - Approval - 23.11.2017

LA09/2018/0930/F- Change of house type on plot 33 (detached 2.5 storey 4 bedroom Dwelling) and plots 44-49 (2 storey apartment block comprising 6No. 2 bedroom apartments) within residential development approved under LA09/2015/0761/F – Approval - 29.10.2018

LA09/2018/1551/F - Change of layout, change of house type and reduction in density to the front portion of the housing development approved under M/2004/1797/F – Approval - 25.09.2019

## Description of Proposal

This application seeks full planning permission for a Change of House Type on 8 sites previously approved under LA09/2018/1551/F on land east Of No 44 Moy Road, Mullaghmagh, Dungannon.



Five of these plots are located to the right of the entrance, with the remaining three alongside the western boundary of the site, one in the northern corner and two are close to the southern corner.

Plot 20 in the northern corner in the western part of the site proposes a semi-detached dwelling finished in red brick and occupies a footprint of just over 80 sq.metres. This design has a ridge height of 9.7 metres FGL which accommodates the 3 floor levels. It has a frontage of 6.5 metres and is 12.5 metres deep at its widest, with a single storey flat roofed projection to the rear which runs flush finished in off-white render. The chimney is red brick and positioned mid roof with a single window on the rear of the roof.



Plots 14 and 15 in the south western corner proposes a pair of semis with a ridge height of 9.2 metres FGL. These are mirrored images with the front doors in the centre and the chimneys located mid-roof at each end, where a flat roof dormer is positioned in a location central to the windows at first and ground floor level. These dwellings each measure 6.2 metres across the frontage and are 9 metres deep, with a footprint of 65 sq.metres.



To the right as you enter this application site, Plot no 1 located almost parallel to the road with a large garden area proposes a detached dwelling also over 3 floors and with a narrow frontage. It has a ridge height of 9.2 metres FGL, measures 7.2 metres across the front elevation and is 11.5 metres wide at its deepest, including the single storey rear projection. These have a footprint of 82 sq.metre and are finished in smooth off-white render with red brick features to the plinths and soldier coursing.



The remainder of the dwellings in this application Plots 2 -5 are all the red brick detached dwelling which is proposed on Plot 20 also.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), as 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 on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

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

This application site lies within the development limits of Dungannon as defined in DSTAP and therefore policy SETT 1 – Settlement Limits is relevant. I am content if the proposal complies with the policy provisions of PPS 7- Quality Residential Environments, that it will also comply with SETT 1. Policy QD1 - Quality in New Residential Development in PPS7 states all proposals for residential development will be expected to conform to a list of criteria which are addressed below.

Planning application M/2004/1797/F is a material consideration in this application as it the initial residential development which was granted permission for the 97 units of apartments and dwellings on the wider site. It included this application site and the land to the north also and comprised a mixture of 2 and 3 storey dwellings, detached and semi-detached dwellings, townhouse and apartments. As the principle of development has already been established on this application site, this application will assess the changes to the previous permission this application proposes.

This Change of House Type application is in response to the need to adapt the original house designs in order to reflect changes in the economy and housing need and affordability. Policy QD1 - Quality in New Residential Development in PPS7 states that all proposals for residential development will be expected to conform to a list of criteria. I am satisfied this proposed development does respect the landuses surrounding the site and development on this brownfield site will allow the rejuvenation of this plot of land which has lay vacant for some time. There are no features of archaeological heritage on this site which needed to be taken into consideration. Due to the location of this site within The Milltown House/Moy Road Local Landscape Policy Area and the presence of Tree Preservation Orders, it was felt necessary to consult the Council's Planning Conservation Officer which is detailed below.

An area of public open space has been provided on a parcel of land to the right once you enter the development, between the stone wall along public footpath and the internal road serving Plots 1 – 5, which will face onto this green. There is also a large area to the



north of this site which is a zoned area of Existing Recreation and Open Space called Windmill Wood which has pathways meandering through this wooded area for the public to utilise. The private open space provided with each dwelling exceeds what is recommended and contributes to a quality residential environment.

The nature of this proposal as a change of house type application does not necessitate the provision of local neighbourhood facilities for a development of this scale. DfL Roads were consulted on this application proposal, however the internal road network has not been altered from what was granted permission originally on this wider residential site. I am content there is adequate parking provision for each dwelling provided within the curtilage of the properties.

Due to the location of this site within the settlement limits of Dungannon, all movement patterns are already for by the town's existing infrastructure. Walking and cycling as well public transport would all be considered accessible modes of transport which are convenient to this application site.

The design of this development and the materials utilised are satisfactory to the location of this site and are complimentary to the existing surrounding landscape in visual terms. The proposed finishes of red brick and smooth painted render, white uPvc windows, black uPvc rainwater goods, hardwood doors and grey/black roof tiles are considered suitable.

The development is close to a range of neighbourhood amenities and all the services Dungannon has to provide, therefore it is not considered appropriate to require the provision of neighbourhood facilities, considering the location and scale of this proposal.

The house types proposed in this Change of House Type application are largely similar to those they seek to replace, incorporating the same finishes, fenestration patterns, roof pitches and detailed elements. Some of the changes in the design include changing the wall finishes from render to red brick. Front dormers have been introduced on the semi-detached and some detached design has removed the front dormers. The size of the rear single storey return has been increased in all house types allowing a larger footprint and proposes a flat roof instead of a pitched one. This has also resulted in in the introduction of a side door in place of a rear door. The internal road layout is unchanged and the differences in design are not considered to potentially impact on neighbouring properties in terms of overlooking, loss of light or overshadowing or to have a detrimental impact to the surrounding area.

Policy AMP 2 of PPS 3 – Access, Movement and Parking permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will be served via the existing access which previously served the Inn on the Park Hotel which was agreed as sufficient for the residential development granted under LA09/2018/1551/F. The proposal provides 2 in-curtilage parking spaces for each individual property and I am satisfied this is in line with Parking Standards and thus complies with PPS 3.

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.

## Consultations and Representations

NI Water (NIW) in their original consultation reply stated that Dungannon Waste Water Treatment Works has insufficient capacity in which to connect this development and thereby recommended it be refused. However, NI Water later rescinded this comment as the proposal is for a change of house type and no additional units are proposed and they requested to be consulted again. Following another consultation request they replied with no objection to this proposal.

DfI Roads have stated no PSD determination is required for this proposal as it was previously determined under permission LA09/2018/1551/F. They have no objections to this proposal subject to a condition relating this proposal to other permissions on this site.

Following discussion with the Council's internal Planning Conservation Officer, it was confirmed there are Tree Preservation Orders (TPO) on the land in and around this application site. In order to assess any potential impact this proposal may have on the existing protected trees, additional information was requested as below;

- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Arboricultural Tree Health and Condition Survey
- Tree Constraints Plan (TCP) clearly indicating the root protection area (RPA)
- Tree Protection Plan (TPP) clearly indicating the specific position of required protective fencing and Construction Exclusion Zone.

The applicant provided a Tree Survey Report which detailed the health and condition of the trees subject to the TPO, however further information was required showing scaled drawings to support the information detailed. Upon receipt of this additional information the Planning Conservation officer is satisfied subject to conditions.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. Two neighbouring properties have been notified of the application and one letter of objection has been received. The objector has highlighted concerns regarding the subway tunnel which links the site with Dungannon Park. They were concerned this is an important part of Dungannon's heritage which has not been afforded protection and urged the landscape be protected as the site is in an LLPA. This change of House Type application has taken into consideration the existing vegetation and TPOs on and adjacent to the site. Measures to protect these features are already afforded due to the Tree Preservation Orders existing on specific trees. Any permission granted will be subject to conditions which will further enhance the protection of these features, as was requested by the Council's Planning Conservation Officer.

## **Summary of Recommendation:**

Approve is recommended

The house types proposed in this Change of House Type application are largely similar to those they seek to replace, with a few alterations which would not have any additional impact on properties or the landscape.

Having considered the policy requirements of PPS 7, PPS 3 and the Dungannon and South Tyrone Area Plan, I am content this change of house type proposal meets these requirements and therefore I would recommend permission is granted, subject to conditions.

### Approval Conditions

#### Condition 1

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

Reason: Time Limit.

#### Condition 2

The decision notice relating to this planning application shall be read in conjunction with the Conditions/Informatives associated with previous approval Application Reference LA09/2018/1551/F and all other approvals for this site, including Drawing No 02 bearing date stamp 12 January 2022.

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

#### Condition 3

No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. A formal water/sewer connection application must be made for all developments prior to their occupation, including those where it is proposed to re-use existing connections. All services within the development should be laid underground.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

#### Condition 4

Prior to the commencement of any site works, all required protective fencing and signage will be in situ, as per stamped approved Tree Constraints Plan and Tree Protection Plan Drawing No 07, stamp date received 16th August 2022 and shall be implemented in accordance with BS 5837:2012: Tree in relation to design, development

and construction - Recommendations. The protective fencing must remain in situ during the construction phase.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

**Condition 5**

All tree works as detailed in Tree Survey Report for Oaklands, Dungannon by M. Large Tree Services Ltd, stamp date received 10h June 2022 to be carried out no later than 5 years from the date of this decision notice and will accord to BS 3998:2010 Tree Work: Recommendations.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

**Condition 6**

No fires, nor construction material to be stored within the identified construction exclusion zone. All signage must reflect this requirement and be implemented in accordance with BS 5837:2012 Trees in relation to design, development and construction - Recommendations.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

**Condition 7**

Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawing No. 02 date stamp received 12th January 2022, unless otherwise agreed by Council.

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

**Signature(s):** Cathy Hughes

**Date:** 22 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	12 January 2022
<b>Date First Advertised</b>	29 January 2022
<b>Date Last Advertised</b>	27 January 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 2 Ranfurly Park, Dungannon BT71 7 DS The Owner / Occupier 44 Ranfurly Road, Dungannon BT71 7 DS	
<b>Date of Last Neighbour Notification</b>	10 February 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: M/1976/0560 Proposals: HOTEL MANAGER'S RESIDENCE Decision: PG Decision Date:  Ref: LA09/2019/0196/NMC Proposals: Amendment of rear/side elevation house types F and G Decision: CR Decision Date: 13-SEP-19  Ref: M/2003/1571/O Proposals: Housing Development Decision: PG Decision Date: 07-JUN-04  Ref: M/2006/1343/F Proposals: Phase 2 of proposed housing development (total 85 no. units) consisting of 3 blocks of 1 & 2 bed apartments for 59 units, 5 no. detached, 10 no. semi-detached, 11 no. terraced dwellings with associated roads, parking, open space, landscaping and pumping station for drainage works. Decision: PG	

Decision Date: 13-MAY-10

Ref: M/2006/1344/F

Proposals: Phase 1 of proposed housing development (total 13 no units) consisting of 3 detached and 10 no terraced dwellings in 2 blocks of 5 with associated roads, parking, open space, landscaping, and pumping station for drainage works

Decision: PG

Decision Date: 12-MAY-10

Ref: M/2013/0071/F

Proposals: Erection of 76 no. residential units comprising 14 no. detached, 40 no. semi-detached, 4 no. apartments and 18 no. townhouses, garages, associated landscaping, site and access works

Decision: PG

Decision Date: 27-MAY-14

Ref: M/1998/0701

Proposals: Proposed Housing Development (Amended Access)

Decision: PG

Decision Date: 15-FEB-00

Ref: M/1973/0146

Proposals: PLAYING FIELDS

Decision: PG

Decision Date:

Ref: LA09/2022/0418/F

Proposals: Proposed 2 pair of semi detached houses (4 houses) to replace detached house granted under M/2013/0071/F

Decision:

Decision Date:

Ref: LA09/2019/1483/F

Proposals: Retention of site levels, proposed dwelling and garage and variation of landscape proposals

Decision: PG

Decision Date: 15-APR-20

Ref: M/2000/0333/F

Proposals: Development of existing hotel providing new Function Room and associated accommodation

Decision:

Decision Date:

Ref: M/2002/1405/F

Proposals: Demolition of existing hotel & out buildings, erection of 17 no. detached, 32

no. semi-detached, 19 no. apartments & 6 no. town houses & associated site works.

Decision: PG

Decision Date: 04-JUN-04

Ref: LA09/2021/0801/PAD

Proposals: Change of layout and house type to eastern portion of development previously approved under M/2004/1797

Decision: DECPAD

Decision Date: 06-JUL-21

Ref: M/1999/0017

Proposals: Proposed Development of existing Hotel including new Bedrooms, Function Rooms and Leisure Suite

Decision: PG

Decision Date:

Ref: M/1993/0717

Proposals: Proposed extension and alterations to hotel to provide lounge, foyer, offices and disabled toilet

Decision: PG

Decision Date:

Ref: M/1988/0116

Proposals: EXTENSION TO HOTEL

Decision: PG

Decision Date:

Ref: M/1973/0001

Proposals: CONVERSION OF LICENCED RESTAURANT TO HOTEL

Decision: PG

Decision Date:

Ref: M/1973/000102

Proposals: CONVERSION OF RESIDENCE INTO HOTEL

Decision: PG

Decision Date:

Ref: M/1996/0164

Proposals: Extension to Hotel to provide Bedroom Accommodation

Decision: PG

Decision Date:

Ref: M/1994/0266

Proposals: Specialist Retail Unit

Decision: PG

Decision Date:

Ref: M/2002/0354/F

Proposals: Phase 1 of housing development comprising of 8 No. semi-detached dwellings to replace existing hotel/grounds

Decision:

Decision Date:

Ref: M/2004/1797/F

Proposals: 97 no. residential units comprising of both houses and apartments

Decision: PG

Decision Date: 16-MAR-07

Ref: M/1987/0155

Proposals: ALTERATIONS TO HOTEL

Decision: PG

Decision Date:

Ref: M/2002/1060/Q

Proposals: Housing development

Decision:

Decision Date:

Ref: LA09/2015/0472/PAN

Proposals: Revised layout for previously approved Housing Development

Decision:

Decision Date:

Ref: M/1988/0805

Proposals: Extension to Hotel

Decision: PG

Decision Date:

Ref: LA09/2015/0473/PAN

Proposals: Revised scheme for previously approved housing development

Decision: PANACC

Decision Date: 12-NOV-15

Ref: LA09/2015/0761/F

Proposals: Change of house type for central portion of approved development

Decision: PG

Decision Date: 23-NOV-17

Ref: LA09/2021/0018/F

Proposals: Part amendment of housing development site layout approved under M/2013/0071/F 15 units in total

Decision: PG



Decision Date: 13-APR-22

Ref: LA09/2018/0930/F

Proposals: Change of house type on plot 33 (detached 2.5 storey 4 bedroom Dwelling) and plots 44-49 (2 storey apartment block comprising 6No. 2 bedroom apartments) with residential development approved under LA09/2015/0761/F

Decision: PG

Decision Date: 29-OCT-18

Ref: M/2003/1064/O

Proposals: Site for 4 Dwelling Houses

Decision: PG

Decision Date: 17-DEC-04

Ref: M/2007/1483/RM

Proposals: Proposed 2 storey dwelling including basement and attic plan, ancillary site works and landscaping.

Decision: PG

Decision Date: 22-APR-08

Ref: M/2007/1484/RM

Proposals: Proposed 2 storey dwelling including basement ancillary site works and landscaping.

Decision: PG

Decision Date: 23-APR-08

Ref: M/2007/1475/RM

Proposals: Proposed 2 storey dwelling including basement, ancillary site works and landscaping

Decision: PG

Decision Date: 22-APR-08

Ref: M/2008/0507/F

Proposals: Proposed gate lodge consisting of 1.5 storey dwelling (7.5m high ridge height) including ancillary site works and landscaping

Decision:

Decision Date:

Ref: M/2008/1278/F

Proposals: Proposed Gate Lodge consisting of 1.5 storey dwelling (7.5m high ridge height) including ancillary site works and landscaping

Decision: PG

Decision Date: 13-FEB-09

Ref: LA09/2016/1254/F

Proposals: 2 Storey Dwelling House, including basement garage

Decision:  
Decision Date:

Ref: M/2008/0013/RM  
Proposals: Single dwelling and detached garage  
Decision: PG  
Decision Date: 22-APR-08

Ref: M/2003/1387/Q  
Proposals: urban peripheral path  
Decision: PREA  
Decision Date: 06-SEP-13

Ref: M/1974/0188  
Proposals: LICENSED RESTAURANT  
Decision: PG  
Decision Date:

Ref: M/1975/0562  
Proposals: ELECTRICITY SUBSTATION  
Decision: PG  
Decision Date:

Ref: M/1979/0236  
Proposals: PROPOSED REINSTATEMENT OF BOMB DAMAGED PREMISES  
Decision: PG  
Decision Date:

Ref: LA09/2022/0040/F  
Proposals: Change of house type on 8 sites previously approved under  
LA09/2018/1551/F  
Decision:  
Decision Date:

Ref: M/1976/0517  
Proposals: ENTRANCE TO PLAYING FIELDS  
Decision: PR  
Decision Date:

Ref: LA09/2018/1551/F  
Proposals: Change of layout, change of house type and reduction in density to the front  
portion of the housing development approved under M/2004/1797/F  
Decision: PG  
Decision Date: 01-OCT-19

Ref: M/2014/0105/PREAPP

Proposals: Linear Pathway around Dungannon town - the development of a pathway to join up the current green spaces and development of some of the spaces including Windmill Wood, Railway Park, Drumcoo Wood.

Decision: EOLI

Decision Date:

Ref: M/2001/0987/F

Proposals: Demolition of existing lecture theatre and construction of a new lecture/drama theatre

Decision: PG

Decision Date: 28-FEB-02

Ref: M/2001/1180/DCA

Proposals: Demolition of single storey brick built 'Science Block and Lecture Theatre.

Decision: CG

Decision Date: 01-MAR-02

Ref: M/2001/0988/LB

Proposals: Demolition of lecture theatre and construction of new lecture/drama theatre

Decision: CG

Decision Date: 01-MAR-02

Ref: M/1997/0320

Proposals: Alterations and extension to Royal School to provide new stores, ground maintenance, teaching accommodation and playing pitches

Decision: PG

Decision Date:

Ref: M/2008/1312/F

Proposals: Phase 3 of proposed housing development (total 6No units) consisting of 3 detached & 3No terraced dwellings in one block with associated roads, parking open space landscaping and pumping station for drainage works

Decision: PG

Decision Date: 17-SEP-10

Ref: M/1973/0164

Proposals: EXTENSION TO DWELLING HOUSE

Decision: PG

Decision Date:

Ref: M/2005/1946/F

Proposals: Proposed first floor bedroom extension

Decision: PG

Decision Date: 26-NOV-05

Ref: LA09/2019/1012/F

Proposals: Retention of development site as constructed including modification of site/house levels and variation to landscape proposals

Decision: PG

Decision Date: 03-SEP-20

Ref: M/1984/0066

Proposals: PROPOSED COLD ROOM EXTENSION TO HOTEL

Decision: PG

Decision Date:

Ref: LA09/2021/0092/F

Proposals: Change of semi detached house type H previously approved under M/2013/0071/F to house type J (Under Construction).

Decision: PG

Decision Date: 15-APR-21

Ref: M/2005/1978/RM

Proposals: Enablement works to proposed Housing Development, including access road, private road, drainage and ancillary works.

Decision: PG

Decision Date: 17-MAY-07

Ref: M/2008/0520/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 22-OCT-08

Ref: LA09/2021/0856/O

Proposals: Proposed outline permission for a two Storey Dwelling and garage previously approved under M/2008/0520/ with an onsite septic tank (Additional Information on Septic Tank)

Decision: PG

Decision Date: 19-JAN-22

Ref: M/2002/1045/Q

Proposals: Site

Decision:

Decision Date:

Ref: M/1982/0483

Proposals: EXTENSION TO FUNCTION ROOM

Decision: PG

Decision Date:

Ref: M/1988/0074

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1988/0074D

Proposals: Erection of dwelling

Decision: PG

Decision Date:

Ref: M/1988/007401

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1988/0657

Proposals: New Dwelling

Decision: PG

Decision Date:

Ref: M/1988/0074B

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: M/2003/0726/O

Proposals: 5 No. apartments

Decision:

Decision Date:

Ref: M/2004/0424/F

Proposals: Renovations to dwellings

Decision: PG

Decision Date: 27-MAY-04

Ref: M/1993/0231

Proposals: Extensions and alterations to Dwelling

Decision: PG

Decision Date:

Ref: M/1992/0585

Proposals: Extension and alterations to dwelling

Decision: PG

Decision Date:

Ref: M/2004/0978/F

Proposals: Retention of 3 storey rear extension

Decision: PG  
Decision Date: 16-NOV-04

Ref: M/2003/0189/F  
Proposals: Proposed rear extension and alterations  
Decision: PG  
Decision Date: 07-MAY-03

Ref: M/2003/1396/F  
Proposals: Proposed rear extension & alterations - minor amendment to a previously approved scheme, M/2003/0189/F issued 15/04/03  
Decision: PG  
Decision Date: 10-DEC-03

Ref: M/2008/0421/F  
Proposals: Extension to existing shed  
Decision: PG  
Decision Date: 16-JUL-08

Ref: M/2011/0368/F  
Proposals: Proposed extension to rear of dwelling  
Decision: PG  
Decision Date: 19-JUL-11

Ref: M/1995/0203  
Proposals: Extension to Dwelling  
Decision: PG  
Decision Date:

Ref: M/2003/0913/F  
Proposals: Extension to dwelling  
Decision: PG  
Decision Date: 10-SEP-03

Ref: M/1999/0003  
Proposals: Proposed Replacement of Existing Shed  
Decision: PG  
Decision Date:

Ref: M/2004/0596/F  
Proposals: Rear ground floor extension to kitchen  
Decision: PG  
Decision Date: 16-JUN-04

Ref: M/1990/0284  
Proposals: Rear Kitchen Extension to Dwelling

Decision: PG  
Decision Date:

Ref: M/1986/0259  
Proposals: FRONT PORCH  
Decision: PG  
Decision Date:

Ref: M/2003/1036/A41  
Proposals: Rear kitchen extension to dwelling  
Decision: 205  
Decision Date: 09-SEP-03

Ref: M/1975/0603  
Proposals: CONVERSION OF EXISTING STORE INTO KITCHEN AREA  
Decision: PG  
Decision Date:

Ref: M/1977/0031  
Proposals: IMPROVEMENT OF EXISTING ACCESS ONTO MOY ROAD.  
CONSTRUCTION OF CAR PARK.  
Decision: PG  
Decision Date:

Ref: LA09/2020/1670/F  
Proposals: Retention of housing development layout, site levels and retaining wall as constructed.  
Decision: PG  
Decision Date: 04-MAR-21

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBC  
NI Water - Multiple Units West-Substantive: TBCResponseType: PR  
NI Water - Multiple Units West-LA09-2022-0040-F.pdf  
DFI Roads - Enniskillen Office-29-09-2022.docx  
DFI Roads - Enniskillen Office-

**Drawing Numbers and Title**

Site Location Plan    Plan Ref: 01  
Site Layout or Block Plan    Plan Ref: 02  
Proposed Plans    Plan Ref: 03  
Proposed Plans    Plan Ref: 04  
Proposed Plans    Plan Ref: 05  
Proposed Plans    Plan Ref: 06  
Landscape Proposals    Plan Ref: 07

**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.10
<b>Application ID:</b> LA09/2022/0041/F	<b>Target Date:</b> 9 March 2022
<b>Proposal:</b> Proposed farm shed for storage of farm machinery	<b>Location:</b> Adjacent To Existing Farm Building 139 Gulladuff Road Bellaghy
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Paul MC Corry 140 Gulladuff Road Bellaghy	<b>Agent Name and Address:</b> Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>  Refusal	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR

### Representations:

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

### Summary of Issues

Refusal - To Committee - Contrary to CTY 1, 8 and 12 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 2.2km north west of the development limits of Bellaghy, as such the site is located within open countryside as per defined by the Magherafelt Area Plan 2015. I note that the site is identified as adjacent to 139 Gulladuff Road, Bellaghy in which the red line covers a portion of a much larger agricultural field. I note that the applicant lives across the road from the site but owns farm buildings that lie adjacent to the site. The site sits along the roadside but proposes access through the use of an existing access through no.139. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

#### **Representations**

Three neighbour notifications were sent out however no representations were received in connection with this application.

#### **Relevant Planning History**

LA09/2019/0574/O - Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm - Approx 45m S.W of No 139 Gulladuff Road, Magherafelt – Permission Granted – 23/07/19

### **Description of Proposal**

This is a full application for a farm shed for storage of farm machinery, the site is located at adjacent to existing farm building at 139 Gulladuff Road, Bellaghy.

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

#### **Policy Consideration**

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy  
Strategic Planning Policy Statement (SPPS)  
Magherafelt Area Plan 2015  
PPS 1 – General Principles  
PPS 3 – Access, Movement and Parking  
PPS 21 – Sustainable Development in the Countryside  
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside  
CTY 1 – Development in the Countryside  
CTY 12 – Agricultural and Forestry 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'.

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 farm shed for storage of farm machinery and as a result the development must be considered under CTY 12 of PPS 21. In that I am content that the agent has demonstrated the farm shed is necessary for the efficient running of the farm business. With this in mind I am content that the farm shed is acceptable under these terms.

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

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;  
After discussions the agent stated that as part of the development of a new dwelling within the farm yard that an existing shed and silage pit will be demolished. Wherein the remaining buildings whilst in poor condition remain fully utilised. Where the proposed shed will provide adequate storage of machinery etc. for the applicant and there would be genuine hardship if the shed is not approved.

(b) in terms of character and scale it is appropriate to its location;  
Upon review of the submitted plans I am content that the proposed shed is of scale and character of its rural location.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;  
After group discussions it has been agreed that the farm shed sits detached from the rest of the farm group and will require additional landscaping predominately to ensure integration.

(d) it will not have an adverse impact on the natural or built heritage; and  
I am content that the shed in this location will not have an adverse impact on the natural or built heritage.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.  
I am content given the existing separation distances between the farm and any other dwelling outside the holding that this will not result in detrimental impact on neighbouring amenity.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

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

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

In terms of this being a new building, I am content that there are no suitable existing buildings on the farm. I am content that the proposed design and materials are sympathetic to the locality. Finally, I note that the proposed shed is located detached from the rest of the farm buildings on the holding and there has been no justification for this. It was requested that the shed be brought closer to the existing group identified but this option was rejected. I must note that the proposed application could not be considered as permitted development given the fact the floor space of the shed and hardcore yard proposed would exceed the 500sqm that is permitted. With this in

mind I hold the view that it still should be sited beside the farm group as such it has failed under CTY 12. In addition to this I hold the view that the shed in this location has the capacity to create a ribbon of development and would be contrary to CTY 8 respectively.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, however the agent confirmed they could not achieve the splays. From such the application reverted back to using the existing access point for the farm holding, which is acceptable.

A consultation was sent to HED, who confirmed in their response to be content with the proposal.

I have no ecological or residential amenity concerns.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 1**

The proposal is contrary to policy CTY 1 and 12 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.

#### **Reason 2**

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Gulladuff Road..

**Signature(s):** Peter Henry

**Date:** 7 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	12 January 2022
<b>Date First Advertised</b>	27 January 2022
<b>Date Last Advertised</b>	27 January 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 70 Killyberry Road Bellaghy Londonderry BT45 8LJ The Owner / Occupier 139 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 68 Killyberry Road Bellaghy Londonderry BT45 8LJ	
<b>Date of Last Neighbour Notification</b>	3 February 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Coleraine-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	
<b>Drawing Numbers and Title</b>  Site Layout or Block Plan Plan Ref: 02 Proposed Plans Plan Ref: 03 Site Location Plan Plan Ref: 01	

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.11
<b>Application ID:</b> LA09/2022/0121/F	<b>Target Date:</b> 25 March 2022
<b>Proposal:</b> Retention of farm machinery and animal feed store	<b>Location:</b> 55 M North Of 199 Glen Road Maghera
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr John O'Kane 199 Glen Road Maghera BT46 5JN	<b>Agent Name and Address:</b> Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	



**Case Officer Report****Site Location Plan**

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**Consultations:**

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

**Representations:**

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

## **Summary of Issues**

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

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

The site is set back 280m off the Glen Road and is accessed via an existing laneway. The access point is located between Fallagloon Community Hall and an approved site, currently used as a storage yard. The laneway follows the field boundaries, extending past the applicants dwelling before crossing through the Fallagloon Burn which is a 4m wide watercourse. No bridge exists at this crossing point.

The shed site on an elevated portion of ground which has been infilled to create a level platform. The site is bounded to the rear, northern side by mature trees while the remaining three sides are undefined and are open to the surrounding agricultural field, which falls away towards the Fallagloon Burn to the south.

Due to the distance the shed is set back from the public road and the intervening hedgerows, there are limited views of the shed from the public road.

## **Description of Proposal**

The proposal is for the rection of a six bay farm shed which has largely been completed. The shed is described as 'Retention of farm machinery and animal feed store'. The shed measures 29m x 10.5m with an eaves height of 5.75m and a ridge height of 6.63m above ground level. The shed has both gables partially built up with large door openings extending over half the gable width. The front of the shed, which faces south east, is completely open, while four bays on the rear, north west elevation, are sheeted from the eaves down to a height of approximately 2m from ground level. The lower section is currently open. The remaining two bays have solid block walls from ground level up to the sheeted portion.

Although shed is currently used for the storage of farm machinery, the proposed plans indicate the presence of feed gates/galvanised railings along four of the rear, northern facing bays, which would indicate the intention to use the shed for animal housing. This is further reinforced as the plans also detail the external finishes of Moss Green corrugated tin to sides and roof of cattle shed. The block walls are to have a smooth render finish.

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

### **Policy Consideration**

Relevant planning history

There is no previous planning history on the applicatin site. However, planning approval has been granted for a replacement dwelling under LA09/2016/1159/O, on a site to the immediate north of the proposed shed. That approval has been renewed under LA09/2019/1295/O and is the subject of a second renewal under LA09/2022/1352/O. All the aforementioned applications for the replacement dwelling, utilise the same access

laneway as the proposed shed.

#### Development Plan and key policy considerations

The main policy consideration in the assessment of this proposed development are:-

PPS 21 - Sustainable development in the countryside

Policy CTY 12 Agricultural and forestry development

PPS 15 - Planning and Flood Risk

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

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

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

The 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:-

- o The proposed development is necessary for the businesses efficient use; Although the applicant has failed to provide any justification for the need for the proposed shed, following a check of the land contained within the farm maps, no existing farm buildings are evident. The only buildings which currently exist on the farm holding, apart from the subject building, is the applicants dwelling and the domestic garage which is currently under construction. Therefore there would appear to be a need for a farm building to provide both animal shelter and to store feed stuffs and machinery.

- o 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, fodder and machinery shelter.

- o it visually integrates;

Although the site occupies an elevated location in the landscape, it does have an established boundary to the north which would help the proposed building to achieve a

sense of integration. The distance the shed is set back from the public road also helps the building to integrate into the landscape as any views from the public road system are long distance. From those vantage points, the shed is set against mature vegetation and the rising ground to the north. Although the site does not have a sense of enclosure this is not critical due to the lack of public views.

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

There will be no adverse impact on natural or built heritage.

- o there will be no detrimental impact on residential amenity;

The proposed building has the potential to have a detrimental impact on residential amenity as it is located immediately adjacent to the aforementioned approved site for a replacement dwelling, which shares the same access laneway. However, it should be noted that the applicant owns the approved site, therefore this is not considered fatal to the proposal.

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.

As stated above, this is the first farm building on the holding and therefore there are no existing buildings which can be utilised.

The design and materials are typical of farm buildings and are acceptable in this location.

However, whilst there are no existing farm buildings on the holding, there is the applicant's dwelling and an associated detached domestic garage, which is currently under construction. The dwelling and garage would therefore form an acceptable group of buildings for which to site a farm building beside.

No persuasive argument has been made to suggest that there are no other suitable sites available and it is not accepted that the proposed site is essential and not simply desirable. No health and safety reasons, other than to avoid the flood plain, have been provided. Furthermore, the applicant has failed to satisfactorily demonstrate why the building is necessary at this particular location and why it could not be sited at an alternative location other than to state that to locate the proposed shed 'further up the hill out of the flood plain would involve costly and environmentally destructive access as there is no laneway to those fields...' This issue is further expanded in the report below under PPS 15 Consideration.

Exceptionally an alternative site may be acceptable away from a group of existing farm buildings and where it is essential for the efficient functioning of the business and there are demonstrable health and safety reasons.

As no acceptable justification has been provided as to why the proposed building could not be located adjacent to the applicants dwelling and garage, it is contrary to these policy tests.

The applicant has already obtained planning approval for a replacement dwelling to the north of the proposed shed. The replacement dwelling will utilise the same laneway as the proposed shed and will extend the existing laneway beyond the site, Therefore it is clear that access can be gained beyond the proposed building by domestic vehicles and it is not accepted that the land is so steep that agricultural vehicles would not be able to

access an alternative site beyond the existing location.

Therefore, in my opinion, it is not accepted that there is any justification for a farm shed to be located at this particular location. Consequently, the proposal is considered to be contrary to the key tests of this policy.

#### PPS 15 - Planning and Flood Risk

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. One such exception is 'Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.'

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

A Flood risk assessment has not been submitted.

The agent submitted a supporting statement advising of the following in an attempt to justify the proposed site.

These points are discussed as follows:-

1. The existing cattle and sheep pens/ crush has been located beside where the shed has been built - so this area forms the only working yard.

At the time of inspection, there was no evidence of any existing cattle or sheep pens/crush near the proposed site.

2. It is beside the original farm dwelling house (located behind) which has permission granted for replacement dwelling. Again, trying to keep development together and linked.

As detailed above, given that planning approval has already been granted for a replacement dwelling immediately north of the proposed shed, there is no reason why the proposed shed could not have been built immediately north of that dwelling and outside of the floodplain. That alternative site would still have achieved the same linkage with the dwelling.

3. This location is well screened and sheltered from local residents views (from Ballyknock and Fallylea sides, set behind an existing woodland. Building a shed on other fields not on a flood plain would likely draw objection from neighbours in close proximity (in its current location there have been no objections

To state that an alternative site 'would likely draw objections from neighbours in close proximity....' is speculation. Even if objections were received from neighbours, such objections would need to be based on planning reasons. It should be noted that the closest third party dwelling is located in excess of 200m west of the site at 14 Fallylea Road. No. 14 Fallylea Road also has associated farm buildings between the dwelling and the proposed site. Therefore, in my opinion, it is unlikely that any objections would

be afforded any determining weight.

4. Current location - has never flooded in John Senior's time (73). John has built up the ground where the shed is - finished floor height level is 3ft+ above original ground height. This is the highest point of the floodplain, the shed is built on the periphery (other side of the hedge is not in a floodplain). The lower fields not in the floodplain (meadows), can only be accessed across the lowest point of the floodplain (and is actually the old riverbed, having been re-routed in the past).

As the agent has stated, the site is within the floodplain. The applicant has raised ground levels within the floodplain by means of infilling which will have the effect of displacing flood water elsewhere. Clearly the proposed shed could have been erected on the opposite side of the boundary hedge and outside the floodplain.

5. Building on the lower fields not in the floodplain would involve construction of a new access laneway across the lower floodplain/meadows. Previous inspections by DARD have shown an abundance of rare plants and wildflowers in the meadows and were keen on minimising any development in this area. The upper portion of the floodplain did not have the same level of wildlife in part due to the increased level of travel in this area with the existing farm yard and laneway.

The applicant has alternatives to erecting a shed within those lower fields not in the floodplain. As discussed above, there are several fields above the floodplain which are accessible and which would meet all other policy requirements.

6. The present location has an existing laneway in place and therefore reduces the amount of construction needed with less impact on the environment.

As discussed above, the replacement dwelling approved adjacent to the proposed sites' northern boundary is to be accessed via the existing laneway. Therefore it is reasonable to expect that the laneway would be extended to that site. Indeed the current aerial photos indicate that extension to already exist. Therefore it would only be necessary to extend the laneway by around 50m in a north-easterly direction which involves a gentle uphill slope. This would involve a lesser impact on the environment than that already undertaken by way of infilling the current site within the floodplain.

7. Locating the shed further up the hill out of the flood plain would involve costly and environmentally destructive access as there is no laneway to those fields, with a steep gradient (wouldn't be able to get large farm machinery up there).

This point has been addressed at point 7.

8. Security - we can see the shed from our house and access is via a lane past our house. Lands further up beyond the flood plain can be accessed via a disused laneway which joins the Fallylea Road which for us would be too difficult to monitor and secure a shed this far away from our farmhouse.

If the suggested alternative site were developed as opposed to the existing site, it would be approximately 40m from the current site. This would still be visible from the applicants dwelling and could be accessed via the existing laneway. The existing shed is 100m from the applicants dwelling, the alternative site would be 140m from the applicants dwelling, but more importantly would be 300m from the Fallylea Road. Even if there is an existing laneway to the alternative site, as the supporting statement advises, this is disused, and it also leads past the existing properties on Fallylea Road.

9. Minimal risk to human or livestock - machinery shed with simple steel and concrete construction. No risk to human or animal welfare as shed to be used to store machinery, crops & animal feed.

Contrary to the above assertion, the proposal could create a risk to human or livestock as it involves the infilling of an area within the floodplain thereby displacing floodwaters

elsewhere. This has the potential to endanger both human life and/or livestock.  
10. The remaining fields not in the floodplain form the main pasture lands for cattle and sheep. The proposed location is not used for pasture/grazing and has been used for uncovered storage of machinery, round bales, equipment. Developing in the main pasture lands reduces available ground for grazing considerably in view of the small total acreage that John holds.

Council has access to ortho photography which clearly show the site was consistently in grass and used for agricultural purposes between 2003 and 2018. Therefore there is no difference between developing an alternative site and the proposed site.

The proposed site is therefore contrary to Policy FLD 1 of PPS 15.

CTY 13 Integration and design of buildings in the countryside.

As the site has the benefit of one established boundary and due to the distance it is set back from the public road and the restricted views of the proposed building, it will achieve an acceptable degree of integration

CTY 14 Rural Character

The proposal does not offend this policy as the proposed site is not considered to be prominent, it does not result in a suburban style form of development, it respects the traditional settlement pattern in the area, it does not create or add to a ribbon of development and the ancillary works would not damage rural character.

Recommendations

That planning approval be refused for the proposed development for the reasons listed below:-

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

Refuse is recommended

#### **Refusal Reasons**

##### **Reason 1**

The proposal and ancillary works are contrary to Policy FLD1 of Planning Policy Statement 15 Planning and Flood Risk in that the development would if permitted be at risk from flooding and would be likely to increase the risk of flooding elsewhere.

##### **Reason 2**

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 buildings and that the alternative site is essential for the efficient functioning of the business.

<b>Case Officer:</b> Malachy McCrystal
<b>Date:</b> 23 November 2022



<b>ANNEX</b>	
<b>Date Valid</b>	28 January 2022
<b>Date First Advertised</b>	8 February 2022
<b>Date Last Advertised</b>	8 February 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 189A , Glen Road, Maghera, Londonderry, BT46 5JN The Owner / Occupier 189 Glen Road, Maghera, Londonderry, BT46 5JN The Owner / Occupier 199 Glen Road Maghera Londonderry BT46 5JN	
<b>Date of Last Neighbour Notification</b>	25 February 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  NI Water - Strategic Applications-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC DAERA - Coleraine-Substantive: TBCResponseType: FR NI Water - Single Units West-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR	

<b>Drawing Numbers and Title</b>
Elevations and Floor Plans Plan Ref: 05 Elevations and Floor Plans Plan Ref: 04 Elevations and Floor Plans Plan Ref: 03 Block/Site Survey Plans Plan Ref: 02 Site Location Plan Plan Ref: 01
<b>Notification to Department (if relevant)</b>
Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2022/0235/F	<b>Target Date:</b> 20 April 2022
<b>Proposal:</b> Proposed Farm dwelling and garage to supersede Previously approved Ref: LA09/2017/0867/O	<b>Location:</b> Approx 65M South Of 130 Coolreaghs Road Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr K Black 130 Coolreaghs Road Cookstown	<b>Agent Name and Address:</b> Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
Non Statutory Consultee	Environmental Health Mid Ulster Council	

### Representations:

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

### Summary of Issues

The proposal is contrary to Policy CTY 1, 10, 13 and 14 of PPS 21.

One objection has been received. The points raised in the letter of objection have been fully assessed as part of this report and can be summarized below:

- The applicant does not own the land. This has been checked and although the applicant does not own the land, the correct notice has been served on the land owner who is also named on the farm business as per the P1c form.
- No single farm payment has been claimed and the applicants don't farm the land
- The site is not visually linked or sited to cluster with any established group of buildings.
- The proposal fails to comply with policies CTY2a, CTY8, CTY 13, CTY 14 & CTY16.

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

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is part of a larger agricultural field which is located along the roadside and rises from south to North. The boundaries of the site as defined on the roadside and west by low level hedges and post and wire fencing with the northern boundary defined by third party agricultural buildings. The surrounding area is mainly agricultural rural lands and dwellings located throughout the countryside.

#### **Site History**

LA09/2017/0867/O- Proposed dwelling and garage- 65M South Of 130 Coolreaghs Road Cookstown. Permission Granted 24.08.2017

LA09/2018/0130/RM- Dwelling and Garage- 65M South Of 130 Coolreaghs Road. Pending consideration.

LA09/2019/0822/F- Erection of a shed over existing storage tank for the storage of farm feeds- Lands 48M Se Of 130 Coolreaghs Road Cookstown. Pending Decision. This application was recommended for refusal at a previous committee meeting but was deferred and no decision has been made.

### **Description of Proposal**

This is a full planning application for a proposed farm dwelling and garage to supersede approval ref: LA09/2017/0867/O

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

#### **Policy Consideration**

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:

(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.

In respect to criteria (a) DAERA were consulted and confirmed the Business ID provided have been in existence since 2005 but that no form of payments are being claimed by the business. They also confirmed that the site located in field 6/100/030/1 is not controlled by the farm business identified on the P1c form. In saying this DAERA are advising that another farm is claiming single farm payment from the applicants land and it has been confirmed that the applicant has a lease agreement to let the land out and that the lands are being farmed by a third party. Although the objector raised this as an

objection, I am content the proposal complies with criteria A as the business ID provided has been in existence for more than 6 years and the business aspect has been met as the land is being leased out.

With regards to criteria B I have conducted a search on the planning portal and found no evidence of any dwellings or development opportunities that have been sold off from the farm holding within 10 years and there has been no claims made otherwise. The lands where the site is located were transferred to Amanda Chambers in January 2022 however, as Amanda Chambers is listed as a member of the active farm business this cannot be considered being sold off or transferred off the farm holding.

Criteria C requires the building to be visually linked or sited to cluster with an established group of buildings on the farm. Firstly, the agent has identified the buildings located to the north as 130 Coolreaghs Road and the associated garage as the existing buildings associated with the farm business. Following discussions at internal group meetings this was deemed acceptable as there is no other buildings on the farm holding which have been identified. The next step is that the new dwelling should visually link with or be sited to cluster with this established group of buildings. It is important to note there is third party farm buildings located directly adjacent to the site to the north. It is these buildings which act as a visual break between the proposed site and the established buildings associated with this business ID. Policy CTY 10 does not permit reliance on groups of buildings on a neighbouring farm holding. Given the size of these neighbouring farm buildings I do not believe there is a visual link from the proposed site and these established buildings identified as 130 Coolreaghs Road. The image below was taken from the southern part of the site facing towards the proposed siting of the dwelling with the third party buildings visible. It is clear that there is no visual linkage between the proposed new dwelling and the established group of buildings on the farm, therefore, failing to comply with criteria C of CTY 10.



The proposal also fails to be considered under CTY2a as per the objectors comments the applicant has not proposed to apply for a site under this policy.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Given the topography of the site and the low level hedges which define the site, the dwelling at this location would be a prominent feature. The proposed dwelling would have a finished floor level of 86.00 and although the road rises to 86.71 further north beyond the site, the proposed two storey dwelling with a ridge height of 8m above finished floor level would be a prominent feature in the landscape. Additional planting would be required, and for a dwelling of this size it would rely solely on new landscaping for integration given the scale of the dwelling. As such the dwelling would rely heavily on site works such as landscaping and planting to achieve an acceptable degree of integration and is therefore, contrary to this policy.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would be on an elevated site and would appear unduly prominent in the landscape. As such, the proposal is contrary to this policy. CTY 8 is raised by the objector and in considering that this application cannot rely on neighbouring farm buildings, I feel I can attach more weight to CTY 8 considerations and the chosen location in my view, would extend a ribbon of development along the Coolreaghs Road.



There is ample space within this site to provide package treatment plant provision as shown on the block plan. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 3 - Access, Movement and Parking:

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

**Other Material Considerations**

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

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

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

**Reason 2**

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape and the site relies primarily on the use of new landscaping for integration.

**Reason 4**

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape.

**Reason 5**

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Coolreaghs Road

**Signature(s):** Ciaran Devlin

**Date:** 21 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	23 February 2022
<b>Date First Advertised</b>	8 March 2022
<b>Date Last Advertised</b>	8 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 130 Coolreaghs Road Cookstown Tyrone BT80 9QD	
<b>Date of Last Neighbour Notification</b>	28 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: I/1995/0089 Proposals: Site for Dwelling Decision: WITHDR Decision Date:  Ref: I/1993/6028 Proposals: Site for Single Storey Dwelling Coolreaghs Road Cookstown Decision: PRER Decision Date: 30-MAR-93  Ref: LA09/2019/0822/F Proposals: Erection of a shed over existing storage tank for the storage of farm feeds (amended description) Decision: Decision Date:  Ref: I/2007/0358/F Proposals: Proposed replacement dwelling and garage Decision: PG Decision Date: 13-FEB-08  Ref: I/1976/0434	

Proposals: IMPROVEMENTS TO EXISTING DWELLING

Decision: PG

Decision Date:

Ref: I/2008/0339/F

Proposals: Change of garage from original approved under I/2007/0358/RM (to accommodate additional domestic storage

Decision: PG

Decision Date: 21-JUL-08

Ref: LA09/2017/0867/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 24-AUG-17

Ref: LA09/2022/0235/F

Proposals: Proposed Farm dwelling and garage to supersede Previously approved Ref: LA09/2017/0867/O

Decision:

Decision Date:

Ref: LA09/2018/0130/RM

Proposals: Dwelling and Garage

Decision:

Decision Date:

### **Summary of Consultee Responses**

DAERA - Omagh-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

Historic Environment Division (HED)-Substantive: TBCResponseType: PR

Environmental Health Mid Ulster Council-

### **Drawing Numbers and Title**

Garage Plans            Plan Ref: 04

Proposed Plans        Plan Ref: 03

Site Layout or Block Plan   Plan Ref: 02

Site Location Plan    Plan Ref: 01

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

Not Applicable



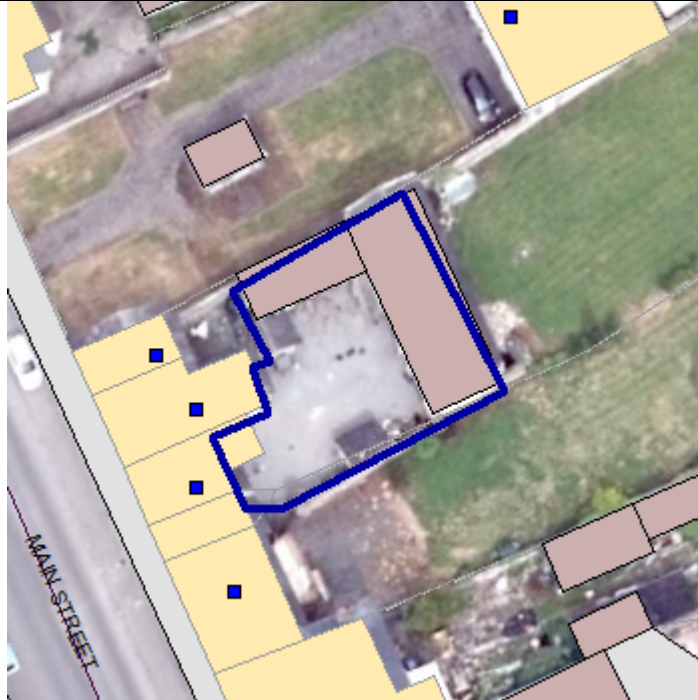


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2022/0287/LBC	<b>Target Date:</b> 29 April 2022
<b>Proposal:</b> Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys	<b>Location:</b> 23-23A Main Street Caledon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> John Hassard 83 Derrycourtney Road Caledon BT68 4TZ	<b>Agent Name and Address:</b> Concept 44 Architecture 44 Rebaghey Road Aughnacloy BT69 6EU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	

### Representations:

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

### Summary of Issues

No issues. Objections were received in relation to this proposal as a full application and as such the application is present to committee.

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

The red line of the site includes lands to the rear of 22-24 Main St, Caledon. The site location plan identifies 22-24 Main St within blue lands along with the lands which extend to the east of the application site and it also notes there is a private right of way which is needed to access the application site. The building is classified as being grade B1 listed and this listing takes into account the entirety of the site includes the outbuildings in question. The site is located within a Conservation Area as noted with Dungannon and South Tyrone Area Plan 2010. The lands surrounding the site are primarily residential with a number of adjacent buildings also having listed status. There is a mix of uses found within the village of Caledon.

## **Description of Proposal**

Listed Building Consent is sought for the proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys

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

### **Policy Consideration**

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party representation was received which referenced the Full application (LA09/2022/0288/F) as well as the Listed Building Consent and as such I have included the details provided in the full report here also for full transparency. The objection states that the application is not clear what is proposed noting they feel the current description is unclear and that the proposed use should be specified more precisely. They add concern relating to the access and parking of the site. The objector provided a right of way map showing they also have a right of way through the archway which will also access the application site.

In response to the objection, I feel the plans along with the description and design and access statement supply adequate information about what is proposed at this site. The proposed plans, as shown on Drawing No.02 date received 4<sup>th</sup> March 2022 show one ground floor bedroom and one first floor bedroom with an open plan kitchen/living area proposed. There is an ensuite proposed on the ground floor with a WC also proposed on the first floor. The two first floor terraced areas are also evident on the plans. In response to the access and parking concerns, this is addressed later in the report also. The agent recognises that the current access arrangement to the site through the archway may present some difficulties for residents wishing to park here on a regular basis, however they have added that the on street parking within Caledon is plentiful and should be sufficient to address these issues.

#### Planning History

There is an associated application submitted along with this for Listed Building Consent.



Both applications are being processed simultaneously.

LA09/2022/0288/F - Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys - 23-23A Main Street Caledon.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement
- PPS 6 – Planning, Archaeology and the Built Heritage
- Local Development Plan 2030 – Draft Plan Strategy

**Strategic Planning Policy Statement 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 Planning Policy Statement 6 - Planning, Archaeology & Built Heritage have been retained under transitional arrangements.

The SPPS seeks to secure the protection, conservation and where possible, enhancement of our built and archaeological heritage; Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity.

**Planning Policy Statement 6: Planning, Archaeology and the Built Heritage** - As the works proposed are to a Listed House this proposal has been assessed against Policy BH 7 (Change of use of a Listed Building), Policy BH8 (Extension or Alteration of a Listed Building) and BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6. I consulted with the Historic Environment Division (HED) of the Department of Communities, as they provide valuable input when assessing the impact of the proposal on the amenity of the Listed House and its setting. HED, Historic Buildings considered the impacts of the proposal on the building and were content with the proposal. I am content that the change of use proposed would secure the buildings upkeep and maintain the character and architectural or historic interest of the building. I am content the proposal includes details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting. The materials proposed match existing materials and any new materials including new window frames and doors are all materials which HED have assessed and agreed within their response, subject to conditions which they have supplied.

**Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 1

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

### Condition 2

Proposals including materials and finishes shall be as per planning drawings 06 (date published 9th May 2022) and 02b, 03b, 07a & 08a (date published 1st August 2022) with the exception that multiplane timber windows shall be single glazing unless a sample double glazed window has been agreed with HED.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

### Condition 3

Original or historic fabric, finishes and fittings shall be retained, apart from locations shown on Planning drawings and Internal and external repair/ works of making good required to the retained fabric shall match the existing in each and every respect, unless otherwise approved.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

### Condition 4

There shall be no low emissivity glazing and all windows shall be without visible trickle vents.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

### Condition 5

New stone walling to conservatory shall be traditionally built with coursing and pattern equating to that of the main house.

Reason: To ensure the essential character of the building and its setting are retained

and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

**Condition 6**

Flashings shall be lead, non-machine tool cut installed fully in accordance with Lead Sheet Association's current recommendations and shall protrude no more than 50mm into the fabric of the listed building and new services shall integrate into the existing building without proliferation of voids through historic fabric or new service ducts etc.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

**Condition 7**

No new mechanical services (including for example pipes, soil-stacks, flues, vents or ductwork or other fixtures) shall be fixed on the external faces of the building other than those shown on the drawings submitted.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

**Condition 8**

No new or electrical services (including grilles, security alarms, lighting, security or other cameras or other fixtures) shall be fixed on the external faces of the building other than those shown on the drawings hereby submitted.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

**Signature(s):** Sarah Duggan

**Date:** 22 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	4 March 2022
<b>Date First Advertised</b>	17 March 2022
<b>Date Last Advertised</b>	15 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 24 Main Street, Caledon, Tyrone, BT68 4TZ	
<b>Date of Last Neighbour Notification</b>	31 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)- Historic Environment Division (HED)-	

**Drawing Numbers and Title**

Proposed Floor Plans      Plan Ref: 02B  
Proposed Elevations      Plan Ref: 07A  
Proposed Elevations      Plan Ref: 03B  
Proposed Plans      Plan Ref: 08A  
Site Location Plan      Plan Ref: 01  
Existing Elevations      Plan Ref: 05  
Existing Floor Plans      Plan Ref: 04  
Proposed Elevations      Plan Ref: 03  
Proposed Floor Plans      Plan Ref: 02  
Proposed Floor Plans      Plan Ref: 02a  
Proposed Elevations      Plan Ref: 03a  
Existing Floor Plans      Plan Ref: 04a  
Existing Elevations      Plan Ref: 05a  
Proposed Plans      Plan Ref: 06  
Proposed Elevations      Plan Ref: 07  
Proposed Plans      Plan Ref: 08

**Notification to Department (if relevant)**

Not Applicable

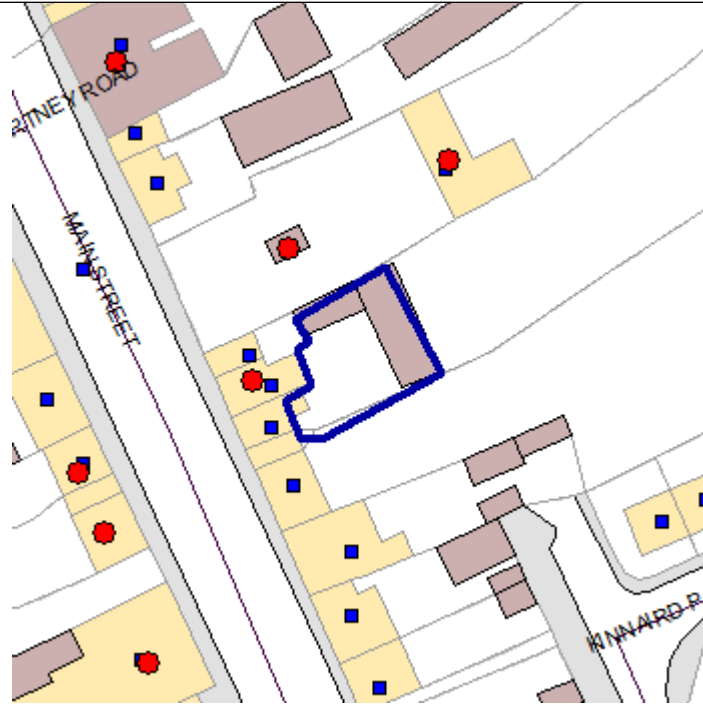


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2022/0288/F	<b>Target Date:</b> 29 April 2022
<b>Proposal:</b> Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys	<b>Location:</b> 23-23A Main Street Caledon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> John Hassard 83 Derrycourtney Road Caledon BT68 4UH	<b>Agent Name and Address:</b> Concept 44 Architecture 44 Rebaghey Road Aughnacloy BT69 6EU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	NI Water - Single Units West	Substantive: TBCResponseType: FR

### Representations:

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

### Summary of Issues

There was on objection received in relation to the proposal. The details of this objection will be discussed later within the report.

### Characteristics of the Site and Area

The red line of the site includes lands to the rear of 22-24 Main St, Caledon. The site location plan identifies 22-24 Main St within blue lands along with the lands which extend

to the east of the application site and it also notes there is a private right of way which is needed to access the application site. The building is classified as being grade B1 listed and this listing takes into account the entirety of the site includes the outbuildings in question. The site is located within a Conservation Area as noted with Dungannon and South Tyrone Area Plan 2010. The lands surrounding the site are primarily residential with a number of adjacent buildings also having listed status. There is a mix of uses found within the village of Caledon.

### **Description of Proposal**

Full planning permission is sought for the proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys.

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

#### **Policy Consideration**

##### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, one third party representation was received. The objection states that the application is not clear what is proposed noting they feel the current description is unclear and that the proposed use should be specified more precisely. They add concern relating to the access and parking of the site. The objector provided a right of way map showing they also have a right of way through the archway which will also access the application site.

In response to the objection, I feel the plans along with the description and design and access statement supply adequate information about what is proposed at this site. The proposed plans, as shown on Drawing No.02 date received 4<sup>th</sup> March 2022 show one ground floor bedroom and one first floor bedroom with an open plan kitchen/living area proposed. There is an ensuite proposed on the ground floor with a WC also proposed on the first floor. The two first floor terraced areas are also evident on the plans. In response to the access and parking concerns, this is addressed later in the report also. The agent recognises that the current access arrangement to the site through the archway may present some difficulties for residents wishing to park here on a regular basis, however they have added that the on street parking within Caledon is plentiful and should be sufficient to address these issues.

##### Planning History

There is an associated application submitted along with this for Listed Building Consent. Both applications are being processed simultaneously.

LA09/2022/0287/LBC - Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys - 23-23A Main Street Caledon.

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



- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 7 – Quality Residential Environments
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- DCAN 8 Housing in Existing Urban Areas
- Local Development Plan 2030 – Draft Plan Strategy

The application site is located within Caledon Settlement as identified within Dungannon and South Tyrone Area Plan 2010 and is within a Conservation Area. There are no other zonings or designations within the Plan. SETT1 indicates that development may be acceptable if it meets identified criteria, these are broadly similar those in PPS7 and so I consider if the proposal meets with PPS7, it will also accord with the Plan.

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

The proposal is for a change of use from an existing barn outbuilding to provide living accommodation, thus Planning Policy Statement (PPS) 7 Quality Residential Environments is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to comply with a number of criterion as laid out in the policy. I am content this development respects the surrounding context and is appropriate to the character and topography of the site. As this is a change of use of an existing building with minimal works to its external appearance, particularly on the front elevation. There are two balcony's proposed to the eastern portion of the development however public views of this will be somewhat limited. I believe the proposed works will enhance the appearance of the existing building and in turn the immediate area.

I am content the design respects the listed building in terms of scale, height, massing and alignment; sympathetic building materials and techniques, which respect of those found on the building; and the nature of the use proposed respects the character of the setting of the building. Public open space is not a requirement for this type of proposal. I am content private amenity space to the east of the dwelling is well in excess of the 70m2 promoted in creating places and has been provided within the yard to the rear of the property. I am dealing solely with an application for a single dwelling in which local neighbourhood facilities in their own right would not be required. The proposal would support walking and cycling, and help meet the needs of people whose mobility is impaired by reason of its village centre location which will provide the occupiers of the dwelling with adequate and convenient access to existing services and facilities within

the village including public transport to wider afield.

The proposed development does not propose to provide any in-curtilage car parking and ordinarily some should be provided in accordance with the Car Parking Standards, however I am content that there is adequate on street parking available within Caledon. The agent has noted on the plans that there is a private right of way which accesses the gravel courtyard to the rear of 23-23a Main Street and parking would be available within this area if desired. The design and finishes of the proposed development are considered acceptable to the site and locality. There are some changes proposed to the fenestration of the building to accommodate the change of use proposed and the balcony area to the rear of the proposal remains the biggest external changes to the proposal. I am content that this proposal should not conflict with adjacent land uses, there is a number of residential properties within close proximity to the application site. I find no reason why this proposal would have any impact on crime or personal safety in this setting.

With respect to PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas, I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area; the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and the site has the capacity subject to a suitably designed accommodated a dwelling built to a size not less than those set out in Annex A of this addendum.

NI Water have been consulted and have recommended refusal on the application on the basis that the application site falls within an odour encroachment boundary. The WWTW of Caledon are location to the NE of the application site, however I am content that there is other development within Caledon within closer proximity to the WWTW and thus I have no concern about the impact it will have on this proposal. NI Water have noted that there is available capacity within the WWTW.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

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

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

**Signature(s):** Sarah Duggan

**Date:** 22 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	4 March 2022
<b>Date First Advertised</b>	17 March 2022
<b>Date Last Advertised</b>	15 March 2022
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 21 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 24 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 23 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 22 Main Street Caledon Tyrone BT68 4TZ	
<b>Date of Last Neighbour Notification</b>	29 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: M/2004/1067/F Type: F Status: PG  Ref: M/1988/0812 Type: F Status: PCO  Ref: M/2004/1080/LB Type: LBC Status: CG  Ref: LA09/2021/1524/CONTP Type: CONTPO Status: WTCAG  Ref: LA09/2022/0073/CONTP	

Type: CONTPO  
Status: WTCAG

Ref: M/2006/1531/F  
Type: F  
Status: PG

Ref: M/2004/1504/F  
Type: F  
Status: PG

Ref: M/1986/0558  
Type: H13  
Status: PR

Ref: LA09/2022/0287/LBC  
Type: LBC  
Status: PCO

Ref: LA09/2022/0288/F  
Type: F  
Status: PCO

Ref: M/2001/1056/LB  
Type: LBC  
Status: CG

Ref: M/2001/1057/F  
Type: F  
Status: PG

Ref: M/2000/0944/LB  
Type: LBC  
Status: CG

Ref: M/1974/0418  
Type: H13  
Status: PG

Ref: M/2010/0830/F  
Type: F  
Status: PG

Ref: M/2009/0093/Q  
Type: PREAPP  
Status: 211

Ref: M/1974/0454  
Type: H13  
Status: PG

Ref: LA09/2016/0332/F  
Type: F  
Status: PG

Ref: M/2004/1553/A  
Type: A  
Status: CG

Ref: M/2004/1328/F  
Type: F  
Status: PG

Ref: M/1988/0343  
Type: F  
Status: PG

Ref: M/2010/0026/F  
Type: F  
Status: PG

Ref: M/2010/0022/LB  
Type: LBC  
Status: CG

Ref: M/2004/1554/LB  
Type: LBC  
Status: CG

Ref: M/1988/0459  
Type: LBC  
Status: PG

Ref: M/1993/0302  
Type: F  
Status: PCO

Ref: M/1994/0035  
Type: LBC  
Status: PCO

Ref: M/1993/0402

Type: LBC  
Status: PCO

Ref: M/2002/1217/F  
Type: F  
Status: PG

Ref: M/1979/0250  
Type: H13  
Status: PG

Ref: M/1996/0264`  
Type: F  
Status: PCO

Ref: LA09/2018/1135/LDP  
Type: LDP  
Status: PG

Ref: M/2011/0551/LBC  
Type: LBC  
Status: CG

Ref: M/2004/0037/F  
Type: F  
Status: PG

Ref: M/1995/0254  
Type: F  
Status: PCO

Ref: M/1998/0221  
Type: F  
Status: PG

Ref: M/2002/1184/LB  
Type: LBC  
Status: CG

Ref: M/2007/0759/F  
Type: F  
Status: PG

Ref: M/2002/1183/F  
Type: F  
Status: PG

Ref: M/1996/4034  
Type: P  
Status: PCO

Ref: M/2008/0841/A  
Type: A  
Status: CG

Ref: M/1992/0256  
Type: F  
Status: PCO

Ref: M/1996/0213  
Type: F  
Status: PCO

Ref: M/1988/0839  
Type: LBC  
Status: PCO

Ref: M/2001/0955/A41  
Type: A41  
Status: 205

Ref: M/1993/4025  
Type: P  
Status: PCO

Ref: M/1992/0283  
Type: F  
Status: PCO

Ref: M/1988/0840  
Type: LBC  
Status: PCO

Ref: M/1993/0262  
Type: F  
Status: PCO

Ref: M/1993/0317  
Type: LBC  
Status: PCO

Ref: M/1987/0246



Type: F  
Status: PG

Ref: M/1980/0660  
Type: H13  
Status: PG

Ref: M/1993/0691  
Type: O  
Status: PCO

Ref: LA09/2016/0448/A  
Type: A  
Status: CG

Ref: M/2004/0283/F  
Type: F  
Status: PG

Ref: M/2004/0282/LB  
Type: LBC  
Status: CG

Ref: M/2002/1386/LB  
Type: LBC  
Status: CG

Ref: M/2001/1350/DCA  
Type: DCA  
Status: APPRET

Ref: M/2001/1323/LB  
Type: LBC  
Status: CG

Ref: M/2002/0389  
Type: LBC  
Status: 461

Ref: M/2010/0030/LB  
Type: LBC  
Status: CG

Ref: M/2012/0382/LBC  
Type: LBC  
Status: CG

Ref: LA09/2016/0133/LDP  
Type: LDP  
Status: PG

Ref: M/1979/0553  
Type: H13  
Status: PG

Ref: M/1981/0022  
Type: H13  
Status: PG

Ref: M/2002/0686/F  
Type: F  
Status: PG

Ref: M/2002/0685/LB  
Type: LBC  
Status: CG

Ref: M/1990/0016  
Type: LBC  
Status: PCO

Ref: M/1990/0015  
Type: F  
Status: PCO

Ref: M/2006/1589/F  
Type: F  
Status: PG

Ref: M/2013/0424/F  
Type: F  
Status: PG

Ref: M/1983/0257  
Type: H13  
Status: PG

Ref: M/1975/0251  
Type: H13  
Status: PG

Ref: M/1994/0196

Type: F  
Status: PCO

Ref: M/1974/0322  
Type: H13  
Status: PG

Ref: M/1998/0277  
Type: F  
Status: PCO

Ref: M/1993/0423  
Type: F  
Status: PCO

Ref: M/2012/0164/F  
Type: F  
Status: PG

Ref: M/2013/0269/LBC  
Type: LBC  
Status: CG

Ref: M/2013/0268/A  
Type: A  
Status: CG

Ref: M/2012/0163/LBC  
Type: LBC  
Status: CG

Ref: M/2011/0552/F  
Type: F  
Status: PG

Ref: M/2007/0883/LDP  
Type: LDP  
Status: PG

Ref: M/2006/1703/F  
Type: F  
Status: PG

Ref: M/2004/1628/F  
Type: F  
Status: PG

<b>Summary of Consultee Responses</b>
NI Water - Single Units West-Substantive: TBCResponseType: FR
<b>Drawing Numbers and Title</b>
Site Location Plan Plan Ref: 01 Existing Elevations Plan Ref: 05 Existing Floor Plans Plan Ref: 04 Proposed Elevations Plan Ref: 03 Proposed Floor Plans Plan Ref: 02
<b>Notification to Department (if relevant)</b>
Not Applicable

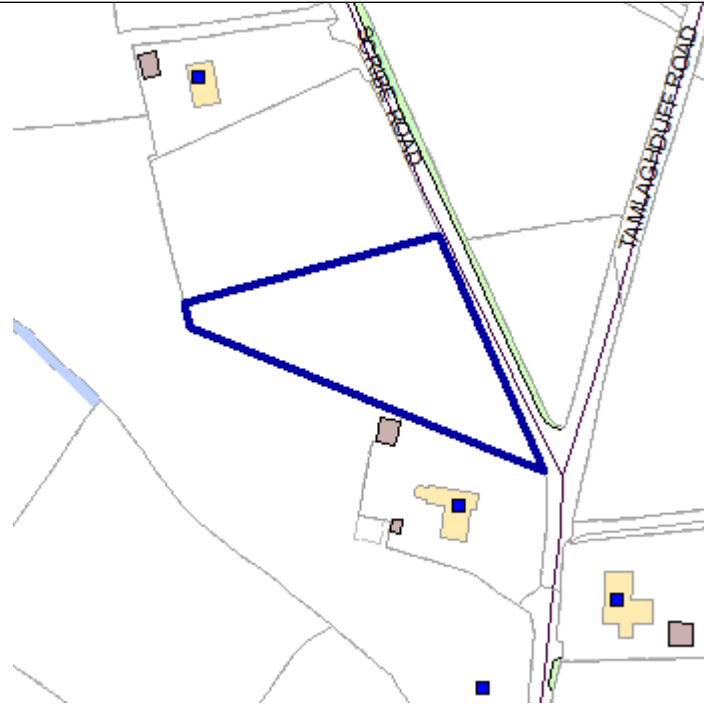


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2022/0349/RM	<b>Target Date:</b> 11 May 2022
<b>Proposal:</b> New dwelling and garage	<b>Location:</b> 90M S.E. Of 2 Scribe Road Bellaghy
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Paul Scullion 4 Scribe Road Bellaghy	<b>Agent Name and Address:</b> Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
<b>Executive Summary:</b>  The current application is presented as an approval however objections from a neighbour necessitates presentation at Committee.  The objector's concerns are addressed below: * No indication of existing or proposed levels on drawings, concerns that a large amount of earthworks will be required and flooding will result - An amended drawing (reference 02 Rev A) was uploaded to Public Access on 23/09/2022 showing existing levels, proposed levels and finished floor levels. The spot levels shown indicate limited earthworks will be required.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The application site is located 90m southeast of No. 2 Scribe Road, Bellaghy within an area of open countryside as per the Magherafelt Area Plan 2015. The site is currently undefined to the north and western boundaries and along its 87m road frontage to the east. The southern boundary is defined by a combination of a wire and post fence and

fencing panels. Adjacent to the southern boundary there is a detached two storey dwelling which fronts onto Tamlaghduff Road. The site consumes a portion of a larger, flat agricultural field. The surrounding area is characterised by a mixture of dispersed single dwellings and agricultural lands.



### **Description of Proposal**

This is a reserved matters application for a new dwelling and garage located 90m southeast of No. 2 Scribe Road, Bellaghy.

### **Consultations**

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

### **Site History**

LA09/2017/1035/O - 90m South East of 2 Scribe Road, Bellaghy – Proposed infill site of dwelling and domestic garage for residential purposes – Permission Granted 06/12/2017.

LA09/2020/1537/O – 90m SE of No. 2 Scribe Road, Bellaghy, BT45 8JN – Proposed infill site (renewal) for dwelling and garage for residential purposes – Permission granted 07/05/2021.

### **Representations**

Neighbour notification and press advertisement has been carried out in accordance with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing, one objector has submitted written correspondence on two separate occasions, 6<sup>th</sup> May 2022 and 25<sup>th</sup> October 2022.

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

### **Policy Consideration**

#### **Magherafelt Area Plan 2015**

The site falls within the rural countryside area, outside of any designated settlement and has no other specific designations or zonings.

#### **Mid Ulster Local Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> of May 2021, the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination. In light of this, the Draft Plan Strategy does not yet carry determining weight.

#### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

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

#### **PPS 21 – Sustainable Development in the Countryside**

CTY 8 of PS 21 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/ I note that the principle of development has already been established within the site through the recent approval of LA09/2020/1537/O, in which the application must still comply under CTY 13 and 14 of PPS 21. I am content that all conditions set out at outline stage have been met in the current proposal.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in



the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that the 6.5m ridge height restriction set out at outline stage has been adhered to and I am content that the proposed dwelling will not appear prominent in the landscape. Due to the existing and proposed landscaping, it is felt that the dwelling and garage will be able to successfully integrate into the landscape.

It is noted that the proposed dwelling is located a distance of 56m from the closest neighbour and there are therefore no concerns regarding overlooking or overshadowing.

Finally, in terms of design, I note that it is of simple design and is considered acceptable in this rural context. From this I am content that the application is able to comply with CTY 13.



CTY 14 of PPS 21 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 the 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 balance, I am content that the proposed development complies with CTY 14.

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

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

**Condition 1**

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline permission;
- Or
- ii. The expiration of a period of 2 years from the date hereof.

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

**Condition 2**

The vehicular access including visibility splays 2.4 x 90 metres and a 90 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 16 Mar 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

All landscaping comprised in the approved details of landscaping on the approved drawing No. 02 Rev A bearing date stamp 23/09/2022 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree or other plant identified in the landscaping dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

**Signature(s):** Zoe Douglas

**Date:** 8 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	16 March 2022
<b>Date First Advertised</b>	29 March 2022
<b>Date Last Advertised</b>	29 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 4A Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 34 Tamlaghtduff Road Bellaghy Londonderry BT45 8JQ The Owner / Occupier 2 Scribe Road Bellaghy Londonderry BT45 8JN  The Owner / Occupier 2, Scribe Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JN	
<b>Date of Last Neighbour Notification</b>	25 October 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/0349/RM Proposals: New dwelling and garage Decision: Decision Date:  Ref: H/1999/0202 Proposals: ALTS & ADDS TO DWELLING Decision: PG Decision Date:  Ref: LA09/2022/0355/RM Proposals: New Dwelling and garage Decision: Decision Date:	

Ref: H/2003/1059/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2017/1035/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 06-DEC-17

Ref: LA09/2018/1137/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 03-APR-19

Ref: H/1984/0136

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2021/0976/O

Proposals: Proposed Infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 15-NOV-21

Ref: LA09/2020/1475/O

Proposals: Proposed infill site of dwelling and domestic garage

Decision: PG

Decision Date: 06-MAY-21

Ref: H/2005/1272/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 24-OCT-06

Ref: LA09/2020/1537/O

Proposals: Proposed infill site ( renewal) for dwelling & garage for residential purposes.

Decision: PG

Decision Date: 17-MAY-21

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

**Drawing Numbers and Title**

Garage Plans            Plan Ref: 05  
Proposed Elevations       Plan Ref: 04  
Proposed Floor Plans       Plan Ref: 03  
Site Layout or Block Plan   Plan Ref: 02  
Site Location Plan   Plan Ref: 01  
Site Layout or Block Plan

**Notification to Department (if relevant)**

Not Applicable



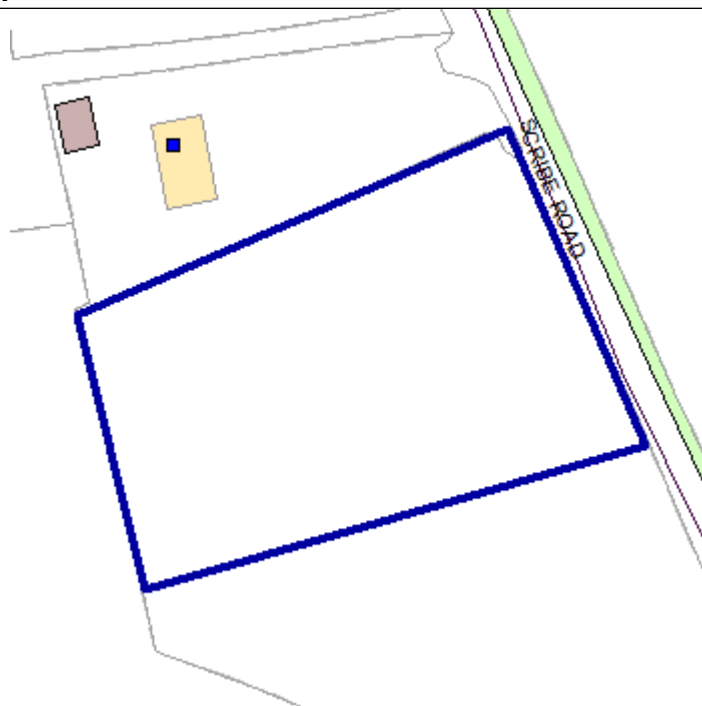
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2022/0355/RM	<b>Target Date:</b> 11 May 2022
<b>Proposal:</b> New Dwelling and garage	<b>Location:</b> 20M S.E. Of 2 Scribe Road Bellaghy
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Paul Scullion 4 Scribe Road Bellaghy	<b>Agent Name and Address:</b> Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
<b>Executive Summary:</b>  The current application is presented as an approval, however objections from a neighbour necessitates presentation at Committee.  The objector's concerns are addressed below:  * Potential overlooking - The proposed dwelling is located approximately 33m from the closest point of the objectors dwelling and having considered the proposed window arrangement, I am content that sufficient separation distance exists between the two dwellings to prevent any significant overlooking opportunities. * Proximity of septic tank to objectors dwelling - The proposed position of the septic tank complies with NIEA guidance which requires any septic tank to be located a minimum of 7m away from any habitable dwelling. The proposed septic tank is located approximately 15m from the objector's site and is therefore acceptable. I have spoken with our internal Environmental Health Officer who has confirmed the required separation distance between septic tanks and third-party dwellings to be 7m. * No storm drainage system / soakaways shown on drawings – These are shown on the amended drawing No. 02 Rev A uploaded on Public Access on 23/09/2022. * No indication of existing or proposed levels on drawings, concerns that a large amount of earthworks will be required - An amended drawing (reference 02 Rev A) was uploaded to Public Access on 23/09/2022 showing existing levels, proposed levels and finished floor levels. The spot levels shown indicate limited earthworks will be required.	

\* Laneway outlined in blue on location plan is not owned / controlled by the applicant – This lane does not form part of the current application and is therefore not relevant. This is a civil matter which falls outside the remit of planning.

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The application site is located 20m southeast of No. 2 Scribe Road, Bellaghy within an area of open countryside as per the Magherafelt Area Plan 2015. The site is currently undefined to the east, south and west, with a 1m wire and post fence along the northern boundary shared with No. 2. The site consumes a portion of a larger, flat agricultural



field. The surrounding area is characterised by a mixture of dispersed single dwellings and agricultural lands.



### **Description of Proposal**

This is a reserved matters application for a new dwelling and garage located 20m southeast of No. 2 Scribe Road, Bellaghy.

### **Consultations**

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

### **Site History**

LA09/2018/1137/O - 20M South East Of No 2 Scribe Road Bellaghy - Proposed infill site of dwelling and domestic garage for residential purposes - Permission Granted - Wed 03 Apr 2019.

### **Representations**

Neighbour notification and press advertisement has been carried out in accordance with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing, one objector has submitted written correspondence on two separate occasions, 6<sup>th</sup> May 2022 and 25<sup>th</sup> October 2022.

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

#### **Policy Consideration**

### **Magherafelt Area Plan 2015**

The site falls within the rural countryside area, outside of any designated settlement and has no other specific designations or zonings.

### **Mid Ulster Local Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> of May 2021, the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination. In light of this, the Draft Plan Strategy does not yet carry determining weight.

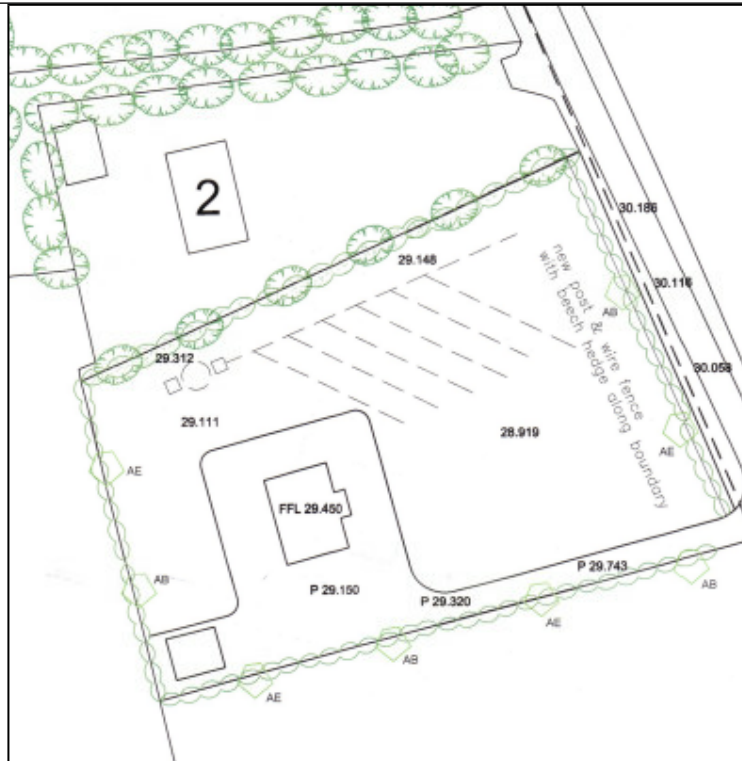
### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

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

### **PPS 21 – Sustainable Development in the Countryside**

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements/ I note that the principle of development has already been established within the site through the recent approval of LA09/2018/1137/O, in which the application must still comply under CTY 13 and 14 of PPS 21. I am content that all conditions set out at outline stage have been met in the current 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. I note that the 6.5m ridge height restriction set out at outline stage has been adhered to and I am content that the proposed dwelling will not appear prominent in the landscape. Due to the existing and proposed landscaping, it is felt that the dwelling and garage will be able to successfully integrate into the landscape. I am content that the dwelling and garage is of simple design and is considered acceptable in this rural context. From this I am content that the application complies 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 the 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 balance, I am content that the proposed development complies with CTY 14.



### PPS 3 – Access, Movement and Parking

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions****Condition 1**

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline permission;
- Or
- ii. The expiration of a period of 2 years from the date hereof.

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

**Condition 2**

The vehicular access including visibility splays 2.4 x 90 metres and a 90 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 16 Mar 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

All landscaping comprised in the approved details of landscaping on the approved drawing No. 02 Rev A bearing date stamp 23/09/2022 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree or other plant identified in the landscaping dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the development integrates into the countryside.

**Signature(s):** Zoe Douglas

**Date:** 8 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	16 March 2022
<b>Date First Advertised</b>	29 March 2022
<b>Date Last Advertised</b>	29 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 4A Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 2 Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 34 Tamlaghtduff Road Bellaghy Londonderry BT45 8JQ  The Owner / Occupier 2, Scribe Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JN	
<b>Date of Last Neighbour Notification</b>	10 October 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/0349/RM Proposals: New dwelling and garage Decision: Decision Date:  Ref: H/2001/0942/F Proposals: Proposed dwelling Decision: PG Decision Date: 18-JAN-02  Ref: H/2001/0520/O Proposals: Site For Dwelling Decision: Decision Date:	

Ref: H/2003/1059/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2022/0355/RM

Proposals: New Dwelling and garage

Decision:

Decision Date:

Ref: LA09/2018/1137/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 03-APR-19

Ref: H/2001/0698/O

Proposals: Site of Dwelling

Decision: PG

Decision Date: 24-SEP-01

Ref: LA09/2017/1035/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 06-DEC-17

Ref: LA09/2020/1537/O

Proposals: Proposed infill site ( renewal) for dwelling & garage for residential purposes.

Decision: PG

Decision Date: 17-MAY-21

Ref: H/2005/1272/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 24-OCT-06

Ref: H/2007/0149/RM

Proposals: Proposed dwelling and detached garage for residential use.

Decision: PG

Decision Date: 21-JUN-07

## **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

**Drawing Numbers and Title**

Garage Plans            Plan Ref: 05  
Proposed Elevations       Plan Ref: 04  
Proposed Plans       Plan Ref: 03  
Site Layout or Block Plan   Plan Ref: 02  
Site Location Plan   Plan Ref: 01  
Site Layout or Block Plan

**Notification to Department (if relevant)**

Not Applicable



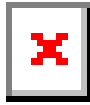
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2022/0380/F	<b>Target Date:</b> 17 May 2022
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Between 70B And 72 Gortlenaghan Road Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Joe Doherty And Dervla MC Gonnell- Doherty 252 Ballygawley Road Killeeshil Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

### Representations:

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

### Summary of Issues

Lack of information to determine application.No representations have been received.

### Characteristics of the Site and Area

The site is located at lands between 70b and 72 Gortlenaghan Road, Dungannon. The red line of the site includes a roadside agricultural field and the two fields at either side are outlined in blue, indicating ownership. The site benefits from existing hedging along its boundaries and the field is generally quite flat throughout, with a gentle slope from east to west. The surrounding area is largely rural, made up with agricultural fields and scattered with single dwellings and assoicated outbuildings however this section of Gortlenaghan Road in particular seems to have quite a few roadside dwellings along it.

### Description of Proposal

Full planning permission is sought for proposed dwelling and garage.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

## Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 72, 72a and 70B Gortlenaghan Road. At the time of writing, no third party representations have been received.

## Planning History

LA09/2020/1659/O – Proposed Dwelling (Policy CTY8) - Between 70B and 72 Gortlenaghan Road Dungannon – PERMISSION GRANTED

This full application has been submitted as the conditions of the above outline permission have not been complied with.

## Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone Area plan 2010 identifies the site as being in the rural countryside and has no other zonings or designations within the Plan.

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

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. I am content that the proposed site meets the policy tests of CTY 8 and that the principle of development at this site has already been agreed under LA09/2020/1659/O, however this application does not meet with all the conditions attached previously, hence the submission of this full application.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed design of the dwelling is shown below in Figure 1. There is some concern that the design of the building may be inappropriate for the site and its locality, however it may be deemed acceptable if a streetscape of the site and neighbouring properties is provided. As noted later within this report, we feel there is not enough information to fully determine the application.



**Figure 1 – Dwelling Proposed**

Following the first group meeting and discussion about the application, an email was sent to the agent requesting an amended design as we didn't feel it exhibits simple rural form, particularly the two storey glazing element and thus we asked that they amend the design to be more suitable for the rural setting. This original email was sent 26/05/2022. The agent responded noting an application which had a similar design. I had went back to the agent noting that the application was in a different council area and each application was assessed on its own merits, depending on views of the site and surrounding properties etc. Following this we discussed the application again at group where I asked the agent via email on 31/08/2022 to provide a streetscape, showing how the proposal would be viewed with the dwellings it is proposing to infill. The agent responded noting that he would get this prepared on same date, 31/08/2022. This information was chased again on 26/09/2022 and again on 10/10/2022. The latest response from the agent was on 11/10/2022 where he stated that they would prepare this information.

At the time of writing, I have had no further correspondence from the agent regarding the application and therefore, this application is being presented to committee on the basis there is a lack of information submitted which would allow the application to be progressed any further. We feel that the information that has been requested is central to determining whether the proposal is acceptable at this site and we feel that sufficient time has been afforded to the agent to allow them to submit this information.

The proposal intends to utilise the existing access onto Gortlenaghan Road. Dfl Roads

were consulted and raised no objections subject to condition. They have shown the splays requested at outline stage.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policies CTY 1, 8, 13 and 14 of PPS 21 as there is no supporting evidence to demonstrate that the proposal respects the existing development pattern along Gortlenaghen Road or that the design of the proposal is appropriate for this rural location.

**Signature(s):** Sarah Duggan

**Date:** 21 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	22 March 2022
<b>Date First Advertised</b>	7 April 2022
<b>Date Last Advertised</b>	5 April 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 72A Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 72 Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 70B Gortlenaghan Road Dungannon Tyrone BT70 3AS	
<b>Date of Last Neighbour Notification</b>	22 April 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
<b>Drawing Numbers and Title</b>  Proposed Plans      Plan Ref: 02 Site Location Plan    Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.18
<b>Application ID:</b> LA09/2022/0443/F	<b>Target Date:</b> 30 May 2022
<b>Proposal:</b> 1 no storage unit	<b>Location:</b> 83 Sixtowns Road Straw Draperstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Pat McNamee 83 Cavenreagh Road Draperstown BT45 7BB	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>  To Committee - Approval - One objection received.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC

### Representations:

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

### Summary of Issues

To Committee – Approval – One objection received.

### Characteristics of the Site and Area

The site is located partly within the development limits Straw but also extends into the open countryside and within LLPA as per defined by the Magherafelt Area Plan 2015. The red line covers a number of buildings located within the development limits but



extends into a portion of an agricultural field in which the unit is to be located. I note that the site lies within a mixed use area inclusive of agricultural, commercial, residential, fast-food takeaways, public house and GAA grounds.

#### Relevant planning history

LA09/2018/0228/F - Proposed 2 No. commercial units - 83 Sixtowns Road Straw Draperstown – Permission Granted – 26/11/19

LA09/2018/1126/F – Proposed new light industrial unit to facilitate extension to light engineering business – 85 Sixtowns Road, Draperstown – Permission Granted – 24/09/20

#### Representations

Fourteen neighbour notifications were sent out however one objection has been received.

#### Summary of objection

- relates to the lack of neighbour notification.
- relates to issue over ownership of sightlines.

### **Description of Proposal**

This is a full application for the proposed 1 no storage unit, the site is located at 83 Sixtowns Road, Straw, Draperstown.

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

#### **Policy Consideration**

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 4 Planning and Economic Development

PPS 21 Sustainable Development in the Countryside

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 of archaeological importance. St Columbkilles Church which is located to the SE of the site is a Listed Building. Consultation has not been carried out with HED as there are existing industrial buildings located closer to the

Church and as such, the impact of the proposal on the setting of the Church will not add any greater impact. The proposal by its nature - storage building - will not give rise to any unacceptable noise, odours or fumes which will impact on neighbouring residential amenity. Given that this is only to be used for storage no consultation to Environmental Health is deemed necessary.

This site is located partially within and partially outside the settlement limit of the village of Straw as defined in the Magherafelt Area Plan 2015. The Northern parcel of the site is also within a designated Local Landscape Polict Area (SW02). The LLPA has been designated on the basis of 4 features - St Columbkilles Church, several River and Stream Corridors, a series of flax, corn and sawmills, millraces and ponds and an historic rath. Given that similar applications such as LA09/2018/1126/F have already been approved in similar circumstances that I am content due to the location of the site within the designated LLPA that the proposed development will not adversely affect the intrinsic value and character of any of the features of the LLPA. The proposed building is sited in the part of the site that is outside the development limits of Straw. Given the fact that this extension of curtilage outside the development limit is only minor, will not be visible from any public vantage point and is the only direction the site can be naturally be extended, I cannot see any reason why it can not be allowed in this instance.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Sixtowns Road The proposal will result in only a very minimal intensification of use of this existing access. 7 car parking spaces are being provided. DFI Roads have been consulted and do not offer any objection to the proposal and have recommended conditions to be attached to any decision. I go on to note that Roads confirmed that the access arrangements are already in place therefore I feel that as this is an existing access then the condition should not be necessary.

#### PPS 4 - Planning and Economic Development

This site has been used as a commercial site for some years, with the most recent approval being LA09/2018/0228/F - Proposed 2 No. commercial units. As such it can be regarded as established for the purposes of PPS 4.

Policy PED 2 of PPS 4 states that economic development uses in the countryside will be permitted in accordance with four other policies - PED 3, PED 4, PED 5 and PED 6. I consider Policy PED 3 - Expansion of an Economic Development in the Countryside to be relevant in this assessment as the part of the site being extended is the part that is outside the development limits of Straw. PED 9 - General Criteria for Economic Development is also a policy consideration.

PED 3 Expansion to an Economic Development in the Countryside states 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.

The proposal involves an extension of the site curtilage into an adjacent agricultural field. I do not consider this to be a major extension of the site. Whilst it will be visible from the roadside it will read as part of the existing site and part of the settlement limit as well.

The proposed building will cluster with existing development on the site and other development in the immediate locality. The proposal will cause no detrimental impact on the rural character or appearance of the local area, as the site already reads as part of the settlement. The scale, design and materials of the proposed extension will be in keeping with the existing buildings on the site.

PED 9 General Criteria for Economic Development must also be satisfied for all economic development proposals and provides a lists of 13 criteria (a) to (m) which need to be considered. I have considered the proposal against the list of criteria and I am satisfied the proposal complies with all of them were applicable.

The storage nature of the proposal is compatible with the existing land use and generally storage uses do not give rise to any unacceptable noises, odours or emissions which will negatively impact on residential amenity. The site is not in an area of archaeological importance. It will not negatively impact on the adjacent Listed Church. It is not in an area of priority habitat nor was there any evidence of protected species on the site on the day of my site inspection. The site is not in a flood plain. An existing access is being used and DFI Roads have no road safety concerns with this. Adequate in curtilage parking is being provided. I have no concerns with the design, scale or massing of the extension and existing vegetation along site boundaries will be retained in order to protect biodiversity and provide integration.

#### PPS 21 - Sustainable Development in the Countryside

Policies CTY 13 (Design and Integration) and CTY 14 (Rural Character) are relevant in this assessment given the semi rural location of the site. I have no concerns regarding the visual impact of this store given its cluster with the existing development. Its design and finishes are also acceptable. It does not create or add to ribbon development or build up. Overall it does not have a negative impact on the rural character of this area.

CTY 15 – The setting of Settlements is a material consideration in this application, in which it states that Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As previously noted that the site lies partly within the development limits and just outside these. I hold the view that the site already appears to be part of the development limits and this natural expansion of the site without detrimental impact on the overall character. I note that the agent has confirmed that he has no other option but to locate the store in this position. Precedent has been set in application LA09/2018/1126/F which has approved similar development just outside the development limits. With this in mind I am content on balance.

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

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

On balance, it is my opinion that the proposed development complies under the policy provisions of the SPPS, PPS 4, PPS 3 and PPS 21 and therefore I recommend approval for the development.

In response to the comments made by the objector; to start, in terms of neighbour notification they refer to a car park which would constitute as a notifiable property. As such the relevant neighbours were notified. In terms of the ownership issues, mainly that of the sightlines, I note that this is an existing access which Roads confirmed were in place. Given this the agent amended the plans to remove the red line off any third party of lands as such this should resolve this issue in that I am content that the certificate is correct. However, if not, I note that land ownership and right of ways are a civil matter and not a planning issues.

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

Approve is recommended

#### **Approval Conditions**

##### **Condition 1**

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

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

##### **Condition 2**

The proposed storage unit shall be used only for the storage of dry goods only and for no other purpose.

Reason: To prohibit a change to an unacceptable use.

##### **Condition 3**

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 15th November 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: In the interests of visual amenity.

**Condition 4**

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

**Signature(s):** Peter Henry

**Date:** 17 November 2022

ANNEX	
<b>Date Valid</b>	4 April 2022
<b>Date First Advertised</b>	26 April 2022
<b>Date Last Advertised</b>	26 April 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 76B Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76C Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76D Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 77 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 81 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 79 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 75 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 2 River Road Draperstown Londonderry BT45 7JF The Owner / Occupier 73 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 79A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 3 River Court, Draperstown, Londonderry, BT45 7DS The Owner / Occupier 1 River Court, Draperstown, Londonderry, BT45 7DS	
<b>Date of Last Neighbour Notification</b>	15 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>

**Planning History****Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBC

**Drawing Numbers and Title**

Proposed Elevations          Plan Ref: 04

Proposed Plans          Plan Ref: 03

Site Layout or Block Plan   Plan Ref: 02

Site Location Plan   Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



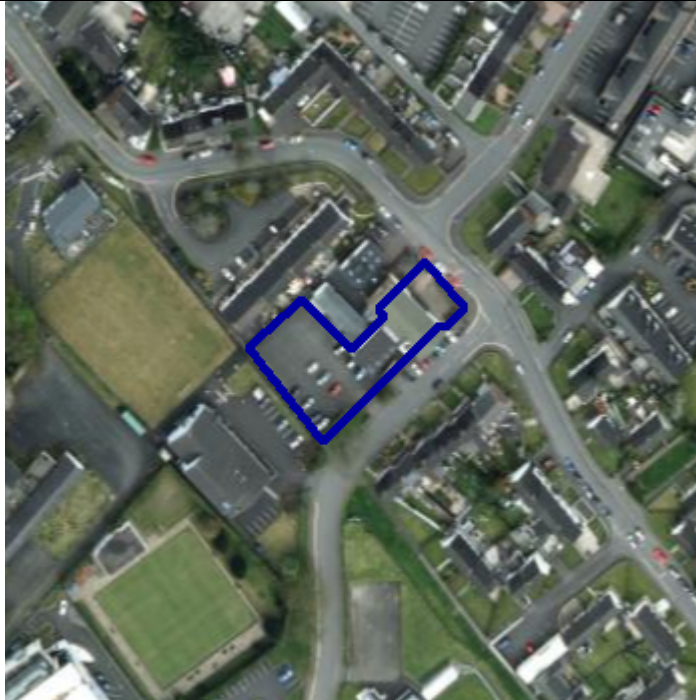
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.19
<b>Application ID:</b> LA09/2022/0444/F	<b>Target Date:</b> 30 May 2022
<b>Proposal:</b> Change of use from offices to child care facilities	<b>Location:</b> Sperrin House 43 Queens Avenue Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Galgorm Developments Ltd 75 Loughbeg Road Toomebridge	<b>Agent Name and Address:</b> J E McKernan And Son 12 Cennick Road Gracehill Ballymena BT42 2NH
<b>Executive Summary:</b>  To Committee - Approval - 2 objections received and applicant is related to a member of staff in Planning MUDC.	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Early Years Team - Northern Health And Social Care Trust	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 22 0444 F COU offices to Childcare.doc

### Representations:

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

### Summary of Issues

To Committee – Approval – 2 objections received and applicant is related to a member of staff in Planning MUDC.

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

The application site is located within the development limits of Magherafelt, within undesignated lands as per defined by the Magherafelt Area Plan 2015. The application site relates to an office block at Sperrin House, 43 Queens Avenue, Magherafelt. The single storey building exists to the rear of the library and car parking exists to the rear of the existing building. Magherafelt youth centre and an existing child care facility exists adjacent to the existing car park and Magherafelt Primary School exists beyond this. Residential properties exist immediately north of the proposed building.

### **Relevant planning history**

H/2011/0280/F - Change of use from part of office building to child care facilities- Sperrin House, 43 Queens Avenue, Magherafelt – Permission Granted - 08.08.2011

### **Representations**

19 neighbour notifications were sent out however 2 objections have been received in connection with this application. Summary of objections are as below;

- Current noise levels of existing childcare is overbearing and if a larger facility was built, the noise would be intolerable.
- The childcare facility to the rear of their home would devalue their property.

## **Description of Proposal**

This is a full application for the change of use from offices to child care facilities located at Sperrin House, 43 Queens Avenue, Magherafelt.

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

### **Policy Consideration**

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

PPS 3: Access, Movement and Parking

DCAN 13: Crèches, Day Nurseries and Pre-School Playgroups

DCAN 15: Vehicular Access Standards

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Under the SPPS, the guiding principle for planning authorities in determining 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.

To start I note that consultations were sent to DfI Roads, Early Years and Environmental Health respectively, to start DfI Roads responded to confirm that they do not offer an objection.

In Environmental Health's response, states that MUDC Environmental Health Department have reviewed the submitted documents on the planning portal, including the letters of objection from 2 no. local residents. The letters raise concerns about noise impact at their dwellings due to children playing in the existing outdoor play area. The existing outdoor play area is contained within the blue line and therefore is not the subject of this planning application. The plans submitted show no change to the overall size of the existing outdoor play area. Planning Department may wish to confirm this.

Further to review of the P1D form, the expansion plans include 80 + children (age range 0-5 yrs) attending the facility. MUDCEHD anticipate that the use of the outdoor play area will intensify and further to recent discussions with Planning Department, it is our understanding that the applicant will provide an acoustic barrier to the perimeter of the development, in order to protect neighbours residential amenity from the existing play area. Planning Department may wish to secure the height, location, density and maintenance of such barrier by a suitably worded condition or annotated drawing as recommended below.

Noise from children at childcare facilities, particularly when large numbers are outside in play areas, has the potential to create a significant impact on residential amenity. The use of the outdoor play area would be expected to be at its greatest during fair weather when local residents' may wish to use their gardens also. However due to the size of the play area, it is reasonable to expect that the number of children playing outside at any one time is likely to be limited as is the type of play activities to be undertaken. The hours of operation will remain the same as previous planning permission.

#### Recommended Conditions

- A close boarded 2m high timber fence (mass > 25kg/m<sup>2</sup>) shall be erected along the boundary of the play area as depicted on Drawing No 05 and Drawing No. 02/1. There shall be no gaps along its length and the acoustic barrier shall be maintained and retained in perpetuity.
- The hours of operation shall be restricted from 7am to 6pm Monday to Friday.

The EH Department would also request that in the event planning permission is granted for the development, that consideration is given to the following informatives:

#### CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

- Noise associated with the development should be suitably managed and controlled to ensure that nearby residents are not disturbed by noise.
- The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors.

The premises must comply with food safety and health and safety legislation, and the applicant should liaise at an early stage with Mid Ulster District Council's Environmental Health Department in relation to these matters.

The Northern Health and Social Care Team were consulted and responded to state that the Northern Health and Social Care Trust (Early Years) do not have any issues or concerns about the plans as long as the proprietor remains in line with the Minimum Standards for Childcare and Childminding.

The P1D form details the proposed number of children as 80 and 17 proposed members of staff.

The children will be between 0-5 years old. The existing building is mainly within a residential area with adjacent development in use as offices and Magherafelt Primary School exists south west of the site. Development Control Advice Note 13 details that in considering the impact of the proposal on a residential area, the Department will have particular regard to the scale of the operation, potential nuisance and disturbance, and the visual impact of the proposal.

Scale of operation:- I am content that the scale of the proposal is considered to be acceptable at this site.

Potential Nuisance and Disturbance:- whilst I acknowledge the comments from the objectors, I note that the majority of these are in relation to the existing facility. Whilst I note that the proposed application has the capacity to make the issue worse. However through the introduction of the acoustic fence and after the comments made by EH I am content that this should be sufficient in reducing any issues in relation to nuisance and disturbance. In addition I am content that it is not considered that traffic associated with the proposal will cause disturbance. A consultation was sent to DFI Roads who confirmed that they had no objections to the proposal.

I note that at present there is a small fenced yard area to the rear of the building that is currently being used as an outdoor play area, approved under H/2011/0280/F. This area is located adjacent to existing residential dwellings within Sperrin Mews wherein it is expected the additional children are likely to use this area. DCAN 13 details that play space should not be in close proximity to habitable rooms of any adjacent residential properties. The play area is adjacent to the rear of the existing dwellings and therefore not adjacent to the main habitable rooms. In addition to this the agent has proposed a new acoustic fence along the boundary with residential development to aid in eliminating any noise disturbance.

Visual Impact:- The proposal relates to internal alterations only and there will be no change to the external appearance of the building.

In response to the comments made by the objectors, to start in terms of the childcare facility at the rear of their property devaluing the property. Whilst I acknowledge this, property value is not a material consideration. Finally in terms of the noise, I hold the view of the introduction of the acoustic fence will aid in reducing the existing noise nuisance from the existing facility but also limit the potential noise from this proposed application.

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

### **Summary of Recommendation:**

Approve is recommended

To Committee – Approval – 2 objections received and applicant is related to a member of staff in Planning MUDC.

## Approval Conditions

### Condition 1

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

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

### Condition 2

A close boarded 2m high timber fence (mass>25kg/m<sup>2</sup>) shall be erected along the boundary of the play area as depicted on Drawing No 05 and Drawing No. 02/1. There shall be no gaps along its length and the acoustic barrier shall be maintained and retained in perpetuity.

Reason: In the interests of residential amenity.

### Condition 3

The hours of operation shall be restricted from 7am to 6pm Monday to Friday.

Reasons: In the interests of residential amenity.

**Signature(s):** Peter Henry

**Date:** 7 November 2022

ANNEX	
<b>Date Valid</b>	4 April 2022
<b>Date First Advertised</b>	26 April 2022
<b>Date Last Advertised</b>	26 April 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 44 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 42 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 40 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 38 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 1 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 2 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 4 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 6 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 8 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 10 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 12 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 7 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 6 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 5 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 4 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 3 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 1 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier	

1A Sperrin Mews Magherafelt Londonderry BT45 6DU	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Early Years Team - Northern Health And Social Care Trust- DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx Environmental Health Mid Ulster Council-LA09 22 0444 F COU offices to Childcare.doc	
<b>Drawing Numbers and Title</b>  Existing Floor Plans Plan Ref: 04 Proposed Floor Plans      Plan Ref: 03 Site Layout or Block Plan   Plan Ref: 02 Site Location Plan   Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.20
<b>Application ID:</b> LA09/2022/0603/F	<b>Target Date:</b> 5 July 2022
<b>Proposal:</b> Proposed new dwelling	<b>Location:</b> 53M S.E. Of 10 Lisgorgan Lane Upperlands Maghera
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> William Drennan 24 Lisgorgan Lane Upperlands	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary:</b>  Approval	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0603-F.pdf
Statutory Consultee	Rivers Agency	471200 - Final Response.pdf
Statutory Consultee	Historic Environment Division (HED)	HED is unable to provide comment at this time as an incorrect location map has been provided via the planning portal workqueue. HED require a red-lined site location map. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated drawings and documents.

<b>Representations:</b>	
Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
<b>Summary of Issues</b>	
To Committee – Approval – One objection received.	
<b>Characteristics of the Site and Area</b>	
<p>The site is located approximately 2km north east of the development limits of Upperlands, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The red line cover the eastern portion of a much larger agricultural field that sits along the Lisgorgan Lane. I note that in the immediate area there are a number of residential dwellings, agricultural lands and a rural business and Drennan Transport in close proximity.</p> <p>Representations 14 neighbour notifications were sent out however one objection was received in connection with this application.</p> <p>Summary of the objections are as below;</p> <ul style="list-style-type: none"> <li>- Made reference to previous application that the case officer recommended refusal but the Council approved. Made comment over the size of the dwelling, loss of fencing in place of a concrete wall.</li> <li>- It would potentially create a suburban style buildup of development.</li> <li>- It fails to respect the 'traditional' pattern of settlement in this area.</li> <li>- The cumulative impact of other works related to the building would damage rural character.</li> <li>- The increase in traffic that would arise from any future developments would pose a heightened danger to the young children of families who often play in this quiet lane.</li> <li>- It constitutes as a prime example of ribbon development.</li> </ul> <p>Relevant Site History LA09/2020/0707/F – New Infill dwelling and garage – 20m East of 15 Lisgorgan Lane, Maghera – Permission Granted – 09.09.2021</p>	
<b>Description of Proposal</b>	
This is a full application for the proposed new dwelling, the site located 53M S.E. Of 10 Lisgorgan Lane, Upperlands Maghera	
<b>Planning Assessment of Policy and Other Material Considerations</b>	

## **Policy Consideration**

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy  
Strategic Planning Policy Statement (SPPS)  
Magherafelt Area Plan 2015  
PPS 1 – General Principles  
PPS 3 – Access, Movement and Parking  
PPS 21 – Sustainable Development in the Countryside  
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside  
CTY 1 – Development in the Countryside

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

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 dwelling in a cluster and as a result it must be considered under CTY 2a of PPS 21. I note that a dwelling has been approved beside the site under LA09/2020/0707/F under CTY 2a so I note that there is a cluster identified in the vicinity. With this in mind, I am content that the cluster lies outside of a farm and consists of four or more buildings, wherein at least three of these are dwellings. I am content that cluster appears as a visual entity, wherein as LA09/2020/0707/F the focal point of 'Mol Tools and Abrasives Ltd' has already been accepted. In terms of bounding I am content that it bounds with a dwelling and a shed along the northern boundary, I am content that it also shares a boundary with the dwelling recently under construction and nearing completion but has been agreed is substantially complete to allow for it to constitute as bounding. I hold the view the dwelling will round off the cluster and will read as part of the overall cluster and will not significantly alter the existing character. Finally I am content that a dwelling in this location will not result in an adverse impact on residential amenity.

CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. I note that the design reflects that of previously approved LA09/2020/0707/F, as such I am content that the design has already been accepted. Given the size I am content that the dwelling will not appear as a prominent feature and as it will read as part of the cluster will be able to visually integrate into the landscape. From this I am content that the application is able to comply with CTY 13.

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 noted it has been agreed that dwelling would not appear unduly prominent. From this I am content that the local landscape has the capacity to absorb the development and in addition the proposal will not result in the creation of additional development opportunities that already exist. I am therefore content that the proposal is able to comply with the criteria of CTY 14 as it will not erode the rural character of the area.

PPS 3: Access, Movement and Parking

A consultation was sent to DfI Roads who in their response stated that the Council Planning department should be aware that Lisgorgan Lane is not adopted by DfI Roads and that the access point to the public road is onto the Kilrea Road. 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. They finished by providing a series of conditions, I am content that the application has provided an access in accordance with PPS 3.

I note a consultation was sent Rivers Agency, NI Water and HED respectively. To start Rivers Agency stated that in terms of FLD 1 that the Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. Hence, DfI Rivers would have no specific reason to object to the proposed

development from a fluvial flood risk perspective. In terms of FLD 2 the site is unaffected by a designated watercourse and information available from OSNI maps did not reveal any obvious undesignated watercourses. DfI Rivers does not keep a record of undesignated watercourses so the site may be affected by one. If a watercourse is discovered during the development of the site, then Policy FLD 2 will apply. With regards to FLD 3 Rivers stated that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Finally that FLD 4 and 5 do not apply to this site.

NI Water responded to confirm that they had no objections to the proposal.

HED responded to state that Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

In response to the comments made by the objector; to start any reference to the previously approved dwelling under LA09/2020/0707/F, I note that this has been approved. In terms of any breaches in terms of the conditions of this approval, this is matter for the enforcement team and I have made the objector aware of this.

With regards to this creating a suburban style of development, as noted in the report above I hold the view that this complies under CTY2a as it rounds of the cluster where it is able to respect the 'traditional pattern of development as a result. Given this I am of the opinion that this building is unlikely to result in any adverse damage to the rural character. In terms of additional traffic would pose a heightened danger to young children who play on the quiet lane, I note that this is only for one dwelling and would not result in any significant traffic movements that would pose a significant danger. Finally, in terms of this being a prime example of ribbon development,

I hold the view that this is a prime example of rounding off a cluster.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.

**Summary of Recommendation:**

Approve is recommended

Approval

**Approval Conditions**

**Condition 1**

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

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

**Condition 2**

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.

**Condition 3**

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.

**Condition 4**

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 10th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

**Condition 5**

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted 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.

**Condition 6**

The vehicular access including visibility splays 2.4 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing No. 01 & 02 bearing the date stamp 10 May 2022 prior to the commencement of any other development hereby permitted.

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

**Condition 7**

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.

**Signature(s):** Peter Henry

**Date:** 3 November 2022

ANNEX	
<b>Date Valid</b>	10 May 2022
<b>Date First Advertised</b>	24 May 2022
<b>Date Last Advertised</b>	24 May 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 2 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 10 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 15 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 4 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 6 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE  The Owner / Occupier 8 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 6A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 24 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit B 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit E 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit A 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Workshop 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 141 Kilrea Road Upperlands Londonderry BT46 5TA The Owner / Occupier 145 Kilrea Road Upperlands Londonderry BT46 5TA	
<b>Date of Last Neighbour Notification</b>	28 June 2022

<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  <p>Ref: H/1976/0158  Type: H13  Status: PG</p> <p>Ref: LA09/2017/1773/F  Type: F  Status: PG</p> <p>Ref: LA09/2019/0525/F  Type: F  Status: PG</p> <p>Ref: H/1974/0221  Type: H13  Status: PG</p> <p>Ref: LA09/2020/0721/F  Type: F  Status: PG</p> <p>Ref: H/2008/0154/F  Type: F  Status: PG</p> <p>Ref: H/2007/0273/RM  Type: RM  Status: PG</p> <p>Ref: H/2004/1123/O  Type: O  Status: PG</p> <p>Ref: H/2003/0661/O  Type: O  Status: PG</p> <p>Ref: H/2010/0183/O  Type: O  Status: PG</p>	



Ref: H/2013/0360/RM

Type: RM

Status: PG

Ref: H/2008/0053/F

Type: F

Status: PG

Ref: H/1999/0275

Type: F

Status: PCO

Ref: H/1999/0065

Type: O

Status: PCO

Ref: H/1994/0237

Type: O

Status: PCO

Ref: LA09/2020/1673/F

Type: F

Status: PG

Ref: LA09/2020/0332/F

Type: F

Status: PG

Ref: LA09/2017/0837/F

Type: F

Status: PG

Ref: H/2005/1111/F

Type: F

Status: PG

Ref: H/2004/1019/O

Type: O

Status: PG

Ref: H/2008/0155/RM

Type: RM

Status: PG

Ref: LA09/2022/0595/LDE

Type: LDE

Status: PCO

Ref: H/2008/0398/RM

Type: RM

Status: PG

Ref: LA09/2022/0603/F

Type: F

Status: PCO

Ref: LA09/2020/0707/F

Type: F

Status: PG

Ref: LA09/2022/0597/F

Type: F

Status: PCO

Ref: LA09/2018/0751/F

Type: F

Status: PG

Ref: H/2004/0821/F

Type: F

Status: PG

Ref: H/1996/0134

Type: F

Status: PCO

Ref: H/2003/0856/O

Type: O

Status: PG

Ref: H/2003/0859/O

Type: O

Status: PG

Ref: H/1994/0142

Type: O

Status: PCO

Ref: H/2003/0857/O

Type: O

Status: APPRET

Ref: H/2003/0030/F

Type: F

Status: PG

Ref: LA09/2017/1113/F

Type: F

Status: PG

Ref: H/1994/0141

Type: O

Status: PCO

Ref: H/1994/0498

Type: RM

Status: PCO

Ref: H/1997/0262

Type: O

Status: PCO

Ref: H/2000/0385/F

Type: F

Status: PG

Ref: H/2000/0271/O

Type: O

Status: PG

Ref: H/2001/1038/O

Type: O

Status: PG

### **Summary of Consultee Responses**

Historic Environment Division (HED)-

DFI Roads - Enniskillen Office-Full & RM Resp.docx

NI Water - Single Units West-LA09-2022-0603-F.pdf

Rivers Agency-471200 - Final Response.pdf

Historic Environment Division (HED)-HED is unable to provide comment at this time as an incorrect location map has been provided via the planning portal workqueue. HED require a red-lined site location map. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated drawings and documents.

**Drawing Numbers and Title**

Site Location Plan    Plan Ref: 01  
Garage Plans            Plan Ref: 06  
Proposed Elevations    Plan Ref: 05  
Proposed Elevations    Plan Ref: 04  
Proposed Floor Plans    Plan Ref: 03  
Site Layout or Block Plan    Plan Ref: 02

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.21
<b>Application ID:</b> LA09/2022/0605/F	<b>Target Date:</b> 5 July 2022
<b>Proposal:</b> Remove Condition No.5 of Planning Permission LA09/2019/0944/F to retain infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin and new access laneway 130m west from the junction of Iniscarn Road/ Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Condition 5 of LA09/2019/0944/F requires removal of culvert and ancillary works.	<b>Location:</b> 90A Iniscarn Road Desertmartin BT48 9RW
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Paul Bradley 90A Iniscarn Road Desertmartin	<b>Agent Name and Address:</b> Oonagh Given 10 Carnan Park Omagh BT79 7XA
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	471196 - Final Response - 8th July 2022.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

### Representations:

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

### Summary of Issues

Recommended as refusal

One letter of objection has been received. This objection letter countered the arguments made by the planning agent in respect to the reasoning for the removal of this condition contained within the Supporting Planning Statement. All points have been fully

considered as part of this report.

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

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

### **Description of Proposal**

This is an application seeking to remove Condition No.5 of Planning Permission LA09/2019/0944/F to retain infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin and new access laneway 130m west from the junction of Iniscarn Road/ Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Condition 5 of LA09/2019/0944/F requires removal of culvert and ancillary works.

#### **Site History**

LA09/2019/0944/F- Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Between 90 And 92 Iniscarn Road Desertmartin. Permission Granted 12th August 2021

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

#### **Policy Consideration**

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPSP)

Revised Planning Policy Statement 15- Planning and Flood Risk

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

This application seeks to remove condition 5 of planning permission LA09/2019/0944/F which reads as follows:

The existing culvert and all ancillary works should be removed within 3 months of the date of this approval and proposed ground levels restored, and reinstatement of the watercourse to its previous level.

Reason: To remain in compliance with Policy FLD 4 of PPS 15.

This condition was applied following a committee meeting on 3rd August 2021 where the previous application was presented to the members with the recommendation to refuse the application. However, following discussions at this committee meeting the Planning Manager advised on a possible approach to resolve the case that the committee could approve the application and a condition being attached that required the drain to be reinstated within the next three months. It was also advised that if the applicant did not agree with the condition applied, he could appeal to the Planning Appeals Commission and if he justified his position to planning appeals commission he could enjoy it, but if he cannot justify it, then he must put in that ditch otherwise action would be taken against him. It was resolved at this planning committee that application LA09/2021/0944/O be approved subject to conditions being drawn up at the Planning Manager's discretion.

Condition 5 was applied to ensure the development would comply with policy FLD 4 of PPS 15 which states, "The planning authority will only permit the artificial modification of a

watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action."

The culvert that is in place was deemed to be contrary to the policy, hence the reasoning as to why the Planning Department are seeking its removal.

The applicant put forward a statement of case listed 4 points in which they feel support the argument for the removal of Condition No.5 of LA09/2019/0944/F.

**1. The culvert on the south eastern boundary of the site has been granted planning permission as evidence by stamped approved drawings and stamped approved drainage assessment addendum.**

It was clear on the decision notice that condition 5 states, "The existing culvert and all ancillary works should be removed within 3 months of the date of this approval and proposed ground levels restored, and reinstatement of the watercourse to its previous level." This was agreed at the planning committee as the appropriate way to proceed with this application. Although the existing culvert is shown on stamped approved drawings, as the culvert was in place it had to be shown on the plans to allow anyone viewing the plans to see where the culvert was. There is no contradiction between the stamped approved drawings or the decision notice which requires the removal of the culvert.

**2. The Culvert is acceptable and could cause harm if removed.**

DfI Rivers were consulted on this application and have provided comment in response to the applicants supporting statement. The agent argues that by complying with Condition 5 and removing the culvert, it could cause fluvial flooding at the site. DfI Rivers responded to say that while compliance with condition 5 is likely to affect flood risk from



the watercourse, no evidence has been provided to substantiate the claim that the site could flood if condition 5 was complied with. Furthermore, the supporting statement argues that compliance with condition 5 could undermine the integrity of the watercourse bank, resulting in undermining the integrity of the access road and the property. However, DfI Rivers again stated no evidence has been provided to substantiate this claim. DfI Rivers directed attention to paragraph 6.53 of the Justification and Amplification of FLD 4 which acknowledges in exception circumstances culverting a section of watercourse may be unavoidable but that other solutions such as bank reinforcement, gabion wall construction and underpinning should be considered first. Similarly, where there are health and safety concerns arising from open access to watercourses, the construction of solid barriers such as fencing, or planting of 'soft' landscape barriers should be considered as alternatives to culverting.

Council Planning agree that no substantial evidence has been provided to show the culvert would cause harm if removed.

### **3. Removal of the culvert contradicts Condition No.6**

Condition 6 of Planning Approval LA09/2019/0944/F states,

"Withstanding the work required as per condition 5, the works as designed and detailed in the submitted 'Addendum A to Drainage Assessment' dated June 2021 and as shown on plan C201' contained within this document should be completed within 3 months of the date of this approval.

Reason- To remain in compliance with Policy FLD 3 of PPS 15."

Condition 6 was applied in order to deal with surface water from the site and it can operate by running into a culvert or an open drain. Hence the reason for the condition is to be compliant with Policy FLD 3 which deals with pluvial risk, in this case surface water and run off from the site. The condition also explicitly states that it is withstanding the work requiring by condition 5 which requires removal of the culvert and reinstatement of the water course. This requires as stated removal of the culvert and reinstatement of the watercourse. The reason is to comply with policy FLD4, which does not permit culverting of watercourses in a case like this.

Condition 5 requires, "removal of the culvert and reinstatement of the watercourse", for the following reason: "to comply with policy FLD4, which does not permit culverting of watercourses in a case like this". It is the view of the planning department that conditions 5 & 6 are separate conditions and removing the culvert does not contradict Condition 6. Furthermore, DfI Rivers did confirm that discharge from the network could be into an open watercourse and is not dependant on the receiving watercourse being piped.

### **4. Condition 5 is unreasonable, unnecessary and unenforceable**

The planning department do not accept this argument - The case officers report recommended refusal of the application LA09/2019/0944/F, for the retention of the dwelling house because of the culvert. However, Dr Boomer advised the Planning Committee that this was unduly harsh because they would need to proceed on the basis of an enforcement notice which had already been served requiring demolition of the dwelling and reinstatement of the site to its former condition. In his view the appropriate response was to approve the dwelling but require the reinstatement of the ditch by

condition. The applicant who was at the meeting did not contest this. Dr Boomer made it clear at the Planning Committee that if he was not satisfied with this, he could appeal the condition. He did not do this in the allotted time. The agent claims that as condition 5 requires the watercourse to be reinstated to its previous level that it is not known what the previous levels were, so the condition is unenforceable. This is not the case, an application for the same site under planning reference H/2007/0691/RM which was approved shows a site access plans which details ground levels. This can be used to ensure compliance with condition 5.

From the above, the planning department would recommend refusal of the application to remove condition 5 of LA09/2019/0944/F as it has not been demonstrated that sufficient evidence has been provided to justify the removal of this condition. If the condition was to be removed, it would be contrary to the SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

### **Other Material Considerations**

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

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 1**

The application is considered to be contrary to the SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

**Signature(s):** Ciaran Devlin

**Date:** 22 November 2022



<b>ANNEX</b>	
<b>Date Valid</b>	10 May 2022
<b>Date First Advertised</b>	24 May 2022
<b>Date Last Advertised</b>	24 May 2022
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 92 Iniscarn Road Desertmartin Londonderry BT45 5NH The Owner / Occupier 90 Iniscarn Road Desertmartin Londonderry BT45 5NH The Owner / Occupier 49 Gortahurk Road Desertmartin Londonderry BT45 5NN	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2019/0386/F Type: F Status: APPRET  Ref: H/1978/0433 Type: H13 Status: PG  Ref: H/2013/0264/O Type: O Status: PG  Ref: LA09/2019/0428/LDE Type: LDE Status: PR  Ref: H/2014/0073/F Type: F Status: PG	

Ref: H/1980/0196  
Type: H13  
Status: PG

Ref: H/1997/0259  
Type: F  
Status: PCO

Ref: H/2005/0722/O  
Type: O  
Status: PG

Ref: LA09/2019/1647/F  
Type: F  
Status: PDE

Ref: H/2000/0721/O  
Type: O  
Status: PG

Ref: LA09/2019/0868/F  
Type: F  
Status: APPRET

Ref: H/2002/0012/O  
Type: O  
Status: PG

Ref: LA09/2019/0944/F  
Type: F  
Status: PG

Ref: LA09/2022/0605/F  
Type: F  
Status: PCO

Ref: H/1997/0571  
Type: F  
Status: PCO

Ref: LA09/2021/0151/F  
Type: F  
Status: PG

Ref: H/2005/0636/O

Type: O  
Status: PG

Ref: H/2007/0691/RM  
Type: RM  
Status: PG

Ref: H/1973/0025  
Type: H13  
Status: PG

Ref: H/2002/0243/O  
Type: O  
Status: APPRET

Ref: LA09/2019/0174/F  
Type: F  
Status: APPRET

Ref: LA09/2015/1186/F  
Type: F  
Status: PG

Ref: H/1990/0003  
Type: RM  
Status: PCO

Ref: H/1985/0533  
Type: O  
Status: PCO

Ref: LA09/2020/0410/F  
Type: F  
Status: PG

Ref: H/1985/0538  
Type: O  
Status: PCO

Ref: H/1990/0006  
Type: RM  
Status: PCO

Ref: H/2003/0430/O  
Type: O  
Status: APPRET

Ref: H/2002/0143/F  
Type: F  
Status: PG

Ref: H/2004/0691/F  
Type: F  
Status: PG

Ref: H/2003/0920/O  
Type: O  
Status: PG

Ref: H/1988/0069  
Type: O  
Status: PCO

Ref: H/2001/0345/O  
Type: O  
Status: APPRET

Ref: H/2007/0680/RM  
Type: RM  
Status: PG

### **Summary of Consultee Responses**

Rivers Agency-471196 - Final Response - 8th July 2022.pdf  
DFI Roads - Enniskillen Office-  
DFI Roads - Enniskillen Office-Full & RM Resp.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.22
<b>Application ID:</b> LA09/2022/0662/O	<b>Target Date:</b> 6 September 2022
<b>Proposal:</b> Dwelling and domestic garage	<b>Location:</b> 95M SW Of 6 Moss Road Coagh, Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Ryan McGuckin 6 Moss Road, Coagh, Cookstown, BT80 0BZ	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>  Refusal	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0662-O.pdf

### Representations:

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

### Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and 2a.

### Characteristics of the Site and Area

The site is located approximately 0.2km south west of the development limits of Ballinderry, as

such the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site has been identified as 95m South West of 6 Moss Road, Coagh as such the sits along the roadside just a short distance from the settlement of Ballinderry. I note that the red line covers a portion of a much larger agricultural field that sits along the roadside. The immediate and surrounding area is predominately agricultural land uses with a scattering of dwellings.

#### Representations

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

### Description of Proposal

This is an outline application for a proposed dwelling and garage, the site is located 95m SW of 6 Moss Road, Coagh.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

Cookstown Area Plan 2010  
Mid Ulster Local Development Plan 2030 – Draft Strategy  
Strategic Planning Policy Statement (SPPS)  
PPS 21: Sustainable Development in the Countryside  
PPS 3 - Access, Movement and Parking;

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

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

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open

countryside; and

- Development would not adversely impact on residential amenity.

I am content that the cluster lies outside and consists of four or more buildings, in which three of these are dwellings (Nos. 8, 8a, 7, 9, 9a Moss Road). In which I am content that the cluster appears as a visual entity.

The agent has stated that the focal point identified in this application is the Evergreen Social Club however upon review of the site I hold the opinion that the social club is too far detached from the cluster to be considered to be associated. With this in mind I hold the view that the application has failed to demonstrate that there is an associated focal point. This point was passed to the agent who stated that was another focal point in the way of 'D Zine'. I have shown the site (in red) and this business (in blue) in the below for comparison.



I hold the view that 'D Zine' does not have any association with the site nor the cluster of development it sits within. More that the site sits in a separate cluster of development from this business as shown below.



With this in mind I hold the view that the cluster is not associated with an identified focal point.

In terms of enclosure I note the site bounds with No. 8a Moss Road along the western boundary, and would bound with No. 7 Moss Road with the intervening road in between which has been already accepted within MUDC. I am content that there is suitable enclosure as a result and is able to round off the cluster effectively. I note that this is quite a rural area with quite a few houses in which I am content that a dwelling in this position would not significantly alter the existing character of the area nor visually intrude into the site. Finally, in this position I am content that an appropriately designed dwelling will not have an adverse impact on neighbouring amenity. Given the issue over the focal point I hold the view that the application has not fully complied under CTY 2a.

I hold the view that the application has failed to demonstrate compliance under CTY2a. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental

impact on the character of the area and would be able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

A consultation was sent to NI Water who confirmed they had no objections.

I have no flooding, ecological or residential amenity concerns.

I hold the view that the application has not fully complied under CTY 1 and 2a respectively, as such I must recommend refusal.

### **Summary of Recommendation:**

Refuse is recommended

Refusal

### **Refusal Reasons**

#### **Reason 1**

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

#### **Reason 2**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site associated with a focal point or is it located at a cross-roads.

**Signature(s):** Peter Henry

**Date:** 7 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	24 May 2022
<b>Date First Advertised</b>	28 June 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 7 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 9 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 8 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 8A Moss Road Cookstown Tyrone BT80 0BZ	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: I/1997/0108 Type: O Status: PCO  Ref: I/2005/0175/O Type: O Status: PR  Ref: LA09/2020/0278/F Type: F Status: PG  Ref: I/2005/0176/O Type: O Status: APPRET  Ref: LA09/2022/0662/O Type: O	

Status: PCO

Ref: I/1994/0293B

Type: RM

Status: PCO

Ref: I/2015/0049/O

Type: O

Status: PG

Ref: I/2001/0148/O

Type: O

Status: APPRET

Ref: I/1975/0264

Type: H13

Status: PG

Ref: I/1976/0205

Type: H13

Status: PG

Ref: I/2014/0095/F

Type: F

Status: PG

Ref: I/2000/0102/RO

Type: RM

Status: PG

Ref: I/1999/0469/O

Type: O

Status: PG

Ref: LA09/2021/0707/O

Type: O

Status: PG

Ref: I/2007/0833/O

Type: O

Status: PR

Ref: I/1994/0293

Type: O

Status: PCO

Ref: I/1980/0190

Type: H13

Status: PG

Ref: I/1996/0256

Type: F

Status: PCO

Ref: I/1983/0066

Type: H13

Status: PG

Ref: I/1983/006601

Type: H13

Status: PG

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-0662-O.pdf

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.23
<b>Application ID:</b> LA09/2022/0674/F	<b>Target Date:</b> 8 September 2022
<b>Proposal:</b> Proposed 2 Storey Dwelling and Double Garage	<b>Location:</b> Site Approx. 30M SW Of 9A Ballymoghane Lane Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> John Donaghy 10 Ronan Manor Ballyronan Magherafelt	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>  Approval	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

### Representations:

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

### Summary of Issues

To Committee – Approval – One objection received.

### Characteristics of the Site and Area

The site is located approximately 2 miles south of Magherafelt as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. The site is located approx. 30m SW of 9a Ballymoghlan Lane and consists of a cut out portion of an agricultural

field. Access to the site is via an existing laneway that serves No. 9a. The southern boundary is defined by a mature hedgerow and the eastern boundary is part defined by a post and wire fence and part defined by a mature hedgerow. The northern and western boundaries remain undefined. The area is characterised predominately by roadside dwellings located in large individual plots.

#### Representations

Four neighbour notifications were sent out however one objection was received in connection with this application.

Summary of the objection are as below;

- With reference of LA09/2022/0676/F – issues with the location of the soakaway; potential for overlooking; concern with the height of the dwelling.
- Concerns raised over the 2 storey nature of the dwellings under LA09/2022/0674/F and LA09/2022/0676/F, that it has a huge detrimental impact on the Ballmoghna Lane taking away the beauty of the countryside.
- Concerns raised over road safety given the condition of the road.
- Rise in noise levels from additional traffic would create a disturbance to all neighbouring residents.

#### Relevant Planning History

LA09/2017/1274/O - Proposed infill dwelling and garage – Approx. 20m west of 9a Ballymoghna Lane, Magherafelt. – Permission Granted – 11.06/18.

### Description of Proposal

This is a full application for a proposed 2 Storey Dwelling and Double Garage - Site Approx. 30M SW Of 9A Ballymoghna Lane, Magherafelt.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

The SPPS provides a regional framework of planning policy that will be taken into

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. I note that the principle of an infill has already been established through the previous approval, most recent LA09/2017/1274/O. This is a full application on the back of this approval as it has not fully complied with the outline conditions mainly that of the height. With this in mind I am content that the application still complies under CTY 8 respectively.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that there is an increase in the approved ridge height by 1m and. On review of this and the submitted plans I am content that the proposed design is acceptable and will be able to successfully integrate into the landscape. As such I am content that the application is able to comply under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. Upon review of the plans I am content that the proposed dwelling in this location will not cause a detrimental impact to the character of the area and as such complies with CTY 14.

### **Other policy and material considerations**

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

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

I have no flooding or residential amenity concerns.

In response to the comments made by the objector, to start the objector objected to this application and an accompanying application LA09/2022/0676/F, I note that any comments in relation to application LA09/2022/0676/F are not material and only relevant to that application.

The only relevant points in the objection are the 2 storey nature of the house, road safety and nuisance from additional traffic. In terms of the 2 storey nature of this application I note that this was already approved at outline and there is only a small increase in height in which the site can take plus there are other 2 storey dwellings in close proximity, overall it is acceptable. In terms of road safety, DFI Roads were consulted and stated that the access is acceptable as such any issues with the condition of the road should be taken up with DFI Roads directly. Finally, in terms of disturbance given the rise of noise from additional cars, this only a single dwelling and any additional traffic would not be significant to give rise to an adverse impact on neighbouring amenity.

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

Approve is recommended

Approve

#### **Approval Conditions**

##### **Condition 1**

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

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

##### **Condition 2**

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 26th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

##### **Condition 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.

**Condition 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.

**Condition 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.

**Condition 6**

The vehicular access including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 26 May 2022 prior to the commencement of any other development hereby permitted.

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

**Condition 7**

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

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

**Signature(s):** Peter Henry

**Date:** 8 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	26 May 2022
<b>Date First Advertised</b>	28 June 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 9A Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9B Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9 Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 12B Ballymoghlan Lane Magherafelt Londonderry BT45 6HW	
<b>Date of Last Neighbour Notification</b>	5 July 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>	
DFI Roads - Enniskillen Office-Full & RM Resp.docx	
<b>Drawing Numbers and Title</b>	
Site Location Plan    Plan Ref: 01 Proposed Plans       Plan Ref: 02	

**Notification to Department (if relevant)**

Not Applicable



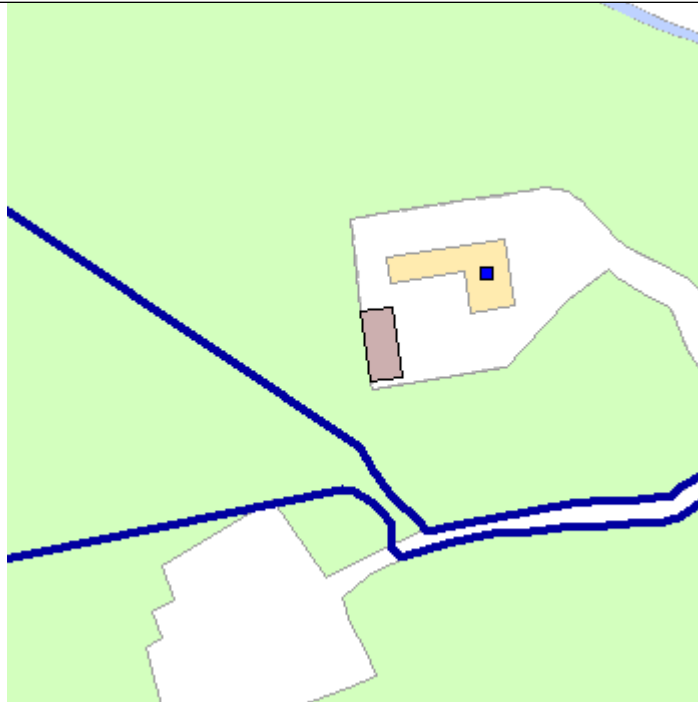


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.24
<b>Application ID:</b> LA09/2022/0675/F	<b>Target Date:</b> 8 September 2022
<b>Proposal:</b> Glamping Pods (6 no. units), parking, landscaping and access	<b>Location:</b> Lands Approx. 100M West Of 85 Deerpark Road Bellaghy BT45 8BP
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Genmark Developments Ltd 16C Tamlaghtduff Road Bellaghy BT45 8JQ	<b>Agent Name and Address:</b> Clyde Shanks Second Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-0675-F.pdf
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Rivers Agency	488792-07 Final Planning Authority reply.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0675 F.doc

### Representations:

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

### Summary of Issues

committee - Approval

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

The site is located approx. 100M West of Deerpark Road, Bellaghy. The site is just North of the A6 Dual Carriageway junction for Bellaghy, and 3km from Bellaghy and 2.5Km from Castledawson. and is located outside any designated settlement limits as identified in the Magherafelt Area Plan, 2015. The proposed site is triangular in shape and is 0.87ha in size. The site is bound with mature hedgerow and tall trees. The topography of the site is relatively flat throughout. The site is accessed via an existing gate and concrete laneway off the Deerpark Road. There is a storage compound facility located to the south of the site and a large dwelling house located to the east of the site (No.85 Deerpark Road).

The surrounding area is predominantly rural with dispersed dwellings and farm holdings.

### **Description of Proposal**

This application is for Full planning permission for Glamping Pods (6no. units), parking, landscaping and access.

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

#### **Policy Consideration**

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

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

Planning Policy Statement 16: Tourism

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will

apply existing policy contained within identified policy documents, together with the SPSS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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

#### Representations

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

#### Planning History:

LA09/2020/0028/LDE - Plant and materials storage compound and site office., Lands Approx. 40M SW Of 85 Deerpark Road, Bellaghy, Co Derry Consent Granted 19.03.2020.

#### Key Policy Considerations/Assessment

Until a new Local Area Plan is adopted, the key policy to consider in this instance is PPS16, Tourism. This proposal is for self catering accommodation in the countryside and therefore is assessed under Policy TSM5. TSM5 states that a self catering units for tourist accommodation will be granted where any one of three circumstances are met, including a cluster of 3 or more units are to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right.

A supporting statement was submitted with the application stating reference to the rich Seamus Heaney home place which is 3.1KM North of the site, and the rich history associated with this as the main source of tourism. It also referenced , Lough beg Nature reserve and Church Island Scheduled Zone (2.5KM North East of the site, Ballyscullion House and Historic Park and garden (3.7KM North West off the site) and Moyola Golf Course (2.6KM West of the site)as additional sources of Tourism and visitor attractions.

The Councils Tourism Strategy has identified the need for increased accommodation in the district and have a clear drive to improve Tourism opportunities and facilities, it is my opinion that the proposal is broadly in keeping with the criteria set out in Policy TSM5. The Policy TSM 5 states "at or close to" but provides no definitive definition of how 'close to', therefore the Planning Manager requested that the application be presented to committee due to the lack of clarity in the policy wording. The application site is within driving distances from the Tourist attractions referenced above and it is believed that it meets this criteria of the Policy.

In my view the simple modest design of the buildings will blend with the trees and landscape and will not be incongruous within the existing area. The level of screening around the entirety of the site will also aid integration.

DFI Roads were consulted on the application and responded to say that based on the information provided in the TAF/Statement and the P1 form regarding the access requirements, that they were content with the proposal. PPS3 Access, Movement and Parking is met.

DFI Rivers were consulted on the application and responded to say that DfI Rivers has reviewed the Flood Risk Assessment & Drainage Assessment submitted by Flood Risk Consulting and dated May 2022. The FRA has determined that the site is **not** affected by the 1 in 100 year fluvial flood plain. DfI Rivers while not being responsible for the preparation of the report, accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

The proposal is affected by an undesignated watercourse, which flows along the western boundary of the site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is maintained. DfI Rivers recommends that the working strip is shown on a site layout drawing. It should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising, permitted development rights or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times. The applicant should be aware that the riparian land owner is legally responsible to maintain the watercourse.

Section 9.3 of the FRA indicates that a maintenance strip is available as detailed on drawing C101A.

DfI Rivers has reviewed the Flood Risk Assessment & Drainage Assessment submitted by Flood Risk Consulting and dated May 2022.

DfI Rivers while not being responsible for the preparation of the report, accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

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

Granting permission to discharge into underground strata as proposed in the drainage assessment is outside DfI Rivers remit.

HED were consulted on the application and responded to say that they had assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Environmental Health were consulted on the application and had no objections to the proposal. The applicant will need to liaise with NIEA to gain consent to discharge, this is separate legislation and outside the remit of Planning. The applicant should ensure that the proposed pods have adequate provision for the storage and disposal of waste.

Policy TSM7 covers general criteria for all Tourism Development. The proposal is located in the countryside close to a public road network that can sustain walking, cycling and private car use. Villages are nearby which are served by public transport. The proposal will not constrain existing or proposed access to a tourism asset. The proposal site is accessed via a private laneway, set back from the public road and therefore I consider the proposal has been designed to deter crime and promote personal safety. The tourism scheme is compatible with the existing agricultural, residential and community/tourism uses in the local area. It will not impact on residential amenity or impact on built or natural heritage features. All other criteria covered under this policy is either irrelevant due to the size and scale of the proposal or have been considered above.

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

#### Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY PPS 16, CTY13 of PPS21 and PPS3 and approval is recommended.

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

Approve is recommended

#### Approval Conditions

##### Condition 1

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

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

##### Condition 2

The Glamping Pods hereby permitted shall be used only for holiday/leisure accommodation and shall not be used for permanent residence(s)

Reason: This permission is hereby granted solely because of its proposed holiday/leisure use.

##### Condition 3

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.

**Condition 4**

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

**Signature(s):** Siobhan Farrell

**Date:** 17 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	26 May 2022
<b>Date First Advertised</b>	25 October 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 85 Deerpark Road, Bellaghy, Magherafelt BT45 8BP	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: H/2004/1120/O Type: O Status: APPRET  Ref: H/2002/0716/O Type: O Status: PR  Ref: H/2005/0941 Type: RM Status: APPRET  Ref: H/1998/0424 Type: O Status: PCO  Ref: H/1994/0036 Type: O Status: PCO  Ref: H/2000/0265/O Type: O	



Status: PG

Ref: H/2007/0895/O

Type: O

Status: APPRET

Ref: H/2008/0303/F

Type: F

Status: PG

Ref: H/2000/0782/O

Type: O

Status: APPRET

Ref: H/2000/0773/O

Type: O

Status: APPRET

Ref: LA09/2015/0731/O

Type: O

Status: APPRET

Ref: LA09/2019/1228/F

Type: F

Status: PG

Ref: H/2005/0963

Type: F

Status: 461

Ref: H/1984/0292

Type: H13

Status: PG

Ref: H/2000/0095/F

Type: F

Status: PG

Ref: H/1996/0043

Type: F

Status: PCO

Ref: H/1995/0577

Type: O

Status: PCO

Ref: H/2000/0817/O

Type: O

Status: APPRET

Ref: H/2001/0539/F

Type: F

Status: APPRET

Ref: LA09/2022/0675/F

Type: F

Status: PCO

Ref: H/2007/0636/F

Type: F

Status: PR

Ref: H/2010/0499/F

Type: F

Status: PG

Ref: H/1993/6054

Type: PREAPP

Status: PCO

Ref: H/1979/0606

Type: H13

Status: WITHDR

Ref: H/2001/0577

Type: O

Status: APPRET

Ref: H/2004/0300/F

Type: F

Status: PG

Ref: H/2001/0730/O

Type: O

Status: APPRET

Ref: H/2001/0734/F

Type: F

Status: APPRET

Ref: H/2001/0571/O

Type: O

Status: APPRET

Ref: LA09/2020/0028/LDE

Type: LDE

Status: PG

Ref: LA09/2020/1197/F

Type: F

Status: PG

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Full & RM Resp.docx

NI Water - Strategic Applications-LA09-2022-0675-F.pdf

Historic Environment Division (HED)-

Rivers Agency-488792-07 Final Planning Authority reply.pdf

Environmental Health Mid Ulster Council-LA09 2022 0675 F.doc

### **Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 3451-PL102

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Block/Site Survey Plans Plan Ref: 03

Elevations and Floor Plans Plan Ref: 04

Details of Access to the Public Road Plan Ref: 05

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

Not Applicable

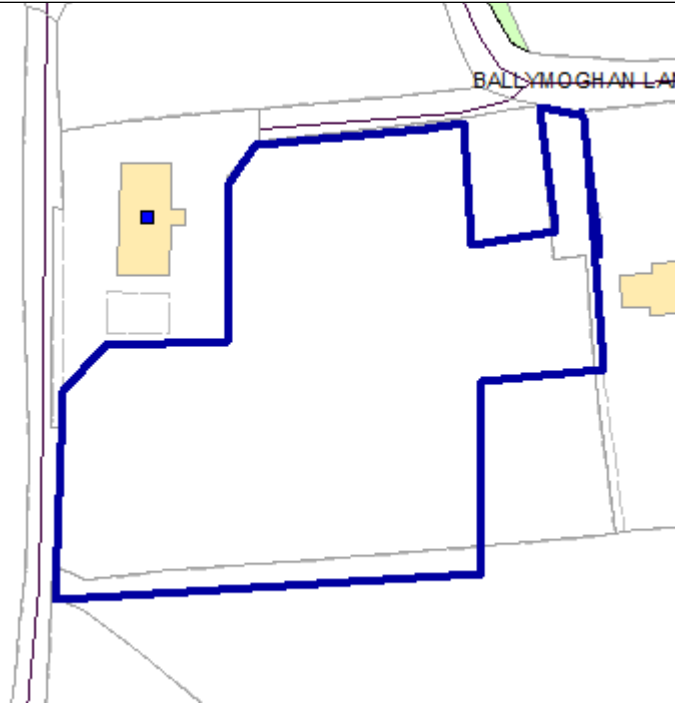


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.25
<b>Application ID:</b> LA09/2022/0676/F	<b>Target Date:</b> 8 September 2022
<b>Proposal:</b> 2 storey dwelling and double garage	<b>Location:</b> Approx 40M South East Of 9 Ballymoghane Lane Magherafelt BT45 6HW
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> John Donaghy 10 Ronan Manor Ballyronan Magherafelt BT45 6GB	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

### Representations:

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

### Summary of Issues

Referred to Committee – Approval recommended – One Objection Received.

### Characteristics of the Site and Area

The site is located approx 40 m South east of 9 Ballymoghlan Lane, Magherafelt and 2

miles south of Magherafelt. The site is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site consists of a large portion of an agricultural field accessed via an existing laneway that serves No.9a. The southern, northern and western boundaries are defined by mature hedgerow and vegetation, while the eastern boundary is undefined. The surrounding area is characterised by roadside single dwellings located on large individual plots.

### **Description of Proposal**

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

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

#### **Policy Consideration**

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

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan, 2015
- PPS21 -Sustainable Development in the Countryside
- PPS 3 – Parking, Movement and Access

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

#### **Planning History**

LA09/2022/0674/F – Proposed 2 storey dwelling and double garage, site approx. 30m SW of 9A Ballymoghlan Lane, Magherafelt – under consideration

LA09/2017/1275/O - Proposed infill site for dwelling and garage, Approx 20M E Of 9 Ballymoghlan Lane, Permission Granted 11.06.2018

Magherafelt

#### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, one third party objections were received.

#### **Assessment**

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 for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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

This gap is considered against the existing pattern of development to determine if a maximum of two dwellings could be provided without creating ribbon development. Following discussion with the Principle planner she was content that the gap under consideration encompasses an agricultural field within an existing continuously built up frontage, and therefore sufficiently meets the policy criteria for an infill. The site respects the existing development pattern along the frontage in terms of size, scale and siting and plot size and therefore is acceptable in principle.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that the level of vegetation surrounding this site helps to integrate the proposal into the surrounding landscape. Existing hedgerows should be retained around the application site. The proposed design is considered acceptable given the development in the area.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the site and its surrounding environment has the capacity to absorb a dwelling and garage and therefore is compliant with the criteria set out in policy CTY1 & CTY 8 of PPS21.

DFI Roads were consulted on this application and had no objection to the proposal subject to conditions.

### **Representations**

In response to the comments made by the objector, who also objected to an accompanying application LA09/2022/0674/F. The objector refers to the 2 storey nature

of the dwelling house, overlooking, road safety and nuisance from additional traffic. In terms of the 2 storey dwelling I note that this was already approved at outline and there is only a small increase in the height of this proposal which the site can accommodate and there are other 2 storey dwellings in close proximity to the site, over all it is acceptable. Also, given the orientation of the dwelling it is well set back and to the east of the sit away from the dwelling at No9. Given the location and orientation of the proposed dwelling within the site as well as the additional proposed landscaping as shown on drawing No 02, date stamped 26.05.2022, I do not believe that there will be any impact on the residential amenity of the dwelling house at No 9. The proposed garage is located to the west of the site and while closer to the boundary with no 9, its behind the garage associated with No9.

In terms of road safety, DFI roads were consulted on the application and responded to say that they were content and did not offer any objection. An issues in regard to the condition of the road should be taken up with DFI Roads directly.

In terms of disturbance from noise generated from additional cars, this proposal is only for a single dwelling and any additional traffic would not be significant to give rise to an adverse impact on neighbouring residential amenity.

The objector also raised an issue regarding soakaways, this is the responsibility of the owner of the dwelling to liase directly with Ni Water and NIEA.

I am content that the application meets the policy requirements for an infill and is capable of absorbing a dwelling and garage. The site within the red line is considered to be well screened along the roadside with existing vegetation and development already exists around the site which will help screen the proposed dwelling.

### Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY 8, CTY13 & 14 of PPS21 and PPS3.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

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



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

**Condition 2**

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 26th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

**Condition 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.

**Condition 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.

**Condition 5**

The vehicular access including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 26 May 2022 prior to the commencement of any other development hereby permitted.

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

**Signature(s):** Siobhan Farrell

**Date:** 17 November 2022

ANNEX	
Date Valid	26 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 12a Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 12b Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9a Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9b Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9 Ballymoghane Lane Magherafelt Londonderry BT45 6HW	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: H/2006/0017/O Proposals: Site of dwelling & garage Decision: PG Decision Date: 22-AUG-06  Ref: H/2008/0599/F Proposals: Restrospective application for retention of existing Race Track for Off Road Buggies on land approximately 250m West of 7a Ballymoughane Lane, Magherafelt Decision: PG Decision Date: 20-JUN-11  Ref: LA09/2018/1464/F Proposals: Retrospective planning application for retention of general office/shelter, stor building and control tower Decision: PG Decision Date: 07-FEB-19	

Ref: LA09/2016/1271/O

Proposals: Proposed site for new dwelling on farm

Decision: PG

Decision Date: 08-FEB-17

Ref: LA09/2019/1365/RM

Proposals: Reserved Matters app for dwelling on a farm, previous outline:LA09/2016/1271/O.

Decision: PG

Decision Date: 20-DEC-19

Ref: H/2003/1245/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2022/0676/F

Proposals: 2 storey dwelling and double garage

Decision:

Decision Date:

Ref: LA09/2022/0674/F

Proposals: Proposed 2 Storey Dwelling and Double Garage

Decision:

Decision Date:

Ref: LA09/2017/1274/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 11-JUN-18

Ref: H/2007/0510/F

Proposals: Change of use of domestic garage through internal alteration, to have existing garage split to have a hair salon on one side with storage on the other. Hair salon to be open three days a week.

Decision:

Decision Date:

Ref: H/2003/0454/F

Proposals: Dwelling and double garage.

Decision: PG

Decision Date: 30-SEP-03

Ref: H/2001/0184/O

Proposals: Site of dwelling

Decision: PG

Decision Date: 04-JUN-01

Ref: H/2008/0158/F

Proposals: Conversion of single garage and hairdressing salon to a single garage with an attached utility room

Decision: PG

Decision Date: 22-OCT-08

Ref: H/2005/0164/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 05-JUL-05

Ref: H/2010/0206/F

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 17-SEP-10

Ref: H/2009/0446/F

Proposals: Proposed new dwelling and detached garage/domestic store

Decision: PG

Decision Date: 29-DEC-09

Ref: LA09/2022/0331/F

Proposals: Proposed change of house type to dwelling approved under previous application H/2009/0446/F

Decision: PG

Decision Date: 15-NOV-22

Ref: LA09/2019/1528/O

Proposals: Outline application of an Off Grid sustainable house with passive heating and a potential tesla solar roof, with a small garage and garden, with real focus on sustainable build and recycled materials, using sustainable methods.

Decision: PG

Decision Date: 05-FEB-20

Ref: H/1994/0456

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: H/2003/1246/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/1997/0198  
Proposals: BUNGALOW & GARAGE  
Decision: PG  
Decision Date:

Ref: LA09/2017/1275/O  
Proposals: Proposed infill site for dwelling and garage  
Decision: PG  
Decision Date: 11-JUN-18

Ref: LA09/2015/0579/F  
Proposals: Dwelling and Garage  
Decision: PR  
Decision Date: 27-JAN-16

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Full & RM Resp.docx

### **Drawing Numbers and Title**

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

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

Not Applicable

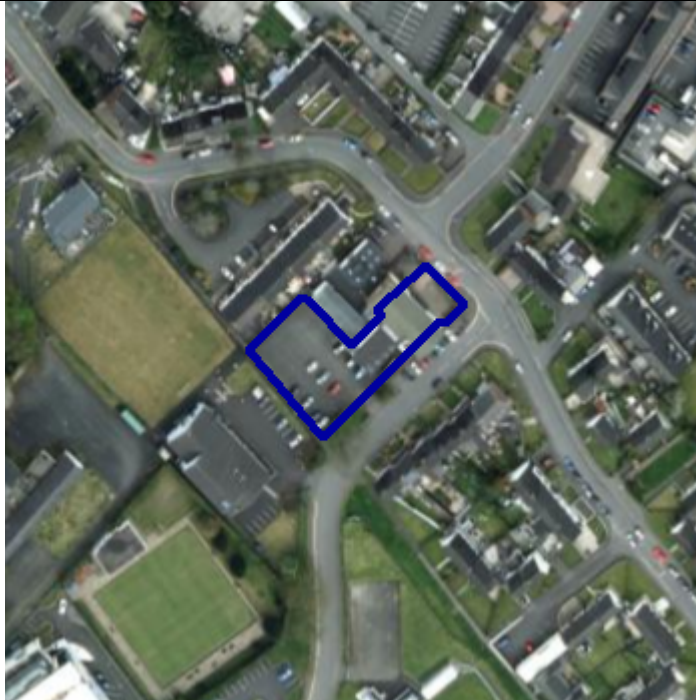


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.26
<b>Application ID:</b> LA09/2022/1012/F	<b>Target Date:</b> 29 September 2022
<b>Proposal:</b> Alterations and extensions to existing offices	<b>Location:</b> Sperrin House 43 Queens Avenue Magherafelt BT45 6BY
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Galgorm Developments Ltd. 75 Loughbeg Road Toomebridge BT41 3TS	<b>Agent Name and Address:</b> JE McKernan And Son 25 Market Rd Ballymena County Antrim BT43 6EL
<b>Executive Summary:</b>  To Committee - Approval - The applicant is related to a member of staff in Planning MUDC.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.docx

### Representations:

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

### Summary of Issues

To Committee – Approval – The applicant is related to a member of staff in Planning MUDC.

### Characteristics of the Site and Area

The application site is located within the development limits of Magherafelt, within

undesignated lands as per defined by the Magherafelt Area Plan 2015. The application site relates to an office block at Sperrin House, 43 Queens Avenue, Magherafelt. The single storey building exists to the rear of the library and car parking exists to the rear of the existing building. Magherafelt youth centre and an existing child care facility exists adjacent to the existing car park and Magherafelt Primary School exists beyond this. Residential properties exist immediately north of the proposed building.

#### Representations

13 neighbour notifications were sent out however no objections were received.

### **Description of Proposal**

This is a full application for the alterations and extensions to existing offices located at Sperrin House, 43 Queens Avenue, Magherafelt.

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

#### **Policy Consideration**

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Under the SPPS, the guiding principle for planning authorities in determining 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.

The site is located within the limit of development for Magherafelt as defined by the Magherafelt Area Plan 2015 where Planning Policy Statement 4 (PPS 4): Planning and Economic Development applies.

Policy PED 1 Economic Development in Settlements is the main consideration where policy states in relation to extensions that a development proposal 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 of PPS 4: provides general criteria for assessing all applications relating to the location in siting and design: impact on residents and the environment, access and movement improvement. This proposal is compatible with the existing use. However since this is in close proximity to residential property attention needs to be given to the neighbours amenities. It is my opinion that as the scale of the extension matches that of



the host building and as such it is unlikely to have a significant adverse impact on neighbouring amenity. The activity in the building remains as existing and therefore shall not result in a rise in noise or nuisance. It is my opinion that this is an acceptable extension, there are no issues relating to traffic movement and there would be sufficient space for car parking and turning at the rear. The site is not in an area of flood risk and there is no need to dispose any additional effluent. The design is satisfactory for the type of use already in existence.

**Other Policy and Material Considerations:**

In my opinion the proposal could be accommodated on this site without resulting in a loss of neighbouring amenity or deterioration of highway safety, no other issues have been identified. This application being for full permission provides details of materials to be used in its construction, I am content that these are acceptable as they reflect the host building.

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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.

**Signature(s):** Peter Henry

**Date:** 17 November 2022

ANNEX	
<b>Date Valid</b>	16 June 2022
<b>Date First Advertised</b>	5 July 2022
<b>Date Last Advertised</b>	5 July 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 1 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 3 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 1A Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 4 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 6 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 8 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 10 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 12 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 38 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 40 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 42 Queens Avenue Magherafelt Londonderry BT45 6BY	
<b>Date of Last Neighbour Notification</b>	29 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>

## **Planning History**

Ref: H/1993/6128  
Type: PREAPP  
Status: PCO

Ref: H/2012/0231/F  
Type: F  
Status: APPRET

Ref: H/2011/0280/F  
Type: F  
Status: PG

Ref: H/1994/0271  
Type: F  
Status: PCO

Ref: H/2003/0308/F  
Type: F  
Status: PG

Ref: H/1993/0464  
Type: O  
Status: PCO

Ref: H/2005/0632/F  
Type: F  
Status: PG

Ref: LA09/2022/0444/F  
Type: F  
Status: PCO

Ref: H/1999/6020  
Type: PREAPP  
Status: PCO

Ref: LA09/2022/1012/F  
Type: F  
Status: PCO

Ref: H/1995/0602  
Type: O  
Status: PCO

Ref: H/1979/0164

Type: H13

Status: PG

Ref: H/1977/0032

Type: H13

Status: PG

Ref: H/1990/0206

Type: F

Status: PCO

Ref: H/1990/0607

Type: F

Status: PCO

Ref: H/1998/6019

Type: PREAPP

Status: PCO

Ref: H/1999/0740/F

Type: F

Status: PG

Ref: H/1999/0582

Type: F

Status: PCO

Ref: H/2001/0015/F

Type: F

Status: PG

Ref: H/2003/1347

Type: F

Status: 461

Ref: H/2003/1053

Type: F

Status: 461

Ref: H/2001/0806/Q

Type: PREAPP

Status: PDE

Ref: H/2002/0073/F

Type: F

Status: PG

Ref: H/1991/0154

Type: F

Status: PCO

Ref: H/1991/0508

Type: F

Status: PCO

Ref: H/2000/0803/A41

Type: A41

Status: PAPREQ

Ref: H/1995/0504

Type: F

Status: PCO

Ref: H/1988/0120

Type: F

Status: PCO

Ref: H/2001/0608

Type: F

Status: 461

Ref: H/1981/0367

Type: H13

Status: PG

Ref: H/2001/1063

Type: A41

Status: REC

Ref: H/1981/0344

Type: H13

Status: PG

Ref: H/1986/0143

Type: H13

Status: PG

Ref: H/1979/0650

Type: H13

Status: PG

Ref: H/1993/6013  
Type: PREAPP  
Status: PCO

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Type: PREAPP  
Status: PCO

Ref: H/1973/0163  
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Status: PG

Ref: H/1981/0385  
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Status: PG

Ref: H/2004/0883/F  
Type: F  
Status: PG

Ref: H/1988/0365  
Type: F  
Status: PCO

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Type: PREAPP  
Status: PCO

Ref: H/2011/0090/F  
Type: F  
Status: PG

Ref: H/2012/0057/A  
Type: A  
Status: CG

Ref: H/2002/0180/A  
Type: A  
Status: CG

Ref: H/1978/0348  
Type: H13  
Status: PG

Ref: H/1978/0217  
Type: H13

Status: PG

Ref: H/2006/0979/A

Type: A

Status: CG

Ref: H/1986/0021

Type: H13

Status: PG

Ref: H/2002/0549/F

Type: F

Status: PG

Ref: H/1987/0457

Type: F

Status: PCO

Ref: LA09/2017/0137/A

Type: A

Status: CG

Ref: H/1989/0134

Type: F

Status: PCO

Ref: H/2002/0104/F

Type: F

Status: PG

Ref: H/2001/0895/F

Type: F

Status: APPRET

Ref: H/1991/0130

Type: F

Status: PCO

Ref: LA09/2015/0039/F

Type: F

Status: PG

Ref: H/1980/0364

Type: H13

Status: PG

Ref: H/2002/1029/F

Type: F

Status: PG

Ref: H/2008/0210/F

Type: F

Status: PR

Ref: H/1998/4009

Type: P

Status: PCO

Ref: H/1979/026501

Type: H13

Status: PG

Ref: H/1979/0265

Type: H13

Status: PG

Ref: LA09/2017/1715/F

Type: F

Status: PG

Ref: H/1977/0425

Type: H13

Status: PG

Ref: H/2009/0433/F

Type: F

Status: PG

Ref: H/2000/0022/O

Type: O

Status: PG

Ref: H/2006/0539/F

Type: F

Status: PG

Ref: H/1993/0387

Type: F

Status: PCO

Ref: H/2013/0458/F

Type: F



Status: PG

Ref: H/1982/0165

Type: H13

Status: PG

Ref: H/1977/0031

Type: H13

Status: WITHDR

Ref: H/1980/0025

Type: H13

Status: PG

Ref: H/1991/0281

Type: F

Status: PCO

Ref: LA09/2019/0225/F

Type: F

Status: PG

Ref: LA09/2019/0691/NMC

Type: NMC

Status: CG

Ref: H/1994/0252

Type: F

Status: PCO

Ref: H/1985/0032

Type: H13

Status: PG

Ref: H/1989/0434

Type: F

Status: PCO

Ref: H/2007/1098/F

Type: F

Status: PR

Ref: H/2013/0326/F

Type: F

Status: PG

Ref: H/2013/0247/F

Type: F

Status: PG

Ref: H/2010/0513/F

Type: F

Status: PG

Ref: H/2009/0700/F

Type: F

Status: PG

Ref: H/2004/1371/LDP

Type: LDP

Status: PG

Ref: H/1990/0497

Type: F

Status: PCO

Ref: H/2007/0578/F

Type: F

Status: PG

Ref: H/1974/0154

Type: H13

Status: PG

Ref: H/1999/0665/F

Type: F

Status: PG

Ref: H/2002/0051/F

Type: F

Status: PG

Ref: H/1973/0018

Type: H13

Status: PG

Ref: H/1997/0187

Type: F

Status: PCO

Ref: H/2001/0372/Q

Type: PREAPP

Status: 360

Ref: H/2004/1113

Type: LDP

Status: 461

Ref: H/1993/0253

Type: F

Status: PCO

Ref: H/1981/0378

Type: H13

Status: PG

Ref: H/1991/0588

Type: F

Status: PCO

Ref: H/1986/0004

Type: H13

Status: PG

Ref: H/2006/0689/F

Type: F

Status: PG

Ref: H/2009/0351/F

Type: F

Status: PG

Ref: H/2006/0654/F

Type: F

Status: 217

Ref: H/1994/0509

Type: F

Status: PCO

Ref: H/2009/0145/F

Type: F

Status: PG

Ref: H/1994/0364

Type: F

Status: PCO

Ref: H/2005/0261/F

Type: F

Status: PG

Ref: H/1986/0247

Type: H13

Status: PG

Ref: H/1989/0029

Type: F

Status: PCO

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Existing Plans Plan Ref: 04

Existing and Proposed Elevations Plan Ref: 05

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.27
<b>Application ID:</b> LA09/2022/1112/F	<b>Target Date:</b> 17 October 2022
<b>Proposal:</b> Replacement Dwelling House with attached Garage and Carport	<b>Location:</b> 39 Drumaspil Road Drumaspil Dungannon BT71 6HZ
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Lee McFarland 17 Annaloughan Road Agher BT77 OBW	<b>Agent Name and Address:</b> Mr Philip Caddoo 44 Rehaghey Rd Aughnacloy BT69 6EU
<b>Executive Summary:</b>  The proposal is recommended for refusal as it does not meet CTY3, CTY 13 and CTY 14 in PPS 21. The proposal will have a greater visual impact than the existing dwelling and is out of character for the surrounding area which are predominately single storey dwellings.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding land uses are predominantly agricultural fields, single rural dwellings, and groupings of farm buildings. There is minimal development pressure in the immediate area from the construction of

new dwellings. The site has a roadside frontage onto Drumaspil Road which is a lightly trafficked road, and the topography of the road rises steeply from north to south.

The application site comprises several buildings which have a frontage onto Drumspil Road. Along the roadside there is a building to be replaced which is a single storey and has finishes of tin sheeting on the roof, stonework walls and wooden window frames. To the rear of the building are several sheds with tin sheeting.

### **Description of Proposal**

This is a full application for a replacement dwelling with attached Garage and Carport at 39 Drumaspil Road, Drumaspil, Dungannon.

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

#### **Policy Consideration**

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

#### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party representation has been received. This was not a formal email in support or objection, but the neighbour has raised queries in relation to the levels at the site.

A non-committal comment was received from the owner/occupier of the neighbouring dwelling to the south at No.37 who was Mr Courtney. It was stated he had no objection to the proposal but had questions about the ground levels and proposed ridge heights. Mr Courtney feels the proposal will have a visual impact on his property and asks will existing and proposed ground levels and proposed and existing ridge levels be to ordinance datum Belfast. Also, it is stated will the proposed ground levels and ridge heights be conditioned to any approval. In rebuttal, on all full and reserved applications the existing and proposed levels at points on the site are shown and the finished floor level of the dwelling.

#### **Planning History**

No planning histories at the application site.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

### **Dungannon and South Tyrone Area Plan 2010**

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

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

### **Planning Policy Statement 21**

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is to replace an existing dwelling CTY 3 is the relevant policy in the assessment.

### **CTY 3 – Replacement Dwellings**

As shown in figure 1 below I am content the building has the appearance of a dwelling and exhibits all the essential characteristics of a dwelling. There is a chimney which projects from the ridgeline of the building, a small porch on the front elevation and windows on the front and back elevations of the buildings. I consider all the walls of the dwellings are substantially intact.





Figure 1 – Building to be Replaced

Overall, I am content there is a dwelling to be replaced for the purposes of CTY 3.

I consider the dwelling to be replaced has the appearance of non-listed vernacular dwelling as listed in Annex 2 of PPS 21. The dwelling has a long rectangular form and the depth of the house is less than 6m. The majority of the windows are on the front and back elevations and there is a small porch on the front elevation. I consider the dwelling makes an important contribution to the heritage and appearance of the area. The building is an example of a traditional cottage and as stated in 'Building on Tradition' design guidance there is a tendency to replace these rural dwellings instead of renovating and extending. As the building is along the roadside there are critical views in both directions along Drumapsil Road. In an email dated 12<sup>th</sup> October 2022 the agent submitted a supporting statement why the dwelling should not be retained. The agent states from their initial survey the dwelling is not reasonably capable of being made structurally sound. It is stated the roof instability would constitute complete removal, the external stonewalls have a large amount of damp and floors have been removed to expose saturation. The agent has stated other health and safety reasons why the building cannot be converted as the dwelling's location beside the road and proximity to nearby electricity poles. I consider as the dwelling to be replaced is a small building it is not sufficient for a modern family dwelling. Policy in CTY 3 states that the vernacular building should only be retained where it can be incorporated into the overall scheme with the new dwelling. I would not recommend retaining the building for use as a store or its current use as a dwelling. Also, I do not think the building could be retained as the dwelling needs to be removed to obtain visibility splays for the access.

Most of the proposed dwelling will be sited within the established curtilage, but a portion of the new dwelling and garden area will be in the existing agricultural field. The existing site is restricted to the rear and the proposed dwelling has a long frontage as it has an attached carport, so the proposal needs to use a portion of the field.

The dwelling to be replaced is a modest single storey dwelling as shown in figure 1 above. As shown in figure 2 the proposed dwelling has a ridge height of 6.95m and has a long frontage which encompasses the dwelling and attached garage. The dwelling will

have a slightly curved form and three dormers on the front elevation that extend from the wall plate. There is also a double height projection on the front elevation. The proposed external materials are white render and stonework walls, blue slate roof tiles, grey aluminium windows and doors. I have no concerns about the external materials. All the dwellings along this section of Drumaspil Road are single storey dwellings and I am of the opinion the proposed dwelling will have a greater visual impact than the existing dwelling. The proposal will involve the removal of all the buildings at the site so there will be no buildings for the proposed dwelling to cluster with. Even-though the site is at a lower ground level than No. 37 the dwelling will be visible in critical views from the south east and a portion of Drumaspil Road to the north.

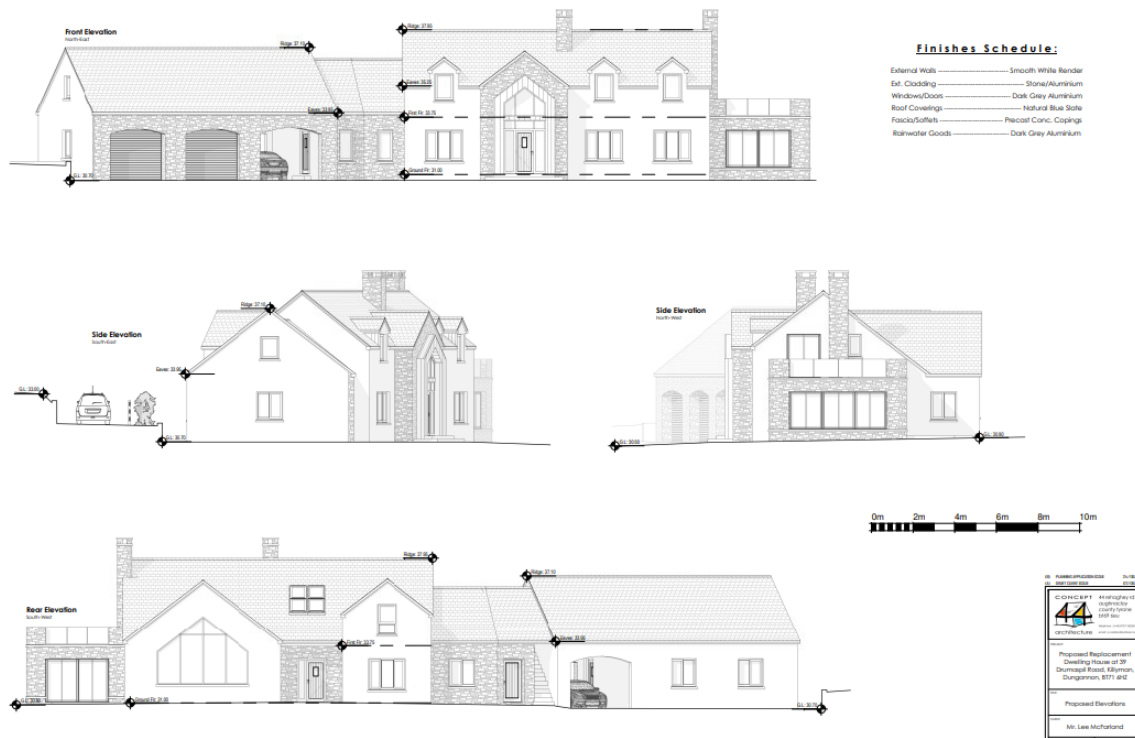


Figure 2 – Snapshot of the proposed dwelling

I would have concerns about the design of the dwelling as I consider it is not simple rural form. The dormers, balcony, double height projections and chimneys on the gable walls of the dwelling are not generally acceptable for a dwelling in the countryside. In a supporting statement dated 12<sup>th</sup> October 2022 the agent acknowledges that the new dwelling will be larger in size than the existing dwelling. It is stated this will be offset as the proposal is on a lower ground level than similar dwellings and is more set back from the road. The agent also feels the new building will landscape benefits as it will sit on the site where there are currently several dilapidated sheds and improve the character of the area.

Overall, I consider the proposal does not meet all the criteria in CTY 3.

### CTY 13 – Integration and Design of Buildings in the Countryside

The proposal is for a one and half storey dwelling on land which is at a lower ground level than surrounding dwellings. I consider the proposal will be a prominent feature in the landscape as the scale, mass and design of the dwelling is out of character for the area and will dominate the landscape.

In terms of landscaping, the agent has shown new trees and hedging on the site boundaries.

### **CTY 14 – Rural Character**

As stated earlier in the assessment, I consider the proposal will be prominent in the landscape as the scale and design is inappropriate for the site. I am of the opinion the proposed dwelling does not respect the traditional pattern of settlement in the area. I consider the proposal will be detrimental to rural character.

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

#### **AMP 2 – Access to Public Roads**

I consider the proposal does not access onto a protected route, so I have no concerns.

As the proposal is for a replacement dwelling, there is no statutory requirement to upgrade the access. There is an access to the site, but the applicant is proposing a new access further along. DFI Roads were consulted and were content subject to visibility splays of 2.0m x 70m in both directions.

### **Other Considerations**

I checked the statutory map viewers here are no other NED, HED or flooding issues at the site.

### **Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it is contrary to CTY1, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

### **Refusal Reasons**

#### **Reason 1**

Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.

#### **Reason 2**

Contrary to Policy CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the new dwelling does not integrate into the surrounding landscape and will have a visual impact significantly greater than the existing dwelling.

**Reason 3**

Contrary to Policy CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the design of the building is inappropriate for the site and its locality and will be a prominent feature in the landscape.

**Reason 4**

Contrary to Policy CTY 14 - Rural Character in PPS 21 in that the proposal does not respect the traditional pattern of settlement in the area and will be detrimental to rural character.

**Signature(s):** Gillian Beattie

**Date:** 21 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	4 July 2022
<b>Date First Advertised</b>	21 July 2022
<b>Date Last Advertised</b>	21 July 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 39A Drumaspil Road Dungannon Tyrone BT71 6HZ The Owner / Occupier 43 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 37 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 39 Drumaspil Road Dungannon Tyrone BT71 6HZ	
<b>Date of Last Neighbour Notification</b>	14 September 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: M/2006/1192/F Proposals: Domestic garage / store Decision: PG Decision Date: 10-JUL-06  Ref: M/1991/0281 Proposals: Replacement dwelling Decision: PG Decision Date:  Ref: M/1996/0638B Proposals: Proposed dwelling Decision: PG Decision Date:  Ref: LA09/2022/1112/F Proposals: Replacement Dwelling House with attached Garage and Carport Decision:	

Decision Date:

Ref: M/2003/0520/F

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date: 12-NOV-03

Ref: M/2007/0051/F

Proposals: Proposed rear extension to dwelling

Decision: PG

Decision Date: 12-APR-07

Ref: LA09/2018/1571/F

Proposals: Single storey rear extension to dwelling, attic conversion and alterations to existing site layout within curtilage

Decision: PG

Decision Date: 05-FEB-19

Ref: LA09/2016/0989/O

Proposals: Proposed site for farm dwelling and double domestic garage

Decision: PG

Decision Date: 02-DEC-16

Ref: LA09/2017/0083/RM

Proposals: Farm dwelling and double domestic garage

Decision: PG

Decision Date: 10-MAR-17

Ref: M/1992/4073

Proposals: Extension to Dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1996/0638

Proposals: Site for dwelling

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

**Drawing Numbers and Title**

Site Location Plan    Plan Ref: 001

Site Layout or Block Plan    Plan Ref: 002

Site Layout or Block Plan    Plan Ref: 003

Proposed Floor Plans        Plan Ref: 100

Proposed Elevations        Plan Ref: 200

**Notification to Department (if relevant)**

Not Applicable



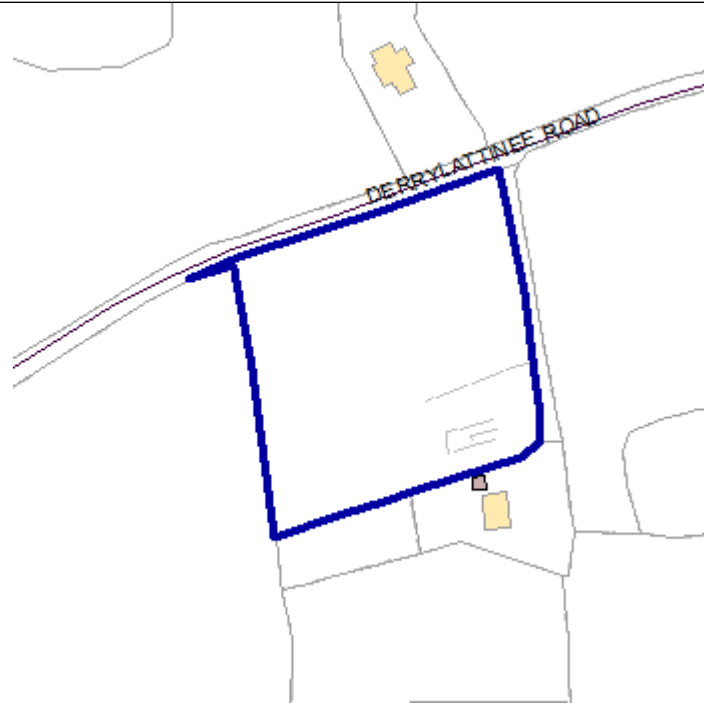
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.28
<b>Application ID:</b> LA09/2022/1183/O	<b>Target Date:</b> 7 November 2022
<b>Proposal:</b> Site for dwelling on a farm	<b>Location:</b> 250M North East Of 19 Derrylattinee Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Caolan Gildernew 10 Moolan Hill Cookstown BT80 8WP	<b>Agent Name and Address:</b> Colm Donaghy Chartered Architect 3 Dungannon Street Moy Dungannon BT71 7SH
<b>Executive Summary:</b>	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1183-O.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1183-O.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline.docx FORM RS1 STANDARD.doc

### Representations:

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

### Summary of Issues

This application is being presented to Committee as the applicant is related to staff in the council and elected member - Approval

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

The site is located approx. 250m North East of 19 Derrylattinee Road, Dungannon and is located outside the designated settlement limits as defined in the Dungannon and South Tyrone Area Plan, 2010. The site is a roadside portion of an agricultural field. The elevations of the site rises gently from the Derrylattinee Road. There is a third party dwelling house located directly behind the site (No 29). The boundaries of the site are comprised of mature hedgerows and vegetation with some mature trees along the southern and western boundary. The surrounding area is predominantly rural with scattered dwellings and farm holdings.

## **Description of Proposal**

This application seeks outline planning permission for a dwelling and domestic garage on a farm.

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

### **Policy Consideration**

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

Strategic Planning Policy Statement (SPPS)

Dungannon Area Plan, 2010

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

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

### **Planning History**

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

### **Representations**

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

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

### Assessment

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

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

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

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

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - Demonstrable health and safety reasons or
  - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and confirmed were consulted and confirmed that the farm business has been in existence and active for more than 6 years, therefore the application meets this test.

With regard to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c), the proposed development is located on a roadside portion agricultural field. The applicant has no existing farm buildings , he rents some farm sheds located adjacent to field 14 of the Farm business maps and he also rents some fields. As Policy PPS 21, CTY 10 states '*Exceptionally, consideration may be given to an alternative site else where on the farm, provided there are no other sites available at another group of buildings on the farm or out- farm*'. The site is positioned sensitively , there is an existing cattle crush located to the rear of the site and I believe that a new dwelling here would visually integrate into the existing landscape, without having an adverse impact on the surrounding rural area, therefore the application meets this policy test.

The P1 form indicates that the proposal includes the construction of a new access to the public road, this appears to be located where the existing farm gate is. DFI Roads were consulted on the application and they responded to say that they were content subject to conditions.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposal is for outline planning permission and details of design have not been submitted at this stage. However, the site is relatively well screened by the existing vegetation. Given the slight rise in elevation of the site a ridge height restriction of 6.5 m from existing ground level will be applied. A suitably designed dwelling house should integrate sufficiently into the landscape.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. I believe that a modest, suitably designed, dwelling located here would not cause detrimental change or erode the rural character of the area. Therefore, this proposal is compliant with the criteria set out in policy CTY13 &14.

The proposal is also compliant with PPS 8 – Ribbon Development and it would not extend or contribute to ribbon development in this rural location.

## Conclusion

This application meets the policy requirements of the SPPS, PPS21 and PPS 3 and therefore approval is recommended.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions****Condition 1**

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

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

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

**Condition 2**

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

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

**Condition 3**

The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area.

**Condition 4**

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.

**Condition 5**

The existing trees and natural vegetation around 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: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

**Condition 6**

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

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

**Condition 7**

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

**Signature(s):** Siobhan Farrell

**Date:** 22 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	25 July 2022
<b>Date First Advertised</b>	
<b>Date Last Advertised</b>	4 August 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 26 Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29 Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29A Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29B Derrylattinee Road Dungannon Tyrone BT70 1PR	
<b>Date of Last Neighbour Notification</b>	22 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DAERA - Omagh-LA09-2022-1183-O.docx NI Water - Single Units West-LA09-2022-1183-O.pdf DFI Roads - Enniskillen Office-Roads outline.docxFORM RS1 STANDARD.doc	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: PL02 Site Layout or Block Plan Plan Ref: PL03 Site Location Plan Plan Ref: PL02 REV A	

**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.29
<b>Application ID:</b> LA09/2022/1307/F	<b>Target Date:</b> 9 December 2022
<b>Proposal:</b> The plans for the development of Derrynoyd Forest (total site 100ha) will include: Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking, road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage	<b>Location:</b> Derrynoyd Forest Situated In Draperstown, Co. Derry
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Johnny McNeill Burn Road Cookstown BT80 8DT	<b>Agent Name and Address:</b> No Agent
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docxDC Checklist.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx

### Representations:

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

### Summary of Issues

No representations have been received in respect of this application.

### Characteristics of the Site and Area

The site is made up of three separate parcels of land within the entire Derrynoyd Forest area.

Site 1 is the largest area and is located close to the main Rural College Building. This area contains an extended car parking area, picnic tables and seats and a flat concrete base for future storage container/wc block.

A small area to the immediate north of Site 1 is contains a feature seat and has been somewhat overgrown.

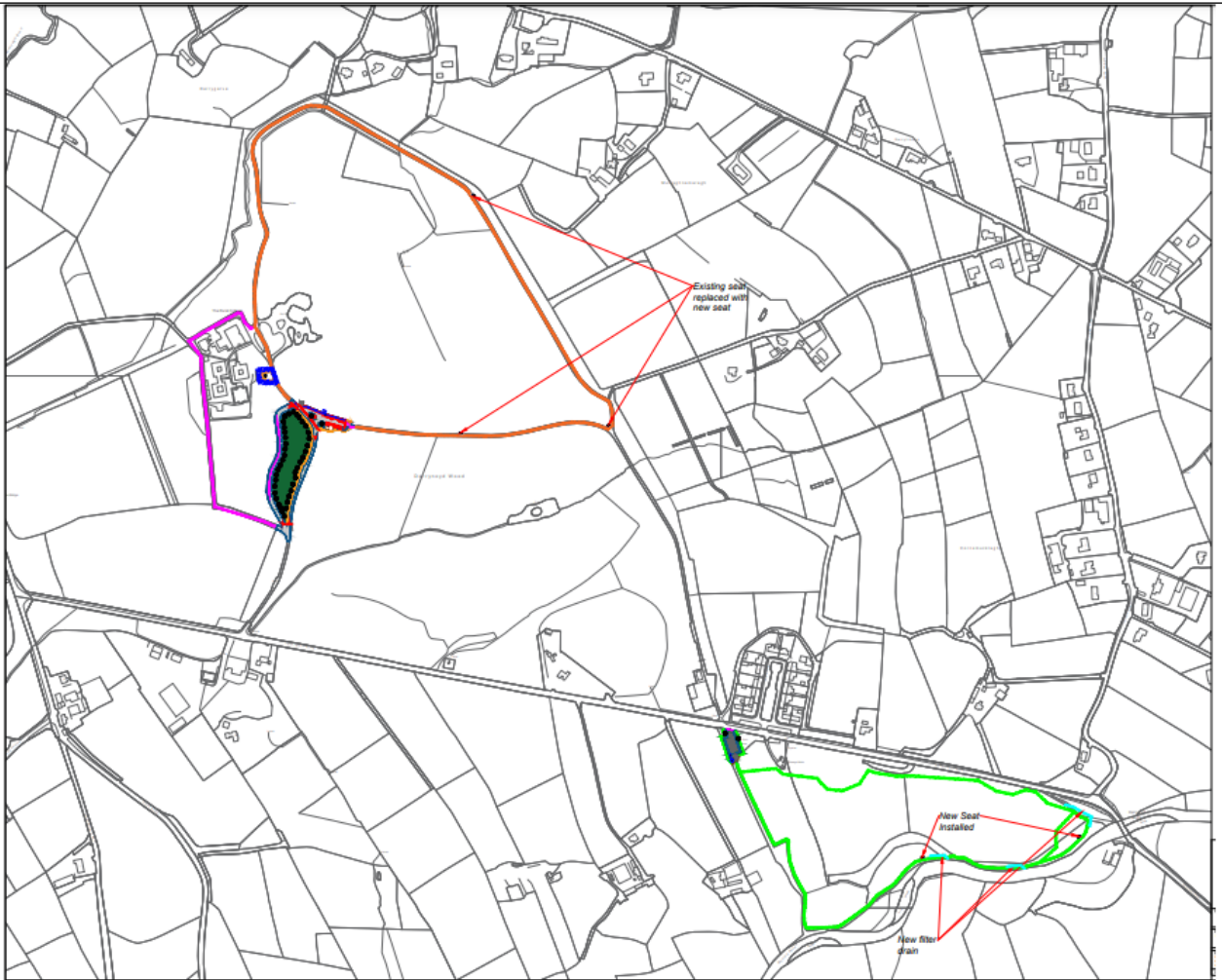
A third area is located over 700m to the south east at which there is an existing parking facility.

### **Description of Proposal**

The plans for the development of Derrynoyd Forest (total site 100ha) will include:

Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking, road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage which amounts to a flat concrete base which will be used to set a storage building/container on in the future. Details of the storage building are not included within this application.

Three trails are to be upgraded and improved with existing seats to be replaced in addition to new seating being provided.



### Site layout



Proposed car park layouts and feature seat location

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

#### Assessment of proposal within the planning policy and guidance context:

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

The main policy considerations in the assessment of this proposed development are :- Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation – Policy OS3

**Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation:**

PPS 8 acknowledges that open space, sport and outdoor recreation are important components of life. Open space, for the purposes of PPS 8 is defined as all open space of public value. It includes not just land, but also inland bodies of water that offer important opportunities for sport and outdoor recreation. Two of the policy objectives of PPS 8 are to

- facilitate appropriate outdoor recreational activities in the countryside; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Policy OS 3 - Outdoor Recreation in the Countryside lists the criteria which must be met when applications are being assessed for this type of development.

The proposal satisfies all the criteria of the above policy and is acceptable in that respect.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the proposed use of the site, I would have no concerns in respect of public safety.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3, it is also acceptable under Policy CTY 1 of PPS 21.

**CTY 13 – Integration and design of buildings in the countryside**

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape;

**CTY 14 – Rural Character**

As the proposal involves the upgrade of existing trail network (approx 5km) to multi-use trails, including drainage as required, the formal layout and increase, as necessary, of car and bicycle parking, road passing points etc, the creation of a carpark for horse riding access within the main forest block in addition to developing an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture with site storage, there should be little impact on rural character.

**Recommendation**

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

**Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 1

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

Reason: Time Limit.

### Condition 2

The vehicular access for Carpark 2 including visibility splays of 2.4 x 120 metres shall be provided in accordance with Drawing No MUDC/TS/C/2022/009/D04 REV B prior to the commencement of any other development associated with Carpark 2 hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Signature(s):** Malachy McCrystal

**Date:** 15 November 2022

ANNEX	
Date Valid	26 August 2022
Date First Advertised	6 September 2022
Date Last Advertised	6 September 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 13 Oak Park Draperstown Londonderry BT45 7HA The Owner / Occupier 14 Oak Park Draperstown Londonderry BT45 7HA The Owner / Occupier 61 Derrynoyd Road Draperstown Londonderry BT45 7DW	
Date of Last Neighbour Notification	28 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/1307/F Proposals: The plans for the development of Derrynoyd Forest (total site 100ha) will include: Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage Decision: Decision Date:  Ref: H/2006/0084/F Proposals: Proposed 10 bedroom chalet block Decision: PG Decision Date: 19-JUN-06  Ref: H/1993/0450 Proposals: RURAL ECONOMIC DEVELOPMENT CENTRE WITH RESIDENTIAL ACCOMMODATION Decision: PG Decision Date:	



Ref: H/2005/1193/Q  
Proposals: Low Level Rope Courses.  
Decision: 211  
Decision Date:

Ref: H/2004/0963/F  
Proposals: Proposed garage and storage building facility  
Decision: PG  
Decision Date: 07-DEC-04

Ref: H/1986/0177  
Proposals: HV O/H LINE BM7857  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation blank.docxDC Checklist.doc  
DFI Roads - Enniskillen Office-Roads Consultation 2.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: MUDC/TS/C/2022/009/D01  
Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D02  
Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D03  
Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D04  
Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D05

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

Not Applicable

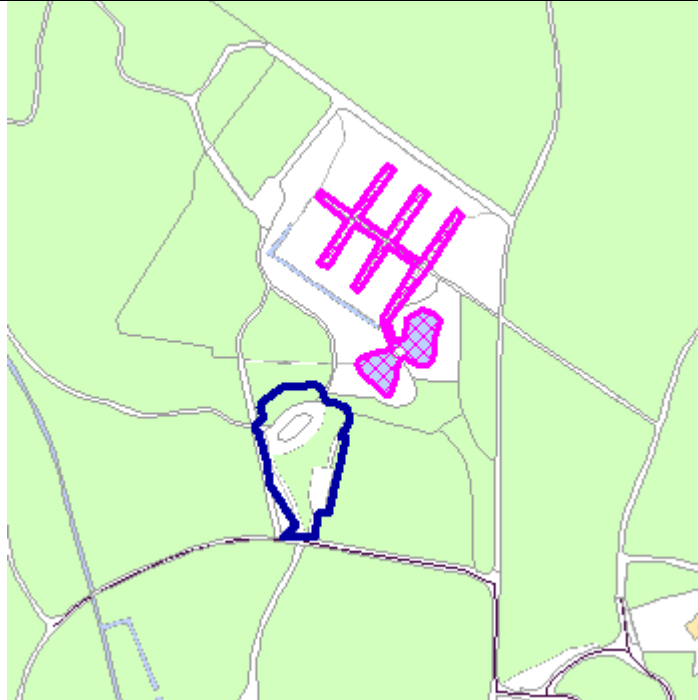


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.30
<b>Application ID:</b> LA09/2022/1308/F	<b>Target Date:</b> 9 December 2022
<b>Proposal:</b> The plans for the development of Drumcairne Forest (total site 70 ha) will be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture.	<b>Location:</b> Drumcairne Forest Situated In Stewartstown, Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Johnny McNeill Burn Road Cookstown BT80 8DT	<b>Agent Name and Address:</b> No Agent
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	NIEA	PRT LA09-2022-1308-F.PDF
Non Statutory Consultee	Historic Environment Division (HED)	

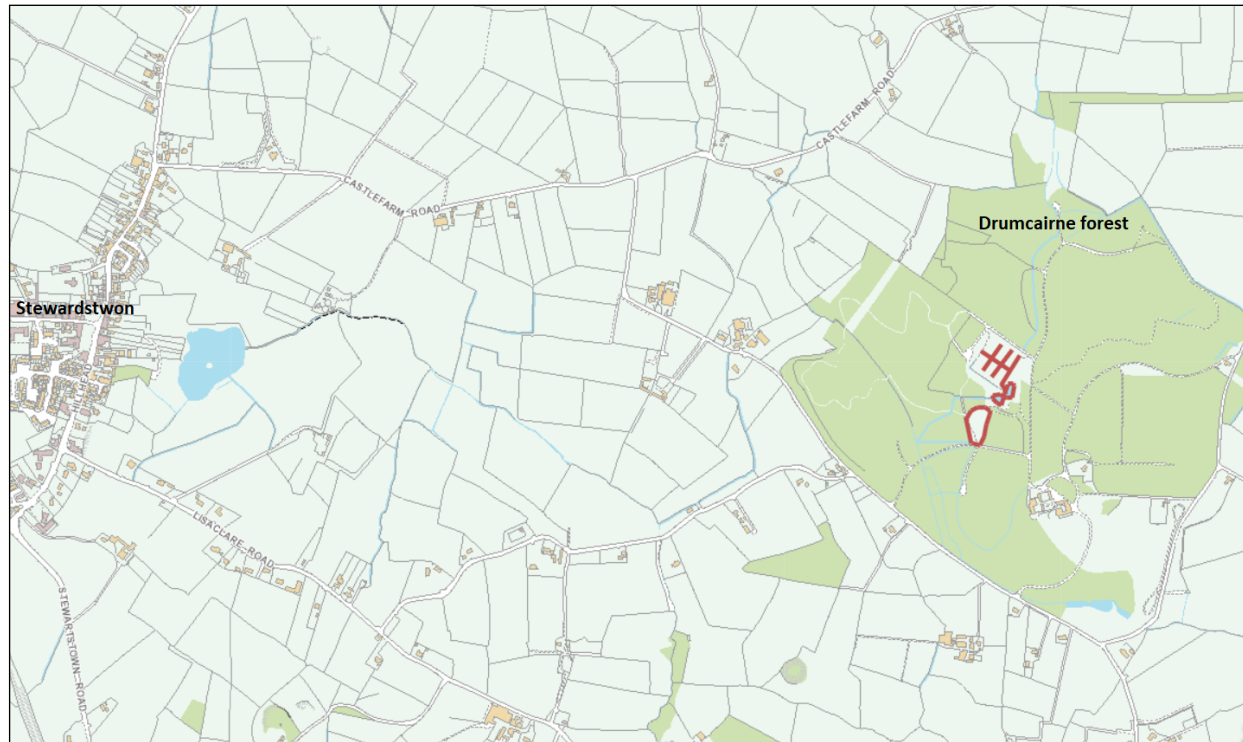
### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the east of the settlement limits of Stewartstown as depicted by the Cookstown Area Plan 2010. It lies within the centre of the locally known Drumcairne Forest Park.

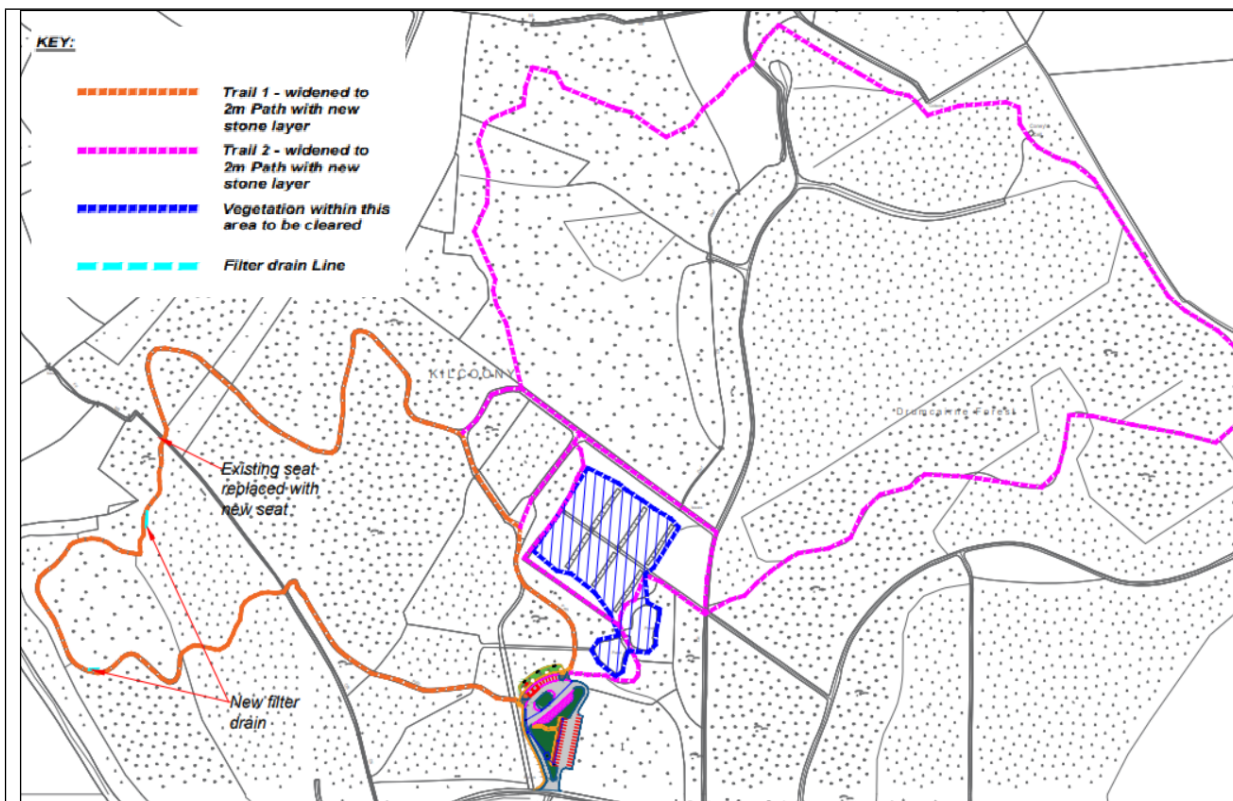


The site is accessed via the main Ballygittle Road which runs along the southern boundary of the forest, this road acted as the boundary between the previous Dungannon and Cookstown Districts, with the south of the Ballygittle Road subject to the Dungannon Area Plan. The access consists of a narrow, tarred laneway which loops round to the main body of the site labelled area 1 on the site location plan submitted. Area 1 is a circular shaped gravel opening including a path and a small car parking area, at the time of site visit, closed off by a barrier. Area 2 is further north of area 1 deeper into the forest and takes the shape of several parallel and intersecting lines.



### **Description of Proposal**

The proposal seeks full planning permission for the development of Drumcairne Forest (total site 70 ha) which is to be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km. Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture.



## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

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

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

Strategic Planning Policy Statement (SPPS)  
 Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
 Cookstown Area Plan 2010  
 PPS 21 - Sustainable Development in the Countryside  
 PPS 2 - Natural Heritage  
 PPS 3 - Access, Movement and Parking  
 PPS 6 - Planning, Archaeology and the Built Heritage  
 PPS 8 - Open Space, Sport and Outdoor Recreation

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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



Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

### **Representations**

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

### **History on Site**

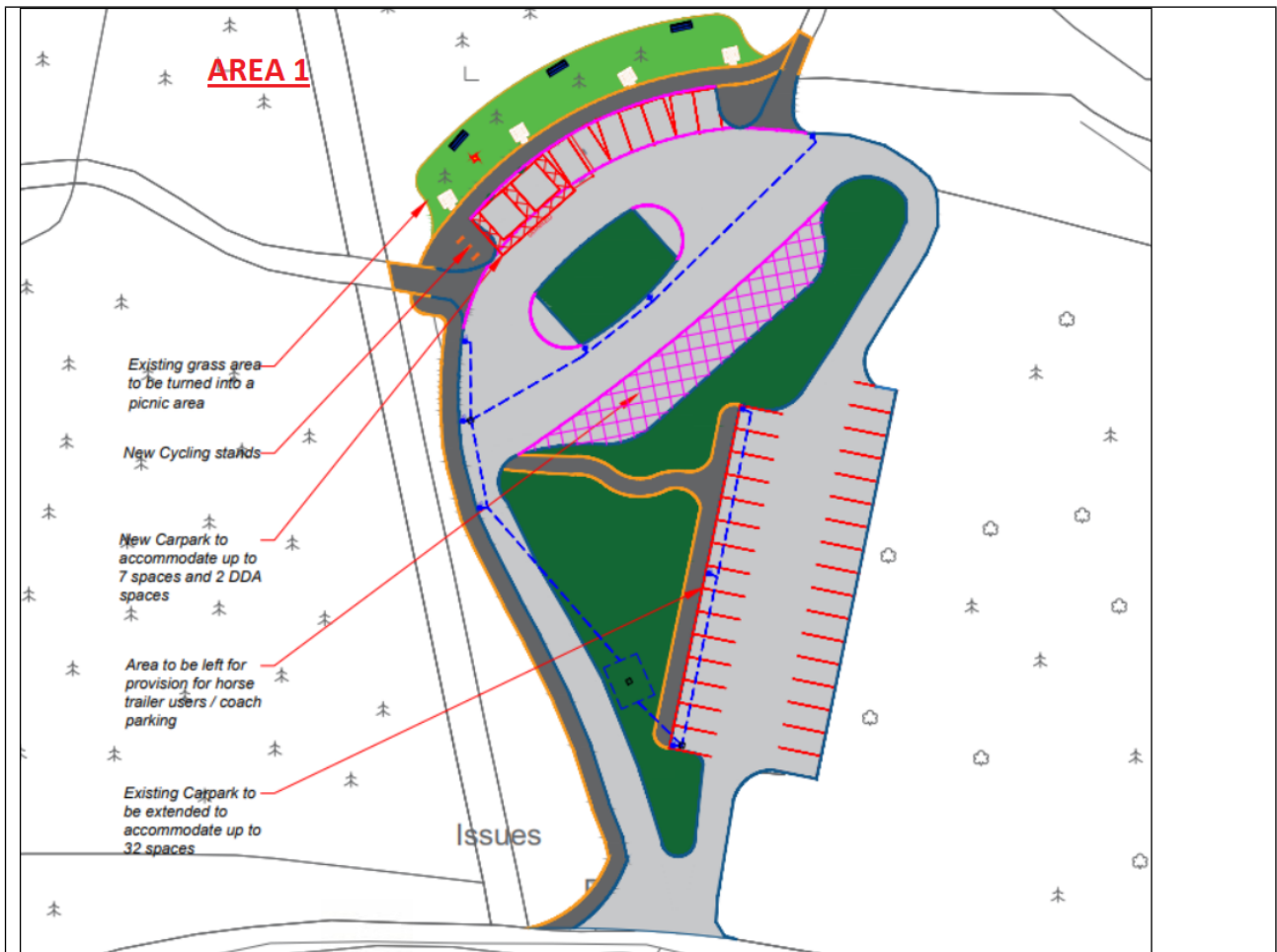
No relevant planning history.

### **Key Policy Considerations/Assessment**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The proposal seeks permission for the development of Drumcaine Forest (total site 70 ha) which is to be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km. Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture



Area 1. The car parking aspect as with most of the proposed works is already there and just needs upgrading and in some parts extending the size. As shown in the below diagram, the works include more parking areas, to be lined out, new cycle stands, and a layby type area for cars with trailers and finally a picnic area. This will involve minimal visual intrusion on the location as the whole area is surrounded by trees none of which will be required to be felled.



It is considered the provision of a formalised car park will be safer and secure for visitors and it is considered that this will integrate into the siting given the existing landscape and backdrop of woodland.

Area 2. The remaining portion of works to the site take place in the wider forest area and include the clearing and widening of the existing trails, replacement of an existing seat, filter drain and the clearing of the terraced garden area. The proposal has been considered at internal group and it has been considered the proposal represents sustainable development and no potential demonstrable harm has been identified to interests of acknowledged importance.

### **Cookstown Area Plan 2010.**

As referred to earlier in this report, this site is located just to the east of the settlement limits of Stewartstown in the open countryside, however it does lie in an area subject to an Area Plan designation. The plan identifies the within an area designated as a historic park, garden and demesne. Map no.29 of the plan labelled Drumcaine house identifies the site as located within its grounds.

### **PPS 2 - Natural Heritage**

Whilst this proposal will involve the removal of trees / vegetation within the area of a Victorian walled garden and ornamental ponds these trees are not protected by a tree



preservation order and Natural Environment Divisions Map viewer does not identify them as being a priority habitat.

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

HED (Historic Monuments) were consulted as this site is located within the historic demesne of Drumcairne House. They advised that it is included within the Register of Historic Parks, Gardens and Demesnes and Policy BH6 of Planning Policy Statement 6 Planning, Archaeology and the Built Heritage and Paragraphs 6.16 and 6.17 of SPPS apply.

That when assessing any development proposal within or beside a registered landscape they must take account of:

- the archaeological and historical interest of the site;
- the site's original design concept, overall quality and setting;
- trees and woodland and the site's contribution to local landscape character;
- planned historic views of or from the site or buildings within it;
- any buildings or features of character within the site including boundary walls, pathways, garden terraces or water features.

Having taken account of the above they considered the proposed path widening and extension to car park as indicated on the plans submitted will not provide an adverse impact to the setting or original design concept of the registered historic demesne. Whilst they had some concern regarding vegetation removal proposed within the area of a Victorian walled garden and ornamental ponds to avoid any adverse impact to the physical remains of these important features they advised the following condition be attached to any subsequent permission:

1. A methodology for the vegetation clearance within the area of the Victorian walled garden and ornamental ponds (area hatched in blue on drawing MUDC/TS/C/2022/010/D03) should be submitted to the Mid Ulster District Council and agreed by Council and HED (Historic Monuments) in advance of works in this area. Reason: To ensure that there is no adverse impact upon the physical remains of these key features of the historic demesne.

I am content subject to the above condition being attached to any subsequent permission as per Historic Environment Division (Historic Monuments) assessment this proposal can be made acceptable under policy.

### **PPS 8 - Open Space, Sport and Outdoor Recreation**

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

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

I note that consultation was carried out with HED; in which they confirmed that they were

content that the proposal satisfies the policy requirements of SPPS and PPS 6. Additionally, as outline above whilst this proposal will involve the removal of trees / vegetation within the area of a Victorian walled garden and ornamental ponds these trees are not protected by a tree preservation order and Natural Environment Divisions Map viewer does not identify them as being a priority habitat.

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

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

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

I am content that this type of development is typical in the Forest setting and that the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area.

- iv. there is no unacceptable impact on the amenities of people living nearby;

Given the separation distances between the site and any residential properties I am content that it is unlikely to impact on neighbouring amenity.

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

I am content that public safety is unlikely to be prejudiced given the necessary crossings and sign posts etc. I am content that this development is compatible with the uses within the site and the wider countryside.

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

I am content that all relevant works will be built to a high standard and will be absorbed into the local area.

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

I note that the existing site at the Drumcairne Forest already has adequate accessibility.

- viii. the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking,

drainage and waste disposal.

I am content that the local road network will be able to cope with any additional traffic generated from the proposal and the existing arrangements within Drumcainre Forest in terms of access, parking, drainage and waste disposal is adequate.

### **Conclusion**

Given the thorough consideration above it is my opinion that the proposal complies with policy, approval recommended.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

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

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

#### **Condition 2**

Within 8 weeks prior to the commencement of any development hereby granted a methodology report for the vegetation clearance within the area of the Victorian walled garden and ornamental ponds hatched blue on drawing no. MUDC/TS/C/2022/010/D03 should be submitted to the Mid Ulster District Council and agreed by Council and HED (Historic Monuments) in advance of works in this area.

Reason: To ensure that there is no adverse impact upon the physical remains of these key features of the historic demesne.

**Signature(s):** Emma Richardson

**Date:** 23 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	26 August 2022
<b>Date First Advertised</b>	6 September 2022
<b>Date Last Advertised</b>	6 September 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Historic Environment Division (HED)- NIEA-PRT LA09-2022-1308-F.PDF Historic Environment Division (HED)-	
<b>Drawing Numbers and Title</b>  Site Location Plan    Plan Ref: MUDC/TS/C/2022/010/D01 Site Layout or Block Plan    Plan Ref: MUDC/TS/C/2022/010/D02 Site Layout or Block Plan    Plan Ref: MUDC/TS/C/2022/010/D03 Proposed Plans    Plan Ref: MUDC/TS/C/2022/010 - D04 Proposed Plans    Plan Ref: MUDC/TS/C/2022/010 - D05	

**Notification to Department (if relevant)**

Not Applicable

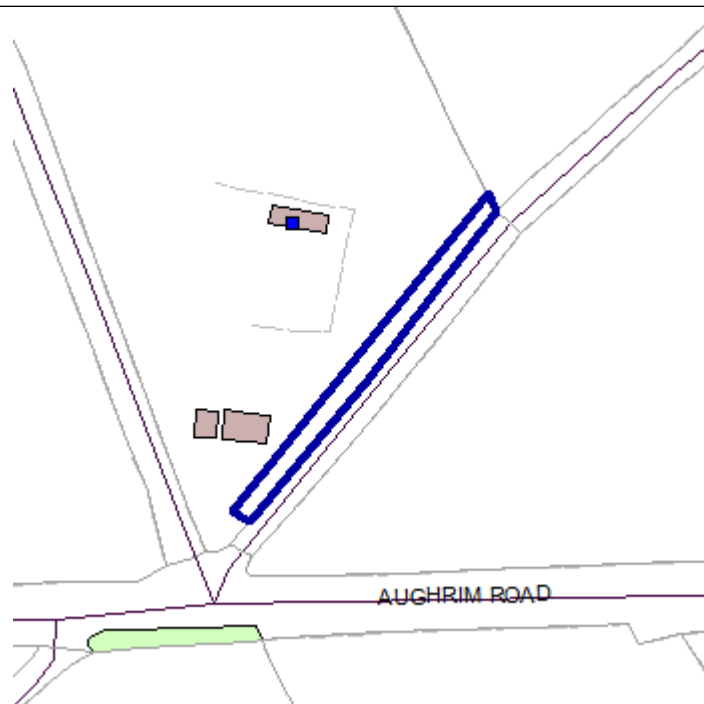


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.31
<b>Application ID:</b> LA09/2022/1440/F	<b>Target Date:</b> 12 January 2023
<b>Proposal:</b> Amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim Road remains unchanged)	<b>Location:</b> Lands West Of 60 Aughrim Road Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr And Mrs J McKenna 4 Gallion Heights Moneymore BT45 7WE	<b>Agent Name and Address:</b> Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx

### Representations:

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

### Summary of Issues

An anonymous objection to this application was received by the Planning Department on 14/10/22. Concerns arising from this objection letter relate to the P1 form certificate allegedly being filled out incorrectly. The objector maintains that the existing access point is within the ownership of a third party unconnected to the applicant. A second area of concern is raised in the same letter, relating to road safety concerns pertaining to the existing laneway access onto the Aughrim road.

### Characteristics of the Site and Area

The site is located in the countryside, approximately 0.4 miles east and outside of the Magherafelt settlement limit, as defined in the Magherafelt Area Plan 2015. The site comprises a portion of an agricultural field and is accessed via an existing laneway on to the Aughrim Road. There is a slight incline from west to east. The northeastern boundary is defined with established vegetation, which provides a backdrop. The southeastern boundaries is well defined with a mix of established hedging and trees, with remaining boundaries relatively undefined. The surrounding character is rural with the main land use being agricultural fields and dispersed dwellings, however there are a number of large sheds associated with a furniture store and factory in close proximity to the north east of the proposal site. The A31 Magherafelt by pass is also located in close proximity to the east.

### **Description of Proposal**

This is a full application for proposed amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim road remains unchanged).

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

#### **Policy Consideration**

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

#### **Relevant Histories**

LA09/2021/0640/F – Proposed off site replacement dwelling and detached garage in substitute of previously approved LA09/2020/0694/O – Permission Granted – 27/08/21

LA09/2020/0694/O - Proposed off-site replacement dwelling in substitute of Previously approved permission - LA09/2018/0962/O – Permission Granted – 03/09/20

LA09/2018/0962/O - Replacement dwelling for dwelling partially destroyed by fire – Permission Granted – 07/01/19

#### **Representations**

One objection to the above application was received by the Planning Department on 14/10/22. Concerns arising from this objection letter relate to the P1 form certificate allegedly being filled out incorrectly. The objector maintains that 'the denoted existing access point (outlined blue) is within the ownership of a third party unconnected to this applicant'. A second area of concern is raised in the same letter, relating to road safety concerns pertaining to the existing laneway access onto the Aughrim road.



## Mid Ulster District Council Draft Plan Strategy 2030

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

## SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS 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'.

## PPS 21: Sustainable Development in the Countryside

Policy CTY 13 provides that a new building will be unacceptable where ancillary works do not integrate with their surroundings. The proposed represents amended access arrangements to the replacement dwelling approved under LA09/2021/0640/F. Policy CTY 13 provides advice on 'access and other ancillary works'. Where a new access drive is required, it should as far as is practicable, be run unobtrusively alongside existing hedgerow or wall lines and accompanied by landscaping measures.

Much of the landscaping for the proposed new lane utilises the landscaping for the existing laneway approved under LA09/2021/0640/F. The proposed new lane runs adjacent and parallel to this existing laneway, utilising the approved hedgerow to its right, with proposed new hedging to provide the left-most boundary. Though the landscaping for the previous approval has not yet been implemented, its approval establishes a new field boundary, which the new lane is proposed to run unobtrusively alongside. The proposed new lane is discreet and it is considered that this development could blend in successfully to the surrounding environment. Following discussion with the agent for this application, I am also satisfied that the proposed new lane is required in order to separate the traffic going into the farm from that going into the site.

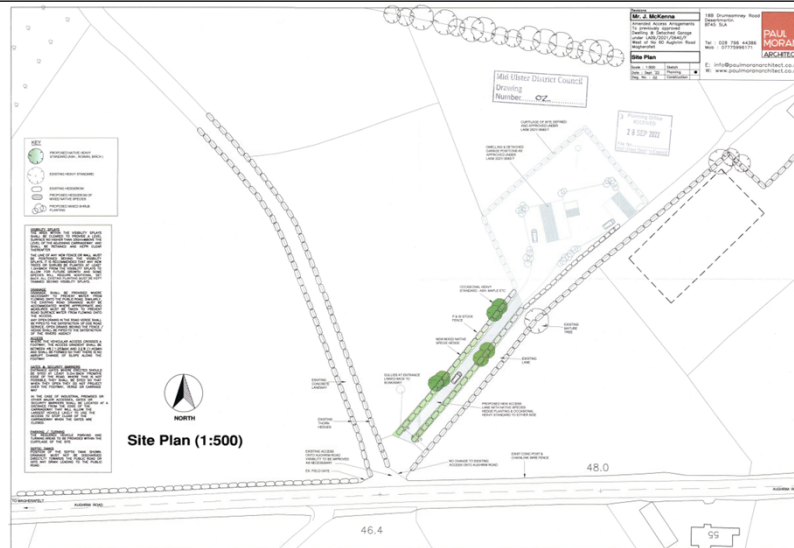


Fig. 1: Proposed amended access arrangement.



Fig. 2 Previously approved replacement dwelling

### PPS 3: Access, Movement and Parking

I note that the intention of this proposal is to create a new access lane adjacent and running parallel with the existing access laneway which has been approved with the previous permission for a replacement dwelling under LA09/2021/0640/F. The proposed new lane does not result in the creation of a new access to the main road. The proposed new lane sits back 16 metres from the edge of the road and is accessed via the existing laneway, which also serves as the road access.

I am satisfied that the proposed complies with Policy AMP 2 of PPS 3 in that it results in no new access onto a public road. I am also content that the principal of development for the replacement dwelling and ancillary existing access onto the public road has been established under planning approval LA09/2021/0640/F and it was accepted that there would be no further intensification of the existing access.

#### DfI Roads consultation comments

Following the receipt of an objection to this application pertaining to road safety and another raised issue, DfI Roads were asked to provide comment on the proposed. DfI Roads have pointed out that the existing shared access onto the Aughrim Road is substandard. Roads have provided no objection to this proposed development.

#### Letter of Objection

A letter of objection was received by the Planning Department on 14/10/22. The first issue raised in this letter relates to the P1 form certificate allegedly being filled out incorrectly. Following discussion with the agent for this application, I have been informed that the correct certificate has been filled out and that the applicants are in actual possession of every part of the land to which the said application relates. A land registry check provides a different named landowner to that of the applicants. Having raised this with the agent of this application, I have been informed that the named landowner provided by land registry is the uncle of one of the applicants and that an agreement for this proposal has been agreed by both parties.

I am also content that any planning permission granted at this site does not confer title and that it is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

A second issue was raised in the objection letter pertaining to road safety. The proposed amended access arrangement does not result in the creation of a new access onto the Aughrim road. I am content that the principal of development for the replacement dwelling and ancillary existing access onto the public road has been established under planning approval LA09/2021/0640/F and it was accepted that there would be no further intensification of the existing access. The proposed lane sits back 16 metres from the edge of the road and will not change or alter the existing access in place. DfI Roads have provided no objections to the proposed lane.

Having assessed the proposed I am content that it satisfies the policy criteria under PPS 3 and PPS 21. I have considered the issues raised in the letter of objection and consulted both the agent and DfI Roads on these matters. With the findings before me, I am content to recommend that this application be approved.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

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

**Condition 2**

All boundary treatments for the amended access comprised on Drawing No 02 bearing the date September 2022, 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.

**Signature(s):** Benjamin Porter

**Date:** 22 November 2022

ANNEX	
Date Valid	29 September 2022
Date First Advertised	11 October 2022
Date Last Advertised	11 October 2022
<b>Details of Neighbour Notification</b> (all addresses)  The Owner / Occupier 62A Aughrim Road Magherafelt Londonderry BT45 6JY	
Date of Last Neighbour Notification	17 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/1440/F Proposals: Amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim Road remains unchanged) Decision: Decision Date:  Ref: LA09/2021/0640/F Proposals: Proposed off site replacement dwelling and detached garage in substitute of previously approved LA09/2020/0694/O Decision: PG Decision Date: 04-OCT-21  Ref: LA09/2020/0694/O Proposals: Proposed off-site replacement dwelling in substitute of Previously approved permission - LA09/2018/0962/O Decision: PG Decision Date: 03-SEP-20  Ref: H/2000/0472/Q Proposals: Site of dwelling Decision: 300 Decision Date: 22-AUG-00	

Ref: LA09/2018/0962/O

Proposals: Replacement dwelling for dwelling partially destroyed by fire

Decision: PG

Decision Date: 07-JAN-19

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Full Resp.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

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

Not Applicable

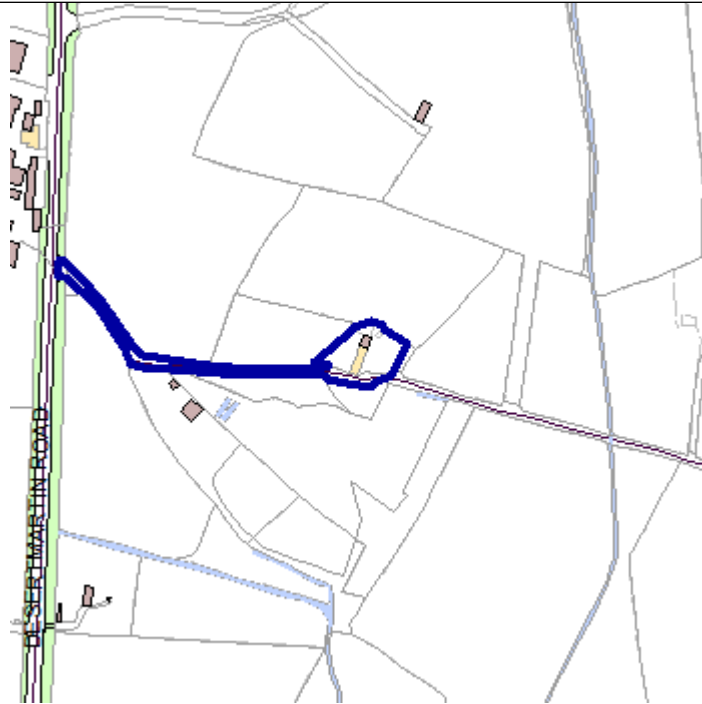


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.32
<b>Application ID:</b> LA09/2022/1487/F	<b>Target Date:</b> 26 January 2023
<b>Proposal:</b> Proposed extension and alteration to a dwelling	<b>Location:</b> 33 Desertmartin Road Moneymore BT45 7RB
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr GREGORY AND MIRANDA STEWART 33 DESERTMARTIN ROAD MONEYMORE BT45 7RB	<b>Agent Name and Address:</b> PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response

### Representations:

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

### Summary of Issues

The agent, acting on behalf of the applicant, has declared a council employee / elected member interest. The agent is Patrick Conlon who works in property services.

### Characteristics of the Site and Area

The site is located in the countryside approximately 1 mile north of the Moneymore settlement limit, as provided by the Magherafelt Area Plan. The site is identified as 33 Desertmartin road, where on the site sits an existing two storey dwelling. The dwelling is



accessed via a shared laneway located off the Desertmartin road. The dwelling is not visible from the main road and there are no adjacent neighbours. The site is located within a wider countryside setting with predominantly agricultural land uses.

### **Description of Proposal**

This is a full application for a proposed extension and alteration to a dwelling.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

None

#### **Representations**

To date no third party representations have been received.

#### **Mid Ulster District Council Draft Plan Strategy 2030**

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

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

The SPPS 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'.

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations is the relevant policy for assessing this proposal.

The extension is to the northern end of the dwelling (furthest back from the road) along the gable side. In terms of scale, the proposed is largely subordinate to the existing dwelling and the proposed ridge height of the first floor extension is approximately 6.8 meters as compared to the existing ridge height of 7.8 meters. The existing ground floor footprint is to remain unchanged. All finished materials are to match the existing dwelling. Given no neighbours are sited adjacent to the proposed, this proposal cannot affect the privacy or amenity of neighbouring residents. With this, I am content the proposed satisfies the criteria set out in Parts A and B of Policy EXT 1.

The proposed will not result in the loss of, or damage to, trees or other landscape features. Given that the proposed does not change the ground floor footprint of the existing dwelling, existing space surrounding the property for recreational and domestic purposes remains unchanged. It is proposed that the garage on the ground floor will be removed for alternative domestic space. While this does result in a loss of potential parking provision at the site, sufficient space remains around the dwelling for parking and manoeuvring of vehicles.

Having assessed the proposed alteration and extension to the existing dwelling against Policy EXT 1 of the Addendum to PPS7: Residential Extensions and Alterations, I am content that all the criteria from parts A-D are met.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

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

**Signature(s):** Benjamin Porter

**Date:** 21 November 2022

<b>ANNEX</b>	
<b>Date Valid</b>	13 October 2022
<b>Date First Advertised</b>	25 October 2022
<b>Date Last Advertised</b>	25 October 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/1487/F Proposals: Proposed extension and alteration to a dwelling Decision: Decision Date:  Ref: H/1977/0069 Proposals: ALTERATIONS AND ADDITIONS TO HOUSE Decision: PG Decision Date:  Ref: H/2004/1221/O Proposals: Site of dwelling and garage Decision: Decision Date:  Ref: H/1994/0488 Proposals: ALTS TO DWELLING Decision: PG Decision Date:	

**Summary of Consultee Responses**

-

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Not Applicable

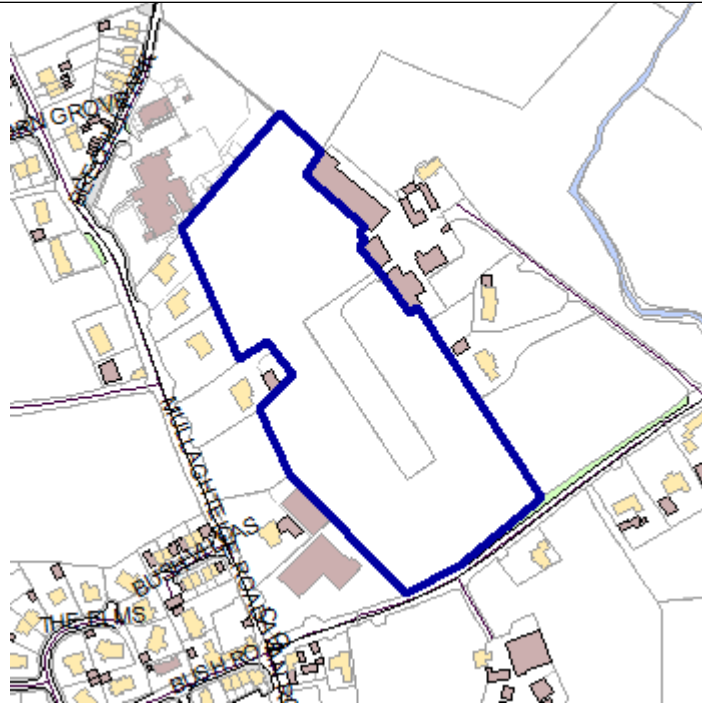


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 6 December 2022	<b>Item Number:</b> 5.33
<b>Application ID:</b> LA09/2022/1500/F	<b>Target Date:</b> 27 January 2023
<b>Proposal:</b> AN APPLICATION UNDER SECTION 54 OF THE PLANNING ACT[NI]2011 TO REMOVE CONDITION No.3 [ALL RESERVED MATTERS SHALL BE SUBMITTED AT THE SAME TIME] OF APPROVAL LA09/2019/0597/O FOR [Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses]	<b>Location:</b> Lands To The Rear Of 110 Bush Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Silverford Property LTD Silverford House 114 Bush Road Bush Dungannon BT71 6QG	<b>Agent Name and Address:</b> Mr Trevor Hutton 169 Coagh Road Stewartstown Dungannon BT71 5LW
<b>Executive Summary:</b>  The conditions relates to a Major Application, and the Service Director would like to highlight with Members.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site has not changed from the granting of the live permission on site LA09/2019/0597/O, which was granted 04/08/2021.

### Description of Proposal

This is a Section 54 application for the removal of condition 3 of LA09/2019/0597/O. Condition 3 is;

*3. All reserved matters shall be submitted at the same time.*

*Reason: to guard against piecemeal development of the site.*

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

### **Policy Consideration**

This is a Section 54 application for the removal of condition 3 of LA09/2019/0597/O. Condition 3 is;

*3. All reserved matters shall be submitted at the same time.*

*Reason: to guard against piecemeal development of the site.*

LA09/2019/0597/O granted planning permission for a proposed mixed-use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses. Permission was granted 04/08/2021.

Section 54 of the Planning Act 2011 applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Outline permissions are live for a period of 3 years. This application for the removal of the condition is within a 3 year period from the permission and section 54 can be applied. The outline application is live until 04/08/2024, therefore the removal of the condition can be considered.

The reason for the condition is *to guard against piecemeal development of the site (my emphasis)*.

The remainder of the conditions in LA09/2019/0597/O do not relate to phasing of the development, or completion time of the development. With this in mind, condition 3 in itself will not safeguard against the piecemeal development of the site. In the case where all RM details are submitted at the same time, and granted, there is no requirement for the developer to complete the development as approved. In fact, the developer would be



in their rights to complete any or all of the development as they see fit, subject to the lawful commencement of development.

A concept plan has been agreed for the site, and this is referenced in condition 4. *The development hereby approved shall be in general conformity with concept plan, drawing no 02/4 dated received 30/4/21.*

*Reason: to ensure a satisfactory form of development.*

The wording of the condition allows for flexibility in the overall design and may not be the only acceptable layout for the site, however is seen as being largely acceptable. So if the agent/developer would like to apply to council to consider the retail, industrial, community, housing or open space elements of the proposal on a case by case basis I see no issue with this, as long as there is enough information to show that the remainder of the development will be developed and will fit together in an overall concept plan for the remainder of the site. At RM stage, depending on the particular part of the development being applied for, there will need to sufficient information to show how this will look before being commenced, and how it will generally fit into the overall development, so that it will not compromise the rest of the development from being realised.

I do not feel that one part of the development relies on another for the scheme to work, and the decision was not made on this basis. As no phasing conditions or completion conditions have been included in the remainder of the conditions, I find the condition to be irrelevant.

In my view nobody will be prejudiced by the removal of this condition. Whether the condition remains or not will not safeguard against piecemeal development. I advise Members to grant the removal of this condition for the reasons stated above.

Other considerations

No 3<sup>rd</sup> party representations have been received, including objections.

The original permission did not identify any land contamination issues.

The removal of the condition will not result in any harm to the natural or built environment, nor will it have a detrimental impact on private or residential amenity.

The removal of the condition will not result in flooding at the site or elsewhere.

<b>Summary of Recommendation:</b> Approve is recommended
Approval Conditions
<b>Signature(s):</b> Paul McClean <b>Date:</b> 15 November 2022

ANNEX	
<b>Date Valid</b>	14 October 2022
<b>Date First Advertised</b>	27 October 2022
<b>Date Last Advertised</b>	27 October 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier Bush Primary School, 31 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 19 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 19A Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 17 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 15 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 13 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 11 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier Mercedes-Benz Truck And Van, 104 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 107 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 109 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 110 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 112 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 116 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 114 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 9 Mullaghteige Road, Tyrone, BT71 6QU	
<b>Date of Last Neighbour Notification</b>	17 October 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>

## **Planning History**

Ref: M/1993/0038

Proposals: Replacement Dwelling

Decision: PG

Decision Date:

Ref: LA09/2022/1500/F

Proposals: AN APPLICATION UNDER SECTION 54 OF THE PLANNING ACT[NI]2011 TO REMOVE CONDITION No.3 [ALL RESERVED MATTERS SHALL BE SUBMITTED AT THE SAME TIME] OF APPROVAL LA09/2019/0597/O FOR [Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses]

Decision:

Decision Date:

Ref: M/2010/0566/F

Proposals: Proposed retention of metal storage building (Domestic)

Decision: PG

Decision Date: 13-SEP-10

Ref: M/2009/0101/F

Proposals: Retention of Unauthorised Access to Public Road

Decision: PG

Decision Date: 15-MAY-09

Ref: LA09/2018/0569/A

Proposals: Replacement external commercial vehicle dealership and forecourt signs

Decision: CG

Decision Date: 27-JUN-18

Ref: M/2005/0312/F

Proposals: Provision of new reception area, offices and extension of workshop

Decision: PG

Decision Date: 06-APR-05

Ref: M/2007/0695/F

Proposals: First floor extension to parts store, providing an additional 65m2 built over existing ground floor.

Decision: PG

Decision Date: 13-DEC-07

Ref: M/2001/0513/F

Proposals: Parts store for adjacent works plant

Decision: PG

Decision Date: 05-JUL-01

Ref: M/2013/0575/F

Proposals: Proposed erection of 230 photovoltaic panels on ground mounted framework (south facing) supplying farm premises and associated farm dwelling

Decision: PG

Decision Date: 10-FEB-14

Ref: LA09/2022/0261/F

Proposals: Proposed right hand turning lane and access for approval LA09/2019/0597/C

Decision:

Decision Date:

Ref: M/2012/0510/F

Proposals: Installation of photovoltaic solar panels to pitched roof

Decision: PG

Decision Date: 31-OCT-12

Ref: M/2009/0945/F

Proposals: Single storey extension to existing school on side (North Easterly) elevations with alterations to interior layout for the continued purpose of education

Decision: PG

Decision Date: 21-DEC-09

Ref: M/2013/0586/F

Proposals: Extension to provide an additional classroom, toilets, class store and resource area

Decision: PG

Decision Date: 04-APR-14

Ref: M/2010/0548/F

Proposals: Extension to building to provide new school meals facilities, boiler house and external store room

Decision: PG

Decision Date: 27-AUG-10

Ref: M/2014/0373/F

Proposals: Proposed nurse unit.

Decision: PG

Decision Date: 04-DEC-14

Ref: M/2004/0871/F

Proposals: Proposal to replace existing temporary mobile classrooms with permanent extension to existing school

Decision: PG  
Decision Date: 22-JUL-04

Ref: M/1976/058701  
Proposals: NEW PRIMARY SCHOOL  
Decision: PG  
Decision Date:

Ref: M/1976/0587  
Proposals: NEW PRIMARY SCHOOL AND PLAYING FIELDS  
Decision: PG  
Decision Date:

Ref: M/2000/1178/F  
Proposals: Erection of single storey extension to dining/assembly hall with additional toilets (inc wheelchair) and storage to rear and single storey staff room extension to front.  
Decision: PG  
Decision Date: 18-DEC-00

Ref: M/1996/0436  
Proposals: Mobile Classroom  
Decision: PG  
Decision Date:

Ref: M/1994/0071  
Proposals: Erection of carports and domestic garage  
Decision: PG  
Decision Date:

Ref: M/1991/0144  
Proposals: Erection of dwelling  
Decision: PG  
Decision Date:

Ref: M/1991/0144B  
Proposals: Erection of dwelling  
Decision: PG  
Decision Date:

Ref: M/1978/0337  
Proposals: BOUNDARY FENCE  
Decision: PG  
Decision Date:

Ref: M/1991/0097

Proposals: Replacement dwelling

Decision: PG

Decision Date:

Ref: M/1986/0219

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: LA09/2020/0144/F

Proposals: Proposed domestic garage ,store and games room

Decision: PG

Decision Date: 17-APR-20

Ref: LA09/2018/0079/F

Proposals: Replacement dwelling and domestic garage (change of house type from previous approval LA09/2017/1097/F)

Decision: PG

Decision Date: 09-MAY-18

Ref: LA09/2017/1097/F

Proposals: Proposed replacement dwelling and detached domestic garage

Decision: PG

Decision Date: 23-NOV-17

Ref: M/1975/0324

Proposals: NEW DINING ROOM AND LOUNGE

Decision: PG

Decision Date:

Ref: M/1994/0656

Proposals: Erection of new mobile classroom

Decision: PG

Decision Date:

Ref: M/2003/1525/Q

Proposals: Proposed housing development

Decision: ELR

Decision Date: 23-FEB-04

Ref: M/1989/0612

Proposals: 11 kV Rural Spur

Decision: PG

Decision Date:

Ref: M/2002/0365/F

Proposals: 73 No Dwellings (Detached/Semi Detached) with Garages

Decision:

Decision Date:

Ref: LA09/2019/0053/PAN

Proposals: Proposed mixed use development on Lands to the rear of 114 Bush Road.

Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and shop, Small Business Units and Residential Development for bespoke "one-off" houses

Decision: PANACC

Decision Date: 07-MAR-19

Ref: M/2014/0491/LDP

Proposals: Proposed agricultural penned cattle shed over slatted slurry storage tank not exceeding 1500mm in depth, associated cattle gathering pen, handling/testing cattle crush and internal crop storage area to be located on existing concrete hard standing of poultry house previously removed

Decision: PG

Decision Date: 04-DEC-14

Ref: LA09/2019/0597/O

Proposals: Proposed mixed use development on lands to rear of 114 Bush Road.

Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses.

Decision: PG

Decision Date: 04-AUG-21

Ref: M/2005/1550/F

Proposals: Proposed housing development consisting of 29 detached houses and 20 semi-detached houses

Decision: PG

Decision Date: 30-MAR-07

Ref: M/2002/0019/Q

Proposals: Proposed Housing Development

Decision:

Decision Date:

Ref: M/2004/0349/F

Proposals: proposed housing development consisting of 13 detached houses, 42 semi-detached, 16 town houses and 9 apartments

Decision:

Decision Date:

Ref: M/2005/1012/Q



Proposals: Proposed Housing Development

Decision:

Decision Date:

Ref: M/1990/4060

Proposals: Chicken House

Decision: PDNOAP

Decision Date:

Ref: M/2009/0441/F

Proposals: Demolition of existing dwelling, outbuildings and sheds to facilitate proposed housing development comprising of 11 detached dwellings with garages, associated landscaping, site and access works

Decision: PG

Decision Date: 15-MAR-10

Ref: M/2008/0293/F

Proposals: Demolition of existing dwelling, outbuildings and sheds. Proposed housing development consisting of 23 dwellings-13 detached two storey and 10 semi-detached three storey.

Decision: PR

Decision Date: 23-OCT-08

Ref: M/2010/0467/F

Proposals: Amendments to previously approved residential scheme (M/2009/0441/F) comprising change of house type on plots 4,6,7,11(House Type A)

Decision: PG

Decision Date: 13-OCT-10

Ref: M/2007/0536/F

Proposals: proposed dwelling

Decision: PG

Decision Date: 15-NOV-07

Ref: M/2003/0802/F

Proposals: Relocation of a 10.5mx6.0m temporary classroom from Orritor Primary School, Dromore to the Bush Primary School, Mullaghteige Road, Dungannon

Decision: PG

Decision Date: 14-AUG-03

Ref: M/1997/0286

Proposals: Erection of new mobile classroom

Decision: PG

Decision Date:

Ref: M/2001/0800/F

Proposals: Relocation of temporary classroom unit from Woods Primary School to The Bush Primary School, Dungannon

Decision: PG

Decision Date: 17-JAN-02

Ref: M/1994/0376

Proposals: Erection of new dwelling

Decision: PG

Decision Date:

Ref: M/2000/0208/F

Proposals: Erection of 2 no dwellings and domestic garages

Decision: PG

Decision Date: 26-JUL-00

Ref: M/1987/0148

Proposals: DWELLING

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

-

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable